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SUBMITTED ONLINE through the Environmental Registry

Joe Maure  
Forest Sector Strategy - Ministry of Natural Resources and Forestry  
70 Foster Drive, Suite 610  
Sault Ste Marie , ON  
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**Re: ERO # 019-0880 Ontario's Forest Sector Strategy (Draft)**

Dear Mr. Helfinger,

On behalf of the Osgoode Hall Law School's Environmental Justice and Sustainability Clinic, we are writing to provide comments on the draft Forest Sector Strategy.<sup>i</sup>

We note the government has already posted five proposals to implement the Strategy during the consultation period prior to receiving and considering any public feedback on the proposed policy directions. We urge the government to ensure there is robust consultation with the public and with Indigenous communities before the Strategy is implemented. The implementing proposals, noted below, should be withdrawn until consultation has been completed and public feedback has been received and meaningfully considered and Indigenous jurisdiction has been acknowledged and respected.

In addition to our comments on the broad policy directions in the Strategy, we have provided preliminary comments on the implementing proposals in relation to endangered species (ERO # 019-1020), environmental assessment (ERO # 019-0961), independent forest audits (ERO #19-1006), and forest manuals (ERO #19-0715). We will provide further comments prior to the closing of these comment periods.

In our view, the Strategy and the implementing proposals remove critical environmental safeguards and undermine the purpose of the *Crown Forests Sustainability Act* ['CFSA'].<sup>ii</sup> The CFSA represented a significant shift in provincial forest policy to integrate economic, environmental, cultural, and social in order to protect the long term

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health of forests as ecosystems for present and future generations.<sup>iii</sup> Rather than “modernizing” Ontario’s forestry management, the Strategy and accompanying proposals threaten to move Ontario forest management backwards to an era where forests were valued only for their value as timber. In our view this is not only unsustainable resource management, it is profoundly irresponsible in the context of climate change and global biodiversity collapse. We have serious concerns about many of the proposals, including, but not limited to, the following:

- 1. Doubling the annual harvest of forests on Crown land would be irresponsible and undermine the sustainability of Ontario’s forest management planning framework. The appropriate response to climate change in the forest sector is clear: intact forest ecosystems should be protected in partnership with Indigenous nations, both for their carbon storage and as habitat for a wide range of species.** The government has provided no evidence to support the claim that an additional 15 million cubic meters could be sustainably harvested. Any changes to the annual harvest should be made in partnership with relevant Indigenous nations and be based on rigorous assessment of ecological, social, and cultural sustainability.
- 2. Exempting the forestry sector from key environmental legislation will undermine the sustainable management of Ontario’s forests and accelerate both climate change and biodiversity loss. Undermining the sustainability focus of the CFSA will undermine Ontario’s ability to market wood products as “renewable” or “sustainably sourced” to meet “current and future environmentally conscious consumer choices.”** Environmental laws and assessment processes are not “policy barriers to accessing wood”, they are important safeguards and planning processes developed through engagement with science and Indigenous knowledge. While we believe Ontario forestry management should more rigorously engage with both science and Indigenous knowledge, the Strategy and proposals are a move in the opposite, and wrong, direction. The proposed ‘Ontario Wood’ logo will do little improve the market share if consumers become aware of unsustainable practices and social and environmental harms associated with forestry in the province.
- 3. Indigenous partnerships in forest management must be based on recognition of inherent jurisdiction over Indigenous territory and respect for Indigenous law as an equal source of authority.** Involving Indigenous people in business as usual forestry management is not partnership. Indigenous peoples are stewards of the land and

waters with legal authority and responsibility not participants in the labour force or entrepreneurs. The Strategy and the implementing proposals fail to demonstrate a commitment to working with Indigenous nations as equal partners in forest management. Rather, the proposals threaten to limit Indigenous engagement in forest planning and infringe on constitutionally protected rights.

Below we discuss specific aspects of the Strategy in more detail, using the implementation proposals as examples to illustrate our concerns with the direction the government has set out in the draft.

## **ANALYSIS**

### ***Forestry Strategy and Proposals Consultation***

As a preliminary issue, we are very concerned about the approach this government has taken to public consultation on environmental law and policy. Forest management is complex and overlaps with multiple areas of legislative responsibility, including endangered species, watershed management, climate change, and environmental assessment. Yet the government has proposed substantial changes to the current forestry management framework with minimal opportunity for public engagement and stunningly short timelines. This level of change to provincial environmental regulation requires meaningful public engagement and careful consideration of public, Indigenous, and expert input. Yet, the public has been provided with just 30 days to respond to some of the proposals. In our view, the government should extend the consultation period to ensure any changes are evidence-based and meaningfully incorporate public and Indigenous concerns. As the Auditor General recently concluded, “comment periods should be long enough to enable interested individuals to become aware of the proposal, have time to fully review and evaluate their content, and still have time to prepare and submit feedback by the submission deadline.”<sup>iv</sup> The short timelines for public comment are compounded by the government's repeated failure to provide adequate information, such as the impact of proposals on the environment.<sup>v</sup>

Further, we note that the Strategy was already under consultation in accordance with the *Environmental Bill of Rights* under ERO Notice #019-0880 when the five other proposals noted above were posted, all implementing the Strategy. We note the same approach was taken with respect to the recent amendments to the *Aggregate Resources Act* (ARA) and Bill 132.<sup>vi</sup> This raises serious concerns about the government's approach to consultation on environmental issues. We remind the government that the *Environmental Bill of Rights* protects

public participation in environmental decision making in Ontario.<sup>vii</sup> Many individuals and organizations spent time and energy preparing comments on the Strategy. The timing of subsequent proposals implementing the Strategy means that these comments will have no effect and that changes to the CFSA and regulations were predetermined prior to, or during, the comment period. This undermines public trust in environmental decision-making and government transparency.

**Recommendation: We recommend the implementing proposals be withdrawn until consultation on the Strategy is complete and comments have been meaningfully considered.**

***Doubling the annual harvest is not sustainable***

Ontario's Strategy lays out 'four pillars' to follow in enhancing how the province takes advantage of its forests: (1) putting more wood to work, (2) improving our cost competitiveness, (3) fostering innovation, markets and talent and (4) promoting stewardship and sustainability. These pillars are expressly dedicated to the overall goal of expanding forest production, including doubling the annual harvest to 30 million cubic metres.<sup>viii</sup>

Nowhere in these goals is there a mention of biodiversity conservation or recovery of species at risk. Given that many of the species that depend on these forests are already listed as threatened or endangered, including species such as the Woodland Caribou, Wolverine, Eastern Whip-poor-will and various Warbler species, this omission is particularly concerning. The recent UN Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services ('IPBES') global assessment report concludes the Earth is currently in a biodiversity crisis, with one million species of plants and animals facing extinction globally.<sup>ix</sup> Ontario is no exception.<sup>x</sup> Indeed we have particular obligations to protect biodiversity as the home to some of the world's most extensive intact ecosystems, particularly the boreal forest.<sup>xi</sup> Boreal forests also make up over 43% of global "Intact Forest Landscapes".<sup>xii</sup> Biodiversity is essential to maintaining ecosystem services such as food, medicine, and clean air and water.<sup>xiii</sup> The 2011 provincial Biodiversity Strategy outlined habitat loss and unsustainable use as two of six main threats to Ontario's biodiversity.<sup>xiv</sup> The 2019 UN report specifically identified land use change as the single most important driver of biodiversity loss.<sup>xv</sup>

The Strategy also fails to acknowledge that the boreal forests is the largest global store of terrestrial carbon.<sup>xvi</sup> The Government of Canada's 2019 National Inventory Report ("NIR"), which estimates

anthropogenic emissions and emissions removals from forest land concluded that “forest land remaining forest land” is one of the most influential categories on national emissions trends.<sup>1</sup> The United Nations Intergovernmental Panel on Climate Change agrees, emphasizing the importance of the land sector in climate mitigation.<sup>2</sup> The IPBES warns, however, that global deforestation has surpassed the proposed Planetary Boundaries ‘safe limit’ for land-system change (a 25 percent reduction in forests). Today, forests have been reduced to 68 percent of their historical baselines, which the IPBES states could critically weaken “the biosphere’s contribution to global climate regulation” and “risk tipping the Earth system out of the environmentally stable state it has been in throughout the history of civilization”.<sup>3</sup>

In this context, we strongly disagree with the government’s goal of doubling the annual harvest. Not only is there no evidence that it would be sustainable, there is ample evidence it would not, particularly under current logging practices. Indeed, a recent report found deforestation in Ontario to be dramatically higher than previously estimated due to the use of the full-tree harvesting clear-cut approach logging and the resulting scarring of the landscape with roads and roadside footprints.<sup>xvii</sup>

Finally, we note that harvesting rates impact Indigenous rights and jurisdiction constitutionally protected by s 35 and should therefore only be developed and amended through meaningful collaborative processes with Indigenous nations as equal partners.

**Recommendation: The harvesting rate should not be increased without further study and engagement with scientific expertise and Indigenous knowledge to determine what is sustainable. The Strategy should be withdrawn until meaningful consultation about harvesting rates with Indigenous partners have taken place as part of a broader shift to co-governance of forest management.**

### ***Environmental Assessment Act Exemption***

We are concerned the Strategy erroneously views environmental laws as unnecessary barriers to development and resource extraction. The Strategy states that the government is “working to deliver further red

<sup>1</sup> “2019 National Inventory Report 1990-2017: Greenhouse Gas Sources and Sinks in Canada” (2019) at 28, online (pdf): *Environment and Climate Change Canada* <[publications.gc.ca/collections/collection\\_2019/eccc/En81-4-2017-1-eng.pdf](https://publications.gc.ca/collections/collection_2019/eccc/En81-4-2017-1-eng.pdf)>.

<sup>2</sup> “Land is a Critical Resource, IPCC report says” (8 August 2019), online: *Intergovernmental Panel on Climate Change* <[www.ipcc.ch/2019/08/08/land-is-a-critical-resource\\_srccl/](https://www.ipcc.ch/2019/08/08/land-is-a-critical-resource_srccl/)>.

<sup>3</sup> *Ibid* at 7-8.

tape and regulatory burden relief for the forest sector” to “reduce costs to industry and government” and “unleash” the potential of the forestry sector.<sup>xviii</sup> Environmental standards and legislation are not red tape and regulatory burdens. They are critical safeguards to protect our health and environment. These safeguards are increasingly necessary in the context of climate change and rapid biodiversity loss. Indeed, the Auditor General’s 2019 Report on the environment specifically noted the link between deforestation and climate change.<sup>xix</sup>

The Ontario government is proposing to exempt forestry activities from *Environmental Assessment Act* (EAA) requirements.<sup>xx</sup> The proposed changes would apply to the “area of the undertaking” in Central and Northern Ontario. The government contends that MNRF forest policy creates redundancy and that the EAA process is duplicated in existing forest policies and forest manual requirements (although we note forest manual requirements are also subject to proposed changes, as discussed below).

Currently forestry in the province is subject to a Class EA under Declaration Order MNR-75 which contains 61 wide-ranging conditions.<sup>xxi</sup> These set the standard for the four Manuals required under the CFSA.<sup>xxii</sup> They create legal obligations which must be satisfied during the planning and operation of forest management activities.<sup>xxiii</sup> The Conditions have informed the creation of current forest policy and guidelines, and the government claims the conditions have all been met and therefore are no longer required.<sup>xxiv</sup> However, if forestry management is exempted from the EAA, the conditions under the Declaration Order will no longer be legally mandated, and therefore vulnerable to being amended, repealed, or revoked at the discretion of the government. The EA Act requirements are not duplication, they are legally binding safeguards that shape provincial forestry management. While the Timber Class Environmental Assessment was issued before the *Crown Forest Sustainability Act, 1994* (CFSA), came into force, the Act “does not purport to exempt the forest management process from the conditions of the E.A. approval.”<sup>xxv</sup>

Without the EAA process, the primary sources for Ontario’s forest management and environmental protections in forestry are: *Crown Forest Sustainability Act, 1994* (CFSA), MNRF forest policy and forest manuals. The CFSA itself is enabling legislation and provides little substantive guidance.<sup>xxvi</sup> The government contends that MNRF would be responsible for the protection of the environment during forest management. However, there is no requirement for executive decision-makers to uphold and enforce the existing conditions within

current policies, procedures, or guidelines, without the legally binding obligations created by the declaration order. Indeed, MNRF does not have an environmental protection mandate and is explicitly tasked with promoting resource development. Application of the EAA to forestry critically preserves the important role of the Ministry of the Environment, Conservation and Parks in relation to forestry.

We can already see the resulting erosion of the conditions: Condition 26 created a requirement for the Forest Management Planning Manual to outline a process whereby individuals could apply for an individual environmental assessment of proposed forest management activities. In turn, the FMPM outlined the processes for application for an individual environmental assessment and for assessment of the application. As discussed below, the proposed revisions to the Forest Management Planning Manual included the removal of the process and therefore the opportunity to apply for an individual project assessment.

Class EAs are only suitable for routine projects with a predictable range of minor effects.<sup>.xxvii</sup> Forestry projects are often large-scale and have significant and unpredictable environmental, cultural and social effects, including significant cumulative effects. Forestry planning must therefore be submitted to individual EA processes when and where appropriate, including where Indigenous nations and members of the public raise concerns. Indeed, in our view forestry planning should take place through a co-governance framework with Indigenous nations in the Area of the Undertaking.

Finally, we note that Ontarians have strong feelings about forests and forest management and there is a long history of forest management planning in the Province.<sup>.xxviii</sup> The original class EA process attracted a high-level of public attention and concern.<sup>.xxix</sup> Removing opportunities for public engagement in forest management planning is likely to undermine public trust and lead to delays and even costly litigation.

**Recommendation: Forestry Management should continue to be subject to the EAA, including the legally binding conditions under the Declaration Order, such as Condition 26 requiring a process to request an individual assessment. The Strategy should be revised to reflect the application of the EAA to forestry management.**

### ***Endangered Species Act Exemption***

The *Endangered Species Act* [‘ESA’] exists to “identify species at risk based on the best available scientific information, including

information obtained from community knowledge and aboriginal traditional knowledge, to protect species that are at risk and their habitats, and to promote the recovery of species that are at risk, and to promote stewardship activities to assist in the protection and recovery of species that are at risk.”<sup>xxx</sup> The ESA’s purposes reflect the globally recognized need to preserve biodiversity, specifically, species diversity, as discussed above.

The purposes of the ESA recognize its protective function as a central part of Ontario’s regulatory framework governing land use and development. This is distinct from the role of the forest management framework under the CFSA to facilitate the use of forest resources while minimizing adverse impacts to other forest values, such as at risk species. The application of both acts to forest management is not duplicative as they are serving different purposes. Indeed, the ECO concluded that the wildlife monitoring program intended to ensure logging does not lead to species decline “in all practical terms does not exist” and concluded, “the government has little ability to ensure that timber harvesting is (or is not) causing declines of imperilled species.”<sup>xxxii</sup> Therefore, it is clear that in order to deal with imminent threats and to effectively protect biodiversity, the ESA’s unique role should be strengthened rather than removed. Indeed, the initial temporary exemption of forestry operations from the ESA was intended to allow the government to decide how these distinct but intersecting mandates should work together.<sup>xxxiii</sup> It was never intended to be permanent.

There are many examples of species at risk in Ontario’s forests. Increasing the amount of forest to be harvested and taken advantage of by industry will further impact these species and compound existing habitat loss. For example, caribou are important species ecologically as well as culturally.<sup>xxxiv</sup> Caribou are important ecologically as a key indicator of a healthy, functioning boreal ecosystem.<sup>xxxv</sup> Culturally, the caribou are important because of their relationship with the many Indigenous communities that share the land with them.<sup>xxxvi</sup> “Caribou require large tracts of habitat and prefer mature, undisturbed coniferous forest or peatlands mixed with hilly or upland areas. They generally avoid areas of younger, recently disturbed forest, which provide them with little food and are favoured by other species that attract predators like wolves and black bears.”<sup>xxxvii</sup> It is expected that caribou will be essentially extirpated from Ontario by the end of the century.<sup>xxxviii</sup> “Available data indicate that the degradation of critical habitat for boreal caribou has worsened in most of the seven ranges overlapping Ontario’s managed forest since 2011.”<sup>xxxix</sup> In their 2016 report, the Canadian Parks and Wilderness Society (CPAWS) concluded Ontario has done nothing



meaningful for caribou habitat protection and that “Ontario’s own assessment from earlier this year show that, since the 2012 Recovery Strategy, critical habitat degradation has worsened.”

Wolverines, like caribou are an important in understanding the health of ecosystems generally.<sup>.xxxix</sup> Further, the decline in caribou themselves are related to a decline in wolverine, as the caribou are a source of scavenged meat for the wolverine.<sup>.xl</sup> The wolverine is a threatened species under the ESA. In Ontario they occupy boreal and tundra forests and must be removed from human contact. Wolverine habitat can be protected through forest management strategies, similar to those strategies that exist for caribou, as their habitats are similar. <sup>.xli</sup> Yet, under the CFSA we see wolverines in decline.

Finally, many species of warbler’s are at risk due to increased forestry activities. Warblers in Canada rely on deciduous, coniferous and mixed forests. <sup>.xlii</sup> The biggest threats to these birds is habitat loss or degradation, specifically deforestation and land conversion, removal of shrub layer and forest harvesting. It is estimated that upwards of two million nests are lost annually as a result of industrial forestry activities. <sup>.xliii</sup>

Finally, we are concerned that exempting forestry from the ESA has serious implications for constitutionally protected Indigenous rights. Indigenous communities with rights and responsibilities in relation to particular wildlife or plant/medicine species must be meaningfully consulted on decisions impacting their Aboriginal and treaty rights, including decisions taken about species at risk and habitat. The new approach to forest management planning does not appear to include meaningful Indigenous consultation about the impacts of forestry on species and habitat, which may lead to conflict and litigation, and therefore uncertainty and delay.

**Recommendation: The Strategy should be amended to reflect a strong focus on ensuring Ontario’s species at-risk are protected as part of sustainable forest management, including requiring compliance with the ESA and ending the temporary exemption.**

### ***Forest Manuals***

The 4 Forest Manuals contain mandatory rules and standards for in forest management planning.<sup>.xliv</sup> The government is proposing revisions to the 4 required manuals under the CFSA: the Forest Management Planning Manual (‘FMPM’); the Forest Operations and Silviculture Manual (‘FOSM’); the Forest Information Manual (‘FIM’); the Scaling Manual (‘SM’).

We will briefly identify some of our concerns about the proposal to implement the Strategy through revisions to the FMPM. The FMPM is the “central machinery” of the CFSA.<sup>xliv</sup> It provides for “determinations of sustainability” in accordance with two principles set out in the Act:<sup>xlvi</sup>

1. Large, healthy, diverse and productive Crown forests and their associated ecological processes and biological diversity should be conserved.
2. The long term health and vigour of Crown forests should be provided for by using forest practices that, within the limits of silvicultural requirements, emulate natural disturbances and landscape patterns while minimizing adverse effects on plant life, animal life, water, soil, air and social and economic values, including recreational values and heritage values.

The FMPM creates requirements for Forest Management Plans, which must comply with the manual. Currently a FMP can only be approved if the Minister is satisfied it provides for sustainability, as guided by the Manual.<sup>xlvii</sup> The Ontario Court of Appeal has found that FMPs not in compliance with the Manuals are of no force and effect.<sup>xlviii</sup> Therefore, the manual plays a key role in defining sustainability in the context of forest management planning in the province.

Proposed changes to the FMPM include the removal of the process for requesting an individual environmental assessment, as noted above, and removing notice requirements for consultation in the forest management planning process. Under the revised manual Information Notices would be provided only once during the process, instead of at each of the five stages of consultation. The Proposal also suggests removing posting requirements in a number of circumstances, for example, where the Minister decides to pause protection. We strongly recommend the Government amend the Strategy to ensure meaningful opportunities for public engagement and consultation are provided at every stage of forest planning, particularly during the early stages. As the Environmental Commissioner of Ontario has noted, “[p]ublic scrutiny is a key driver for improving environmental decision making” and failing to disclose decisions would be inconsistent with the goals of the Environmental Bill of Rights.<sup>xliv</sup>

We also note our previously expressed concerns about removal of oversight for Work Plans. Further, we are concerned about the new proposals for discretionary extensions to Forest Management Plans, and removal of limitations on bridging of operation harvest areas. Currently, while extensions are available at the discretion of the Minister for a maximum of two years and where any planned forestry

operations will not be finished by the end of the 10-year plan.<sup>i</sup> Bridging of harvest areas from existing Forest Management Plans is limited to a 3-month harvest period. These proposals would result in the performance of forestry operations which were planned over 10 years prior with little regard to how conditions in the forest might have changed in the intervening time. Currently, the longest a forestry operation might occur from the point in time its planning process was approved is twelve years with a two-year extension.

**Recommendation: The Strategy should be amended to reflect the need for the Manuals to implement the Conditions of the Declaration Order and to ensure adequate and timely oversight of Forest Management Plans and Work Plans.**

### ***Independent Forest Audits***

Under CFSA Regulations, and as required by the Declaration Order, all Forest Management Units (FMUs) are subjected to an Independent Forest Audit every five years to determine .<sup>ii</sup> The government is proposing to extend the audit period once every 10 years, while also providing the Minister discretion to extend the 10-year period.<sup>iii</sup> In our view, this would undermine sustainable forest management planning by reducing the frequency and quality of government oversight and this proposal should be withdrawn. The Strategy should be revised to prioritize regular and effective monitoring and enforcement. We note the Auditor General found significant issues with respect to the oversight of forestry in the province, including in relation to the audits.

Reduced frequency of audits leading to a lack of ministerial oversight might permit non-compliant behaviour to continue unimpeded and uncorrected for 10+ years. We note that the following are examples of non-compliant behaviour found during Independent Forest Audits from 2009-2013 (per <https://www.ontario.ca/page/independent-forest-audits-0>):

- approval of a known deficient forest management plan
- deficient yield forecasts due to inaccurate yield curves or harvesting focused on better than average stands
- forest renewal not matching harvest levels
- a decision to reduce renewal to maintain the required minimum balance in the forest renewal trust
- unacceptable levels of surveys
- water crossings in disrepair
- insufficient financial oversight of a road project
- a company's inability to meet many basic licence conditions.

Such issues must be addressed in a timely manner and backed by effective and fully-funded enforcement by the Ministry.

**Recommendation: The Strategy should be amended to reflect a commitment to regular and effective independent monitoring of Forestry Management Units, and corresponding enforcement by the government. The proposal to extend the audit period should be withdrawn.**

## **CONCLUSION**

In our view, the draft Strategy does not reflect the sustainability purpose of the CFSA and should be withdrawn. Alternatively, it should be substantially revised after meaningful public consultation and work to establish co-governance partnerships with Indigenous nations for forest management planning. In particular we have made the following recommendations:

- 1. All implementing proposals currently posted in the ERO be withdrawn until consultation on the Strategy is complete and comments have been meaningfully considered.**
- 2. The harvesting rate should not be increased without further study and engagement with scientific expertise and Indigenous knowledge. The Strategy should be withdrawn until meaningful consultation about harvesting rates with Indigenous partners have taken place as part of a broader shift to co-governance of forest management.**
- 3. Forestry Management should continue to be subject to the EAA, including the legally binding conditions under the Declaration Order, such as Condition 26 requiring a process to request an individual assessment. The Strategy should be revised to reflect the application of the EAA to forestry management.**
- 4. The Strategy should be amended to reflect a strong focus on ensuring Ontario's species at-risk are protected as part of sustainable forest management, including requiring compliance with the ESA and ending the temporary exemption.**
- 5. The Strategy should be amended to reflect the need for the Manuals to reflect the Conditions of the Declaration Order and to ensure adequate and timely oversight of Forest Management Plans and Work Plans.**

**6. The Strategy should be amended to reflect a commitment to regular and effective independent monitoring of Forestry Management Units, and corresponding enforcement by the government. The proposal to extend the audit period should be withdrawn.**

Sincerely,



Estair Van Wagner  
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i Dr. Estair Van Wagner, is an Assistant Professor at Osgoode Hall Law School and academic codirector of the Environmental Justice and Sustainability Clinic and co-coordinator of the MES/JD program. She researches and teaches on natural resource law and Indigenous environmental jurisdiction in both Canada and New Zealand. Osgoode Hall Law School JD students Patrick McCaugherty and Jonathon Wall provided research support to this submission.

ii *Crown Forest Sustainability Act, 1994*, SO 1994, c. 25 (“CFSA”).

iii *CFSA*, ss 1-3; *Algonquin Wildlands League v Ontario (Ministry of Natural Resources)* (1998), 26 C.E.L.R. (N.S.) 163 (Ont. Div. Ct.), at para 12; *aff’d in part, varied in part* (1998), 29 C.E.L.R. (N.S.) 29 (Ont. C.A.), 31-34 [*Wildlands League*].

iv Auditor General, (2019) *Annual Report 2019 Reports on the Environment*, at 33 [2019 AG Report].

v 2019 AG Report, 34, 54.

vi Bill 132, *Better for People, Smarter for Business Act, 2019* 1<sup>st</sup> Sess, 42<sup>nd</sup> Leg, Ontario, 2019 (assented to 10 December 2019), Ch. 14 of the Statutes of Ontario.

vii *Environmental Bill of Rights, 1993*, SO 1993, c. 28, s 3 (“EBR”).

viii Minister of National Resources and Forestry, *A Blueprint for Success: Ontario’s Forest Sector Strategy Draft*, Government of Ontario 2019 at 7.

ix *Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services*, 6 May 2019 at 3, online: *Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services* <[https://www.ipbes.net/sites/default/files/downloads/spm\\_unedited\\_advance\\_for\\_posting\\_htn.pdf](https://www.ipbes.net/sites/default/files/downloads/spm_unedited_advance_for_posting_htn.pdf)>.

x *Biodiversity: A Nation’s Commitment, An Obligation for Ontario* (Toronto: Environmental Commissioner of Ontario, 2012), online <<http://docs.assets.eco.on.ca/reports/special-reports/2012/2012%20Biodiversity%20Special%20Report.pdf>>.

xi *Serving the Public: Annual Report 2012/2013* (Toronto: Environmental Commissioner Ontario, 2013) at 64, online <<http://docs.assets.eco.on.ca/reports/environmental-protection/2012-2013/2012-13-AR.pdf>>. [*Serving*]

xii Potapov, P., Hansen, M. C., Laestadius, L., Turubanova, S., Yaroshenko, A., Thies, C., Smith, W., Zhuravleva, I., Komarova, A., Minnemeyer, S., & Esipova, E. (2017). The last frontiers of wilderness: Tracking loss of intact forest landscapes from 2000 to 2013. *Science Advances*, 3(1).

xiii Ontario Biodiversity Council, *Ontario’s Biodiversity Strategy, 2011: Protecting What Sustains Us* (Peterborough, 2011) at 1-3, online (pdf): <<http://ontariobiodiversitycouncil.ca/wp-content/uploads/Ontarios-Biodiversity-Strategy-2011-accessible.pdf>>. [OBC]; “Biodiversity”, (3 December 2012), online: World Health Organization <<https://www.who.int/globalchange/ecosystems/biodiversity/en/>>.

xiv *OBC* at 15-18.

xv *UN Report*.

- xvi Pan, Y., Birdsey, R.A., Fang, J., Houghton, R., Kauppi, P.E., Kurz, W.A., Phillips, O.L., Shvidenko, A., Lewis, S.L., Canadell, J.G. and Ciais, P. 2011. A large and persistent carbon sink in the world's forests. *Science* 333: 988-993.
- xvii Wildlands League (2019) Boreal Logging Scars: An extensive and persistent logging footprint in typical clearcuts of northwestern Ontario, Canada, online: <https://loggingscars.ca/report/>.
- xviii Strategy, at 21.
- xix 2019 AG Report, at 25.
- xx *Environmental Assessment Act*, RSO 1990, c. E. 18 (“EAA”).
- xxi *Declaration Order MNR-75: Environmental Assessment Requirements for Forest Management on Crown Lands in Ontario*, 2015, order made under the *Environmental Assessment Act* RSO 1990, c. E. 18.
- xxii *Crown Forests Sustainability Act*, SO 1994, c. 25, s 68 [CFSA].
- xxiii *Algonquin Wildlands League v Ontario (Ministry of Natural Resources) (1998)*, 29 C.E.L.R. (N.S.) 29 (Ont. C.A.), 31-34 [Wildlands League].
- xxiv ER # 019-0961.
- xxv CFSA, ss 1-3; *Algonquin Wildlands League v Ontario (Ministry of Natural Resources) (1998)*, 26 C.E.L.R. (N.S.) 163 (Ont. Div. Ct.), at para 12; aff'd in part, varied in part (1998), 29 C.E.L.R. (N.S.) 29 (Ont. C.A.), 154.
- xxvi See CFSA s 68
- xxvii Environmental Commissioner of Ontario [ECO], *Annual Report 2007-2008*, at 30.
- xxviii Joseph F. Castrilli, “The Ontario Forest, Land Use, and Mining Initiatives of 1999 and The Mngement of Public Land in Canada in the 21<sup>st</sup> Century: One Step Forward, Two Steps Back”, 43 C.E.L.R. (N.S.).
- xxix Re Timber Management Class Environmental Assessment (1994), EA-87-02 (E.A.B).
- xxx *Endangered Species Act*, 2007, SO 2007, c.6 at s.1.
- xxxi ECO, (2014) *The Crown Forest Sustainability Act, 1994: 20 Years Later*, 11-12.
- xxxii O. Reg. 242/08: General, as filed June 27, 2008.
- xxxiii Assembly of First Nations and David Suzuki Foundation, “Cultural and Ecological Value of Boreal Woodland Caribou Habitat” July 2013, online: < <https://davidsuzuki.org/wp-content/uploads/2013/07/cultural-ecological-value-boreal-woodland-caribou-habitat.pdf>>.
- xxxiv Canadian Parks and Wilderness Society and Sierra Club of Canada, Uncertain Future: Woodland Caribou and Canada's Boreal Forest, 2006 Wildlandsleague.org, online: < <http://wildlandsleague.org/attachments/2006.05.CPAWS.Report-Caribou.pdf>> [CPAWS].
- xxxv CPAWS, at 12.
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