



Wolf Awareness

Research • Education • Conservation

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Public Input Coordinator – Species at Risk Protection

Species at Risk Branch

40 St Clair Ave West

Toronto, ON

M4V 1M2

Canada

RE: Proposed interim changes to the Endangered Species Act, 2007 and a proposal for the Species Conservation Act, 2025 (ERO number 025-0380) — *Comment submitted online.*

Dear Public Input Coordinator,

Thank you for this opportunity to voice our organization's strong opposition to the proposed interim changes to the Endangered Species Act (ESA), and its proposed replacement legislation.

Wolf Awareness Inc. has subject matter expertise and over 30 years experience with eastern wolf (*Canis c.f. lycaon*) education and conservation. We are concerned for this particular species, whose conservation has never been prioritized by the Ford government. However, our comment is made on behalf of all species at risk in Ontario, as all will be jeopardized by the province's ongoing dismantling of our province's once-excellent endangered species legislation.

While we urge the government to abandon this proposal in its entirety, we summarize our most pressing concerns below:

1. Ministerial discretion.

It is unacceptable for a Minister or other elected official to make decisions to remove a species or population from the Species At Risk In Ontario (SARO) List. Only decisions made by a scientifically based, third-party Committee on the Status of Species At Risk in Ontario (COSSARO) should impact legal listing of species under endangered species legislation. Ministerial discretion to remove species that professionals deem to be imperilled will utterly cripple the efficacy of such legislation to protect and recover imperilled species. This is a worrying escalation of the Ford government's previous attempts to water down professional scientific guidance of legal listing. However, it may be appropriate for Ministerial discretion to legally add a species to the SARO list if petitioned by subject matter experts who have evidence to suggest that the species or population is facing extinction for the express purpose of instituting immediate protections pending recovery planning and further assessment by COSSARO.

2. Removal of the “harass” definition from the ESA.

Do not remove the prohibition of harassment within the ESA. Harassing individuals can cause direct harm (stress, injury) and indirect harm (nest/den displacement, reduced reproductive capacity, separation from kin, etc). It is critical to prevent harassment of all individuals belonging to imperilled species. There already exist regulations to except species protection from harassment, killing and harming in cases where imperilled species may cause damage to people or their property (e.g. eastern wolf). Removing the harassment prohibition is unacceptable.

3. Significant reduction in scope of the “habitat” definition.

The current definition of “habitat” must be maintained. It currently reads:

“habitat” means,

(a) with respect to a species of animal, plant or other organism for which a regulation made under clause 56 (1) (a) is in force, the area prescribed by that regulation as the habitat of the species, or

(b) with respect to any other species of animal, plant or other organism, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding,

and includes places in the area described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences; (“habitat”)

Each species’ habitat needs to be legally established using scientific data and clearly defined because life processes are unique to species and vary widely between taxa. The proposed changes will greatly reduce the geographic scope of what is considered a species’ habitat, and will jeopardize their survival and recovery by reducing protection of habitat required for migration, dispersal and feeding, for example. The lack of clarity identified in the proposed changes belies this government’s wilful misunderstanding of the complexity of imperilled species and their ecology.

4. Elimination of recovery and management planning documents, as well as government response statements and progress reports.

It is misleading to suggest that recovery documents, response statements and progress reports are redundant given the federal Species At Risk Act (SARA). SARA recovery documents do often include much of the same scientific data collected on species at risk and their habitats, but the time lags, delays and different geographic jurisdiction makes recovery planning at both provincial/territorial and national scales important to species’ recovery planning. Moreover, removing the requirement for the province to publish government response statements and progress reports will directly eliminate public transparency around species at risk conservation, as well as hamper future COSSARO and other committees’ species assessments. Lastly, eliminating the requirements for such documents to be developed (and therefore published on the Environmental Registry of Ontario) excludes the general public from engaging with species at

risk conservation planning, which can negatively affect the the accuracy and efficiency of conservation actions. Engaging the public is a hallmark of our province's democratic process.

5. Registration-first approach for individuals and companies wishing to destroy species at risk or their environment.

The vast majority of species are listed as at risk in our province due to human activities that destroy the species and/or their habitat. As such, it is inherently challenging to permit some activities that are typically or likely to continue to impact these species without significant increase in the risk of their extirpation. Case-by-case permits are necessary tools for ensuring that destructive activities do not cause more negative impacts on these sensitive species; many activities require specific actions or alternatives to be carried out safely. We oppose the registration-first approach, which will clearly lead to faster and more intense destruction of imperilled species and their habitat.

6. Complete failure to operate according to previous changes made to the ESA.

The ESA's changes under the current provincial government have so far utterly failed to benefit species. For example, the Species At Risk Conservation Fund, which so far accumulated money from proponents of activities harmful to species at risk, never spent any funds on species conservation since its inception in September 2021. This demonstrates a gross mishandling of funds spent in setting up a useless "Species Conservation Action Agency". It is impossible to have faith in any plans or statements made by this government alleging their intent to conserve species at risk given this egregious history.

7. Overall failure to prioritize the recovery of species at risk in Ontario.

As stated above, the many changes made to the ESA over the past 7 years have only served in the interest of industry profits, and have not resulted in benefits to the most sensitive species in our province. It is clear that the proposed changes being rushed through under Omnibus Bill 5 represent the final nail in the coffin of the more than 200 species and populations currently facing extirpation in Ontario. If the government moves forward with this proposal, they are admitting to Ontario citizens and the federal government that they never did prioritize species at risk and certainly do not mean to do so in the future.

Wolf Awareness urges the Ontario government to abandon this proposal immediately and re-enter negotiations with scientific experts on species at risk, their legislation, the general public, industries that harm species at risk, and the environmental organizations that exist to protect them. We need a stronger, clearer ESA; more than 230 species depend on it.

Regards,

Hannah Barron
Conservation Director
Wolf Awareness Inc.