

OAIA Presentation
Session 2: Consultation – A Regulatory
Perspective
Issue Resolution in EA Processes

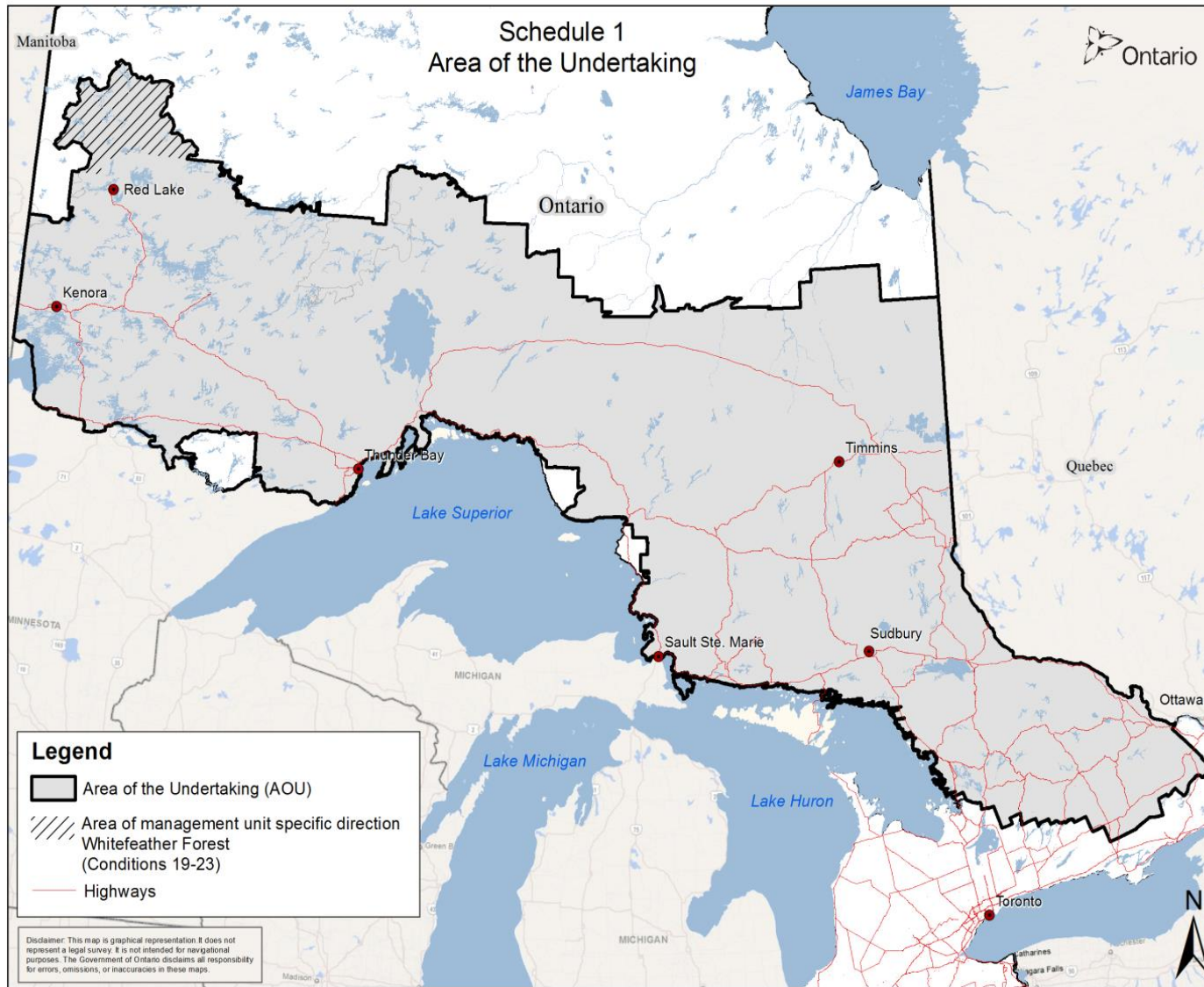
Paul Glassford, BES
Senior Advisor, Forest Environmental Assessment
Ministry of Natural Resources and Forestry
October 17, 2017

Presentation Overview

- What is forest management
- Inter-relationship between Environmental Assessment (EA) and forest management
- Forest management planning process
- Issue Resolution process/Request for individual EA process
- Trend results from the incorporation of formal Issue Resolution
- New development – MOECC embracing Issue Resolution in the request for Individual EA (IEA) process (Part II Order)
- Summary

What is Forest Management in Ontario

- The undertaking includes the activities of accessing the forest, harvesting trees, renewing the forest and maintenance of the forest over time.
- The undertaking's environmental assessment requirements are met through Declaration Order MNR-75 issued by Cabinet – a pseudo Class EA
 - Includes 61 conditions MNRF must follow in planning for and implementing the activity - planning for these activities is central to the EA process.
- The forest management requirements of the Declaration Order are complimented by the requirements of the Crown Forest Sustainability Act.
- Area of the Undertaking consists of the central portion of the province broken into 41 management units with forest management plans prepared for each unit.
- Forest management plans cost upwards of 2 million a piece to produce (MNRF and Industry costs). Includes very significant consultation with the public, First Nation and Métis communities, and stakeholders.



The Area of the Undertaking of forest management on Crown lands in Ontario consisting of an area of approximately 45 million hectares extending throughout the central portion of the province from the Quebec border to the Manitoba border, of which approximately 37.4 million hectares are Crown lands.

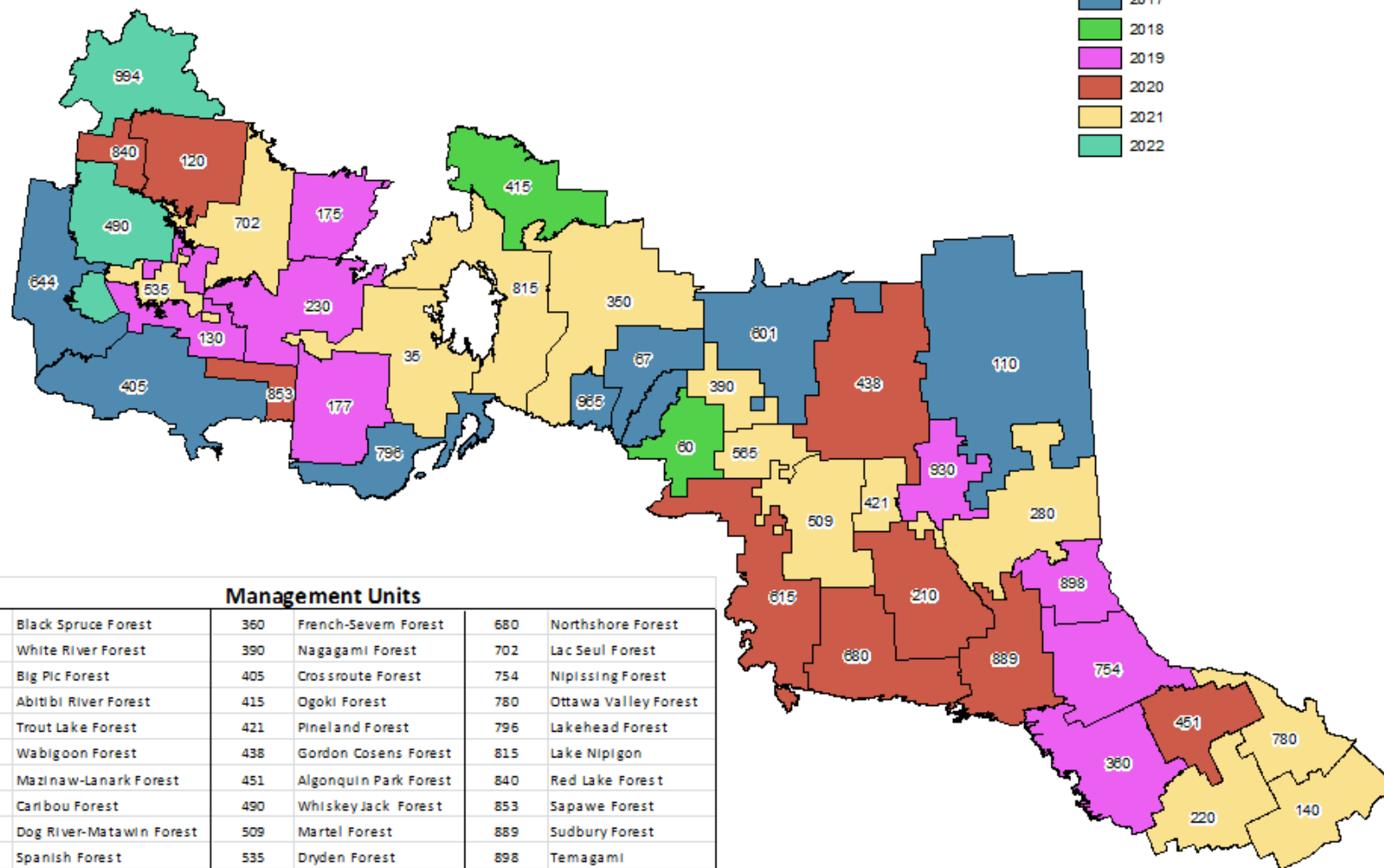
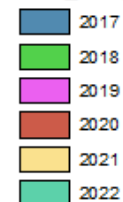


Management Units in Ontario 2017

First Year of Next FMP
(Includes Contingency Plans)

mulayer

Next_FMP_YR



Management Units

35	Black Spruce Forest	360	French-Severn Forest	680	Northshore Forest
60	White River Forest	390	Nagagami Forest	702	Lac Seul Forest
67	Big Pic Forest	405	Crossroute Forest	754	Nipissing Forest
110	Abitibi River Forest	415	Ogoki Forest	780	Ottawa Valley Forest
120	Trout Lake Forest	421	Pineland Forest	796	Lakehead Forest
130	Wabigoon Forest	438	Gordon Cosens Forest	815	Lake Nipigon
140	Mazinau-Lanark Forest	451	Algonquin Park Forest	840	Red Lake Forest
175	Caribou Forest	490	Whiskey Jack Forest	853	Sapawe Forest
177	Dog River-Matawin Forest	509	Martel Forest	889	Sudbury Forest
210	Spanish Forest	535	Dryden Forest	898	Temagami
220	Bancroft-Minden Forest	565	Magpie Forest	930	Romeo Malette Forest
230	English River Forest	601	Hearst Forest	965	Pic River Forest
280	Timiskaming Forest	615	Algoma Forest	994	Whitefeather Forest
350	Kenogami Forest	644	Kenora Forest		

Planning Process

- The forest management planning process is a **36 month process** consisting of **5 stages of plan development** starting with developing strategic direction and moving through to identifying specific operations to be conducted by activity for the **10-year period of the plan**.
- **Consultation opportunities** are available **throughout the process**, culminating with a draft plan review towards the end of the 36 month process.
- **Formal issue resolution** has been a **fundamental component** of the process for many years.
- An opportunity to **request an IEA is available for a 30-day period after final plan approval** by MNRF.
- **Trend information** presented in Five-Year EA Reports (2003-08 and 2008-13) submitted to MOECC demonstrate the **value of the issue resolution process** in addressing issues and has likely helped keep issues out of the IEA process.

Issue Resolution Process

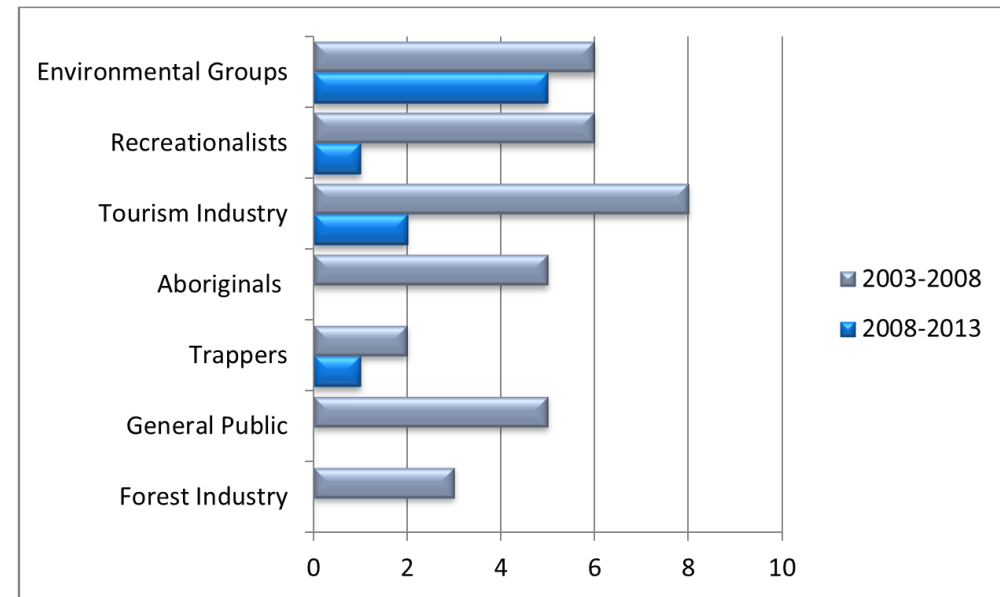
- **Prior to** requesting formal issue resolution, any person has the opportunity to **raise an issue with the Plan Author or any member of the Planning Team**
- The **issue resolution process is available** to any person who has an issue with the Long-Term Management Direction or proposed operations as long as they submit a request for issue resolution in writing to MNRF setting out a description of the issue and any proposed solution.
- The issue resolution process is **available at any time up until 30 days following the completion** of the period for public review of the draft Forest Management Plan.
- **Progressive Decision-Maker** – District Manager throughout FMP process until completion of draft plan. Regional Director between draft and final plan
- A **written decision is provided** to the person who brought forward the request for issue resolution
- The **issue resolution process**, with some modifications, **applies to a number of other related forest management processes** including the preparation of Contingency Plans; processing of major and minor amendments to Forest Management Plans and amendments to the Long-Term Management Direction; long-term plan extensions and Insect Pest Management Programs.

Issue Resolution Outcomes – Latest Reporting

- The number of **IEA requests are decreasing**
- **Issue resolution process being used more and more** prior to the consideration of an IEA request
- Of the IEA requests submitted to MOECC, **76%** of them had been **through formal issue resolution**

Figure 7.7: Number of individual environmental assessment requesters, by category, who did not use the issue resolution process for the 2003—2008 and 2008—2013 reporting periods

Source: 2008-2013 Five-Year EA Report on Forest Management



Lessons Learned in Issue Resolution

Requester

- Had an opportunity to be heard and express solution desired
- Often have wins even if the desired outcome was not met
- Have documentation from decision-maker on how things will proceed

MNRF

- **Timeliness:**
 - issues often come forward as MNRF trying to finalize products
 - need to be prepared to address requests for issue resolution
- **Time commitment:**
 - requires dedicated staff and management resources to enable and facilitate
 - often completed by conference call due to the location of the parties and planning timelines
- **Documentation:**
 - only output of session is written decision - no minutes of the session
 - provides support to planning process
 - provides MOECC with good understanding of issue should the concerned person proceed to MOECC with an IEA request
 - Demonstrates how MNRF has followed planning process requirements of the Declaration Order

Recent Developments in Issue Resolution

- MOECC/Cabinet replaced Declaration Order in 2015.
- Condition that addresses IEAs contains new requirement:
 - If an IEA is submitted to MOECC and the issue(s) raised by IEA requester has not be raised in planning process, an opportunity now exists for MOECC to set up a meeting with MNRF, IEA Requester to discuss the issue to determine:
 1. if the issue can be resolved between the parties, and/or
 2. to assist MOECC making a decision on the request.
- Overall, the intent of this new process is to improve the IEA process by ensuring that issues raised in IEA requests have had the opportunity to be resolved in the planning process prior to being considered in the formal IEA process, and understanding why not if they haven't been.

Summary

- Issue resolution in forest management planning has proven very useful in:
 - Bringing together the key people required to have a discussion of the issue(s) and often producing solutions to issues raised;
 - reducing the number of IEA requests submitted to MOECC (solutions are found in the planning process); and
 - providing a useful summary of the issue to MOECC when an IEA request is submitted for issues that remained unresolved after issue resolution.
- Encourage others to embrace formal issue resolution in their EA processes.
- Anticipate there would be value to including formal issue resolution in all EA planning processes but unclear as to how MOECC and other proponents view the formal issue resolution process in EA – a good discussion topic.