

Presentation to Nova Scotia Government Law Amendments Committee

March 25, 2019

Topic: Introduction of Bill No. 116 Biodiversity Act

As a private woodlot owner I support biodiversity as part of my good forest management. My management must include economic returns and a balanced approach to forestry practices and harvesting while working to take into consideration ecological aspects of my plan including biodiversity.

In Bill 116 "Biodiversity Act" the only mention of private is "private sector" in paragraph 6 of the Whereas(s) introduction. Nowhere in the act is their mention of "private woodland owners". We are and should be distinguished from other landowners as we play a different role in the sustainable use of our land for economic benefit as well as contributing to ecological goods and services – biodiversity.

This Act is overreaching and everything is part of biodiversity. This could result in unintended consequences such as even stopping us from cutting dying fir trees as they could provide habitat for some types of bugs. Or stop Christmas tree growers from planting genetic modified seedlings.

Darcy Merryweather, who is appearing with me today, and myself have been involved in meetings, workshops, and consultations regarding biodiversity since the release of the report on biodiversity "The Foundation for Environmental, Social and Economic Prosperity in Nova Scotia" released in February 2010.

In Section 5 of that report one of the recommendations was to "develop incentives and remove impediments to conserving land and maintaining natural capital in recognition of the fact that taking privately owned land out of production to protect biodiversity may be in the public good but may represent a cost to the land owner" (Page 18)

In the current Act the only mention of privately owned land is in 12 (a) with regard to a biodiversity management zone, however, it does not include the critical component of compensation to the landowner. Few woodlot owners will enter into agreements for a management zone unless there is adequate compensation for the loss of the use of their land for a period of time and there is future financial support to rehabilitate the land at the end of the agreement should the forest tree species suffer undue damage as a result of the lack of management over the course of the agreement. This would be unfortunate as we have the knowledge and understanding of the applied science of forestry to enhance, improve, and encourage biodiversity while at the same time still receiving economic benefits from our woodlots.

The Government of Canada in their Canadian Biodiversity Strategy Section 1) D “Sustainable Use of Biological Resources” recognize that forestry companies and woodlot owners are important to assist with forest biodiversity. Strategic Directive 1.65 “Assess current and proposed major government forest policies and programs to ensure that ecological, *economic* social and cultural objectives have been considered.”

In the Nova Scotia Act 116, the importance of woodlot owners who own 70% of the forest land base and support for them including economic supports to assist in the promotion of biodiversity is omitted.

It seems obvious that the committee and the writers of this Act did not have a full understanding of the complexities of private woodland ownership and that a need for a balanced approach to protect the economic livelihoods of woodlot owners in this province and the contribution they make to their rural communities has to be a critical component of this Act.

In this Act the Minister is given extreme powers that may be exercised to protect biodiversity and impose penalties and fines that are to the point of extreme compared to those in other acts.

Although the current Minister (Iain Rankin) has been quoted in the media saying this act will NOT be implemented on private land, there is no such assurances in this Act and without that assurance, we as woodlot owners will live in a very uncertain world wondering when we will be penalized for an unintended act or worse yet a willful act by a trespasser and which will put our woodlots, ourselves and our families and our livelihoods in jeopardy.

As part of a workshop heading to the formation of a committee and the writing of this Act we ask to be part of a review of the Act (in draft) before it came to the legislature. We were told that this review was not possible as it was not part of the policies and procedures for creating an Act. At this point that the Act has come to the house I respectfully ask this committee to recommend that very review by those woodlot owner stakeholders and sector before we get to a cross roads where the lives of 40,000 woodlot owners, their families, their employees and their rural communities suffer undo consequences. I am sure the government did not intent to jeopardize woodlot owners and the omission of the protection of them and excluding them from the implementation of this Act was an unintended omission, so now is the time to make sure the Act reflects the intent i. e. this Act will not be enforced on private woodlot owners and moving forward their will be methods of funding to encourage their participation in formal biodiversity management zones under specific time periods and agreement of the specific owner without peril to the landowners who choose not to participate in these management zones.