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Recovery Planning
Canadian Wildlife Service
Environment and Climate Change Canada
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To Whom it May Concern:

RE: Management Plan for the Polar Bear (*Ursus maritimus*) in Canada

Please accept the following submission on behalf of Animal Environmental Legal Advocacy (“AEL Advocacy”) in response to the proposed Management Plan for the Polar Bear (*Ursus maritimus*) in Canada (“the Plan”),¹ prepared pursuant to section 65 of the *Species at Risk Act* (“SARA”).²

A. About AEL Advocacy

AEL Advocacy is a public interest law practice and registered charity committed to advancing legal protections for animals and the environment. Our lawyers understand the important interconnection between humans, animals, and the environment, and we use our legal and policy expertise to support individuals, communities, and organizations working toward a more compassionate and sustainable world. Through strategic advocacy, public legal education, and

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<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/management-plans/polar-bear-proposed-2025.html>.

² *Species at Risk Act*, SC 2002, c 29, online: <https://laws-lois.justice.gc.ca/eng/acts/s-15.3/> [SARA].

law reform initiatives, we work to ensure that animals and the natural environments they depend on are protected and recognized as essential to a just and thriving future.

We frequently engage with provincial and federal legal frameworks governing species at risk, particularly where gaps threaten effective protection. This expertise informs our review of the Plan, as polar bear conservation depends on coordinated, legally enforceable protection across jurisdictions and robust federal leadership under SARA.

B. Preliminary Concerns: Need for Reassessment and Strengthened Federal Oversight

Polar bears were listed as a species of Special Concern under SARA in 2011, based on a 2008 assessment by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). This status was reaffirmed in 2018. Under section 24 of SARA, COSEWIC must reassess listed species at least every 10 years—or sooner if new information suggests a change in conservation status.

AEL Advocacy strongly recommends that COSEWIC initiate such a reassessment for the polar bear in light of recent developments in Ontario, where major legislative changes have substantially weakened provincial species protections.

Ontario is home to between 800 and 1,000 polar bears, comprising the Southern Hudson Bay subpopulation.³ These bears rely heavily on the seasonal sea ice of Hudson and James Bay for hunting, breeding, and migration.⁴ They are already among the most southerly and vulnerable polar bears in the world, facing shorter ice seasons, declining body condition, and reduced access to prey as a result of climate change.⁵ Effective habitat protection in Ontario is therefore essential to the species' long-term survival.

On June 5, 2025, Ontario passed the *Protect Ontario by Unleashing Our Economy Act, 2025* (Bill 5).⁶ Schedule 2 of this legislation amended the *Endangered Species Act, 2007* (ESA), while Schedule 10 introduced the *Species Conservation Act, 2025* (SCA), which will ultimately repeal and replace the ESA. These changes represent a profound weakening of legal safeguards for species at risk in Ontario, including the polar bear.⁷

Under the former ESA, species assessed and listed by the independent Committee on the Status of Species at Risk in Ontario (COSSARO) automatically received protection. In 2009, COSSARO assessed Ontario's polar bear population and classified it as Threatened. This status automatically conferred legal protections: polar bears were shielded from being killed, harmed, or harassed, and their habitat was protected from damage or destruction. Under the ESA,

³ <https://www.ontario.ca/page/polar-bear-recovery-strategy>

⁴ <https://www.ontario.ca/page/polar-bear-recovery-strategy>

⁵ <https://www.ontario.ca/page/polar-bear-recovery-strategy>

⁶ <https://www.ola.org/en/legislative-business/bills/parliament-44/session-1/bill-5>

⁷ See AEL Advocacy's comments on the Bill 5 changes to the *Endangered Species Act, 2007* and the new *Species Conservation Act, 2025* here: https://www.aeladvocacy.ca/_files/ugd/c883e8_bc78e80f903749ecafe70e3836cf97bd.pdf

“habitat” was broadly defined to include the areas essential for the species to carry out its life processes, encompassing feeding, denning, and migration areas.

Bill 5 dismantled this science-based system, granting cabinet discretion to veto or remove species from the protected list and to override scientific or expert advice when making listing decisions. The definition of “habitat” has also been narrowed so substantially that critical polar bear feeding, denning, and migratory areas may no longer qualify for protection. The new framework also eliminates the legal requirement to prepare recovery strategies or management plans and authorizes the creation of “special economic zones,” where industrial and infrastructure projects may proceed without compliance with provincial or municipal environmental laws.

Together, these changes leave Ontario’s polar bears and their ecosystems far more vulnerable to disturbance, degradation, and habitat loss. They also mean that polar bear conservation in Ontario increasingly depends on federal leadership and intergovernmental coordination. In particular, resource development and infrastructure expansion in the Hudson Bay Lowlands—one of the most sensitive and ecologically important polar bear habitats in the world—could now proceed with minimal environmental oversight, heightening risks to denning areas and migratory corridors.

While the proposed Management Plan provides a federally coordinated framework for conservation of species of special concern—including measures for population monitoring, research, and collaboration with provincial, territorial, and Indigenous partners—it does not trigger automatic legal protections for polar bears or their habitat. Unlike species listed as threatened or endangered under SARA, species of special concern are not protected from being killed, harmed, harassed, or from having their critical habitat destroyed. This leaves polar bears vulnerable, particularly in jurisdictions where provincial protections have recently been weakened.

Given these developments, federal oversight must be strengthened to ensure consistent and legally binding protection. A reassessment by COSEWIC could determine whether the species should be uplisted from Special Concern to Threatened, which would automatically trigger SARA’s federal prohibitions on harm and habitat destruction, and require the creation of a recovery strategy and critical habitat identification—key tools for effective conservation.

RECOMMENDATION NO. 1: COSEWIC should initiate an immediate reassessment of the polar bear’s status under SARA, taking into account the weakening of provincial protections in Ontario and any other jurisdictional changes, as well as the latest scientific and Indigenous knowledge. This reassessment would ensure that federal management measures are sufficient to prevent further decline and maintain the species’ long-term viability.

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C. Our Comments and Recommendations

I. Incomplete Jurisdictional Coverage

The challenges recently observed in Ontario highlight a broader concern: polar bear conservation in Canada remains uneven across jurisdictions, with notable differences in implementation, oversight, and commitment at the provincial and territorial levels.

While the proposed Plan appropriately integrates Indigenous knowledge, regional harvest quotas, international cooperation, and research initiatives, the absence of finalized or publicly available management plans in several provinces—particularly Manitoba and Newfoundland and Labrador—continues to create gaps in the species’ overall conservation framework.⁸ These gaps risk limiting the effectiveness of federal coordination and weaken Canada’s collective ability to ensure consistent protection across the species’ range.

Canada is home to 13 distinct polar bear subpopulations, spanning multiple provinces and territories. Variations in provincial engagement results in fragmented monitoring, inconsistent enforcement, and differing conservation priorities, leaving certain subpopulations without adequate oversight. Such inconsistencies undermine the coherence of a national management approach and reduce the country’s capacity to respond effectively to emerging threats, including sea ice loss, habitat degradation, and increasing human–bear interactions in coastal and northern communities.

Section 66(1) of SARA requires that, “to the extent possible,” management plans be developed in cooperation with the appropriate provincial and territorial ministers. In practice, however, this requirement has not been fully operationalized, and provincial and territorial participation varies widely. Strengthening intergovernmental coordination and ensuring transparency in provincial engagement would enhance both the effectiveness and credibility of Canada’s national polar bear conservation framework.

II. Overdue Publication

A timely management plan is essential to implement, coordinate, and continually improve conservation measures for at-risk species. For species of *Special Concern* such as the polar bear, a management plan serves as a national roadmap: it identifies threats, sets population and habitat objectives, outlines research and monitoring priorities, and coordinates actions among federal, provincial, territorial, and Indigenous partners. Without an up-to-date and fully implemented plan, conservation efforts become fragmented and reactive rather than proactive.

Despite clear statutory requirements under SARA, the federal government has delayed publication of the Plan for more than nine years. Polar bears were listed in 2011, meaning the

⁸ *Ibid* at 4, 7.

plan was due by 2016. SARA also mandates periodic five-year reviews to assess progress and revise strategies as needed. These delays hinder adaptive management, obscure accountability, and risk rendering the Plan outdated by the time it is implemented.

Given the accelerating pace of Arctic change, delayed or reactive conservation planning is incompatible with the urgent needs of this species. Respecting SARA's timelines is critical not only for polar bears but also for maintaining the credibility and effectiveness of Canada's broader species-at-risk framework.

RECOMMENDATION NO. 2: The federal government should establish clear timelines for the completion, publication, and periodic five-year review of all overdue SARA management plans, beginning with the Polar Bear Management Plan, to ensure adaptive, science-based species protection.

D. Conclusion

The survival of the polar bear is inseparable from Canada's broader environmental and climate commitments. As the country that hosts two-thirds of the world's polar bears, Canada bears a unique responsibility to ensure that its legal and policy frameworks reflect the urgency and scale of the threats facing the species.

The weakening of provincial protections, uneven jurisdictional coverage, and prolonged federal inaction together highlight a pressing need for stronger, enforceable national coordination. By reassessing the species' status, closing jurisdictional gaps, and adhering to SARA's statutory timelines, the federal government can reaffirm its leadership and fulfill its obligations to protect one of the Arctic's most iconic and imperiled species.

We thank you for your consideration of these comments and would welcome the opportunity to provide further input or technical assistance in support of the federal government's ongoing work to safeguard polar bears and their critical habitat.

Sincerely,

ANIMAL ENVIRONMENTAL LEGAL ADVOCACY



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