

June 17, 2002

Timber EA Renewal Project
Forest Management Branch
Ministry of Natural Resources
70 Foster Drive, suite 400
Sault Ste. Marie, Ontario
P6A 6V5

Dear Madam or Sir:

Re: Forest Management Class EA Review

Thank you for forwarding the draft *Timber Class EA Review* and inviting our comments.

We were pleased to see that the proposed Term & Condition 38 would require all forest management guidelines to be posted on MNR's web site.

With that exception, the concerns we raised in our submission of February 18, 2002 in response to *A Paper for Public Review* appear to have been completely ignored. Having read the Review, we consider those concerns to still be entirely valid and therefore are resubmitting our earlier letter as part of this submission.

Our ability to determine whether our concerns were fairly considered is impeded by the fact that the *Class EA Review* does not provide any information on public input received to date, beyond how much of it there was. This is not in keeping with the standards being followed in other class EA processes being conducted concurrently, for example, Provincial Parks and Conservation Reserves, and Resource Stewardship and Facility Development Projects.

Regarding the concerns we expressed about social and economic analysis and large landscape-oriented forest management guidelines, perhaps these will be addressed, and MNR's position explained, in the relevant progress reports listed in Section 5. However, these are not available and will not be until the final submission is made to MEE. We trust that MEE will ensure that the public review period for the final submission, and access to the supporting information, will be adequate to allow for the review of a great deal of new material that will be made available in support of that submission.

Regarding the concern we expressed about commitment to the Internet, the improvements we suggested to the *Forest Management Planning Manual* are of a level of detail which under the new format for the Terms and Conditions, would only be addressed in the *Manual*. This new format, which only became evident on reading the *Class EA Review*, leads us to a new concern.

The proposed new Terms and Conditions as they affect the forest management planning process and public input to it are far less detailed than the original ones, and they leave all matters of detail up to the new *Forest Management Planning Manual*. We appreciate MNR's desire to streamline the Terms and Conditions. However, we are concerned that this represents an increasing deviation between this Class EA, and all others. Other Class EA documents that are submitted to and approved by the Minister of Environment and Energy are generally quite detailed when it comes to spelling out planning process and public consultation requirements, including the recent MNR examples mentioned above. We have no doubt that the *Manual* will continue to be detailed, but it is not subject to MEE approval.

We are pleased to see the commitment in the proposed T&C 49 to develop a regulation prescribing the public consultation process for amending the *Forest Management Planning Manual*, as contemplated by section 68(4) of the *Crown Forest Sustainability Act, 1994*. Because so much direction that would normally be in a class EA is being "downloaded" into the *Manual*, we urge MNR and MEE to ensure that this regulation provides for a consultation and approval process similar to that for a class EA. That process should include appeal provisions, and final approval by MEE.

For the same reasons:

- we trust that the above regulation will be subject to Environmental Registry consultation before being made,
- we believe that the Minister of Environment and Energy should not approve the *Class EA Review* until the regulation has been made.

Despite the recommendation in our earlier submission, and despite the parallel requirement in T&C 38, T&C 49 fails to require that the new *Forest Management Planning Manual* and amendments thereto be posted on MNR's web site.

Finally, given the many changes in legislation and policy that the *Class EA Review* reminds us have taken place since the original approval, given the *Review's* willingness to propose that the original set of Terms and Conditions be replaced by a completely new set, and given that many other classes of undertakings subject to class EAs have been renamed over the years, what obstacle continues to keep the class subject to this EA from being renamed "forest management", consistent with those changes?

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We look forward to reviewing your final submission to the Minister of Environment and Energy. If you would like any further information or clarification regarding our comments, please contact directly Tony Usher of our Natural Resources Working Group, at (416) 425-5964, fax (416) 425-8892.

Sincerely,

Loretta Ryan, MCIP, RPP
Manager
Policy and Communications

cc. Michael Williams, Director, Environmental Assessment and Approvals
Branch, MEE