



ONTARIO FOREST INDUSTRIES ASSOCIATION
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Growing a stronger, greener Ontario

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Client Services and Permissions Branch
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Re: OFIA Submission on Modernizing Ontario's Environmental Assessment Program

To Whom It May Concern,

Thank you for the opportunity to comment on Environmental Registry of Ontario number 013-5101, *Discussion Paper: Modernizing Ontario's Environmental Assessment Program*. For 76 years, the Ontario Forest Industries Association (OFIA) has represented forestry companies ranging from multinational corporations, forest managers, and family-owned businesses that operate across all regions of Ontario. OFIA's member companies produce a wide variety of advanced manufacturing products and innovative technologies.

Through the Made-in-Ontario Environment Plan, the Ministry of Environment, Conservation and Parks (MECP) committed to modernizing Ontario's environmental assessment program to ensure strong environmental protections, while eliminating duplication, streamlining processes, providing clarity to applicants, improving service standards to reduce delays, and better recognize other planning process that have evolved over the past four decades. These are principles that OFIA fully supports. Included in our submission is a March 18th red tape reduction document that will assist government in reaching these goals.

For greater clarity, OFIA asks MECP to ensure that a modernized Environmental Assessment Act (EAA) will follow these guiding principles:

1. Reduce red tape and administrative burden to the forest sector.
2. Make Ontario a more competitive jurisdiction through reduced costs (e.g. delivered wood costs).
3. Support current operations through consistent, reliable, and affordable access to wood fibre.
4. Explore opportunities for increasing the sustainable use of Ontario's Crown forests to support growth in the forest sector.
5. Ensure consistent implementation of existing government policy between all levels within the Ministry of Natural Resources and Forestry and MECP.

MECP's discussion paper mentions Bill C-69 as an example of added complexity to an already costly and time-consuming federal environmental process. We have voiced our concerns, particularly regarding the expanded definition of navigable waters and how that will impact approvals within Ontario. We would be happy to discuss this further with MECP and Ministry of Natural Resources and Forestry (MNRF) staff to develop a workable solution.

We would like to focus our comments in this submission on two themes within MECP's discussion paper; redundancy with provincial processes and Part II Order requests and decisions.

Redundancy with Provincial Processes

Since the EAA was approved almost 50 years ago, other processes have been put in place that may duplicate the requirements for project subject to the EAA. Declaration Order MNR-75, which outlines the process that must be followed when planning forestry on Crown land, duplicates some policies, procedures, directives and programs MNR has developed through other processes.

This duplication and red tape become significant when government is looking to develop a provincial forestry strategy aimed to reduce barriers, create jobs, promote economic growth and make Ontario open for business. Revisions made to regulated manuals and guides delivered through the Crown Forest Sustainability Act (CFSA) can take several years to accomplish, partly due to a requirement to update the MNR-75.

While we support making changes that streamline processes in support of a forestry strategy or revised forest management guidance, it is essential that industry, forest managers, and license holders be viewed as partners in this process. This approach would support stakeholder-engaged structured decision making, active adaptive management, and ultimately better outcomes for all Ontarians.

More clarity from MECP and MNR on what changes could be proposed to the Declaration Order would be helpful in providing more focused feedback from the OFIA and we would be happy to discuss this further at your earliest convenience.

Part II Order Requests and Decisions

As clearly illustrated in the discussion paper, MECP response times on Part II Order, or “bump-ups”, requests are unacceptably long, taking an average of 266 days. What isn’t captured in the numbers is the significant economic impacts these delays cause to forestry operations across the province. OFIA is concerned that this will become an increasing issue across the province if immediate actions are not taken by the MECP.

The ability to shut down working landscapes to serve an obstructionist or activist agenda is a loophole in the current framework. Clearly defining which matters individual environmental assessments can be requested on will need to be an essential outcome of this process, particularly in the forest management context.

There are many opportunities to participate in the development of a forest management plan by any interested member of the public or MECP staff. This includes opportunities to present to Planning Teams as well as open houses across the province. There already is a formalized process of resolving issues within the existing MNR forest management planning framework at local, regional, and corporate levels. In many cases the applicants for Part II Order request have made a conscious decision not to participate in any of these opportunities. Instead, individuals and organizations have come in at the very end of the process to derail and obstruct the significant efforts made in partnership with plan authors, license holders, and the Crown.

Given the multitude of opportunities available and robust planning process, we question if the option for a Part II Order is even required for forest management in Ontario. At the very least, an applicant should be required to demonstrate to both MECP and MNR previous attempts to voice their specific concerns during various planning stages. If this has not happened the request should be automatically denied with no review required. Similar to the legal process we see between divisional, appeals, and supreme courts; appellants cannot skip the lower courts to expedite decisions.

More discussion on this topic is required and we would be happy to arrange for a meeting to discuss this with you further. We look forward to working with MECP and the MNRF to ensure strong environmental protections, while eliminating duplication, streamlining processes, providing clarity to applicants, improving service standards to reduce delays, and better recognize other planning process that have evolved over the past four decades.

Sincerely,



Ian Dunn
Director of Forestry and Environmental Policy
Ontario Forest Industries Association

Encl. OFIA's March 18th, 2019 Red Tape Submission