



November 2<sup>nd</sup>, 2023

Glenn Desy  
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Submitted via email: [recovery.planning@ontario.ca](mailto:recovery.planning@ontario.ca)

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

Dear Glenn Desy,

Thank you for the opportunity to provide written feedback on the proposed regulations under the Endangered Species Act (ESA). We commend the Ministry of Environment Conservation and Parks' commitment to working with other agencies and partners to propose recovery actions that focus on primary threats to Black Ash, including the threat of invasive Emerald Ash Borer (EAB), with appropriate regard to social, economic and cultural considerations.

The Ontario Forest Industries Association (OFIA) represents 48 companies across Ontario, managing approximately 32 million hectares of Sustainable Forest License (SFL) area. Ontario's forest industry currently employs 142,000 people across all regions of the province and generates \$20 billion in revenue annually. Through various Boards and Committees, the OFIA provides a unified voice for Ontario's Forest industry with the government and the public.

Overall, we are supportive of the direction outlined in the [ERO 019-7378: Protecting Black Ash and its habitat under the Endangered Species Act, 2007](#). Specific elements of the proposed approach that we support, in addition to recommendations on additions to include in the final version of the regulation, include the following:

**1.) Focused Approach**

We are supportive of the Black Ash protection and recovery actions that are focused on a solution space that is focused on addressing areas within the province that are heavily impacted by EAB. Given the unique circumstances, we also support Ontario's proposal for the prohibitions related to possession, transportation, buying, selling, or offering to buy or sell in clauses 9 (1) (b) and 9 (1) (c) of the ESA to not apply to Black Ash. Without this exemption, it would lead to devastating socio-economic impacts across various sectors, particularly within the forest sector, given the geography and nature of our operations.

## 2.) Recognition of Existing Frameworks

Since the 1990s, Ontario's forest management planning framework has incorporated measures to support species at risk and their habitats through the Crown Forest Sustainability Act. Considering this, we are pleased to see the recognition of the existing conservation measures under the Crown Forest Sustainability Act (CFSA) for activities on Crown Land.

However, we observed within the proposed regulations that other programs beyond regulations that effectively contribute to the protection and recovery of Black Ash were not acknowledged. For example, we recommend that Ontario's [Managed Forest Tax Incentive Program \(MFTIP\)](#), which promotes good forest management on private land, be recognized as an effective and existing incentive mechanism where an exemption should be applied.

We would also encourage the recognition of forest certification programs as another management approach currently employed by the forest sector to support the protection and recovery of Black Ash. The Canadian Standards Association (CSA), Forest Stewardship Council (FSC) and Sustainable Forestry Initiative (SFI) all include measures for species at risk and invasive species within their standard and are audited by independent third parties.

## 3.) Professional Reliance of RPFs

Recognized within the proposed approach, Registered Professional Foresters (RPF) are trained to inform management decisions that factor in forest and landscape scale issues, including invasive species. In particular, planning foresters who are RPFs are experienced in developing plans that balance values identified in the forest management planning process that account for regional considerations. When EAB infestation is known or spread is probable, an RPF is well-equipped to prescribe reasonable steps to minimize adverse effects on Black Ash. Given this, OFIA and our members were pleased to see the recognition of professional reliance within the proposed approach.

As you transition to the implementation of the proposed regulation, we recommend the consideration of the following to support the effective recovery actions for Black Ash:

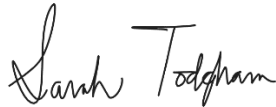
### 1.) Addressing Barriers to Implement Proactive Forest Management Practices

Recognizing that habitat protection provisions under the ESA are one tool available to MECP to support species recovery, we would recommend that the Ministry continue to work with other departments (e.g., MNRF) to identify and address barriers associated with the use of proactive forest management solutions to limit the spread of Emerald Ash Borer. For example, a recovery action could develop financial incentives (e.g., reducing stumpage costs) to invest in the necessary infrastructure needs and market demands to prioritize harvest in regions heavily impacted by EAB to limit spread. There are significant benefits in applying a risk-based approach (where appropriate) as it can help limit the future spread and reduce fire risk while utilizing decaying wood fibre in essential products for Ontarians.

In addition, identifying regulatory barriers preventing our sector's ability to leverage these active forest management techniques to support Black Ash recovery should also be reviewed as, in many cases, timing windows for salvage harvest operations are limited.

We are keen on continuing to support MECP in developing practicable and effective recovery actions for Black Ash and request the opportunity to review the final wording of the proposed regulation before it is published. We would also welcome the opportunity to meet with you (or anyone within your department) if there are any follow-up questions on the information provided in this submission. I can be reached at 519-933-1231 or [stodgham@ofia.com](mailto:stodgham@ofia.com).

Thank you,

A handwritten signature in black ink that reads "Sarah Todgham". The signature is written in a cursive style with a large initial 'S' and 'T'.

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