

Dr. Anastasia M. Lintner
x30
alintner@ecojustice.ca

January 26, 2009

Via Regular Mail

QMI Management Systems Registration
20 Carlson Court, Suite 100
Toronto, ON
M9W 7K6

Martin Litchfield, QMI Team Leader

Dear Mr. Litchfield:

Re: Appeal of Certification - Algonquin Forest Authority

The following organizations have retained me for the purpose of appealing the Canadian Standards Association Sustainable Forest Management (CSA SFM) certification of Algonquin Forest Authority (AFA) operations:

CPAWS Wildlands League,
CPAWS Ottawa Valley,
Earthroots,
Forest Ethics,
Greenpeace,
Ontario Nature.

I am forwarding this to you as AFA's registrar/certifier in accordance with the direction for dispute resolution found in Annex A of Canadian Standards Association's (CSA) Z809-02 *Sustainable Forest Management: Requirements and Guidance* (hereafter the "Z809-02 standard").¹

In the following, we set out our position that QMI cannot be highly assured that AFA's plan can meet elements of the Z809-02 standard and that the certification should be suspended and/or withdrawn.

¹ Canadian Standards Association, "Z809-02 Sustainable Forest Management: Requirements and Guidance" (Ontario: Canadian Standards Association: December 2002, updated May 2003) at Annex A, p. 41.

Background and Methodology

Documents

For the purpose of preparing this appeal, we have reviewed the following records pertaining to logging within Algonquin Provincial Park:

- Algonquin Forest Authority. Forest Management Plan Summary for the Algonquin Park Forest Management Unit Southern Region for the 20-year period from April 1, 2005 to March 31, 2025.
- Algonquin Forest Authority. Sustainable Forest Management Plan (November 2007).
- KBM Forestry Consultants Inc. Algonquin Park Forest Independent Forest Audit 1997-2002 (March 2003).
- QMI. Algonquin Forest Authority Forest Certification Audit Report (December 2007).
- Crown Forest Sustainability Act (CFSA), 1994.
- Provincial Parks and Conservation Reserves Act (PPCRA), 2006.

These documents were obtained through an internet search. We take the position that we have exercised due diligence in obtaining information appropriate for an independent public evaluation of how the applicant is addressing key requirements of the standard.

Standard of Review

In interpreting the prerequisites of the Z809-02 standard, we were guided by the explanatory notes within the document. More particularly, in reviewing the Values, Objectives, Indicators and Targets identified by licensees, we considered that you, in certifying the AFA, would have sought confirmation of the following:

- 1) **For Values** - they describe the Defined Forest Area (DFA) characteristic, component or quality;²
- 2) **For Objectives** - they describe a desired future state or condition for a DFA-specific value;³
- 3) **For Indicators** - they are measurable, predictable, relevant, understandable, valid, and feasible;⁴
- 4) **For Targets** - they describe a desired future state or condition of an indicator; and are clearly defined, time-limited, and quantified.⁵

² Canadian Standards Association, "Z809-02 Sustainable Forest Management: Requirements and Guidance" (Ontario: Canadian Standards Association: December 2002, updated May 2003) at p. 8, 27, 30.

³ Canadian Standards Association, "Z809-02 Sustainable Forest Management: Requirements and Guidance" (Ontario: Canadian Standards Association: December 2002, updated May 2003) at p. 6, 27, 30.

⁴ Canadian Standards Association, "Z809-02 Sustainable Forest Management: Requirements and Guidance" (Ontario: Canadian Standards Association: December 2002, updated May 2003) at p. 6, 28, 30.

⁵ Canadian Standards Association, "Z809-02 Sustainable Forest Management: Requirements and Guidance" (Ontario: Canadian Standards Association: December 2002, updated May 2003) at p. 8, 29, 30.



In reviewing your certification of AFA's operations, we have considered whether AFA chose valid indicators for certain CSA elements and whether the associated CSA objectives and targets, if implemented, would provide you with *a high degree of assurance* that the Z809-02 standard's requirements would be met for longer term targets. Our understanding that a certifier requires a *high degree* of assurance that a company would meet CSA requirements has been informed by the Standards Council of Canada (SCC).⁶ This test is consistent with the definitions of "conformance" ("meeting non-legal requirements"⁷) as set out in the Z809-02 standard as well as our understanding that a major non-conformance may occur when a requirement of the Standard is not addressed as clarified in Annex A to the Z809-02 standard.⁸

Effect of Public Participation

The Z809-02 standard contains performance requirements which are mandatory and which compel a certain standard of operation at the local forest level. We take the position that public participation, although enshrined in the CSA standard setting process, must be incorporated so as to complement rather than dilute performance requirements. Also, acceptance by a public advisory group of a licensee's objectives, targets, etc., is not necessarily indicative of whether they are adequate or appropriate, nor can this provide assurance that requirements would be fulfilled (other than those related to public participation).

The Appeal

The following sets out a Z809-02 standard Element followed by the Values, Objectives, Indicators and Targets ("VOIT") indicated by the AFA in the VOIT table in the Sustainable Forest Management Plan (SFMP).

With regard to Canadian Council of Forest Ministers (CCFM) Criterion 1, CSA SFM Element 1.4: Respect protected areas identified through government processes. Identify sites of special biological significance within the DFA and implement management strategies appropriate to their long-term maintenance.

- **Values:** Algonquin Provincial Park Management Plan Zones
- **Objectives:** Protect the special values represented by the four land use categories defined by the Algonquin Provincial Park Management Plan
- **Indicators:** Identification and protection of zone boundaries
- **Target:** 100% compliance with zone boundary locations

⁶ Email of Stefan Janhager, Senior Program Officer, EMS, Standards Council of Canada to Rachel Plotkin, Forest Campaigner, Sierra Club of Canada, dated December 2, 2003.

⁷ Canadian Standards Association, "Z809-02 Sustainable Forest Management: Requirements and Guidance" (Ontario: Canadian Standards Association: December 2002, updated May 2003) at p. 5.

⁸ Canadian Standards Association, "Z809-02 Sustainable Forest Management: Requirements and Guidance" (Ontario: Canadian Standards Association: December 2002, updated May 2003) at p. 40.

Although the Ministry of Natural Resources (MNR) has a broad mandate to support the economic growth of local communities, the 1978 Cabinet decision to ban commercial logging in most classes of Ontario's parks (excluding Algonquin Park) is strong evidence that the government believes that the practice is not acceptable.⁹ No matter how carefully managed, commercial forestry conflicts with the purpose of Ontario's parks and the recently enacted *Provincial Parks and Conservation Reserves Act (PPCRA)*.

Currently, only 22% of Algonquin Park is protected. The Ontario Parks Board of Directors has recommended the expansion of protected areas from 22% to 54% of the park.¹⁰ The AFA has also recommended that an increase from 22% to 49% is possible.¹¹ This clearly confirms the inadequacy of the current degree of protection. The context in which logging is allowed to take place within the park is defined by the Forest Management Plan (FMP), which, as referred to in the Independent Forest Audit, states that protection of park values must take precedence over the requirements of forest management.¹² The lack of 100% protection within a park runs counter to the fundamental principles of park protection and certainly does not protect the special values of the park. Although Ontario government policy permits logging in Algonquin Park, the latest available Independent Forest Audit¹³ acknowledged that it is controversial, and so did not include a review of whether logging is an acceptable practice in the Park within the scope of the audit. We conclude that, given the notable absence of this consideration both by independent auditors and you, the certifier, a high degree of assurance does not exist that the requirements of this criteria have been met. Moreover, we consider that no reasonable interpretation of the CSA standard criteria with respect to protected areas permits logging and therefore, requirements for certification have not been met.

With regard to CCFM Criterion 6, CSA SFM Element 6.3 Public Participation: Demonstrate that the sustainable forest management (SFM) public participation process is designed and functioning to the satisfaction of the participants.

- **Values:** SFM Public Participation Performance
- **Objectives:** To implement a public participation process that is supported by the participants
- **Indicators:** SFM public participation evaluation by the broader public (not directly engaged in the Advisory Group)

⁹ Environmental Commissioner of Ontario Annual Report 2006-2007. Reconciling Our Priorities. "Can Ecological Integrity & Logging be Reconciled in Our Flagship Park?" Pgs. 148-9. Available at: www.eco.on.ca/eng/uploads/eng_pdfs/2007/Annual_report-0607-FINAL-EN.pdf.

¹⁰ Ontario Parks Board of Directors. 2006. Lightening the Ecological Footprint of Logging in Algonquin Park.

¹¹ AFA letter to Jennifer Tuck, Minister's Office dated December 14, 2006.

¹² KBM Forestry Consultants Inc. Algonquin Park Forest Independent Forest Audit 1997-2002 (March 2003) at p. 1.

¹³ *Ibid.*

- **Target:** Annually review with the Advisory Group all public comments with respect to forestry activities and how they were responded to

The CSA standard notes that it is important that the organization consider the broader public interest, particularly where decisions are likely to be seen as contentious.¹⁴ The issue of logging in Algonquin Park is highly contentious, as noted in the IFA and various public opinion research polls.¹⁵ While there has been some degree of public participation on the FMP, the most recent Algonquin Park Management Plan (1999) had no public participation or review of logging in the park as part of the process.¹⁶ Further, although the public was consulted on how parks and forests should be managed during the PPCRA consultation process, there was no public consultation on the larger policy issue of whether commercial logging should be allowed in Algonquin.¹⁷ Despite the fact that the basic requirements for public consultation were met for the FMP, a major issue identified is that during the consultation stages some respondents requested either a phase-out or immediate cessation of logging within the Park.¹⁸ The consistent response to these requests has been that this is not an issue that can be addressed in the FMP, and as mentioned above, nor is it addressed through the IFA process. We take the position, however, that this does not waive the obligation under the CSA standard for meaningful consultation which, by any reasonable standard, would confirm our position that logging in the park could not occur in compliance with the CSA standard and, therefore, the certifier could not have been assured that Algonquin Park's Sustainable Forest Management Plan met the CSA standard.

Conclusion

Based on the foregoing, we conclude that the conditions for granting certification did not exist and it is incongruous to consider the concept that logging in a provincially protected park could meet any standard that purports to certify sustainable forestry. We know of no independent sustainable forest management certification scheme that would permit harvesting to occur in a protected area. We conclude that AFA's CSA standard certification should be suspended and/or withdrawn, and should QMI support the continued certification of the AFA, I am instructed to take steps to challenge this.

In the event that you have in place a timeline and process for addressing certification appeals, we would appreciate your advising us of this at your

¹⁴ Canadian Standards Association, "Z809-02 Sustainable Forest Management: Requirements and Guidance" (Ontario: Canadian Standards Association: December 2002, updated May 2003) at p. 12.

¹⁵ For example, a recent poll found that 79% of Ontarians are opposed to logging in a park. From: McAllister Opinion Research. Algonquin Provincial Park: A Public Opinion Survey of Ontarians. April 2007. Prepared for CPAWS Wildlands League.

¹⁶ Environmental Bill of Rights Registry posting for Algonquin Park Management Plan describing rationale for exemption to public comment. Loaded to registry March 5, 1999. Available at: www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTA5ODg=&statusId=MTA5ODg=&language=en

¹⁷ Environmental Commissioner of Ontario Annual Report 2006-2007. Reconciling Our Priorities. "Can Ecological Integrity & Logging be Reconciled in Our Flagship Park?" Pgs. 148-9. Available at: www.eco.on.ca/eng/uploads/eng_pdfs/2007/Annual_report-0607-FINAL-EN.pdf.

¹⁸ Algonquin Forest Authority. Forest Management Plan Summary for the Algonquin Park Forest Management Unit Southern Region for the 20-year period from April 1, 2005 to March 31, 2025 at p. 17.

earliest convenience prior to disposition of this appeal. We would also appreciate your keeping us advised as to the status of this appeal. Please forward correspondence to my attention.

Lastly, should you require further information or clarification, please do not hesitate to contact me.

Thank you.

Yours truly,

[original signed by]

Anastasia M. Lintner, PhD, LLB
Staff Lawyer

Cc (e-mail only): Donna Cansfield, Minister of Natural Resources
Gord Miller, Environmental Commissioner of Ontario
Evan Ferrari, CPAWS Wildlands League
John McDonnell, CPAWS Ottawa Valley
Amber Ellis, Earthroots
Catharine Grant, Forest Ethics
Christy Ferguson, Greenpeace
Anne Bell, Ontario Nature