

Need for Comprehensive Public Review of Logging in Algonquin Provincial Park

Application for Review
Section 61, *Environmental Bill of Rights*, 1993

Submitted on behalf of CPAWS – Wildlands League

November 8, 2006



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Request for Review of Existing Act, Regulation and Policy

We request that the Minister of Natural Resources undertake a comprehensive public review of the regulatory regime that permits logging in Algonquin Provincial Park.

Industrial activity, no matter how carefully conducted, is inconsistent with the purpose of Ontario's parks.

Algonquin has become iconic around the world as Ontario's first¹ and Canada's second park, created shortly after the establishment of Banff National Park in Alberta. Historically, most of Ontario's 635 protected areas have had logging within their boundaries. Only one, Algonquin, continues to have its ecological integrity threatened by such industrial activity. A 2002 poll showed that 77% of Ontarians oppose logging in parks.²

The newly enacted *Provincial Parks and Conservation Reserves Act*, further strengthens the ban on industrial activity – except in Algonquin. This contradiction must be addressed with a comprehensive public review.

Current Law and Policy Does Not Adequately Protect the Environment

The continued regulatory exemption, which permits logging in Algonquin Provincial Park, is inconsistent with the priority, purpose and primary objective of protected areas management, as stated in the recently enacted *Provincial Parks and Conservation Reserves Act* (PPCRA).

The first priority for planning and management is stated in section 3.1 of the PPCRA:

Maintenance of ecological integrity shall be the first priority and the restoration of ecological integrity shall be considered.

The purpose is stated in section 1 of the PPCRA:

The purpose of this Act is to permanently protect a system of provincial parks and conservation reserves that includes ecosystems that are representative of all of Ontario's natural regions, protects provincially

¹ Algonquin is Ontario's first *non-urban* park. The Niagara Parks Commission properties near Niagara Falls constituted the province's first park, followed by Algonquin.

² Provincial Parks in Ontario, Oracle Poll, 2002.



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significant elements of Ontario's natural and cultural heritage, maintains biodiversity and provides opportunities for compatible, ecologically sustainable recreation.

And, the primary objective for provincial parks management is formally stated in section 2(1) of the PPCRA:

The following are the objectives in establishing and managing provincial parks:

1. To permanently protect representative ecosystems, biodiversity and provincially significant elements of Ontario's natural and cultural heritage and to manage these areas to ensure that ecological integrity is maintained.

We are also concerned about discrepancies with respect to the public information regarding the forest harvest licence issued to the Algonquin Forest Authority. According to the MNR's materials regarding Sustainable Forest Licences,³

The Algonquin Park Forestry Agreement is similar to an SFL but defines terms and conditions regarding operations in the park. Harvest operations are done under a Forest Resource Licence issued under section 27 of the *Crown Forest Sustainability Act*.

According to the Environmental Registry notice regarding the forest management plan for logging in Algonquin Park⁴, the forest resource licence is issued for a 20-year period and is a renewal of a previous licence under which harvesting occurred for 5 years. However, under section 27 of the *Crown Forest Sustainability Act*, forest resource licences can only be issued for a 5-year period, with the possibility of a single one-year extension under specified circumstances.⁵ From the public's perspective, this inconsistency in the information regarding licencing is disconcerting. Moreover, unlike *all other* Sustainable Forest Licences in Ontario's allocated forest, the Algonquin Park licence is not available on the MNR's website for public viewing.

³ Ministry of Natural Resources, Sustainable Forest Licences in Ontario, available on-line at: <sit.mnr.gov.on.ca/spectrasites/internet/ontarioforests/forestindustry.cfm>, accessed Nov. 2, 2006 and attached as Tab 2.

⁴ Forest Management Plan for the Algonquin Park Forest Management Unit for the 20-year period of April 1, 2005 to March 31, 2025 – Public Inspection of Approved Plan (EBR Registry Number: XB03E3001), attached as Tab 3.

⁵ Section 27 of the *Crown Forest Sustainability Act* states:

(1) The Minister may, without the approval of the Lieutenant Governor in Council, grant a licence to harvest forest resources in a management unit or to use forest resources in a management unit for a designated purpose.

(2) The term of a licence under this section shall not exceed five years.

...

(4) If the harvesting or use of the resources authorized by a licence under this section is not completed before the licence expires, the Minister may renew the licence for one term of one year, subject to such terms and conditions as may be specified by the Minister.

(5) A licence shall not be renewed under subsection (4) unless the renewal is consistent with the applicable forest management plan.

Logging in Algonquin Park is environmentally significant and threatens the ecological integrity of the park. As the Environmental Commissioner of Ontario stated in his most recent annual report,⁶

Algonquin Park represents some of the best and most beautiful natural heritage in Ontario. However, the zones where logging is banned aren't much more than a few "islands" within the Park. Furthermore, logging roads that provide access into the heart of the Park are a corridor for invasive alien species and increase the risk to sensitive Park features such as the interior trout lakes and the endangered wood turtle. Despite the threat that logging poses to achieving ecological integrity, MNR plans to continue to allow commercial forestry operations in Algonquin Park.

MNR reported to the Environmental Commissioner of Ontario that a periodic review of the logging is done when the harvest licence is renewed, every 5 years. However, a *public* review of logging in Algonquin Park has not occurred since 1989.⁷

Current Law and Policy is Inconsistent with the Ministry's Statement of Environmental Values

MNR's Statement of Environmental Values indicates an overarching goal: "To contribute to the environmental, social and economic well-being of Ontario through the sustainable development of natural resources."⁸ The sustainable development goal is achieved through objectives, which are stated to include: "to ensure the continuing availability of natural resources for the long-term benefit of the people of Ontario; that is, to leave future generations a legacy of the natural wealth that we still enjoy today" and "to protect natural heritage and biological features of provincial significance". The latter is an application of the principle of intergenerational equity, which is endorsed in the *Provincial Parks and Conservation Reserves Act*.⁹ The combination of these objectives suggests that protected areas are conserved rather than used for industrial development (such as logging).

Furthermore, MNR's materials indicate sustainable forest management includes the Criteria & Indicators developed by the Council of Canadian Forest Ministers (2003).¹⁰

⁶ Environmental Commissioner of Ontario, "Regulating Logging in Algonquin Park," *Neglecting Our Obligations*, Annual Report 2005-2006, at 131, attached as Tab 4.

⁷ Algonquin Forest Authority, FOREST MANAGEMENT PLAN SUMMARY for the Algonquin Park Forest Management Unit, Southern Region, for the 20-year period from April 1, 2005 to March 31, 2025, at 18, attached as Tab 5.

⁸ MNR, Statement of Environmental Values, <www.ene.gov.on.ca/envision/env_reg/abr/english/SEVs/mnr.htm>.

⁹ Section 6 states:

Ontario's provincial parks and conservation reserves are dedicated to the people of Ontario and visitors for their inspiration, education, health, recreational enjoyment and other benefits with the intention that these areas shall be managed to maintain their ecological integrity and to leave them unimpaired for future generations.

¹⁰ MNR, Criteria and indicators of forest sustainability, Sustainable Forests, available on-line at: <ontariosforests.mnr.gov.on.ca/spectrasites/internet/ontarioforests/sustainableforests.cfm>, accessed Nov. 2, 2006 and attached as Tab 6.



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The first two of the Core Indicators suggest that ecosystem diversity is measured for the allocated and protected forests *separately*.¹¹ The implication is that harvesting will not occur in protected areas. We know of no independent sustainable forest management certification scheme that would permit harvest to occur in a protected area. As such, continued industrial activity such as logging within Algonquin Park is inconsistent with the MNR's Statement of Environmental Values and should, therefore, be reviewed.

A Comprehensive and Public Review of Logging in Algonquin Park

We are requesting and adding our voices to the Environmental Commissioner of Ontario¹² and the Ontario Parks Board¹³ that a comprehensive public review of logging in Algonquin Provincial Park be undertaken.

Summary of Evidence in Support of the Application for Review

The following evidence supports the need for a comprehensive and public review of logging in Algonquin Provincial Park.

Proof of Residency	Tab 1
Ministry of Natural Resources, Sustainable Forest Licences in Ontario	Tab 2
Forest Management Plan for the Algonquin Park Forest Management Unit for the 20-year period of April 1, 2005 to March 31, 2025 – Public Inspection of Approved Plan (EBR Registry Number: XB03E3001)	Tab 3
Environmental Commissioner of Ontario, “Regulating Logging in Algonquin Park,” Neglecting Our Obligations, Annual Report 2005-2006 [excerpt, pp.128-131]	Tab 4
Algonquin Forest Authority, FOREST MANAGEMENT PLAN SUMMARY for the Algonquin Park Forest Management Unit, Southern Region, for the 20-year period from April 1, 2005 to March 31, 2025	Tab 5
Ministry of Natural Resources, Sustainable Forests	Tab 6

¹¹ See Core Indicators 1.1.1 and 1.1.2 in Defining Sustainable Forest Management in Canada, Criteria and Indicators (CCFM, 2003) at 6, attached as Tab 7.

¹² “The ECO urges MNR to proceed with a comprehensive public review of its policy to allow logging in the Park and to consider how the proposed park management goal of ecological integrity would be achieved if this policy is allowed to continue,” Environmental Commissioner of Ontario, *supra*, note 6, at 131.

¹³ “*The Minister should commission an independent review of Algonquin Provincial Park including the park’s role in the protected areas network, the management and goals of the park, and the park’s legislative and governance framework. The Board recommends this review be initiated within one year in light of current pressures on the park.*” [emphasis in original], Board Recommendation 9, “Fulfilling the Promise: Recommendations of the Ontario Parks Board of Directors Regarding It’s In Our Nature” (2004) at 19, attached as Tab 8.



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Council of Canadian Forest Ministers, Defining Sustainable Forest
Management in Canada, Criteria and Indicators (2003) [excerpt, pp.5-7] Tab 7

Board Recommendation 9, "Fulfilling the Promise: Recommendations
of the Ontario Parks Board of Directors Regarding It's In Our Nature"
(2004) [excerpt, p.19] Tab 8