



**February 6, 2013**

## **City Council Committee Report**

**TO: Mayor and Council**

**FR: Heather Kasprick, Deputy Clerk**

**RE: Real Sustainable Forest Management**

### **Recommendation:**

Whereas Ontario is a world leader in sustainable forest management and less than ½ of 1% of Ontario's forests are harvested each year and by law plans to renew the forest must be in place prior to harvest and that planned renewal must occur; and

Whereas wood is renewable, reusable and recyclable; and

Whereas there is a need to provide certainty to a valuable renewable resource that employs over 200,000 hard working Ontarians in over 260 communities; and

Whereas Ontario's forest sector already provides for the needs of species at risk through the Crown Forest Sustainability Act (CFSA) and that the forest sector is required to continuously update their management practices to be consistent with provincial recovery strategies developed under the Endangered Species Act (ESA);

Therefore be it Resolved That Council of the City of Kenora supports the EBR posting #011-7696 for the following reasons:

1. To date, the ESA has resulted in unnecessary costs and the unnecessary loss of economic development. Government policy should be based on sustainable development and consider the socio- economic impact on hardworking families and the communities they call home.
2. It acknowledges that there are challenges/issues with the implementation of the ESA that need to be addressed and that a five year transition measure will provide the necessary time to improve the ESA's implementation.
3. Ontario's sustainable forest sector is a vital part of Ontario's green economy. In addition, Ontario's renewable forest sector already provides for the protection of species at risk and their habitat – a fact that the Ministry of Natural Resources has already recognized

## **Background:**

In an Environmental Registry posting on January 24, 2013 the Ministry of Natural Resources (MNR) outlined its preferred transition measures for various economic development sectors under the ESA. A key component of this posting was the MNR's recognition that forestry already provides for the protection of species at risk and their habitat, and that the forest sector would not be subject to the redundant and unnecessary prohibitions of the ESA.

This proposal is consistent with a long-standing commitment from the government, as well as with key recommendations in the recently released *Endangered Species Act Panel Report and Recommendations* – a series of recommendations aimed at improving the way the MNR implements the ESA.

The proposed regulation posted by government will ensure that the primary objective of the ESA – the recovery of species at risk – will continue, while ensuring that sustainable economic development activities, such as forestry, will be allowed to continue without any unnecessary impacts.

As part of this posting, the MNR is proposing a 5-year regulation for the forest sector that would require that forest operations be conducted in accordance with an approved Forest Management Plan (essentially recognizing that the CFSA is equivalent). The proposed regulation also would require the development of a panel that would review the linkages between the ESA and the CFSA over the next five years.

## **Time is Limited**

With the likelihood of a spring/early summer election, the government needs to approve the regulation for the forest sector now (to ensure it is in place by July 1, 2013). A Cabinet meeting has been tentatively scheduled for early March (this may fluctuate a bit depending on how the Premier Elect chooses to proceed) – this could be the last chance the government has to approve a regulation under the ESA for the forest sector before July 1, 2013.

## **What is Needed before February 25th**

This EBR posting closes Monday, February 25, 2013 so it is critical that as many Northern and Rural municipal leaders, citizens and stakeholders respond to the EBR and support the government's proposed transition measure. In addition to responding to the EBR posting, Municipal Councils and Chambers may consider:

- passing resolutions and
- writing letters to the new Premier, the Minister of Natural Resources and their local MPP. (please remember that it was the NDP that forced government to remove their March 2012 amendment to the ESA)
- asking citizens to respond to the EBR

Certain anti-development interests have already started their campaign to pressure the government into, once again, ignoring the needs of industry and communities.

These interests are asking the government to reverse their proposal for regulations under the ESA.

## **Regulations as the only Path Forward**

As part of the 2012 Budget Bill, the Liberal government proposed amendments to the ESA that would have removed the subjective and controversial phrase 'overall benefit'. This would have allowed a practical approach to the implementation of the ESA, and would have given the government options in terms of how it would recognize the Crown Forest Sustainability Act as equivalent to the ESA with respect to the protection of species at risk and their habitat.

Unfortunately, the legislative amendments were blocked by the NDP.

Until such time as legislative amendments can be made to the ESA, the only viable route to ensure certainty for the forest sector is for the MNR to provide a regulation under Section 55(1)(b) of the ESA.

## **What is at Stake – Jobs and Economic Development**

The forest sector employs over 200,000 hard working Ontarians in over 260 communities across the province. In addition, 2013 and 2014 are projected to be critical years for the forest sector as the US economy recovers and demand for wood and paper products increases south of the border. As such, there is a tremendous opportunity in front of us – one that, if we can capitalize on, will result in additional investment and job growth in Ontario.

## **Grandfathering Provisions Expire on July 1, 2013**

When the ESA was implemented, the government put in place a grandfathering provision that meant the extremely prohibitive provisions of the ESA would not apply to over 60 species for the first five years of the legislation. It was recognized that the government needed time to develop policies that would allow for clearer implementation of the ESA.

These policies have not been developed.

More importantly, on July 1, 2013 the grandfathering provision expires. When this happens, the species that were grandfathered, including caribou, wolverine, spotted turtle, blanding's turtle and least bittern, will receive automatic habitat protection under the following definition of habitat:

*"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,"*

This means that any economic development activity within the range/distribution of these 60+ species could be challenged/shut down.

The only way to prevent this from happening is for the government to provide a section 55 regulation which clearly states that the CFSA already provides for species at risk.

**Budget:** N/A

## **Communication Plan/Notice By-law Requirements:**

Responses to the EBR posting (posting can be found at <http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTE4MDY5&statusId=MTc2NzEx&language=en> (Respondents should reference posting No. 011-7696) can be sent to (submissions due by February 25<sup>th</sup>):

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