



February 5, 2020

Via email: forestrystrategy@ontario.ca

Joe Maure
Forest Sector Strategy - Ministry of Natural Resources and Forestry
70 Foster Drive, Suite 610
Sault Ste Marie, ON
P6A 6V5
Canada

Re: **Proposed Forest Sector Strategy (Draft) (ERO # 019-0880)**

Dear Mr. Maure,

Thank you for receiving our comments on the proposed Forest Sector Strategy

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

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.

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, forest management planning and pest management.

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.

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. 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.

One of the main thrusts of the draft Strategy is the claim that Ontario has an extra 15 million cubic metres of wood volume that is not being utilized that could be used to expand the forest industry. There is no convincing evidence that this wood is actually available or that it could be used without impacting forest biodiversity, long term industry prospects or the stability of our climate.

Indeed, the subsequent 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. This appears to be an attempt to make sure that these laws 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.

Further, 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

It also runs 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.

There are some positive actions, such as that to invest in LiDAR technology to improve resource inventory data. However, these hopeful signs are few and far between.

Over-all, Ontario’s proposed Forest Sector Strategy 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 draft Strategy or its enabling proposals as planned.

Our submission documents our concerns around the proposed Forest Sector Strategy and related proposals including:

- a lack of meaningful consultation under Ontario’s *Environmental Bill of Rights*, 1993,
- a summary of our *Boreal Logging Scars* report that challenges the sustainability of the forestry enterprise in Ontario to date,
- issues inherent to the draft Forest Sector Strategy itself,
- proposed changes to the *Crown Forest Sustainability Act* with respect to reconciling protection and recovery of at risk species with timber harvesting on public lands([ERO number: 019-1020](#)),
- preliminary concerns about related changes to the
 - *Environmental Assessment Act* ([ERO number: 019-0961](#)); and

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

- the Independent Forest Audit Regulation ([ERO number: 019-1006](#))

As the related proposals enable and support the Strategy, we include comments about them here. For those proposals still open for public comment we will be providing more detailed analysis in our final submissions. Given our concerns about the public consultation process, Wildlands League reserves the right to provide additional information on the draft Forest Sector Strategy beyond the submission date as we continue to assess and respond to the rest of the forestry related ERO notices.

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 draft Forest Sector Strategy 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.

Lack of meaningful consultation under Ontario's *Environmental Bill of Rights, 1993*

We are deeply concerned about the pace and sequence of ERO postings related to Forestry in the last few months. The process appears designed to minimize public engagement and push through a pre-determined agenda. In total 6 proposals were posted in December with 3 separate deadlines for public comments.

The first one, posted on December 4, 2019, was the Ontario's Forest Sector Strategy (Draft) ([ERO number: 019-0880](#)). The deadline for public comment is February 5, 2020.

Without waiting to receive all the public comments on this proposal and taking them into consideration in the decision-making as required by law, MNRF posted the five additional proposals on December 20 (on the Friday before the Christmas break). These five proposals begin to implement the direction in the draft Strategy (the one that is still undergoing public consultation).

²<https://loggingcars.ca/>

The 5 additional proposals posted were:

1. Proposed changes to the *Crown Forest Sustainability Act, 1994* ([ERO number: 019-1020](#)),
2. Proposed revisions to the Forest Manuals regulated under the *Crown Forest Sustainability Act* notice ([ERO number: 019-0715](#))
3. Proposed revisions to Ontario's Independent Forest Audit Regulation under the *Crown Forest Sustainability Act* notice ([ERO number: 019-1006](#))
4. Proposed amendments to General Regulation 334 under the *Environmental Assessment Act* to remove Regulatory Duplication of Forest Management requirements in Ontario notice ([ERO number: 019-0961](#)); and
5. Discussion paper: Developing strategic direction for managing forest pests in Ontario ([ERO number: 019-1005](#))

The comment period for the *Crown Forest Sustainability Act* ended January 20th. The remaining comment period for the remaining 4 all end February 18th.

These proposed changes are significant, particularly those that cover endangered species, environmental assessment, and independent forest audits. The first two are particularly irresponsible given the global biodiversity crisis and climate emergency: the province is proposing permanent exemptions for the industry from both the *Endangered Species Act* and the *Environmental Assessment Act*.

This means Ontario moved ahead with implementation of the proposed Forest Sector Strategy without waiting for and responding to comments on the Strategy.

This should perhaps not be surprising as over the last year government only held face to face meetings with," industry, *municipal and Indigenous leaders* (and) *Industry has been engaged throughout the development of the Strategy to ensure the current gaps and issues in the sector were considered and addressed. In August 2019, two meetings were held with industry stakeholders. A draft document was provided to industry representatives for feedback...*" Meanwhile, "*Feedback from the public and stakeholders was also collected through an online survey and via mail/email*".³

In other words, select industry leaders were invited to meetings, and got a preview of the draft Strategy to comment on ahead of time. The public was directed to an email address and had to wait for the public posting. And now we see Ontario has already begun implementing the draft Strategy that was developed with industry behind closed doors through the roll out of the supporting proposals.

Wildlands League requested an extension to the minimum 30-day comment period for the CFSA/ESA exemption proposal, based on the complexity of, public interest in, and need for additional time to provide an informed response. The request for an extension was denied without providing reasons that directly addressed our concerns. The intersection of forest operations and at-risk species protection is a

³ See <https://ero.ontario.ca/notice/019-0880>



very complex issue, as demonstrated by the many years that the Ministry has grappled with this challenge and not yet come up with a viable solution.

We also requested that the deadlines for all 5 forestry related notices that were posted to the ERO on December 20, 2019 be aligned to allow the public time to consider them all as a package and attempt to understand how all the proposals fit into the draft Forest Sector Strategy. This too was denied.

Wildlands League is frustrated by the pace of proposals that are fragmented and piecemeal, preventing the public's informed comments that will be considered by the Ministry prior to making a decision, as required by the *Environmental Bill of Rights, 1993*. 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.

Given the tight timeline Wildlands League reserves the right to provide additional information as we continue to assess and respond to the rest of the forestry related ERO notices, including the draft Forest Sector Strategy, in the coming days and weeks.

Boreal Logging Scars Report

In December 2019, Wildlands League released *Boreal Logging Scars: an extensive and persistent logging footprint in typical clear-cuts of northwestern Ontario, Canada*. The publication reported on the measurement of the long-term impacts of roads and roadside footprints (i.e., landings, pull offs, roadside pits and staging areas) from clear-cut logging in the boreal forest.

This report revealed that deforestation in Ontario by forestry is much larger than what was previously known. The area impacted, based on remote sensing, aerial photography and geospatial analysis, were also verified in the field, examining the condition of these impacted areas over the time since logging. We found that, in 27 clear-cuts examined, an average of 14.2% of the area logged is substantially barren after 30 years, ranging from 10.2 - 23.7%. In the areas studied, these barren roads and landings are typically dominated by grasses and low shrubs in the first three decades after clear-cut logging. The main culprit is the deeply wasteful practice resulting from full-tree harvesting (FTH), where the entire tree (trunk, limbs and branches) are dragged from the stump to the roadside. At roadside, merchantable logs are stripped of branches and tops, undesired species are left behind and tree waste accumulates in large volumes, and on large spaces, inhibiting renewal of the forest as slash, logs, chips or ash.

FTH is the dominant approach to clear-cut logging in Ontario. And our investigation found little evidence that the ratio of forest loss to clear-cut have improved over time. When extrapolated to the area clear-cut logged, this means that approximately 21,700 ha are deforested each year in the boreal forest. Over the past 30 years an estimated 650,000 ha of productive forest have been lost due to logging infrastructure in Ontario alone – the time period for which full tree harvesting has been in effect.

The associated carbon cost- carbon that would have been taken up by growing trees had roads and landings not displaced them- is nationally significant and already represents 16.5 Mt CO₂ equiv. of lost carbon sequestration in the last 30 years. That cost is projected to grow to 40 Mt CO₂ equiv. by 2030, which is more than a year of emissions from all the passenger vehicles in Canada.

These data could also inform carbon life-cycle assessment (LCA) of wood materials. Given an average harvest of 21 million m³ of wood volume per year, Ontario's boreal-sourced wood products might come with an estimated carbon cost of up to 119 kg CO₂/m³. Such carbon costs must reasonably be factored into the LCA of wood material sourced from here, in addition to any other carbon debt incurred by the logging used to produce wood.

These current Ontario logging scars can also be expected to inhibit the renewal of up to 70 million m³ of timber, meaning that this volume would not be available in the forest stands at the next logging rotation starting in about 50 years. This is equivalent to about three to four years of Ontario's wood supply, based on average logging (1990-2017).

Ontario's logging deforestation problem has been ignored, due to an optimistic belief that all affected areas will grow back - an assumption that has long skirted systemic scrutiny.

Ontario needs to revise its rules for monitoring deforestation and accounting for the carbon cost of forestry. It then needs to address the substantial risks and impacts from logging roads and landings in the boreal forest, instead of increasing the harvest levels any further in Ontario.

In fact, given these findings, Wildlands League believes that, not only should there not be a doubling of harvest in Ontario, forestry should no longer be permitted to open up the last remaining intact boreal forests.

Proposed Forest Sector Strategy (Draft) (ERO # 019-0880)

The proposed Forest Sector Strategy promotes 4 pillars of action:

- Putting more wood to work;
- Improving our cost competitiveness;
- Fostering innovation, markets and talent; and,
- Promoting stewardship and sustainability.

It has a great deal to say about the first three pillars and is surprising light on detail on stewardship and sustainability.

Putting more wood to work.

The core of these actions is the identification that Ontario is harvesting about half of the available harvest and the latter should be fully available to industry. While Wildlands League has long promoted the idea that there is a gap between actual and available harvest that should be explored and shared with biodiversity goals and some additional economic activity, Ontario has to be very careful about allocating additional forest area given the poor state of inventory and tendency for the available harvest to be inflated. Indeed, much of the pushback from industry that we have received when promoting the



idea of sharing wood is that this surplus is not there to the extent believed or is not the right species or commercially viable quality.

Further, dating back to 2007, in its report: *"Ontario's Harvest Levels, Science or Wishful Thinking"*, Wildlands first identified the concern that insufficient allowances were being used in the modeling that drives this hypothetical harvest limit. Most recently, in the recent 2-year research project: *Boreal Logging Scars*, Wildlands League has taken that perspective further and published measurements of the loss of productive forest in sampled clear-cuts from a large region of Ontario's managed forest. Comparing the estimates used for just that single input into the wood supply model was done for 5 separate forest management units. It found a range of 0-5% was inputted into the modeling, while measured ranges across the units was found to be in the range of 10.2-23.7% of the area clear-cut. This dramatic gap highlights both the magnitude of the oversight gaps of the current forest management regime as well as the unsustainable performance it has delivered under actual management. While this may not be welcome news, transparent performance review and course-correction are necessary precursors to this proposed strategy.

One positive aspect of the proposed Strategy is the commitment to invest in LiDAR technology to enhance the forest inventory. We support any move to have better information with which to make forest management decisions including the nature of the availability gap. It is unfortunate that it is not scheduled until 2022 as this has been a known remedy for a poor inventory for years. Progressive industry leaders like RYAM (formerly Tembec) have been using LiDAR since at least 2013. The move to a better inventory, and transparent and precautionary analysis must also predate any decisions to increase harvest. We hope that Ontario does not assume that having new and better inventory will necessarily identify more wood volume. It is equally possible that it will show less volume availability.

Absent a more sober fact-based review of performance to date, the path of removing policy barriers to accessing more wood is a dangerous one. No evidence is provided or possible that indicates that this can be done while "maintaining the rigour of our sustainable forest management framework". To the contrary, we have demonstrated that deforestation and species at risk deterioration have increased under the existing framework, while also risking future harvests and foregoing substantial climate mitigation. While there is significant room to strategically focus the existing forest management program on better metrics, the assumption advanced by this proposal that there are redundancies and overlapping legislation is simply false as we demonstrate in our discussions of the CFSA/ESA exemption and EAA related proposals.

Increasing forest growth is an interesting proposal that a better inventory, and further environmental risk assessment will undoubtedly aid. As our *Boreal Logging Scars* report shows, simply providing for better regeneration of roads and landings over the last 30 years could have saved up to 650,000 ha of forest or 70 million m³ of volume. Any further intensity of forest management needs to be done with the assurance that biodiversity values will not be compromised. One specific key step to consider while assessing this potential is to focus harvest on currently accessed areas, and to refrain from extending the logging infrastructure further into primary forests, in the manner of a conventional Triad approach, with the addition of a specific climate mitigation lens.



Ontario will have to legitimize its claims under the draft Strategy in order to attract investment and diversify its product base. With few exceptions, Ontario continues to export forest products from low on the production chain. We have advocated for years that policies that increase value added products will create more jobs out of the same supply of wood. But to do this Ontario will also have to do a better job demonstrating its seriousness about maintaining biodiversity, sustainable harvest levels and climate focused management, in order to attract the ethical investors and purchasers of today and the future. This cannot just be about blindly marketing or promoting wood, but must increasingly be about real performance metrics. Ontario would be well served to establish sober benchmarks on current performance, and establish sound monitoring criteria and practices to underpin such claims in an increasingly savvy marketplace.

Improving Cost Competitiveness

We have demonstrated that there is a false claim that there is duplication between the CFSA and current management regime and both the ESA and the EAA. In our section on Independent Forest Audits and the *Boreal Logging Scars Report*, we question whether reducing costs such as the audit oversight will actually save money. It could result in increased costs to correct management errors or the loss of future forest volume for harvest.

We agree that Ontario should review the effectiveness of investing in logging roads. But this needs to be done in a wholistic way. There are many liabilities, including health and safety risks, lost carbon storage, increased threats to species at risk and erosion of the values that make Ontario attractive for outdoor recreation and tourism. The biggest risk is the continued expense and liabilities of an ever-expanding logging road network. Current road subsidies need to be better employed, and focused on maintenance of key multi-use roads, and remediation of unnecessary liabilities. Additionally, as detailed in the *Boreal Logging Scars* report, there is a substantial oversight gap currently between the Ministry digital understanding of this road network and what exists in the managed forest. The report found this product to be missing almost one third of all visible logging roads in the sampled clear-cuts, on average, while the accuracy of the digital road data ranged from 0-55m from true when measured in one sample clear-cut, and averaging 16m from true across another sampled clear-cut. Perhaps some of the current subsidy could be directed towards better base data to reflect this key management responsibility. There is also a case for funding the restoration of roads to forest cover including removing the above liabilities but also benefiting from progressive carbon markets for avoided forest carbon loss. To do so, however the Ontario government would have to reverse its decision to pull out of such markets through the cancellation of its cap and trade system.

Using mill by-products has potential to lower carbon emissions if transport, and best use alternatives are properly accounted for. We are curious however why Ontario states that this would not also be supported by the Federal governments carbon pricing scheme.

Fostering Innovation, Markets and Talent



We support the goals of increased value added and innovation, but remind the government that biodiversity needs to be protected while pursuing these goals. We need an honest and holistic look at the carbon and biodiversity costs of using more wood in construction and other applications to make sure we are providing a net benefit to species and the fight against climate change. We challenge the fundamental assumptions that wood products are currently harvested in a sustainable way. Using just 2 measures: the new information on the deforestation footprint of clear cut harvesting contained in our *Boreal Logging Scars* report and the steady increase in species at risk vulnerability, we are confident that using more harvested wood products cannot be automatically considered sustainable. We also need to identify just how much of any wood fibre actually ends up in long-lived forest products that store carbon, rather than quickly volatilized or tipped into landfill. Without comprehensively quantifying the integrated footprint and environmental impacts of forestry it is disingenuous for government to invest tax dollars towards marketing the superiority of wood over other materials, and plowing ahead with policy ahead of full evidence. In our opinion, innovation economic stability will cascade from getting real answers, and promoting wood on strengths of transparent, defensible full life cycle merits.

Promoting Stewardship and sustainability.

This section is perhaps the most disappointing of all the Forest Strategy. The claims of leadership in sustainable forest management ring hollow given the legacy of deforestation and species at risk failure, despite some successes, such as integrating robust external certification schemes like that of the Forest Stewardship Council. Existing recognition initiatives like “*It Takes a Forest*” gloss over the need to improve sustainability and we fear more of the same. The proper focus of third-party certification is not simply as a marketing tool but as a means for improving forest management so that recognition can be conferred if deserving.

Ontario will have to increase funding to MNRF, MOECP and partners if it wants to provide the best science for making decisions, and for having appropriate levels of monitoring, inspection, and oversight over the forestry program. Historical staffing cuts have been a liability, while trying to deliver the inefficient program as conceived under a bigger budget. Innovation must come from reconsidering the critical metrics of the long-term forest health mandate, and focusing Ministry monitoring, oversight and risk-based enforcement on these.

We would like to see more collaboration and respect for Indigenous Rights. A recognition of UNDRIP and the principles of FPIC are needed to truly respect Aboriginal and Treaty Rights and values but the current construct of government will make such a vision very difficult to implement.

Calls for more collaboration seem insincere when the consultation for this proposed Strategy was so obviously one sided.



The most disappointing aspects of this draft Strategy are the lack of recognition of the need to address species at risk and the simplistic assumptions about carbon storage. Species at risk are only mentioned once in the whole draft Strategy and not in the portion that is supposed to address sustainability but in the claims about increasing wood utilization. There needs to be explicit recognition that we, as a province, are failing these vulnerable species. Ontario needs to make it very clear that improving the economic health of the forest industry will not be done on the backs of these species.

Unfortunately, the simplistic and inaccurate assumptions about the carbon cycle make it clear that there is much education that needs to happen before there is hope of successful collaboration. There is abundant evidence, for example, that older, natural forests are better at absorbing carbon than younger, managed stands. Storage of carbon in harvested wood products is not guaranteed because of significant waste in the supply chain. Downstream fates of the integrated wood products chain, the variability and risks of all export solid waste outcomes needs proper recognition. Not even characterizing these products as even having a reconnection to the atmosphere is disingenuous. As we have demonstrated, there is a significant carbon debt continuing to pile up through deforestation impacts of full tree harvest clear-cutting. Even wildfire does not merely contribute carbon to the atmosphere, but actually stores large quantities in the soil in charred timber that resists decomposition. These important subtleties are ignored and the picture presented is one that lines up with the vision of industrial forestry as having few downsides for the climate. Illusions and shell games are not going to serve the sector well in this next chapter of carbon awareness. If Ontario cannot provide sound life-cycle credentials to our products, they will be vulnerable to competing jurisdictions that can.

In summary, the draft Strategy fails to provide a convincing argument that it is contemplating little more than opening up more harvest for the benefit of an old industry paradigm without addressing the significant and growing liabilities of these practices. We call for the government to stop the direction of the current draft Strategy and undertake genuine consultation with members of the public and representatives of civil society groups on how we can improve forestry to address both the biodiversity crisis and the climate emergency while growing a stronger forest industry and attracting savvy buyers of sustainably harvested wood products.

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The next forest sector should be transforming towards producing longer-lived products, with more market value, more jobs, less waste, and a substantially smaller forest and carbon footprint, focused in already accessed parts of the managed forest, closer to mills and markets. It is time for wise choices, and a vision for change. Continuing to prop up an uncompetitive model of low value products in a volatile marketplace with public subsidies, while increasing government and taxpayer liabilities in our public forests has not proven to be a sound approach. Further cutting corners of government oversight, and ratcheting up the liquidation of those forests to that purpose will only produce further liability.



Proposed Changes to the Crown Forest Sustainability Act (ERO 109-1020)

This proposal is designed to alter the *Crown Forest Sustainability Act* to remove the requirements for authorizations under the ESA.

Threatened and endangered wildlife that overlap with forestry operations are declining and the industry has failed since 2008 to modify their operations to help protect and recover them. As we told Ontario in our submitted comments on this proposal, biodiversity conservation is a key tenet of sustainably managing forest operations. It would be inconsistent with sustainability to permanently exempt forestry operations from the ESA. You can read our specific comments [here](#).

In the CFSA/ESA exemption proposal, there may have been 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).

For more than a decade, Wildlands League has closely tracked Ontario's progress on reconciling the legislative requirements for the ESA with those of the CFSA and we have participated in numerous public consultations and workshops hosted by the MNRF on this topic. Discussions to date have resulted in a continued blanket exemption for the forest industry from meeting the core protection provisions of the ESA.

The MNRF appears to have abandoned any effort to actually ensure that both legislative mandates are met. ESA authorizations are intended to meet a different objective than what is required by the CFSA. Within this proposal, it is clearly stated that "The CFSA forest management framework seeks to minimize adverse effects on ecological, economic and social values and conserve biodiversity, this includes minimizing adverse effects on species at risk." Minimizing adverse effects is not equivalent to protection and recovery of at-risk species.

While Wildlands League would welcome the end of the use 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 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.

Proposed amendments to General Regulation 334 under the *Environmental Assessment Act* to remove Regulatory Duplication of Forest Management requirements in Ontario (ERO number 019-0961)

The EA proposal would remove *Environmental Assessment Act* requirements and leave only MNRF policies, regulations and guidelines in place to safeguard environmental protections. This is an effort to

remove purported duplication between the EA Act and the MNRF requirements. Similar to the confusion between the ESA and the CFSA this proposal confuses the purposes of two very different regimes.

The purpose the EAA is “the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment”⁴ principally though assessing risks of undertakings. Meanwhile, the purposes of the CFSA “are to provide for the sustainability of Crown forests and, in accordance with that objective, to manage Crown forests to meet social, economic and environmental needs of present and future generations.”⁵

On the one hand a focus on the protection and conservation of the environment, on the other sustainability as defined by long-term forest health. Most importantly, the CFSA has no specific mandate for identifying and assessing environmental risks over time.

While the current arrangement of declaration orders has short-circuited this 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.

Declaration Order-75.

The EAA proposal asserts that the full 61 conditions of Declaration Order-75 have been met and incorporated into MNRF’s existing requirement. No specific evidence of this claim is provided.

Commercial forestry in Ontario’s is currently subject to a Class Environmental Assessment – a streamlined assessment that is ‘subject to pre-set and less rigorous process es for projects considered to be routine and have predictable and manageable environmental impacts.’⁶

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 anticipated⁷ productive forest 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.⁸

⁴ *Environmental Assessment Act, R.S.O. 1990, c. E.18, section 2.*

⁵ *Crown Forest Sustainability Act, 1994, S.O. 1994, c. 25, section 1.*

⁶ *Office of the Auditor General of Ontario Annual Report 2016. P 338.*

⁷ *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.*

⁸ *Wildlands League, 2019. Boreal Logging Scars: An extensive and persistent logging footprint in typical clear-cuts of northwestern Ontario, Canada. loggingcars.ca*

Further, we have recently found compelling evidence that the fundamental responsibility of regenerating forests fully and minimizing forest loss has been challenged by the application of full tree harvest as recorded in our *Boreal Logging Scars* report.

A wake-up call from Ontario's logged forests

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.⁹ This 2-year independent research on this 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% 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.

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 decision-making liabilities 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.

This undertaking needs a renewed environmental assessment, not an exemption

While the sustainability and future harvest impacts and implications remain essentially undocumented as these areas fall further behind the renewing forests around them, the foregone climate mitigation that the forest losses described above represent are staggering, and have national and international carbon-reporting implications.¹⁰ Climate change, as a forest theme, is an increasingly important societal concern and value, that was not assessed at the time of the original Timber Class EA Hearings, nor at any

⁹ *ibid*

¹⁰ *ibid*

stage of the Declaration Order history that followed. The substantial gap in Ontario's management of its forests against this carbon emergency demonstrates the dangers of exemption from ongoing assessment of environmental risks and values - both in the slow-march of exemption observable in the Declaration Order evolution, but also in removing any EAA oversight based on a 30 year old consideration of forest management, and a dubious track-record since.

Other evolving context further supports the need for new assessment, where the undertaking continually drifts from that described in the original hearings. Continued expansion of the geography of the Area of the Undertaking through Declaration Orders, beyond that originally considered and defined by the Board is one key mission-drift of this undertaking. Wildlands League has consistently commented on the need to address contextual changes with new assessment in previous public consultations.¹¹

Other signals can be found in the subject Proposal, particularly the drive for new increases in harvest pressures, without reasonable substantiation for the volume, nor an indication of where it is to come from. Similarly, The Forest Sector Strategy contemplates novel new products beyond biomass to include clothing, car parts, advanced construction and even replacements for single-use plastics all in an effort to expand logging and markets.

Additional harvest intensity comes with a suite of risks to long term forest health - and climate mitigation. The majority of the studies of harvest intensity what we are familiar with stress the importance of applying a healthy dose of precaution to the issue of logging intensity. Typical concerns are related to loss of nutrients and minerals, soil condition (chemical e.g. acidity, temperature, amount of humus, compaction (soil density)), reduced biodiversity- especially invertebrates that depend on forest litter and debris- and the loss of tree growth, loss of productive forest and habitat fragmentation due to logging infrastructure, and loss of ecosystem services such as climate mitigation.

The EAA does not provide unnecessary duplication

That it has been locked into a slow-motion exemption of its assessment role can hardly be considered a barrier, but rather a missed opportunity to update the responsiveness and efficiency of the undertaking over time.

While there are problems with how the EAA has been implemented - The 2016 Annual Report of Ontario's Auditor General suggested the entire EA process for Ontario needed an overhaul, that streamlined assessments are not determined by risk of impact, and that they do not consider cumulative disturbances ¹² - this is cause for renewed assessment rigour, and not for exemption.

Similarly, that we find ourselves today with a ponderous and ineffectual policy regime can more accurately be traced to the manner in which OMNR has chosen to implement the original EA conditions. That users of the system find it onerous is just one more reason to strategically re-assess it and strategically streamline implementation where possible - aiming for performance-based monitoring and

¹¹ Wildlands League, November 25, 2016. Proposed extension of EA exemption: Declaration Order MNR-75 EBR Registry Number: 012- 7565

¹² Office of the Auditor General of Ontario Annual Report. 2016. P. 338

efficient oversight, for example. The current tact of distancing the undertaking altogether from its assessment origins represents an oversight liability, without getting to the root of the perceived user-impediments.

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.

Loss of a “bump-up” request for an individual environmental assessment is a specific example of removing distinct and un-replicated functions. Under the existing EAA Declaration Order regime, there is a 30-day period for any person to make a written request to the Minister of the Environment for an individual environmental assessment of specific proposed forest management activities in the plan. This provision allows an existing final oversight provision to Ontarians, and an inter-ministry check-point that would be removed under this proposal. Both of these roles are important, and cannot, and will not be replaced under this proposal.

Proposed revisions to Ontario’s Independent Forest Audit Regulation under the *Crown Forest Sustainability Act* (ERO 019-1006)

According to the proposal, ‘The Ministry is proposing changes to *Ontario Regulation 160/04, Independent Forest Audits* to provide flexibility for selecting and scheduling management units (MU) for audit.’ The main thrust is a move from a requirement to conduct IFAs every 5 years to a 10 year schedule, with even more flexibility to extend audits for a range of forest management administrative reasons. It is also claiming to improve transparency by having audit reports available on a public website, rather than tabling them in the legislature.

While we appreciate any effort to improve transparency, it is unclear how this proposal will do so. Once tabled in the legislature, IFAs are already available to the public (<https://www.ontario.ca/page/independent-forest-audits>). Ceasing to table these documents in the legislature will only reduce their significance and may have legal ramifications. Whatever the ease of access of a new portal, it will not make up for the reduced transparency that slashing audit frequency by half of will introduce.

Currently audits may be up to 7 years apart. There is often significant delay in tabling them in the legislature (up to 2 years). A move to 10-year (and likely longer) audit frequency will make this situation even worse. We might reasonably expect them at 12 years or more apart.

A move from 5-year audits to 10-year 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 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 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 even reduce costs.



As with the other proposals supporting the draft Strategy that are still open for public comment, we will continue to study the proposed IFA changes and provide additional analysis.

Given the failures of current management to achieve sustainability that we have documented, this proposal appears to be another dubious attempt to facilitate the cost cutting aspects of the draft Forest Sector Strategy while undercutting the sustainability of logging. Wildlands League cannot support this change.

Summary

Pursuing this draft Strategy and the supporting proposals on ESA, EA and IFAs would fundamentally undermine the province's claims of sustainable forest management internationally and in the marketplace. It's also a curious proposal 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. 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 draft Strategy appears to contemplate little more than opening up more harvest for the exclusive benefit of industry without addressing the significant and growing liabilities 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.

Sincerely,

Dave Pearce,

Forest Conservation Manager, Wildlands League

Cc: Assistant Auditor General, Commissioner of the Environment, Jerry De Marco
(Jerry.DeMarco@auditor.on.ca)



WILDLANDS LEAGUE

A chapter of the Canadian Parks and Wilderness Society

Appendix 1

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>>NEWS

Ontario seeks input on forestry strategy

Environmental groups raise concerns about sustainability efforts

KRISTIN RUSHOWY
QUEEN'S PARK BUREAU

Ontario's hard-hit forestry industry isn't out of the woods.

With job losses of more than 51,000 in the past decade, the minister of natural resources and forestry is beginning consultations to figure out ways to "kick-start ... (and) unleash the potential" of the sector through a provincial forestry strategy.

While critics are not opposed to a long-term plan for the embattled industry, they worry the Ford government's "open for business" mantra will lead to weakened environmental protections in a province well known for its sustainability efforts.

Natural Resources and Forestry Minister Jeff Yurek says those fears are misplaced.

"We're not going to be touching the standards we have in place in regards to the forestry industry," Yurek told the Star in an interview. "We are a world leader in sustainability management of this renewable resource."

"The forestry industry understands that they have to be good conservationists in their role, because if they do not replace and repair and maintain their environment, they're not going to have an industry down the road."

The "strategic round tables are the start to figure out how to make it sustainable and let it grow," attracting investment and creating jobs, particularly in rural and Northern Ontario, he added.

The first consultation is set for Nov. 15 in Sault Ste. Marie, with others to follow. A strategy will be released next summer or early fall, Yurek said.

"It's been an ignored industry," Yurek also said, and one that is still reeling from one of the worst fire seasons.

Dave Pearce, manager of forest conservation at environmental group CPAWS Wildlands League, said he's worried



GLOBAL FOREST WATCH

Forestry industry experts are concerned the Ford government's "open for business" mantra will weaken environmental protection standards. Natural Resources and Forestry Minister Jeff Yurek says those concerns are unwarranted.

some extreme negatives may come from this" and said members of the public should be allowed to take part in the round tables, rather than just submitting comments online.

"We are concerned that has the appearance of backroom negotiations," Pearce said. "These are public lands, and the public should be involved."

He's said when the government talks about "reducing barriers, we are afraid that's code for weakening environmental rules."

Pearce also said there were many reasons for mills shutting down that have nothing to do with red tape, such as the Canadian dollar, outdated facilities and ongoing lumber disputes with the U.S.

But Kris Heideman, who is a vice-president at Lavern Heideman and Sons — a forest man-

agement and product company that employs more than 100 in its sawmills — said industries need a stable, sustainable wood supply, competitive costs and access to markets.

Ontario's forestry sector harvests less than half a per cent of all provincial forests, and Yurek said the industry is not coming close to "touching the amounts that are open to them now, so they have a way to go with regards to needing any more to harvest."

Currently, the forestry industry is worth \$15-billion in the province, and employs 150,000 people either directly or indirectly. The Ontario Forest Industries Association said that last year, 0.2 per cent of forests were harvested, which it would like to see bumped up to 0.4 per cent — still lower than the historical 0.5 per cent, said CEO

Jamie Lim.

What's needed is less red tape, and more and better road access to help boost the sector and create more jobs, Lim said.

Yurek said the province will also work on revenue sharing with First Nations, and they have been invited to take part in the talks.

Robin Koistinen, land and resources director for Temagami First Nation, said neither she nor Chief Arnold Paul have spoken directly to the ministry about the consultations. (A spokesperson for Yurek said Temagami First Nation is on the list of invitees for the North Bay consultation next year.)

Koistinen said there are existing forestry and mining projects that Temagami is entitled to revenues from but has yet to see, and they are not optimistic about the consultations given

their dispute is with the province.

New Democrat MPP John Vanthof, who represents Timiskaming-Cochrane, said forestry is "a pretty big sector (that) went through a really tough time for quite a few years."

A strong forestry sector means affordable building materials for homes, which should matter to those in urban areas, he added.

Green Party Leader Mike Schreiner said he is worried the Ford government is "going to undo all this amazing work the forestry sector has done to promote a strong brand for Ontario."

Schreiner also said an increase in the number of trees harvested could impede the fight against climate change, because they are one of the largest sources of carbon storage.