

REPORT

CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY

DATE: May 13, 2025

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S.R.: 5933-25

TO: Chair and Members, CLOCA Board of Directors

FROM: Jamie Davidson, Director, Watershed Planning and Natural Heritage
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APPROVED BY C.A.O. 

SUBJECT: Provincial Proposal to Repeal the Current Endangered Species Act and Replace it With a Proposed Species Conservation Act.

Overview

The Endangered Species Act, 2007 (ESA) is the province's primary law for protecting endangered, threatened, and special concern species and their full range of habitat needs. It establishes a science-based process for listing species at risk through the independent Committee on the Status of Species at Risk in Ontario (COSSARO) and mandates automatic legal protections for listed species and their habitats. The Act requires the development of recovery strategies and government response statements, prohibits harming listed species or damaging their habitat, and encourages stewardship through partnerships and incentives.

The Ontario government has announced plans to repeal the Endangered Species Act, 2007 (ESA) and replace it with a new Species Conservation Act as outlined in the governments recently released Bill 5, the Protect Ontario by Unleashing our Economy Act. The proposed changes are currently posted on the Environmental Registry of Ontario (ERO #025-0380) for review and comment. This new framework intends to modernize species protection while balancing environmental and economic priorities. This report highlights both the potential benefits and concerns.

Assessment of Proposed Changes

Positive Aspects:

More Strategic Conservation Efforts

The Species Conservation Act emphasizes landscape-scale planning rather than piecemeal, site-specific interventions. Proponents argue that this could lead to more meaningful, coordinated efforts to recover species across entire ecosystems, rather than isolated projects with limited impact.

Improved Regulatory Clarity and Efficiency

The new Act seeks to streamline regulatory processes for permits, authorizations, and approvals, which could reduce administrative delays. This may lead to faster implementation of conservation measures and better alignment between environmental goals and land-use planning.

Negative Aspects:

Delayed Protections for Species and Habitats

The proposed Species Conservation Act allows for delayed listing and delayed habitat protections for newly assessed species. During these delays, critical habitat could be lost, permanently undermining recovery efforts for the most vulnerable species.

Increased Political Discretion

The new framework expands ministerial discretion to override scientific recommendations, postpone protections, or adjust recovery timelines. There is a concern that overriding scientific recommendations could result in politicizing conservation decisions and prioritizing short-term economic gains over long-term ecological sustainability.

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Stronger Emphasis on Science and Risk Assessment

The proposed Act strengthens the role of scientific committees in assessing species status and prioritizing recovery actions. A greater focus on risk-based decision-making could help prioritize resources for species most urgently in need.

Funding for Conservation Actions

A new Species Conservation Program is intended to fund voluntary conservation projects using public tax dollars up to \$20 million per year. This could result in more significant investments in habitat restoration and species recovery than would otherwise be possible under the project-by-project mitigation approach. Conservation Authorities are collectively the second-largest landowner in the Province of Ontario, owning and managing a diverse portfolio of natural landscapes that support, among other objectives, SAR and their habitats. Depending on program eligibility, Conservation Authorities could prioritize activities that protect and conserve SAR and their habitat, while also contributing to species recovery.

Integration with Broader Land-Use Policies

The Act proposes better integration with other provincial planning systems, such as forestry and agriculture policies. This could help ensure species conservation is considered earlier and more systematically in decision-making processes.

Weakening of Mandatory Protections

Unlike the existing ESA, which mandates automatic protections for endangered and threatened species, the proposed Act introduces greater flexibility and potential exemptions, weakening the guaranteed baseline of protections.

New Definition of Habitat Too Narrow

The new Act redefines and narrows the definition of habitat for animals to the specific area they den in, for example, rather than continuing to include broader areas needed for other processes critical to a species survival, including areas they use to travel and find food.

Reduced Public Transparency and Engagement

The new Act could limit opportunities for public consultation on species listings, habitat regulations, and recovery strategies. This undermines public trust and reduces democratic oversight in critical environmental decision-making.

Potential Loss of Site-Specific Protections

A shift toward landscape-level approaches, while beneficial in some contexts, may leave localized populations or rare habitats unprotected, especially those not captured within larger conservation planning zones.

Conclusion

CLOCA supports the connection between species at risk (SAR) protection, ecosystem resilience, and social and economic well-being. The proposed transition from the Endangered Species Act to the Species Conservation Act may offer some opportunities for strategic, science-based conservation and improved coordination with land-use planning. These opportunities could extend to Conservation Authorities, who collectively own and manage a large and diverse portfolio of natural landscapes that could further support management activities that protect and conserve species at risk and their habitat, while also contributing to species recovery.

However, the proposed changes also raise serious concerns about weakened protections, greater political interference on how species are protected, and reduced transparency. If not carefully implemented with strong safeguards, the Species Conservation Act could undermine Ontario's ability to protect, steward and recover its most vulnerable species.

It is important to note that, despite the robustness of the Endangered Species Act, 2007, there was a lack of appropriate investment in administration. For the proposed Species Conservation Act to succeed, effective management and proper resourcing of the permitting process and compliance monitoring will be essential.

To ensure that the Species Conservation Act delivers genuine conservation outcomes, the province should:

- Maintain strong, automatic protections for listed species and their habitats.
- Limit political discretion and prioritize independent scientific advice.
- Ensure transparency and meaningful public engagement.
- Closely monitor the results of the Species Conservation Program to understand and evaluate the success of the program and to prevent unintended harm to Ontario's biodiversity.

RECOMMENDATION:

THAT the Central Lake Ontario Conservation Authority endorse the comments contained in Staff Report #5933-25 and that they be submitted in response to Environmental Registry of Ontario posting #025-0380 (repeal the Endangered Species Act, 2007 (ESA) and replace it with a new Species Conservation Act).