



About Ontario Nature

Established in 1931, we protect wild species and wild spaces. Ontario Nature represents 9,500 members, 130,000 supporters and 150 member groups from across the province.

Proposed Amendments to Enable the *Species Conservation Act*, 2025

On September 26, the Environmental Registry of Ontario (ERO) posted a proposal to enable the *Species Conservation Act* (SCA), which replaces the *Endangered Species Act* (ESA) as a result of [Bill 5](#).

You have until November 10 to comment on the [ERO posting](#). Use the key messages below to inform your comments:

General Comments about the *Species Conservation Act*

- This proposal to enable the SCA will only further undermine progress on the [Ontario Biodiversity Strategy](#) and further imperil our most vulnerable species.
- The SCA is inadequate for managing species at risk in the midst of a biodiversity crisis, specifically due to:
 - the limited definition of ‘habitat’ compared to the ESA
 - the discretionary listing of species, removing an independent and science-based assessment approach
 - the offloading of responsibility for migratory birds and aquatic species to the federal government
 - the registration first approach
 - the elimination of recovery strategies

Resource

See [Ontario Nature’s submission](#) on the replacement of the ESA with the SCA.

Key Messages Regarding this ERO Posting Overall

- The proposed regulations do not provide enough details for meaningful feedback. The language across the proposal uses wording such as ‘being considered’, ‘registrants **may** be required’, ‘information submitted **may** be made publicly available’.
- This language lacks transparency and clarity on how the Ministry intends to implement the SCA, raising significant concerns on how species will actually be protected.
- Overall, the lack of specificity and description of regulatory implications for the environment throughout this proposal goes against the intent of the Environmental Bill of Rights, preventing Ontarians from meaningfully commenting on government proposals.

Proposal Specific Key Messages (note, not all of the proposed regulations are included):

Proposal #1:

- Transferring responsibility for 42 aquatic and migratory bird species runs counter to the federal, provincial, territorial [Accord for the Protection of Species at Risk](#), which stipulates a need for complementary species conservation initiatives.

Protected Species in Ontario List

	<ul style="list-style-type: none"> The Ministry needs to clarify the status of federal protections for the 42 aquatic and migratory bird species and confirm the federal government has been engaged on this proposal as outlined in the Canada-Ontario Agreement on Species at Risk.
Proposal #2: Registration Regulation	<ul style="list-style-type: none"> The registration first approach limits the ability of the Ministry to provide oversight on activities impacting habitat for listed species. With the limited definition of habitat under the SCA, it is unclear how allowing proponents to simply register an activity will do anything to protect the species.
Proposal #3: Permit Regulation	<ul style="list-style-type: none"> Any activity that might impact a listed species or its habitat should undergo a permitting process with enforceable terms and conditions, in addition to significant limitations on when and how permits will be issued.
Proposal #4: Exception Regulation	<ul style="list-style-type: none"> Given the weaker habitat protections and lack of recovery planning in the SCA, no exemptions should be granted for the far more limited prohibitions.
Proposal #6: Proposed Regulatory Amendments under the Environmental Bill of Rights	<ul style="list-style-type: none"> Under the ESA, a proposal to issue a permit is a Class I proposal for an instrument under O. Reg 681/94 for the Environmental Bill of Rights. Permits under the SCA should be subject to Part II of the Environmental Bill of Rights for full public transparency.
<p align="center">Developing Guidance on Section 16 Activities Under the <i>Species Conservation Act, 2025</i></p> <p>There is an additional ERO posting (ERO 025-0908) with comments also due November 10. Use the key messages below to inform your comments on this posting:</p>	
General Comments	<ul style="list-style-type: none"> The robust, science-based approach to defining habitat that existed under the ESA, before the passage of Bill 5, must be reinstated before any guidance can be developed for assessing the impact of activities to a protected species or species' habitat. The Ministry must restore the ESA and commit to strengthening protections for our most vulnerable species. The far weaker SCA is not the answer.
Proposal Specific Comments	<ul style="list-style-type: none"> We (I) understand the Ministry is looking for input on specific aspects of previous policies and technical direction to be retained; which components of the guidance is of greatest interest; which species groups would most benefit from habitat guidance; and, any other advice or feedback. Given the limitations to the definition of habitat under the SCA, it is unclear how such guidance can actually be applied in a way that benefits species conservation.

- To determine the possible impact of an activity, it is necessary to determine risk to survival of the species and habitat in question, as was included in guidance under the ESA. It is not possible to determine risk to survival of a species with any degree of certainty if all habitat (i.e. shelter, food, migration, reproduction, etc.) required for a species' survival is not being considered in the assessment, as proposed under the SCA.

Let's mobilize for nature!

Read [our blog](#) to learn how to submit comments through the ERO.

Call or email the Premier and/or your MPP asking them to repeal the *Species Conservation Act* and restore / strengthen the *Endangered Species Act*!

Tell them you do not accept that economic uncertainty requires sacrificing our most vulnerable species.