



November 10, 2025

Ministry of the Environment, Conservation & Parks  
Public Input Coordinator - Species at Risk Protection  
Species at Risk Branch  
40 St Clair Ave West  
Toronto, ON M4V 1M2

**Re: Comments on ERO #025-0909 – Proposed legislative and regulatory amendments to enable the *Species Conservation Act, 2025***

Please accept the below from 693316 Ontario Limited and 215997 Ontario Limited (collectively, the “**Companies**”) as a submission to the government’s request for feedback on proposed legislative and regulatory amendments to enable the *Species Conservation Act, 2025* (ERO #025-0909).

The Companies support the government’s commitment to modernizing legislation such that protects endangered and threatened species while simultaneously fostering economic development, including through the introduction of the *Species Conservation Act, 2025* (“**SCA**”). We urge the Ministry of Environment, Conservation and Parks (“**MECP**”) to ensure that the SCA, its regulations, and all impacted legislation and provincial plans, are crafted and updated in a manner that enables and prioritizes close-to-market aggregate pits and quarries. These resources are indispensable for Ontario's sustainable growth, supporting critical infrastructure and housing initiatives.

### **Recommendations**

- 1. Aggregate operations, including new pits and quarries and ancillary activities, should be a “registrable activity” included in the Proposed Registration Regulation.** Imposing requirements for pits and quarries post-registration rather than post-permit would not only the eliminate burdensome approval processes (red tape), but maintain the regulatory protections afforded to threatened and endangered species under the *Endangered Species Act, 2007*’s (“**ESA**”) current permitting process. This mindful reduction of prerequisite permits and approvals would significantly decrease the time and cost associated with opening and operating essential close-to-market aggregate pits and quarries, thereby fostering sustainable growth and development in Ontario.
- 2. Impacted legislation, including the Lake Simcoe Protection Plan (“**LSPP**”), should be amended without delay to enable the sustainable development of aggregate resources in a manner that is consistent with both the SCA and the Provincial Planning Statement, 2024 (“**PPS 2024**”). It should be clear that additional permits under the LSPP are not required. Given the changes made through the PPS 2024, changes to the LSPP should be made now.**

Amendments to the LSPP are required to remove outdated references and reliance on the ESA, including definitions and listings of species imported from the ESA. Importantly, Policy 6.42-DP, should be amended to allow new aggregate sites and development in the presence of protected



species' habitat in accordance with the SCA and federal requirements. Similarly, the LSPP and other impacted legislation should not impose additional permitting or approval requirements, as such obligations would be also be antithetical to the purposes of the SCA. Ontario cannot achieve its sustainable development goals while inconsistent policies remain in effect.

## **Background**

### **Enabling the *Species Conservation Act, 2025* (“SCA”)**

A vehicle for sustainable development, the purpose of the SCA is “to provide for the protection and conservation of species while taking into account social and economic purposes, including the need for sustainable economic growth in Ontario”.<sup>1</sup> We unequivocally support these fundamental objectives.

Through the SCA's registration-first approach, proponents of “registrable activities” that may adversely impact a listed “protected species” (*i.e.* Section 16 Activities) may proceed immediately upon registration with the MECP, provided the proponent complies with all other applicable regulatory requirements. The determination of what constitutes a registrable activity and any associated regulatory requirements is to be determined through regulation, which is the subject ERO #025-0909.

These submissions provide the Companies' comments on some key considerations, particularly emphasizing the importance of enabling and protecting close-to-market aggregate pits and quarries, as the MECP develops these critical regulations under the SCA and updates other impacted legislation and provincial plans.

### **Close-to-market Aggregate Resources Enable Ontario's Sustainable Development**

Aggregate resources – gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite and other materials – are the building blocks of Ontario.<sup>2</sup> Aggregate is fundamental in the creation of homes, buildings, roads, mass transitways and tunnels, sewage and water infrastructure and recreation areas and paths.<sup>3</sup> Beyond construction uses, aggregate is also used in water purification and manufacturing processes that are critical to Ontario's health and economic stability.<sup>4</sup>

As the province faces a persistent housing shortage and a growing population, Ontario's Housing Supply Action Plan calls for the construction of over 1.5 million homes by 2031, including about 1.01 million homes in the Greater Golden Horseshoe (“GGH”) area.<sup>5</sup> In August of this year, the government announced its further intention to build 1.5 million high-density homes near mass transit infrastructure in Toronto.<sup>6</sup> To facilitate these housing goals, Ontario has allotted almost \$2.3 billion in funding for housing

---

<sup>1</sup> [Species Conservation Act, 2025](#), SO 2025, c 4, Sched 10, s. 1(b).

<sup>2</sup> See [Aggregate Resources Act](#), s. 1 (definition of aggregate).

<sup>3</sup> Ontario Stone, Sand and Gravel Association (“OSSGA”), [Access to Aggregate](#).

<sup>4</sup> OSSGA, [Aggregate Builds Ontario](#) at p 3.

<sup>5</sup> [Aggregate Supply and Demand Study \(2024\) – Executive Summary](#) at p iii.

<sup>6</sup> News Release, [Ontario and Toronto Working Together to Build More Homes Near Transit](#) (15 Aug 2025).



enabling infrastructure over the next our years through the *Protect Ontario by Building Homes Faster and Smarter Act, 2025*.<sup>7</sup>

The 2024 Aggregate Supply and Demand Study (“**2024 Supply Study**”) conducted by WSP Canada Inc. for the Ministry of Natural Resources estimates that 235 million tonnes of aggregate will be needed to reach the Housing Supply Action Plan goal for the GGH, alone. Coupled with remaining housing and infrastructure goals, including mass transit extensions and 400 series highway expansions, it is clear that aggregate demand will only continue to grow as Ontario grows. In fact, the Ontario Stone, Sand and Gravel Association estimates that Ontario’s ambitious growth plans will require over 8 billion tonnes of aggregate resources.<sup>8</sup>

Sustainable growth, however, requires not only aggregate, but access to reliable, close-to-market aggregate. Local supply significantly reduces development costs and timelines, while also decreasing harmful emissions associated with transporting heavy aggregate over long distances. Therefore, any proposed legislative and regulatory amendments to enable the SCA must effectively balance species protection and conservation with enabling social and economic prosperity in Ontario. To achieve this balance, the development and operation of close-to-market aggregate pits and quarries must be safeguarded.

### **The Companies’ Response to ERO #025-0909**

Given the natural distribution and location of Ontario’s aggregate resources, nearly all new aggregate sites have the potential to involve Protected Species habitat under the current ESA. The current ESA allows for new pits and quarries through the “overall benefits permit”, under which a proponent must balance their adverse actions by providing an overall net benefit to the impacted species. Despite recognizing the economic importance of close-to-market aggregate, this approach suffers from major inefficiencies. These inefficiencies can, and should, be addressed as part of development of the SCA and its regulations.

The Ontario government has taken recent steps to prioritize aggregate pits, quarries and ancillary activities in the presence of protected species’ habitat while maintaining relevant protections. For instance, the PPS 2024 introduced key changes to modify land-use planning policies which previously, without exception, prohibited new mineral aggregate operations or ancillary uses impacting the habitat of endangered and threatened species under section 4.2.8.2 of the former Growth Plan for the Greater Golden Horseshoe (“**GGH**”) area.<sup>9</sup> The PPS 2024 now allows for development and site alteration, including for new aggregate pits and quarries, even if it may impact the habitat of Protected Species, *provided* it adheres to provincial and federal requirements.<sup>10</sup> Further, there is clear recognition in the PPS 2024 that as much aggregate as possible is to be made available as close to market as possible.<sup>11</sup>

---

<sup>7</sup> News Release, [Ontario Getting Homes and Infrastructure Built Faster and Smarter](#) (12 May 2025)

<sup>8</sup> OSSGA, [Access to Aggregate](#).

<sup>9</sup> [Archived – Growth Plan for the GGH](#), s. 4.2.8.2(a).

<sup>10</sup> PPS 2024 s. 4.1.6.

<sup>11</sup> PPS 2024, s. 4.5.1.



In developing the SCA and its regulations, the MECP should prioritize the sustainable development of aggregate pits and quarries in a manner that is fully consistent with the PPS 2024. This alignment will further the government's policy of enabling both new aggregate sites and the conservation of protected species. Specific examples of how this may be achieved are discussed below.

### 1. New, close-to-market pits and quarries should be “registrable activities”.

Ontario's aggregate industry is heavily regulated. Aggregate pits and quarries are subject to licensing under the *Aggregate Resources Act* and require approvals under other legislation, including the *Planning Act*, *Environmental Protection Act*, and the current ESA.<sup>12</sup> Under the ESA, new aggregate pits and quarries commonly proceed through an “overall benefits permit”, which requires proponents to provide an overall net benefit to the impacted threatened or endangered species.<sup>13</sup> In addition to obtaining an overall benefits permit, the ESA currently involves further permitting and approval steps which add significant time and expense to the development of new pits and quarries. Net benefits, however, can be achieved through the registration-first approach contemplated in the SCA.

Nearly all material obligations for protecting species are conditions subsequent to the overall benefits permit, *i.e.* post-permit requirements. Specifically, proponents of pits and quarries under an overall benefits permit must:

- achieve the net benefit within a reasonable time;
- take reasonable steps to mitigate adverse impacts;
- monitor impacts and the efficacy of mitigation and beneficial measures;
- provide compliance reports to the MECP; and, if necessary
- take supplemental actions to ensure a net benefit to the species where mitigation and beneficial measures are shown not to be effective.<sup>14</sup>

The above post-permit requirements are similar to the “common requirements” for registrable activities contemplated in the proposed Registration Regulation. **Imposing these requirements for pits and quarries post-registration rather than post-permit would not only eliminate burdensome approval processes (red tape), but maintain the regulatory protections afforded to threatened and endangered species under the ESA's current permitting process. This mindful reduction of duplicative, additional permitting and approval processes would significantly decrease the time and cost associated with opening and operating essential close-to-market aggregate pits and quarries in Ontario, thereby fostering sustainable growth and development.**

### 2. Impacted legislation and policies, namely the Lake Simcoe Protection Plan, should be updated without delay to reflect the purposes of the SCA.

For the SCA to achieve its purpose, impacted legislation and policies thereunder must be updated to reflect the goals of sustainable growth and development. Where such legislation and regulations are consequentially amended to reference the SCA, any underlying policies and frameworks must similarly be updated to promptly reflect the SCA and its overall purpose. For example, when the *Lake Simcoe*

<sup>12</sup> Ontario, [Aggregate Resources: What you need to operate a pit or quarry](#).

<sup>13</sup> Ontario, [Species at risk overall benefits permits](#).

<sup>14</sup> *Ibid.*



*Protection Act, 2008* is updated to reference the SCA, so too should the LSPP. We urge the MECP to make changes to the LSPP as soon as possible to reflect the PPS 2024.

In its current form, the LSPP hinders Ontario's sustainable development and the efficacy of the SCA as it approaches activities impacting threatened and endangered species through the lens of the ESA. **These outdated LSPP policies should be amended – without delay – to enable the sustainable development of aggregate resources in a manner that is consistent with both the SCA and the PPS 2024. This specifically includes:**

- LSPP provisions that rely on outdated definitions of “(endangered and threatened) species” and “(significant) habitat” should be removed or clarified to reflect the SCA;
- Where, as a result Bill 5, species have been de-listed provincially, only federal considerations and requirements under the *Species at Risk Act* should apply thereto; and
- **In light of the above, Policy 6.42-DP, which currently prohibits new aggregate operations, wayside pits and quarries, or any ancillary activities in significant habitat of endangered or threatened species should be amended to allow aggregate activities in these areas in accordance with provincial and federal requirements.**

**The above amendments will ensure the LSPP is consistent Ontario's legislative and regulatory framework and reflects the SCA's balance between species conservation and economic development.**

The MECP is considering a transition period from the ESA to the SCA, during which registrations and permits initiated under the ESA can be cancelled and transitioned to the SCA. This immediate approach to effect legislative and regulatory changes furthers the underlying purposes of the legislation and should be adopted. We urge the MECP to ensure that these transition rules also govern the amendment of impacted legislation and policies, specifically:

- (a) Upon the entry into force of the SCA, references to threatened and endangered species under provincial jurisdiction are deemed to align with SCA; and
- (b) At the beginning of the transition period, impacted legislation and policies must be updated to align with the SCA.

## **Conclusion**

The Companies appreciate the opportunity to provide comments to the MECP on ERO #025-0909. We strongly support the adoption of a registration-based approach in the SCA and its regulations, which recognize the value of pits and quarries, as a more efficient and predictable pathway for compliance. At the same time, we recognize the importance of maintaining robust protections for species at risk, and advocate for a framework that strikes this balance. Inclusion of close-to-market pits and quarries as a “registrable activity” achieves this balance by adopting protections for threatened or endangered species already found in the existing overall benefits permit scheme, while reducing additional permitting and approval steps and associated costs and delays. Immediate updates to the LSPP, as detailed above, to recognize these changes and align with the PPS 2024 are necessary.



We encourage the MECP to adopt changes which help advance aggregate operations and foster economic growth across Ontario.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Mizrahi', written in a cursive style.

Sam Mizrahi  
President

MizCorp Inc.