



Ministry of the Environment, Conservation and Parks
Public Input Coordinator
Species at Risk Protection Policy Section
300 Water Street
5th Floor, North Tower
Peterborough, ON
K9J 3C7

February 15th, 2024

Re: ERO Number 019-8016, Regulatory changes under the Endangered Species Act to improve implementation of the species at risk program.

I am writing to express the Forest Gene Conservation Association's concerns regarding the amendment of *O.Reg. 830/21*:

"to remove the 30-day waiting period between the submission of a Butternut Health Expert Report and the registration of an eligible activity that is currently required under subsection 24 (1) of the regulation. This will shorten timelines for those registering to the conditional exemption by allowing them to register and begin their eligible activities sooner, while continuing to require that trees are assessed by a butternut health expert before the start of any impactful actions."

The removal of the 30-day waiting period eliminates the possibility of the Ministry of the Environment Conservation and Parks (MECP) auditing the Butternut Health Assessments submitted by Butternut Health Experts. This could allow a butternut tree that has been assessed as Category 1 (unhealthy and can be removed) to be removed immediately after assessment, while it could have been erroneously categorized.

For example, some trees assessed as Category 1 could actually be Category 2 or 3. With this change, Ontario could be losing some Category 2 trees or worse, Category 3 trees (trees that are putatively tolerant to the canker), that are critical to the recovery of the species and the perpetuation of the genetic diversity of butternut trees in Ontario.

Also, as a species that can hybridize or cross breed with other *Juglans* (which can sometimes be quite challenging to determine pure vs. hybrid, even for a trained eye with 20 years of experience), there will be trees that are determined to be hybrids in the field that are not actually hybrids but indeed pure butternut. Those pure individuals are crucial to the recovery of the species and under this case, would be allowed to be removed without any oversight of the ministry.

Improper categorization could ultimately lead to; a loss of Category 3 trees that would be considered archivable, and a reduction of funds to support recovery efforts through organizations delivering

effective and long-standing programs like the Forest Gene Conservation Association and its network of partners. It could also lead to a reduction in funds contributing to the Species at Risk Conservation Trust Fund, only recently created by the MECP.

We trust you will take our informed concerns about this regulatory change into consideration. Please feel free to contact me if you have any additional questions.

Kerry McLaven, CEO- on behalf of the Forest Gene Conservation Association

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