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The Honourable Mona Fortier
President of Treasury Board

House of Commons
Ottawa, ON
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May 30th, 2022

Dear Mme. Minister,

I am writing with an urgent concern. I have heard that the Treasury Board approval of the government's commitment to plant two billion trees has been made contingent on matching funding from the provinces. In my opinion, this dooms the project to failure. Any tree planting in partnership with the provinces will be money wasted.

Let me explain the urgency and my rationale as briefly as possible. The following aspects need to be considered:

1) A misunderstanding of Constitutional issues;
2) The inherent bias of every provincial department regulating forestry;
3) The urgency of responding to the climate crisis in terms of both sequestration, carbon budgets, as well as adaptation and enhanced resilience.

1) A misunderstanding of Constitutional issues.

There is no doubt about the intention of the drafters of the British North America Act. The management of logging is provincial. The current Constitutional language is equally clear:

92A (1) In each province, the legislature may exclusively make laws in relation to…(b) development, conservation and management of non-renewable natural resources and forestry resources in the province, including laws in relation to the rate of primary production therefrom; …

The promise to plant two billion trees in response to the climate crisis does not belong under Section 92.

The federal pledge has nothing to do with "forestry resources." The promise to plant two billion trees is not associated with "forestry" at all. "Forestry" is related to harvesting and exploitation. The further use of the word "resources" confirms that the exclusive provincial control of matters related to forests is solely in the area of economic and industrial activity related to harvesting forests.

This interpretation is further fortified by the entire context of s 92A (1)(b). "Forestry resources" are included in the management of non-renewable resources, such as mining. There is no justification for the assumption that anything green and growing is provincial.

Any planting of trees for the purposes of carbon sequestration, by definition, cannot involve logging. The benefits of carbon sequestration are eliminated if the trees are planted as part of the current model of industrial forest silviculture. Harvest rotations are too short to allow for carbon benefits to be maximized.

On the other hand, as this letter further sets out, the benefits of tree planting for climate goals are part of federal authorities. Sequestering carbon does not benefit one province over another. In fact, it does not benefit one nation over another.

In other contexts, the pricing of carbon has already been approved by the Supreme Court of Canada as a matter of *national concern*. The federal government has jurisdiction over pricing carbon. Planting trees to sequester carbon is not an "exclusively" provincial head of power.

2) The inherent bias of every provincial department regulating forestry.

Every provincial department regulating forestry has the same approach to replanting. Industrial forest operations, when planting is done, follow a set prescription of herbicide application followed by planting a monoculture of even-aged coniferous forests.

This approach will need to be re-examined by the provinces in light of the climate crisis. The increased risks of insect pests and diseases make monocultural replanting unwise. The loss of British Columbia's Lodgepole Pine forests to the pine beetle, with its populations super-charged by the warming climate, is but one example. Canada's forests have ceased to be a carbon sink and have shifted to being a carbon source. This shift is due to the climate impacts of increased levels of forest insects, disease and fires. Confronting those threats to industrial forestry is a matter for the provincial governments. The Canadian Forest Service has an important role in providing advice on

adaptation to the provinces and to the forest industry. But regulating industrial forestry is clearly what section 92A of the Constitution has established as provincial.

Nevertheless, the current bias in every provincial forestry predetermines that a shared programme with provinces - even if successful in planting two billion trees- will do nothing to assist Canada's climate efforts. In fact, it will merely amount to a subsidy to the forest industry.

3) **The urgency of responding to the climate crisis in terms of both sequestration, carbon budgets, as well as adaptation and enhanced resilience.**

Planting two billion trees to enhance climate action will require planting the right species in the right ecosystems for multiple benefits.

In this context the federal government should partner with First Nations and Metis organizations to maximize delivery of effective programmes. Working with Tree Canada for urban tree planting will also be efficient and effective.

The two billion trees are urgently needed for multiple benefits in carbon mitigation and adaptation.

Mitigation involves any tree planting at all as trees sequester carbon. But the existing carbon sinks of older forests hold far more carbon than younger trees. Young trees take up carbon at a faster rate, but do not have capacity to replace older forests until they themselves are hundreds of years old. The older forests and soils of the boreal forest contain valuable and irreplaceable carbon.

Canada must consider the entire carbon budget when taking on managing forest carbon. Old growth forest everywhere must be protected and removed from the provincial "working forest" areas.

Tree planting is also desperately needed to save lives of Canadians as an aspect of adaptation. Last summer's heat dome was not a one-off. We will experience more days hitting 50 degrees C in interior BC. Heat stroke deaths are an immediate concern. Nearly 600 British Columbians died in four days last summer. As adaptation expert Dr, Blair Feltmate recently pointed out to CBC, if we had had an electricity grid collapse at the same time as the heat dome, thousands would have died.

Urban areas need more shade. Apartment rooftops need tree planting, and other forms of green roofs, to reduce air conditioning demand. Urban areas must avoid black asphalt and concrete enhancing heat islands by greening as much as possible.

The marginalized and homeless especially need shade and trees to reduce heat. Shade alone will not save lives, but it will help enormously.

As well, in a time of increased forest fire risk, tree planting can help.

We need to identify the most at-risk communities, particularly remote First Nations "fly in" communities. Fire-smarting those communities should involve forest workers in a major effort to replace adjacent areas of dry coniferous forests with a wide strip of younger deciduous trees of mixed species. These will be moister and provide protection as wildfires sweep through an area.

Lastly, other areas of federal responsibility need tree planting. Our wild salmon stocks are in free fall. Areas of riparian zones, especially those burned in earlier fires, such as the 2017 Elephant Hill fire, have not naturally reseeded. The fires burned so hot they burned off the duff and surface soils that held the future seed. Replanting stream banks and restoring key watershed through planting the right species in the right places can help restore habitat for the highly endangered interior Steelhead Trout and Pacific Salmon.

I have only scratched the surface of why we need the two billion trees planted. I have only scratched the surface of the multiple benefits. I am certain many conservation organizations will provide additional research in support of this brief summary.

I intend this letter to be public and will release it within a few days. I share it with the fervent hope it can make a difference in assisting your efforts.

Sincerely,

Elizabeth May, O.C.
Member of Parliament
Saanich-Gulf Islands
Caucus Parliamentary Leader

Mike Morrice
Member of Parliament
Kitchener Centre

Cc: The Honourable Chrystia Freeland
The Honourable Jonathan Wilkinson
The Honourable Steven Guilbeault
The Honourable Joyce Murray
The Honourable Bill Blair