

Department of Development &  
Property



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November 1, 2023

Public Input Coordinator  
Species at Risk Branch  
Ministry of Environment, Conservation and Parks  
300 Water Street  
5th Floor, North Tower  
Peterborough, ON K9J 8M5

**Re: ERO 019-7378, Protecting Black Ash and its Habitat under the Endangered Species Act, 2007**

To Whom it May Concern,

Thank you for the opportunity to provide input on [ERO listing 019-7378](#), Protecting Black Ash and its Habitat under the Endangered Species Act, 2007. The County of Renfrew has submitted comments on several previous stages of consultation on this topic and wishes to congratulate the Ministry of Environment, Conservation and Parks for reaching a balanced approach to the protection of this species.

We appreciate that the posting recognizes Emerald Ash Borer (EAB) as the primary threat to Black Ash in Ontario, and that Black Ash is currently abundant in the province. However, there are still some protection measures that will impact planning and development, forest management on private land and regular infrastructure maintenance activities in parts of the County of Renfrew. We ask you to consider the following points as you move forward in this process:

- 1) Further direction and consideration be provided for the definition, assessment process and threshold for what constitutes a “Healthy Black Ash” is required. In a rural environment, there is a capacity issue for those who could be considered a “qualified professional”, and there will be an associated cost for assessment and documentation of black ash when removal is necessary for road maintenance, public safety and in development of rural lands. The definition of “Healthy Black Ash” provided is reasonable for a professional to interpret, but unless a greater threshold or “how-to” is defined for what trees warrant assessment, it seems likely that MECP will be overwhelmed with supportive documentation. Some suggested points to improve clarity for the general public include:
  - How to identify black ash vs. other types of ash without having to seek the advice of a professional.
  - When protection and assessment by a professional is necessary – if all black ash trees are still living in an area within the mapped regulated area, do they need to be assessed and/or protected? Do dead or nearly dead trees need to be assessed?
  - Threshold for “appears to have survived exposure to EAB”. Within the five mapped lower-tier municipalities included in the Protected Area in the County of Renfrew, significant ash mortality has occurred along major roads and water bodies, but there are still vast areas where EAB has not

reached. Clarity on how someone who is not a “qualified professional” can assess exposure survival (e.g. a single or few black ash survived in an area clearly impacted by EAB vs. all live black ash in the mapped area where EAB has not reached yet) would benefit landowners, public works and MECP staff to avoid a flood of documentation.

- 2) We understand that the responsibility for complying with the Endangered Species Act lies with the property owner. According to the Provincial Policy Statement, planning authorities are prohibited from allowing development and site alteration in habitats of endangered and threatened species unless in line with provincial requirements. If areas within 30 meters of a healthy black ash tree are now considered habitat within the mapped area, what are the Ministry's expectations regarding affected municipalities when they assess planning applications, such as minor variances, site plans, zoning amendments, or the issuance of building permits? Mapping, surveying, and identifying which trees qualify as "protected habitat" will pose significant challenges for municipalities. It would be greatly appreciated if the Ministry could offer guidance to municipalities on their roles, responsibilities, and expectations for implementing this new regulation. Ideally, the responsibility for safeguarding the habitat of healthy Black Ash trees should not become an additional checkbox for municipalities to address when reviewing planning and building permit applications.
- 3) We are pleased to see the Proposal recognize that forest management may in fact mitigate the threat of EAB and forest operations are not considered a threat to the species, and applaud the recognition of the role of Registered Professional Foresters and forest management planning on mitigating impacts on black ash during operations – both on Crown and private land. We ask that you consider including Associate members of the Ontario Professional Foresters Association (working within their scope of practice) in this clause for private land, as well as lands managed under a Managed Forest Tax Incentive Plan and/or certified under a third-party forest certification program (e.g. CSA, FSC or SFI).
- 4) Can you provide information on how often the [Geographic Scope of Regulatory Approach for Black Ash map](#) will be updated? As a county that is dissected by the current mapped area, this would be helpful in the prioritization of staff training and internal work plans.

Please do not hesitate to contact us if you would like to discuss any of the information provided in this submission.

Sincerely,

Lacey Rose, RPF  
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