



May 15, 2025

Submitted By Email

Attention:
Public Input Coordinator, Species at Risk Protection
Ministry of the Environment, Conservation and Parks
40 St Clair Ave West
Toronto, ON
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And

Ontario Place Redevelopment Secretariat
777 Bay Street, 2nd Floor
Toronto, ON
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Re: ERO#025-0380 Proposed interim changes to the *Endangered Species Act, 2007* and a proposal for the *Species Conservation Act, 2025*; and ERO#025-0416 *Protect Ontario by Unleashing Our Economy Act, 2025*.

For over 87 years, Ducks Unlimited Canada (DUC) has been Canada's leader in wetland conservation for waterfowl, wildlife, and people. Using sound science, DUC collaborates with landowners, governments, public agencies, Indigenous communities, and many partners to conserve, restore and manage wetlands and associated habitats. through a range of programs that support sustainable land use.

In Ontario alone, DUC has conserved more than one million acres of vital habitat. These landscapes support waterfowl and species at risk, strengthen Ontario's resilience against flooding, improve water quality, and provide healthy outdoor recreation opportunities for people.

DUC's wetland restoration and management projects play a critical role in protecting Ontario's species at risk. As a trusted partner of the Ontario government for more than 50 years, DUC continues to lead effective conservation efforts that benefit both nature and communities.

We have reviewed the proposed changes to Ontario's species at risk permitting and approvals outlined in Bill 5, including interim changes and the replacement of the *Endangered Species Act, 2007* with a new *Species Conservation Act, 2025*.

DUC understands the government's commitment to enabling increased housing, transit, mining and infrastructure to help secure Ontario's economic future. At the same time, we believe that natural infrastructure and ecosystem health are equally critical to Ontario's long-term development and prosperity, and that environmental protection and economic development can complement each other.

We support efforts to streamline species at risk approval processes for low-risk projects, including for example our joint success in recent years to streamline permitting for habitat restoration projects. In this regard, a registration-based approach to species at risk permitting for low-risk projects could be an effective solution.

That being said, DUC has concerns about several aspects of the proposed legislative changes within Bill 5, including:

- Any proposed changes to the definition of species at risk habitat must be carefully considered to ensure the endangered species can continue to effectively sustain themselves. DUC's efforts to restore wetlands as waterfowl habitat is a strong example of effective habitat protection and restoration. We would welcome the opportunity to share our insights on this topic, along with input from other environmental organizations and Indigenous communities.
- The proposed *Special Economic Zones Act, 2025*, to allow exemptions from provincial and municipal laws for certain regions and/or for designated projects, could result in significant negative environmental outcomes. DUC does not support this approach. Instead, we would encourage the government to continue exploring options to improve existing environmental permitting processes rather than enabling exemptions that could undermine important protections.
- DUC supports science-based decision making, and the proposed ability of the Ontario government to add or remove species from the provincial species at risk list at its discretion would allow for decisions that do not align with the scientific evidence provided by COSSARO supporting the protection of those species.
- Removal of legislated species at risk recovery strategies, management plans and reports on progress will reduce public visibility of government progress on species at risk objectives.
- The proposed removal of provincial protections for aquatic species and migratory birds already covered under the federal *Species at Risk Act* (SARA) risks undermining the goal of streamlining project approvals. Under section 58(5)(a) of SARA, if the competent federal minister determines that critical habitat on non-federal lands is not being effectively protected by the province, the Minister has the authority to issue a ministerial order to ensure its protection. Conversely, where provincial measures are deemed adequate, the Minister may issue a protection statement under Section

58(5)(b). This distinction underscores the importance of a robust, coordinated, and complementary approach between Ontario and the federal government – not only to ensure the effective protection of species at risk, but to also provide regulatory certainty and reduce duplication across legislations.

- Reducing and/or removing species at risk permitting requirements will likely drive up the market value of land suitable for conservation, as speculators purchase parcels that were previously unsuitable for development. As a result, conservation organizations would be able to protect less land with the same amount of funds.

It is recommended that the Ontario government:

- Leverage DUC's expertise to inform the development of the proposed species at risk legislation and associated regulations over the coming weeks and months.
- Work with DUC to wind down the current Species at Risk Stewardship Program and inform the development of the new Species Conservation Program.
- Promote wetland conservation and management as activities that contribute to the recovery of species at risk.
- Work with DUC on the development of a wetland offsetting policy framework that supports timely, streamlined permitting and certainty for developers while creating habitat for waterfowl and species at risk.

Thank you for your consideration of our comments - we look forward to discussing the details of these legislative proposals with your government as well as any regulations that follow. Please feel free to contact myself or Brock Gouweloos, Government Relations Manager for Ontario (b_gouweloos@ducks.ca) with any questions or comments at your convenience.

Sincerely,



Marie-Paule Godin
Manager of Provincial Operations – Ontario
Ducks Unlimited Canada