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Comments to the Ministry of the Environment, Conservation and Parks Protecting Black Ash and its habitat under the Endangered Species Act, 2007 (ERO 019 – 7378)

Background

Black Ash (*Fraxinus nigra*) is a medium-sized hardwood tree species that can grow up to 20 meters tall and 50 cm in diameter. It is shade-intolerant and thrives in high-moisture areas such as swamps, floodplains and fens. About 51% of its global range occurs in Canada, including 25% in Ontario. It is found throughout most of the province, from the Manitoba to the Quebec borders, and up to 51° latitude.

Black Ash is a tree with a high conservation value. It is a climax species in the moist ecosystems it inhabits, therefore constituting a significant part of the canopy. It has a crucial role in maintaining low water temperatures, which works towards maintaining conditions for wetland species of fish and turtles. Furthermore, Indigenous Communities have reported that Black Ash has a significant cultural value, and its sustainable use is integral to traditional activities.

Black Ash is classified as endangered in Ontario and threatened in Canada.

Threats to Black Ash

The primary threat to Black Ash is the invasive emerald ash borer (EAB), an Asian native beetle that will burrow in a tree, causing it to die within eight to 10 years. Currently, the average temperatures in winter are limiting the progression of EAB in the province, although 53% of the Black Ash's distribution area is already susceptible to a breakout. However, warmer temperatures resulting from climate change will allow it to migrate steadily northward. This change in local climate will enable the EAB's spread, with 99.98% of the range of Black Ash in Ontario at risk of infestation over the next 80 years.

Climate change also threatens Black Ash populations by altering environmental conditions such as climate and hydrology. Other factors of decline include invasive plant species, other pests and pathogens, habitat loss and harvesting. Forestry has also been shown to contribute significantly to the spread of the EAB through logging routes and the transportation of infected wood.

How will the proposed conditional exemption to the *Endangered Species Act 2007* contribute to the decline of Black Ash?

The suggested exemptions would mainly pertain to the application of subsections 9(1) and 10(1) of the *Endangered Species Act 2007* (ESA). These subsections are the ones that prohibit the possession, transportation, buying, selling, or offering to buy or sell endangered species, as well as the damaging or destruction of their habitats. Their exemption defies the spirit and intent of the ESA, which calls for a precautionary approach to protecting and recovering species at risk, including the endangered Black Ash.

The ESA protections for the species would apply only in a small fraction of the Black Ash’s range (about 15 percent), where EAB has most impacted trees. It would ignore the evidence about the progression of EAB and climate change outlined in the Black Ash recovery strategy produced by the Minister of the Environment, Conservation and Parks of Ontario in 2022. Furthermore, no protection would be offered to the northern populations of the species, where it is currently doing best.

The protections would be further limited by applying only to non-infested trees with no recognition that even unhealthy ones are important in supporting the persistence and recovery of the species. These changes also disregard the fact that the logging and travelling of infected Black Ash contribute significantly to the dispersal of EAB.

The proposed conditional exemptions would limit habitat protections to only a 30-metre radius around a “healthy” tree, inviting habitat fragmentation and loss. This approach opposes the recovery strategy recommendation for eco site-level wetland protection where one or more black ash trees are present, regardless of health.

Recommendations

Protecting the global Black Ash population will require Ontario to do more to protect the species on its territory. It will require the application as intended and written of the regulations stipulated by the ESA. Furthermore, the government should implement the recovery strategy designed by the Minister of Environment, Conservation and Parks. It should focus on increasing the population abundance in the species’ distribution areas to increase genetic diversity and resilience. Ontario should also define Black Ash habitat as an entire wetland where one or more of its trees are found and apply the appropriate protection measures. Indigenous Peoples should also be given the authority to manage lands in the Black Ash’s distribution area as it is a species of cultural importance.

About CPAWS-OV

The mission of the Ottawa Valley Chapter of the Canadian Parks and Wilderness Society (CPAWS-OV) is to protect and preserve biodiversity in the Ottawa Valley by promoting and advocating for ecological integrity in the management of public lands, working with other local and regional environmental groups, and collaborating with Indigenous Communities, industries and governments. We represent over 5000 people in Eastern Ontario who care deeply about the province's environment and natural resources and have more than 50 years of experience working to preserve wilderness in the region.

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