



Via email

May 16, 2025

Re: Proposed Amendment to the Endangered Species Act, 2007 and Proposed Species Conservation Act, 2025 ERO 025-0380

As Chief of the Kashechewan First Nation ("**Kashechewan**"), I am writing to express our serious concerns about the Province of Ontario's proposed amendments

The relationship between the Crown and Indigenous Peoples is governed by the principle of the honour of the Crown, which requires the Crown to act with integrity, fairness, and in good faith when engaging with Indigenous Peoples. This includes meaningful, timely, and good-faith consultation before decisions are made that may adversely affect Nation's rights and interests.

Like Indigenous peoples across Ontario, for generations, our people have relied on and continue to rely on the lands and waters within our territory for fishing, harvesting, hunting, trapping, camping, and spiritual and cultural practices. These activities are fundamental to Kashechewan's identity, survival, and governance. We continue to exercise our rights throughout the territory in physical, cultural, and spiritual ways that stem from the land and inform our decision-making.

Ontario must ensure that proposed amendments, and Ontario's conduct flowing from the amendments affecting resources, lands, waters and cultural history, respect *Constitution Act* 35 rights.

Proposed Amendments to the *Endangered Species Act, 2007* and a proposal for the *Species Conservation Act, 2025* ERO 025-0380

Bill 5 proposes to amend, and eventually repeal and replace, the *Endangered Species Act* (ESA) with the proposed *Species Conservation Act* (SCA). This change would significantly limit environmental protections. For instance, the proposed definition of "habitat" would be restricted to nests or dens, excluding broader ecosystems such as marshes and woodlands. This narrow interpretation disregards both science and Indigenous ecological knowledge, which recognize the interdependence of species and their habitats.

Moreover, the transfer of final decision-making authority on species-at-risk listings from scientific experts to politicians is deeply troubling. Such decisions can directly impact our rights and territory, and must not proceed without full consultation and accommodation, including the free, prior, and informed consent of affected First Nations.

We do not support the repeal of subsections 9(5) and 5.1 of the ESA by removing the ability for the Minister to provide exemptions to the prohibition against possession or transportation of a species for traditional cultural, religious or ceremonial purposes. This may lead to prohibitions against our rights bearing members in a manner that is discriminatory and does not respect our rights.

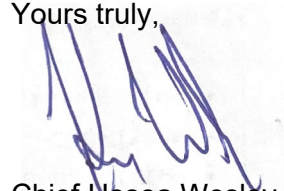
Our main concern with the CSA is that the proposed permitting scheme under the CSA will not protect our section 35 rights. We are concerned that activities that pose a risk to listed species and their habitats will be able to proceed simply after registering such activities. It is unclear what the threshold of harm is for activities would presumably still be subject to permits.

We are concerned that the CSA removes “recovery and stewardship” as goals of the legislation. Meaningful protection of our rights requires that that recovery and stewardship be a goal of the Act, not simply maintaining their health and numbers in a state of decline.

We are concerned that the CSA provides broad authority to exempt activities, areas, and persons from protection.

The honour of the Crown must be central to the exercise of discretion to limit, or exempt activities from the ESA or CSA. Such decisions may impact our exercise of section 35 rights

Yours truly,



Chief Hosea Wesley
Kashechewan First Nation

cc: ERO <https://ero.ontario.ca/notice/025-0416>