**Comments on ERO posting:** 019-7378

**Title:** Protecting Black Ash and its habitat under the Endangered Species Act, 2007

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**Prepared on:** October 31, 2023

* **We recommend reversing the condition of protection, where individual Black Ash trees / Black Ash swamps are automatically protected unless they are assessed as dead.** This approach is in keeping with the ESA’s stated focus on the precautionary principle.
* **We recommend that the habitat regulation include the entire ELC ecosite of wetland containing Black Ash, as well as a radial area of 30 m around individual trees where the radius extends beyond the ecosite boundaries.** This is the habitat regulation recommended in the Ontario Black Ash recovery strategy. It acknowledges that the alteration of the wetland ecosite will have impacts on the hydrology of the site, changing conditions for all other plants and animals living there – including any healthy Black Ash – and impede their ability to survive. In addition, it recognizes that Black Ash swamps are wetlands that are deserving of protection for the critical ecosystem services they provide.
* **We support the proposal to exempt forest management activities intended to mitigate the threat of EAB on forest ecosystems.** This will permit activities necessary to build resilience in forests currently dominated by Black Ash.
* **We recommend extending the habitat regulation to all areas within the predicted climatic suitability zone of Emerald Ash Borer.** This supports the call in the Black Ash recovery strategy to maintain or increase the population abundance of Black Ash in areas beyond those currently facing EAB.
* **We recommend providing clear definitions of healthy and unhealthy/dead Black Ash, along with the specific methods to be used to determine health status.** This will ensure consistency of application across the province. We also recommend ensuring these definitions and methods apply the precautionary principle and are evidence based (e.g. when it comes to DBH thresholds).
* **We recommend that the threshold for allowing removal of a Black Ash tree be death or near death of the tree, not just the presence of Emerald Ash Borer.** Individual Black Ash trees may continue living, sprouting, and producing seed for years after they have been first attacked by EAB. Seedlings produced by these trees allow the regeneration and continuation of local Black Ash communities and contain the genetic potential for EAB resistance. Removing Black Ash trees that are affected by EAB but still alive will have therefore have a negative impact on the persistence of the species.
* **We recommend implementing protection of Black Ash as soon as possible**, as it has already been delayed by three years since the species was first assessed as Endangered by COSSARO in October 2020.