

ERO 025-0909 & 0908 **Proposed legislative and regulatory amendments to enable the Species Conservation Act, 2025; 025-0908 Developing guidance on section 16 activities under the Species Conservation Act, 2025**

Nov 10/25 timeline

Climate Action Newmarket Aurora ERO SUBMISSION for ERO 025-0909 & 025-0908

Submission on the Species Conservation Act (SCA) under Bill 5: Protecting Ontario by Unleashing Our Economy Act, 2025

Climate Action Newmarket-Aurora appreciates the intent to modernize and streamline Ontario's approach to species protection and conservation. However, we are deeply concerned that the **new Species Conservation Act (SCA)**, as outlined under 'Bill 5' and these amendments, risks weakening the safeguards that have long protected Ontario's most vulnerable species and habitats.

While efficiency in permitting is valuable, it must not come at the expense of ecological integrity, transparency, or public trust. Under the SCA, many activities that could harm species or their habitats may proceed through self-registration or broad exemptions, with limited or no public oversight under the *Environmental Bill of Rights*¹. This marks a significant shift from the former "protect first" approach of the *Endangered Species Act (ESA)*^{*2} toward a "balance with development" model that prioritizes speed and flexibility over science-based assessment.

Notable Outcomes:

- 64 "special concern" species will lose all protection;
- 42 aquatic or migratory species are being removed from provincial oversight on the assumption that federal laws will suffice; and
- Reliance on industry-developed "conservation plans" reduces accountability and weakens independent review.

These changes risk fragmenting Ontario's biodiversity protection framework at a time when ecosystems are already under pressure from climate change, habitat loss, and pollution. Climate resilience depends on healthy ecosystems; wetlands, forests, and grasslands that store carbon, buffer floods, and cool communities. Weakening species protection undermines Ontario's ability to meet both biodiversity and climate commitments, including the goals of the *Canadian Net-Zero Emissions Accountability Act*³ and Canada's *2030 Biodiversity Strategy*⁴.

Conservation and economic development can coexist within a sounder context.

We respectfully urge the Ministry to:

1. Maintain clear, science-based criteria for permits rather than self-registration;
2. Ensure that all "special concern" species continue to benefit from precautionary habitat protection;

3. Integrate biodiversity conservation into Ontario's climate adaptation and resilience planning;
4. Retain public notice and comment rights under the *Environmental Bill of Rights* for all high-risk or high-impact activities and
5. Commit to an independent review of the SCA's effectiveness before it fully replaces the *Endangered Species Act*.

Ontario's species and ecosystems are not obstacles to growth, rather they are our natural climate allies, the foundation of resilience, clean water, and economic stability. Protecting them protects all Ontarians. Climate Action Newmarket Aurora opposes the amendment as it is currently written.

Sources

1. *Environmental Bill of Rights*, 1993, S.O. 1993, c. 28. [Link: <https://www.ontario.ca/laws/statute/93e28>]
2. *Endangered Species Act*, 2007, S.O. 2007, c. 6. [Link: <https://www.ontario.ca/laws/statute/07e06>]
3. *Canadian Net-Zero Emissions Accountability Act*, S.C. 2021, c. 22. [Link: <https://laws-lois.justice.gc.ca/eng/acts/C-19.3/>]
4. Government of Canada, *Canada's 2030 Biodiversity Strategy: Nature Positive by 2030*, 2022. [Link: <https://www.canada.ca/en/environment-climate-change/services/biodiversity/strategy.html>]

Short ERO submission version for website:

Submission on the Species Conservation Act (SCA) under Bill 5: Protecting Ontario by Unleashing Our Economy Act, 2025

While Bill 5 and the new *Species Conservation Act* aim to speed up development, they risk weakening protections for species at risk and their habitats. Permits or registrations may replace science-based safeguards, reducing transparency and public oversight.

I urge the Ministry to ensure strong, science-driven protections remain, require independent habitat mapping and monitoring, and keep all permits and registrations open to public review.

Protecting species is critical not only for Ontario's ecosystems, clean water, and long-term environmental health, but also for climate resilience. Healthy wetlands, forests, and grasslands store carbon, reduce flooding, and buffer communities from extreme weather. These are key to meeting Ontario's and Canada's net-zero commitments. Weakening species protection undermines both biodiversity and climate goals at a time when nature-based climate solutions are urgently needed.

Sources

1. *Canadian Net-Zero Emissions Accountability Act*, S.C. 2021, c. 22. [Link: <https://laws-lois.justice.gc.ca/eng/acts/C-19.3/>]
2. Government of Canada, *Canada's 2030 Biodiversity Strategy: Nature Positive by 2030*, 2022. [Link: <https://www.canada.ca/en/environment-climate-change/services/biodiversity/strategy.html>]
3. *Endangered Species Act, 2007*, S.O. 2007, c. 6. [Link: <https://www.ontario.ca/laws/statute/07e06>]

Background

Bill 5 (“Protecting Ontario by Unleashing Our Economy Act, 2025”) changed how Ontario handles endangered species.

It did two main things:

1. Changed the old Endangered Species Act (ESA) — some parts are already in effect.
2. Created a new law called the Species Conservation Act (SCA) — this will *replace* the ESA once more regulations are written.

The government says the new SCA will still protect at-risk species and their habitats, but it also aims to make it faster and easier for industries and developers to get approvals when their projects harm those species.

Under the new system, if a project could hurt a species or its habitat, there are three paths:

1. Register the activity online — you fill in details, promise to follow certain rules, and then you can proceed (no full permit process).
2. Get a permit — if your project has bigger risks, you need approval from the Minister first.
3. Be exempted — some activities (like health and safety work, farming, or existing operations) won't need registration or a permit at all.

Essentially, what used to require a full environmental review and government oversight may now only require a *self-registration*, with developers creating their own “conservation plans.”

What's changing

- About 169 species will remain protected, but:
 - 64 “special concern” species lose all protection.
 - 42 aquatic or migratory species are removed because the province says they're already covered under federal law.
- The Ministry will rely more on “rules in regulation” instead of direct approvals, giving industry more flexibility.
- Old ESA permits and agreements will carry over temporarily but must switch to the new system by 2026.
- Some permits won't be open for public comment under the Environmental Bill of Rights (EBR) anymore — reducing transparency.

What this means in practice

- The Species Conservation Act shifts from a strict “protect first” law to a “balance conservation with development” model.
- It makes it easier and faster for industries to work in or near sensitive habitats, but it also weakens independent oversight and accountability.
- Species and ecosystems already under stress could face greater risk if safeguards depend on self-reporting and private conservation plans.

OF NOTE: *The Redside Dace, the ‘poster species’ for the potential devastation of the proposed 413, is already included in one of the relevant lists (under current*

Ontario rules) as an endangered species in Ontario.

[Ontario+2sararegistry.gc.ca+2](#)

Here's what that means, and how the proposed changes under ERO 025-0909 might affect it:

- Under the Endangered Species Act (ESA, 2007), Redside Dace is listed as *endangered* in Ontario. [Ontario+2sararegistry.gc.ca+2](#)
- Its habitat is protected under ESA Section 10: the Act prohibits damaging or destroying habitat for endangered species. [Ontario+1](#)
- There is a habitat regulation specific to Redside Dace under ESA—which defines its “occupied habitat” (places used over the last 20 years) and “recovery habitat” (areas that could support it). [Ontario+2Canadian Science Publishing+2](#)

What the proposed changes might do

Under the new Species Conservation Act (SCA) and the proposed regulations in ERO 025-0909, several things might change for Redside Dace:

- The list regulation would continue to protect species like Redside Dace (if it remains in the list).
- The registration and permit rules will later define how activities that might harm Redside Dace or its habitat must be handled (by registration, permit, or exception).
- The transition regulation will decide how existing ESA protections for Redside Dace are carried over.
- Importantly: in the alterations under ESA (before full SCA implementation), the government has proposed narrowing the habitat protection for Redside Dace —
 - Changing “occupied habitat” from a 20-year lookback to a 10-year lookback [Ontario Nature+3Environmental Registry of Ontario+3Canadian Science Publishing+3](#)
 - Restricting recovery habitat to only areas adjacent to occupied habitat and currently suitable areas, rather than all former areas [environmentaldefence.ca+3Environmental Registry of Ontario+3Canadian Science Publishing+3](#)

These changes would remove protection from many streams and areas that Redside Dace used more than 10 years ago or that are not immediately adjacent to current populations. [Ontario Nature+3Canadian Science Publishing+3environmentaldefence.ca+3](#)

Short answer: Redside Dace is already a protected species (endangered) in Ontario and would normally be included under the new SCA's protections (unless removed). But under the proposed regulatory changes, some of its habitat protections might be curbed, which could reduce how broadly it is safeguarded in future.

0908:

On June 5, 2025, a new law called the Protecting Ontario by Unleashing Our Economy Act (Bill 5) became official. Its goal is to make development move faster — especially for industries — by cutting wait times for government permits and approvals. The government says this will help Ontario's economy stay strong and respond to trade pressures like U.S. tariffs.

Bill 5 made two main changes:

- It changed parts of the Endangered Species Act (ESA) — these changes already apply.
- It created a new law called the Species Conservation Act (SCA) — this will replace the ESA once it officially takes effect in the future.

The government says the SCA will still protect endangered species and their habitats. But anyone doing work that could harm a species or its habitat will now have to either register their activity or apply for a permit — unless their work is specifically exempt.

If you register or apply for a permit, you'll need to follow rules set out in regulations or in the permit itself.

The Ministry is also creating new guidance materials to help people understand:

- How to tell if their project could harm a protected species or its habitat,
- What principles and factors to consider (like the species' biology and where it lives),
- Where to find public data on species locations, and
- How to identify and map habitats (including special guidelines for groups like turtles, snakes, fish, birds, plants, and bats).

Right now, the draft guidance isn't finished. The Ministry is asking for public feedback on:

- What parts of the old policies should stay, change, or be removed,
- Which sections of the new guidance are most useful,
- Which species groups need detailed habitat rules, and
- Any other advice on what would make the guidance more helpful

While the government says these changes will “speed up development,” they could also make it easier for industries to harm at-risk species and their habitats, including those found in the Greenbelt, wetlands, and local rivers.

Replacing the Endangered Species Act with the new Species Conservation Act means permits and registrations may replace science-based protections, leaving more decisions to political discretion.