

## Proposed legislative and regulatory amendments to enable the Species Conservation Act, 2025

**ERO 025-0909 :**

Comment period: September 26, 2025 - November 10, 2025 (45 days)

In less than 20 years there has been a 190% increase in the total number of Species at Risk.

Number of Species at Risk in Ontario List : 2025: 237 ( 2007: 123)

**Extirpated species 16 (10) Endangered species 115 ( 42 “Threatened with extinction” and 28 Endangered- total 70\*) Threatened species 56 (22)**

**Special Concern species 50 (21)**

\* Classifications combined in 2008

Endangered Species Act, 2007 (current-June 5, 2025) /Species at Risk in Ontario list

(Numbers in bracket are from Endangered Species Act, 2007 S.O. 2007, Chapter 6, June 2008)

Something is clearly wrong. I do not believe that the proposed Species Conservation Act will reduce, or halt this trend.

In 2018, the government moved responsibility for species conservation , the SAR Act (2007), from MNR to the MOECP, a move from resource management to a land use planning viewpoint. This strategic move identifies both the main problem with species conservation and its main solution. Habitat.

Habitat is Land Use, and Land Use Planning is a very conflicted issue, especially in Southern Ontario. It is both a region of productive human settlement and productive biodiversity, one of the most biodiverse areas in Canada.

The proposed SCA(2025) does several things which reduce the scope of habitat would be protected for Species at Risk (SAR)- hence the amount of land potentially falling under the scope of the SCA.

1. Restricts the definition of habitat .
2. Reduces the number of listed species under the Act.
3. Allows a high degree of ministerial discretion at almost every point in its regulatory framework.
4. No provision for recovery strategies.

The Act also removes from provincial concern federally listed species. Arguably this move was to reduce “ duplication” hence red tape. From the taxpayers perspective, this move likely will result in more duplication as species don't

know or care whether they are protected provincially or federally. Neither do taxpayers, so long as they get protected.

It is unclear, in the weighing of Creation’s Beings verses the social /economic value of land use, how much weight habitat will have- nor who will be its Advocate. The general policy of the government being to build faster, streamline regulatory processes, and present a “single desk” approval service for project proponents does not bode well for Species at Risk, or more generally, conservation achievements in Southern Ontario.

Admittedly the ESA has not halted the rate at which the Ontario Species at Risk list has grown. However, the proposed SCA is certainly not making the situation better. The following chart illustrates how changing the definition of habitat to the narrow definition used in the proposed SCA affects outcomes.

**Comparison: Narrower Habitat (SCA) vs. Broader Habitat (ESA)**

<b>Aspect</b>	<b>ESA 2007 – Broader Habitat Definition</b>	<b>SCA 2025 – Narrower Habitat Definition</b>
<b>Scope of Habitat</b>	Included areas where species formerly occurred or could be reintroduced, plus broader ecological features (e.g., staging areas, migration corridors).	Limited to immediate dwelling places (den, nest, hibernation site), root zones for plants, or areas directly used by species for life processes. Excludes areas of former occurrence unless species currently depend on them.
<b>Permit Trigger</b>	More activities required permits because habitat was defined broadly — even indirect impacts (e.g., altering migration corridors) could count as habitat destruction.	Fewer activities trigger permits because habitat is defined narrowly. If an area doesn’t meet the strict definition, it may not require a permit, even if ecologically important.
<b>Mitigation Requirements</b>	Mitigation often extended to <b>landscape-level measures</b> (e.g., maintaining connectivity, protecting potential reintroduction sites).	Mitigation is more <b>site-specific</b> (e.g., restoring a nest site, replanting root zones). Broader ecological functions may be overlooked.

Aspect	ESA 2007 – Broader Habitat Definition	SCA 2025 – Narrower Habitat Definition
Regulatory Certainty	Clearer for species with habitat regulations: proponents knew upfront what counted as habitat.	Less certainty: proponents must rely on site-specific assessments, and narrower definitions may reduce ministry leverage to require broader mitigations.
Risk to Species	Stronger protection: broader definition captured more habitat types, reducing risk of incremental loss.	Higher risk: important but non-defined areas (e.g., dispersal corridors, potential recovery sites) may fall outside the Act’s scope, leaving gaps in protection.

### Practical Impacts on Registration-First Process

#### 1. Permit Approval

- Under ESA: More projects required permits because habitat definitions were expansive.
- Under SCA: Fewer permits may be required, since many areas won’t qualify as “habitat” under the narrower definition.

#### 2. Mitigation Measures

- Under ESA: Mitigation could include landscape-scale actions (corridor protection, restoration of potential habitat).
- Under SCA: Mitigation is more limited to immediate, definable habitat features (e.g., restoring a den, replanting root zones).

#### 3. Proponent Responsibility

- Under ESA: Clearer upfront obligations if habitat regulations existed.
- Under SCA: More discretion for proponents, but also more uncertainty — they must prove impacts are limited to narrowly defined habitat.

### Key Takeaway

The **narrower habitat definition under SCA** reduces the scope of what counts as protected habitat. This means:

- **Fewer permits** will be triggered.
- **Mitigation** will be more localized and less holistic.
- **Species protection** may weaken, especially for ecological functions beyond immediate nesting or denning sites.

👉 In short: ESA's broader definition captured more ecological reality, while SCA's narrower definition streamlines approvals but risks leaving critical ecological areas unprotected.

It is certainly true that the "registration-first" approach will speed project approvals meeting the governments policy objective to build faster and get things done. Site by Site regulation will however obscure from view the larger picture of habitat loss.

Under Ontario's Endangered Species Act, 2007 (ESA), there was no centralized, publicly mandated geospatial mapping system for critical habitat comparable to the federal Species at Risk Act (SARA) which was supported by a Critical Habitat National Dataset. CAs do maintain localized data but do not maintain a centralized, province-wide map of critical habitat.

- In the context of a self-assessment process, a public data set would be useful for the proponents, the MOECP, and the concerned public interest.
  
- I would urge the government to reconsider its habitat definition, and the need to support recovery strategies as part of project mitigations.
- I would urge the government to exercise its Land Use Planning authority to expand Conservation , Recreational, and Natural Heritage Lands. As well, it could negotiate easements with private land holders in sensitive areas such as along the edge of tablelands along river valleys to create larger ravine protected areas.

These measures would aid in the species conservation, create more public lands needed for our growing urban population, and provide more clarity and assurance to both development oriented project proponents and to the many people of Southern Ontario. They would not conflict greatly with speeding permitting, nor require changes to the proposed SCA, and would provide a solution to the single greatest threat to species at risk- the loss of land.