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December 2, 2020

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

**By Katie Krelove, Ontario Campaigner for the Wilderness Committee**

Thank you. My name is Katie Krelove and I am the Ontario Campaigner for the Wilderness Committee, a national registered charity that works for people-powered protections for wilderness, wildlife, climate and public resources, with over 14,000 supporters in Ontario.

I'm here today because the Wilderness Committee strongly objects to the proposals under Schedule 8 to permanently exempt forestry operations from legal prohibitions and protections under The Endangered Species Act (2007) and we call for it to be removed from Bill 229.

We are also opposed to the proposals under Schedule 6. We have read and support the submissions by Environmental Defense, CELA, and representatives from various Conservations Authorities that call for Schedule 6 to be removed.

Today I will focus my comments on the Wilderness Committee's objections to Schedule 8. As I know you have heard from several other organizations with arguments against the proposals in Schedule 8, so I hope you will consider my arguments in conjunction with those presented by the Wildlands League, CELA and others.

Schedule 8, if enacted, would represent a failure to fulfill the intent of 12 years of temporary exemptions for forestry operations from the Endangered Species Act. When the ESA was brought into force in 2008, forestry operations authorized under the Crown Forest Sustainability

Act (CFSA) were granted an exemption to allow time for the industry to transition practices to meet the new legal mandates for protection and recovery enshrined in the ESA, given that the CFSA mandate to *minimize* harm to species-at-risk did not.

Indeed, the reforms made to the ESA in 2007 were required *because* efforts to minimize harm to at-risk species, across many land uses (including forest operations), had been unsuccessful, resulting in alarming threats to biodiversity.

Subsequent extensions to the exemption, granted in 2013 and 2018 cited the *complexity* of the endeavour as well as ongoing consultations with stakeholders, including municipalities and Indigenous communities, environmental organizations, scientists, conservation practitioners and forestry practitioners as the reasons for further temporary exemption.

The Schedule 8 proposal to *permanently* exempt forestry legal protections for endangered species and from the prohibitions against killing and destroying species at risk habitat within offers nothing to demonstrate achievement of the intent to close the gap or resolve the conflicts between the two mandates. No comprehensive summary of 12 years of consultation or other evidence is presented to justify the permanent exemption. It appears to be an abandonment of those efforts rather than a resolution. As such it also represents a waste of 12 years of time and public resources.

Perhaps even more alarmingly, Schedule 8 also proposes to remove the ability of the Minister of Environment, Conservation and Parks to issue orders in circumstances when there is imminent danger to an at-risk species. This, along with the recent exemption for forestry from the provinces Environmental Assessment Act, would remove the last resort tools for public intervention in forestry operations when and where species-at-risk are threatened.

As I have alluded to, and as you have heard from other organizations, the only claim used to justify Schedule 8, that of removing *duplication* between the ESA and CFSA legislation is unfounded. The requirements under the CFSA to *mitigate* harm to species-at-risk are not equivalent to protections and recovery provisions under the ESA and cannot replace them. I will refer you back to the chart submitted by the Wildlands League to demonstrate the fundamental differences between the two Acts rather than repeating them here.

Instead I will offer a couple of examples from the Wilderness Committee's experience participating as a stakeholder in public consultations on forest management plans that I hope help to illustrate on a small scale some ways in which the current mandates under the CFSA fail to meet ESA standards for protection and recovery.

In my experience reading through proposed Long-Term Management Directions (LTMDs) undertaken by Sustainable Forestry License holders under CFSA requirements, the identification of "Areas of Concern" (that is, species-at-risk habitat) is often referred to as a potential "risk" to forest management objectives, in-so-much-as they are a constraint on timber harvesting. Provisions for species-at-risk under the CFSA constantly come up against economic priorities and there is consequently limited incentive to invest resources into the identification of species-at-risk populations and habitats.

In addition, the *only* evaluation of forestry objectives to maintain habitat for species-at-risk is a measure of basic "non-compliance" or "compliance" as determined by inspections by MNRF. Unfortunately, we have read multiple independent audit reports that identify a) ineffective processes for the identification of "Areas of Concern" (species-at-risk habitat) and b) instances where "compliance" inspections come too late to actually achieve protection, or even minimization of harm, for species--at-risk.

Schedule 8, if enacted, would be a blow to attempts to halt the decline of forest-dependent species, even though this is precisely the issue which ought to garner the government's urgent and utmost attention. The Auditor General's recent 2020 reports note that biodiversity loss has been ranked as a top-five risk—by likelihood and impact—to economies over the next decade.

If Ontario's forestry industry cannot find a way to reconcile ESA mandates into practice then it will lose credibility as a sustainable industry and therefore risk economic losses. As long as forest-dependent species, such as woodland caribou, wood turtle, blundings turtle and songbirds continue to decline, Ontario's reputation for sustainable forestry will continue to be challenged.

**Recommendation: Schedule 8 be withdrawn from Bill 229 and Ontario recommit with clear timelines and transparent process to the original goals of reconciliation between ESA and CFSA mandates regarding species-at-risk protection and recovery.**

