



WILDLANDS LEAGUE

A chapter of the Canadian Parks and Wilderness Society

February 18, 2020

Via email: ManualsRevisionProject@ontario.ca

John Sullivan
Crown Forests and Lands Policy Branch
Roberta Bondar Place Suite 400
70 Foster Drive
Sault Ste Marie, ON
P6A 6V5
Canada

Re: Proposed revisions to the Forest Manuals regulated under the Crown Forest Sustainability Act ERO 019-0715

Dear Mr. Sullivan,

Thank you for receiving our comments on the proposed revisions to the Forest Manuals.

For reasons detailed below Wildlands League strongly recommends that the Ministry of Natural Resources and Forestry immediately stop planning to implement changes to the Forest Manuals and related proposals enabling Ontario's proposed Forest Sector Strategy.

Summary:

It appears that the Ford government is proposing harmful changes to forestry regulation without proper public consultation while neglecting any recognition of the harmful impacts of forestry on species, the climate and people. The proposed changes to the Forest Manuals regulated under the Crown Forest Sustainability Act are enabling changes to pave the way for the worst aspects of the Forest Strategy. The proposed changes to the Forest Manuals continue the compounding effects of

- A lack of a sincere public consultation process
- Weakening of legal protection for species at risk.
- An exemption for applications of the *Environmental Assessment Act*.
- Dilution of Independent Forest Audit oversight

You can read our final comments on the draft Forest Strategy and summary responses to other related proposals [here](#).

The proposed revisions to the Forest Manuals are themselves lacking in detail and appear to reduce public participation and oversight of forest management planning. While it is unclear what exact changes are to be implemented, some of the more worrisome potential issues include:

- Reducing public involvement in Forest Management Plan preparation and execution.
- Extending the period to complete harvest operations.



- Removing 10-year time limits on aggregate pits.
- Apparent removal of oversight of classifying amendments
- Removal of the requirement for a Mid-Plan Check on Forest Management Plans.
- Dubious Climate Change Considerations.

The changes to the Forest Manuals and the direction of the draft Strategy appears to contradict statements in the media by then Minister of Natural Resources and Forestry, Jeff Yurek committing to maintaining forest sustainability when the draft Strategy was first announced.¹

They also run counter to the goal to “meet current and future environmentally-conscious consumer choices” as mentioned in the Strategy. It is doubtful if anyone would want to buy products produced under such a suspect regime.

Over-all, Ontario’s proposed Forest Sector Strategy and its enabling proposals, including changes to the Forest Manuals will not produce the sustainable prosperity it claims to seek. It is a short-sighted strategy to boost logging beyond the limits of nature.

Please do not go ahead with the proposal to change Forest Manual requirements, or its related enabling proposals and draft Forest Strategy.

Given our concerns about the public consultation process, Wildlands League reserves the right to provide additional information on the changes to the Forest Management Manuals, draft Forest Sector Strategy and the rest of the forestry-related ERO notices beyond the submission date.

About Wildlands League

Wildlands League is a leading conservation group representing approximately 30,000 supporters in Ontario. We’ve been working in the public interest since 1968, beginning with a campaign to protect Algonquin Park from development. We are a team of policy experts, strategists and communicators protecting Canada’s natural world.

We have extensive knowledge and expertise of forestry and other land uses in Ontario and a history of working with governments (provincial, federal, Indigenous and municipal), communities, scientists, the public and resource industries on progressive conservation initiatives. Throughout our 50+ year history we have provided expert policy advice to improve forestry in Ontario and to ensure Ontario meets its commitments around sustainability, biodiversity conservation, public consultation and respecting Indigenous rights. A recent example of high relevance to the proposed revisions to the Forest Manuals and the draft Forest Sector Strategy and other related proposals is our *Boreal Logging Scars*² report. In the report, we detail how the widespread, unchecked use of full tree clear-cut logging in Ontario has resulted in unreported and extensive deforestation and impacts on carbon storage.

¹ Rushowy, R. Monday November 5, 2018. Ontario seeks input on forestry strategy. *Toronto Star*. A2.

²<https://loggingcars.ca/>



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Lack of Sincere Public Process

On December 4, 2019, the government posted Ontario's Forest Sector Strategy (the Strategy), on the Environmental Registry of Ontario - a detail-free document that claims to reduce "red tape", create "prosperity" and signal that "Ontario is open for business". Without waiting to receive all the public comments on this proposal and taking them into consideration in the decision-making (as required under Ontario's *Environmental Bill of Rights, 1993*), MNRF posted five additional proposals on the Friday before the Holidays. These include permanent exemptions for the industry from both the *Endangered Species Act (ESA)* and the *Environmental Assessment Act (EAA)*, changes to independent forest audits, pest management in addition to changes to the Forest Management Manuals.

The development of the draft Strategy also shut out meaningful public engagement. While industry was invited to province-wide roundtables the public was only invited to comment through email.

Together these additional proposals are designed to implement the vision laid out in the proposed Strategy, while the proposed Strategy itself is supposedly undergoing consultation. That they were added in just before a major holiday adds to our concern that this is not a sincere public process. The process appears designed to minimize public engagement and push through a pre-determined agenda. Moving ahead with implementation of the draft Strategy without waiting for and responding to comments on the draft Strategy itself makes a mockery of the public consultation process.

Weakening of legal protection for species at risk.

Ontario has already taken action on behalf of developers and the aggregates industry through omnibus "red tape reduction" bills, to make wide ranging changes to important environmental laws without meaningful public consultation as required by the EBR. These include *Bill 108 More Homes, More Choice Act*. Such changes have been strongly criticized as weakening environmental laws in favour of industry. We are concerned that legal protections for at-risk species are now being similarly weakened for forestry. The proposed changes to the Forest Manuals would bring them in line with *Bill 108* and with the changes to the *Endangered Species Act* and *Crown Forest Sustainability Act*, specifically requirements that would apply to a Forest Management Plan as a section 18 overall benefit instrument

Indeed, the related proposals seem to pave the way for increased harvest no matter the consequences by removing safeguards under the *Endangered Species Act* and the *Environmental Assessment Act* and reducing the oversight of the Independent Forest Audits. The changes to the Forest Management Manuals complete the process. This appears to be an attempt to make sure that these laws and rules and the values that they are meant to protect do not stand in the way of accelerated logging. This strikes us as grossly irresponsible during a time of climate and biodiversity crises.

The proposal to exempt the requirements for authorizations under the ESA from the *Crown Forest Sustainability Act* is inconsistent with sustainability. You can read our specific comments [here](#).



In the CFSA/ESA exemption proposal, there was a mistaken observation of legislative duplication, when there is actually a very complex and important overarching resolution of two different legislative regimes with different purposes and intentions – one under the *Endangered Species Act, 2007* (ESA) and the other under the *Crown Forest Sustainability Act, 1994* (CFSA).

The MNRF appears to have abandoned any effort to actually ensure that both legislative mandates are met.

While Wildlands League would welcome the end of the use of regulatory exemptions as we have been calling for this since it became the dominant (and inappropriate in our view) approach to authorizing industrial activities under the ESA in 2013, we strongly recommend that the MNRF immediately stop planning to amend the CFSA and Forest Manuals and thereby to solidify an ESA exemption.

Rather, we strongly recommend that the MNRF take the time to understand the broader context and develop an approach that addresses the role that healthy forest ecosystems and improved biodiversity protections play in address the climate and extinction crises that the world is facing.

Revisions related to changes to Applications of the Environmental Assessment Act (EAA)

The proposal contains a vague reference to revisions being “subject to changes proposed for the application of the *Environmental Assessment Act* to forest management in Ontario.”

We are concerned that the EA proposal would remove *Environmental Assessment Act* requirements and leave only MNRF policies, regulations and guidelines in place to safeguard environmental protections. While the current arrangement of declaration orders has short-circuited the critical mandate of the EAA to date, there is a far stronger case to be made for re-assessing the environmental risks of this undertaking in a modern context, than to finalize a sector-wide exemption altogether.

Wildlands League has had a long-standing concern that the conditions permitting the Declaration Order granted for ‘MNRs Class Environmental Assessment of Forest Management on Crown Lands’ have a unsatisfactory history. For example, the use of Full Tree Harvesting was introduced with significant forest productivity concern in the original Environmental Assessment. These long-term research obligations have not yet been fully satisfied, and were narrowly-scoped at the expense of a system-wide look at forest productivity. Specifically, the associated and anticipated³ productive forest areas lost to this space-hungry system have never been similarly studied by the Ministry, yet have recently been independently identified by Wildlands League as reaching 10-24% of the area of individual clear-cuts, and essentially barren at least 30 years after logging.⁴

³ Archibald D, Wiltshire W, Morris D, and Batchelor B, (1997) *Forest management guidelines for the protection of the physical environment*. Queen's Printer for Ontario, Toronto, Ontario. 42 p.

⁴ Wildlands League, 2019. *Boreal Logging Scars: An extensive and persistent logging footprint in typical clear-cuts of northwestern Ontario, Canada*. loggingscars.ca



Our Boreal Logging Scars report detailing these findings is summarized briefly in Appendix 1.

The concerns about the EA Act application and its proposed removal include a lack of oversight of the following:

- Forgone climate mitigation as a result of failed regeneration
- Consideration of climate change in the EA process to date and in the future.
- Continued expansion of the geography of the Area of the Undertaking,
- New increases in harvest pressures driven by novel new products in an effort to expand logging
- Loss of a “bump-up” request for an individual environmental assessment

Instead of removing EAA assessment oversight, Ontario should be reviewing the environmental assessment program to regain public trust and increase the capacity to administer potential new harvest streams, and a next generation forest sector.

Proposed revisions to Independent Forest Audit (IFA) Regulation

The proposed Forest Manuals revisions would ease the extension of Forest Management Plans, and the establishment and extension of contingency plans. This would work in a negative synergistic effect with the separate proposal to extend IFAs from 5 to 10 years with further extensions possible for a range of forest management administrative reasons.

A move from 5-year audits to 10-year plus audits will not only reduce transparency, it will reduce oversight and the ability to manage forests in a sustainable way. Any shortcoming in forest management will have at least an additional 5 years of impact before even having a chance to be addressed. For example, with a fundamental responsibility like forest regeneration, an additional 5 or more years of lost regeneration would mean substantial loss of forest productivity and climate mitigation and increased costs to re-do renewal efforts. It is therefore doubtful that halving the audit frequency would actually reduce costs.

In addition to the enabling and compounding effect of this proposal on the draft Forest Strategy and other related proposals, the proposed revisions to the Forest Manuals give rise to their own suite of specific worries

Reducing public involvement in Forest Management Plan preparation and execution.

The proposals to reduce the need for in-person information centres, remove the ability to request an individual environmental assessment and streamline submissions for Annual Work Schedules all undermine public oversight and remove tools to review and change forest management plans in the public interest.

Extending the period to complete harvest operations.

Easing the ability to carry approved logging operations from plan to plan may undercut sustainability. For example, the implementation of the Dynamic Caribou Harvest Schedule requires operations to finish



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individual blocks within 20 years. The time limits are intended to conclude harvest and regeneration in a relatively timely manner to allow the potential for caribou habitat renewal and reoccupation by caribou before the next harvest rotation. While we have concerns about the DCHS approach and encourage deferring or protecting intact areas, we know that many previously-accessed DCHS blocks are already years past their closure dates. Further delays in completion of renewal will only further minimize the slim chance that caribou will return to these areas.

Removing 10-year time limits on aggregate pits.

The proposal to remove the 10-year time limits on aggregate pits comes with a multitude of troubling questions. Would there be an alternate limit? Right now, there are no limits suggested. The proposal suggests that it would better line up with DCHS schedules. Would there then be a 20-year limit? What about the vast majority of the managed forest not under DCHS management?

The 10-year limit currently applies to area of concern prescriptions, conditions allowing for exemptions under the *Aggregate Resources Act* (will they still be exempt?) and may impact conditions relating to forestry guides and biodiversity and requirements for progressive rehabilitation. The proposal does not address any of these related issues.

Apparent removal of oversight of amendments

Another detail-free proposal is to streamline Forest Management Plan amendments including clarifying which amendments would be classified as 'administrative' with the help of local Citizen's Committees. The problem is, 'administrative' amendments are subject to the fewest restrictions. With the general trend towards lowering forestry oversight and reducing sustainability, this is a suspect move. It will also compound the risk of removing the Mid-Plan Check.

Removal of the requirement for a Mid-Plan Check on Forest Management Plans.

The mid-plan check on Forest Management Plans is meant to assess new information and developments to make sure the Plan is on track and test whether a plan amendment or a whole new plan is required.

Combined with potentially easing the requirements for amendment classification, this is a multiplication of change. Not only would the proposal remove the oversight to see if an amendment is necessary, a lower level amendment may be more easily approved. Removing the Mid-Plan check bypasses the requirements under a customized consulting approach for First Nation or Metis communities, and avoids review by interested and affected persons.

The Mid plan check currently has a comprehensive list of considerations that includes:

- Land use policy direction
- Other resource management plans (parks, fisheries,)
- ESA habitat regulations and policy direction
- SAR information
- IFAs and related actions



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- First Nations and Metis concerns or values information
- Major natural disturbances

The proposal seeks to replace these and other considerations with the much less stringent process of an FMP amendment at the discretion of the regional director. Once again, proposals enabling the draft Forest Sector Strategy confused complementary policies with redundancy and overlap and opt for the less stringent option.

Dubious Climate Change Considerations.

Another vague proposal envisions revising the Forest Management Planning Manual to address climate change through the FMP process. The draft Forest Sector Strategy provided simplistic and inaccurate assumptions about the carbon cycle, ignoring the abundant evidence, for example, that older, natural forests are better at absorbing carbon than younger, managed stands. Or that Storage of carbon in harvested wood products is not guaranteed because of significant waste in the supply chain that subsequently contribute to atmospheric carbon. These important subtleties are ignored and a picture is presented that lines up with the vision of industrial forestry as having few downsides for the climate. Given this track record of misrepresenting the relationship between forestry and the carbon cycle, we are pessimistic that the unspecified changes will really reflect a sound carbon life-cycle analysis or management strategies to enhance carbon storage in our forests.

Summary

Pursuing this proposal and the associated draft Forest Sector Strategy and other supporting proposals would fundamentally undermine the province's claims of sustainable forest management internationally and in the marketplace. It is a curious approach given the intention of Ontario to expand markets for its wood products "to meet current and future environmentally-conscious consumer choices". Environmentally-conscious consumers are not going to want products sourced from controversial areas and at the expense of at-risk species or a safe climate.

Wildlands League is deeply concerned by the direction of this government on the care and oversight of public forests. Our fears about the draft Strategy turning into a timber giveaway exercise have not been allayed by the draft Strategy itself or the five postings that came after it, including the proposed changes to the Forest Manuals. In fact, the more we read the more alarmed we become. The government's approach to open for business is short-sighted and will ultimately put it at odds with the environmentally conscious consumers it seeks and everyone who relies on our precious forest resources to be well managed in perpetuity.

The proposal appears to contemplate little more than opening up more harvest for the exclusive benefit of industry without addressing the significant and growing risks of these practices. We call for the government to stop the direction of the current draft Strategy and its supporting proposals and undertake genuine consultation with members of the public and civil society groups on how to address both the biodiversity crisis and the climate emergency while growing a stronger forest industry.



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Sincerely,

Dave Pearce,

Forest Conservation Manager, Wildlands League

Cc: Assistant Auditor General, Commissioner of the Environment, Jerry De Marco
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Appendix 1

A wake-up call from Ontario's logged forests: *Boreal Logging Scars* Key Findings

A recent study of five boreal forest management units in NW Ontario has measured the highly significant productive forest losses of conventional clear-cut logging practices in Ontario.⁵ This 2-year independent research on a large area of managed forest studied both the impacts in the forests, as well as the body of forest management documentation available for each of these forests. It found that 10-24% (average 14.2%) of individual clear-cuts studied were essentially barren from logging infrastructure 20-30 after logging. Considered over 30 years, such impacts are estimated to have negatively impacted 650,000 ha of productive forest across Ontario, leaving them essentially barren of tree cover.

A key comparative finding from the accompanying documentation research is that these five management units have all substantially under-estimated these productive forest losses compared to the measured impacts from sampled clear-cuts. One management unit did not appear to estimate any area losses at all, and the other 4 estimated a range of 0.5-5% compared to the area logged. Comparing this 0-5% estimated forest loss to the 10-24% measured in the study is one way of showcasing the substantial oversight gap that this policy regime has actually produced under management. These estimates feed into all of the machinery of this current forest management policy regime, importantly including determining "sustainable harvest levels" allowed in each forest. This level of oversight error can be expected to have significant risks at the expense of long-term forest health, contrary to the purpose of the CFSA, and the mandate of the undertaking.

Three important findings from the study are critical to considering the efficacy of the current policy regime for protecting Ontario's forests: (a) these substantial productive forest losses are a product of the current policy regime and its oversight capacity, (b) they remain effectively undocumented, and (c) key sustainability decisions, such as harvest level decisions, are being made with a flawed understanding of the real state of Ontario's forests.

⁵ *ibid*