

Monday, March 25, 2019  
Presentation to: Standing Committee on Law Amendments

Presentation Given by:  
Andrew Fedora, CFT  
Vice President, Board of Directors, Forest Nova Scotia

Andrew Fedora, Certified Forest Technologist, with over 20 years of experience and as the past Executive Director with the Nova Scotia Federation of Woodland Owners, Andrew has a wealth of experience working with Nova Scotia Woodland Owners.



**Forest Nova Scotia**  
*The nature of our business is growing.*

Forest Nova Scotia is the largest organization of forestry interests in Nova Scotia. With a membership of over 600 members of which 85% are private landowners. In-addition, we speak today with the support of the Canadian Association of Forest Owners (CAFO) who work together with 450,000 Individuals, families, farmers, companies and associations across Canada who own forest land. The land mass of Nova Scotia is predominantly forest land, with approximately 65% of this forest land being privately owned by over 30,000 different land owners.

Our members value biodiversity and make great efforts to protect biodiversity. So we must be clear that we have concerns with this Act as it defines broad brush ministerial authority, broad consultation rights, extensive punitive penalties, and no regulations yet defined, our membership is highly concerned this exposes our “rights” as private land owners. We will review some specific points that will clearly explain our concerns that we wish to have addressed and stress to you - the MLA’s - on this committee that we urge you to listen to these concerns, as they are the concerns of private landowners in the very towns, villages and counties each of you represent. Bill 116 has moved to this committee very rapidly since the first reading, and now that the Act is available for our members, we have not been granted much time to communicate and engage our membership on its intent.

This Act allows the Minister to designate any Crown land as a “**biodiversity management zone**” (BMZ). To do the same with private lands requires the consent of the landowner. As we are representing private land owners today, we would like to make a few points to clarify some concerns we have regarding our “rights” as private land owners.

#### **Point # 1.**

The Act gives the Minister broad authority to implement activities, policies and programs for the conservation and sustainable use of biodiversity. However, it is unclear whether any such requirements apply solely to lands designated as a BMZ or to all lands in the Province.

Refer to definition in Act of “**Land**- all lands including water”

If it's the latter, it would impact management and decision making for private lands even if the landowner does not consent to a land designation as BMZ.

**Point # 2.**

Section 31 details a broad range of prohibited activity that is contrary to biodiversity; but again, it appears that this applies to activities on all lands (Crown and private) and not just lands designated as BMZ.

This threatens the "lively hood" and "rights" of private land owners who should have a choice with what happens on their lands.

**Point # 3.**

Section 45 states that any affected parties are not entitled to compensation for loss/costs arising from implementation of this Act. This is not consistent with other legislation, i.e. endangered species act (Section 7).

There should be overriding language to clarify this conflict between this Act and other legislation so it's clear which act will indeed govern Nova Scotians. It should be clear to land owners if this Act gives power to the minister to expropriate or restrict private land without compensation, or not. It is currently unclear.

**Point # 4.**

We also have major concern with government partnering with "any person" (Section 8) to investigate and enforce the Act. Our membership strongly disagrees with this as we are a stakeholder in the outcome of this Act. The government partnering that provides consultation, research, and advising the minister in building regulations needs to be more defined and not so broadly powered as currently defined.

**Point # 5.**

The penalties for offences have high thresholds when compared to other acts for both corporations and private landowners.

Reference - (i.e. up to \$500 thousand for first offence, and \$1 million for second offence (private landowners), up to \$1 million for first offence, and \$2 million for second offence (corporations). This is compared to similar penalties under the Endangered Species Act (up to \$1 million); the Forests Act (up to \$100,000); Wildlife Act (between \$2,000-\$5,000).

This Act has high stakes with its regulations yet to developed. The punitive exposure with unknown regulations is a major concern for our membership and CAFO membership.

### **Closing Argument:**

As we have said our organizations fully support sustaining biodiversity for all Nova Scotians. As land owners we manage land for our "livelihoods" with a long-term sustainable view. Access to our own resources is fundamental right to the livelihood of rural Nova Scotia. We caution this committee that we feel the language defined in this Act is vague and incomplete. The ministerial power given in this Act is all encompassing and due to its broad unclear scope, we are going to lose our "rights" and "livelihoods" to work and manage our lands. We recommend language clarification on the points we brought forward and caution this committee to take more time to prevent unintended consequences of approving this Act as it written today. A carefully measured Act and subsequent regulation that does not overreach is required.