

January 20th, 2020

Troy Anthony
Ministry of Natural Resources and Forestry
70 Foster Drive
Sault Ste. Marie, Ontario
P6A 6V5

RE: OFIA Supports ERO# 019-1020, *Proposed Changes to the Crown Forest Sustainability Act, 1994*, and Remains Committed to the Highest Standards of Sustainable Forest Management

Dear Mr. Anthony:

Thank you for the opportunity to provide comments on ERO#019-1020. The Ontario Forest Industries Association (OFIA) and our members have been involved in discussions surrounding the Endangered Species Act (ESA) since its inception and have been achieving successful outcomes for species at risk for over two decades.

Our membership is responsible for the management of over 20 million hectares of Crown forests in Ontario. This submission represents the collective and professional knowledge of conserving this renewable resource across a large and varied landscape. We would like to express our support for the proposed changes to the Crown Forest Sustainability Act (CFSA) and reaffirm our commitment, as stewards of Ontario's public forests, to the highest standards of sustainable forest management.

A challenge of responding to this proposal is the ambiguity of the following statement,

"The Ministry is proposing a long-term approach that would no longer require duplicative authorizations or a regulatory exemption under the ESA for forest operations conducted in Crown forests in accordance with an approved forest management plan under the CFSA."

There are different approaches that could theoretically accomplish this, however, given that MNRF is proposing legislative changes to the CFSA, we are assuming that a statement of non-application is being pursued. We believe that this approach provides industry with the greatest long-term certainty and is the best path forward. The actual wording of the statement that will be included in the CFSA is of critical importance, and further review is required once this information becomes available.

Section 18 under the ESA can be used to illustrate the importance of how authorizations are phrased in legislation. This section was being proposed as a long-term solution for the forest sector, however, the wording of this Instrument included additional conditions that went beyond those contained within ESA O. Reg 242/08¹. If MNRF and the Ministry of Environment, Conservation and Parks (MECP) had continued to pursue this authorization, forest management guidance would have been modified to impose further restrictions on accessing Ontario's working forest. Abandoning this direction will result in better outcomes for the forest sector, communities, and species at risk.

¹ Endangered Species Act, 2007, Ontario Regulation 242/08, Section 22.1, *Forest Operations in Crown Forests*, <https://www.ontario.ca/laws/regulation/080242#BK25>

Given these concerns, we do not support the MNRF's proposal if changes to the CFSA include additional conditions, restrictions, or requirements beyond what is contained within ESA O. Reg 242/08 or the current CFSA.

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. While a permanent, legislative change to the CFSA is an essential and important first step; in order to unleash the full potential of the sector, improvements need to be made to forest management guidance (e.g. landscape guides and the Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales) delivered under the CFSA.

OFIA members are actively involved with MNRF staff in undertaking a review of forest management manuals and guidance. Our expectation is for the finalized products to:

1. Consider the impacts of climate change on species at risk habitat.
2. Evaluate the cumulative impacts of species at risk policy on a healthy economy.
3. Contribute to functioning ecosystems and working landscapes.
4. Undertake, share, and consider socio-economic impact analysis.

Given that the current regulation expires on July 1st, 2020, changes to the CFSA need to take effect in less than 6 months. This is a short timeline to deliver on such an important issue and we strongly encourage the MNRF to finalize this proposal as soon as possible. The OFIA also requires more information as to which legislative vehicle (red tape reduction bill, budget bill, etc.) MNRF will be using to pass these changes.

Ontario has been implementing a successful approach to sustainable forest management and wildlife management under the Crown Forest Sustainability Act (CFSA) for almost 25 years, over a 45-million-hectare landscape. We believe that the proposed changes will only strengthen Ontario's commitment to and track record of sustainability.

I 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,



Ian Dunn, RPF
Director of Forestry and Environmental Policy
Ontario Forest Industries Association

CC Minister John Yakabuski, Ministry of Natural Resources and Forestry
Minister Jeff Yurek, Ministry of Environment, Conservation and Parks