

Check Against Delivery

November 30, 2020

Speaking Notes
Standing Committee on Finance and Economic Affairs
Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020
By Anna Baggio, Conservation Director

Thank you for allowing me to appear before you today on Bill 229. My name is Anna Baggio and I am the Conservation Director for Wildlands League. I am joined by Dr. Anastasia Lintner, Principal of Lintner Law, who will be available to answer questions with me at the end.

Wildlands League is a leading conservation group representing approximately 30,000 supporters in Ontario.

Throughout our 50+ year history we have provided expert policy advice to improve forestry in Ontario and to ensure Ontario meets its commitments around sustainability, biodiversity conservation, public consultation and respecting Indigenous rights. An important example of this is our work in the Cochrane area where we co-created a plan with industry, municipal and Indigenous leaders to protect the habitat of boreal caribou, ensure wood supply for mills and respect Indigenous peoples¹.

We strongly object to Schedule 8 and call for it to be removed from Bill 229. We also strongly object to Schedule 6 and support removing it. We understand that both the Ontario Headwaters Institute and Credit Valley Conservation will be speaking to this in this session. We have read the Canadian Environmental Law Association's written submission and support those comments as well.

Forestry operations cover almost half of Ontario and affect more than 50 species at risk including boreal caribou (a species of high national public concern), turtles, fish, and migratory songbirds. That a permanent exemption is being proposed for industrial logging from protecting and recovering our most vulnerable species at a time when we're facing three interrelated crises: a pandemic, a climate emergency and a biodiversity crisis, is reckless and short-sighted.

¹ You can learn more about it at <http://madeinthenorthcaribouplan.ca/>.

The permanent exemption is not the only objectionable aspect of Schedule 8. Perhaps even more alarming is the amendment that will prevent the Minister of Environment, Conservation and Parks from ever issuing a species protection order or a habitat protection order for any forest operations that are conducted per the forest operation exception. The province appears to be going to great and radical lengths to remove key environmental oversights and protections thereby tilting the scales in favour of industry in our public forests.

The tilting has been so lopsided, the scales may even be broken. All this to double logging in Ontario.

Keep in mind, these amendments are coming on the heels of another permanent exemption for forestry from the *Environmental Assessment Act* (through Bill 197 that passed in the summer).

Bill 229 is the most recent, in a disturbing trend of using omnibus budget measures bills to make substantive changes to environmental laws and thereby sidestepping the public's rights under the *Environmental Bill of Rights* (EBR). The EBR's purpose is to better protect the environment by enabling all Ontarians to participate in—and hold the government accountable for—important decisions that affect air, water, lands and resources, plant and animal life, ecological systems and community well-being. We know this matters deeply to the public. In a very short time, over 2300 people have used our website to register their concerns. They join thousands of others, including the [Toronto Star Editorial Board](#), in calling out the government's pro-development agenda that is coming at the expense of nature, wildlife and people.

For more than a decade, Wildlands League has closely and carefully tracked Ontario's progress in meeting the legislative requirements of both the *Endangered Species Act* (ESA) and the *Crown Forest Sustainability Act* (CFSA) for forestry operations on public lands. We have participated in numerous public consultations and workshops hosted by MNRF on this topic. Every one of these ended with a temporary blanket exemption for forestry operations from the ESA. This means forestry has never been subject to the meeting any of the legislated protection and recovery requirements for species at risk in the 12 years since the ESA came into force.

Moreover, it is false and misleading to say ESA authorizations are a form of red tape and duplicative of what's already covered under the CFSA. I've laid out two tables below comparing the two legal regimes. To summarize, the CFSA enables exploitation of our public forests through logging, road building and other activities while mitigating impacts on species at risk. Mitigate means trying to do "less bad". We have had decades of experience with resource extraction and



logging statutes making things less bad while Ontario's threatened and endangered wildlife have continued to decline.

The point of the ESA was to turn this whole system around, to create a safety net based on the needs of wildlife to help them recover and to ensure habitat is protected. For over a decade Ontario promised to reconcile the two legal regimes. Now the Ford government is walking away from that in order to reduce red tape and double logging.

Biodiversity conservation is a key tenet of sustainable forest management. It would be inconsistent with the latter to permanently exempt forestry from the ESA and would fundamentally undermine the province's claims of sustainable forest management internationally and in the marketplace.

We strongly call on you to remove Schedule 8 from Bill 229.

Thank you for your time today.



WILDLANDS LEAGUE

A chapter of the Canadian Parks and Wilderness Society

Table 1: ESA and CFSA Comparison

	ESA	CFSA
Purpose	1. The purposes of this Act are: 1. To identify species at risk based on the best available scientific information, including information obtained from community knowledge and aboriginal traditional knowledge. 2. To protect species that are at risk and their habitats, and to promote the recovery of species that are at risk. 3. To promote stewardship activities to assist in the protection and recovery of species that are at risk.	1 The purposes of this Act are to provide for the sustainability of Crown forests and, in accordance with that objective, to manage Crown forests to meet social, economic and environmental needs of present and future generations.
Focus	Protecting and recovering species at risk and their habitats based on needs of species	The sustainability of long term Crown forest health. To manage Crown forests to meet multiple needs: social, economic and environmental needs of present and future generations.
Standard of protection	Protect and recover, overall benefit, presumption of protection	Minimizes adverse effects, presumption of permission of forestry operations
Scale	Responds to needs of the species and habitat	Forest management unit
Priority	Prioritizes ecological (species and habitat) with flexibility mechanisms to allow harmful activities to go ahead with conditions	Balances economic, social and ecological
Tools	Recovery strategy, government response statement and/or action plan.	<i>Boreal Landscape guide.</i> The objective of the Landscape Guide is to direct forest management activities to maintain or enhance natural landscape structure, composition and patterns that provide for the long term health of forest ecosystems in an efficient and effective manner ⁵ . <i>Stand and Site Guide.</i>
Intended to prevent extirpation of species	Yes	Species can continue to decline under minimizing effects standard



Table 2: Demonstrating the differences between the two legal regimes for boreal caribou needs

	ESA and related policies	CFSA and related policies
Protection of Caribou Critical Habitat	Yes	No
Range Condition Addressed	Yes	No
Cumulative Disturbance Monitoring	Yes	No
Cumulative Disturbance Threshold	Yes	No
Preparation of a Range Plan	Yes	No
Planning at the Range Scale	Yes	No
Needs of the species	Yes	No