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**Secretariat of the Commission for Environmental Cooperation  
of North America**

**Determination pursuant to Council Resolution 03-05  
requesting a response from Canada**

**Submitters:** Canadian Nature Federation  
Canadian Parks and Wilderness Society  
Earthroots  
Federation of Ontario Naturalists  
Great Lakes United  
Sierra Club (United States)  
Sierra Club of Canada  
Wildlands League

**Represented by:** Sierra Legal Defence Fund (SLDF)

**Concerned Party:** Canada

**Date received:** 6 February 2002

**Date of this determination:** 21 August 2003

**Submission I.D.:** SEM-02-001 / Ontario Logging

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**I. INTRODUCTION**

On 6 February 2002, the Submitters filed with the Secretariat a submission alleging “the failure of the Canadian Government to effectively enforce subsection 6(a) of the *Migratory Birds Regulations* against the logging industry in Ontario.”<sup>1</sup> On 25 February 2002, the Secretariat determined that the submission meets the requirements of Article 14 of the *North American Agreement on Environmental Cooperation* and requested a response from the Party in accordance with Article 14(2). The Party submitted its response on 25 April 2002.<sup>2</sup> On 12 November 2002, the Secretariat notified the Council that the submission, in light of the Party’s response, warrants the development of a factual record.<sup>3</sup> On 22 April 2003, in Council Resolution 03-05, the Council voted unanimously:

TO DEFER consideration of the Secretariat’s notification of 12 November 2002, pending the following:

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<sup>1</sup> Submission at 1.

<sup>2</sup> “Response to submission SEM-02-001 Prepared by the Government of Canada Submitted to the Secretariat of the Commission for Environmental Cooperation” dated 11 April 2002.

<sup>3</sup> SEM-02-001 (Ontario Logging), Article 15(1) Notification (12 November 2002).

- a) the submitters being provided a period of 120 calendar days from the date of this resolution to submit the requisite sufficient information in support of the allegations set forth in SEM-02-001;
- b) the termination of the submission process for SEM-02-001 if the submitters elect not to provide further information within the 120 calendar day time frame;
- c) in the event such further information is provided, the Secretariat determining whether that information warrants a response from Canada or whether the submission process should be terminated;
- d) in the event such a response is requested and provided by Canada, the Secretariat, after considering both the new information provided by the submitters and the response of Canada to that information, notifying Council whether it recommends the preparation of a factual record.

On 20 August 2003, within the 120 calendar day time frame provided in Council Resolution 03-05, the Submitters provided the Secretariat with further information.

## **II. DETERMINATION**

The Secretariat has determined that the further information provided by the Submitters merits requesting a response from Canada. Consequently, the Secretariat attaches to this determination a copy of the further information provided by the Submitters and, in accordance with Council Resolution 03-05, requests a response from Canada.

Respectfully submitted on this 21st day of August, 2003.

*(original signed)*  
*per:* Katia Opalka  
Legal Officer, Submissions on Enforcement Matters Unit

c.c.: Ms. Norine Smith, Environment Canada  
Ms. Judith E. Ayres, US-EPA  
Dra. Olga Ojeda, SEMARNAT  
Mr. Victor Shantora, CEC Acting Executive Director  
Mr. Albert Koehl, SLDF  
Mr. Jerry DeMarco, SLDF