

November 1, 2023

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

Sent via email to recovery.planning@ontario.ca and submitted online through the Environmental Registry of Ontario

Dear Species at Risk recovery team,

RE: ERO 019-7378: Protecting Black Ash and Its Habitat Under the Endangered Species Act, 2007

On behalf of the Ontario Federation of Agriculture (OFA), thank you for the opportunity to participate in the regulation-making process which will set out how Black Ash and its habitat will be protected under the *Endangered Species Act, 2007 (ESA)*. Our topline feedback is summarized below:

- **Ontario's Landscape:** OFA believes that recovery strategies and habitat regulations need to reflect that it is unsustainable to have a single-minded focus on species restoration that excludes all other factors.
- **Species Protection:** OFA supports that the proposed species protection prohibitions in 9 (1) of the ESA apply only to health Black Ash trees *only* in areas of the province which have experienced significant mortality of ash trees due to Emerald Ash Borer.
- **Definition of Healthy Black Ash:** OFA supports the definition of healthy Black Ash.
- **Prohibitions:** OFA supports the government's proposal to not apply to Black Ash t prohibitions related to possession, transportation, buying, selling or offering to buy and sell.
- **Habitat Protection:** OFA requests that agricultural lands be exempt from habitat protection provisions, allowing agricultural activities to continue even where healthy Black Ash is located.
- **Economic Impact Analysis:** OFA recommends conducting an economic impact analysis on the effects of recovery actions on northern Ontario, especially where data gaps currently exist.

OFA is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations administered by all levels of government. We are passionate and dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with for any new or changing legislation that would impact the sustainability and growth of our farm businesses.

Ontario's agri-food sector is an economic powerhouse – producing more than 200 farm and food products, fuelling rural communities, generating nearly 750,000 jobs and contributing more than \$47 billion to Ontario's annual GDP. The province's agri-food strategy, Grow Ontario, aims to strengthen the agri-food sector, support economic growth and ensure an efficient, reliable and responsible food supply. By removing barriers, unnecessary costs and red tape, Ontario farmers will be positioned to seize opportunities and rise to the challenge of an ambitious growth strategy, allowing the agri-food sector to continue to drive the economy forward.

OFA would like to restate its longstanding perspective that there is only one Ontario landscape, meaning that the full range of landforms and land uses found across Ontario; urban, rural, agricultural, natural heritage, wildlife habitats, cultural heritage, aggregate extraction, etc. must share this one landscape. Inherent in this is the recognition that our agricultural areas not only provide us with food, fibre and fuel, but also a broad range of environmental and ecological goods and services that benefit all Ontarians, including habitat for endangered and threatened species.

The *Endangered Species Act* was designed to identify species at risk, protect their habitats and promote stewardship practices that will help protect these plant and animal species. Ontario agriculture is no stranger to this legislation as many habitats of endangered, threatened or species of special concern are found on or around farmland.

For many Ontario farmers, it is an everyday reality that the habitats of many endangered, threatened, and special concern species are on and around their farms. From our perspective, the presence of listed species on and around farms should be applauded as a testament to the suitability of agricultural land as habitat for many endangered, threatened, and special concern species. However, some may view everyday agricultural activities as a threat and argue for onerous species and habitat protection provisions, provisions which would severely constrain the ability of farmers to continue to produce safe, affordable, local food. Farmers are not compensated for the broad range of environmental and ecological goods and services they provide to Ontarians. The presence of listed species on and around farms should be acknowledged as a societal benefit, and any consequences and costs should be borne by all Ontarians. OFA believes that any financial costs associated with achieving the goal of preserving endangered wildlife and their habitats should be shouldered by the public, not by the individual farmers and other rural property owners.

OFA supports the proposed species protection regulations, and conditional exemptions for Black Ash under the ESA. It is important that policy and regulatory tools are implemented that consider the best way to protect and recover Black Ash and manage Emerald Ash Borer (EAB) while considering the social and economic realities of Ontarians.

EAB is the primary threat to Black Ash in certain areas of Ontario; Most of the province's Black Ash range is not currently affected, as EAB is limited by seasonal low winter temperatures in the north. OFA supports limiting the application of the "species protection" prohibitions in subsection 9 (1) of the ESA to healthy Black Ash only in areas of the province that have experienced significant EAB-caused mortality of ash trees. This would exclude areas of northern Ontario which are not currently susceptible to EAB. OFA supports the definition of healthy Black Ash trees as ones that have appeared to have survived exposure to EAB, remain in a healthy condition, and have a trunk diameter at breast height of at least 8cm. These criteria would help to identify trees which have the greatest potential to support the recovery of the species.

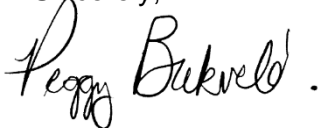
OFA also supports that the prohibitions related to possession, transporting, buying, selling or offering to buy or sell in clauses 9 (1) (b) and (c) of the ESA do not apply to Black Ash.

Habitat protection provisions may severely constrain the ability of farmers to continue to produce safe, affordable, and local food. Ontario's agricultural lands are a finite and shrinking resource, which is relied upon for the ability to produce food, fibre and fuel. Recovery strategies, government response statements and habitat regulations need to reflect the reality that a single-minded focus on species restoration to the exclusion of all other factors is unsustainable. While OFA supports that habitat protection provisions only apply to healthy Black Ash trees in areas of the province which has experienced significant EAB-caused mortality of ash trees, OFA requests that agricultural lands be exempt from these provisions, to allow agricultural activities to continue even where healthy Black Ash is located.

Furthermore, OFA recommends that an economic impact analysis be conducted on the effects of recovery actions on Northern Ontario, especially where data gaps exist on the location and health of Black Ash trees.

OFA appreciates the opportunity to provide our feedback and agricultural perspectives on the proposed regulations to protect Black Ash and its habitat. Ontario farmers support the principle of protecting and recovering Ontario's species at risk, but not to the detriment of farmers and agricultural lands. We trust that our perspectives and recommendations be included the finalized regulations.

Sincerely,



Peggy Brekveld
President

cc: Hon. Lisa Thompson, Minister, Ontario Ministry of Agriculture, Food and Rural Affairs
OFA Board of Directors