



14 May 2025

To the attention of the Ontario Ministry of the Environment, Conservation and Parks,

Thank you for the opportunity to comment on the proposed Bill 5 *Protect Ontario by Unleashing Our Economy Act, 2025*.

We understand and recognize the pressure on the Government of Ontario to address the high demand for more housing and for economic development, especially considering current trade disruptions and uncertainty. We believe a more balanced approach than that currently proposed will enable the Government of Ontario to respond effectively to these very real and pressing needs while at the same time preserving and restoring at-risk plant and animal species.

Ontario has a rich natural heritage with 3 globally recognized Key Biodiversity Areas, and an additional 38 recognized at the National level. Ontario is also home to over 230 at-risk species. Wilder Institute has concerns that the proposed changes are likely to severely undermine protections for our most vulnerable species, while potentially transgressing constitutionally protected Indigenous rights. The proposed legislation can reasonably be expected to accelerate habitat destruction, habitat fragmentation and species loss. The result will be adverse consequences for ecosystem function and human health and wellbeing. The proposed changes put Ontario in clear contradiction with National and Global commitments to prevent biodiversity loss and greatly increase the risk of the province triggering Federal intervention, such as emergency protection orders, to ensure adequate protections for species at-risk.

Our specific concerns with several proposed changes follow.

1. Limiting habitat for species at-risk to “a dwelling place, such as a den, nest, or similar place, occupied or habitually occupied by one or more members of a[n animal] species for the purposes of breeding, rearing, staging, wintering, or hibernating” or “the critical root zone surrounding a



member of the [vascular plant] species” runs contrary to globally accepted species protection and conservation practices.

Reframing of the definition of habitat as proposed will result in increased permanent loss and fragmentation of habitat, critical threats for most if not all species at-risk. This change essentially eliminates protections for habitat required for the majority of life functions, which occur outside a “dwelling”, particularly feeding/foraging, safe seasonal movements between these dwelling places, and natural dispersal. While current habitat definitions appear broad, they necessarily take into account that in many cases the “core elements of species’ habitat” may not yet be fully understood, and that the specific dwellings for each individual in a population are largely unknown and can be difficult to confirm even with intensive monitoring. Maintaining habitat connectivity and corridors between dwelling places increases survival during movements, and appropriate buffers around dwellings are needed to mitigate the impacts of threats/disturbances from encroaching human development. Reducing protections to dwelling places and root zones only, greatly reduces habitat protection for species at-risk, making them vulnerable to further declines or outright extirpation/extinction. The proposed changes do not adequately take into account the long-term changes to habitats due to natural succession and climate change, both of which may significantly shift areas of suitable habitat in the foreseeable future. Natural corridors and habitat connectivity are necessary to ensure natural movements can happen in response to environmental change over time. These changes under the proposed *Species Conservation Act, 2025* will allow for large-scale erosion of natural habitats, reducing them to small unconnected patches of confirmed “dwellings” occupied temporarily at a point in time – this is simply not compatible with species recovery experience and science. The proposed changes also do not align with the federal definition of critical habitat, despite the intent to defer to federal recovery planning.


2. Removing the “*requirements to develop recovery strategies and management plans, government response statements, and reviews of progress from legislation*” risks significant planning and implementation gaps tailored to species needs in Ontario.



Relying solely on federal processes risks creating gaps in recovery planning and ensuring the Ontario context is adequately centered. A 2023 [Independent Auditor's Report](#) by the Office of the Auditor General of Canada found significant backlogs in the completion of federal recovery strategies, action plans, and progress reports. Indeed, federal recovery strategies often adopt Ontario Recovery Strategies and Government Response Statements as their basis. As a result, in the absence of provincial-level recovery planning, many species could experience significant delays in recovery strategy development – a necessary step for recovery action and access to resources for implementation (e.g. presumably the proposed *Species Conservation Program* may prioritize funding for activities aligned with recommendations from recovery documents, as has the current *Species at Risk Stewardship Program*). Provincial-level recovery planning also ensures recommended strategies address the specific needs of Ontario populations, in the context of Ontario's diverse and distinct anthropogenic environment and socio-economic factors.

3. A “registration-first approach” which sees permit requirements for potentially harmful activities replaced with a self-registration process, fast tracks development at the expense of species, ecosystem integrity and our natural heritage.

It is clear from both the name of the Act and the expressed goal of reducing “unnecessary delays and costs for housing, transit, and critical infrastructure” that the main purpose of proposed changes is to fast-track development. “Fast and easy registration” is aimed at expediting projects and getting them “started as soon as they have completed their online registration”. This will invariably lead to increased destruction of habitat for species at risk and absolve proponents from project management that balances both development and species needs; no longer will they be required to consider reasonable alternatives, develop mitigation plans and achieve overall benefit. The current requirement for a 30-day public comment period on overall benefit permit applications ensures there is transparency of the permitting process, informed decision-making, and that the government remains accountable to the public regarding decisions that affect wildlife; self-registry will effectively remove this requirement. Self-registry also appears to remove the Crown's legal duty to consult local Indigenous communities on proposed

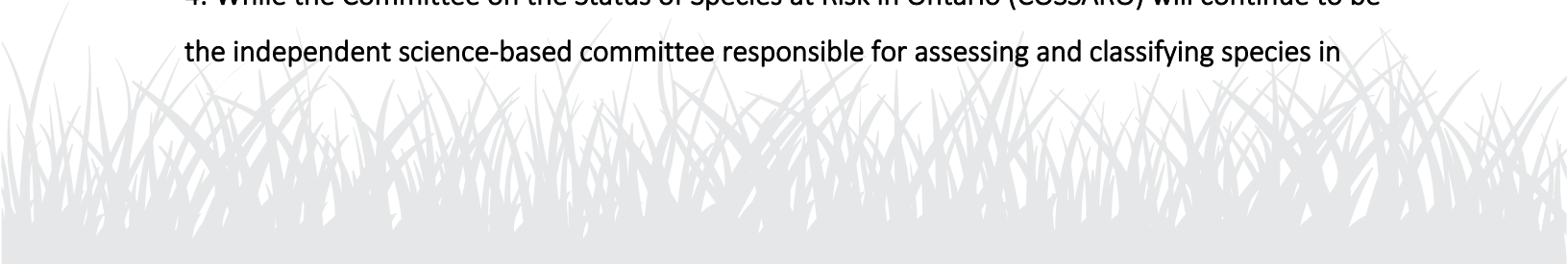
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activities, effectively ignoring Aboriginal rights and treaty rights under Section 35 of the *Constitution Act, 1982*. While self-registry has been in place for many species recovery and stewardship activities, expanding this process to development applications will ultimately lead to significantly greater future environmental liabilities for the Government of Ontario, all of which have a cost that grows over time, that future generations will have to pay.

While proponents will be required to follow the “rules in regulation” and the Ministry of the Environment, Conservation and Parks will continue to provide conservation/protection guidance, these supports and resources do not currently exist for many species at-risk. Although there are plans to develop these supporting regulations “in consultation with the public and Indigenous communities and organizations”, we are not confident this process will adequately protect species requirements given the reframing of habitat which offers reduced protections in the first place, and the lack of evidence-based beneficial management practices for most species on which to base guidance to registrants. General rules will necessarily neglect the unique contextual needs of a given project necessary to ensure adverse effects are minimized. This is why the current process of assessment on a species by species and activity by activity basis is so important.

Delays in the permitting process suggest an under-resourced Ministry with inadequate current capacity to effectively and efficiently assess permit application. Existing requirements to complete beneficial actions for the species, create and follow a mitigation plan, and monitor and report on the effectiveness of mitigation measures are absolutely key to both ensuring no harm to species and their critical habitat, while building the body of evidence for beneficial management practices which could better inform regulations. Increasing the capacity of the Ministry to conduct technical reviews of applications, while requiring proponents to implement, evaluate and report on mitigation activities is a win-win. Capacity is also required for the Ministry to review and assess results and transform these into beneficial management practices and protocols.

4. While the Committee on the Status of Species at Risk in Ontario (COSSARO) will continue to be the independent science-based committee responsible for assessing and classifying species in

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Ontario, the government will have discretion to remove species from the list of protected species, seriously undermining the science- and knowledge-based listing process.

The function of COSSARO ensures that assessments and thus listing decisions are conducted by experts, based on the best available science and Indigenous knowledge, and transparent. Species classified as endangered and threatened now receive automatic legal protection, and habitat protection. Political control of species listing decisions opens the door for politically motivated decisions to remove species that lack transparency and ignore COSSARO's rigorous assessment; removal ultimately means that protections are removed regardless of COSSARO classification, putting species at risk of worsening status.

5. We commend the government's intent to increase funding support for voluntary activities that will assist in the protection and conservation of species through the Conservation new Species Conservation Program. However, adequate habitat protections are required in parallel to help ensure populations have sufficient land available to meet recovery objectives and that these activities have long-term conservation impact.

Protecting critical habitat is one of government's most powerful tools in preventing further species declines. For many species, effective and proven methods to restore or re-create a species' habitat requirements simply do not exist. In the time it will take to evaluate the effectiveness of these voluntary activities, we will already have lost a significant amount of habitat, along with the species that inhabit them, under these proposed changes.

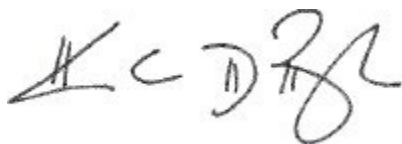
When first introduced in 2007, the *Endangered Species Act* was considered strong legislation for endangered species protection, although it has been weakened by subsequent changes. In its current form, Bill 5 severely erodes the remaining protections for species at-risk. It opens the floodgates for development and "unleashes our economy" with little concern for the consequences. As currently drafted, Bill 5 shows little recognition of the long-term impacts of broadscale habitat destruction on Ontario's wildlife, remaining natural spaces, ecosystem services, and human health, while potentially bypassing Indigenous rights.



Wilder Institute focuses on the increasing number of species that are at risk of being lost within a generation. We specialize in intensive management actions for species at-risk such as conservation breeding, reintroductions and other conservation translocations. These recovery tools are critical when populations become so small and/or isolated that habitat protection and threat mitigation will not be sufficient to prevent extinction/extirpation. However, prevention before intervention will enhance government efficiency and reduce costs over time. Ensuring sufficient quantities of quality habitat and adequate habitat connectivity for all life functions is one of the first lines of defense in combatting population declines. It reduces the potential future need for such intensive, and inevitably more costly, interventions. We believe development can be undertaken in a way that is sympathetic to wildlife and provides for habitat and connectivity for wildlife, as well as well-being benefits for local people through nature connection.

With respect, Bill 5 in its current form will cost Ontario in terms of species lost and potentially expose the Government of Ontario to huge legal liabilities. We strongly urge the government of Ontario not to proceed with this proposed bill. Instead of dismantling the *Endangered Species Act*, we encourage the government to properly resource the Ministry of the Environment, Conservation and Parks to efficiently assess and process permit applications to protect our wildlife and environment into the future.

Wilder Institute is willing to assist the Government of Ontario find ways to take a more balanced and evidence-based approach, which streamlines red tape and reduces permit complexity and confusion, while preserving much-needed environmental protections. Let's work together to accomplish these goals.



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