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DEC - 7 2004

Mr. William Kennedy  
Executive Director  
Secretariat  
Commission for Environmental Cooperation  
393 St. Jacques Street West, Suite 200  
Montreal QC H2Y 1N9

Dear Mr. Kennedy:

As requested pursuant to Article 14(2) of the *North American Agreement for Environmental Cooperation*, please find enclosed a copy of the Government of Canada's response to Ontario Logging II submission (SEM-04-006).

Yours sincerely,

Norine Smith  
Assistant Deputy Minister  
Policy and Communications  
Alternate Representative, Canada

Enclosure

c.c.: Ms. Judith Ayres  
Mr. José Manuel Bulás

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**Response to Submission SEM-04-006**

**Prepared by the Government of Canada**

**Submitted to the Secretariat of the Commission  
for Environmental Cooperation**

**7 December 2004**

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On October 12, 2004, the Secretariat for the Commission for Environmental Cooperation (CEC) acknowledged receipt of a submission (identified as SEM-04-006 on the public registry) pursuant to Article 14 of the *North American Agreement for Environmental Cooperation* (NAAEC). The submitters, a coalition of Canadian and American non-governmental organizations (NGOs) claim, as they did in the previous submission (identified as SEM-02-001 on the public registry), that "Canada is failing to effectively enforce paragraph 6(a) of the Migratory Bird Regulations (MBR) adopted under the Migratory Birds Convention Act (MBCA) against the logging industry in Ontario". The Secretariat on October 14, 2004 determined that the submission merited a response from the Government of Canada.

The information provided by the submitters in SEM 04-006 is in response to the CEC Council which noted, in its instruction to the CEC Secretariat to prepare a factual record with respect to 49 forest management units (FMUs) in Ontario, that the submitters may, if they wish, submit a new submission with the requisite sufficient information for the four FMUs for which the information was not available in August 2003.

As a result, the submitters, using the same methodology as they did to prepare the supplemental information presented to the CEC Secretariat in August 2003, were able to provide an estimate as to how much logging took place during each month of the year in the four geographic areas specified that were not captured by Council Resolution 04-03, and asserted that, based on scaling data, a certain amount of logging did take place in the Cochrane, Shiningtree, Temagami and Wawa FMUs during the migratory bird nesting season. As acknowledged by the submitters, this new submission is closely related to their previous submission -- SEM-02-001.

Also acknowledging the close relationship between SEM-02-001 and SEM-04-006, the Government of Canada, in response to SEM-04-006, would like to refer the CEC Secretariat to the attached response provided by the Government of Canada on April 11, 2002 and to the attached Government of Canada response to the supplemental information provided to the CEC Secretariat on October 16, 2003.

The Government of Canada would also like to confirm that the Canadian Wildlife Service of Environment Canada did not receive any public complaints with respect to the enforcement of subsection 6(a) MBR in any of the four FMUs for the time period specified in the submission.

The Government of Canada would like to express its appreciation to the submitters for gathering the additional information regarding the four management units, which complements the data provided earlier in their supplemental information in August 2003.