

House of Assembly of Nova Scotia
Office of the Legislative Counsel
CIBC Building, Suite 802
1809 Barrington Street
P.O. BOX 1116
Halifax, Nova Scotia B3J 2X1

March 25, 2019

To: Members of the Law Amendments Committee

Re: Bill No. 116 – **Biodiversity Act**

The Canadian Association of Forest Owners (CAFO) wish to express their full support for Forest Nova Scotia with respect to the concerns they have described to you in their submission.

Like forest owners in Nova Scotia, forest owners across Canada take the protection of biodiversity very seriously. The maintenance of biodiversity is an indicator of healthy and productive forest ecosystems which in turn translates into healthy and successful businesses for forest owners. Forest owners in Nova Scotia and across Canada take great pride in responsibly and sustainably managing all the resources on their land and recognize that “good” forest management practices and high biodiversity values go hand in hand.

These ongoing efforts of forest owners to maintain biodiversity must be considered in the context of the proposed *Biodiversity Act*. The Act, as proposed, provides extensive and overreaching ministerial authority, very broad consultation rights, punitive penalties, and generally appears to disregard private landowner rights. CAFO also supports Forest Nova Scotia’s concern that this legislation has moved very rapidly through legislative process and has not allowed concerned owners of forest land to fully consider and respond to the far reaching implications of this Act. Without that important input, there could be unintended consequences resulting from this Act that the committee would not be aware of.

Forest Owners are very concerned about the language in Section 8 that states that “the Minister may enter into an agreement with **any person**, (emphasis added)” ... “for any purpose related to this Act or the regulations” and includes “the enforcement of laws” and “the conduct of biodiversity or ecological investigations”. This could allow anyone who has some unrelated issue with a forest owner to bring forward an enforcement action that is completely unrelated to the protection of biodiversity.

A second major concern, also raised by Forest Nova Scotia, is that compensation is not available (GENERAL section para 45). This language is inconsistent with other legislation and fails to recognize the efforts already being made, with real costs and foregone revenue to forest owners, to protect biodiversity. The additional requirements being contemplated by this Act will further add to those costs and the legislation must provide compensation to owners for providing a public good at the expense of the individual owner. To do otherwise could result in further unintended consequences, where land owners may not share information about

biodiversity values on their land for fear that it could result in further impacts on their livelihood.

With respect to the recognition of landowner rights, CAFO fully supports the points raised by Forest Nova Scotia that a broad range of prohibited activities appear to apply on all lands (Crown and private). This broad language could not only threaten the success of private owners businesses but also infringes on their rights as owners and sustainable managers of private forest land.

Forest Nova Scotia has raised the issue of overly punitive penalties and CAFO fully agrees with their arguments. It has been CAFO's experience that regulators, working in cooperation with forest owners, will generate far better results for biodiversity than emphasizing penalties and enforcement.

The Canadian Association of Forest Owners provides their full support for Forest Nova Scotia and requests that the Members of the Law Amendments Committee fully consider the important issues they have raised.

Sincerely,

Christopher Lee, R.P.F.
Managing Director
Canadian Association of Forest Owners