

## **TO THE LAW AMMENDMENTS COMMITTEE:**

I would have preferred to make a live presentation on Bill 4, but our rural internet is often unreliable and would probably not be particularly satisfactory for something as important as this, so I will put my thoughts in writing and submit in that way. Unfortunately, the changes that were proposed on March 23 by the Minister have not been made available in time to consider them for this submission so have not been included in the thought involved in preparing this submission.

I am a woodlot owner/operator in Cumberland County. I left a teaching career when my father passed away 17 years ago, and I make my full time living harvesting forest products and managing my land in a very sustainable manner. My woodlot is considered one of the best in Nova Scotia by many. I have been recognized for my management practises by both the Department of Lands and Forestry (Provincial Woodlot Owner of the Year 2017) and by Forest Nova Scotia with a Certificate for meeting the conditions of a Forestry Stewardship audit in 2014.

I currently am a member of the Cumberland Forestry Advisory Council, the Federation of Nova Scotia Woodlot Owners and Operators, and Forest Nova Scotia. I get no assistance from any government agency for the business I operate and I contribute a large amount of tax revenue every year from my business, through GST/HST, property tax, and income tax. The transition fund set up by this government to help the forestry industry after the closing of Northern Pulp had no funding available for private operators such as myself, despite the loss of a significant market to us.

I first became aware of this bill in its previous form, Bill 116, and at that time I went to the public consultation hearings. I attended a meeting in Truro in 2019. The meeting was very controlled with questions regarding concerns answered with deflections rather than factual answers, and discussion groups directed and controlled by people that were obviously there for that purpose. We were promised that results of the discussions and the questionnaire we filled out would be sent to us but nobody ever received any information from this process. The next thing we heard was that consultations were held with an invited group that had to sign a non-disclosure agreement, causing a further amount of uneasiness regarding the purpose of this bill and the people behind the pushing through of this bill. It has been pulled back once already and was stopped last fall by the government proroguing of the legislature. It has been rushed through this time with no true opportunity for public scrutiny or for the opposition parties to try to make any suggestions toward improving the legislation.

Biodiversity was mentioned thirty-seven times in the executive summary of the Lahey Report and he put a great deal of emphasis on that in his recommendations. Although this was not the sole origin of Bill 4, it did give supporters of the act ammunition to further their agenda so to speak. The act is generally thought to be the work of the former deputy minister and some like minded people in that department and from the environmental movement in the province. The Lahey

report was originally intended to deal with Crown Land use but that, like this Act, Bill 4 have seemed to have become all encompassing and now looks like it is or was intended to control use of private land.

There is no question that biodiversity should be protected as much as possible in the province. Nobody disputes that. As much as people in Halifax shouldn't be destroying the land scape by putting rivers underground, paving large areas, spraying golf courses, or releasing sewage into the harbour, woodlot owners should try as best they can to work with nature and follow the many regulations that are already in place for them. The major problems that I see with this act are as follows, not including every point from each section for the purpose of brevity:

#### **BIODIVERSITY MANAGEMENT ZONES**

15 (1) The Minister, with the approval of the Governor in Council, may

- (a) establish and administer a biodiversity management zone on **any land** vested in Her Majesty in right of the Province;

#### **BIODIVERSITY EMERGENCY ORDERS**

23 Where there are reasonable and probable grounds to believe that a person has contravened or is about to contravene Section 38 in a manner that resulted in, or is likely to result in, serious adverse effects to biodiversity and for which corrective action is needed to prevent, control, eliminate or manage such serious adverse effects, the Minister or an employee of the Government authorized to act on behalf of the Minister may issue a biodiversity emergency order requiring the person to do any or all of the following:

- (a) cease engaging in any activity that resulted in or is likely to result in a contravention of Section 38;
- (b) comply with any instructions set out in the order;

#### **OVER REACHING POWERS**

31 (1) A conservation officer, together with such persons whose assistance the conservation officer considers necessary or advisable, may, for the purpose of ensuring compliance with this Act, the regulations, a biodiversity emergency order or the terms and conditions of a permit,

- (a) at any reasonable hour, enter and inspect any place other than a residence, make any examination and conduct any test that the conservation officer considers necessary or advisable;

#### **PENALTIES THAT SEEM TOTALLY BEYOND REASON**

44 (1) A person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction

- (a) for a first offence

- (i) in the case of an individual, to a fine of not more than \$500,000 or to imprisonment for a term of not more than six months, or to both, and

- (ii) in the case of a corporation, to a fine of not more than \$1,000,000; and

- (b) for a second or subsequent offence

- (i) in the case of an individual, to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than six months, or to both, and

- (ii) in the case of a corporation, to a fine of not more than \$2,000,000.

So, in plain English, why are these sections and the related sections to those listed problematic?

1. The act gives totally unreasonable overreaching powers to a politician and anyone he deems an agent.
2. The Lahey report and recommendations from it were originally supposed to deal with crown lands.
3. The fines are totally out of proportion and as is the entire legislation, punitive in nature, totally out of step with the direction of the Canadian Justice system today.
4. This is not in the above points, but bill 4 has had no regulations released in the three years that the act has been on the table.

This act is driven by people self described as activists, protectors of the land, environmentalists, and so on. Many of these people have moved into the province and brought their beliefs with them to impose on rural Nova Scotians. They basically feel that they are more qualified to decide what a person may do with their land than the land owner, something they perpetuate by continuously being in the media, protesting, lobbying government, quoting vague science, etc. while the rest of us are trying to make a living. They sometimes make the government of the day feel that they are more numerous than in fact they are, something that has been driven home by the large outcry of taxpaying voters to their local politicians these few weeks since this bill has been reincarnated. These supporters of the act have tried to pin the opposition to the bill on industrial forestry with some very disingenuous advertising and have been shown to be way off base on that point by the large outcry from huge numbers of land owners of all stripes and from a number of other industries as well. As a land owner, I am very thankful that we have some support from these other organizations to dispel the many myths and fear mongering the well funded environmental movement have put forth.

The introduction of this act has served no positive purpose. There are a number of other acts already on the books that protect watercourses, wildlife, endangered species, and biodiversity. The fact that it has had no regulations introduced, and the fact that it has been by promoted by the people and groups that have promoted it, has caused tremendous concern and out right fear for tax paying land owners and people of all parts of rural life. It has served to further drive a wedge between the rural population and urban dwellers in the province, and will have nothing but negative consequences if it proceeds in its present form.

I already do ecological forestry on my own woodlot and am very careful with the protection of biodiversity, and the entire forest industry has already declared that they will follow the Lahey Report recommendations when the government defines them and enacts those

recommendations. This act, Bill 4, and the entire movement supporting is very obviously an attempt to cripple or halt the forest industry.

Landowners such as myself have been supporting many recreational activities for years, facing potential liabilities with no protection. We have put in access roads under the most stringent environmental regulations, with little or no financial support. These access roads are used by bird watchers, OHV clubs, hunters, hikers, etc. I have faced vandalism and theft a number of times. I allow Lands and Forestry to use my land and roads for their various wildlife and timber inventory surveys. If this Bill becomes law, I will obviously need to be defensive against vindictiveness by the supporters of this law and access to my roads and land will not be so freely given.

It would be my request to this government that the most logical step to take now would be to take this bill off the table and go through a proper consultation process with the public, not giving more weight to special interest groups, before reintroducing the bill. If that isn't done, at least make the bill only applicable to crown lands and try to reach out to land owners and educate them as to what they can do in a voluntary way, and not on a heavy-handed approach. The rural tax payers are not going to accept the passage of this very overreaching, very punitive piece of legislation and if the changes released last week are in fact part of the latest version, it really has no useful purpose!

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