



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

SENT VIA ERO POSTING

RE: City of Hamilton Comments on ERO 025-0909

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 025-0909 – Proposed Legislative and Regulatory Amendments to Enable 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 025-0909 – Proposed Legislative and Regulatory Amendments to Enable the Species Conservation Act, 2025.	
Topic	Comments
Proposed Protected Species in Ontario List Regulation.	<ul style="list-style-type: none"> • The definition of “habitat” has been changed to include only the dwelling place of species, 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. • Committee on the Status of Species at Risk in Ontario (COSSARO) assessments are based on available scientific information, community knowledge, and Indigenous traditional knowledge and are relied upon to determine species at risk classifications. Further information is requested to clarify how the revised definition of habitat aligns with these classifications and how it will influence future assessments by COSSARO. • The previous definition of Habitat within the <i>Endangered Species Act, 2007</i> recognized that species may use broad areas (directly or indirectly) to carry out life processes (i.e., breeding, rearing, hibernation, migration, feeding). City of Hamilton staff recommends that this definition be reinstated as it better aligns with COSSARO assessments. • The proposed list of species included in this regulation excludes species of Special Concern as well as aquatic species and migratory birds that are listed as extirpated, endangered, or threatened under the <i>Federal Government’s Species at Risk Act, 2002</i>. This approach is not equitable and will result in many species not being adequately protected and will contribute to biodiversity loss. • Since COSSARO assessments can change over time (e.g., in the 2024 COSSARO report Black Tern was upgraded from Special Concern to Endangered), further protection should be afforded to

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Topic	Comments
	<p>Special Concern species to ensure that they do not become threatened, endangered, or extirpated.</p>
<p>Proposed Registration Regulation</p>	<ul style="list-style-type: none"> • The change to a registration first approach from a permit approach does not take into consideration the cumulative impacts on species. This could result in changes to the status of species and result in an overall loss to biodiversity. • It has been proposed that the Species Conservation Act will require any activity that adversely impacts a protected species to be registered before proceeding with an activity. It is unclear what the practical, on-the-ground tests are to determine “adverse impact”. City staff request that clear and specific guidelines be provided to determine when “adverse impact” has occurred. • Monitoring reports have been identified as a potential requirement of the registration. It is unclear how these reports will be prepared (i.e., will there be report standards?), who will review these reports (i.e., are there sufficient staffing resources?) and how these reports will be tracked. City of Hamilton staff requests that further information be made available regarding the preparation and review process for the proposed monitoring reports. • It has been identified that registrants may be required to work with qualified professionals to develop site specific conservation plans. It is unclear how “qualified Professional’s will be defined. City of Hamilton staff request that further information be provided to define “qualified professional” under the proposed regulation.
<p>Proposed Permit Regulation</p>	<ul style="list-style-type: none"> • It has been identified that registration would occur for activities that adversely impact a protected species. City staff have concern with this approach since the cumulative impacts to a species are not taken into consideration under this approach. • If the impacts of an activity cannot be mitigated in a reasonable time frame, a permit with specific conditions should be required to assist in the further protection of species. • When determining which activities require a permit before proceeding, consideration should be given to the services that natural assets are providing and what may be lost.

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Topic	Comments
	<ul style="list-style-type: none"> Costs to mitigate the loss of natural assets should be considered and be part of the economic analysis of the project. For example, if a wetland is lost, then engineered infrastructure will need to be installed to mitigate its loss. The engineered infrastructure will have ongoing lifecycle requirements including operation, maintenance, and renewal work which will need to be funded in perpetuity by the project.
Proposed Exception Regulation	<ul style="list-style-type: none"> When determining what activities may proceed without being registered or obtaining a permit consideration should be given to the service that natural assets are providing and what may be lost if they are impacted. By not including species not protected under the Species Conservation Act in the exemptions (i.e., Bobolink/Eastern Meadowlark) there may be unintended consequences that may result in further restrictions for certain sectors (i.e., agriculture). Limiting the exceptions to only species protected under the <i>Species Conservation Act, 2025</i> will exclude species (i.e., the Bobolink and Eastern Meadowlark, potentially leading to further restrictions on certain sectors (i.e, agriculture).
Proposed Transition Regulation	<ul style="list-style-type: none"> Permits provide specific conditions that are to be met. City staff have concerns that by allowing the cancellation of permits, the requirements will be lessened and further impacts to species will occur.
Other comments	<p>The <i>Species Conservation Act, 2025</i> and the registration first approach will:</p> <ol style="list-style-type: none"> Undermine successful species recovery efforts within the Province as a whole, as well as within the City of Hamilton 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). Increase species loss within the province and City of Hamilton.