

The Honourable Chris Stockwell
Minister of Environment
135 St. Clair Avenue West
Toronto, ON M4V 1P5
Regarding: MNR's Timber Class EA Review

September 10, 2002

Subject: Comments on "A Review by the Ministry of Natural Resources Regarding the Class Environmental Assessment for Timber Management on Crown Lands in Ontario"

The Ontario Professional Foresters Association has reviewed both the Ministry of Natural Resources' May 17th draft paper and its July 17th 2002 submission to your Ministry on the renewal of MNR's 1994 Class Environmental Assessment for Timber Management on Crown Lands in Ontario.

The Association's response to MNR's May 17th draft made a series of proposals, suggestions and comments, which in our view, would have improved the proposed Terms and Conditions' (Ts & Cs) clarity, protected the public interest, improved the accountability of those responsible for implementing and monitoring this renewal and brought the EA in line with the recently passed legislation which governs the practice of forestry in the province.

We asked that the MNR take our input into consideration as they prepared their final submission to you. Of the 37 terms and conditions we commented on, they acted on nine, in whole or in part. Our proposals on accountability and acting in the public interest were ignored. As well, their proposals to you in the July 17th submission do not provide the clarity needed for the clear identification of the roles and responsibilities that foresters now have under legislation.

Before dealing with the rationale for our proposals for change, we would like to set the context for our proposals and go over what we believe are some important points for you to consider as you make a decision on this matter.

The 1994 Decision of the EA Board and its accompanying Terms and Conditions was a landmark in forest management in Ontario. This complex legally binding decision set the stage for public involvement in forest resource management, aboriginal consultation, set standards for forest management planning and harvest practices and set silvicultural research goals. It gave rise one year later to new and cutting edge legislation and regulations in forestry that put Ontario firmly on a course of sustainable forest management. This legislation also gave the forest industry heavy responsibilities in planning and managing their licensed areas sustainably. Bluntly put, the EA gave rise to a decade of rapid policy change and an improvement of practice.

This process of continued improvement and the maintenance of the forest resource on a sustainable footing are vital for our province's environment and the success of our forest industry both at home and abroad. Recent information shows that global climate change is taking place, airborne and water pollution events have escalated and are now widespread and these issues, together with carbon sequestration, are growing rapidly as important public concerns. Careful and publicly acceptable forest management is part of the solution.

Key to maintaining our progress in forest management from a public and government perspective is the establishment of an efficient and effective monitoring system to ensure compliance with legislation and standards. One of the challenges government now faces, as a result of staffing reductions in government ministries, is that of monitoring the implementation of operations when a non-government party conducts those activities. This contributed to the tragic events that occurred two years ago in Walkerton.

Our point is that the public interest must come first, not only in obvious health and safety issues, but also in forest management. Without the proper watershed protection afforded by forest cover, water quality can deteriorate downstream. Forest cover can mitigate airborne pollution. The Kyoto protocols set specific objectives for carbon management and sequestration.

Accountability is usually set by putting a high quality monitoring program in place, implementing the program and then conducting a credible and independent review of activities. MNR's compliance records of their own Terms and Conditions over the last eight years show many instances of non-compliance and missed deadlines. The ruling against MNR in a judicial review in 1996 over issues around forest management planning is another example of non-compliance. We have not been party to examining how and when your Ministry conducted its monitoring of MNR's progress in meeting the Terms and Conditions set by the EA Board over these last eight years. We have not seen your report on the results.

We urge you to set fair and rigorous monitoring and compliance standards and reporting procedures and to establish an independent verification of results. Clear responsibilities and implementation timeframes are the key to your being able to conduct efficient and effective monitoring of MNR's performance and compliance with the proposed Terms and Conditions.

We believe that strong and fair monitoring will increase public credibility in the management of our forests. It will also raise the standards of practice in an extremely important sector that not only creates much wealth, especially in northern Ontario, but also improves our environment.

With these introductory comments in place, we would like now to substantiate the rationale for our proposed changes. We believe the changes we suggested address the public and environmental issues raised above.

Our review of MNR's May 17th draft paper was based upon the principal objects of the *Professional Foresters Act 2000 (Bill 110)* as the primary frame of reference. The objects are to protect and serve the public interest, to regulate the practice of professional forestry and to govern its members. It is also based on the Act's scope of practice, which details the practices and services as they relate to the management, conservation and sustainability of forests.

With this in mind, we considered the following questions:

- How well do the proposals match the Act's scope of practice?
- How well do the proposals serve and protect the public interest?
- How well do the proposals properly represent the legislative obligations of the Association's members?

This is the context and rationale we used to make our comments and to recommend changes. We ensured that the Act's requirements are reflected appropriately in the Ts & Cs. We grouped our concerns in the two following general categories. The issue of improved accountability is dealt with in the second category.

The Practice of Professional Forestry

The 1994 EA decision gave the Registered Professional Forester (RPF) clear duties in the Terms and Conditions (Ts & Cs) and these were then carried into the 1996 Forest Management Planning Manual. In 1994, the Association's members had a right to title only, today the members are licenced and the practice of forestry is regulated. This brings with it a set of obligations, which are governed by legislation.

The *Professional Foresters Act 2000 (Bill 110)* defines the scope of practice in Section 3.1 and states that:

“The practice of professional forestry is the provision of services in relation to the development, management, conservation and sustainability of forests and urban forests where those services require the knowledge, training and experience equivalent to that required to become a member under this Act and includes,

- (a) the designing, specifying or approving of silvicultural prescriptions and treatments, including timber harvesting;
- (b) the appraisal, evaluation and certification of forests and urban forests;
- (c) the auditing of forest management practices;
- (d) the assessment of impacts from planned activities on forests and urban forests;
- (e) the classification, inventory and mapping of forests and urban forests inventory;
- and
- (f) the planning and locating of forest transportation systems, including forest roads.”

We note that in some instances the explicit wording and mention of the role of the RPF in the 1994 decision has been deleted. We strongly propose that precision be restored in

light of our legislation and expanded to those other Ts & Cs so that they reflect the scope of practice. The specific references to RPF and plan author are identified in our proposed modifications to the Ts & Cs (please see attachment). We made recommended changes to 15 Ts & Cs related to scope of practice and the role of the RPF; MNR incorporated three.

The Public Interest and Accountability

The *Professional Foresters Act 2000*, Section 5.1 states that:

“The principal object of the Association is to regulate the practice of professional forestry and to govern its members in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected.”

Given that our mandate to serve and protect the public interest is consistent with that of Ministry of Environment (MOE) and of the government of Ontario; we have identified a number of specific areas where the draft Ts & Cs require modification to reflect this object of the *Professional Foresters Act 2000*. The specific wording changes are identified in the attached proposal. The public interest proposals include:

1. Public Committees

Local Citizens Committees (LCCs) are the most important local interface amongst MNR, the forest industry and the public. Their involvement is critical, not only during plan development, but also during plan implementation. For this reason, their activities must be spelled out clearly and their composition and membership transparent and equitable. The LCCs and the provincial advisory committees should not be downgraded in stature.

MNR's July 17th submission now restores the stature of the LCC and details the composition, describes their activities and provides this clear understanding to the public. The LCCs require training on their role and responsibilities as well as training on the Forest Management Planning process. This training need has been identified across the province. MNR's commitment to LCC training requires enhancement.

The MNR July 17th submission does not provide adequate clarity and transparency to the two provincial level committees, which are the Provincial Forest Policy Committee and the Provincial Forest Technical Committee. More detail is required on their composition and responsibilities.

2. Independent Environmental Assessment Audit

With the development of an approval and extension system for the Class EA, there is a need for both a fixed term of 15 years and an independent review of progress, accomplishments and amendments. Using the template of the Independent Forest Audit, we recommend the establishment of an Independent Environmental Assessment Audit to evaluate MNR's Five Year EA Report and the compliance with the Ts & Cs of the approval.

The Independent EA Audit should be established under the auspices of the Environmental Commissioner with recommendations to MOE regarding amendments and extension. Specific time frames for audit report completion and public release are identified in the Association's proposals. The public interest requires an independent assessment of MNR's compliance and effectiveness.

3. MNR's Reporting and Accountability

Many of the Ts & Cs associated with Inventory, Monitoring, Information, Forest Science and Management Systems lack program deliverables and timelines. It will be difficult for MOE or anyone else, for that matter, to evaluate compliance without specific performance targets and expectations. We propose that a five year action plan that deals with the above items be developed within one year of the approval of this EA Renewal and that the Provincial Forest Technical Committee, or another appropriate body, with public members review and comment on the specific program proposals. This system would improve MNR's public reporting and thus accountability. It will bolster the public's expectations of MNR and provide evidence for the Independent Audit of MNR's Five Year EA Report. The government of Ontario must acknowledge the necessity of accountability in protecting the public interest.

On a related topic, the Independent Forest Audit (IFA) procedures are currently decided by MNR alone. In order to monitor the process and to open the process to a wider public, the Environmental Commissioner should conduct a review of the IFA procedure and protocols every five years.

4. Public Issues

The public remains interested in two high profile issues that are no longer addressed in the proposed Ts & Cs:

(a) Old Growth

Strategies and plans for the management of old growth forests have not been completed and implemented. There is more science to be refined and more public consultation required.

(b) Roadless Wilderness

Strategies and planning relating to the management of roadless wilderness areas are not complete.

While we continue to believe that new Ts & Cs are required for both these items, MNR did not retain them in its July 17th submission.

General Comments

Since our members are involved at all levels of forest management, as silvicultural practitioners and as experts in such fields as modeling, inventory and forest science, we have commented on some matters which we feel can improve and streamline the delivery of forest practices and management.

The forest industry and the communities across Northern and Central Ontario, which it supports, need more effective strategies to address long-term sustainable wood supply. Better forecasting of future mill supplies coupled with better information on silvicultural effectiveness and costs are needed across woodsheds and regions. The 'Room to Grow' approach recommended by the Ontario Forest Accord Board should be considered in any wood supply T & C and the wording should ensure that a 'bottom-up' determination of allowable harvest should govern. Setting 'top-down' industrial volume targets should not occur. MNR has proposed a T and C (# 48) in the July 17th submission and we have proposed revisions to incorporate these principles.

The reduction, amalgamation and deletion of many of the 115 Ts & Cs set in 1994, is very welcome. However, in places, the reasons given for the change should bear further elucidation. In addition, on occasion, their submission lacks the requisite implementation detail for a firm evaluation to be made by the Association.

A comprehensive statement on whether or not MNR has complied with the 1994 EA Ts & Cs at the provincial and local level should be made. Statements are made in certain parts of the draft as to whether general compliance requirements have been met and in some others there is no explicit statement. The stakeholders need to know. MNR has not improved the clarity or been explicit in this current submission to you.

In conversation with MNR after their July 17th 2002 submission, we have been told that many of our proposals and the proposals of others will be candidates for discussion in the public consultation on the Forest Management Planning Manual, which is a regulated manual under the *Crown Forest Sustainability Act*. This manual lays down the details involved in developing Forest Management Plans.

The consultation is to take place in mid-2003 after you have made a decision on the renewal of this EA. In most cases consultation on regulations are somewhat limited in scope and highly technical. Our experience with consultations on regulations does not give us the confidence that we need to believe that our proposals will be seriously considered, once you have made the decision. We are strongly opposed to leaving our changes, which we feel are extremely important, to discussion in a consultation of much less stature and with only minimal chances of our being successful. We need surety now to be confident that the public interest will be served and protected.

If MNR's track record over the past years had lead us to believe that the 1996 Manual would be strictly followed, we would be more comfortable with this situation. MNR has enforced the legislated standards of their responsibilities when it is actually part of legislation in a far more serious way than the compliance with the Manual. It is for this reason that we strongly believe that this new decision that you make should be clear and comprehensive and it should contain the appropriate levels of clear legal standards that MNR should comply with and that MOE can enforce. It is very difficult for you or an independent reviewer, for that matter, to monitor compliance with a complex, long and exhaustive Manual.

There is no doubt that the 1994 EA Ts & Cs were instrumental in significantly advancing both the public interest and forest management in this province. Further developments since then have resulted in the production of a set of operating Manuals and in the innovative Forest Renewal Trust Fund system. All this has created a new sense of purpose and public expectation with respect to forest management in Ontario. MNR and all stakeholders need to continue to work constructively together to enhance this improvement in forest management on Crown lands.

The Association's proposals on specific Ts & Cs are described in the attachment. Where MNR has made changes to their May draft paper in this submission to you, as a result of our comments or those of another party which we accept, we have amended our proposals to conform to the improvements. We would be pleased to discuss our proposals with you in more detail at your convenience.

Yours sincerely,

Rick Monzon, R.P.F.
Executive Director

Attachment

OPFA's Proposed Revisions to MNR's Submitted Ts & Cs

Notes

OPFA proposed changes are **highlighted in bold** and any deletions are evident with a ~~strikethrough~~. Only those terms and conditions for which we are requesting change have been identified in this proposal. In addition, we have included short bullet points in *italics* to explain the *rationale or noting where further clarification is required*.

Our proposed revisions are shown in the same order as the Ts & Cs are listed in "MNR's Timber Class EA Review", with the exception of # 5 pertaining to LCCs, which is listed with the other two public committees (# 36 Provincial Forest Policy Committee and # 37 Provincial Forest Technical Committee).

Forest Management Plan Preparation and Renewal

Rationale: Scope of practice, as defined in Bill 110

1. (b) Normally a Forest Management Plan shall be renewed every ten years. The Year Three Annual Report for the management unit shall describe progress in plan implementation. **A Registered Professional Forester, together with the planning team and the MNR District Manager, will determine if the Year Three Annual Report supports continuation of the long-term management direction.** If the Year Three Annual Report supports continuation of the long-term management direction, the details of operations for the remaining five years shall be planned, reviewed and approved during the fifth year, and then added to the Forest Management Plan. If the Year Three Annual Report does not support the continuation of the long-term management direction, an appropriate contingency plan shall be prepared to bridge the time required to prepare an unscheduled plan renewal.

Public Consultation

Rationale: Clarification on "appropriate modifications" is required in MNR's final submission.

6. (e) As part of the planning of operations for the second five-year operational term of the Forest Management Plan, formal public consultation opportunities shall be provided at three stages (i.e. review of proposed operations, review of planned operations and inspection of MNR-approved operations) as described in the Forest Management Planning Manual. Formal public consultation will be conducted in accordance with (a) to (d) of this condition, with appropriate modifications.

Aboriginal Consultation

Rationale: This condition would only be effective if the planning team were provided with an appropriate time frame for implementation. The intended consultation will not work if a planning team only approaches an Aboriginal community a couple of weeks before the regular consultation program begins.

7. The Forest Management Planning Manual shall describe provisions for Aboriginal consultation in the development of a forest management plan, including the following:
 - (a) **At least six months** prior to the commencement of formal public consultation in the preparation of a Forest Management Plan, planning team representatives shall make reasonable efforts to meet with individual Aboriginal communities in or adjacent to the management unit to develop an appropriate approach for Aboriginal consultation. The approach shall be used for both the preparation of the Forest Management Plan for the ten-year period, and planning of operations for the second five-year operational term.

Background Information and Management Unit Description

Rationale: To maintain the role of the RPF, as specified in the 1994 EA Decision

9. The following background information shall be available for use in forest management planning, in accordance with the Forest Management Planning Manual:
 - (a) updated forest resource inventory data for the management unit, **provided by a Registered Professional Forester and** in accordance with the requirements of the Forest Information Manual;

Rationale: To maintain the role of the RPF, as specified in the 1994 EA Decision

10. Each Forest Management Plan shall contain a description of the management unit. The management unit description will be prepared in accordance with the Forest Management Planning Manual and shall contain:
 - (a) a description of the forest, based on updated forest resource inventory data **as provided by a Registered Professional Forester**, and landscape level information;

Planning Long-term Management Direction

*Rationale: Scope of practice, as defined in Bill 110
To maintain the role of the RPF, as specified in the 1994 EA Decision
(applies to calculating harvest level)*

11. The long-term management direction for the management unit shall be established in a Forest Management Plan in accordance with the Forest Management Planning Manual. **A Registered Professional Forester shall lead** in the development of long-term management direction, **in which:**
- (a) management objectives shall be identified in accordance with the requirements of the Forest Management Planning Manual;
 - (b) analytical methodologies, models and tools, regarding forest regulation, social and economic analysis, wildlife habitat supply and landscape management, shall be used; and
 - (c) the level of forest harvest shall be established for the ten-year period of the Forest Management Plan, using forest regulation methodologies that determine the Available Harvest Area for every forest unit on the management unit.

Access Planning

Rationale: Scope of practice, as defined in Bill 110

12. **Road planning shall require the involvement of many individuals, including the LCC, the plan author and other members of the planning team.** The Forest Management Planning Manual shall describe corridor planning provisions for new primary roads (i.e., any road that provides the principle access for the management unit) and new branch roads (i.e., any road that branches off an existing or new primary or branch road, including those roads that provide access to separate areas of operations), including the following:
- (a), (b)....., and (c).....

Rationale: Clarification of what is meant by “branch road” required in MNR’s final submission.

- (c) For each new branch road, a 1 kilometre wide corridor shall be identified for a ten-year period, following the consideration of natural resource features, land uses and values, as identified on the values map for the management unit, and the results of consultation with affected and interested parties. Documentation of the rationale for the corridor and associated use management strategy for each new branch road shall be provided in the supplementary documentation that accompanies the Forest Management Plan.

Planning Harvest, Renewal and Maintenance Operations

Rationale: Scope of practice, as defined in Bill 110

15. The Forest Management Planning Manual shall describe planning provisions for the identification of areas of operations. **Identification of areas of operations shall be led by a Registered Professional Forester and shall include** the following:
- (a)through (g).

Rationale: Scope of practice, as defined in Bill 110

16. The Forest Management Planning Manual shall describe planning provisions for the development of Silvicultural Ground Rules, including the following:
- (a)
 - (b) (iii) At the time of implementation of operations, in the event that the actual site conditions encountered are found to be different than those previously identified in the Forest Management Plan, then other relevant approved alternative silvicultural treatments in the Silvicultural Ground Rules can be selected, **and certified by a Registered Professional Forester.**

Monitoring Program

Rationale: Scope of practice, as defined in Bill 110

21. The Forest Management Planning Manual shall describe planning provisions for monitoring operations, including the following:
- (a) During the planning of operations for each five-year operational term provisions for monitoring operations shall be prepared and documented, and shall include:
 - (i) a general description of the forest operations inspection program for the management unit and specific provisions for monitoring operations in individual Areas of Concern and groups of Areas of Concern with common values;
 - (ii) a description of monitoring which shall be used to determine the effectiveness of any silvicultural treatments which are “exceptions” to the recommendations in the silvicultural guides;
 - (iii) a description of monitoring which shall be used to determine the effectiveness of prescriptions for Areas of Concern which are “exceptions” to the specific direction or recommendations in the applicable implementation manuals (guides); and
 - (iv) a description of the program for carrying out assessments of regeneration success for both naturally and artificially regenerated areas, including assessments that are used in the Great Lakes-St. Lawrence forest region.

- (b) Monitoring descriptions **related to forest cover shall be developed by a Registered Professional Forester**. Monitoring descriptions shall include:
 - (i) the identification of the methods which shall be used;
 - (ii) the timing and duration of monitoring;
 - (iii) the documentation and reporting of monitoring results; and
 - (iv) the opportunities for Local Citizens Committee members to participate in monitoring.

Insect Pest Management Programs

Rationale: To maintain the role of the RPF, as specified in the 1994 EA Decision

- 24. The Forest Management Planning Manual shall describe planning provisions for insect pest management programs, including the following:
 - (a) When there is a major insect pest infestation, a District insect pest management program shall be developed by a multi-disciplinary team, comprised of MNR district and regional staff, **a Registered Professional Forester** and a representative(s) of the Local Citizens Committee(s). Areas eligible for insect pest management shall be identified, and a range of management options shall be considered and documented. The following management options shall be considered:
 - (i) through (vi); and
 - (b) through (e).

Annual Operations

Rationale: Scope of practice, as defined in Bill 110

- 25. The Forest Management Planning Manual shall describe planning provisions for the ~~preparation of an~~ Annual Work Schedule, **which shall be prepared and certified by a Registered Professional Forester, and which shall include** the following:
 - (a)through (g)

Management Unit Annual Reporting

*Rationale: Scope of practice, as defined in Bill 110
MNR accountability*

- 26. The Forest Management Planning Manual shall describe provisions for the preparation of Management Unit Annual Reports, including provisions for the use of text, tables and maps, and shall include the following:
 - (a) Each year, a Management Unit Annual Report shall be prepared and certified by a Registered Professional Forester **and shall be submitted by six months after**

- year-end, i.e., by September 30th. The Management Unit Annual Report shall** report on the implementation of forest management operations during the preceding year. Each Management Unit Annual Report shall include a discussion of the progress to date in meeting the planned level of activity described in the Forest Management Plan, **including an explanation of any variance between the annual ten-year targets and the achievement to date, and strategies to bring plan implementation into line with planned targets.** It shall also include a discussion of any significant events affecting the implementation of the Forest Management Plan. At the time of submission of the Management Unit Annual Report, records of pesticides used for forest management purposes in the current year, shall also be submitted.
- (b) ...through (e).

Monitoring - Forest Operations Inspections

*Rationale: To serve and protect the public interest, in accordance with Bill 110
MNR accountability*

27. (a) MNR shall ensure that monitoring of the forest management activities of access, harvest, renewal and maintenance will take place through a forest operations inspection program. Monitoring will consist of compliance with approved Forest Management Plans and any other conditions imposed on operations by legislation or policy.
- (b) MNR shall deliver consistent, fair and firm enforcement of forest-related statutes and regulations.
- (c) MNR shall maintain a forest compliance handbook that will describe the details regarding a forest operations inspection program including scope, documentation and record retention.
- (c) **Records and results of the forest operations inspection program will be available for inspection at the local level by the Local Citizens Committee and the general public by May 30th. In addition, MNR will prepare an analysis and recommendations for improvement, if required, of district, regional and provincial compliance results and make the report available to the public by September 30th annually.** Results of the forest operations inspection program shall be available for public inspection until at least one year after the expiry of a forest management plan for the management unit.

Monitoring - Audit Program

*Rationale: To maintain the role of the RPF, as specified in the 1994 EA Decision
Scope of practice, as defined in Bill 110
To serve and protect the public interest, in accordance with Bill 110*

28. MNR shall ensure that independent forest audits for management units are conducted in accordance with the requirements of the *Crown Forest Sustainability Act* and its regulations (Sections 26.3 and 69.1(31)). **Each audit team must have at least one Registered Professional Forester.** In addition, MNR shall propose a regulation under the *Crown Forest Sustainability Act* (Section 69.1(31)) governing the conduct of these audits, within one year of the final decision by the Minister of Environment to approve the extension and amendments of this EA Approval. **The audit will be comprehensive in scope and the independent auditors can investigate any matters related to forest management. Audit reports must be made available to the public within six months of the field audit. The Environmental Commissioner shall review the audit program once every five years.**

Monitoring - Silvicultural Effectiveness

Rationale: Scope of practice, as defined in Bill 110

29. MNR shall maintain a manual that provides direction for silvicultural effectiveness monitoring to support systematic reporting to the general public. **A Registered Professional Forester will design the silvicultural effectiveness monitoring programs. Direction in the Silvicultural Effectiveness Manual** ~~That direction~~ will include:

- (a) an identification of acceptable methodologies;
- (b) a description of the timing of monitoring activities; and
- (c) requirements for the documentation and reporting of monitoring results.

Wildlife Population Monitoring

Rationale: MNR accountability

30. MNR shall continue to implement a Provincial Wildlife Population Monitoring Program within the Area of the Undertaking and shall continue to investigate wildlife population monitoring methods. This program will provide long-term trend data on representative terrestrial vertebrate species and will collect information to support the testing of the effectiveness of forest management guides. The species to be monitored include:

- (a) species which benefit from forests managed for the purposes of maintaining early successional stages and where management direction comes from the Timber Management Guidelines for the Provision of Moose Habitat or the Forest Management Guidelines for the Provision of White-tailed Deer Habitat, and their successors;
- (b) species which benefit from forests managed for purposes of maintaining late successional stages and where management direction comes from the Forest Management Guidelines for the Provision of Marten Habitat or the Forest

- Management Guidelines for the Provision of Pileated Woodpecker Habitat, and their successors; and
- (c) species which utilize the following habitat types and features: snags, dead and downed woody material, riparian areas, mature/overmature stands, and large areas in a similar successional stage.

A five-year action plan will be submitted to the Provincial Forest Technical Committee for review and comment within one year of the approval of the EA extension. The action plan will include the proposed program developments, deliverables and deadlines. Annual reporting of accomplishments and progress will be included in the Provincial Annual Report on Forest Management.

Monitoring Guideline Effectiveness

Rationale: MNR accountability

- 31.(a) MNR shall maintain a program of scientific studies to assess the effectiveness of provincial implementation manuals (guides).
- (b) A five-year action plan will be submitted to the Provincial Forest Technical Committee for review and comment within one year of the approval of the EA extension. The action plan will include the proposed program developments, deliverables and deadlines. Annual reporting of accomplishments and progress will be included in the Provincial Annual Report on Forest Management.**

Provincial Annual Report on Forest Management

Rationale: MNR Accountability

32. (a) MNR shall annually prepare a provincial report (the “Provincial Annual Report on Forest Management”) that shall be tabled in the Legislature **by March 31st of the following year**. The report will be provided to the Ministry of Environment and made available to the public.
- (b) The report shall include the following information:
- (i) a summary of Ontario’s land and Crown forest base,
 - (ii) forest products industry statistics,
 - (iii) a description of forest disturbance, including:
 - . area and volume of Crown forest resources harvested,
 - . a summary of the discussions contained in Management Unit Annual Reports on the subject of areas harvested under the clearcut silvicultural system, based on size and frequency parameters required by implementation manuals (guides) and the Forest Management Planning Manual, and
 - . areas and or volumes of losses associated with natural forces such as insects, disease, forest fire, blowdown.

- (iv) provincial government revenues from Crown charges, as defined by the *Crown Forest Sustainability Act*, including payments associated with penalties, offences and the harvest of Crown forest resources;
- (v) a summary of expenditures from the Forest Renewal Trust and the Forestry Futures Trust
- (vi) a summary of the amount of regeneration, tending and protection activities;
- (vii) a summary of silvicultural effectiveness;
- (viii) a summary of compliance monitoring results and an enforcement summary;
- (ix) a summary of forest access road construction, maintenance, abandonment and roads subject to access control;
- (x) a summary of major findings reported in independent forest audits;
- (xi) a description of significant advances and milestones in scientific research, technical development programs, and policy developments related to forest management; and
- (xii) a summary of the progress of on-going negotiations with Aboriginal peoples on a district-by-district basis, as per MNR Term and Condition 34..
- (xiii) a summary of the accomplishments and progress relating to the five-year action plans specified in Ts & Cs 30, 31, 40, 41, 42, 43, 44, 45, 46, 47 and 53.**

Public Committees

Local Citizens Committees

5 (b) The purpose of the Local Citizens Committee is to participate as an integral part of the forest management planning process by:

- (i) ensuring that all local interests are effectively communicated to all others involved in forest management planning;
- (ii) increasing the effectiveness of the public consultation process, by participating in its implementation, and in the consideration of any additional formal public consultation opportunities that would be useful, in the context of local circumstances and needs;
- (iii) participating in the development, identification and description of objectives, strategies, problems and issues.
- (iv) participating in the development of the values map(s);
- (v) promoting integration of all interests by participating in the evaluation of trade-offs to be made during the planning process and the resolution of problems, differences and conflicts as early as possible in the planning process;
- (vi) assisting in monitoring the performance of Forest Management Plan implementation, **including the examination of annual compliance records;**
- (vii) providing advice to the MNR District Manager when discretionary decisions must be made (e.g., the categorization of amendments, and responses to requests for individual environmental assessments); and
- (viii) providing input into independent forest audits for the management unit.

Provincial Forest Policy Committee

Rationale: To serve and protect the public interest, in accordance with Bill 110

36. (a) The Ministry of Natural Resources shall maintain a Provincial Forest Policy Committee to advise the MNR Deputy Minister on provincial forest policy and other related matters brought to the committee by the MNR Deputy Minister.
- (b) The Minister of Natural Resources shall appoint members to this committee and the committee shall be chaired by the Deputy Minister.
- (c) The Provincial Forest Policy Committee will be supported by MNR, which will act as the secretariat.
- (d) **The Terms of Reference and operations of for the Provincial Forest Policy Committee are described below** ~~will be provided by the Deputy Minister and will include:~~
- (i) ~~membership;~~
 - (ii) ~~term of appointment;~~
 - (iii) ~~frequency of meetings;~~
 - (iv) ~~roles of committee members;~~
 - (v) ~~reimbursement of expenses for attendance at meetings; and~~
 - (vi) ~~operational procedures for the committee.~~

Purpose:

- (i) **Review the appropriateness of policies at a provincial level for forest management as well as those resources which influence or are impacted by the management of the forest resources;**
- (ii) **Determine the inter-relational effects of the policies; and**
- (iii) **Act as a standing Advisory Committee to MNR on the matters referred to in (i) and (ii).**

Formation:

- (i) **The Minister of Natural Resources shall appoint members to this committee from industry associations, unions, chambers of commerce, recreation groups, environmental groups, native organizations, and other groups, as well as representatives of foresters, trappers, municipalities and other interested individuals.**
 - (ii) **Individual members shall be appointed to this committee for a three year term with sufficient re-appointments for an annual turnover of one third of members commencing in the fourth year of the establishment of the committee.**
 - (iii) **The committee will establish operating procedures.**
 - (iv) **The committee shall meet at least twice annually.**
- (e) The committee shall keep a summary of meeting discussions that shall be available to the public upon request.
- (f) **The committee members shall receive expenses for their attendance at meetings.**

Provincial Forest Technical Committee

Rationale: To serve and protect the public interest, in accordance with Bill 110

- 37.(a) The Ministry of Natural Resources shall maintain a Provincial Forest Technical Committee to advise the MNR Assistant Deputy Minister, Forests Division, on ensuring implementation manuals are kept current in respect of scientific knowledge and management practices, by acting as a review board for proposed changes and recommending priorities for work on new or existing implementation manuals (guides). The committee may also advise on other technical matters brought to the committee by the MNR Assistant Deputy Minister, Forests Division.
- (b) The MNR Deputy Minister shall appoint members to this committee and the committee shall be chaired by the MNR Assistant Deputy Minister, Forests Division.
- (c) The Provincial Forest Technical Committee will be supported by MNR, which will act as the secretariat.
- (d) ~~The Terms of Reference will be provided by the MNR Assistant Deputy Minister, Forests Division for the Provincial Forest Technical Committee~~ **are: and will include:**
- ~~(i) membership;~~
 - ~~(ii) term of appointment;~~
 - ~~(iii) frequency of meetings;~~
 - ~~(iv) roles of committee members;~~
 - ~~(v) reimbursement of expenses for attendance at meetings; and~~
 - ~~(vi) operational procedures for the committee.~~

Purpose:

The Provincial Technical Committee will:

- (i) Ensure that implementation manuals are kept current in light of advances in scientific knowledge and management practices.**
- (ii) Act as a review board for proposed changes, emanating from either a field or a policy level to implementation manuals, and to set priorities for work on existing or new implementation manuals. Deal with any other matters identified by the Deputy Minister.**

Membership:

- (i) One member will be appointed from each professional discipline required, in the opinion of MNR, for the management of the forest resource and of non-timber resources of the province.**
- (ii) Where possible, membership shall include knowledgeable members of the public.**
- (iii) The term of appointment of the committee members will be initially for a three-year period with a year-by-year renewal provision to be exercised at the discretion of MNR.**

Responsibilities:

It is the responsibility of this committee to:

- (i) Establish interdisciplinary teams as required to:**

- **Review results of monitoring programs;**
 - **Review individual implementation manuals;**
 - **Obtain input from recognized experts (both internal and external to MNR) during the review of the implementation manuals; and**
 - **To bring recommendations before the committee.**
- (ii) Bring to the Provincial Forest Policy Committee proposed changes to guidelines and manuals with a supporting rationale for the proposed changes and an implementation strategy. The Provincial Forest Policy Committee will give its advice to the Minister.**
- (iii) The committee will establish operating procedures.**
- (e) The committee shall keep a summary of meeting discussions that shall be available to the public upon request.
- (f) Committee members shall receive expenses for their attendance at meetings.**

Inventory, Information and Management Systems

Rationale: MNR accountability

40. (a) MNR shall ensure that information management systems necessary to support forest management planning, which enhance the capability to systematically collect, store, update and retrieve information, continue to be developed. Values information will be generally available to the public.
- (b) A five-year action plan will be submitted to the Provincial Forest Technical Committee for review and comment within one year of the approval of the EA extension. The action plan will include the proposed program developments, deliverables and deadlines. Annual reporting of accomplishments and progress will be included in the Provincial Annual Report on Forest Management.**

Forest Ecosystem Classification System

Rationale: MNR accountability

41. MNR shall continue the development of the Ecological Land Classification Program through the following initiatives:
- (a) ensuring appropriate interpretation manuals are available to assist in the use of Ecological Land Classification in forest management planning;
 - (b) continuing to improve inventory and mapping technologies;
 - (c) maintaining the classification program for the entire Area of the Undertaking; and
 - (d) continuing to provide for technology transfer and training programs
- A five-year action plan will be submitted to the Provincial Forest Technical Committee for review and comment within one year of the approval of the EA extension. The action plan will include the proposed program developments, deliverables and deadlines. Annual reporting of accomplishments and progress will be included in the Provincial Annual Report on Forest Management.**

Growth and Yield Program

Rationale: MNR accountability

42. (a) MNR shall continue to support and implement a provincially coordinated program to obtain further information on forest growth and yield as influenced by site, forest structure, silvicultural treatments and natural events.
- (b) **A five-year action plan will be submitted to the Provincial Forest Technical Committee for review and comment within one year of the approval of the EA extension. The action plan will include the proposed program developments, deliverables and deadlines. Annual reporting of accomplishments and progress will be included in the Provincial Annual Report on Forest Management.**

Full-tree Harvest and Full-tree Chipping Studies

Rationale: MNR accountability

43. (a) MNR shall continue to investigate, through a long-term study, the effects of full-tree harvest and full-tree chipping on long-term forest productivity.
- (b) **A five-year action plan will be submitted to the Provincial Forest Technical Committee for review and comment within one year of the approval of the EA extension. The action plan will include the proposed program developments, deliverables and deadlines. Annual reporting of accomplishments and progress will be included in the Provincial Annual Report on Forest Management.**

Tending and Protection Improvement Programs

Rationale: MNR accountability

44. (a) MNR shall continue to ensure that tending and protection programs are conducted in accordance with current scientific knowledge applicable to Ontario's forests by maintaining policies and procedures that ensure proper and safe use of registered and approved products, and by collaborating with research partners engaged in tending and protection research initiatives.
- (b) **A five-year action plan will be submitted to the Provincial Forest Technical Committee for review and comment within one year of the approval of the EA extension. The action plan will include the proposed program developments, deliverables and deadlines. Annual reporting of accomplishments and progress will be included in the Provincial Annual Report on Forest Management.**

Data Systems and Analytical Methodologies

Rationale: MNR accountability

45. MNR shall continue to maintain and further develop methodologies for use in forest management planning which:
- (a) address social and economic considerations in developing prescriptions and making forest management decisions;
 - (b) investigate and address wildlife habitat supply, biological diversity and landscape management analyses across both temporal scales;
 - (c) capture, store and provide access to spatial information using geographic information system technology;
 - (d) continue to incorporate the use of geographic information system technology in the development of models and tools; and
 - (e) ensure staff are trained in the use and application of the methodologies and technologies which are developed.

A five-year action plan will be submitted to the Provincial Forest Technical Committee for review and comment within one year of the approval of the EA extension. The action plan will include the proposed program developments, deliverables and deadlines. Annual reporting of accomplishments and progress will be included in the Provincial Annual Report on Forest Management.

Professional and Technical Training Programs

Rationale: MNR accountability

46. (a) MNR shall ensure comprehensive professional and technical training programs are maintained so that the knowledge of those persons involved in the planning and implementation of forest management activities is continually upgraded.
- (b) **Specific training programs will be developed for Local Citizen Committees relating to Forest Management Planning, their role and responsibilities.**
- (c) **A five-year action plan will be submitted to the Provincial Forest Technical Committee for review and comment within one year of the approval of the EA extension. The action plan will include the proposed program developments, deliverables and deadlines. Annual reporting of accomplishments and progress will be included in the Provincial Annual Report on Forest Management.**

Public Education on Forest Management

Rationale: MNR accountability

47. (a) MNR will continue to participate in public education regarding the management of Ontario's forests both directly and in partnership with organizations involved in the administration and delivery of educational programs in forestry.
- (b) **Every three years or** upon each significant revision of the Forest Management Planning Manual, **whichever occurs sooner**, MNR shall update the brochure which outlines the forest management planning process in a simplified form. The brochure will be available for general public distribution in English, French and native languages.
- (c) **A five-year action plan will be submitted to the Provincial Forest Technical Committee for review and comment within one year of the approval of the EA extension. The action plan will include the proposed program developments, deliverables and deadlines. Annual reporting of accomplishments and progress will be included in the Provincial Annual Report on Forest Management.**

Additional Proposals Resulting From Public Consultation

Wood Supply Strategy

Rationale: Strategies to be based on sustainable wood supply and not on industrial demand

48. (a) MNR, in consultation with the forest industry and other interested parties, shall develop a provincial wood supply strategy comprised of regional wood supply strategies. This strategy will include the following components:
- (i) An examination of past harvesting levels;
 - (ii) A long term forecast for industrial wood supply, by species group;
 - (iii) The forecast demand for industrial wood supply, by species group;
 - (iv) An identification of wood supply issues; and
 - (v) A description of strategies to address the identified wood supplies issues.
- (b) All **wood supply** strategies contemplated shall be consistent with the requirements of the *Crown Forest Sustainability Act* and, where applicable, will support the **“Room to Grow” recommendations of the Ontario Forest Accord Advisory Board. The strategies shall be based on the principle of sustainability of supply and shall be developed through a bottom-up Management Unit approach and not by setting top-down industrial demand volume targets.** The provincial strategy will be developed within one year of the extension and amendments of this EA Approval. MNR will seek the advice of the Provincial Forest Policy Committee in the development of the

provincial strategy, and will provide an opportunity for public review and comment on the provincial strategy.

(c) Implementation of these strategies will be reported in the State of the Forest Report.

Administration of this EA Approval

Phase-In Provisions for this EA Approval

Rationale: To serve and protect the public interest, in accordance with Bill 110

50. The extension and amendments of this EA Approval shall come into force on the latter of May 19, 2003, or the date of the final decision by the Minister of Environment to approve the extension and amendments. **The term of this approval is 15 years with extension based upon satisfactory review of the Five-Year EA Report and the Independent EA audit.**

Rationale: A minor amendment to an FMP does not warrant the incorporation of potentially significant changes and workload.

51. The terms and conditions of the extended and amended EA Approval shall be phased in as follows:

- (a) The Forest Management Planning Manual shall be amended as follows:
 - (i) MNR shall propose amendments to the Forest Management Planning Manual by incorporating the forest management planning related terms and conditions of this EA Approval within 12 months of the latter of May 19, 2003, or, the date of the final decision by the Minister of Environment to approve the extension and amendments of this EA Approval; and
 - (ii) Those proposed amendments to the Forest Management Planning Manual shall be subject to review and comment by the public in accordance with the *Crown Forest Sustainability Act*, and its regulations.
- (b) Those proposed amendments to the Forest Management Planning Manual shall also be reviewed by the Ministry of Environment for consistency with the final decision by the Minister of Environment to approve the extension and amendments of this EA Approval;
- (c) Once the amended Forest Management Planning Manual takes effect, in accordance with the *Crown Forest Sustainability Act, Section 68(10)*, the requirements of the amended Forest Management Planning Manual will be applied on a management unit by management unit basis with the initiation of the planning process for:
 - (i) the next ~~minor~~ **major** amendment to an existing forest management plan, with whatever modifications are necessary in the circumstances;
 - (ii) the next scheduled or unscheduled renewal of a forest management plan;or

- (iii) a contingency plan.
- (d) All other terms and conditions shall come into force immediately, except as otherwise specified in these terms and conditions.
- (e) MNR shall maintain, on its Internet web site, the most current version of the Forest Management Planning Manual.

5-Year EA Report and Monitoring of this EA Approval

Rationale: To serve and protect the public interest, in accordance with Bill 110 MNR accountability through independent review of Five-Year EA Report

50. (a) In the sixth year following the extension and amendment of this EA Approval, and every five years thereafter, MNR shall prepare a report (the “Five-Year EA Report”) on the ongoing operation of this EA Approval. The report shall be provided to the Ministry of Environment **and the Environmental Commissioner** and made available to the public.
- (b) The report shall include the following:
- (i) a discussion of the overall effectiveness of this EA Approval in meeting the purpose of the undertaking, namely to provide a continuous and predictable supply of wood for Ontario’s forest products industry;
 - (ii) a summary of the most recent five-year report on the state of the Crown forests as required by the *Crown Forest Sustainability Act, Section(22)*;
 - (iii) a discussion of the environmental, social and economic benefits realized from implementing the undertaking;
 - (iv) a description of the implementation of the forest management planning process including: the number of forest management plans and their associated cost and time to prepare and approve; contingency plans; plan amendments, disposition of requests for individual environmental assessments; and, a discussion of related public consultation;
 - (v) a summary and discussion of contributions to and expenditures from the Forest Renewal Trust and the Forestry Futures Trust;
 - (vi) identification of the upcoming forest management plan preparation schedule, and where to obtain the most current schedule;
 - (vii) a discussion of significant initiatives related to the implementation of this EA Approval;
 - (viii) a description of the number, type and disposition of amendments to this EA Approval;
 - (ix) a description of where the public can obtain a current copy of the consolidated terms and conditions of this EA Approval, as amended;
 - (x) a discussion of specific issues and problems related to implementation of this EA Approval and the manner in which they have been addressed to date; and
 - (xi) a description of actions to be taken to improve the overall implementation this EA Approval.
- (c) Upon receipt of MNR’s Five-Year EA Report, the Environmental Commissioner shall establish an independent Environmental Assessment**

- Audit to review and analyze both compliance and effectiveness of all terms and conditions of the Environmental Assessment as well as components (i) to (xi) of MNR's Five-Year EA Report.**
- (d) The EA Audit team shall have appropriate multi-disciplinary skills, including a Registered Professional Forester.**
 - (e) The Environmental Commissioner, as a result of the independent EA Audit, shall make recommendations to the Minister of Environment with respect to both the extension of the term of the EA approval and any necessary amendments to the EA terms and conditions.**
 - (f) The EA Audit Report shall be completed and made available to the public within six months of the submission of MNR's Five-Year EA Report.**