

## APPENDIX A

### Comments on Schedules 1, 2, 4, 8, 9 and 10

#### Bill 5 Comments

##### Relevant Documents:

Bill 5, Protect Ontario by Unleashing our Economy Act, 2025 - [Bill 5, Protect Ontario by Unleashing our Economy Act, 2025 - Legislative Assembly of Ontario](#)

- Comprehensive legislation proposal introduced by Ontario's Minister of Energy and Mines
- Aims to stimulate growth by reforming regulations across various sectors, including energy procurement, environmental protection and mining.

Specific ERO - [Proposed interim changes to the Endangered Species Act, 2007 and a proposal for the Species Conservation Act, 2025 | Environmental Registry of Ontario](#)

- Proposal Summary the Province - The current approach to the protection and conservation of species at risk is complicated, takes too long to complete, and causes unnecessary delays and costs for housing, transit, and critical infrastructure. This proposal introduces a new approach

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##### General Natural Heritage Comments:

- This memo provides comments in response to [Bill 5, Protecting Ontario by Unleashing our Economy Act, 2025](#) proposing changes to multiple acts and [Environmental Registry of Ontario posting \(ERO 025-0380\)](#) that seek feedback on proposed interim changes to the Endangered Species Act, 2007 and a proposal for the Species Conservation Act, 2025.
- The proposed changes as noted in Bill 5 have implications for the species at risk and their habitats that are found in Oakville.
- The Town of Oakville released the Oakville Strategy for Biodiversity (OSB) in 2018. This strategy aims to protect, restore and enhance habitats and species that support biodiversity throughout the town. The OSB builds upon the previous version of the Ontario Biodiversity Council's Ontario's Biodiversity Strategy, which calls upon all levels of government to work toward the protection of species and the recovery of species at risk. The OSB aligns with recovery measures that encourage the development of official plan policies and town master plans and operation documents in protecting species and areas supporting biodiversity.
- The Ontario Biodiversity Council is a collaborative body comprising over forty organizations, including government agencies, Indigenous groups, academics and industry representatives, and leads the implementation of Ontario's Biodiversity Strategy. In the Ontario's Biodiversity Strategy 2023-2030 summary report it is noted that habitat loss and land use change have the largest and most immediate impact on terrestrial and freshwater ecosystems.
- The effects of previous amendments to the Endangered Species Act have not been reviewed. As such, further changes are premature. The Auditor General of Ontario found that the number of species at risk in Ontario increased from 2009-2020 by 22%. Further biodiversity loss will impact the value and function of essential ecosystem services that contribute to resource

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production, drinking water, protection from natural hazards, and ecosystem health. In Halton alone, these services are worth an estimated \$731 million per year.

- The Town's Livable Oakville Official Plan has been prepared in accordance with provincial legislative requirements and serves as the guiding planning document for the Town. The plan's foundation is based on the Urban Structure which aims to **protect** natural heritage, open space and cultural heritage; **maintain** established areas; and **direct** growth to strategic growth areas and intensification corridors supported by public transit. Natural heritage protection is a key foundation of the plan but recently the province has been advocating for economic development and housing that deregulates environmental protections.
- Town staff notes concern that proposed changes associated with Bill 5 may have the effect of further lessening protection for species and potentially lead to continued decline of biodiversity in Oakville and more broadly.
- Staff invites continued dialogue between municipal, provincial and federal governments so that the town can proactively protect species at risk and work towards species recovery where feasible.

#### Schedule Specific Comments:

##### Schedule 2 - Endangered Species Act, 2007 and Schedule 10 - Species Conservation Act, 2025

- Interim changes are proposed to the Endangered Species Act (ESA) until it is replaced with the Species Conservation Act (SCA), 2025.
- The Species Conservation Act focuses on:
  - Streamlining approvals for projects like housing and infrastructure.
  - Establishing clear expectations and rules for activities impacting species.
  - Enhancing enforcement to ensure compliance.
- These proposed changes aim to reduce delays and costs associated with obtaining permits under the current ESA framework, facilitating timely development of housing, transit, and critical infrastructure projects.
- Proposed changes include:
  - Transition to a Registration-First Approach
    - The proposed SCA introduces a registration-first approach to projects that may impact species at risk. Currently, the provincial government may issue permits, enter into agreements or provide conditional exemptions for individuals and businesses whose activities adversely impact at-risk species. Where a conditional exemption is available for an activity that may impact on an at-risk species, the individual or business proposing to carry out the activity is generally required to register with the Ministry of the Environment, Conservation and Parks (MECP) to benefit from the exemption. Under the proposed SCA, almost all activities that formerly required a permit will now only require registration with the MECP.

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- **Concern:** May permit harmful works to proceed within the town, immediately after registering and without an understanding of the negative impacts it may have on species, biodiversity, environment or people. The town will continue to advocate for the protection of species at risk through the official plan and biodiversity strategy.
- Revised Species Listing Process
  - The Committee on the Status of Species at Risk in Ontario (COSSARO), a body of independent experts, will continue to be responsible for assessing and classifying species in Ontario as extirpated, endangered or threatened. Under the new SCA the provincial government would be given the discretion to add or remove species from the Species at Risk in Ontario (SARO) List.
  - COSSARO will be updated to have majority government appointees rather than scientists. Ten members, including chair and vice-chair, shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister.
    - **Concern:** This is a significant change from the current practice, which provides no appeal from COSSARO decisions and will impact species protection within the town. These changes also create opportunities for partisanship in what should be an objective and scientific process. There is a potential for negative impacts to the size and quality of biodiversity and natural heritage areas within the town where existing key features are based on their significance as habitat.
- Redefinition of Protections
  - The term ‘harass’ would be removed from species protections.
  - The definition of ‘habitat’ would be refined to focus on specific dwelling places essential for breeding, rearing, staging, wintering or hibernation, as opposed to a broader area necessary for survival.
  - Recovery Strategy definition repealed.
    - **Concern:** Changes/omissions of definitions will have negative impacts on biodiversity and species protections within the town and existing policies. The habitat necessary for survival is essential in maintaining species and biodiversity. In addition, the town forestry department and Conservation Halton receive funding for several recovery projects ongoing in Oakville which may be impacted by the repeal of ‘recovery strategy’. The town will continue to advocate for the protection of species at risk through the official plan and biodiversity strategy.
- Establishment of Species Conservation Program
  - A new program to support voluntary conservation initiatives, such as habitat restoration, would be introduced.

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- Under the amended ESA and the proposed SCA, the government plans to wind down the Species at Risk Conservation Fund and the agency that administers the fund, the Species Conservation Action Agency. The Species at Risk Conservation Fund was established to fund activities that help protect certain species at risk. The fund allows individuals and businesses who may adversely impact these species to pay a charge to the fund rather than undertake activities that are beneficial to the species, as may otherwise be required under a permit, agreement or conditional exemption. This option to pay in lieu will no longer exist under the new legislative regime.
  - The town remains committed to applying the mitigation hierarchy to natural heritage protection and continues to support conservation initiatives and ongoing habitat restoration efforts within its boundaries.
- Reduced Duplication with Federal Legislation
  - Currently, individuals and businesses may need to comply with both provincial and federal requirements for extirpated, endangered and threatened aquatic species and migratory birds on non-federal lands, where those species are protected under the federal *Species at Risk Act* (SARA) and the ESA. To remove duplication, species protections in the proposed SCA would not apply to SARA-protected aquatic species and migratory birds.
    - **Concern:** Coordinated action is essential, given the province's responsibilities for land use, natural resource management and permitting decisions that directly affect species in provincial waters and on provincial lands. If provincial protections are removed, and federal oversight is limited or reactive, critical habitats may be lost or degraded before any enforcement action is taken. The town will continue to advocate for the protection of species at risk through the official plan and biodiversity strategy.

#### Schedule 4 - Environmental Protection Act

- Repeal fees with respect to Environmental Activity and Sector Registry
- Staff has no comments

#### Schedule 9 - Special Economic Zones Act, 2025

- The act empowers the provincial government, Lieutenant Governor in Council, to designate specific geographic areas as Special Economic Zones (SEZ) through regulation, which

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would allow trusted proponents (designated by the Minister) to be exempt from permitting and regulation.

- **Natural Heritage Concern:** This includes exemption or modifications from by-laws or other instruments of a municipality or local board.
- Town would not be able to legally challenge decisions made in the SEZ.
- This tool is intended to be used within the Ring of Fire; however, much of this area is not covered by municipal by-laws, but these are explicitly included in the new provisions. The tool could therefore be used within the town.
- Implications for climate and biodiversity – Oakville is planning complete, dense communities. New powers could overrule zoning, Natural Heritage System and biodiversity protections, transit supportive development and impact long-term planning.

#### **Additional comments for consideration on other acts impacted from Bill 5:**

##### Schedule 1 – Electricity Act, 1998

- China produces most solar panels, wind turbines, and control systems. Specifically singling out goods coming from China may restrict renewable projects until alternative local manufacturers are found/developed. This will impact district and renewable energy projects in Oakville which will in turn negatively impact the town's greenhouse gas emissions reductions efforts.
- Exempting projects under this amendment from the Discriminatory Business Practices Act may also negatively impact Oakville businesses and residents.

##### Schedule 8 – Rebuilding Ontario Place Act

- Exempts Therme Group from the requirements of the Environmental Bill of Rights which sets a concerning precedent for other projects to be exempt from a human rights bill that may impact the town with future work.

#### **Questions:**

1. The Town of Oakville released and endorsed the Oakville Strategy for Biodiversity (OSB) in 2018. This strategy aims to protect, restore and enhance habitats and species that support biodiversity throughout the town. This includes species protected under the Endangered Species Act. Town staff is seeking more direction and clarification on how to achieve their biodiversity goals and continue to protect the natural heritage system as required by the Provincial Policy Statement considering the continued amendments to the Endangered Species Act
2. If Bill 5 is passed, PPS policy 4.1.6 and 4.1.7 states that development and site alteration is not permitted except in accordance with provincial and federal requirements. Can the town's Official Plan policies be more restrictive and maintain protections using the former definition of "habitat"?