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Lundi 7 mai 2007

**Standing committee on
general government**

Endangered Species Act, 2007

**Comité permanent des
affaires gouvernementales**

Loi de 2007 sur les espèces
en voie de disparition

Chair: Kevin Daniel Flynn
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 7 May 2007

Lundi 7 mai 2007

The committee met at 1004 in room 151.

**ENDANGERED SPECIES ACT, 2007
LOI DE 2007 SUR LES ESPÈCES EN VOIE
DE DISPARITION**

Consideration of Bill 184, An Act to protect species at risk and to make related changes to other Acts / Projet de loi 184, Loi visant à protéger les espèces en péril et à apporter des modifications connexes à d'autres lois.

The Chair (Mr. Kevin Daniel Flynn): If I can ask members to take their seats, I just want to take a quick look at the agenda. We've had a couple of cancellations, which means at least for the first three presenters we can actually extend the time to 15 minutes, if that's the wish of the committee. The presenters at 10:30 were supposed to be on a videoconference. We're having some problems with their feed, so that may end up being a teleconference. After that, we'll review the times for the others perhaps and see where we are with the clock.

Mr. Dave Levac (Brant): Is there an expectation that we would not be able to move people up?

The Chair: I think we'll probably be able to do that at 10:30, assuming they're here.

SIERRA LEGAL DEFENCE FUND

The Chair: So let's get started. Our first presenter today is the Sierra Legal Defence Fund, Robert Wright, counsel and managing lawyer. Mr. Wright, you have 15 minutes.

Mr. Robert Wright: Good morning, Mr. Chairman, committee.

The Chair: If you could save some time at the end for questions, that would be great.

Mr. Wright: Okay. Thank you very much, first of all, for the opportunity to speak to the committee. We've had a number of committees this year on important legislation, and this is one of the most important, in my estimation, for what we will be leaving for future generations.

I'd like to point out, first of all, that I'm with Sierra Legal Defence Fund. For those of you who don't know us, we're a group that has people in Toronto and in Vancouver. We've been engaged in the past on the federal Species at Risk Act, largely through our Vancouver office, but also through the Toronto office. So we have

drawn on that experience and also on the collective knowledge of our group to make comments here.

In addition, I notice from the presentations to come this afternoon there are other groups that will be dealing more specifically with some of the boreal issues dealing with the larger species and the concern, for instance, with caribou, caribou habitat, those kinds of issues. I'm pleased to see they will be here as well.

We've been part of what's called the SOS coalition, if you will. If you go on the Web, there are a lot of SOSs. I know we had one with our local public school. We also have worked together with groups such as the Wildlands League, the David Suzuki Foundation, Environmental Defence and Ontario Nature in dealing with our submissions on this issue. You would have had earlier the joint submission from the SOS group, which I have not circulated again. By not circulating it, I'm not downplaying it. In fact, I'd just like to highlight that that really is the guts of the submissions of the most important issues that our groups have considered, and they're somewhat in order, but not to be forgotten are the other issues.

So very quickly on that—I don't know if you keep that paper with you—as a reminder, the first issue that we had on our SOS checklist was the species-specific habitat regulation. The concern there was that although we think this is a terrific framework bill that goes a really long way to putting us out in front of the other provinces in dealing with and protecting species, there is some tweaking that we feel would also be helpful.

On the first point, species-specific habitat regulations—that's sections 54 and 55—in a nutshell, the point was that it is imperative, from our point of view, that the bill be strengthened to ensure that every habitat regulation will provide enough habitat to provide for species protection and recovery and that the development of species-specific regulations will be based on recovery strategies—so tying those two things together. That was our first point and, again, I think you've heard something of that already from some of the other groups, and you will certainly be hearing that further this afternoon.

The second point was recovery strategies and management plans—section 11. What we're asking is that the act require the implementation of recovery strategies. It should also list the key components required to be included in every recovery strategy. In our view, this is an omission that should be addressed by adding a re-

quirement to respond to management plans in addition to the implementation of recovery strategies.

The third point that we dealt with was the exemptions. The exemptions sections are 54(1)(b) and 56. We tied that in with instruments and agreements. Again, there is a specific example of instruments we use in relation to the impact on such species as caribou. Very briefly, because I know for sure that's going to be dealt with this afternoon, the concern is that instruments must also undergo a rigorous test before being deemed as having the same effect as permits issued under section 17. That will be highlighted by our friends from Ontario Nature and the David Suzuki Foundation this afternoon.

One area that I'm concerned about that cannot be lost in the shuffle is the principles. A lot of what we do—and we often intervene at the Supreme Court of Canada simply to deal with legal principles—is to ensure that they are put in the legislation, and it has been bringing a lot of the federal legislation up to date. For instance, CEPA has now got some very good principles imbedded in it. You would not be breaking new ground here; in fact, we'd be falling behind if we didn't have these kinds of principles imbedded in this legislation.

1010

We made a suggestion. It's on page 5 of our submission. The option I prefer is option A, which is, print a section within the act itself that states:

“1.1 In the administration of this act, the minister and all bodies subject to the provisions of this act shall exercise their powers in a manner that protects species at risk and their habitat by using the best available scientific information and by applying the principles of precaution and intergenerational equity.”

That's marrying three things: One, best available scientific information—this being scientific-based; second, the principle of precaution, and that's something we worked hard at in the Hudson case—it has been adopted in many pieces of environmental legislation throughout the country, and I don't think there's a great deal of difficulty with that now. And the third one, one of my special favourites, is intergenerational equity. I do a lot of what I do, frankly, for kids. I think we should all be doing that. Had our parents had the science base that we have today, I don't think we would be in the pickle that we are in today, not only in this area, but in climate change, which is hovering out there and will have an unknown impact on anything we do here. So in my view, anything we can do specifically to deal with these issues before the unknown deluge of what's going to come with climate change is extremely important.

There are some things that you just cannot legislate on or are in other jurisdictions, federal, for instance, but this is one where if we don't do something now on this, we're going to be caught by surprise big time with other issues coming down the pipe that we'll have to deal with. Those were the points just highlighting our SOS group.

Very quickly, on habitat, I think you've probably heard concerns about the science listing. We think the science listing is absolutely fundamental and that this act

has brought a good balance—I speak in broad, general terms here—of starting off with the science listing and then moving to the socio-economic issues, allowing flexibility within the mechanisms. If you don't have that science base—anything we do, although we're a legal organization and are seen as a watchdog, is based on science. We don't like going forward on anything unless we have the scientific base to do that, and we shouldn't be doing that here. This is clearly an area that has to be founded in science with the tinkering to come in the second stages. There is plenty of room for the tinkering by the minister and for input of others, but you can't, with respect, mess with that science-based listing.

To conclude, yesterday—and I can see some of you would be old enough to remember this—was the anniversary of Roger Bannister's four-minute mile. Roger Bannister was the first to break through that barrier. It's something that's near and dear to my heart because it happened to be also my birthday. But it's also, I think, an emblem, if you will, of the human spirit breaking through barriers. I think this act breaks through barriers with this science listing. It breaks through it with the automatic habitat protection. Sure enough, the four-minute mile became the gold standard and was quickly surpassed all around the world. However, it was still the breakthrough. I think you folks have an opportunity to make that kind of breakthrough with this legislation. It's a breakthrough in the sense of this one aspect: science listing. It is not turning things on its head. There are other aspects of this legislation that have been pulled in very carefully by the expert committee to take the best that they could. Again, we don't feel that it's perfect, but it's pretty darned good, and we'd ask that you support it and not find that you need to wither away those important sections.

That concludes my discussion.

The Chair: Thank you, Mr. Wright. You've left about two minutes for each of the parties, starting with Mr. Miller.

Mr. Norm Miller (Parry Sound–Muskoka): Thank you, Mr. Wright, for your presentation. I guess the first thing I'd like to ask you about is, you talked about your experience with the federal Species at Risk Act, and there was an audit that was done on that program that showed that there were a lot of problems with the program achieving results and also costing a lot of money. My question is, do you think the money that's allocated to this bill will do the job, firstly, and what can we learn from the federal program?

Mr. Wright: I think it's important that both the federal and the provincial will feed off one another, information-wise. That was one of the deliberate steps by the expert panel, to try to feed off that information. To that extent, there will be some savings through the two working together. I can see that happening. You ended up focusing on the money, although you talked about the problems to start with, and one of the problems was the habitat protection. It's just taking too darned long under the federal—

Mr. Miller: On the federal program, they spent, I think, \$200 million over a few years. This bill has \$18

million allocated over four years. Also, results weren't achieved. What I'm asking is, what can we learn from the problems at the federal level, especially with your experience?

Mr. Wright: I think that is the main problem. We're one organization—I think we've got three or four lawsuits going on with the federal government now because they failed to act on habitat protection quickly enough.

Mr. Miller: So it's the listing mechanism?

Mr. Wright: I think the listing mechanism, and secondly, the automatic habitat protection, because you can then dither around on the habitat protection ad nauseam, whereas this act, in making it automatic, will get away from a lot of those issues and you won't be spending a lot of money on something that should have been dealt with upfront.

So I think there are two things: One, we will now have them dovetailing better, but secondly, with the automatic habitat protection, you won't be getting into that lengthy process that you would have had. The third thing to bear in mind is that if we don't get it right here, there is the opportunity to go after, or through, the safety net provision in the federal act.

The Chair: Thank you, Mr. Wright. Mr. Bisson?

Mr. Gilles Bisson (Timmins–James Bay): Just as a way to follow up on that, we've obviously heard in this committee from those who have concerns with the automatic protection of habitat prior to taking into account what you're going to find at the end. Some are saying it's problematic. It could take out of circulation fairly large chunks of land that could impact on farming, on outdoors outfitters, forestry companies, mining etc. What do you say to those groups?

You're saying clearly, on the federal side, where that's not done, the federal government has been more cautious to take land out of the inventory for protection, while this one would put it in at the front end. What do you say to the forestry types and mining types, and others, who worry that this is a wholesale approach to taking land out of circulation?

Mr. Wright: I think that in this particular case, they've got an interim period in which they're dealing with the backlogged species. I wouldn't say that the federal government has been more cautious, as opposed to, perhaps, not doing their job in moving things forward. Clearly, that is a concern, and I think that there are these flexibility mechanisms here to allay those concerns. It was foremost in everyone's mind that those issues be dealt with, so that it could be dealt with fairly. It's not going to be perfect from either side, and there will be ongoing concerns.

Mr. Bisson: The follow-up to what Mr. Miller was saying is that if you don't have the dollars in order to do the work that has to be done, once you've set aside land on an interim basis, it may take a while to figure out what is actually going to happen to that territory. It could take whatever amount of time it takes—two years, three years. In the meantime, that land is taken out of circulation. And that's what we're hearing from people coming

before us, from cottagers to forestry types, mining types, agriculture types. They're saying that they need a bit more certainty. They argue the complete opposite of what you've just put together. What do you say to them?

Mr. Wright: There's no doubt that we'd all benefit from having greater finances, but I know that this issue is raised in discussions. The ministry is very concerned that it not agree to things that it cannot implement because it doesn't have the ability to do so; for instance, on having independent experts come in and comment on issues. Instead of going outside, they're going to use experts within the ministry to try and allay a lot of those concerns and get on with doing it quickly.

The Chair: Thank you. Mr. Orazietti.

Mr. David Orazietti (Sault Ste. Marie): Thank you, Mr. Wright, for your presentation this morning. Two quick items: The issue around automatic listing has been raised. I'd like you to comment on those who may suggest that automatic listing is a slippery slope, that it's undemocratic and takes away the minister's discretion that should be there as to whether or not to list a species. The other issue is the makeup of COSSARO, that it might be driven by special interests. What can you comment on in regard to these two questions?

1020

Mr. Wright: Listing is an issue I mentioned as being of prime importance that it not be shifted to the minister. I think, through experience, the ministry recognizes that that's one of the key and fundamental issues that must be done right off the start, with the theory being that ain't the end of the picture. That's not the end of the day. There are all these flexibility mechanisms to come afterwards. Also, the minister does have flexibility regarding the recovery strategies on the management plans. The strategy has to be considered by the minister. They have to look at what's feasible and what's going to be implemented. Yes, it's up front, but put it with the scientific experts; depoliticize that issue. It's not a political issue, that part; that is a science issue. Put those factors in—they definitely are important; they cannot be ignored—the economic factors. But I think they properly come in after you get through that initial listing. That's where they should be.

The Chair: Thank you, Mr. Wright, for attending this morning. Your time is up.

Mr. Wright: Thank you.

ONTARIO FORESTRY COALITION

The Chair: Our next presenter this morning is from the Ontario Forestry Coalition, Iain Angus? You're obviously not Iain Angus.

Ms. Lynn Peterson: Thank you.

The Chair: Please make yourself comfortable. If you would, introduce yourself for Hansard. You've got 15 minutes, and if you could leave a little bit of time at the end for questions, that would be great.

Ms. Peterson: That would be wonderful. I appreciate it. Thank you, Mr. Chairman and members of the committee.

My name is Lynn Peterson, and I am the mayor of the city of Thunder Bay.

My colleague Michael Power, Mayor of Greenstone, was scheduled to be with me today; however, on Friday, he learned that Minister Ramsay would be visiting Nakina, one of the communities in his municipality, at 11 this morning to make an important forestry announcement. Travel time and distance prevent him from being able to get here in time for the presentation, and he sends his regrets.

I am here today representing the Ontario Forestry Coalition. The coalition represents a broad spectrum of interests including municipalities, labour unions, First Nations, chambers of commerce and the forestry sector. We are a team, and we continue to speak with a single voice on issues related to the future of the forest industry in all of Ontario.

The government of Ontario has made some extraordinary strides in addressing the factors facing the forestry sector. Those steps, earned by our coalition, have saved jobs and mitigated mill closures, but those hard-fought gains are in jeopardy if new policy isn't efficient, if it creates more cost and makes us less competitive in an increasingly tough global marketplace. That's why we've been working to convince the government to make moderate but necessary amendments to Bill 184, in order that we do not lose the ground we've gained in restoring competitiveness.

Our coalition shares many common goals including support for a modernized Endangered Species Act, but we have concerns with the current language in Bill 184. Bill 184, as it is now written, lacks both clarity and balance and presents many unanswered questions, particularly with respect to the impacts this legislation will have on our northern communities.

Among those concerns are Bill 184's provisions for COSSARO. The committee has already been warned that Bill 184 would take away the discretionary power of the minister to rule on species listings and give that decision-making power to COSSARO, an unelected, unaccountable entity. This is also one of OFC's four primary concerns with the current legislation.

The committee heard the president of the Ontario Mining Association, Chris Hodgson, explain that the COSSARO provisions in Bill 184 "contradict the basic tenets of government transparency and accountability. Balanced decision-making requires appropriate consultation and a ministerial role. The people of Ontario expect to be able to hold their elected representatives accountable, particularly for decisions that can profoundly affect their prosperity and quality of life."

Similar sentiments were expressed by the president of the Greater Toronto Home Builders' Association and Urban Development Institute, Neil Rodgers, who said to this committee, "we are troubled by the removal of ministerial discretion and ... the associated delegation of decision-making authority to an appointed body ... which is not accountable to the electorate for its decisions." At the end of the day, COSSARO should be an advisory body to the minister.

Further, OFC urges the government to ensure that COSSARO has representation that provides practitioner and community knowledge, and it must ensure that both northern and southern Ontario are represented. Currently, the proposed Bill 184 restricts the makeup of COSSARO to the scientific and aboriginal communities, eliminating a full half of the knowledge base from the decision-making process. Applied science and aboriginal community knowledge is critical, but so are the other people who earn their living from the land and who depend on our lakes and rivers, who will have the first-hand knowledge of the species numbers and their movements. They're out there in the forest. They know where the animals are.

OFC has requested some modest but necessary changes to Bill 184. One of them is the definition of an "interim habitat." The current definition of "habitat" is far too broad and open to interpretation. The act currently reads as follows: "an area on which the species depends, directly or indirectly, to carry on its life processes, including areas used for reproduction, rearing, hibernation, migration or feeding," and it goes on.

The definition provided under Bill 184 could apply to almost anything and has the potential to unnecessarily impede economic activity with no tangible benefits to species at risk. I would draw your attention to your copy of our presentation to see the definition extracted with red-lined changes that have been agreed to by members of the resource use community that represents 1.2 million jobs in Ontario. You'll note that all we are asking for is just 11 words. At the end of the day, section 2(b) would read:

"with respect to any other species of animal, plant or other organism, area(s) on which the species depends to carry on its life processes including places that are used by members of the species as dens, nests, hibernacula or other residences, but not including an area on which the species does not depend, where the species formerly occurred or has the potential to be reintroduced."

As the Greater Toronto Home Builders' Association said in their presentation last week, "We are concerned that the definition will be interpreted so broadly as to render it meaningless, specifically with respect to the lack of understanding of the meaning of 'indirect habitat.' We believe that a species-specific regulation is more appropriate...." Simply, what is needed is a more site-specific definition that provides for distinct areas of specialized function that are directly relevant to the species' survival.

Finally, Bill 184 does not provide any measure of compensation for landowners or resource users impacted by the legislation. This is inconsistent with the federal species-at-risk legislation, which recognizes that protecting species is to the benefit of all citizens and comes at a cost that must be shared by all parties. We urge the government to ensure that investments made by those operating on the land will not be lost or diminished by provisions of Bill 184.

Members of the committee, it has been suggested that there are those who have been alarmist or fearmongering

over this bill. As a mayor of a community in which livelihoods are at stake, where the value of people's homes, our history and the future of our communities face the consequences of government policy, I do not believe it is alarmist to express our concerns, and I do not believe I am being a fearmonger when I say our communities depend on the sustainable management of our forests and all of our natural resources. We would not jeopardize these resources; they are our livelihoods and our lifeblood. We understand sustainability and resource management better than most people because we practise it every day. Bill 184, as it is now written, leaves our communities, our industries and our economic and social well-being facing more uncertainty at a time when we are already reeling from massive job losses.

As of April 2007, MNR records show that northern Ontario has lost over 9,000 jobs in the past five years. I would urge you to review the material in your packages, including a map of northwestern Ontario showing job loss locations, both temporary and permanent. This committee has already heard from other mayors whose communities have been devastated by mill closures and job losses.

Thunder Bay has lost over 2,515 jobs. Using the MNR formula, for every forestry sector job, there are 3.47 indirect jobs created regionally and an additional 1.65 jobs created provincially. When mills close, the multiplier works in reverse. Based on the 2,515 direct jobs in my city, the regional impact is 8,727 jobs. Using the provincial multiplier, a further 4,150 jobs will be lost across Ontario. That's a total of 12,877 jobs lost. To put that number into context, the Thunder Bay area has lost 4.2% of its entire workforce. If the same job losses were to hit Toronto, more than 115,000 people would be out of work in this city.

1030

This isn't the same industry that was operating in northwestern Ontario in my grandparents' era. Today's industry has undergone significant transformation in recent decades and is among the most progressive to be found anywhere. Since 1994, we have seen the development of class approval for forestry on crown lands under the Environmental Assessment Act and the approval of the Crown Forest Sustainability Act. These two pieces of legislation are among 17 federal and provincial acts that ensure that forest management on crown lands is conducted in a sustainable manner and for all values, including the protection of species at risk. Mining and other activities on the land are also heavily regulated. Through these acts, we are already providing for the protection of species at risk.

As this committee has already heard, several species, such as the bald eagle, have been delisted or downgraded from the species-at-risk list in northern Ontario because of the current environmental practices. These recovering species are a good-news story, and we should be recognizing those measures that are working, not ignoring, replacing or unnecessarily duplicating them. We need the act to recognize, in writing, those standards and practices

already in place. An example is that section 18 should recognize, in writing, the current forest management plans as an instrument.

Even though we're here speaking about forestry, these amendments transcend one industrial sector. This is about more than just forestry. You heard clearly last week concerns raised by resource stewardship groups from across Ontario, including farmers, home builders, mining, prospecting, waterpower developers, anglers and hunters, fur harvesters and bait handlers. We have been, and remain, committed to working with the government to resolve those concerns, but we are disappointed and frustrated that none of our moderate but essential solutions have been put into the legislation and that reasonable expectations for broader consultation have not been met.

As this committee has heard, and I'm sure will hear again, there are many groups expressing concern about some of the provisions of Bill 184. It is noteworthy that to date 75 municipalities, including my own, have passed resolutions and sent correspondence to the Premier requesting broader consultation. Furthermore, the Association of Municipalities of Ontario and the Large Urban Mayors' Caucus of Ontario have also requested greater consultation. The requested consultation is broadly viewed as a critically important opportunity to ensure we get this legislation right and that it achieves the necessary balance and clarity.

With our requested moderate amendments, we can support Bill 184, an act to protect species at risk, but we also need to be pragmatic, efficient and realistic about how we take on that important task. We are here before you to ask for the moderate but necessary changes to Bill 184 that will alleviate economic concerns, provide clarity and effectively protect species at risk. We are asking mostly for recognition of what we currently do. We're asking to clarify the issue of habitat. We're asking for compensation and some changes to COSSARO.

Before I finish, it was reported to me that someone said to this committee that if the cost of this act is a loss of some economic activity, so be it. You know, I find the words "economic activity" really one of the most interesting comments here. It has no face. "Economic activity," as a statement, is easy to throw around. Economic activity is not a thing. It is the product of people, thousands and thousands and, in this province, millions of people. It's people who get up in the morning and go to their work, who raise their children, pay their mortgages, support the symphony and the charities and live a life.

The people in northern Ontario cherish the life that we have in northern Ontario. We cherish the fact that we live in the boreal. We respect the boreal, and we take our life and our livelihood from it. To suggest that anything is just economic activity and you can forget the rest because it doesn't have a face—well, it does. Those faces live in communities, and I ask you to remember that. Thank you.

The Chair: Thank you, Mayor Peterson. You've left less than a minute for each party, starting with Gilles.

Mr. Bisson: I, first of all, want to thank you for coming. As we all understand, and as a fellow northerner, Thunder Bay has undergone a tremendous amount of bad news over the past while, but let's hope the future brings a better time, let me tell you.

I particularly appreciate your comments made in regard to people in northern Ontario. We don't often say it in these terms but, quite frankly, we live the life of being in connection with nature and being in connection with the boreal forest. I think that needs to be said. I was at the cottage on Sunday, the type of thing we do in northern Ontario, and it was interesting to watch the activities of people out at the lake. It was people with their four-wheelers driving along the Ski-Doo trails and the winter roads that are accessible in the winter, making sure, if there's any garbage, to pick it up. It just needs to be said that we live with nature every day, so I think it's important to say.

Specifically, though, the concern is the interim measure of being able to take land and habitat out of circulation. To what degree do you see that having an effect on your community?

Ms. Peterson: It's critical. If you take the land out and you stop the industry and people from working today while you sort it all out and decide, it's going to be one or two years until you get all the rest of the plans in place and all that flexibility is at work. Well, I'm sorry. We all know that flexibility isn't within government. It takes time. In the meantime, you will have shut down communities; you would put people out of work. You take away from them their livelihood, and it's incredibly frustrating when there seems to be no recognition of the very facts that you just talked about. We live there, we work there, and we love and cherish the communities we're in. We love the boreal and we take darn good care of it.

The Chair: Thank you. We'll go on to the next question.

Mr. Oraziotti: I know Mayor Lynn Peterson is very passionate about northern Ontario, and as a fellow northerner, I am as well. I want to thank you for coming here today and making your presentation. I can assure you that your comments don't fall on deaf ears. If there was a comment that was made at the committee about ignoring economic realities or considerations, I can certainly tell you that we take those very seriously and we're very mindful of them, and that's not something we're prepared to ignore on this side.

Ms. Peterson: I appreciate that.

Mr. Oraziotti: Thank you very much.

Mr. Jerry J. Ouellette (Oshawa): Thank you very much, Your Worship, for your presentation. Can you tell me the difference between a northern bald eagle and a southern Ontario bald eagle?

Ms. Peterson: No, but I've got one actually nesting in my backyard.

Mr. Ouellette: Thank you. It identifies that there's a separate species in southern Ontario.

Now, this is a bit of a double-edged sword. You had mentioned about the current forest management plans

being implemented. One of the difficulties with that, and I'd like your response on it, is that if they implement a caribou management strategy, it promotes the actual clear-cutting of forests, as Alberta has done. What this does is it eliminates the ability to move forward with the caribou management strategy and allow for clear-cutting. How is that going to impact the industry when it would have actually been a positive aspect for the forest industry to be able to go in and actually do clear-cuts as opposed to what they're currently doing?

Ms. Peterson: My understanding of actually taking positive steps on behalf of the caribou is clear-cutting, but it's always a double-edged sword. If you clear-cut and it's for the caribou, where are the moose going to go? Because they're not particularly fond of this. But the fact of the matter is, forest management plans take this into consideration. One of the other things that I'm not sure has been raised in all of this is what if those caribou are already in protected areas? How are you going to manage to make sure that that is happening? Are we going to clear-cut or log protected areas in parks to make sure that the strategy is being applied?

The Chair: Thank you very much, Mayor Peterson, for coming today. We really appreciate your presentation.

Ms. Peterson: I appreciate it.

TEMBEC INC.

The Chair: We can move on now. Our next presentation is from Tembec. Mr. Valley, if you would come forward and introduce your team.

Mr. John Valley: Thank you very much, Mr. Chairman. My name is John Valley. I'm an executive vice-president with Tembec. I'm joined here today by my colleagues Mike Martel, who is senior vice-president, forest resource management, and Chris McDonnell, who is our manager of aboriginal and environmental relations.

First of all, thanks for the opportunity to appear. Since this legislation has not been updated since 1971, it is time so to do. But given that it could be in effect for an equally long period of time, it's critical that a bill that has the potential to affect the environment and the economy of the province for a long time be done in the correct manner.

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Tembec brings three perspectives to this table.

First, we have operations in six Canadian provinces, the US, Cuba and France. We employ over 9,000 people worldwide and we sell products into every major world market. We know the demands of the marketplace in terms of what is going to be required relative to product quality and the principles behind the manufacture of the product, i.e., proper environmental and resource management, number one; but, number two, we also know the challenge of competitiveness and what it will take for us to be an economically viable entity going forward.

Second, in a proactive and progressive way based on two of our core values—social responsibility and respect for the environment—Tembec has emerged as a leader in

the resource industry relative to environmental initiatives, resource stewardship and operations management.

We manage about 30 million acres of land around the world. Some 21 million acres of that is certified under the Forest Stewardship Council, the most stringent standard applied to forest resource management today. I should point out that Forest Stewardship Council standards are supported by the WWF, CPAWS, Greenpeace, the National Aboriginal Forestry Association, the Sierra Club of Canada and ForestEthics, among others. We have over 21 million acres of audited and certified lands under those standards. We are the world leader in terms of having areas of certified forest, and I guess we bring to you that perspective.

Finally, we employ over 2,000 folks in Ontario directly. Our indirects include about another 1,000. And, by the way, I'm not going to get into a multiplier of 3.47; those are direct, dependent jobs.

I guess, if we're looking at it, we have, in the face of unprecedented challenges created by an overvalued Canadian dollar, high energy costs, foreign competition and trade challenges, had to make some tough decisions in the last 18 months. We bring that perspective to you.

So, Mr. Chairman, I'm going to turn it over to the guys who really know something about this: Mr. Martel and Mr. McDonell. We need change in a very limited number of areas. We're going to talk about four areas only, and we're going to talk, frankly, about the need for very limited, very narrow but absolutely critical change. Mr. Martel?

Mr. Michael Martel: Thank you, John, and Mr. Chairman.

First of all, a few comments. Being a forester in Ontario, certainly we have a lot to acknowledge on leading-edge legislation. Class EA and the outcomes and the Crown Forest Sustainability Act are certainly leading legislation from our perspective in Canada in reviewing our activities across the board.

This legislation is something that we're generally supportive of, and we're supportive of the notion of efficient and effective legislation for species at risk. As you heard this morning, however, and in your previous day's meeting, the notion of habitat, as currently applied within the legislation, is simply too broad for us. The notion of habitat as all-encompassing, in our view, could be needlessly ending up with a significant impact on Ontario in tying up vast sections of the province, particularly where we operate, without consideration of important habitat or critical habitat. The well-crafted definition of critical habitat has been provided by others in previous presentations to this committee, and, while we offer no specific wording, we certainly believe there are some good examples that have been provided to you at this point in time. We certainly feel that there is something to be learned from the federal legislation in this regard, and we encourage that, not only for the parallelness but for efficiency overall for people who are left with the employ of the legislation once it's passed.

Secondly, and as previously mentioned this morning, the notion of compensation being unaddressed in the

legislation we feel is somewhat alarming from the perspective that the cost to protect species for all citizens of Ontario, Canada and the planet will be borne by a few.

As also mentioned, we are extremely sensitive to declines in wood supply in northern Ontario. We have been in the unfortunate position of asking people to go home, and that's something we do not wish to repeat. We feel that being more clear around defining critical habitat and being cognizant that there are costs, that there are trade-offs associated with the employ of any legislation—and this legislation in particular—needs to be recognized. This government has done considerable positive work to make Ontario a more competitive environment globally for the forest product sector. We see that a lack of recognition and compensation, in this instance, will erode that good work.

We have two more points. I'll pass those off to Mr. McDonell.

Mr. Chris McDonell: Thank you, Mike.

I'd like to speak for a moment or two on COSSARO and plans for species recovery. As a company that has direct forestry operations in four provinces, we're quite familiar with the implementation of species-at-risk legislation nationally and provincially. With regard to the role of COSSARO, the consequences of a species being listed are significant. We appreciate the desirability of COSSARO to operate at arm's length and focus only on science. We prefer, in the federal model, the scenario whereby scientific assessments are made by a scientific body and decisions regarding what to do about those listed species are made by elected officials. Bringing the Ontario process in line with that in place federally would ensure a higher degree of federal-provincial harmonization on Bill 184. This is important to us as we contemplate our operations across the country. Therefore, the inclusion of a listing process that is similar to that enshrined in SARA is worthy of consideration.

The transparency and the functioning of COSSARO are important as well. The legislation does not speak to the form of member qualifications. The term and geographic participation are also important attributes. While extended membership, on the one hand, offers continuity, fixed terms offer some certainty in terms of participation. So we advise that a balanced approach of two-, three- or four-year terms be selected for membership.

My final point is with regard to what occurs on the ground in our forestry operations in places like Timmins, Cochrane, Kapuskasing, Hearst—throughout north-eastern Ontario in particular, and central Ontario as well. We're very active as a company in working with environmental partners on forest conservation. We're very active in developing forest management plans on first a five-year and now a 10-year planning cycle. We've demonstrated our ability and our interest in being proactive in issues such as the conservation of habitat. We see that existing partnerships, such as we have with the World Wildlife Fund and the Ministry of Natural Resources, should be considered as meaningful and substantial input into the development of recovery stra-

tegies. Where such initiatives exist, we feel that those initiatives should go a long way to fulfilling the requirements of species-at-risk planning.

Mr. Valley: I guess, Mr. Chairman, I'll wrap up and open it up for questions.

We've tried to demonstrate that (a) we have an exposure to different manufacturing and operating environments and (b) we have an exposure to the demands of the market, today and prospectively, in terms of what they will require in terms of environmental performance.

We look at this legislation being around for quite a while. We bring you the perspectives of a company operating on a global basis in global markets with that corporate social responsibility commitment. We say that if we see the need for modest change, we would hope the committee would take that perspective into account.

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The Chair: Thank you, Mr. Valley. You've left about a minute for each party.

Mr. Levac: Just a short question. There seems to be some discussion—and I've been watching the proceedings, with the implication that government won't be participating because of the third party issue. Is there still a strong belief that government should be the one doing this, as opposed to the arms-length agency? Can you explain a little bit more why it's important for the government to do the decision-making, when we have several examples of arms-length organizations making decisions?

Mr. McDonell: In terms of the development of recovery planning, recovery strategies, the government clearly should be the lead agency. The land on which, in northern Ontario, primarily public land—what we're saying is that the opportunity for voluntary efforts to contribute to that are significant, but clearly, government should have the resources and the mandate in which to lead the development of recovery planning.

The Chair: Mr. Ouellette.

Mr. Ouellette: Do you think that COSSARO should have the ability or be granted or find the ability to look at other jurisdictions and what takes place with animals in those other jurisdictions?

Mr. McDonell: Absolutely. The range of some of the species that we're talking about goes across provincial boundaries.

Mr. Ouellette: The Hudson-James Bay lowland caribou, calve in Ontario and migrate to Manitoba, where they actually have a hunt there, as an example. Are you familiar with marten guidelines in your offices? Can you tell us, are they consistent from district office to district office for the same species?

Mr. McDonell: In terms of implementation?

Mr. Ouellette: Yes.

Mr. McDonell: They're the same guidelines on the ground. The forest management plans incorporate those guidelines, using the forest management planning team.

Mr. Martel: Further on that question, the actual application of the guideline: Is it 100% consistent from district to district? No, it's not.

The Chair: Mr. Bisson.

Mr. Bisson: That brings me to the forest management plans. What does this legislation mean in regards to the process through your forest management planning manuals? Because currently, we're doing what is being called for in the legislation under our planning manuals. What does it all mean now?

Mr. Martel: I think one of the concerns is that it's very uncertain in terms of what it means for existing forest management planning in Ontario. There exist right now legislation, guidelines and people that are very engaged in species-at-risk within the forest regions of northern Ontario, Tembec being one, with a variety of partners and government managers as well. But the legislation as it currently reads is purely additive; there is no harmonization at all. So there's a high level of uncertainty in terms of what it means in the future.

Mr. Bisson: Is there any estimate about what kind of impact this would have on your current forest management licences, based on what we know already, that may end up becoming protected habitat in the interim? Is there any estimation of what it means to you?

Mr. Valley: Yes. Let me respond to that for a second. In the early 2000s, a number of companies worked very positively in the Lands for Life process. It's something that Ontario should be very proud of. It's a monument. Good set-asides. Within that, however, in addition to reserves, corridors, wilderness areas, withdrawals for areas of natural and scientific interest, we also set aside the industrial estate. Part of the outcome of that process was that industry was going to be able to count on and make the investment in and be able to depend on that industrial estate going forward. The concern that I've got about certain dimensions of this legislation if bounds aren't put on it—the definition of critical habitat, the composition of the committee, the mandate of the committee—is that it will be able to be used as a surrogate for people to get, under this, what they failed to get under an earlier land use debate. They're separate debates.

The Chair: Thank you very much, Mr. Valley, for your time.

Mr. Bisson: Can we allow him to finish that comment? I'm interested in what you were just about to say.

Mr. Martel: There needs to be something that puts in place protection from manipulation. This thing has to have process integrity going forward.

The Chair: Thank you very much, sir, for coming today.

NISHNAWBE ASKI NATION

The Chair: Our next presentation is a teleconference. Nishnawbe Aski Nation, Grand Chief Stan Beardy.

Grand Chief Stan Beardy: Hello.

The Chair: Hello. It's Kevin Flynn here, the Chair of the committee. We've extended the time for the presentations today to 15 minutes.

Grand Chief Beardy: Okay.

The Chair: Our apologies for keeping you sitting there for a little while. The floor is all yours.

Grand Chief Beardy: Thank you very much. First of all, good morning, ladies and gentlemen. I would like to thank you for providing me with this opportunity to address this committee regarding Nishnawbe Aski's concerns on the Endangered Species Act.

Our territory, Nishnawbe Aski, covers two thirds of Ontario—55 million hectares, 210,000 square miles—and it has 50 First Nations. I would like to begin by saying that the protection of the environment is of paramount importance to Nishnawbe Aski Nation. All of our communities are in some fashion still connected to the land and its resources. That's such a healthy environment, and it's extremely important to us. We want to see a healthy environment, not only for the generations of today but also for the generations of tomorrow. Ontario's new Endangered Species Act has the potential to be an important step toward protecting and maintaining our environment.

NAN fully supports the notions of protecting the endangered and threatened species and their habitats. Every time a species becomes extinct, it is both the environment and mankind that collectively suffer. Many of the species listed in the schedules attached to the act are found in Nishnawbe Aski's traditional territories. It is important to us that these species are brought up to levels where they are healthy, viable populations and habitat.

Given Nishnawbe Aski's concerns regarding the protection of the environment, it is unfortunate that we were not afforded consultation opportunities on this act. We have both concerns and traditional knowledge that should have been incorporated into the document. At this point in time, this act has gone through second reading and we still have not been consulted. This act has the potential, despite the non-derogation clause, to change our aboriginal treaty right to harvest to that of a privilege to be granted by this government via licences or agreements. Obviously, Ontario refuses to recognize the hierarchy of aboriginal uses, in which subsistence harvest comes in second to conservation. Why are these species endangered today? It is not because of misuse by aboriginal peoples; it is due to misuse via years, if not decades, of habitat destruction, over-harvesting, pesticide use and other destructive processes of the non-aboriginal users.

We are also concerned about the potential conflict between those species that Ontario is looking at protecting and those species that are being protected at a national level. Ontario's process looks at protecting species found on provincial land; the federal process looks at protecting species found on federal land. How well is a species going to be protected if one government decides it is endangered within their jurisdiction and the other government decides that it needs no protection within their jurisdiction? Beyond efforts made by First Nations, a provincially endangered but federally un-endangered specimen will receive little or no protection if it enters one of our reserves. That is because upon

entry, it is now on federal land, where on a national basis it is considered to be unendangered. However, if that specimen leaves our reserve and returns to crown land, then it is again considered to be endangered. If true protection of endangered species is to take place, then the protection efforts of both governments must work together at all times in all situations.

On March 20 of this year we were quite surprised to see Ontario MNR media releases on this act which referred to extensive aboriginal consultation having taken place. We were not aware of any consultations with aboriginal peoples. In response to our inquiries to the Ontario MNR requesting clarification on the content of these consultations, we received a letter on March 22. This letter stated that there were discussion sessions held in the fall of 2006 with aboriginals. None of these sessions were held in aboriginal communities. How can you consult with us when you don't come to our communities to hear what we have to say?

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Furthermore, one of our staff members attended a session that was held in Thunder Bay. It was clearly stated by our staff person that his attendance at the session was not to be considered as consultation. The MNR staff at this session acknowledged this, saying that these were only information sharing and gathering sessions.

Now, many months later, the MNR is saying that we were consulted. We do not appreciate these types of dealings on the part of the government. This same letter made an offer to us to make additional comments via the Environmental Registry or the EBR. Many times we have made the point that the EBR is not a consultation process. To complicate this further, many of our communities do not have access to the registry.

The other key point that I wish to make in reference to this March 22 letter is that it mentions a discussion paper that was sent to our communities in May 2006. At this time, comments on the paper were sought. NAN, Nishnawbe Aski Nation, does not consider the sending of a document with a solicitation for comments to our communities or any other organization as consultation.

Our position on this has also repeatedly been given to the provincial government for many years now. Whenever others are engaged in processes that will impact the environment, especially that comprising NAN's traditional territories, it is of paramount importance that they engage us in meaningful consultation. We cannot endorse any process, no matter how important it is, that does not consult with us and afterwards incorporate our concerns, knowledge etc. into the solutions. Such is the case with Ontario's Endangered Species Act.

In consideration of these aspects, on March 29 of this year, the Nishnawbe Aski chiefs passed a resolution rejecting the application of this act in our traditional territories. This ban is to remain in place until meaningful consultation has taken place and our concerns have been addressed.

To assist the province in engaging our communities in meaningful consultation, we are pleased to say that the

third edition of NAN's consultation handbook was released this past March.

On April 16, the MNR again invited us, with only two weeks' notice, to attend another discussion session pertaining to this act. Again, these meetings do not construe meaningful consultation, even if they were to be held in aboriginal communities, which they were not. The consideration of these points, coupled with the fact that we cannot allow the MNR to say that we were again consulted when we were not, forced us to decline the MNR's offer.

In closing, I would like to say that NAN does not like rejecting an act that is designed to protect endangered species. We have great respect for all species, but it is this same respect that forces us to reject any process that does not respect our respect for the environment. NAN wishes to work with those who wish to work with us. Until such time that this provincial government recognizes the importance of working with Nishnawbe Aski and other aboriginal groups in protecting all Ontario species at risk, these species will never truly be protected.

Thank you, Mr. Chair. That is my statement on the act.

The Chair: Thank you very much, Chief Beardy. You've left about five minutes. Would you like to answer some questions?

Grand Chief Beardy: Sure.

The Chair: Very good. Let's start with the opposition party, then.

Mr. Ouellette: Good morning, Grand Chief. It's Jerry Ouellette. Sorry you're not here. Actually, I have another load of hockey equipment for you. I was hoping you'd take some back with you.

Grand Chief Beardy: Thank you very much.

Mr. Ouellette: Currently, all your bands are operating under treaty, are they not?

Grand Chief Beardy: Yes. We have aboriginal treaty rights like most of the other First Nations in Canada.

Mr. Ouellette: So do you think the reason there was no consultation with you or your bands was because section 82 of the Canada act says that treaty rights supersede provincial law and that it wouldn't matter anyway?

Grand Chief Beardy: Our position is that my leadership as chief has given me the mandate to try to work with the governments to develop partnerships—

Mr. Ouellette: As always.

Grand Chief Beardy: —as always, and I think it's really important that we make an attempt to work with the Ontario government in this case, because we have the same interests as the act.

Mr. Ouellette: So how do you think that, for example, particularly with wolverine being listed—most of your First Nations communities would be the predominant trappers of wolverine in the province of Ontario. How do you think that they will deal with the wolverine issue in your parts of the province?

Grand Chief Beardy: For us, since we still depend on the land for our survival, for our existence, that's why it's so crucial. We had thought that we would be consulted in

developing this act, because in some ways, it infringes on our livelihoods.

The Chair: Thank you, Chief Beardy. We're going to have to move on to Mr. Bisson.

Mr. Bisson: Good day, Chief Stan. Gilles here. How's it going?

Grand Chief Beardy: Oh, pretty good, thank you.

Mr. Bisson: Good. I'm glad you're able to participate. I think you got to the nub of the argument. I take it what you're saying is that, number one, you are stewards of the land and, as always, protect the habitat and protect the animals that live in that habitat. But what you're upset about is that even though you've signed treaty with the provincial government—and that's the important point here, that the province did sign—you don't feel that they can do this without you. What they're doing is doing it without you. That's basically what you're saying.

Grand Chief Beardy: Exactly. That's what we're saying, that again we felt left out because the area that's being looked at—I mentioned that our territory covers two thirds of Ontario, and that's where the animals that need to be protected are mostly found.

Mr. Bisson: Now, there are a number of instances in the past—Polar Bear Provincial Park up in Peawanuck, places around Osnaburgh and others—where lands have been taken out of circulation by the province without the consent of the First Nation or, quite frankly, even the knowledge. Do you fear that this could happen in regards to this legislation, in regards to the interim powers of withdrawing land from the land base?

Grand Chief Beardy: Yes, because my concern here is that in the long term—we signed treaty. One of the main objectives of signing treaty with the settlers is one of relations on economics. We want to participate in the economy. We have great concern that by having this act, it can be invoked, it can be activated by a small group of people to prevent us from participating in resource development.

Mr. Bisson: So it could impact not only the social aspect of life in your territories but also the economic?

Grand Chief Beardy: Yes. It very much endangers our existence by being left out.

The Chair: Thank you, Chief Beardy. It's time to move on. Mr. Oraziotti.

Mr. Oraziotti: Thank you, Mr. Beardy, for taking the time to make comments today. I appreciate it. I understand that there were letters sent to about 17 First Nations, of which the Nishnawbe Aski Nation was one. I understand that you've received a letter. There were 10 sites where discussions took place, including Kenora, Sioux Lookout and Thunder Bay. I'm just wondering, have you submitted anything in writing in terms of suggestions as to how to strengthen this act? Going forward, we're all concerned about protecting endangered species in the province of Ontario. Has there been anything that you've provided to MNR or to the province in writing?

Grand Chief Beardy: Yes, I submitted our consultation handbook. I mentioned that its third edition came out. Our consultation book is translated into the

three language groups that cover our territory: the Cree, Oji-Cree and Ojibway. Our consultation book clearly lays out the engagement process that needs to take place when we look at outside interests. Our consultation handbook basically was rejected by the Ontario government. They said that it did not meet their criteria.

Mr. Oraziotti: Mr. Beardy, we're interested in hearing what you have to say about this. Are there specific aspects of the bill, in terms of you having an opportunity to review it, that would help to make it stronger? Can you identify anything specifically in the bill that you think the Ontario government needs to do to help strengthen legislation to protect endangered species in Ontario?

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Grand Chief Beardy: I guess my point is that talking about specifics of the act is to remain with the Ontario government, and I do have a treaty with them, a treaty which we signed 100 years ago, that clearly lays out that we're supposed to be equal partners when we're dealing with natural resources and the land as well as species.

Mr. Oraziotti: Thank you.

The Chair: Thank you, Chief Beardy. I think Mr. Bisson has a very small point.

Mr. Bisson: A very small point, Chief Stan: I take it that what you're looking for is respect for the sovereignty that you have on the land, and you need the legislation amended in some way to reflect that?

Grand Chief Beardy: Exactly. That's what we're looking for.

The Chair: Thank you, Chief Beardy, for being with us today.

Grand Chief Beardy: You're most welcome.

The Chair: We've got three more delegations. We're at 11:10 a.m. What I'm sensitive to: We do have to recess at exactly 12 o'clock and I don't want to short-change anybody of time. The last presenter today is Gillian McEachern, who will be starting somewhere around 11:45. If we keep firmly to the timelines, we'll be able to hear from all three groups and give them 15 minutes each. With the concurrence of the committee, that's how we'll proceed.

SIERRA CLUB OF CANADA, ONTARIO CHAPTER

The Chair: Let's go to the Sierra Club of Canada, Dan McDermott.

Mr. Dan McDermott: Good morning. Thank you for this opportunity to address you on this very important piece of legislation.

Bill 184 is a long-overdue upgrade of Ontario's current and woefully inadequate endangered species regime. The mandatory science-based listing of species and the protection of habitat upon which these species depend are significant improvements on the status quo. With some improvements, Bill 184 could provide Ontario with an Endangered Species Act that would actually protect endangered species. The Sierra Club of Canada's core concern is that the bill does not guarantee the protection

of adequate habitat to provide for species protection and recovery. Without this commitment and clarity, the Sierra Club is concerned that development pressure will continue to eat away at habitat necessary for species survival.

The survival of woodland caribou in Ontario will be achieved only through rigorous protection of their already reduced natural habitat. Sadly, there is ample evidence that some see the pursuit of short-term economic gain as trumping the need to protect this iconic species. I'm a member of the Ontario Biodiversity Council. When I was appointed to this advisory body two years ago, I stated that I was accepting this appointment to work toward the protection of woodland caribou. I noted that the Environmental Commissioner of Ontario, Gord Miller, had already predicted that woodland caribou could vanish from Ontario by the middle of this century.

At the most recent Ontario Biodiversity Council meeting, I raised the issue of the need for Bill 184 to protect the remnant habitat of woodland caribou. I was shocked to hear that all members of the council did not share this concern. In fact, the representative of the Ontario Forest Industries Association went so far as to suggest that many scientists and environmentalists were dramatically overstating the amount of habitat necessary to protect woodland caribou. He stated that his association had access to science indicating that woodland caribou could make do with a much smaller undisturbed boreal forest range than commonly believed.

The Sierra Club and all of us have heard this line before. Just as the deniers of climate change will always be able to cite some scientist who will disagree with the overwhelming majority of global experts, so too will the vested interests profiting from the destruction of Ontario boreal forest argue that caribou don't need the large, undisturbed boreal habitat that the vast majority of scientists state is necessary for the species to survive. In fact, I'm quite sure these vested interests are prepared to continue making this argument down to the last caribou.

It is your duty as the elected representatives of the Ontario public to ensure that our province's biodiversity is preserved. The pressures of climate change will make this task more difficult. In light of this inconvenient truth, it is necessary for Bill 184 to include the precautionary principle in the bill and not just the preamble.

The emblem on the California state flag includes the image of a bear no longer found in the state of California. The question before us is clear: 40 years from now, when an Ontarian holds a Canadian quarter and looks at the image of a caribou, will that person feel a sense of pride or a sense of deep loss and shame?

Please, please do the right thing for woodland caribou and for the natural legacy we leave our children. Ensure that Bill 184 protects Ontario's biodiversity and the habitat that supports that biodiversity.

The Chair: Thank you, Mr. McDermott. You've left about three minutes for each party for questions, beginning with the government side.

Mr. Oraziotti: Thank you for your presentation. Can you comment for me on the automatic listing with respect

to endangered species and COSSARO, the scientific body that will be charged with the responsibility for this, perhaps in light of those who might say that this takes away the democratic process, that the minister should have discretion to determine whether or not the endangered species should in fact be listed?

Mr. McDermott: If it's an Endangered Species Act that's designed to protect endangered species, I think we should trust the scientific designation. If a species is endangered, it should be listed; if it's not, that's another matter.

Mr. Oraziotti: Thank you for your presentation. I don't have any further questions, Chair.

Mr. Ouellette: Thanks very much for your presentation. I think a significant number of us are very concerned with the woodland caribou predominantly, as you mentioned. How many woodland caribou do you estimate are in the province of Ontario currently?

Mr. McDermott: I'm not a wildlife scientist, so I don't have those numbers.

Mr. Ouellette: Any idea what the numbers would be Canada-wide?

Mr. McDermott: I think we're addressing in the Ontario act the Ontario range, which we do know is substantially under stress. There was an expansive article in the Globe and Mail a couple of months ago where someone from the Ministry of Natural Resources postulated that we wouldn't make the decisions that would allow for the survival of woodland caribou in Ontario.

Mr. Ouellette: Are you familiar with caribou management strategies for forestry practices?

Mr. McDermott: Not in detail, no.

Mr. Ouellette: The main way to manage it, so you understand, is that they do massive clear-cuts in order to promote old growth, because it's the feed inside those forests that they require. It takes many years for the mosses and lichens to grow, which means that in Alberta, for example, which implemented the woodlands strategy, they promote clear-cutting in order to allow the forest to sustain those lives for long periods of time, to allow the undergrowth to live. So that would require massive clear-cuts in the areas that you're talking about for woodland caribou. How would you feel about that?

Mr. McDermott: My understanding is the science is pretty clear. Woodland caribou are a boreal-dependent species.

Mr. Ouellette: Yes.

Mr. McDermott: They require large, undisturbed tracts of boreal forest. Our best management strategy is to leave those large, undisturbed tracts alone.

Mr. Ouellette: So not utilize them or promote them at all?

Mr. McDermott: I'm suggesting that boreal habitat in an undisturbed state has been determined to be necessary for the survival of woodland caribou. Woodland caribou currently occupy that area. We should manage that area in a manner that allows for the woodland caribou to survive in their natural habitat.

Mr. Ouellette: I've met a significant number of MNR biologists—prior to becoming elected—who indicated that there are significant pockets of woodland caribou and there should be some studies done on that, in that the feeling was there were probably in excess of 10,000 animals in the province in three key main areas.

One of the problems, though, as I mentioned earlier on with the other groups, is that currently—and the example I used was the barren ground; it's actually a cross between barren ground and woodland in Hudson-James Bay. They calve in Ontario and migrate to Manitoba, where they have a season on them and are allowed to hunt. How do you think Ontario should deal with that issue?

Another woodland area is up in the Kenora area, just north of there in the Woodland Caribou Park. They live in Ontario and migrate to Manitoba, and they hunt there. How can Ontario deal with that issue?

Mr. McDermott: I would certainly hope that the government of Ontario would be in communication with the government of Manitoba and the government of Canada toward the survival of the species.

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Mr. Ouellette: Some of the difficulty is that species, although the numbers may be somewhat more limited here in Ontario for, for example, barren ground, as compared to Quebec, where they have an overabundance of animals, they need to manage that herd a little bit better—the difficulty is, there is no cross-border communication on managing a lot of these. Ontario is one of the few jurisdictions Canada-wide that has species-at-risk legislation. Ontario was the first province in Canada to enact the legislation in 1971 and there are a significant number of others that still have to catch up. So don't you think that an overlying federal legislation would have a greater impact so that it deals with all provinces as opposed to just Ontario?

Mr. McDermott: Certainly, migratory species ought to be managed with a strong role for the federal government. The Sierra Club of Canada would hope that the governments of Canada would get together to come up with strategies that would allow these species to survive and flourish.

The Chair: Thank you, Mr. McDermott and Mr. Ouellette. Thank you very much for coming today.

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Chair: We'll move on, then, to a presentation from AMO. Mr. Reycraft is with us today. Mr. Reycraft, if you would come forward and introduce your guest. The floor is all yours.

Mr. Doug Reycraft: Good morning, Mr. Chairman. My name is Doug Reycraft. I'm mayor of the municipality of Southwest Middlesex and president of the Association of Municipalities of Ontario. I have with me to my left Brian Rosborough. Brian is the senior policy adviser—the policy director, I guess—for the association.

Our organization represents over 400 municipalities in the province, all of which work in a partnership with the provincial government to provide various services to the citizens of Ontario. I'm pleased to have this opportunity to present our views with respect to Bill 184.

Let me begin by stressing that municipalities are strongly committed to species stewardship and environmental protection. We share the objectives that are embodied in Bill 184 and we commend the government for its efforts to promote the protection of endangered species in Ontario. But while we agree that protection of our species at risk is essential and that the act should be reviewed, we do have a number of concerns which we feel need to be addressed.

First, it is essential that the potential impacts of this legislation on the economic health of our communities be fully and carefully considered. Many of our members are concerned that Bill 184 will adversely impact industries such as forestry, mining and agriculture, all of which fuel local economies in rural and northern Ontario. Should this legislation affect these industries, it could also imperil the communities that depend on them for jobs, tax assessment and, ultimately, prosperity.

AMO is pleased to see that a degree of flexibility appears to be built into the legislation to allow for pragmatic decision-making. Presumably, this is to protect important economic drivers like forestry and agriculture, as well as for the protection of new economic activities with development potential.

Still, municipalities need added assurance that new legislation for species at risk will not cause undue economic hardship on rural and northern communities. Many of our members are especially concerned with the definition of habitat in section 2 of the act, which classifies an animal's habitat in the broadest terms; that is, it includes areas used not just for critical life processes but also areas of migration and general feeding. Many species migrate across lands without directly depending on them and they do not necessarily return to the same place every year. There is significant fear that broad swaths of land could be suddenly off limits to activities such as agriculture, forestry and mining, which are critical to the sustainability of many Ontario communities.

In addition, it appears that the recovery strategies outlined in Bill 184 could have significant socio-economic impacts—impacts which have not yet been calculated. Should this legislation restrict land use further, there will be ramifications for local industries and the people who depend on them. Subjecting each new recovery strategy to a socio-economic assessment would help mitigate these impacts and ensure that local economic health and viability are taken into account. Communities need some assurance that their welfare is balanced with that of species at risk. But as it stands, there is no mechanism to ensure that community interests are considered.

The removal of ministerial discretion for the species-at-risk-in-Ontario list and the delegation of decision-

making to COSSARO, the Committee on the Status of Species at Risk in Ontario, a science-based body, means that there may be no meaningful way for local interests and community knowledge to be factored in. While scientific expertise and aboriginal traditional knowledge are to be reflected, community knowledge is not. Given that these communities will be most affected by the decisions that COSSARO makes, it would be just to include them in the process. Resource-based and agricultural activities are the mainstays of many rural and northern communities. Any legislation that affects these communities needs to be balanced with local interests and ensure that local concerns are reflected. People from rural and northern areas are perhaps the most familiar with the species in their region. Discounting their contribution not only undermines their interests but does a disservice to the cause of species protection.

Another item of concern relates to the lack of integration with other legislation. It is currently unclear whether the proposed legislation will supersede municipal decision-making under the Planning Act. A municipality's planning decisions require consistency with the provincial policy statement, or PPS, as well as due diligence with respect to endangered species. Given these pre-existing requirements, AMO would like some assurance that municipal decisions under the Planning Act will not be superseded by the new legislation.

As it stands, Bill 184 and the PPS contain different tests to determine activities that would be allowed to occur within the habitat of threatened or endangered species. While the PPS generally prohibits development and site alteration, the tests under Bill 184 are founded on a net gain or no-net-loss approach. These differences could cause confusion for local decision-makers and lead to inconsistent interpretation across the province.

Already, there is a bevy of legislation—for example, the Mining Act—that affects land. Other legislation—the Clean Water Act, for example—contains supersedence provisions. The management of land and related processes is becoming increasingly complex. There is an urgent need for more integration and coordination from the province.

By way of conclusion, I'd like to stress that AMO and our member municipalities remain committed to the conservation and recovery of species at risk in Ontario. We applaud the government's efforts to make improvements to the systems currently in place. However, the proposed legislation may need to be refined if the interests of communities and the people who live there are to be respected and implementation is to occur effectively. We welcome further opportunities to work with the government to ensure that the legislative proposal is a valuable tool for species protection while preserving the health and livelihoods of all Ontarians.

Thank you for the opportunity to make a presentation.

The Chair: Thank you, Mr. Reycraft. You've left about two minutes for each party to ask questions, starting with Mr. Bisson.

Mr. Bisson: Thank you very much for your presentation. One of the things that was said by an earlier

presenter that has sort of got me thinking in that direction is that when we went through the Lands for Life process—which was a difficult process to undertake, but at the end of the day, I think everybody has pretty well bought into it—one of the principles was that there be trade-offs. If you set aside tracts of land that are going to impact on mining or forestry or anglers—whoever it might be—there would be an offset.

Again, just to put it on the record, I don't think anybody who has presented here really is in opposition to the intent of the legislation. I think it's how we get there. Do there need to be provisions similar to what we had under Lands for Life to offset? For example, if a habitat is going to be protected, and let's say it takes out of circulation X amount of fibre from a forest company or whatever, there is some sort of trade so that they are made whole, that they're not on the negative side of the economic side of this. And I guess the second question is, how easy is it to do that? That's a tough question.

Mr. Reycraft: As I indicated in the presentation, generally we support something in the legislation that provides for increased consultation with local communities that are going to be affected by any decisions. That kind of consultation allows for procedures or agreements or compromises, such as you suggested, to be implemented in such a way that species at risk are actually fully protected, but at the same time we avoid serious, negative socio-economic impact on local communities. So those kinds of agreements can be worked out if you involve the local community in a consultation before the final decisions are actually made. How easy is it to do? Consultation and negotiations resulting in compromises are not always easy to implement, but certainly, if you look at the opportunity to avoid unexpected negative consequences from any action, the effort is worthwhile.

1130

Mr. Oraziotti: Thank you, Mr. Reycraft, for your presentation. You made some very good points and we'll certainly be considering those during the next few days. I can let you know that we are also very concerned about balancing local community interests as well as economic priorities, while ensuring that we do more to protect endangered species in Ontario. So thank you for making your presentation today.

Mr. Ouellette: Thank you very much for your presentation. I'm just going to mention something. First of all, my concern with this legislation is such that the process that takes place will remove the political input. The removing of the authority from the minister's office puts it onto somebody else's responsibility. At that point, the ability to deflect any necessary movement to protect species—it then is removed from the political ability; the minister can now say, "It's not my responsibility. They're the ones who are responsible. Talk to them."

As the individual who signed off and protected more species at any one time than anyone else, I can tell you the process is currently there now. What needs to take place is the political will at the minister's level to make it

happen and to bring it forward to the cabinet table to push it through, and that's where the difficulty is.

My concern here as it applies to AMO is, do you think that eventually a species-at-risk study will be necessary before advancing and moving into developmental areas such as protecting—for example, what happened in Aurora with the Jefferson salamander or, in other cases, the loggerhead shrike; large tracts of areas were shut down because supposedly this was taking place, and it will be necessary to have a species-at-risk study before you can advance those developmental areas.

Mr. Reycraft: I guess I'll respond this way: We would prefer that the decision-making about those kinds of studies occur at a level where there is political accountability, that it not be placed entirely in the hands of appointed officials who are not so accountable to local communities. So while we appreciate the flexibility that seems to be built into the legislation, there remains a concern that that flexibility might not be exercised in a way that reflects the best interests of local communities, and particularly their socio-economic best interests.

The Chair: Thank you for attending today, Mr. Reycraft and Mr. Rosborough.

FORESTETHICS

The Chair: Moving on to the last delegation of the morning: ForestEthics. Gillian McEachern, please come forward. You have 15 minutes, and the floor is all yours. If you would leave some time near the end for questions, I'm sure the committee would appreciate that.

Ms. Gillian McEachern: Thank you. I'd like to begin by thanking the committee for the opportunity to speak to you this morning about Bill 184.

ForestEthics is a non-profit conservation organization. Our work focuses on building solutions to protect endangered forests, with a particular focus on creating market leverage for conservation solutions.

To begin my presentation, I'd like to step back a bit from the specifics of the bill and place it within a broader context that it is occurring in. Then I'll briefly touch on a few key areas within Bill 184 that are really quite essential and that we'd like to see strengthened.

The forest industry in northern Ontario is facing tough economic conditions. Several factors have contributed to this: the ongoing softwood lumber dispute, the rising Canadian dollar, increasing competition from low-cost southern plantations, consolidation within the sector, and a changing demand for commodity products, which Ontario happens to produce a lot of.

It's become clear over the last few years that business as usual is no longer an option. As a result, many mills have closed across northern Ontario as businesses struggle to remain competitive in this changing global marketplace. The forest industry is an important economic player in northern Ontario, and when mills close it hurts communities. This government has dealt with the impacts of that quite directly, and some members on this com-

mittee have dealt with those impacts in the communities they represent quite closely.

At times, environmental regulations have been blamed for the crisis facing the forest industry. There has been a perception that improving consideration given to ecological values, such as species habitat and forest management, has caused the amount of wood to be harvested to drop, and that that drop in harvest level has put mills in trouble. It must be noted, though, that the amount of wood cut from our public forests has increased over the past 10 years, during a time when various guidelines were put in place to try to minimize the impacts of logging on some species. This is not to minimize the efforts some members of the forest industry and the government itself have made to try to improve the way we're looking after species in forest management.

One example related to harvest levels is that in 1990, seven million cubic metres of wood was cut from north-western Ontario. By 2003, this number had risen to 11.3 million cubic metres. At the same time that Ontario's forest sector is restructuring and needing to find a path to remain competitive, the business case for sustainable forest management is mounting. The expectation for corporate social responsibility and environmentally responsible investment and procurement is growing. Purchasers of Ontario's wood products are now demanding that wood be harvested sustainably and that the habitat needs of species such as woodland caribou are met.

A couple of examples of this: The global market for products certified by the Forest Stewardship Council is now estimated to exceed \$5 billion annually. Over 200 US companies have committed to buying ecologically responsible products, with a preference for Forest Stewardship Council products. FSC is a system of third party certifications that verifies that wood comes from well-managed forests.

Some of these companies that have made these commitments, like Home Depot, buy a substantial amount of product from Ontario. Tom Katzenmeyer is the senior vice-president of Limited Brands. He recently stated, "The growing controversy about logging in caribou range is of serious concern to us, and we want to ensure that our paper consumption does not contribute to the demise of endangered species."

Limited Brands is the \$10-billion parent company to Victoria's Secret. In case you're wondering what a lingerie company has to do with logging in Ontario, Victoria's Secret sends out 350 million catalogues per year, making them a very large paper consumer. Last fall, they announced that they would stop buying paper from a company logging in caribou habitat in Alberta and BC. Now they're looking to replace this \$100-million contract, and if they're going to turn towards Ontario, they'll want assurances that caribou are being adequately protected in the province.

Ontario is well-positioned to take advantage of this demand for more sustainable wood products. Nearly 30% of the province's forests have already been FSC certified. The provincial government has the opportunity to enable environmental leadership within the sector.

Given these changes, a strong Endangered Species Act will help Ontario forest companies remain competitive by responding to the growing market demand for green products. We often talk about the cost of environmental protection, but in this greening market, we also need to consider the cost of not protecting species at risk.

Now I will quickly go through a couple of the key areas of the act that I'd like to reinforce, and suggest strengthening on some of them. The first one is science-based listing. Bill 184, as we've heard, requires COSSARO, a committee of scientists, to make the determination of whether or not a species is at risk. This is a fundamental aspect of strong endangered species legislation: The status of a species is a scientific question. How we respond to that status is a broader question that needs to incorporate socio-economic considerations. There is flexibility in the bill right now in how the government responds to species listing to address those concerns. The current section should stay as it is.

The second area I'd like to touch on is recovery strategies. The current version of the bill requires the minister to respond to recovery strategies. Instead, we would like to see the minister implement recovery strategies. Additionally, the contents of recovery strategies are not included in the current description. We'd like to see more detail provided around this to clarify that recovery strategies should include the identification of habitat for the species, threats to the species and a description of the measures taken to help recover the species.

1140

The third area I'll touch on relates to species-specific habitat regulations. The delineation of habitat needed by species is an essential part of recovery planning. There are two changes that need to be made to strengthen this aspect of the bill—this is related to sections 54 and 55. First, the species-specific habitat regulation should ensure that the regulations will protect enough habitat for species protection and recovery. As currently written, the regulations could scope the habitat to an area much smaller than is actually needed. Secondly, the development of these species-specific habitat regulations should be based on the habitat identified in recovery strategies. Currently, there is no link made between recovery strategies and the habitat regulations.

The fourth area I'd like to touch on relates to major exemptions. There are a few areas that need to be strengthened related to major exemptions in this bill. The SOS coalition has provided detailed recommendations on most of those. I'll focus my comments on section 18. This section allows for activities approved by instruments to be exempted from the prohibitions of the act. As currently written, this section could allow for forestry activities approved by forest management plans, which cover the majority of Ontario's public lands, to be exempted. This potentially creates a big problem for the recovery of species at risk in the managed forest; in particular, woodland caribou. It would allow existing forestry activities to be exempted without any additional

consideration for the recovery of the species. The exemption for minister's instruments in section 18 must require that the activities approved be consistent with the recovery for the species and that there be an overall benefit to the species, as verified by an independent expert. Otherwise, the status quo can continue and hamper the implementation of recovery planning as intended in the act.

The last area I'd like to talk about is the phasing-in provisions. Currently, the phasing-in provisions in the bill would mean that habitat protection for the "backlog" species will become mandatory in 2013. This time lag is a concern for woodland caribou. It will allow logging to continue in caribou habitat before we have made some really critical decisions about what areas need to be protected for caribou. Caribou need large areas of habitat without human disturbance—in the scale of 9,000 km². I've included a map in the handout to committee members. It shows anthropogenic disturbance in Ontario's boreal forests between 1989 and 2001 in yellow, and there's a separate area in red which shows anthropogenic changes between 2001 and 2006. This does not include natural disturbances like fire and insect outbreaks. The scale of our impact on the boreal forest on this map shows why an animal like caribou, which needs large intact forests, could be in trouble—is in trouble. Caribou have not occupied areas previously logged, even once the forest grows back. The area they live in has steadily receded northward as industrial activities like logging and road construction have moved north at a rate of approximately 34 kilometres per decade.

While the provisions of this act are coming into force, intact caribou habitat will continue to be logged. I would urge the government to consider fast-tracking the implementation of the act for woodland caribou and to take immediate steps to defer key areas of intact habitat from logging and road construction while recovery planning is taking place. I'd encourage the government to pass a strengthened Endangered Species Act with the revisions suggested.

Thank you.

The Chair: Thank you very much. You've left just over a minute for each party, starting with Mr. Ouellette.

Mr. Ouellette: Thanks very much. You spoke about recovery strategies. How do you think they should relate, for example, to global warming? When you deal with polar bears, the province of Ontario has a substantial population, in the area of 1,000 polar bears. Global warming substantially impacts them. We would have virtually no ability to deal with that unless there's a change of feed that they're dealing with.

Ms. McEachern: If your question is how measures to—

Mr. Ouellette: You mentioned that—so the polar bear is listed.

Ms. McEachern: Yes.

Mr. Ouellette: Automatically bring in a recovery strategy. How do you deal with polar bears when it is completely out of your hands?

Ms. McEachern: Polar bears are not my realm of expertise; I'll say that. I think that the issue with global warming, at least within the boreal forest, and caribou—luckily, intact areas of caribou habitat store a lot of carbon as well. So from a global warming perspective—

Mr. Ouellette: The areas you mentioned for caribou particularly are under moose management currently. The moose management forest practices discourage caribou habitat, as you well know, if you deal with caribou. Do you think that we should be implementing caribou strategies, then, so that we change those strategies to—it's not when the forests originally grow back; it's when they hit about 900 stems per hectare, as opposed to the 2,500 on average that they're at now, where caribou would be able to migrate back into those areas, which means we're looking at another 50 years before you see any movement back.

Ms. McEachern: We haven't seen any movement back even from very early logged areas, but related to—sorry. What was your actual question?

Mr. Ouellette: It was dealing with the—you're looking at the strategy plan for implementation.

Ms. McEachern: Oh, the moose. Sorry.

Mr. Ouellette: Right. Moose as compared to caribou.

Ms. McEachern: Most of the area that caribou live in, the moose guidelines have been slowly phased out. We've recognized that fragmenting the landscape at that level was not appropriate for the species and for the ecological sustainability of the forest. I think the areas of caribou habitat that remain intact do need to be set aside or managed specially because, within the managed forest, there aren't many of them left.

The Chair: Thank you. Mr. Bisson?

Mr. Bisson: So those polar bears live in my riding.

Just a couple of things. To get to the nub of this, is there any way, in your view, that the principles of the Endangered Species Act can coexist with the economic activities of the forestry, mining and other industries?

Ms. McEachern: I believe they can. I think the way the markets are shifting is going to mean that they're actually complementary.

Mr. Bisson: One of the things that was alluded to earlier in one of the presentations—and I'm trying to put some thought to it—is that under the Lands for Life process, there was a trade-off. As we set aside lands to protect for future generations, under principles as set out under Lands for Life, there was an offset, so that if you lost, let's say, X amount of harvesting or X amount of whatever, there was an offset somewhere else. Is that possible, in your view, in this particular context?

Ms. McEachern: If by "offset," you mean a mitigation wood supply—

Mr. Bisson: Yes, exactly.

Ms. McEachern:—which is what happened in Lands for Life, I think that where that is possible without jeopardizing the overall sustainability of the forest, it makes sense for governments to try to find those types of solutions. The danger would be if that were mandated and it were to result in, let's say, accelerated harvest

beyond what the forest can sustain, that would cause overall sustainability issues.

Mr. Bisson: But that would be dealt with under the Sustainable Forestry Development Act, because you couldn't do that under the forest management plans. But that brings me to my next question: How does that juxtapose to the forest management plans? Because in your forest management plans, you've got to deal with harvesting limits and ratios and stuff. Can we, again, have a situation where we can basically mitigate the losses?

Ms. McEachern: Mitigate the losses in wood supply, you're saying? I would imagine that question would need to be answered on a unit or region-by-region basis, but we have seen no closures over the last several years. The wood demand is changing.

Mr. Bisson: Just by way of a comment, and this is just for the record and for yourself, is that the fear in northern Ontario—nobody's opposed to the principle. The problem is that we're a resource-based economy; that's what we do in northern Ontario. So when we talk about setting lands aside, for mining or forestry or whatever, it would be like saying, "You can't build a car plant. You can't build x, y, or z" that we take for granted in southern Ontario. That's why there's this resentment—not resentment, but a want to try to find some way to mitigate, because it's our economic livelihood.

The Chair: Thank you, Mr. Bisson. Mr. Oraziotti?

Mr. Oraziotti: I don't have any questions. I just want to thank Ms. McEachern for coming in this morning. Thank you for your presentation.

Ms. McEachern: Thank you.

The Chair: Thank you very much for attending this morning.

That is our final presenter of the morning. We're going to recess—

Mr. Bisson: Are we coming back to this room?

The Chair: This room at 4 o'clock. I just remind everybody, all parties and all members, that amendments need to be in by 12 p.m. tomorrow. Under the rules set by the House, there will be no exceptions to that.

We're recessed. Thank you very much.

The committee recessed from 1149 to 1600.

DOMTAR INC.

The Chair: Ladies and gentlemen, if we could take our seats, we're going to have to stay pretty close to the clock today in order to make sure that we hear from everybody. Our first presenter today is from Domtar. Would you like to come forward? It's 4 o'clock, so I'll call the meeting to order. If you would like to introduce yourself for Hansard, you've got 10 minutes. If you could leave a little bit of time at the end for questions, that would be great; if not, the time is yours to use as you see fit.

Ms. Bonny Skene: Thank you, Mr. Chair and members of the committee, for the opportunity to speak to this proposed legislation. My name is Bonny Skene. I'm the

public affairs manager with Domtar. I'm pleased to be here and joined by my colleague Dr. Kandyd Szuba, a biologist, also with Domtar.

First of all, we've circulated a handout that we'll use for the purposes of discussion. Domtar is now the largest integrated producer of uncoated freesheet paper in North America. Uncoated freesheet paper is a technical name for photocopy paper—this paper. We employ 14,000 people worldwide, including approximately 2,900 of those in Ontario. We're responsible for the management of five sustainable forest licences in Ontario, and we are partners in another five, which really leads to our involvement in the management of approximately just over seven million hectares of crown land in Ontario.

At this point, I'd like to turn it over to Dr. Szuba to speak to some of the technical aspects of the proposed legislation and some of the recommendations that we bring forward today.

Dr. Kandyd Szuba: Honourable members, ladies and gentlemen, we have travelled a long way to be here today because Domtar supports and—

Mr. Bisson: Excuse me, you'll have to sit—

The Chair: Yes, unfortunately we can't pick you up on the mikes if you stand up.

Dr. Szuba: Okay, thank you. I'll start again.

The Chair: That was a good start, though.

Mr. Bisson: I just saw the interpreter jumping up and down. J'ai compris, Madame, dans les deux langues.

Dr. Szuba: I'll start again. Ladies and gentlemen, we have travelled, as I said, a long way to be here today because Domtar supports an effective and efficient Endangered Species Act. Ontario, we note, has been a leader in providing for species at risk since passing the original Endangered Species Act back in 1971, 30 years before the federal act. Since then, MNR and the forest industry have taken our responsibility to protect and to provide for species at risk very seriously. Providing for species at risk has been intimately linked with Ontario's open, comprehensive forest management planning process. We support strong environmental legislation, including a renewed, updated Endangered Species Act for Ontario.

On the next slide, honourable members, you will see a map. What we are saying here is that the forest management process—the system that we use, the system that governs all the activities of the forest products industry on crown land—applies to all forest management units in Ontario. On this map, those units are illustrated as the differently coloured polygons. The units that are of particular interest to Domtar are in the medium-blue shades there in the northeast and the northwest. We are showing you this map to remind you that the decisions that you make regarding the Endangered Species Act—the degree to which the act will recognize or compromise the forest management planning process—will affect a very large area, the entire area illustrated on this map.

Providing for species at risk is our business, and it has been an important part of the forest management business for a very long time. The forest management system is a

made-in-Ontario system. It includes inventory and reporting of important sites and habitat supply modelling over time. It includes areas-of-concern planning in forest management plans using science-based reserves that are identified in forest management guides that are approved by MNR and applied to special sites, to shorelines and other areas.

If you look on this slide at the map that we've depicted here, this is typically what you might see in a forest management plan. What we show in green are the forest stands; in blue, is water; and under the "N" might be the nest of a species at risk such as the bald eagle. The concentric circles around that nest would be the buffers, the reserves. That represents the area of concern we would apply around every known occurrence of this species at risk in the forest.

This forest management process also includes a complex series of manuals, guidelines and activities that ensure that through our harvesting of trees on the landscape we emulate natural disturbances to the extent possible. The idea is that this will provide a diversity of forest types and ages across the landscape in approximately natural amounts. The thinking is that by doing this, we will provide habitat currently and in the future for species that might be on Ontario's list today, and we will keep the common species common, and therefore prevent species from finding their way onto the endangered species list in the first place.

On the next slide we make the point that we believe the forest management system that is in place today works, that it contributes to species recovery. Here you see seven species that have either been taken off the list, where they resided at one time, because their population has recovered, or when the new legislation is passed, they will be downlisted or delisted—taken off the list—or in the cases of the bald eagle and peregrine falcon, they have been downlisted because of population recovery. We believe that this is evidence that forest management has contributed materially to species recovery.

Honourable members, you must change the text of the new Endangered Species Act to recognize, not jeopardize, this effective forest management system. We are asking you to explicitly recognize as instruments under the act approved forest management plans, approved forest management guides, and also to use a more meaningful definition of "critical habitat" in the act—nests, dens, residences—so that this will ensure that truly valuable habitat is protected and at the same time minimize unnecessary adverse impacts on economic activity that is so vital to our communities. Domtar supports the OFIA's proposed changes to the wording of the legislation that will address these two points.

Ms. Skene: In summary, we support an effective and efficient Endangered Species Act. The forest industry and Domtar have a long record of participation, co-operation and support for species-at-risk initiatives. The system in place to provide for them and protect them works. The act must explicitly recognize the existing forest management plans, guides and processes to reduce

uncertainty, prevent unintended prohibitions and challenges to forest management plans, and reduce the cost of implementing Bill 184.

I thank you for the opportunity to address this committee. We look forward to the meaningful and important changes required to ensure that this legislation is both effective and efficient.

The Chair: Thank you. You've left time for one brief question from the opposition.

Mr. Miller: Thank you very much for your presentation today. Just last week I actually had a meeting in my constituency office in Bracebridge with a constituent who is a biologist working in the forestry industry. He wanted to see me to say that he supported the act but that most of the work is already being done through the forest management plans and guides, exactly as you say. In fact, he brought them with him into my constituency office. He made the point you have so clearly today, that all the good work you are doing be recognized. So I take your point, and we'll certainly support your main point of recognizing the forest management plans and guides and make sure that works with this new act.

The Chair: Thank you very much for attending today.

1610

NORTHWESTERN ONTARIO MUNICIPAL ASSOCIATION

The Chair: Our next presenter is from the Northwestern Ontario Municipal Association, Mayor Krassilowsky from Dryden. Good afternoon. You have 10 minutes to use any way you like. If you could leave some time at the end for questions, that would be appreciated.

Ms. Anne Krassilowsky: Ten minutes is a very short time, but I'll try.

Good afternoon, members of the committee. My name is Anne Krassilowsky, mayor of the city of Dryden. I'm here today in my new capacity as president of the Northwestern Ontario Municipal Association.

As you know, NOMA is unique across Canada as the only municipal organization that continues to be able to say it represents 100% of the municipalities within its jurisdiction. The NOMA annual general meeting was just held in Dryden on April 25 to 28. The key message I carry from the delegates to this committee is a very real and serious concern over the potential impact of yet another piece of legislation on our economy.

NOMA members and the vast majority of the people we represent support bringing the Ontario species-at-risk legislation up to date. As you know and can appreciate, northwestern Ontario is a series of communities in turmoil, and has, as one presentation at the AGM indicated, lost over 6,000 jobs in the past few years, some temporarily and some forever. Each family in each and every community lives on a daily basis in uncertainty and in fear of tomorrow, and now faces the potential impact of the species-at-risk act. It is no wonder that 75 municipi-

palities from across Ontario have sent letters to the Premier asking for full public hearings on this legislation.

With all due respect, two days of hearings in Toronto, approximately 1,278 miles away, a trip that would take you 24 hours to get from my neighbouring community of Kenora to the outskirts of Toronto, is unacceptable. In context, that is the same distance between Toronto and Sydney, Nova Scotia, on Cape Breton Island, or Toronto to just short of Tampa, Florida. The people left working in the forest, facing a shortage of time and money, are not in a position to travel those same miles to make their concerns heard here today, and yet they do need to have their say.

Much has been said about all the consultation that has been held over the past year. Northwestern Ontario and her people recognize that the Environmental Bill of Rights was posted on the same day that most municipalities closed their offices for the Christmas break. That certainly restricted our ability to know about it, research the issue and respond accordingly within a relatively short period.

NOMA has a long-standing reputation of being focused, credible and, as you know, persistent. We believe in our area and we constantly press the views and concerns of the people of the northwest. At the same time, we have worked with all governments to find solutions that work with and for the north.

We were therefore pleased when Minister Ramsay told NOMA delegates that he had heard the concerns being raised over this legislation and was preparing to introduce amendments at the committee stage. We are frustrated that as of this past Friday no amendments have been tabled. Upon receipt of the government's amendments, we would ask that the committee circulate them to all those who have appeared before this committee and provide us with an appropriate period of time to formally respond. Further, we would ask that the committee not move to consideration of the amendments until that has occurred.

Today, we want to put forward our suggestions for changes to the act to deal with some specific concerns that have been identified by the industries that represent key components in our northwestern Ontario economy. We rely on their advice, as they are the experts in the forest. They manage the resources on an ongoing basis and we believe they have done and are doing an excellent job as stewards of the boreal forest.

As you know, and we know, this is not the same industry that was operating in northwestern Ontario when I came to Canada in 1944. Today's industry has undergone significant change in recent decades and is among the most progressive to be found anywhere. Since 1994, we have seen the development of class approval for forestry on crown lands under the Environmental Assessment Act and the approval of the Crown Forest Sustainability Act. These two pieces of legislation, as you know, are among 17 federal and provincial acts that ensure that forest management on crown lands is conducted in a sustainable manner and for all values, including the

protection of species at risk. Mining and other activities on the land are also heavily regulated, and this regulation provides for the protection of species at risk.

Bill 184 lacks necessary clarity and presents many unanswered questions, particularly with respect to the impacts this legislation will have on our northern communities.

NOMA, a member of the Ontario Forestry Coalition, which you heard from earlier today, is pleased with the responses we've had from the government of Ontario over the past two years, as it has responded to some of the recommendations of the Minister's Council on Forest Sector Competitiveness. Premier McGuinty told us that "more needs to be done," and we will certainly continue to pursue those additional changes to public policy. At the same time, we are concerned that the existing hard-fought gains are in jeopardy if new policy isn't efficient, if it creates more cost and makes us less competitive in an increasingly tough global marketplace. We believe that Bill 184 can be modified to ease our nervousness and ensure more stability in the boreal forest. These amendments will not diminish the act but will strengthen it.

NOMA supports the creation of COSSARO, an expert group made up of scientists and aboriginals. However, we believe strongly that other practitioner and community knowledge must also be represented on COSSARO. It is all of the people who earn their living from the land and who depend on our lakes and rivers who will have the first-hand knowledge of species numbers and their whereabouts, and it is their anxieties and concerns that Bill 184 needs to address to ensure more stability in their lives and in our communities. Finally, it is important that both northern and southern Ontario are represented on COSSARO. The forests and critters of northern Ontario are significantly different than their southern Ontario counterparts, and that should be reflected in the knowledge base at the table.

NOMA also believes strongly that COSSARO should not be the last word. Committees who operate without consideration of the economic and human ramifications of their decisions need to have the oversight of a minister who is accountable to the greater public. COSSARO should be an advisory committee to the minister, with the buck stopping with the minister.

Interim habitat—a too broad definition and open to interpretation: "An area on which the species depends, directly or indirectly, to carry on its life processes, including areas used for reproduction, rearing, hibernation, migration or feeding." The definitions provided under Bill 184 could apply to almost anything and have the potential to unnecessarily impede economic activity with no tangible benefits to species at risk. The act needs to be amended to provide for a more site-specific definition that provides for distinct areas of specialized function that are directly relevant for species survival. We support the proposal put forth in the Ontario Forestry Coalition presentation earlier today.

Finally, Bill 184 needs to provide a measure of compensation for landowners, resource users and commun-

ities impacted by the legislation. This change would make Bill 184 consistent with the federal species-at-risk legislation, which recognizes that protecting species is to the benefit of all citizens and comes at a cost that must be shared by all parties. We urge the government to ensure that investments made by those operating on the land will not be lost or diminished by the provisions of Bill 184.

We need to understand that in an industry which you have seen to be under threat and where investors are not beating down the door to invest in our forest industry, the potential of new red tape where there is uncertainty will only drive those investors even farther away. We ask you to also understand that the NOMA area is more than forestry and mining; it is farming, commercial fishing, angling, hunting and trapping, waterpower development and quarry operations, all with the potential to be impacted by this legislation.

Our neighbours, the Anishinabek people, who we share this land with, also have concerns about this act, as we heard from Grand Chief Stan Beardy this morning. We support those concerns.

Members of this committee, we are not speaking as alarmists and we are not fearmongering. As a mayor of a community in which livelihoods are at stake, where the value of people's homes, our history and the future of our communities face the consequences of government policy, it is not alarmist to express those concerns. We've certainly been alarmed over what has already happened to our communities. We do fear the unknown because we have so little control over it.

There is a map attached with circles that indicate most of our communities. The vast majority of that turmoil in our communities is related to the forest industry. I have spoken directly with Domtar, which is a major employer in my community and the surrounding area, to better understand how this legislation will impact them and the forest industry as a whole.

1620

I am the owner of a logging truck that depends on the forest for stability. I can fully understand those whose livelihoods depend directly on this industry and I understand the uncertainty of those who operate in the indirect jobs related to this industry across northwestern Ontario.

We in northwestern Ontario understand and know first hand who's in our bush, what lives there and where they travel. While we understand the need to protect endangered species, we need to ensure that we protect the people who live and work in the boreal forest. We've lost jobs and thousands of people, so let's change this act so more people are not forced to leave.

If our requested and moderate amendments are accepted into the act, we can and will support Bill 184, but we also need to be pragmatic, efficient and realistic about how we take on that important task. All we ask is that you fine-tune this act so that it works for our northwestern people and the Ontario species at risk.

The Chair: Thank you, Mayor Krassilowsky. Fortunately, or unfortunately, you were 10 minutes right on,

so you didn't leave any time for questions. But it was excellent time management, so thank you very much.

Ms. Krassilowsky: It's many miles for such an important subject in 10 minutes.

The Chair: Thank you very much for coming today. It is appreciated.

DAVID SUZUKI FOUNDATION

The Chair: Our next presenter is from the David Suzuki Foundation, Rachel Plotkin. We'll be hearing from Rachel for 10 minutes, and then I'd suggest at that time we go down and vote, so we're not breaking somebody's presentation in half. You have 10 minutes, Rachel. The time is yours to use as you see fit. If you do have the opportunity to leave some time for questions, I know that would be appreciated.

Ms. Rachel Plotkin: Thank you very much. The David Suzuki Foundation greatly appreciates the opportunity to appear before this committee. The David Suzuki Foundation is proud to be one of the members of the Save Ontario's Species coalition. I've come today to present from Ottawa, where there are a total of four David Suzuki members working in a satellite office.

The mission of the David Suzuki Foundation is the protection of biodiversity through science and education, and the David Suzuki Foundation has over 40,000 supporters across Canada, and actually the majority of these are from Ontario.

I myself have been working on the species-at-risk file for six years, mostly at the federal level, watchdogging the implementation of SARA and focusing on habitat and habitat identification, but also reviewing provincial polices through things like report cards.

Across Canada, habitat loss and degradation is the number one cause of species decline. There was recently a science article published that said it was the primary cause of decline for 84% of Canada's species at risk, and the number was even higher when looking at terrestrial species. This is particularly true in Ontario, which has been heavily impacted in the south. Habitat has been lost due to the conversion of natural areas to subdivisions, to cities, to towns. Habitat has been fragmented by roads and habitat has been lost due to the impacts of industrial resource extraction such as logging and oil and gas and mining.

It therefore follows that if species are to be protected, the number one thing that we need to do is ensure that their habitat is protected. When I say "protected," I don't mean putting all the habitat into protected areas. Protected areas might be necessary in some instances, but I think that for most of us, we understand that it means the appropriate management of the habitat that species need to survive and recover, and in some instances, restoration.

Over all, there are several components that the David Suzuki Foundation feels are essential to have strong endangered species legislation. One of these is a science-based listing process. I think committee members have

heard a lot about that. It's our feeling that it needs to be based on science, if the species is at risk or not, so that species that are at risk can be afforded the tools they need for recovery through endangered species legislation. Another component is a strong recovery planning process that outlines what it is that a species needs to survive and recover, and finally, effective prohibitions against destroying species' habitats and species' homes.

Bill 184, as it is presently written, has many of these components and we commend the government on that. It has the science-based listing process, mandatory habitat protection and mandatory recovery planning. It also has a prohibition against measures to destroy presently occupied and recovery habitat. However, there are several places in the bill that we think need improvement pertaining to the recovery strategy process and the links between the recovery strategy and other components of the bill. I'm going to go through some of those gaps right now.

The most pressing gap that the David Suzuki Foundation sees is the fact that the recovery strategy, as it is written, has no components. There is nothing that is mandated for recovery teams, under the act as it is written, to do in the recovery strategies besides just present a recovery strategy. Recovery teams are the best situated folks to identify habitat because they're working with science, and they're already up and running in Ontario. The majority of species at risk in Ontario already have operating recovery teams under the federal Species at Risk Act.

You have before you, committee members, a list of proposed components of a recovery strategy. I won't read through them one by one, but I will highlight some of them.

One important one is for the recovery strategy to identify the main threats that are facing the species and to identify mitigation measures for addressing these threats. Perhaps most importantly is the identification of the habitat that a species needs to survive and recover, based on the best available science and including information provided by COSSARO and by the Committee on the Status of Endangered Wildlife in Canada, or COSEWIC, and a timeline, a recommended schedule for implementation of the strategy, including a prioritized list of recommended actions.

Regarding the identification of habitat, there are a number of ways that habitat can be identified. This is one area where the wording sometimes matters. What we are pushing for, in the Save Ontario's Species coalition, is that habitat is identified, as opposed to defined, and that this habitat includes mapping where it's feasible to do so. There are some species that don't lend themselves to this type of description, but for those that do, we require mapping. This is again because species aren't going to recover unless their habitat is protected, and we're not going to be able to protect the habitat of species at risk unless we know where that habitat is.

Recovery strategies should also be tied to the precautionary principle, which is the principle that the lack

of scientific certainty does not preclude action. That is, they shouldn't stall interminably, saying, "We haven't quite yet done this study. There's one more study that we need to do." They should use the best science that they have at their fingertips to, where possible, identify the habitat that species need to recover and take into account the fact that, as new science comes in, there will be amendments possible to the habitat regulations.

Another thing that's worth emphasizing is that the components of the recovery strategy need to be mandatory. There are numerous times in numerous bills where the wording is strong until it comes to either "may" or "must." This is something that is integral to species recovery: Habitat must be identified.

There is another section in the bill, the habitat regulation section, which allows for the definition of habitat, but this section is discretionary; it says the minister "may." That just makes me emphasize once again that under the recovery strategies, it should be mandated that the appropriate habitat that species need to survive and recover be identified. Ultimately, the identification of habitat and the recovery strategy stage can serve to inform the habitat regulations, which I will come to in a moment.

Another gap that we see in the bill is the way that it's worded how the government should respond to the bill. Right now, the draft text of the bill says that the minister only has to respond to the bill, as opposed to implement the bill. We recommend that the minister should be required to implement the portions of the recovery strategy that are within the authority of the government of Ontario, unless the minister can demonstrate that such implementation is not feasible.

To come back to habitat regulations, as you know, under the act the minister can designate habitat. This is done with stakeholders, which we think is a strong component of the bill, to replace the interim habitat designated upon listing. Although habitat regulation would best be informed by recovery strategies, this link is not made apparent in the bill. The bill should clearly state that the development of species-specific regulations will be based on recovery strategies. The bill can be amended by requiring species-specific regulations to be based on the best available information about the habitat needs of a species, including information contained in recovery strategies and, again, contained by COSSARO or the COSEWIC body.

The habitat regulations section also has a clause that has the potential to undermine the link between recovery strategies and habitat definition under the regulations. As it is currently written, section 54(2) enables the minister to designate habitat that might be smaller than the area used by a species to carry on its life process. This obviously could result in the designation of insufficient habitat for species recovery. This gap can be amended by adding language to ensure that, at a minimum, sufficient habitat is prescribed to provide for the survival and recovery of the subject species.

Another area that should be linked to recovery strategies but is not yet in the bill is the permit and agree-

ment section. Under the major exemptions and agreement sections as written, it's possible that all of the work done by recovery teams and by stakeholders in the habitat regulations committees could be undermined.

As they are currently written, clause 54(1)(b) provides a wide exemption power, with nothing limiting the use of the section so as to ensure that species are not put in jeopardy, and section 18 could allow for exemptions from the prohibitions for existing instruments, which could include forest management plans. Once again, this has the potential to undermine all of the work done by recovery teams and the committee and stakeholders involved in the habitat regulations that go toward defining the habitat and species needed to recover and putting measures in place to ensure that this habitat is maintained.

Once again I'll say, just to emphasize it, unless you protect the habitat that species need to recover and unless you start protecting it by identifying it, there's no question that species at risk in Ontario will not recover.

As you've likely heard from my fellow SOS coalition members, one way to address the threat posed by these two gaps is to ensure that there is a clause that ensures that the effect of exemptions does not jeopardize the survival or recovery of a species. Another way is to add an amendment to the bill to insert something that links the permits and the exemptions and instruments to the recovery strategies and ensures that they are consistent with the minister's response to the recovery strategies.

I'll just add one thing that isn't in my presentation that would also strengthen the act, which is that, as the act is currently written, clause 11(4)(c) gives the minister the potential to delay the development of a recovery strategy. We recommend that there should be a ceiling on that, that the delay should not exceed a year.

It's worth noting that as the recovery strategy is currently written under the act—that is, it just says "recovery strategy" and it doesn't have components—it doesn't measure up to the federal Species at Risk Act. As committee members might or might not know, the way the federal Species at Risk Act was created gives it a safety net so that one can sue under the Species at Risk Act if a province doesn't have laws that are comparable. So really, the Ontario—my time's not up, is it?

The Chair: Yes.

Ms. Plotkin: You're kidding. Okay. My last thing is, thank you. We really appreciate all of the effort that the government has made on this bill, and we hope the government takes heed of our amendments.

The Chair: Thank you, Ms. Plotkin.

Ms. Plotkin: It goes by so quickly.

The Chair: It does. Time flies when you're having fun.

We need to go and vote. For those members of the audience, that means that all the members will be excusing themselves. There will be a vote held in the chamber upstairs in just under five minutes. All the members will be returning to this room after that. The next one is

Buchanan Forest Products after we come back. We're recessed.

The committee recessed from 1633 to 1642.

BUCHANAN FOREST PRODUCTS

The Chair: We're back in session. Hartley Multamaki, vice-president of planning and development for Buchanan Forest Products: Ten minutes is all yours, sir.

Mr. Hartley Multamaki: Thank you very much. Let me say that it's a real pleasure to be here. We appreciate the opportunity to make a submission to this committee.

I'll start out by saying that 93% of the species at risk occur in southern Ontario, and I'll revisit this theme a little bit further on. I think that very clearly points out that the forest management planning process in Ontario is working, and it's working well. Of the other 7% of the species that are at risk, there are very few of them in northern Ontario, and we are concerned about all of those. Some, of course, have a much larger impact on our operations than others.

As you point out, I'm Hartley Multamaki, vice-president of planning and development for the Buchanan group of companies. We are a fully integrated forest products company. We manage large chunks of northwestern Ontario under sustainable forest licences. We have solid wood products mills, sawmills, and we own one major pulp mill in Terrace Bay.

The species that we are most concerned with at this point in time is the woodland caribou because of the nature of the animal and how it crosses over large amounts of northwestern Ontario. I'd like to point out that the caribou, we suspect, is on that endangered species list as a direct result of past management practices that were approved under the featured species approach to management in the province of Ontario. Caribou have basically receded to the north as a result of a number of activities, mostly human-based and mostly, I think, as a result of management practices that were approved and put in place over the last 40-plus years.

One of the interesting things about it is that caribou occupy habitat that is very, very specific and doesn't tend to be very diverse in nature. One of the points I'd like to bring up is that with recovery programs or recovery plans, it does not appear like there are going to be any assessments of the impact of those recovery programs on other species. If you look at a species like caribou, very clearly, if you have a recovery plan that's geared to bringing caribou back, you will impact on a wide range of other species that are out there on the land base. Obviously the one that comes to mind is wolves. Wolves and caribou do not coexist in a very comfortable arrangement. It's a prey-predator relationship, and caribou tend to be fairly easy prey for wolves. And at some point in time, wolves may in fact end up being added to the list. So one concern for us is that we don't have recovery plans that end up adding species to the list as opposed to simply taking them off.

The other thing I would point out is that the Ontario forest management planning program is one of the few—if not the only—processes that has gone through a complete class environmental assessment. I know of no others in the world. We spent more than a decade on that particular class environmental assessment, and we take a great deal of pride and comfort in the fact that we operate in a fashion that is approved under that class EA. I would also point out that most of the people who are making presentations here—their groups were represented at that class EA. In fact, it was a joint effort by the province of Ontario and most of the groups that are out there, either on the land base or stakeholders in activities that occur on the land base, that led to that class environmental assessment being approved.

The other thing is, we operate through a series of guides. An example of this would be the landscape guides that take into account very specifically those species that are at risk.

If you look at the third or fourth page, we're quite concerned that there would be impacts on other biological communities, either plant life or wildlife, as a result of some of these recovery strategies. If you put a single plan in place, obviously it's going to have an impact on everything else around it. We certainly do not want to have other species added to the list as a result of a recovery plan.

The other issue for us, obviously, is wood supply and wood supply costs. We are suggesting that there should be a socio-economic impact analysis done with respect to each of the recovery plans that are put in place. It's critical, particularly with caribou, that a recovery plan include a socio-economic impact analysis to determine what impacts the communities and the people of northern Ontario are going to feel as a result of these recovery plans.

I've included a map in my package which shows the area to the east of Lake Nipigon. Those are some of the areas that we're primarily concerned with. That's not to say that the caribou recovery strategy doesn't apply to the western part of the province, but we do have the bulk of our operations as a corporation in that area.

The other thing I'd point out is that we do operate in a world where wood supply has been continuously falling, and the caribou guidelines have, in fact, reduced the available wood supply significantly. In 1990, we basically had 14 million cubic metres of conifer available in the northwest region; it has now fallen to 9.5 million cubic metres. We've lost over 3 million cubic metres of wood supply as a result of the previous caribou guidelines. So obviously, we're very nervous about the impacts of a caribou recovery strategy in northwestern Ontario.

I would also point out that we would suggest there should be a discussion around compensation to the communities, the companies and the people of northern and northwestern Ontario, should the impacts be significant.

In conclusion, SARA needs to recognize the existing forest management planning process and the world-class nature of that process. Like I said, our forest management

planning process in Ontario is one of the finest in the world. I would suggest that we don't necessarily need to reinvent the wheel; we simply need to maybe tweak it or improve on what's already there. We also need to recognize the complex nature of the ecosystems that are being managed. When you manage an ecosystem for one species or one purpose, it's commonly at the expense of all of the other species or purposes that are out there. We are also suggesting that any recovery strategy should have a socio-economic impact analysis done on it, and we're suggesting that there should be mitigation in the recovery strategies.

Thank you very much. I'll take questions.

The Chair: Thank you very much. You've left almost three minutes, starting with Mr. Bisson—very short.

Mr. Bisson: You've touched on it, and that is the issue of how does this juxtapose with your forest management planning manuals? The short question is, is that an amendment that you would want to have to make sure that those two pieces of legislation are somewhat linked? The second thing is—a little bit unrelated, but kind of related—do you have any sense, in regards to the licences you currently have, as to what degree this legislation would impact current holdings that Domtar has?

1650

Mr. Multamaki: I'm actually with Buchanan Forest Products, but—

Mr. Bisson: Oh, sorry; Buchanan. I'm a northeastern Ontario guy, you know? Tembec?

Mr. Multamaki: Yes, we have looked at potential impacts. We've played the "what if" game: "What if the legislation looks like this? What if the recovery strategy for caribou is of this nature?" There's no question that when you make a decision like that for managing a single species, there are always impacts. The question is, to what extent are those impacts going to occur and where are they going to occur on the land base? It's appropriate for us to understand what the final numbers look like, what those impacts really do look like—

Mr. Bisson: Do you have any sense?

The Chair: Time to move on. Mr. Oraziatti?

Mr. Oraziatti: Thanks for your presentation and your information. I just want to ask you how you feel about the current act that's in place and the flexibility or lack of flexibility in comparison to moving forward with this act. My understanding is that we're going to have more flexibility now to deal with these issues as opposed to the current act, if you can appreciate us balancing the socio-economic needs with those in the environmental community who suggest that we're simply not doing enough, we have more endangered species today and we have issues that are not being addressed.

We've heard from many forestry individuals as well as mayors of various communities in northern Ontario about the importance of ensuring that we protect the economic vitality of northern Ontario. Being from Sault Ste. Marie, I certainly know that that's paramount in my community as well. Can you comment on that flexibility? Because my understanding is that we are going to have more flexibility now than under the current act.

The Chair: Very, very briefly, if you would. Then we'll go on to the opposition party.

Mr. Multamaki: Sure. I think the act is quite old. It does need to be updated. I think we have to be very careful, though, about some of the definitions that are in there. My colleagues have spoken about that with respect to identifying specific den sites and that type of thing.

The other important thing to understand is that when you look at Ontario, the bulk of the problem, 93%, is in southern Ontario. In fact, if you look at crown land where forest management planning is applied under the Crown Forest Sustainability Act, there are species that are being delisted as a result of forest management planning activities. Very clearly—and Mr. Bisson said this earlier—there needs to be a connection between these two acts, the Crown Forest Sustainability Act and the species-at-risk act, to ensure that we continue to have the opportunity to perform at the level we're already at. We're already delisting species. Look at the bald eagle, for example, in northwestern Ontario. We have an excellent system out there. Let's not break it.

The Chair: Thank you, sir. Mr. Yakabuski?

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): Thank you very much for joining us today. Some of your industry colleagues have put forth what they consider to be reasonable amendments to this bill. I'm presuming that you would be supportive of those with regard to the composition of COSSARO, habitat definitions and the minister having final responsibility for decisions under this act.

Mr. Multamaki: Yes. We have no problem with that. In fact, we do support those amendments. As I've said, my colleagues have spoken very eloquently about a number of these things.

Mr. Yakabuski: You have some significant concerns if they're not there. Would that be a fair assessment?

Mr. Multamaki: Yes, we have some significant concerns for sure, like I said. For our group, caribou is one of those concerns because the definition of habitat and so on is not as clear as it should be. On top of that, you have to understand with caribou, we've spent the last 40 years actively managing for moose, deer and all of the associated species that come along with moose and deer. That's the featured species approach. We went to the class EA and presented that as a province, that we were going to manage on a featured species approach. The result of that, of course, is that the northern part of the province is managed for caribou and the middle part of the province is managed for moose. We made that decision years ago.

The Chair: Thank you, sir, for attending today.

COMMUNICATIONS, ENERGY
AND PAPERWORKERS
UNION OF CANADA, THUNDER BAY

The Chair: Okay, we've got time to hear from one more group before we go and vote again. Our next presenter is the Communications, Energy and Paper-

workers Union of Canada, Thunder Bay, Marvin Pupeza, national representative. The floor is all yours. You've got 10 minutes, sir.

Mr. Marvin Pupeza: Thank you, Mr. Chairman. I should be well within the time frame.

My name is Marvin Pupeza, and I'm a Thunder Bay-based national representative for the Communications, Energy and Paperworkers Union of Canada, our province's and our country's largest union of workers in the forestry sector.

At the outset, I would like to make it clear that our union does not object to, or challenge, the need for legislation to protect endangered species. By policies and actions, CEP firmly believes that sustainability of our resources means job security for workers. But we also believe that public policy initiatives such as Bill 184 need buy-in from those they affect the most, and the only way to assure that support is by listening to the concerns of all stakeholders. CEP believes you need to expand your consultation process much more broadly, and I want to focus my remarks on that issue today as well as suggest an amendment to Bill 184 to protect the economic interests of the already hard-hit workers in the forestry sector.

Consultation: To say the consultation process was inadequate would be an understatement. One would expect that prior to the legislation being introduced, a comprehensive process would be implemented, allowing all stakeholders the opportunity to make their ideas known. This process should have had information gatherers travelling to all parts of the province allowing input from any interested party. Despite public statements that consultation has taken and will continue to take place, our union has neither been consulted nor allowed any opportunity to be involved in the preparation of this piece of legislation. The same goes for other northern stakeholders.

There is a present mindset that asking questions or voicing concerns about this or other pieces of legislation is tantamount to fearmongering. We believe it is both unfair and irresponsible to portray concern for potential job loss in northern Ontario and the negative impact on our communities as fearmongering. If the proper consultation had taken place, there would be no need to talk about this issue today.

A decision has been made not to travel to northern Ontario to hold these committee hearings. It was the wrong decision, and it certainly begs the question, who is trying to hide what, and why? A one-hour question-and-answer period in Thunder Bay with 50 selected invitees does not constitute proper consultation. Democracy cannot and should not be bypassed for expediency.

Amendments: I can tell you the CEP shares the same concerns which have been voiced by the Ontario Forest Industry Association, OFIA, and we believe that amendments must be generated to address those concerns. The issues of equivalency, habitat definition, compensation and COSSARO composition and ministerial authority are important to the final product.

The CEP has been in the forefront of dealing with environmental issues such as the elimination of organochlorines in mill effluent and support for the Canada safe drinking water act and was the first trade union to publicly endorse Kyoto, just to name a few. Crucial to balancing environmental and socio-economic interests is the need for a just transition program to help workers and communities prepare for change and adjust to it. Such a program must be an integral part of Bill 184, particularly where actions taken under the legislation could result in further job losses. Despite some government verbal assurances that jobs will not be lost, we do not believe changes would not occur. If that were the case, then there would be no need for any new legislation in the first place.

No worker should be asked to choose between his or her livelihood and the environment. Sustainable employment must be part of the solution, along with a sustainable economy and healthy ecosystems. Just transition is about planning for these changes and addressing negative impact in a fair and equitable way.

Recent public statements by Premier McGuinty indicate a willingness to embrace transitional programs. Most recently, the issue of automobile emissions, and the need for targets for such emissions, has been at the forefront. The CEP submits that if a transition plan is good enough for the biggest Ontario economic contributor, auto, then it should be good enough for the second-largest Ontario economic contributor, forestry. The just transition amendment must commit to all stakeholder participation and development, and be fully funded by the provincial government. The just transition program must also be in addition to any present adjustment programming.

On behalf of the CEP, I want to thank the committee for the opportunity to appear today, and we look forward to seeing some meaningful changes in the legislation.

The Chair: Thank you, sir. You've left just under five minutes. That's going to leave us each about a minute and a half, starting with Mr. Oraziatti.

Mr. Oraziatti: Thank you very much for your presentation. I have no questions.

1700

The Chair: The opposition side?

Mr. Ouellette: Thank you for your presentation. One of the largest emerging questions from the forestry sector that will directly affect you is the ownership of biomass and moving forward with utilization for energy creation. Do you feel that this legislation is going to have an impact on biomass, or the decisions that are taking place? Because I don't see any consideration of what's taking place as it relates to forestry and the northern sector at all.

Mr. Pupeza: Maybe not specific to the Endangered Species Act, Bill 184, but I could see the same situation with biomass as we're having with fibre presently. There are certainly differences of opinion as to whether there is enough fibre in northwestern Ontario to supply the existing mills. Yes, if more and more biomass generating stations are put in place in northwestern Ontario and

northern Ontario, that's going to create more of a demand for biomass and we're going to be in the same situation of competition between companies for biomass, and we could be running into shortage situations the same way we are with fibre now.

Mr. Ouellette: Thank you.

The Chair: Mr. Bisson.

Mr. Yakabuski: I think we have a little more time than that, actually.

The Chair: Yes. I didn't—

Mr. Yakabuski: Thank you very much for joining us. I just want to clarify this: So you looked for an opportunity or for time to speak to the minister on this bill previously and you were not allowed to be involved in the process of consultation? It says here, "nor allowed any opportunity to be involved in the preparation of this piece of legislation."

Mr. Pupeza: The CEP was not involved in any previous consultation up to the time that the minister was in Thunder Bay, the one-hour question-and-answer period I referred to in the presentation.

Mr. Yakabuski: Where you were not an invitee.

Mr. Pupeza: No, that's right.

Mr. Yakabuski: Thank you.

The Chair: Any other questions from the opposition? You've got about 30 seconds left. No?

Mr. Bisson.

Mr. Bisson: A couple of questions. The first one is the just transition amendments that you referred to. Where are they located? Was that in the OFIA brief?

Mr. Pupeza: No, the just transition amendment that we're suggesting here today is over and above the other proposed amendments that the OFIA has made. It is new; it has not been talked about yet. There have been no discussions at all around this bill as to how we are going to deal with the impact on communities and workers if there are going to be any job reductions because of the implementation of any parts of this bill.

Mr. Bisson: So you're asking us to come up with something that allows for transition?

Mr. Pupeza: That's right.

Mr. Bisson: Okay, just to be clear.

The other thing is that you make sort of an analogy, and I thought it was interesting, in regard to the auto industry having to change because of pressures by the public, rightfully so, to reduce carbon emissions, and that there are strategies to deal with their transition. You feel there's nothing specific for forestry. Maybe you can just expand on that a bit.

Mr. Pupeza: I think it was about a week and a half ago, if I remember correctly, that the Premier was on the news inviting the feds to get involved in a transitional program with the auto sector. There were no details announced or released as to what that transitional program may look like. I'm assuming that it would have to deal with how workers and communities are going to cope with any transition from where they are now to where they may be going, depending on what's going to happen with the emissions issue. There certainly is nothing in

place in terms of transition presently with job losses that we're having in the forest industry. It's more than just a forestry issue. We're losing thousands and thousands of manufacturing jobs across this province and something has to be done, so I would personally not be averse if the government were to look at a transitional plan that would apply not only for this bill but across the province of Ontario. I certainly would not object to that.

Mr. Bisson: The other thing is, there's a sentiment within your membership and with other members who work in the forest industry that it's been like the perfect storm: high electricity prices, what's going on internationally, the United States softwood lumber deal—all of that cumulative to create probably the worst times we've seen in the forest industry.

I was at an event this weekend with some CP workers at Local 37X. One of the comments they made, and I'm just wondering if it's predominant across your union, is that they're feeling as if they are somehow a species at risk, being in the forest industry. Do you echo that?

Mr. Pupeza: There is word going around northwestern Ontario in particular—because that's where I am, but I'm sure it's all across northern Ontario—that the species at risk right now are workers within the industry. It's sad to say. Where it's going to stop, I don't know, but something has to be done and it has to be done now.

We've been very active in lobbying for changes in fibre costs; we've been active in lobbying for changes in the energy policies. The next issue that came before us was Bill 184, and we have some serious concerns about what impact it may have on workers. We've lost enough jobs up in northern Ontario and it's time to stop it. We are respectfully submitting that if there are going to be losses, despite the government saying up to this point that there won't be—and there are assurances—we need that comfort level. The comfort level will be a transitional program in law to allow something to trigger in the event that there are job losses. I guess if there are no job losses, then that won't trigger and there is no harm done.

The Chair: Thank you very much for coming today, sir.

The members are going to excuse themselves for a vote that will be held in the chamber in five minutes. After that, we'll be back and the next people we'll be hearing from are Bowater Canadian Forest Products Inc.

The committee recessed from 1706 to 1716.

**BOWATER CANADIAN
FOREST PRODUCTS INC.**

The Chair: We're called to order again. Mr. Groves from Bowater is before us. The floor is yours. You have 10 minutes. Use it any way you see fit.

Mr. Richard Groves: Thank you for the opportunity to speak with you this afternoon. My name is Richard Groves and I'm the manager of forestry services for Bowater Canadian Forest Products. More importantly, I am a registered professional forester who has practised

for 28 years in Ontario. I have worked both sides of the fence—the government and the industry side.

Bowater is committed to working with the government to manage this public resource sustainably. Our track record stands for itself. As just one example, in partnership with a number of forest product companies and the province, Bowater contributed 267,000 hectares of our licensed area to the expansion of Wabakimi park. This park is now 892,000 hectares in size and is a valued treasure in the northern part of this province. Wabakimi park has been expanded sixfold as a result of this expansion. This is now the largest boreal forest reserve in the world and is a world-class canoeing and recreation area, and is also the home of woodland caribou. The primary objective in the development of this park was the protection of caribou. That was in 1997.

Bowater also worked with the MNR in the development of caribou guidelines for northwestern Ontario. Implementation of these guidelines resulted in the reduction of one million cubic metres of annual conifer harvest. The guideline requires maintenance of large patches of old-forest type. To accomplish this, large areas are deferred from harvest. To put this in perspective, one million cubic metres of harvest is enough wood supply to keep the largest sawmill in Ontario operating.

I present these examples to convey in real terms that Bowater is committed to maintaining a sustainable forest for species, recreational resource users and the forest products industry. Our commitment is evident both in our forest practices and the quantity of resources we make available to manage the public resource.

Bowater is in support of updating the Endangered Species Act, as affirmed in our recent response to a letter from Minister David Ramsay. The present act is over 30 years old and is not up to date. We also point out that this is not the only piece of legislation that deals with species at risk. In fact, there are at least 17 other pieces of legislation that have incorporated the protection and management of species at risk. Much of this legislation has been developed more recently.

If the proposed Endangered Species Act does not acknowledge that these acts and their respective regulations exist, then the inevitable result will be overlapping processes and duplication of work for both government and other resource managers.

For example, in a forest management plan, which is regulated under the Crown Forest Sustainability Act, a planning team is required to develop, through a public involvement process, a series of prescriptions to maintain threatened species habitat—caribou for one. The forest management plan and the prescriptions are also required to follow the approved guidelines for that particular species.

That being the case, one would not expect an additional requirement for a recovery or management plan under the new proposed Endangered Species Act to do the same. However, the Endangered Species Act, as proposed, requires that there be a recovery strategy and/or management plan developed that deals with habitat. This

is a duplication of effort and is an inefficient and ineffective way to manage the resource. Instead, the proposed Endangered Species Act should be complementary to existing laws and regulations. It should define the gaps in the existing programs and, if any, correct them. Otherwise, it will run counter to the important streamlining goals and initiatives underway in the province.

You've already heard many people address the definition of habitat. Our concern is that the prohibitions against damage to habitat, section 10, requires a more specific definition than the one proposed in the legislation. The act, as written, requires the government, upon listing the species, to take early action on a potentially excessively large area. For example, scientific knowledge of migratory birds is limited and several of these birds are already on the list. Based on the proposed definition of habitat, if one of the bird species is declared threatened, the initial area that the province would be required to address could stretch from Pelee Island to Cochrane, Ontario. A vast area of land will be thrown into uncertainty and economic hardship, potentially with no benefit to the bird species.

The government's intent has been to protect the critical habitat of endangered or threatened species, and the act should focus on immediate protective action on the specific areas required to accomplish this goal.

Bowater also supports the government's establishment of COSSARO and believes that decisions should be based on science. We ask that the legislation specify that the membership of COSSARO have the technical knowledge to make valid decisions. The work of COSSARO is a critical component of the proposed act. However, if the membership does not have the depth of scientific experience and discernment, as well as social and economic resources, COSSARO may become too precautionary or too conservative. For example, if the committee membership has little or no expertise on a particular bird species and the information available to the committee states that the populations are in decline in an area, the panel may not understand the reason for the apparent decline and propose an inappropriate classification. They may actually cause detriment to the species or cause undue social impacts.

Therefore, we encourage you to develop a membership mix that ensures that the committee can make decisions using the best information and resources available, all the while protecting species and limiting unnecessary adverse social impacts.

I reiterate that Bowater is committed to working with the government to manage all the resources on public lands with sound, sustainable practices. We must make certain that we collectively protect endangered species. We believe we can do so within this act if:

- the act acknowledges other existing legislation and does not duplicate efforts;
- the definition of habitat is more specific to each species; and
- COSSARO has a balanced representation and appropriate technical support.

In making these minor amendments, we believe we will make certain that we will collectively protect endangered species. However, we will do so in a way that provides certainty for resource users, including the forest industry, while not adding unnecessary red tape. Thank you.

The Chair: Thank you, Mr. Groves. You've left enough time for one brief question and answer, starting with the PCs.

Mr. Ouellette: Thank you for your presentation. I appreciate you coming down from the Bay. You mentioned quite a few times that it's "too undefined," whether it's the habitat issue or whether the membership on the committee—you listed some specific ones. Maybe you could give us, with the 28 years' experience you've had, some of the background, for example, on the interpretation of marten guidelines throughout the various offices in the province and how that has impacted industry.

Mr. Groves: I've been in committees where you've had to develop the guidelines. I understand it's a difficult process. When you have a broad, diverse part of the province, it is hard to write one guideline that matches all, but the application of the guidelines is probably the greatest concern for the forest industry because one person's interpretation of the guideline, which varies from location to location, could have serious impacts.

So even though the intent may not be there, as in the case of even a recovery strategy, and that's our greatest grief, you'll write a recovery strategy for the province, but once it gets implemented in a location, it may have a totally different intent. At that point in time, as you are the resource user, you have no defence. You accept it.

The Chair: Thank you, Mr. Groves. Mr. Bisson.

Mr. Bisson: For somebody who has been employed as a forester for years and been involved in forest management planning—it's just a simple question. We've been doing a lot of this work through the forest management plans. What do you say now? It's like a validation of what has been done up to now, I guess is what I'm getting at.

Mr. Groves: I'd like to be able to believe it's a validation that what we're doing now is correct, but the fact that you're coming out with a new act implies that what I'm doing now is not enough, and I guess that's what I kind of wonder: Where do you go next? We have been doing a lot of practice in implementing prescriptions for a variety of species. We've seen improvements in some of those species. Where do we go?

Mr. Bisson: I know, when talking to people in the forest industry, that there's this whole sense of, "What do you think we've been doing for the past number of years?"

My quick question to you is this—

The Chair: That was the question, Mr. Bisson.

Mr. Bisson: When you talk about linking the two together—

The Chair: Your time is up, unfortunately.

Mr. Bisson: I was just trying to take their time.

The Chair: Take whose time?

Mr. Bisson: The government's time.

The Chair: I know. You're doing a good job of it too.

Mr. Bisson: They get all the time they want.

The Chair: Who's speaking on behalf of the government before I do turn it back to Mr. Bisson? Anybody? Mr. Bisson, continue then.

Mr. Bisson: They're so accommodating today.

My question is that when you talk about linking this act to the sustainable forestry development act so that the forest management planning manuals are in sync with what happens here, does that represent any problem in any kind of way if such an amendment is brought forward?

Mr. Groves: Basically, that's what we're looking for.

Mr. Bisson: But to make this act consistent with forest management, or forest management consistent with this?

Mr. Groves: In forest management planning, I believe we're doing the right work. I think the process as proposed in forest management planning—and implemented—is more engaging with the public. There are more local people involved, it's a more thorough process than what you're proposing here and a more open process. I think the forest management planning process is a step above when it comes to developing recovery plans than what we've seen here.

The Chair: Thank you, Mr. Groves. Thank you very much for attending today.

Mr. Miller: Mr. Chair, can I ask either legislative research or legislative counsel to advise us on how this law will interact with the Crown Forest Sustainability Act so we can have a better understanding as to whether the large areas of northern Ontario that are currently under forest management plans will—if there's going to be a duplicating process or not, or how it's all going to work out or proposed to be worked out?

The Chair: Very good. Thank you.

CPAWS—WILDLANDS LEAGUE

The Chair: The next delegation is Janet Sumner and Anna Baggio, CPAWS-Wildlands League. Welcome to the committee. Make yourselves comfortable. You've got 10 minutes; you can use that any way you like. Try to leave some time for questions at the end. I know it's tough with 10 minutes, but if you could, that would be appreciated.

Ms. Janet Sumner: Thanks very much. That's okay. I'll certainly give it a try.

Thank you very much for allowing me to speak today to the committee. My name is Janet Sumner. I'm the executive director of Wildlands League. We have two offices, one in Toronto and one in Thunder Bay. We believe that an Endangered Species Act is a last chance for species. If our policies and programs were actually working that are designed to manage for species, then we wouldn't need an Endangered Species Act. But unfortunately, that's not true.

I want to congratulate the government for introducing a strong new Endangered Species Act and to urge all parties to pass Bill 184 before the summer. Giving Bill 184 unanimous all-party support would be consistent with the will of the people of Ontario.

I have attended all of the stakeholder consultation meetings, which started in May 2006. I have seen the bill develop through each phase of the consultation, with many elements altered, based on industry and landowner concerns, as well as some reforms.

In my estimation, the bill is a balanced, science-based approach that focuses on protecting endangered species and their habitat while recognizing the need for support and participation from industry and landowners.

The strengths of this bill are important to retain, and they are: the purpose section; the importance of protecting species across their geographic range; the science-based approach to listing species at risk and the role of the Committee on the Status of Species at Risk in Ontario; the prohibitions on damage to species and habitat; the requirement to develop recovery strategies for endangered and threatened species and management plans for special-concern species; and recognition of aboriginal rights.

In addition, we recommend several areas for improvement. Sections 54 to 55 should be strengthened to ensure that habitat regulations will protect enough habitat that the species' true protection and recovery are not compromised. If this is not done, it is possible that only a nominal habitat protection could occur, and through a regulation in some cases. The species would perish despite combined efforts of the landowners and users.

In section 11, the act must require implementation of recovery strategies. This is already the case in Nova Scotia's Endangered Species Act, for example. In addition, it is vital that the new legislation state the minimum elements needed to be contained in a recovery strategy, which would include things like identification of the habitat that should be protected or managed to help recover the species. If this is not done, we could see the act fail. The act would scientifically list species and protect the habitat, only to have it undone with inadequate recovery strategies that do not include habitat.

The current provisions require the minister only to respond to recovery strategies. In sections 54 and 56, this provision provides for exemptions and is contrary to the purpose of protecting endangered species and should be removed. If it is not removed, any exemption should be subject to the advice of an independent expert panel, and the matter should be decided in the Legislature, where we would have full public scrutiny and debate.

1730

I also want to address some of the concerns that we've heard today around mill closures and job losses in the north. That's absolutely a fact of the current situation: Mill closures and job losses are occurring in the forestry sector. This government has already responded with a series of subsidy packages in excess of \$1 billion. We think that an adequate response to mill closures and job losses must be taken on by a government. It would

include looking at a diversification of markets, moving to FSC and getting out of Ontario and starting to talk about the great products that we have here. Currently, there are over 600 companies that wish to buy fibre that is ecologically harvested. Increasingly, the demand is that we not cut in caribou habitat.

An Endangered Species Act is not an economic strategy for forestry; it is a backstop for species on the brink of extinction. Thank you.

Anna?

Ms. Anna Baggio: Thank you for hearing us this afternoon. I just wanted to make a couple of comments on, first of all, this notion about managing for species in the north. One of the previous speakers talked about how they've been managing for moose and how they've been doing it for many years—moose, deer and other species. While that policy might have made sense, our knowledge has changed, our knowledge has advanced, and we know that that policy of managing for moose is actually detrimental to other species like caribou and wolverine. So while that may have made sense, our new knowledge is telling us that it doesn't make sense any more. It means that we shouldn't have to be married to it or continue to implement that policy when it no longer works.

This is why it's so important that we have endangered species legislation that will take into account new knowledge that is coming from conservation biology and accredited scientists, and that will help us to come up with policies that will keep species like caribou on the landscape. Caribou isn't the only species at risk in northern Ontario; wolverine are in trouble and so are lake sturgeon. So while we may have quite a few species in southern Ontario that are in trouble, let's not forget that northerners and the north are not off the hook. Those species are just as important as any species in southern Ontario. We need to make sure that all species get addressed with this endangered species legislation.

The Chair: Thank you very much. You've left about a minute each for each of the parties. Mr. Bisson is not here, so I'll go to Mr. Oraziotti first.

Mr. Oraziotti: Thank you for your presentation. Can you tell me how important the COSSARO body is to you? The debate that we seem to be having during committee over the last few days is that we have individuals who would suggest that the minister should have discretion as to whether or not a species be listed and others who would say that that should not be a political decision; it should be automatically listed and moved forward from there with the flexibility tools to address habitat issues and the like. Do you want to comment on that scientific body for me, please?

Ms. Sumner: Yes, I would love to. I was actually at the stakeholder meetings when this issue came up. I'm firmly convinced that the reason it needs to be a scientific listing is, if you look at the current situation, you have many, many species that are scientifically determined to be in trouble and they are not listed because it has been left to a political decision. If we continue to leave it to a political decision, it allows us not to actually look at what

is really happening. If species are endangered, they need to be listed, and that needs to be a scientific decision, not a political decision.

Mr. Oraziotti: Can I have one follow-up here, Mr. Chair? You referenced in your comments the job losses in northern Ontario. I represent the riding of Sault Ste. Marie, and economic development and a natural resource-based economy is very important to my constituents and to northern Ontario. What do you say to individuals in the forestry sector and communities? We've had a number of northern Ontario mayors make presentations to the committee about the importance of balancing the economic priorities of northerners and the province. We want to move forward with greater protections for endangered species—and certainly this is a priority of mine as well—but we also need to ensure that we're protecting the economic livelihood of thousands of people throughout this province as well. Do you see this act being able to do that, and how?

Ms. Sumner: I don't see that that's the purpose of this act. I think the purpose of this act is to be a backstop for our endangered species. What we need to be doing is taking a much more proactive approach to the situation that's occurring in the north around mill closures and job losses.

The Chair: Thank you very much. Your time is up, unfortunately. We're going to the opposition.

Mr. Miller: Thank you for your presentation. First of all, I'd like to note that you are happy with the consultations and that you said you were invited to all the consultations, but I'd like to note that first of all, we're sitting here in Toronto; we're not up in Thunder Bay or Dryden or other places. We have people in this room who have travelled a long way at great expense to be here, and we just heard from a union that was not invited to the consultations. I know I received e-mails from many groups that were not happy about the fact that they were not invited to these small group meetings that the minister set up sort of after the fact. So I think it's been made clear by a lot of the people who have demonstrated their interests in this bill that they haven't been happy with the consultations.

On the issue of the listing, we've heard from a lot of groups that they'd like to see either the minister have some discretion in the listing process or community knowledge to be taken into account in the listing process, or that there be applied science. I think by that they mean people who have experience in the field in the COSSARO listing process. Can you comment on that? How stuck are you on the way it's presently envisioned?

Ms. Sumner: Yes, it does need to be a scientific listing, because that's what's occurring. We need to have somebody say, "This is scientifically what's occurring." I believe that the bill has been changed based on industry input and landowner input to include a minister's council, an advisory council that will provide some of that knowledge to the body determining scientific listings. So my understanding is that the bill has already been changed to accommodate those concerns.

Mr. Miller: But that's an advisory council that is not involved in the listing process.

Ms. Sumner: It's providing advice to the listing process.

Mr. Miller: I suspect—and frankly, the worry I have with the way it currently is set up is the interim period before you have species-specific regulation in effect, in that you have automatic listing, which could freeze all habitat for a period of three years, and that could very dramatically affect activities in the north and around the province. I think that's probably what a lot of industries have concerns with, the automatic listing process.

The Chair: Thank you, Mr. Miller.

Thank you very much for coming today. Unfortunately, your time is up.

NORTH AMERICAN FUR ASSOCIATION

The Chair: Our next delegation is from the North American Fur Association, Tina Jagros and Bob McQuay. The floor is all yours. You have 10 minutes. If you have any time left at the end, we will split that evenly among the three parties for questions.

Ms. Tina Jagros: Thank you, Mr. Chair. Bob McQuay and myself are here representing the oldest and largest wild fur auction house in the world. For those of you who may remember your social studies classes, we're the part of the Hudson's Bay Co. that's 337 years old. We're proud to say that we're here in Ontario. Clearly, Ontario has been a leader in terms of wildlife management and we've been partners with the Ministry of Natural Resources as well as the international fish and wildlife agencies for Canada and the United States; we've been the host for CITES convention, for CITES officers—that's a Convention on International Trade in Endangered Species—from Canada, the United States and Mexico. So we fully support managing and ensuring that we have a wildlife that's sustainable for the generations to come.

However, we believe that Bill 184, the Endangered Species Act, as is written currently, has an unintentional outcome. I'd like Mr. McQuay to address that.

Mr. Bob McQuay: We're specifically concerned about the section the panel has recommended in the act prohibiting the "killing, harming, harassing, capturing, taking" and, specific to us, the "possessing, collecting, buying, selling, trading" of a listed endangered or extricated species. We bring in fur from about 30,000 trappers across North America. As Tina alluded to, we're the largest auction house in wild fur in the world—we're certainly the biggest in North America—and almost all of that fur comes through our facility in Toronto, from Florida right through to the northwest territories, Yukon and Alaska. We sell this fur on a consignment basis on a commission and we have permits and, under the control of the ministry, a dealing licence to import this fur for resale out of our jurisdiction in Toronto. There are only two other auction houses—much smaller than us—one also in Ontario, in North Bay, and a very small one in British Columbia that's almost insignificant.

1740

These species that you've listed—certainly we don't feel any threat from the protection of these species in the province. Wolverine, badger and grey fox are insignificant to us as produced in Ontario. Going back, as you see on page 3 of my notes, we've only received 17 wolverine from Ontario in the last four years, one badger in four years, and no grey fox. However, the quantities up above that we sell: in one year alone, 233 wolverine, 9,375 badger and 21,400 grey fox, mostly coming from western Canada or areas in the United States where these are certainly not threatened or endangered in any way.

In dealing with our customer base, these people who trap want to sell their fur in one location. We had a similar instance with bears a few years ago, where the regulations were rewritten and a bear which was an incomplete hide with a claw missing became a part, and therefore illegal in the province, and everywhere else in North America where these bears could be sold as a fur bear had to be returned to our client base because the act in Ontario prevented them from being even possessed in this province.

We're looking for very little: simply a wording change in your act that would protect these three species from being produced in Ontario for sale, but allow us to continue the importation and sale of these species from other legal jurisdictions across North America in our facilities here in Rexdale. So it's the source of origin which is audited by the MNR and, according to our reporting system, very accurate. We simply want to be able to continue on importation and sale of these species here in the province that didn't come from this jurisdiction. A simple wording change to refer to origin or production or harvest in the province of Ontario would satisfy our needs completely.

Questions?

The Chair: Thank you. You've left about two minutes for each party, starting with Mr. Orazietti.

Mr. Orazietti: Thank you for your presentation. I guess I can ask you to comment on other aspects of the bill. The issue around identification of endangered species—the COSSARO body is the aspect that we've had probably most discussion around. Can you comment on that and how you feel about that?

Mr. McQuay: I have a great deal of confidence in the Ministry of Natural Resources in this province dealing with trapping issues. They set quotas on these species according to their scientific and biological management systems. They're already in place. I understand there are no quotas for these three species in Ontario, so in fact if one was trapped, it would be an incidental catch. We have all the confidence in that science and biology for the trapping community and for us as an auction company. It's the ruling around the interpretation of it. If I leave to question the origin situation we brought up, I can see an MNR officer coming into our building in about two weeks and pulling a bunch of our fur out of our building that came from out of province or out of state. I don't think it's Ontario's intention to export their regulations as far as the act is concerned, and that's exactly what it says

now. I don't want to leave anything up to the MNR or the lawyers to decide on our behalf. Our business is extremely important, that we have the diversity offering that we bring into that building. It attracts about 900 buyers to every sale from around the world, and they come to buy a complete offering of wild fur. Eliminating three species from my list will reduce the number of buyers coming to our sales and it will certainly reduce the number of trappers shipping fur to our auction.

The Chair: Thank you, sir. Going to the opposition, Mr. Ouellette.

Mr. Ouellette: Thank you very much for your presentation. Currently, what happens with, say, black bear if it's missing a claw or claws at your auction sale?

Mr. McQuay: It is only illegal, Jerry, in this province because it's considered a part, according to the regulations. We have to turn it over to the Ministry of Natural Resources officer who looks after our facility. He confiscates it from us and more often than not returns it to the producing party, if he's out of province. If he's from Ontario, charges in fact could be laid. More often than not, it's lack of knowledge by the trapper or the hunter, that he can't have a bear without claws on it. They're very inexpensive. It takes about a day to put one up, and for \$30 or \$40 for the hide, a lot of them don't bother to spend the six hours on the feet to prepare them for a taxidermist. So it becomes a fur item. It doesn't need feet on it for that. But they are only illegal here in this province.

Mr. Ouellette: So why would you limit the amendment—and I would hope that you brought an amendment with you—to only list badger, wolverine and grey fox? What happens if additional species are added to that list and—

Mr. McQuay: That is a concern with polar bears and cougars. We think the Ministry of Natural Resources is in charge of setting quotas on these and has done a good job, based on science. I assume if another species got listed, this same regulation would apply to Ontario. The change I'm asking for is that a listed species that you want to stop the trading of has to be from the province of Ontario and not expand your regulation to all of North America, which in fact is what it does right now.

Mr. Ouellette: Thank you.

The Chair: Thank you, Mr. Ouellette. Mr. Bisson?

Mr. Bisson: No, that's fine. He answered the question pretty clearly.

The Chair: Very good. Now, either somebody's cooking popcorn or something's on fire. Does everybody smell what I smell?

Mr. Bisson: I think it's the government whip's office.

The Chair: Do you think that's what it is?

Thank you very much for attending today.

Ms. Jagros: Thank you for your time.

The Chair: Actually—I'm sorry; I didn't mean to bring you back—we could squeeze in one more. That would leave us about a minute to run upstairs and vote. It's entirely up to the committee. Okay?

EARTHROOTS

The Chair: Earthroots: Josh Garfinkel, parks campaigner. Thank you for coming, Mr. Garfinkel. You've got 10 minutes. At exactly 10 minutes, you're going to see all of us sprint out of here to vote, so certainly, if you can make sure you're on time on this.

Mr. Josh Garfinkel: I won't take it personally.

The Chair: Thank you.

Mr. Garfinkel: First off, I'd just like to say good afternoon to the Chair and to the members of the committee. As you know, I'm speaking today on behalf of Earthroots. We're an Ontario-based environmental organization that actually represents 12,000 supporters across Canada. For over 20 years, our group has been dedicated to preserving wilderness and wildlife throughout the province.

Earthroots has long played an active role in lobbying the provincial government to have stronger laws that support and strengthen our vital network of protected areas, diverse forms of habitat, and the rich scope of wildlife that dwells in Ontario. As an organization, we are pleased at the ecologically necessary steps that the government is beginning to take to address the loss of biodiversity. Moreover, we are encouraged by the fact that the environment is now regarded as a top-priority issue by the public, paralleling other critical areas of concern such as education and health.

I am extremely grateful for the opportunity to speak in this forum today. I'd like to say how encouraging it is that the government has taken the step of introducing new legislation for endangered species in Ontario. We are enthused by the fact that this has been referred to the standing committee on the Legislative Assembly. We are equally thrilled that the Liberal government is transforming an election campaign promise from 2003 into a thorough, comprehensive and balanced piece of legislation that not only addresses the rapid rate of species decline, but also reflects the shifting attitudes about the need for stronger species protection in the province.

What makes the legislation so unique is that it focuses on both science-based listings of species at risk as well as mandatory habitat protection. Bill 184 is a direct result of thorough industry and public consultations, facilitated by Ontario's Ministry of Natural Resources. What makes this act so strong is that the Committee on the Status of Species at Risk in Ontario is an independent panel that's making crucial decisions about species whose populations are in jeopardy. The fact that the findings of this committee are based on both scientific facts and aboriginal traditional knowledge indicates that Bill 184 provides a multi-faceted, balanced approach.

Even though the decision of classification falls under a separate committee that I'm speaking to today, I think it's important to mention that from my organization's standpoint, the error surrounding the classification of the genetically distinct and ecologically critical eastern wolf was a shortcoming. Since Earthroots has long been a vocal proponent for stronger regulations in place to protect the range of the vulnerable wolf populations in

the province, the fact that the eastern wolf remains a species of special concern is a highly symbolic mistake. Considering that the species' population levels are low and mortality rates are high, we strongly advise that the wolf be reclassified as threatened on the updated list.

Furthermore, in the proposed legislation there are extensive definitions of species that also include subspecies and genetically or geographically unique species. These are clear, comprehensive listings of species which emphasize the necessity of preserving a species across a geographic range. This is absolutely vital.

Another meaningful feature found in the draft legislation is in section 10, in which a prohibition on damage to the habitat for endangered and threatened species is proposed. However, since habitat loss is the chief cause of species loss and endangerment, the new legislation needs to make more significant strides to actually afford more meaningful habitat protection. What this requires is designation of more protected areas in places that species at risk currently inhabit or could potentially inhabit.

1750

It's also critical to emphasize the significance of the draft legislation calling for mandatory management plans for special-concern species. Section 5 sheds some clarity on the rules of classification. The Committee on the Status of Species at Risk in Ontario defines this classification as a species likely to become endangered if limiting factors are not reversed. Considering this concept, one of the flaws in the proposed legislation is the lack of preventive measures taken to minimize the chances of a species becoming classified as endangered. Unfortunately, the act requires the minister only to "respond" to recovery strategies. It is more sensible and sustainable in the long term to consider ways to prevent endangerment, as opposed to implementing recovery strategies for a species which is on the brink of extinction. That is why there should be an extremely high regard placed on preventive measures in addressing special-concern species in Ontario.

The vague wording that is found in section 11 of Bill 184 is potentially problematic. This section contains general descriptions, and ultimately the bill falls short of actually outlining what critical components are required in a recovery strategy. What needs to be included is the delineation of specific threats to a species in its habitat that incorporates the advice of the Committee on the Status of Species at Risk in Ontario. In turn, there should be a clear definition of a species' habitat, including what is essential for its recovery and its survival. Within this section, there should be a listing of activities that are likely to lead to the destruction of habitat. Consequently, there needs to be a realistic time frame in place for the institution of the strategy.

Earthroots supports the stewardship program, but actually has some reservations about the funding levels that accompany it. The government has only allocated \$18 million over four years to engage the support of private landowners. We feel this is a relatively small amount of money for a crucial component of this legislation. As recently pointed out by the well-respected

Environmental Commissioner of Ontario, there is good reason to question the Ministry of Natural Resources' ability to enforce this legislation. Gord Miller points to the lack of capacity for wildlife monitoring and enforcement efforts. An example that illustrates this point is the 20% reduction in field officers since 1992. Earthroots has legitimate concerns over the feasibility of effectively enforcing legislation and monitoring potential infractions when there have been systematic budget cuts for the last 15 years.

Opponents to Bill 184 are asserting that the government is rushing this through the Legislature without sufficient debate or proper public input and consultation. Ultimately, the truth is that this bill has been subject to more extensive public review and scrutiny than the majority of new laws would get. Quite simply, calls for more consultation are unfounded. Pre-bill consultation began a year ago, with an in-depth paper given to all participating stakeholders, which encompassed representatives from forestry, mining, aggregates, hunting and farming organizations throughout the province. Ontario's bill of rights has a mandatory consultation period, and this was met. The minister was extremely fair in terms of the perspectives that he heard, giving more than adequate attention to input provided from all stakeholders and of course listening to the recommendations of the panel. As well, the Ministry of Natural Resources conducted a completely separate process, which entailed aboriginal community consultation.

While I'm not entirely astonished that the Ontario Forest Industries Association did not come out and endorse the Endangered Species Act, I have to say that I am extremely disappointed in their claim that there has been insufficient consultation. Of even greater concern and perhaps with a higher degree of shock value came the comments from the president of the Ontario Landowners Association that reflected the disapproval he had for the proposed legislation.

The Chair: Just so you know, Josh, you've got about two minutes.

Mr. Garfinkel: Thanks.

In the April 29, 2007, edition of the Ottawa Sun, Jack MacLaren called on members of the Ontario Landowners Association to bulldoze many acres of habitat to express strong opposition towards Bill 184. If the threats that he made were personally converted into action, he would be committing an illegal act, since his land is habitat for the endangered logger shrike. This attention-getting ploy does not reflect the sentiment of most landowners in this province, and this ultimately makes Mr. MacLaren's comments that much more damaging.

In regard to the cries for more consultation, I must stress that there is no time for further deliberation. This would merely be a transparent stall tactic. For every additional moment of hesitation and procrastination, species like the eastern wolf and woodland caribou would lose more and more of the forests which they so clearly depend upon for their survival. We call on all parties to see the need for protecting endangered species and support Bill 184, for we have an obligation to think

about the long-term health of future generations and how the diverse plant life and the rich variety of wildlife help form our cultural identity as Canadians.

Ontario's endangered species have experienced an unbridled rate of decline, and the dominant factors that have led to this have been climate change, habitat loss and overhunting. It is encouraging that more and more people are seeing how real and serious the issue of climate change actually is. More people are starting to see the connections: how wildlife plays such a pivotal part in upholding ecological balances and how plants aid in alleviating pollutants from the atmosphere and maintaining a carbon balance.

Earthroots applauds the government for directing the much-needed energy to preserve species across the province. The Endangered Species Act has not been touched since 1971, and revising this act was long overdue. Considering how development has increased exponentially in southern Ontario, where most of the species at risk are situated, considering how logging practices have changed and how much greater the human presence is, we need to make legislative changes that will sustain wildlife populations across the board.

There are approximately 200 endangered plants and animals in Ontario, which is nearly 40% of all the endangered species across Canada. On the one hand, this is a number that could make us as Canadians feel ashamed. On the other hand, we have the potential to reverse this embarrassment to a feeling of pride and the satisfaction of moving forward—

The Chair: Josh, unfortunately I'm going to have to stop it, but we have it all in writing and that was a great presentation. Thank you very much for your co-operation.

We're recessed.

The committee recessed from 1756 to 1801.

CHRISTIAN FARMERS FEDERATION OF ONTARIO

The Chair: Okay. We're back for our final presentation of the day: the Christian Farmers Federation of Ontario, Henry Stevens and Nathan Stevens: Can you come forward, please?

Interjection.

The Chair: No. The last group actually has cancelled. This will be our final group for today.

Mr. Stevens and Mr. Stevens, you've got 10 minutes to make your presentation. You can use that time any way you like. If you could leave some time at the end for questions, that would be appreciated.

Mr. Henry Stevens: Thank you, Mr. Chairman and members of the committee. My name is Henry Stevens and I'm the vice-president of the Christian Farmers Federation of Ontario. I farm in Ontario's agriculture heartland, Perth county, and I know your colleague John Wilkinson quite well.

Thank you for the opportunity to address you today. As you may know, the Christian Farmers Federation of Ontario is the second-largest general farm organization in

this province. We represent approximately 4,300 farm families. The Christian Farmers Federation of Ontario has held the concept of stewardship as one of its cornerstones in its approach to agriculture in Ontario. The opening preamble of our vision statement is "of a renewed agriculture, which is productive, keeps its people on the land, and protects our provincial resources of land, water and air."

The CFFO believes that private landowners, and farmers in particular, are well positioned to be leaders in environmental stewardship initiatives and programming, including assisting in the recovery of endangered species and habitat protection. We also believe that farmers who actively involve themselves in these stewardship practices should be rewarded for their efforts. Based on these premises, we have developed the following response to the proposed Endangered Species Act, 2007.

Principal concerns: The CFFO supports legislation that protects endangered species and their habitat. However, this does not mean that we endorse every facet of the proposed act. The CFFO supports the adoption of provincial changes to legislation that will proactively and flexibly protect endangered species within Ontario through the use of stewardship agreements and permits. The definition of "habitat" in clause 2(1)(b) with respect to species that are not protected by a regulation under clause 54(1)(a) is far too broad in scope. In particular, the phrase "an area on which the species depends, directly or indirectly" and the inclusion of "migration" and "rearing" are of great significance as to the scope of this definition. Using an ecosystem approach, it is entirely possible to stretch the "indirect" dependence of a species to huge tracts of land within the province. The CFFO recommends that the clause 2(1)(b) definition of habitat be rewritten to reduce its scope.

The CFFO supports the development of legislation that provides economic incentives and removes disincentives. However, we are concerned about the lack of details regarding the stewardship fund provided for in section 46. The CFFO believes that for every right given to a citizen of Ontario, there is a corresponding responsibility that should also be taken up by that same citizen. As such, the CFFO recommends that the Endangered Species Act, 2007, does not make compensation a legislated right without a corresponding responsibility. If private land use is constrained by mandated recovery or management plans to protect endangered species, compensation should not be automatic. Rather, the CFFO recommends that public monies be offered to private landowners who are constrained by the Endangered Species Act, 2007, provided they also participate in the restoration or preservation of the habitat of the endangered species.

The CFFO supports the use of a group of representative professionals to scientifically identify species at risk in conjunction with their federal counterparts and decoupled from recovery planning processes. The CFFO recommends the inclusion of other stakeholders in the development of the endangered species list, perhaps as

observers, as it would increase awareness of and build trust in the system.

The development of recovery planning strategies should include direct input from a wide variety of stakeholders. While the protection and recovery of endangered wildlife in Ontario is a public good, creating recovery and protection strategies that unnecessarily harm the competitiveness of Ontario's economy may result in an overall negative impact for the citizens of Ontario.

Stakeholders from affected industries have expertise in maintaining the competitiveness of their industry. The inclusion of stakeholder perspectives from industries such as agriculture and forestry in developing recovery plan aids in the creation of recovery strategies, which can both preserve species at risk and minimize the impact on competitiveness.

CFFO recommends that the use of private lands not be constrained by mandated recovery or management plans if a species is in the "threatened" or "special concern" categories. However, such landowners should receive remuneration for participation in voluntary restoration and management plans.

While CFFO believes that both threatened and special-concern species are a priority, our suggested limitation on required participation relates to the incentives to both MNR and private participants that are to be built into the legislation. By making involvement in threatened and special concern a voluntary action, MNR and those who design recovery strategies will be required to design realistic plans and provide adequate compensation for lost income potential. Without these two priorities in mind, recovery initiatives will attract very little voluntary participation or industry support. Furthermore, at the end of the day, programs with strong, positive voluntary incentives will have a stronger participation rate and yield better results than legislation that requires unwilling participation.

CFFO supports increases to penalties under the act, recommending that Ontario's regulations be consistent with those of the federal Species at Risk Act. The previous act's fines were insufficient to deter deliberately destructive behaviour. The old \$50,000 fine was so low that it could be treated as an operating expense for larger operations. The old disincentive had the net effect of being an incentive because of its inadequacy.

Sources of funding for the stewardship program must be considered from the perspective of the public good. In our comments to the review panel made in January 2007, we stated that penalties collected under the act should be earmarked for inclusion in the stewardship fund. While we still believe that penalties have the potential to be used to augment the fund, we are concerned about the unintended incentive that may be created by implementing this type of revenue mechanism.

The unintended incentive that CFFO fears will be created is that the MNR, a financially stretched ministry by their own accounts, will out of necessity become the equivalent of commissioned salesmen when searching for potential violations of the Endangered Species Act.

Directly tying the health of a branch of the MNR with fines collected creates a strong—

The Chair: Mr. Stevens, you're the last presenter of the day, so if you need to take a pause and have a drink, I was going to suggest you do that. We're not rushed for time.

Mr. Stevens: Thank you. Directly tying the health of a branch of the MNR with fines collected creates a strong moral hazard with potentially huge negative ramifications for Ontario agriculture.

Therefore, sufficient funding for the stewardship program, investigation and inspection operations and the administration of the program by the MNR should be allocated from the general budget on the basis that the protection of endangered species is a public good.

Finally, CFFO is concerned with the powers of entry granted to enforcement officers with respect to potential biosecurity hazards that could be incurred by their entry on to an agricultural operation. The legislation provides protection from entry into a dwelling without a warrant—subsection 23(6).

The CFFO submits that this provision needs to be extended to include any area where livestock are housed or areas of land used for pasture, as well as storage areas for grains and vegetables, for the purpose of maintaining the high levels of biosecurity that Ontario agriculture holds itself. Thank you.

The Chair: Thank you. You've left about a minute for each party. The PCs?

Mr. Miller: Thank you very much for your presentation. You've spent a lot of time on it and it's certainly in-depth. You mentioned that for special-concern or threatened species, essentially you get more bang for the buck if that part is voluntary in terms of stewardship programs versus the government forcing farmers and others to support the programs.

Mr. Stevens: We believe that the carrot approach is always more effective than the stick, especially from the point of view of getting buy-in to support the program.

Mr. Miller: Very good. Certainly the details for this bill will be in the regulations as well. That's really where the rubber is going to meet the road. Hopefully the government will give some time for input and feedback on the regulations, because a lot of the details will be in the actual regulations. Thank you for your presentation.

The Chair: Mr. Oraziotti.

Mr. Oraziotti: I'll just leave you with one question. First of all, thanks for your presentation and thanks for taking the time to be here today. Is there anything you can think of that will help us, as we go through the next couple of days here and finalize this piece of legislation, constructively improve our ability to protect endangered species in Ontario?

Mr. Stevens: I think it's very important that it's done from a scientific approach, for one thing, so that, as the previous speaker mentioned, it's not a political decision. There's always the fear that if the minister or the Premier has the final say, then it's going to appear to be political. They may not intend it that way, but just to have that propriety so that it is based on science. I think that will

go a long way to alleviate concerns in the agricultural community.

Mr. Oraziotti: Thank you very much.

The Chair: Thank you very much for being here today.

We're going to recess very shortly. Twelve o'clock tomorrow is the deadline for amendments. We're back in this room on Wednesday, either at 3:30 or when orders of the day start. Thank you very much. We're recessed.

The committee adjourned at 1812.

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