



Northwestern Ontario Municipal Association

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Submission to the Standing Committee on Finance and Economic Affairs

In consideration of Bill 68, An Act to promote Ontario
as open for business by amending or repealing
certain Acts.

Submitted by:
Northwestern Ontario Municipal Association

Date:
August 3, 2010

The Northwestern Ontario Municipal Association (NOMA) represents the interests of 36 municipalities from Kenora in the West to Wawa in the East. NOMA's mission is "to provide leadership in advocating regional interests to all orders of government and other organizations."

We are pleased to have this opportunity to present, in writing, our views regarding "*Bill 68, An Act to promote Ontario as open for business by amending or repealing certain Acts*".

We would like to commend the Government for the laudable intent of this Bill, which according to the title is to make Ontario "Open for business". As municipal leaders, we recognize the importance of a strong business climate within our communities in order to drive economic growth, provide well-paying jobs, and support municipal service provision through contributions to the tax base. We appreciate the efforts of the Government to reduce red tape and improve business competitiveness across the Province.

However, we would also like to express our concern regarding the impact that the changes proposed in Schedule 10 of this Bill could have on the forestry sector and the communities that depend on the jobs and economy that these companies support.

CROWN FOREST SUSTAINABILITY ACT, 1994

Schedule 10 of the Open for Business Act, 2010 proposes changes to the Crown Forest Sustainability Act, 1994 that would automatically change existing Forest Management Plans to include an agreement, permit or instrument entered into under the Endangered Species Act, 2007.

NOMA has repeatedly expressed our conviction that the Crown Forest Sustainability Act, 1994, which has been recognized as one of the most rigorous forest management frameworks in the world, already provides for the successful protection of species at risk



and meets the primary objectives of the Endangered Species Act. The forest management process within the Crown Forest Sustainability Act, 1994 is flexible – adapting to changing conditions and the most up to date science.

During debate on the Endangered Species Act, 2007, NOMA was very clear in expressing our anxiety that this new legislation would add yet another set of expensive and time-consuming “hoops” to the forest industry. At that time, NOMA, the Ontario Forest Industries Association, and the Ontario Forestry Coalition along with others, indicated that the Crown Forest Sustainability Act process already protects for species at risk. Despite the duplication of effort and the massive amounts of time and money involved for the forest industry to comply, the Endangered Species Act, 2007 was passed into law without any acknowledgement or exemption to address these concerns. Forest industry representatives also outlined significant apprehension regarding the ESA permit process and the potential for legal challenges at every step of the way. Once again, these concerns were disregarded.

For the past three years, NOMA and forest sector representatives from across the Province have asked the government to implement a long term regulation under section 55(1)(b) of the Endangered Species Act which recognizes that the primary objectives of the ESA are met through the Crown Forest Sustainability Act and its required Forest Management Plans. We have asked that this regulation recognize the Crown Forest Sustainability Act and Forest Management Plans as equivalent processes to the Endangered Species Act with respect to planning for and providing for species at risk. Implementation of this requested regulation would reduce red tape and provide some much needed stability for the Ontario forest industry which is already facing significant instability in part because of other on-going Government-led initiatives such as Forest Tenure Review and the Far North Act.

The introduction of the Open for Business Act, 2010 would have been an excellent opportunity for the Government to implement the Endangered Species Act amendments



that we have been calling for over the past three years and would indeed be a reduction of duplicative processes. However, instead of introducing what has been recommended time and again as a way to improve efficiency in forest management processes while still ensuring that species at risk are protected, this legislation proposes exactly the opposite.

Bill 68 proposes to change the rigorous Crown Forest Sustainability Act to give the Endangered Species Act higher authority when there is a conflict between an ESA agreement, permit or instrument and a previously approved Forest Management Plan. Implementation of the proposed changes will still require forest companies to undergo two duplicative processes but this proposal puts top billing with the ESA process – a process that was not developed by professional foresters, that would expose the industry to on-going and expensive legal challenges from special interests groups, and that reduces the efficiency and stability of the forest industry in Ontario.

PROPOSED AMENDMENT TO BILL 68

We remind you that the stated intent of Bill 68 is to “promote Ontario as open for business” and yet the proposed changes to the Crown Forest Sustainability Act in this legislation are contrary to that purpose. As such, NOMA is opposed to the proposed changes to the Crown Forest Sustainability Act and **we ask the committee to remove this section from Bill 68.** Further we would **propose that the Endangered Species Act, 2007 be amended to recognize that the primary objectives of the ESA are met through the Crown Forest Sustainability Act, 1994 and its required Forest Management Plans and to recognize the Crown Forest Sustainability Act and Forest Management Plans as equivalent processes to the Endangered Species Act with respect to planning for and providing for species at risk.**

Thank you for your consideration of our submission.

