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From: communicate@amo.on.ca
Sent: Monday, April 23, 2007 2:34 PM
To: clerk@hamilton.ca
Subject: Ontario Forest Industries Association - Positions on Bill 184: An Act to Protect Species at Risk

TO THE IMMEDIATE ATTENTION OF THE CLERK AND COUNCIL

Attached is one (1) document, as below:

- Ontario Forest Industries Association - Positions on Bill 184: An Act to Protect Species at Risk and to Make Related Changes to Other Acts

If you have problems opening the attachment(s) please call AMO at (416) 971-9856.

To: SAR Stakeholders
Subject: Endangered Species Act:
It would appear that the government's idea of consultation is somewhat different than that of the Association of Municipalities of Ontario (AMO) the Resource use community, the Ontario Forestry Coalition (OFC) and the 64 individual municipalities that have signed letters and resolutions requesting public input into the Endangered Species Act (Bill 184).
Below, you will find an excerpt from Hansard outlining the intended process which will include two, two hour consultation sessions to be heard by the Standing Committee on General Government May 2 and May 7.
Both sessions are to be held in Toronto.
Based on the dates we can assume that government intends to have 3rd and final reading of Bill 184 completed on or before May 10.
It is vital that every Stakeholder in the Province immediately write to the Standing Committee to ask to appear on this bill. We need to overwhelm them with requests, not only to appear, but to ask that hearings be held in the Northwest. Should we not be successful in getting hearings in the NW individual municipalities can easily withdraw at the last minute to save the cost of the travel to Queens Park.
Should anyone wish to present to the Standing Committee on General Government, contact Clerk of the Committee, Susan Sourial. Committees Branch, 99 Wellesley St. W. Room 1405, Whitney Block, Queen's Park, Toronto, Ontario, M7A 1A2, phone 416-325-7352, fax 416-325-3505 or e-mail susan_sourial@ontla.ola.org <mailto:susan_sourial@ontla.ola.org>.
Please send a copy of your request to appear to Ken Taniwa. Executive Director of NOMA.
Iain Angus
Chair

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Ontario Forest Industries Association – Positions on Bill 184: An Act to protect species at risk and to make related changes to other Acts

The following outlines the four key concerns and positions related to the Bill 184 as posted on the Environmental Registry on March 20, 2007 (Registry No. AB06E6001).

Equivalency and Existing Forest Management Instruments

The proposed Bill 184 contains clauses/sections which allow the Minister to authorize activities that have already been approved either by the Minister of Natural Resources or another provincial Minister (section 18). Such an authorization would have the same effect as a permit as per Bill 184.

The OFIA strongly supports the need for this Bill to recognize other mechanisms already in place. In this regard, we do not believe that the clause/section as written is specific enough to ensure that Ontario’s approved forest management practices will be specifically recognized. In addition, it does not provide the necessary assurances to the forest sector that our current management system and practices will remain unchanged by this legislation or any of its associated regulations.

Forest Management Plans or other land use plans approved by MNR that incorporate habitat provisions for species at risk must be explicitly identified as instruments under section 18, to clarify uncertainty associated with habitat definitions and prohibitions, either directly in the legislation or at a minimum via the development of a regulation (or similar instrument) to be passed/formalized simultaneously with third reading.

Definition of habitat

The proposed Bill 184 requires immediate protection of habitat for all newly listed species (until a species specific regulation is developed). The current definition of ‘habitat’, for the purpose of interim protection is extremely and exceedingly broad, is open to subjective interpretation and could be interpreted in a manner that could potentially result in moratoriums for any development or resource activities across vast areas of the province. In the opinion of the OFIA, the level of ambiguity within the definition is problematic and will cause significant problems/controversy as species become listed.

The OFIA supports a more specific, scoped down definition of habitat that focuses on protecting residences and other very specific, localized and distinct
areas of specialized function that are known to be utilized on an annual basis and that are critical to maintaining populations (e.g. critical staging areas, calving sites). The revised definition would ensure that interim habitat protection would not be erroneously interpreted to include general areas/descriptors (e.g. conifer forests, farmland, rivers).

Compensation

The proposed Bill 184 does not provide any measure of compensation for landowners or resource users impacted by the legislation. This omission is inconsistent with the federal Species at Risk Legislation which recognizes that protecting species, which is to the benefit of all Ontarians, comes at a cost that must be shared by all parties.

The legislation must provide compensation for resource users that are significantly and negatively impacted by the implementation of the legislation, its regulations or associated policies. This is consistent with the federal Act.

COSSARO Composition and Ministerial Authority

The proposed Bill 184 currently restricts the make up of COSSARO to the scientific and aboriginal communities, effectively eliminating practitioner and local level knowledge and representation. In addition, there is no clause requiring that COSSARO members be independent of special interest groups, only that they leave any associated views at the door.

The legislation must allow for representatives with community and practitioner knowledge, and must ensure that both northern and southern Ontario are represented on COSSARO. It must also prohibit participation from individuals who are associated with special interest, lobby or advocacy groups to ensure independence. Addressing these concerns will ensure that COSSARO is balanced and operates in a manner that is unbiased.

The proposed Bill 184 also requires that any species assessed as endangered or threatened by COSSARO be automatically listed (e.g. receives protection under the legislation). The OFIA does not believe that the government should delegate its authority in this matter to a body that is not accountable to the public of Ontario.

The legislation must allow for the Minister (or government) to have the final decision on the listing of a species.