



Ministry of the Environment, Conservation and Parks
Species at Risk Branch
40 St Clair Ave West
Toronto, ON
M4V 1M2

November 10, 2025

Re: ERO number 025-0908

The Forest Gene Conservation Association (FGCA) is submitting these comments as part of the consultation process '*Developing guidance on section 16 activities under the Species Conservation Act, 2025*'

First and foremost, the FGCA, its members, staff and board recognize the increased and increasing pressures to improve access to opportunities that strengthen and improve upon the lives and livelihoods of people in Ontario. We understand that modernization will be required to face these new challenges.

The FGCA has a vision of a genetically diverse, resilient forested landscape that supports life and a healthy economy. Our mission to ensure that genetic diversity is maintained as the foundation of a resilient forested landscape in Ontario, is well received by various businesses and stakeholders across Canada. Since 1997 we have been working together with the forest industry, conservation groups, Indigenous communities, ENGOs, nurseries and many other businesses to conserve important tree species, to enable practitioners to obtain improved seed for their reforestation or afforestation needs, supporting practitioners adapting to changes in our climate and economy, and leading knowledge exchange sessions on this important topic.

As the go-to organization for tree species recovery, sought after by research programs in North America, as well as development companies and ENGOs here at home, we are well-equipped to offer our experience and knowledge to this process you are undertaking.

We have the following comments to add to the policy changes detailed in ERO number 025-0908 and look forward to providing additional comments to the SCA when posted officially on the ERO. The following are comments pertaining to the draft Species Conservation Act <https://www.ontario.ca/laws/statute/25s04b>

- The existing ESA allows for the use of seed for some species of trees for recovery efforts- this should be an exemption for recovery efforts like those of the FGCA
- Part 2 Classification of Species in the SCA Clause (5) this should not apply to tree species as we know that populations may be genetically distinct. If this is the case, Ontario may need to elevate its classification to a higher level of risk. Additionally, if the United States becomes a part of the assessment, there should be no assumption that there will be support or options for recovery generated from that country, therefore it **should not** be a factor in the assessment of risk.
- Part 3 Protection and Conservation of species Clause (7) could have significant business implications for organizations like the FGCA who have been procured for services that conserve or recover the tree species in question.
- Some registration information should be made available to organizations like the Forest Gene Conservation Association to allow us to pursue conservation efforts if the registrant is open to it. We know many may be interested, so allowing for that opportunity would be a role of the province that we would like you to consider.
- Additionally, the FGCA would be interested in aiding in the review if necessary of significant registrations pertaining to Protected tree species.
- Registrations Section 19 (1) I cannot see the Ministry having the ability to reduce the impact to a tree if the Minister suspends or removes an existing registration if the registrant is able to remove a tree immediately.
- Powers of Minister Section 22 (1) (d and e), same as above- some consideration should be made if a permitted or registered activity were initially approved and then revoked- the tree may have been removed- what then would be the next steps?
- To address the two bullets above- a waiting period post approval is recommended.
- Minister may require consultation, Clause 6- the FGCA recommends that the Forest Gene Conservation Association of Ontario be consulted before the Minister makes a decision on a permit application for a Protected tree or woody plant species to assess for genetic uniqueness/rare alleles associated with the population or individual tree(s) being removed.

- Codes of Practice and the Species Conservation Program Section 24- FGCA would like to be involved in establishing standards, guidelines and codes of practice for tree, shrub and forest-based vascular plants on the Protected Species list

The FGCA has a particular interest in any tree, woody plant or forest based vascular plant as well as the following components of the proposed guidance:

- Decision making pertaining to the potential listing or de-listing of a species under the new Act
- Reference to our recovery efforts and the ability to access information regarding permits and registrations of tree species prior to removal, particularly where the pest, disease or impact is at its peak or has passed (to identify potential lingering characteristics for genetic research or conservation purposes)
- The FGCA is capable of advising on effective conservation and propagation methods for Endangered, Threatened or Special Concerns tree species in Ontario, we have significant research partnerships and implementation networks to ensure effective conservation as genetic work requires efforts beyond strictly planting more trees.

Species that would most benefit from detailed habitat guidance includes all Endangered, Threatened or Special Concern tree species as the geography is often very broad and genetic variation is greater across the species ranges. FGCA is prepared to advise on all matters pertaining to trees, woody plants and vascular forest plants.

Additionally, the FGCA is positioning itself to be an active partner in the conservation elements of the Act. We hope that after 28 years of strong partnership with the province that we continue to be a valued and supported partner of the Ministry of Environment, Conservation and Parks and the Ministry of Natural Resources (through our work under Forestry Futures Trust), as we navigate the new Act to support the health and well-being of our forest resources for many generations.

For more information, please contact the CEO of the Forest Gene Conservation Association