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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 025-0909 “Species Conservation Act, 2025”

Thank you for the opportunity to provide feedback on ERO Posting 025-0909 regarding the proposed *Species Conservation Act, 2025*. The City of North Bay appreciates the opportunity to comment and is generally supportive of the proposed legislation.

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.

The City of North Bay has reviewed the ERO posting 025-0909 and provides the following comments in addition to the above statements:

1. Protected Species List Regulation

The City of North Bay supports the proposed regulation to establish a Protected Species in Ontario List under the *Species Conservation Act, 2025 (SCA)*. This list would include approximately 169 species classified by the Committee on the Status of Species at Risk in Ontario (COSSARO) as extirpated, endangered, or threatened. The City values COSSARO's role as an independent scientific body and supports its continued responsibility for species assessments and classifications.

We acknowledge the proposal to streamline species protection by removing duplication between the provincial *Endangered Species Act, 2007 (ESA)* and the federal *Species at Risk Act (SARA)*. While this approach enhances regulatory clarity, the City remains concerned about potential gaps in awareness and compliance. Specifically, proponents unfamiliar with federal requirements may inadvertently contravene SARA if they assume provincial registration under the SCA is sufficient. Additionally, developments affecting both provincially and federally listed species could face complex, dual regulatory processes.

To address these concerns, the City recommends that the provincial and federal governments collaborate to establish a harmonized registration mechanism. Such a system would allow proponents to register activities impacting both federal and provincial species through a unified process, reducing administrative burden and minimizing confusion while maintaining robust environmental protections.

2. Proposed Registration Regulation

The City of North Bay strongly supports the proposed Registration Regulation under the *Species Conservation Act, 2025 (SCA)*. This regulation represents a significant improvement over the current process under the *Endangered Species Act, 2007 (ESA)*, which often results in lengthy review times and inconsistent feedback from Ministry staff.

The proposed registration-first model aligns with the City's long-standing advocacy for a more predictable, proponent-driven approach. Under this model, qualified professionals would conduct site evaluations, identify potential impacts on species and habitats, and develop site-specific conservation plans outlining mitigation and avoidance measures. These plans would be submitted through an online registration system, streamlining approvals and reducing administrative burdens.

The City emphasizes the importance of clear, standardized requirements for registration. The success of this regulation hinges on consistent interpretation and application by Ministry staff. Comprehensive training and a commitment to the principles of the SCA are essential to ensure that the registration process delivers both environmental protection and development efficiency.

3. Proposed Permit Regulation

The City of North Bay supports the proposed Permit Regulation under the *Species Conservation Act, 2025 (SCA)*, recognizing its role in managing activities that pose significant risks to protected species and their habitats. While the City acknowledges the necessity of permits in certain circumstances, we urge caution in their issuance and recommend that permits be granted only when it is clearly demonstrated that the activity serves a compelling public interest.

Based on our experience, most development sites can avoid or mitigate major impacts on protected species and their habitats through careful planning and adherence to best practices. Therefore, permits should be considered a last resort, reserved for situations where avoidance and mitigation are not feasible.

The City recommends that the Ministry establish clear criteria for evaluating permit applications, including:

- Demonstrated efforts to avoid and minimize harm.
- Justification of public benefit.
- Comprehensive conservation plans with measurable outcomes.
- Oversight mechanisms to ensure consistent application of permit conditions across jurisdictions.

By ensuring that permits are issued judiciously and only when necessary, the Province can uphold strong environmental protections while enabling responsible development.

4. Proposed Exception Regulation

We support the continuation and refinement of exemptions under O. Reg. 242/08, especially for low-risk activities. Updated exemptions for cultivated plant species and commercial activities are welcome. Educational materials and best practices should accompany exceptions to promote stewardship even when formal approvals are not required.

5. Proposed Transition Regulation

The City of North Bay supports the development of a clear and comprehensive Transition Regulation under the *Species Conservation Act, 2025 (SCA)*. This regulation is essential to ensure clarity and continuity for projects currently proceeding under the *Endangered Species Act, 2007 (ESA)*, particularly those affected by the revised definition of habitat.

The proposed Transition Regulation outlines how activities authorized under existing ESA permits, agreements, or conditional exemptions will be carried forward under the SCA. Specifically, it proposes that such activities may continue under the terms and conditions originally established, including the definition of habitat that was in place at

the time of authorization. This approach provides much-needed certainty for proponents navigating the shift between legislative frameworks.

However, the City remains concerned about the current lack of clarity regarding whether projects that do not impact species or their habitats, particularly under the new habitat definitions, can proceed. Inconsistent guidance from Ministry staff has created confusion and delays. To address this, the City recommends that the Ministry issue a clear directive outlining how projects in transition will be assessed and approved. This will help ensure that development timelines are not unnecessarily extended and that environmental protections are upheld.

The City also supports the proposal to allow proponents to cancel existing ESA instruments and reapply under the SCA where appropriate. This flexibility could help streamline approvals and align projects with the new regulatory framework.

6. Proposed Regulatory Amendments under the Environmental Bill of Rights

The City of North Bay supports the proposed amendments to regulations under the *Environmental Bill of Rights, 1993 (EBR)* as part of the transition from the *Endangered Species Act, 2007 (ESA)* to the *Species Conservation Act, 2025 (SCA)*. These amendments are necessary to ensure legislative consistency and to reflect the repeal of the ESA and the implementation of the SCA.

The Ministry is proposing to exempt all permits and orders issued under the SCA from the requirements of Part II of the EBR, which pertains to public notice and comment. While this exemption may streamline administrative processes, the City encourages the Ministry to ensure that appropriate oversight mechanisms remain in place to maintain public confidence and uphold environmental protections.

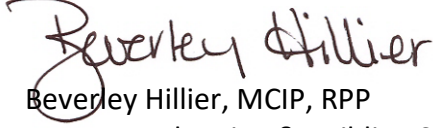
7. Legislative and Other Regulatory Amendments

The City of North Bay supports the proposed legislative and regulatory amendments associated with the implementation of the *Species Conservation Act, 2025 (SCA)*. These changes are essential to ensure consistency across Ontario's environmental framework following the repeal of the *Endangered Species Act, 2007 (ESA)*.

The City recommends that, as these legislative and regulatory amendments are finalized, the Province establish mechanisms for ongoing oversight and review. This will help ensure that the SCA is implemented consistently across jurisdictions and that any ambiguities or inconsistencies are promptly addressed. The City has previously raised concerns regarding inconsistent application of the ESA by Ministry staff, which has led to delays and uncertainty for development projects. We are encouraged that the Province has acknowledged these challenges and urge continued efforts to ensure that the new framework is applied uniformly and transparently.

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,

A handwritten signature in dark ink that reads "Beverley Hillier". The signature is written in a cursive style with a large, looping initial "B".

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