



November 10, 2025
Ministry of the Environment, Conservation and Parks
Province of Ontario

SENT VIA ERO POSTING

RE: City of Hamilton Comments on ERO 025-0908

Attached, please find City of Hamilton Staff Comments in response to the above noted ERO posting. These comments build upon the City of Hamilton's previous comments on *Bill 5, the Protect Ontario by Unleashing our Economy Act, 2025*, that were submitted through ERO postings 025-0380, 025-0391, and 025-0418.

Hamilton Planning Committee and City Council will be reviewing these comments at their January 13, 2026 and January 21, 2026, meetings. Hamilton City Council may choose to amend or add to the enclosed comments which would be provided in a subsequent letter.

Should you have questions or comments, please contact myself or Charlie Toman, Program Lead, Policy Planning and Municipal Comprehensive Review, Sustainable Communities Section, at (905) 546-2424 Ext. 5863 or by email at Charlie-Toman@hamilton.ca.

Regards,

Anita Fabac, MCIP, RPP
Acting Director of Planning and Chief Planner,
Planning Division
Planning and Economic Development Department
City of Hamilton

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

City of Hamilton Staff Comments on ERO 025-0908 – Developing Guidance on Section 16 Activities Under the Species Conservation Act, 2025.

Note that Hamilton Planning Committee and City Council will be reviewing these comments at their January 13, 2026, and January, 21, 2026 meetings. Hamilton City Council may choose to amend or add to the enclosed comments which would be provided in a subsequent letter.

ERO 025-0908 – Developing Guidance on Section 16 Activities under the Species Conservation Act, 2025	
Topic	Comments
Specific aspects of the previous policies and technical direction that you would suggest retaining, updating, or removing.	<p>The definition of “habitat” has been changed to include only the dwelling place, the immediate areas around the dwelling place, or the critical root zone of vascular plants. This approach takes a narrow view and does not consider that species rely on areas other than their dwelling to complete their life processes.</p> <p>By re-instating the previous definition of habitat from the <i>Endangered Species Act, 2007</i>, the goals and objectives of many Provincial Initiatives (such as the Ontario Biodiversity Strategy) would be realized.</p> <p>The key concept should be the protection of species. This includes extirpated, endangered, and threatened species as well as those species currently not being considered by the <i>Species Conservation Act, 2025</i> (i.e., Special Concern species and those species identified in the Federal Government’s <i>Species at Risk Act, 2002</i>).</p> <p>The Guiding Principles of the <i>Species Conservation Act, 2025</i> should include:</p> <ul style="list-style-type: none"> • Recovery of Species – As noted in the <i>Value for Money Audit: Protecting and Recovering Species at Risk (November 2021, Office of the Auditor General of Ontario)</i>, habitat loss from land use and disturbance from human alteration is the biggest threat to species in Ontario. • The use of a science-based approach to species conservation. • The incorporation of community knowledge as well as Indigenous traditional knowledge.
Which components of the proposed guidance would be of greatest interest	<p>Since the City of Hamilton has several initiatives that have been implemented to combat the Climate Change Crisis and Biodiversity Crisis, all aspects of the guidance documents would be of value.</p> <p>Some highlighted areas of guidance include:</p>

ERO 025-0908 – Developing Guidance on Section 16 Activities under the Species Conservation Act, 2025

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or value to you or your organization.	<ul style="list-style-type: none"> • How will the “adverse impact” test be determined? City Staff request that further information be provided to assist in meaningful, practical on-the ground implementation. • How will changes to the assessment criteria (i.e., COSSARO indicates that a species should be upgraded from Special Concern to Threatened) be addressed? • How will community and Indigenous knowledge be used in determining activities? • How will the preparation and review of monitoring reports be assessed and how will corrective actions be implemented? • How will registration activities be tracked?
Which species groups would benefit from detailed habitat guidance.	<p>To meet the goals and objectives of provincial and municipal strategies, detailed science-based guidance should be provided for all species (extirpated, endangered, threatened, special concern, species identified in the federal <i>Species at Risk Act, 2002</i>). Providing detailed guidance, will contribute to a more equitable, clear, and transparent approach to habitat guidance.</p>
Any other advice or feedback you would like to share about guidance that would be helpful.	<ul style="list-style-type: none"> • Consideration should be given to the services that natural assets provide (i.e., stormwater management, carbon sequestration, water quality, tree canopy, etc.) and what we may be losing if they are not protected. • Any guidance that is prepared by the Province should include meaningful consultation with municipalities and Indigenous communities.
Other comments	<p>The <i>Species Conservation Act, 2025</i> and the registration first approach will:</p> <ol style="list-style-type: none"> i. Undermine successful species recovery efforts within the Province as a whole, as well as within the City of Hamilton ii. Undermine the intent of Provincial and Municipal Strategies (i.e., Ontario Biodiversity Strategy, Hamilton Biodiversity Action Plan, Hamilton’s Urban Forest Strategy) as well as Provincial requirements (policies associated with Section 4.1 of the Provincial Planning Statement, 2024). iii. Increase species loss within the province and City of Hamilton.