



LAVERN HEIDEMAN & SONS
LIMITED

May 13, 2019

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Room 281
Queen's Park
Toronto, ON M7A 1A1

The Honourable John Yakabuski
Minister of Natural Resources and Forestry
Whitney Block 6th Floor, Room 6630
99 Wellesley Street West
Toronto, ON M7A 1W3

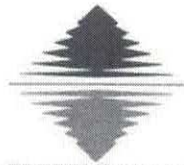
The Honourable Rod Phillips
Minister of Environment, Conservation and Parks
Ferguson Block 11th Floor
77 Wellesley Street West
Toronto, ON M7A 2T5

Re: Lavern Heideman & Sons Ltd. Continues to Ask for Permanent Recognition of the CFSA as an Equivalent Process to ESA by Adopting a Section 55 Regulation into the ESA; Response to ERO Number 013-5033

Premier Ford, Minister Phillips, and Minister Yakabuski,

On behalf of *Lavern Heideman & Sons Ltd.*, thank you for the opportunity to comment on the *10th Year Review of Ontario's Endangered Species Act: Proposed changes*, ERO number 013-5033. We look forward to continuing to work with your government to modernize and improve the effectiveness of the Endangered Species Act (ESA). We are optimistic that this will result in improved outcomes for species at risk while ensuring Ontario is a place to grow our renewable forest sector, unleash its full potential and provide good-paying jobs for our people. However, the vagueness of the proposed changes does not provide necessary business certainty.

The 10th year review of the provincial Endangered Species Act (ESA) provides government with a rare opportunity to chart a course for the next decade and beyond. Political decisions on this will have far-reaching social, economic, and environmental impacts for generations to come. Therefore, the most important action the government must take remains permanent recognition of the Crown Forest Sustainability Act (CFSA) as an equivalent process to the Endangered Species Act (ESA) through Section 55. The CFSA already provides landscape, stand, and site-level direction for managing, conserving, and protecting species at risk. Having two acts attempting to accomplish the same outcome represents the single greatest piece of red tape and duplication to this sector.



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In March, we asked that this essential first step be accomplished in your Government's legislative changes to the ESA. However, the proposed changes indicate that a Section 18 Regulation will be the authorization process for forestry, instead of a Section 55 Regulation. For the past 10 years, we have consistently asked for a permanent Section 55 Regulation as the authorization process for the forest sector. The former government recognized that the CFSA and the ESA cannot be harmonized and provided a workable, temporary solution that was defended in court. We are asking the Ford Government to take this workable, temporary solution and make it permanent.

We are asking that you revise the proposed legislative ESA changes to acknowledge that Section 55 will be the authorization mechanism for forest operations on Crown lands. Instead, MECP appears to be pursuing a revised section 18 "harmonization" instrument which is at odds with our request. This bold move, like your support for other industries and activities with the Species at Risk Conservation Trust, would send a positive message to the forest sector and Lavern Heideman & Sons Ltd.

In addition to this critical revision, it also remains necessary to ensure the following requirements be embedded in a new, modernized ESA:

1. Consideration of climate change on habitat in all species at risk policy
2. Cumulative impact of all species at risk policy on a healthy economy
3. Socio-economic impact analysis must be completed and shared with impacted stakeholders and First Nations prior to any species at risk policy being implemented

The sector will continue to operate under the CFSA which, by law, requires, forestry operations to follow an approved forest management plan. Guides delivered under the CFSA include operational prescriptions and conditions, which may include reserves, modified operations, or specific conditions on road use and construction in the area near a species at risk and their habitat.

Since the establishment of the ESA, we have been clearly and consistently outlining what is required for permanent, long-term certainty within Ontario's forest sector and for our northern and rural communities. In order to avoid catastrophic socio-economic impacts, we need permanent, legislative recognition that the CFSA is an equivalent process to the ESA, while developing workable species at risk policy. It is our expectation that these required changes will be made and adopted into the new ESA legislation that you are passing.



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We would be happy to meet with you at your earliest convenience to discuss the best path forward to ensuring positive outcomes for species at risk while keeping people in this province working.

Sincerely,

Mike Johns

Wood Procurement Manager

CC Minister Vic Fedeli, Ministry of Finance
Minister Greg Rickford, Ministry of Energy, Northern Development and Mines, Ministry of
Indigenous Affairs
Minister Todd Smith, Ministry of Economic Development, Job Creation and Trade
Minister Laurie Scott, Ministry of Labour
MPP Norm Miller, Parliamentary Assistant to the Minister of Intergovernmental Affairs
Jamie Lim, President and CEO, OFIA