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November 6, 2025

The Honourable Todd J. McCarthy
Ministry of the Environment, Conservation and Parks
5th Floor, 777 Bay Street
Toronto, ON M7A 2J3

Dear Minister McCarthy,

Re: Comments from the City of North Bay: ERO Posting 025-0908 “Species Conservation Act, 2025, Activities under Section 16”

The City has consistently advocated for improvements to the existing *Endangered Species Act, 2007*. We welcome the proposed changes, which appear to strike a more effective balance between responsible development and the protection of vulnerable species and their critical habitats.

The City supports a framework that safeguards species at risk while remaining practical and implementable. Transitioning to a registration-first model has the potential to streamline approvals, reduce administrative burdens, and facilitate the timely delivery of housing needed to support Ontario’s growing population and affordability goals.

In North Bay, the administration of the *Endangered Species Act* remains one of the most significant barriers for developers initiating new housing or employment projects. The process has deviated from its original intent, becoming increasingly difficult to navigate, with unclear outcomes and limited assurance that projects can proceed.

Our primary concern with the proposed legislation is ensuring consistent implementation and interpretation across Ontario. The City believes that, if properly implemented, the new legislation will significantly reduce the uncertainties currently associated with the ESA and improve the overall process.

To support the goals of the *Species Conservation Act, 2025*, the City recommends the following:

Clarify and Standardize Habitat Definitions: The proposed guidance should provide clear, science-based criteria for identifying and delineating habitat, including species-specific guidelines (e.g., for turtles, birds, snakes, etc.), as outlined in the ERO proposal.

This will help reduce discrepancies between Ministry staff and biologists and streamline project assessments.

Respect for Established Survey Protocols: The Ministry has developed robust survey protocols that are followed by leading experts. When these protocols are properly applied and documented through the Information Gathering or Avoidance Forms, additional survey requirements should not be imposed without clear justification. Repeated or delayed requests for further surveys create unnecessary financial and scheduling burdens.

Prescribed Timelines for Review: Similar to the Planning Act and Building Code processes, the Ministry should establish and adhere to defined timelines for reviewing submissions, providing feedback, and issuing decisions. This will enhance transparency and accountability.

Appeal Mechanism: The current process lacks a formal appeal pathway when applicants face impasses with Ministry staff. The City recommends the introduction of a structured appeal mechanism to resolve disputes, particularly when additional studies or project modifications are requested without clear rationale.

Use of Section 16 Permits: Given the extensive land base in Northern Ontario and the City's commitment to avoiding and mitigating impacts, the need for Section 16 permits is expected to be limited. These permits should be considered only as a last resort, and primarily in cases where the activity demonstrably benefits the broader public interest.

The City of North Bay appreciates the opportunity to contribute to the development of the new guidance and supports efforts to ensure the *Species Conservation Act, 2025* is implemented in a consistent, transparent, and practical manner.

Should you have any questions or wish to discuss these comments in more detail please contact me at Beverley.hillier@northbay.ca or 705-474-0400 ext 2403.

Sincerely,



Beverley Hillier, MCIP, RPP
Manager, Planning & Building Services
City of North Bay

Copy to:

Mayor Peter Chirico, City of North Bay
Minister Victor Fedeli, Chair of Cabinet and Minister of Economic Development, Job Creation and Trade

John Severino, CAO, City of North Bay

Ian Kilgour, Director of Community Services, City of North Bay