

May 17, 2019

Minister Rod Phillips  
Ministry of the Environment, Conservation and Parks  
College Park 5<sup>th</sup> Floor,  
777 Bay St, Toronto, Ontario  
M7A 2J3

**Re: Unified Message on the 10<sup>th</sup> Year Review of the Endangered Species Act and Bill 108, *More Homes More Choices Act***

*Dear Minister Phillips,*

On behalf of our 40 member companies, thank you for the opportunity to provide comments on ERO number 013-5033, *10<sup>th</sup> Year Review of Ontario's Endangered Species Act: Proposed Changes*. The Ontario Forest Industries Association (OFIA) provided a comprehensive submission under ERO number 013-4143, *10<sup>th</sup> Year Review of Ontario's Endangered Species Act: Discussion Paper* on March 4<sup>th</sup>, 2019 (enclosed) and our recommendations remain unchanged.

Our members are not divided on this issue. For over 10 years we have sent government a very clear and unified message on what is required, and that is recognition of the Crown Forest Sustainability Act (CFSA) as an equivalent process to the Endangered Species Act (ESA).

A summary of proposed changes to the ESA were posted to the Environmental Registry on April 18<sup>th</sup>, however, the legislative changes were included in Bill 108, *More Homes, More Choices Act*. This bill was introduced to the legislature for first reading on May 2<sup>nd</sup>, 14 days into a 30-day posting. This provides only a short window of opportunity for individuals, organizations, and companies to review and provide comment on an incredibly important piece of legislation. While we agree decisive action should be taken on the ESA, MECP should exercise caution and not place timelines over positive outcomes.

As outlined in our March 4<sup>th</sup> submission, two critical outcomes were identified:

- 1. Recognition of the CFSA as an equivalent process to the ESA through a permanent section 55 regulation, not harmonization through section 18, is required and well supported by legal precedent.**
- 2. Working under the section 55 regulation, the Ministry of Natural Resources and Forestry (MNRF) must develop workable species at risk policy delivered under the CFSA that contributes to working landscapes and functioning ecosystems while incorporating socio-economic impact analysis, jointly, with practitioners, affected stakeholders, and Indigenous communities.**

Since the proposed changes within ERO number 013-5033 and Bill 108 have not addressed these two requests from the OFIA our asks remain the same.

Section 22.1 within O. Reg. 242/08 provides forest operations in Crown forests with an authorization under the ESA. This regulation is time-limited and expires on June 30<sup>th</sup>, 2020. We have been assured by both MECP and Ministry of Natural Resource and Forestry (MNRF) staff that there are two paths being considered; section 18 harmonization or a permanent section 55 regulation. We remain concerned, however, that MECP officials have already reached a

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predetermined outcome, and are pursuing section 18 at all costs. This is at odds with our longstanding request for a permanent section 55 regulation, recognizing the CFSA as an equivalent process to the ESA.

We hope that the considerable amount of responses from organizations like Anishinabek Nation, the Northwestern Ontario Municipal Association (NOMA) and others who have skin in the game will be reflected in Bill 108, through a legislative change to the ESA that recognizes equivalency through a permanent section 55 regulation. This will allow the sector to continue operating under the world-class CFSA while managing and protecting species at risk.

Comments received through the Environmental Registry should not be given equal importance when MECP undertakes their review. Since April 18<sup>th</sup>, we have seen an overwhelming amount of support for our two critical asks from forest managers, companies, forestry dependent communities, and organizations that represent over 40 First Nation communities. These are the organizations and individuals who will be disproportionately impacted by the changes in legislation and have provided thoughtful and constructive comments. We expect MECP will assign a higher priority to the comments received by these organizations compared to the uninformed opinions of anonymous users submitted through the registry.

On May 10<sup>th</sup>, OFIA attended an event hosted by Red Rock Indian Band (RRIB). Over 120 people were in attendance and there was an overwhelming amount of legitimate concern regarding species at risk policy and the social, economic, and environmental impacts it could have on the surrounding communities. OFIA encouraged all in attendance to provide their comments through the Environmental Registry, however, citizens did not want government to view their comments as consultation. This is happening across the province; potentially thousands of voices in support of changes to the ESA being lost due to the process itself.

As many letters have indicated, the 10<sup>th</sup> year review of the ESA provides government with a rare opportunity to chart a course for the next decade and beyond. Similar to the response from the Ontario Fur Managers Federation, we believe MECP has taken positive steps on the listing process and COSSARO membership under the ESA, however, the most critical action for the forest sector remains absent. 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 CFSA as an equivalent process to the ESA through section 55.

We look forward to working with you and MECP officials on achieving this long-term solution for the forest sector.

Sincerely,



Jamie Lim  
President & CEO  
Ontario Forest Industries Association

Encl. OFIA's March 4<sup>th</sup>, 2019 Submission to MECP's 10<sup>th</sup> Year Review of Ontario's Endangered Species Act

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  
Regional Deputy Grand Council Chief Edward Wawia, Anishinabek Nation  
Mayor Wendy Landry, President of NOMA, Municipality of Shuniah  
Mayor Roger Sigouin, AMO Northern Caucus, Town of Hearst  
Kristen Oliver, Executive Director, Northwestern Ontario Municipal Association