

City Planning

City Hall
100 Queen Street West
12th Floor, East Tower
Toronto, Ontario M5H 2N2

Tel: 416 392-8772
Jason.Thorne@toronto.ca
www.toronto.ca/planning

November 10, 2025

Species at Risk Branch
40 St Clair Ave West
Toronto, ON M4V 1M2
ESAREg@ontario.ca

Re: Proposed legislative and regulatory amendments to enable the Species Conservation Act, 2025 ([ERO 025-0909](#)) and Developing guidance on section 16 activities under the Species Conservation Act, 2025 ([ERO 025-0908](#))

On behalf of the City of Toronto, I am pleased to submit the City's comments and recommendations to proposed legislative and regulatory amendments and guidance materials to enable and implement the *Species Conservation Act, 2025*.

The *Species Conservation Act, 2025* will result in less protection, compared with the *Endangered Species Act, 2007*, for species-at-risk in Ontario during a period of unprecedented biodiversity decline. The following recommendations highlight necessary changes to the proposed regulations to reduce threats facing the province's most vulnerable species and enable their recovery.

Key Recommendations:

- 1) Reinstate the 106 species not included in the Protected Species in Ontario List that have been classified as species of special concern by the Committee on the Status of Species at Risk in Ontario (COSSARO).
 - Ensure Provincial protection is maintained for the 42 migratory birds and aquatic species otherwise subject to federal legislation.
- 2) Clarify which activities would require a permit under the *Species Conservation Act, 2025* before being eligible to proceed with activities not eligible to proceed by way of registration.
 - Permits should be required for activities that may adversely impact a protected species.

- 3) Clarify which activities would be “registerable” under the proposed registration regulation.
 - Complete and include guidance materials informing which activities are “registerable” under the *Species Conservation Act, 2025* within the regulation, rather than as a separate document. This should be completed prior to the *Species Conservation Act, 2025* coming into force.
- 4) Expand the scope of habitat protection within the *Species Conservation Act, 2025* and associated guidance materials to ensure activities can be adequately assessed for impacts to protected species.
 - Provisions under the *Species Conservation Act, 2025* include a narrowed scope of habitat protection, focusing on species’ dwelling place while excluding areas of habitat that species rely on, either directly or indirectly, to support life processes. This limits the ability to assess “adverse impacts” on protected species and thereby determine if activities are “registerable” under the proposed registration regulation.
- 5) Require registered activities to demonstrate overall benefit to protected species through a site-specific conservation plan to be reviewed by Ministry of Environment, Conservation and Parks (MECP) staff.

The enclosed attachment contains the City’s full comments and recommended modifications that align with the above recommendations.

Should you have any questions regarding the City’s submission or would like to arrange a meeting with City staff, please contact me directly or Kelsey Taylor, Planner, Strategic Initiatives, Policy & Analysis Section (Kelsey.Taylor@toronto.ca or 416-396-5244).

Sincerely,



Jason Thorne, MCIP, RPP
Chief Planner and Executive Director
City Planning

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Kim Statham, Director, Urban Forestry, Environment, Climate & Forestry
Annely Zonena, Director, Parks Planning & Development, Parks and Recreation

Attachment: Table with City Comments

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ERO Posting, Proposed Regulation	Impact Assessment	Level of Support	Recommended Modifications
<p>ERO # 025-0909</p> <p>Protected Species in Ontario List regulation</p>	<p>Context: The proposed regulation establishes the Protected Species in Ontario List, which carries forward species classified by the Committee on the Status of Species at Risk in Ontario (COSSARO) with differences identified below. This replaces the Species at Risk in Ontario (SARO) list under the <i>Endangered Species Act, 2007</i>.</p> <p>The regulation removes 106 previously listed “species of special concern” and species also subject to federal legislation.</p> <p>The <i>Species Conservation Act, 2025</i> provides the Minister of Environment, Conservation and Parks the discretion to update the Protected Species in Ontario list. This differs from the <i>Endangered Species Act, 2007</i>, which granted automatic habitat protection to all species assessed to be threatened or endangered by COSSARO.</p> <p>Impact: Provincial protection would be removed for endangered or</p>	<p>Do Not Support</p>	<p>Revise the Protected Species in Ontario list to include all species at risk identified by COSSARO.</p> <p>Develop a framework to guide Ministerial decisions for listing species to prioritize information provided through the scientific assessment.</p> <p>Confirm that all species identified as at-risk by COSSARO (including species of special concern) will be eligible for stewardship activities within the Species Conservation Program. This would help reduce the likelihood of these species being uplisted in the future.</p>

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	<p>threatened birds and fish and their habitats. Toronto is a key stopover point for migratory birds, located along two major migration paths. The removal of protections for migratory birds and other species also subject to federal legislation leaves the protection status for these species uncertain. In particular, species with habitat beyond the natural heritage system in the urban environment (such as chimney swifts and barn swallows) will likely experience reduced protection. It is unclear what level of protection these species will have given their protection was previously coordinated under the Canada-Ontario Agreement on Species at Risk. Activities impacting these species would be subject only to federal permit requirements, which may add time and complexity to development projects.</p> <p>Removing the 'special concern' category may limit the opportunity for stewardship actions to support recovery, previously funded through the <i>Endangered Species Act, 2007</i>.</p>		

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<p>ERO # 025-0909</p> <p>Registration regulation</p>	<p>Context: The proposed regulations do not provide adequate clarity related to the definition of “registerable” activities.</p> <p>The proposal does not identify which activities are “registerable” beyond the simplified guidance that it will include “any activity that adversely impacts a protected species.” ERO # 025-0908 is seeking feedback on this subject, but it remains unclear if guidelines would be in place when this regulation comes into force. The consultation document and regulations do not include information on how adverse impacts to a species will be determined.</p> <p>Impact: Uncertainty remains related to the scope of protection, how impacts will be evaluated, and which species will receive protection.</p> <p>Proposed rules include mitigating or avoiding impacts to species at risk, rather than providing an overall benefit to the species (a requirement under the ESA).</p>	<p>Do Not Support</p>	<p>Include guidance materials informing which activities are “registerable” under the SCA within the regulation and ensure guidance is completed prior to the <i>Species Conservation Act, 2025</i> coming into force.</p> <p>Include requirement for “overall benefit” to an impacted species within the rules for undertaking a registered activity.</p> <p>Clarify how registration requirements will be determined.</p> <p>Develop a framework that includes having Ministry of the Environment, Conservation and Parks staff review all registered activities, including review of proposed mitigation measures and conservation plans to determine that they meet the requirements of the regulation.</p> <p>Provide support to applicants prior to the registration process to help guide the preparation of supporting materials.</p> <p>Clarify how the submission of registration requirements will be enforced. Enforcement should not be complaints-based; review of registered activities</p>

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			should be carried out by Ministry of the Environment, Conservation and Parks staff (not conservation officers) and should occur regularly rather than through conducting audits based on complaints.
<p>ERO # 025-0909</p> <p>Permit regulation</p>	<p>Context: The permitting regime does not include adequate details outlining whether permits would include terms and conditions and how any requirements would be enforced.</p> <p>Impact: It is difficult to assess the impact and scope of the permitting regime as most activities that would adversely impact a protected species would not require a permit.</p>	<p>Support in Principle (More Information Needed)</p>	<p>Carry forward the permit requirements and submission standards under the <i>Endangered Species Act, 2007</i>, including demonstrating overall benefit to a species.</p> <p>Require that permits are mandatory for all activities that may adversely impact a protected species (currently proposed to be subject to registration).</p> <p>Ensuring permits remain publicly accessible would support clarity of the permitting process.</p>
<p>ERO # 025-0909</p> <p>Exception regulation</p>	<p>Context: Some activities that may proceed without being registered or obtaining a permit are identified. Exceptions are not fully identified but generally would reflect most exemptions currently set out under the <i>Endangered Species Act, 2007</i>.</p>	<p>Support in Principle (More Information Needed)</p>	<p>Clarify proposed activities that would be eligible for exemption and identify the decision-making framework for inclusion of these activities within the regulation.</p>

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	<p>Impact: It is unclear why exceptions are needed under the new registration-first approach.</p>		
<p>ERO # 025-0909</p> <p>Transition regulation</p>	<p>Context: Transition regulations would authorize activities, such as those under a permit issued under the <i>Endangered Species Act, 2007</i> to be able to continue subject to their existing requirements, including the definition of habitat that was in place at the time the permit was issued.</p> <p>Impact: Permits previously issued under the <i>Endangered Species Act, 2007</i> may no longer apply if in relation to species that are not listed under the new proposed Protected Species in Ontario List regulation.</p>	<p>Support in Principle (More Information Needed)</p>	<p>Clarify how activities being undertaken under <i>Endangered Species Act, 2007</i> requirements, including existing permits, will be implemented related to species that would no longer be included in the Protected Species in Ontario list.</p> <p>Identify a process to coordinate requirements for these species with the federal government to ensure proponents are aware of any new obligations under federal legislation.</p>
<p>ERO # 025-0908</p> <p>Developing guidance on section 16 activities under the Species</p>	<p>Context: The proposed guidance document would update and replace existing robust and science-based policies and technical direction under the <i>Endangered Species Act, 2007</i>. While guidance is needed to support effective implementation of the <i>Species Conservation Act, 2025</i> and provide a framework to determine which activities are “registerable”</p>	<p>More Information Needed</p>	<p>Include guidance materials informing which activities are “registerable” under the SCA within the regulation and ensure guidance is completed prior to the <i>Species Conservation Act, 2025</i> coming into force.</p> <p>Carry forward all existing guidance within the <i>Endangered Species Act, 2007</i>.</p>

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Conservation Act, 2025	<p>under the Act, this framework would be more effective as part of legislation rather than a guidance document.</p> <p>Impact: It is unclear how guidance materials can effectively assess whether activities are likely to have an impact on a protected species or its habitat due to the limited definition of “habitat” under the <i>Species Conservation Act, 2025</i>.</p>		

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