



The Vermilion Forest Management Company Ltd.

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Jennie Weller
Special Project Officer
Environmental Assessment and Permission Branch
Ministry of the Environment, Conservation and Parks
Jennie.Weller@ontario.ca

Submitted Online Via the Environmental Registry of Ontario

Re: Proposed Amendments to the Environmental Assessment Act, ERO# 019-0961

Ms. Weller,

As the General Manager for The Vermilion Forest Management Company Ltd. (VFM), I thank you for the opportunity to comment on *the proposed amendments to the Environmental Assessment Act*, Environmental Registry of Ontario number 019-0961. I am writing to you today to express support for this proposal.

VFM holds the Sustainable Forest License for the Sudbury Forest Management Unit in Ontario #542442, which directly employs 10 staff by assisting 11 Forest Resource License Holders meet their forest management obligations in the Sudbury area. We also work with over 15 contractors completing a range of silviculture, forest operations and monitoring activities on an annual basis.

VFM would like to point out six important recommendations to be considered in the changes made to the Environmental Assessment Act, as follows:

1. MECP should proceed with the proposal to exempt forest operations from the EAA and non-application of Declaration Order MNRF-75.
2. MECP should proceed with removing the option to request an Individual Environmental Assessment through this proposal.
3. Remove further duplication by establishing an industry-only Forest Sector Strategy Advisory Committee as the replacement for the Provincial Forest Policy Committee (PFPC).
4. Re-evaluate the membership and role of the Provincial Forest Technical Committee (PFTC).
5. MNRF must maintain responsibility for inventory, information and management systems, and a growth and yield program.
6. MECP and MNRF must ensure no further consultation or negotiation requirements will be transferred to industry.

After VFM's review of MECP's proposed changes, we believe there are three key areas for discussion: litigation risk, Individual Environmental Assessment requests, and legislative and policy coverage of non-planning Declaration Order conditions.

The current legislative framework has existed in some capacity since the Crown Forest Sustainability Act (CFSA) was passed in 1994 (26 years ago). MECP responsible for the class EA, while MNRF maintaining responsibility for meeting the conditions of the Declaration Order through implementation of the CFSA. So, when government makes significant changes to such fundamental laws, which are central to the operations of the forest industry, there will always be a concern that this could potentially expose the sector to increased risk of litigation.

MECP has processed 115 requests since 1995 without granting a single IEA. While MECP has, on occasion, added conditions to IEA request denials, most of the time these were requirements that MNRF was already required to address (Ministry of Natural Resources and Forestry, 2019b).

An Ontario Auditor General (2017) report also criticized this process by stating:

"The Ministry consistently exceeds the prescribed timeframes for reviewing and deciding on public requests to bump-up (request an IEA) a streamlined (DO) to a comprehensive assessment (IEA). The lengthy Ministry reviews cause project delays, which result in financial and nonfinancial costs to project owners".

While there is still some uncertainty around increased litigation related to forest management planning without the Declaration Order, the evidence of adding little value and redundancy to the process leads VFM to support removing the opportunity to request an IEA.

Every non-planning condition within the DO begins with "MNRF shall...", a clear indication of which party is responsible for each action. As licensees and Agents of the Crown, we believe that MNRF should continue to be responsible for these conditions post-DO. Where these conditions will be housed (e.g. a policy document like the Forest Sector Strategy, or within legislation like the CFSA and the regulated manuals) deserves more discussion and analysis between industry partners and MNRF.

Of particular importance to VFM, are the following conditions:

- *Condition 47 and 49 – Inventory, Information and Management Systems and the Growth and Yield Program*
- *Condition 56 – Negotiations with Aboriginal Peoples*

The forest sector is an important part of Ontario's history and critical to the future of VFMs business and community. I would like to thank the Ontario Government, the MECP and the MNRF for their leadership on this file and look forward to positive changes being made to ensure this continues into the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'MLA', with a stylized flourish at the end.

Mark Lockhart, MScF, RPF
General Manager
The Vermilion Forest Management Company Ltd.

CC Minister John Yakabuski, Ministry of Natural Resources and Forestry
Minister Jeff Yurek, Ministry of Environment, Conservation and Parks
Jamie Lim, President & CEO, Ontario Forest Industries Association