

November 10, 2025

Minister of the Environment, Conservation and Parks
Public Input Coordinator – Species at Risk Protection
Species at Risk Branch
40 St Clair Ave West, Toronto, ONM4V 1M2

RE: Response to ERO posting #025-0909: A proposal for five new regulations to implement the new Species Conservation Act and facilitate a registration-first approach while maintaining strong environmental safeguards. This proposal also includes some amendments to the SCA and consequential amendments to other statutes and regulations.

On June 5, 2025, the Protect Ontario by Unleashing our Economy Act, 2025 (Bill 5) became law. The purpose of Bill 5 is to support faster development by speeding up provincial permits and approvals to help Ontario's industries thrive, respond to trade issues like U.S. tariffs, and support the long-term strength and security of the province and its economy. Schedule 2 of Bill 5 amended the Endangered Species Act, 2007 (ESA) and is now in force. Schedule 10 of Bill 5 introduced a new legislation called the Species Conservation Act, 2025 (SCA).

The SCA will come into effect when a commencement order is made and will repeal the ESA. Several regulations must be developed before the SCA can come into force. In addition, a limited number of legislative amendments are proposed, including some minor amendments to the SCA and consequential amendments to other statutes and regulations.

MECP is seeking comments on:

- New Regulations Under the Species Conservation Act;
- proposed amendments to the regulations made under the Environmental Bill of Rights, 1993 (EBR) as a result of the repeal of the ESA and the coming into force of the SCA; and,
- proposed amendments to the SCA and consequential amendments to other statutes and regulations.

Provided below are the City's comments regarding select elements of the draft regulation:

Local species and habitat risk

- The definitions of 'habitat' in the SCA present a much narrower definition than that listed in the ESA. By limiting 'habitat' to a species' dwelling place and its immediate surrounding area, important areas may no longer be protected that are crucial for foraging, dispersal, migration, and climate resilience. This change could leave locally significant and rare populations unprotected and reduce the scientific basis for municipal planning,

restoration, and mitigation efforts. We urge the Province to ensure habitat definitions continue to reflect the full ecological needs of species and provide guidance or mapping to support municipal natural heritage planning. Maintaining robust habitat protections is essential for the City to continue safeguarding biodiversity while implementing infrastructure and land-use projects.

- Species currently protected under ESA that are absent from the proposed SCA list may lose provincial legal safeguards, increasing risk of habitat degradation in Brampton's Natural Heritage System including Significant Wildlife Habitats.
- The SCA removes the statutory requirement for the province to produce recovery strategies and provide progress reviews. Lack of provincial recovery planning limits the scientific basis for municipal decisions and planning to recover each species. The ability to obtain funding through programs such as Species at Risk Stewardship Program tied to those recovery strategies will be reduced thus reducing potential funding in the City.
- Over time, Brampton may face new 'edge' species scenarios where species are provincially unprotected, but municipally significant, without clear legislative triggers for protection.
- Any decision to remove a species from the provincial protected list should not reduce protections for populations in Brampton. If a provincial listing is changed, there should be other protections or mitigation measures in place, backed by data showing local populations are not at risk.
- The ESA prohibited 'harassing' species. Since this wording is removed under the SCA, the City asks that disturbance related impacts to species such as nest abandonment, altered feeding patterns, disruptions to mating or breeding, avoiding suitable habitats etc. must still be covered through regulations or guidance.

Development and infrastructure review

- Developers and municipal staff must now determine whether a project needs registration under SCA, federal review (e.g. under SARA), or neither which will increase complexity and the risk of unregulated impacts on species and habitat.
- Municipal projects such as roads and stormwater infrastructure may face new or different rules under the SCA. Some obligations under the old ESA may no longer apply, while new requirements could be added, creating inconsistent rules and processes across Brampton projects.

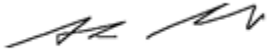
- The new registration system may speed up approvals, but if the provincial regulations are not strong or site-specific, there is a risk that mitigation requirements will be generic or insufficient to protect local biodiversity. Registration rules/guidance should be tailored to each species and its habitat, rather than using generic guidance. Habitat definitions and guidance should be published in a timely way, with opportunities for municipal input.
- Municipal assets (such as stormwater facilities) will need to be reviewed under both the old ESA rules and the new SCA rules, requiring staff training, updated procedures, and close coordination with the Province.
- The registration data will be stored provincially. The City must have timely access to this data to track activities affecting municipal lands or nearby private properties to coordinate inspections and bylaw enforcement.
- If municipal projects are treated the same as other 'exempt' activities under the SCA, the City's ability to impose local needs/conditions or negotiate mitigation measures could be limited. Municipal works should remain subject to registration or permitting under the SCA. Exceptions should only apply if City Council explicitly approves them.

Data, transparency and municipal capacity

- Without guaranteed access to the provincial registration database, the City risks being uninformed about activities that could impact natural heritage on public or private lands.
- The Province has promised habitat maps, species occurrence data, and guidance on habitat definitions, but timelines are unclear. Delays could hinder Brampton's natural heritage protection policies and ecosystem-based master planning.
- The City requests viewing access to the live provincial registration system. Advance notice should be provided for activities on City owned and managed lands, so the City can coordinate reviews, inspections, and mitigation.
- The removal of statutory recovery planning and reduction in provincially protected species lists signals that recovery work is optional and shifts more responsibility to the City and local conservation authorities, requiring Brampton to invest more in habitat protection and monitoring that was previously supported by the Province.

Thank you for the opportunity to comment on the new regulations to implement the new Species Conservation Act. We look forward to continuing to maintain strong environmental safeguards.

Yours truly,

A handwritten signature in black ink, appearing to read 'Steve Ganesh', with a stylized flourish at the end.

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