

Submission to Draft Forest Management Plan (2021-2031)

2021 May 17

Jack's Lake Association

To: "Demuth, Ernie (MNR)" <ernie.demuth@ontario.ca>

Cc: "corinne.arthur" <corinne.arthur@ontario.ca>, "suzy.shalla" <suzy.shalla@ontario.ca>

Date: May 17, 2021 at 1:06 PM

Subject: Jack's Lake Association - Submission to Draft Forest Management Plan (2021-2031)

May 17, 2021

Ernie Demuth
Management Forester
Ministry of Natural Resources and Forestry

Dear Mr. Demuth,

Re: Jack's Lake Association Submission to Draft Forest Management Plan 2021-2031

Thank you for the opportunity to comment on the draft Forest Management Plan (FMP) 2021-2031. The Jack's Lake Association (JLA), once again, finds itself in the position of responding to another ten year FMP around Jack's Lake. As you know, the JLA was fully involved in the past FMP (2011-2021) Issues Resolution Process regarding logging along the east side of Jack's Lake and McCoy Bay Road. This process culminated in the JLA requesting an Independent Environmental Assessment from the Ministry of the Environment and Climate Change (MOECC). Our engagement in the process resulted in the MOECC imposing greater setbacks from waterbodies such as a 30 metre setback from Jack's Lake and Little Jack's Lake, 90 metre setback from wetlands and a 300 metre setback from Little Jack's river.

The JLA has even greater concerns with the new proposed FMP (2021-2031) than with the past FMP. Our Jack's Lake Association members and residents, our community of families, are alarmed by the cumulative and harmful effects of continued logging in the area. Our community, forest and wildlife have contributed enough to the lumber industry; there is no tolerance for another ten year period of logging within the Jack's Lake area and, as a result, we seek a moratorium on logging in perpetuity.

The evidence validating the potential for significant permanent environmental harm as a result of logging is compelling: the recent Species at Risk Evaluation, Wetland Evaluations and evolving science about mercury mobilization and the increased threat

of forest fires due to “slash debris”. The risks to our local environment and community far outweigh the relatively minor economic benefit of any jobs in an increasingly mechanized industry. Instead, we contend that continued logging represents a significant economic and environmental diminishment.

The JLA made a submission to Corrine Arthur, Regional Planning Forester, on October 15, 2020 and we identified our six major concerns with the FMP (letter below). Our solution to resolve these issues was, and remains, a moratorium on logging around Jack’s Lake.

Moratorium

There is precedent for a moratorium in Ontario in the case of the Farabout Peninsula, Dryden. “The Ministry of Natural Resources and Forestry has withdrawn the northwestern Ontario peninsula from the planned harvest area in its’ 2021-2031 Forest Management Plan, an important step towards Farabout’s permanent protection”. (Ontario Nature, Julie Boan, Boreal Program Manager, Winter 2020).

The Dryden Forest Company and MNRF relied upon the following criteria which resulted in the withdrawal of Farabout from the Dryden Forest Company 2021-2031 FMP: Species at Risk; Wetland Evaluations; First Nations Cultural Values and Archeological Values. It is the JLA’s position that our documentation demonstrates overwhelmingly that the Jack’s Lake environs and ecosystem has these values, and more, deserving of protection. Curve Lake First Nations have also identified cultural values within the proposed logging area in need of protection.

Jack’s Lake has been deemed to be At Capacity/Lake Trout status by the MECC and a fragile Cold Water lake.

Ontario Nature has determined Jack’s Lake to be one of the most highly valued ecosystems in all of Ontario to be protected from industry (see letter by Ontario Nature attached, Anne Bell, April 29,2021).

We are informed by the Plan Author that the Jack’s Lake area will be subject to ongoing logging in perpetuity unless there is a re-designation of Crown Land. Proceeding through a process for a land use policy amendment, obviously, is a lengthy process and must be undertaken with support by the Ministry of the Environment, Conservation and Parks (MECP). We are supported in this endeavor by Ontario Nature (see attached letter). Unfortunately, obstacles exist to move this forward on an expedited basis such as: the reorganization of the MECP resources, responsibilities and staffing and the impact of Covid. For these reasons, we request a moratorium until such time as the Jack’s Lake area has been redesignated Protected Places status. (See link to article entitled “Jack’s Lake Area Facing a Precarious Future”, Drew Monkman, Peterborough Examiner, May 13, 2021).

www.thepeterboroughexaminer.com/opinion/columnists/2021/05/13/drew-monkman-jacks-lake-area-facing-a-precarious-future.html

Climate Crisis

We learned from the BMFC Plan Author, Svetlana Zeran, that two sections of the new draft Stand and Site Guide are in the process of being revised because they were “data deficient”. These sections are in regard to the impacts of mercury and potential for forest fires. Ms. Zeran acknowledged that a reason for these revisions was due to the JLA’s past involvement in the 2011-2021 Issues Resolution Process. It is encouraging that the MNRF is doing its best to undertake appropriate changes and adapt in light of new scientific information, in order to properly balance the desire for resource extraction with the obligation to protect the environment. Our solution finds that balance.

Unfortunately, the MNRF’s original response (March 12, 2021) to the Jack’s Lake Association’s submission (October 15, 2020) to the FMP falls far short in addressing the JLA’s concerns.

Jack's Lake Association's Reply to MNRF's Response

- Lack of availability of revised Stand and Site Guide. The Plan Author tried to provide a draft copy only to learn that this guide is “under development and therefore considered confidential and not for distribution”. How can the public possibly evaluate a Forest Management Plan without access to the very document which proclaims that its primary objective is to ensure that biodiversity is enhanced or maintained? The Jack’s Lake area has documented 31 Species at Risk and has identified Provincially Significant Wetlands. How can there be an Issues Resolution Process when the key guiding document underlying the proposed FMP is under revision and not available to the participants in the Issues Resolution Process?
- The MNRF claims that only 5% of the Jack’s Lake catchment area is subject to logging activity. This statistic is used to mitigate concerns around mercury migration and wetland destruction. On a cumulative basis, JLA disputes the 5% figure as being a significant underestimation of the area subject to logging activity. It just cannot be accurate.
- The MNRF has acknowledged that the science on mercury is “equivocal” and there is wide variability among a variety of studies. With this acknowledgement of the unsettled state of the science, the MNRF should err on the side of caution as per the Precautionary Principle. Strong scientific evidence demonstrates that logging increases mercury export rates by at least 30%; the duration of export is uncertain. In the Statement of Environmental Values published by MNRF under the Environmental Bill of Rights it is stated that “as it develops Acts, regulations, policies and instruments, the Ministry applies the following: the Ministry exercises caution in the face of uncertainty and seeks to avoid, minimize or mitigate harm to the environment”.

- The MNRF's response to the threat of forest fires is inadequate especially since the MNRF relies completely on historical evidence of the frequency of forest fires. Obviously, due to climate change and the increased frequency of hot dry periods, such science is outdated. Outdated evidence of the frequency of forest fires is irrelevant. A natural forest is much cooler with a closed canopy and has more relative humidity in the summer than a harvested forest and thus is less prone to combustion. Climate change exacerbates the threat of forest fires.
- The MOECC, as a result of the JLA's past request for an IEA, concluded that " a 90 metre buffer will reduce the Bancroft Minden Forest Management Plans disturbance to aquatic and species at risk habitat while reducing the potential encroachment impacts to residential and cottage properties". Why would the MNRF not automatically apply this buffer to any new FMP affecting Jack's Lake?
- The MNRF's assertion that winter harvest minimizes concerns regarding mercury mobilization is invalidated by the fact that the science cited was from Sweden and Norway. Surely there is no comparison between our winter climate and that of Sweden and Norway. Frozen ground conditions are far different in the Jack's Lake area than in Scandinavian countries. In fact, with a warming climate, it is not clear that there is any time of the year in the Jack's Lake area where the ground is reliably frozen over a period of weeks.
- Concern about protecting Species at Risk. On page 9 of the MNRF response, the claim is made that the MNRF staff with expertise in species at risk "will develop operational prescriptions and conditions". We have been told that these specialized staff have all been moved to the MECP with resources having been depleted at the MNRF. Our experience with the last FMP is that species at risk were woefully unprotected. There have been 31 species at risk documented around Jack's Lake. Thus, the MNRF's assurance that "operational prescriptions and conditions for known locations of SAR's are prepared in accordance with the forest Planning Manual" gives us no confidence of protection. Does the MNRF even have the manpower to be in the field?

Conclusion

The Jack's Lake Association is requesting a moratorium on any continued logging around Jack's Lake, including Little Jack's Lake, (Blocks 1100 and 3222) as the solution to resolve all of the above issues, as per the JLA's letter to the MNRF of proposed resolution of issues, October 15, 2020 (attached below).

Further, while we seek protection of this area in perpetuity, the JLA will engage in the next phase and participate in an Issues Resolution Process with the MNRF. We

acknowledge that this is a required step with the MNR and the BMFC as the JLA's continues the process of advocating on behalf of the environment and our community.

Please confirm receipt of this email.

Sincerely,
Jack's Lake Association

Cc: Corrine Arthur, Regional Planning Forester, MNR; Suzy Shalla, Bancroft District Manager, MNR

----- Original Message -----

To: corrine.arthur@ont.ca

Date: October 15, 2020 at 8:52 AM

Subject: BMFC 2021-2031 Forest Management Plan – Jack's Lake Association's Response Seeking Resolution of Issues

October 15, 2020

Corrine Arthur,
Regional Planning Forester,
Ministry of Natural Resources and Forestry

Dear Ms. Arthur,

Please find the Jack's Lake Association's (JLA) response to seek Resolution of Issues in the review of the Bancroft-Minden Forest Company (BMFC) 2021-2031 Forest Management Plan (FMP). In our submission, continued logging activities as contemplated in the 2021-2031 FMP will have significant negative environmental impacts on Jack's lake itself and its surrounding area, outweighing the comparatively minor economic and employment impact of such activities. There should be a moratorium on any further logging activities until the significant and important issues raised below are adequately addressed and resolved.

BACKGROUND

Jack's Lake is situated in an ecologically unique area. It is located in a transition area between the Canadian Shield and the Southern Ontario lowlands in an area known as "The Land Between". Jack's Lake is a headwater lake in the Trent-Severn system. The quality and quantity of water in the lake is dependent on a series of wetlands which surround the lake. Two of these wetlands have been inventoried according to provincial standards and found to be "Provincially Significant." It is clear from a very recent Species at Risk Assessment referred to below that the other wetlands surrounding the lake are also provincially significant and would be designated as such if formally

evaluated. Much of the area in question falls within the boundaries of the Peterborough Crown Game Preserve.

The lake supports a diversity of fishes including coldwater (lake trout and lake herring), coolwater (walleye and muskellunge) and warmwater (largemouth bass, smallmouth bass, black crappie and panfish) species. The ecological significance of the Jack's Lake area has been recognized by Ontario Nature which considered it as one of the top three areas in Ontario, of more than 30 identified, requiring protection. Letters of support for protection of this unique area have been provided by several interest groups including Ontario Nature, The Land Between, Muskies Canada and Peterborough Field Naturalists.

As you are aware, the JLA engaged in the past Issues Resolution Process for the 2011-2021 FMP in order to protect all of the unique features of Jack's Lake:

- An essential habitat to many species of mammals, birds, reptiles, amphibians, fish, and numerous threatened and endangered species
- Crown Game Preserve which provides an active wildlife corridor
- Designated Trout Lake Status
- Headwater lake in the Kawartha Lakes, fed by Provincially Significant Wetland complex which feeds fresh water to the Trent System Waterway and the Kawartha Lakes, to Lake Ontario
- Other wetlands within Jack's Lake would most likely be deemed Provincially Significant if evaluated (Paul Heaven, Wildlife Biologist)
- Curve Lake First Nation sacred ground, archeological sites and trap lines
- Situated within the boundaries of a "ribbon of sensitive land" known as "The Land Between"-this ecosystem is one of the most biodiverse in the world.
- Jack's Lake is a significant reservoir lake for the Trent Severn Waterway. It is well known that mature forests act like a sponge releasing water slowly as opposed to a cut forest that results in flashy export of water. More thought about hydrology and forestry is essential and becoming more critical as summer droughts become more common. This lake is one of the most important in supplying water when needed in Peterborough.

The JLA Environment Committee who participated in the past Issues Resolution Process are the same team members who will engage in this new FMP: Neill Lanz, Steven Kerr, Dr. David Lean, Denyse Martial, Gary Girvan.

One of the two areas proposed to be logged in this new FMP (2021-2031) was previously evaluated in the 2011-2021 FMP. This area is to the immediate south of Jack's Lake and around Little Jack's Lake. This forest was already subject to an Individual Environmental Assessment by the Ministry of the Environment and Climate change (MOECC) at that time, due to the JLA's appeal to the MOECC. Therefore, the appeal decision imposed then on the FMP should apply to the new FMP as follows:

- A 300 metre setback from Little Jack's river due to Federal Crown Parkland designation of several acres from the Jack's Lake Dam and south to Little Jack's Lake
- 30 metre setback from Little Jack's Lake
- 90 metre setback from all surrounding wetlands
- Any River crossing by forestry equipment to be south of Little Jack's Lake
- Any River crossing (bridge) must be removed after logging is completed

A second area, newly proposed in the 2021-2031 FMP, lies close to the shores of Jack's Lake accessible from the Narrows Point Road.

We have the following concerns with the continued and cumulative impact of logging around our lake:

ISSUES REQUIRING RESOLUTION

1) Increased Mercury Mobilization Due to Logging

The relationship between logging and mercury export is relatively well-known. The JLA has consulted with Dr. David Lean, Lean Environmental, a world-renowned expert in Eco-Toxicology, PH.D. Zoology and formerly Director of Eco-Toxicology at the University of Ottawa. Dr. Lean identified serious concerns regarding the increased mercury output which would occur as a result of logging activities. Dr. Lean has investigated this relationship with funding from the Centre of Excellence for Sustainable Forestry. Jack's Lake fish already have consumption restrictions due to elevated levels of mercury. There is evidence that elevated mercury levels are already resulting in reproductive failures in biota including walleye and common loons. Dr. Lean is of the opinion that continued logging around Jack's Lake would contribute to higher levels of export of mercury in the coming years. From work in Hubbard Brook, aluminum and iron export is also enhanced with logging.

We look forward to seeing the most recent data collected by MOECP for the Guide to Eating Sport Fish in Ontario. This is a valuable long term data set that becomes even more important as years pass. We predict that we will see increased mercury in sport fish in McCoy Bay as a result of previous logging and indeed increased mercury in years to come. Monitoring of mercury export in streams should be an integral part of this logging operation. Similar work has been conducted in many provinces in Canada as well as similar locations in Scandinavia. In all cases enhanced mercury export is correlated with logging.

The Stand and Site Guide, utilized by the MNRF, acknowledges its incapacity to effectively evaluate the impact of logging with regard to mercury mobilization. In fact, The Stand and Site Guide identifies “Key Uncertainties” (page 165) “There are many pieces of direction in the guide for which there is uncertainty associated with the outcome of their application. Unfortunately, there are insufficient resources to address all of these uncertainties...within the context provided by direction in the Landscape Guide, will the course filter direction in Section 3.2.2, in concert with the fine filter direction in Section 4, retain sufficient residual forest within catchments to ensure that hydrological effects resulting from forest management operations:

1. i) do not exceed those observed in naturally disturbed catchments and
2. ii) do not exceed acceptable levels for specific parameters (e.g., methyl mercury)?”

A Stakeholder Advisory Team was established by the MNRF to enable the revision of the Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales in order to address these “Key Uncertainties”. In 2018 the Stakeholder Advisory Team was put on hold thus serious uncertainties remain. The Federation of Ontario Cottager’s Association (FOCA), which represents the social, economic and environmental interests of 500+ lake associations was disappointed by the collapse of this opportunity for key stakeholders to have input into the resolution of key uncertainties, including

“seeing revisions to water setbacks, and considerations about mercury release”. In our submission, no further logging activity should occur in the vicinity of Jack’s Lake or Little Jack’s Lake until stakeholder input has been received with respect to these uncertainties and they have been resolved satisfactorily.

2) Increased Risk of Forest Fires

The position of MNRF on the relationship between logging and forest fires is not consistent with the scientific body of information. The position of MNRF is that with proper Silviculture techniques, fire is less of a problem. However, the scientific literature has the opposite view. Simply put, a mature forest with a closed canopy has a higher relative humidity even on very hot and dry summer days. A cut forest on the other hand is dry and along with the dead limbs of cut trees provides the ideal place for forest fires to start. The Stand and Site guide does not adequately reflect the recent and growing scientific evidence on this issue.

3) Species at Risk

In May 2020 the province proposed extending an exemption to the Endangered Species Act for forestry. This exemption was intended to “avoid additional regulatory burden and economic strain on the forestry sector”. This legislation threatens the delicate Jack’s Lake ecosystem.

Evidence of the value of wildlife to the Jack's Lake community can be seen in the 2020 Atlas of almost 4,000 records submitted by Jack's Lake residents and coordinated by Steven Kerr (JLA Director of Environment). This Atlas demonstrates that the Jack's Lake area supports more than 30 species at risk (designated both federally and provincially).

In 2019, the JLA hired Wildlife Biologist, Paul Heaven, to conduct a Species at Risk Evaluation on our lake in which he identified 26 Species at Risk.

The Jack's Lake community is very ecologically minded and its members participate in several projects on an ongoing basis. These have included:

- Ontario Turtle Tally (since 2014)
- Canada Lakes Loon Survey (since 1982)
- Invasive Species Monitoring
- Benthic Biomonitoring
- Atlas of Jack's Lake Fauna (almost 4,000 individual records)
- Lake Partner Program (since 1996)
- Muskellunge Genetics Study (since 2019)
- Petroglyphs Butterfly Survey (since 1999)
- Petroglyphs Christmas Bird Count (since 1986)
- Western Chorus Frog Monitoring Program
- Kawartha Lakes Water Quality Study (since 2017)

The Stand and Site Guide is woefully inadequate to protect these Species at Risk. In studying the 2011-2021 FMP, we see that the only protection offered to the wide variety of Endangered Species is the leaving behind of some hollow standing dead trees. Undoubtedly, loss of habitat in such a fragile environment is of significant concern to the Jack's Lake community.

In our submission, logging activity should cease in the area of Jack's Lake and Little Jack's lake in order to best preserve the habitat for Endangered Species as identified by Paul Heaven in his evaluation.

4) Water Quality – Altered Runoff

Many lakes in the North Kawartha and Haliburton regions are managed to provide a reliable source of water for the Trent-Severn Waterway (TSW). Natural undisturbed forests retain a more consistent supply of water throughout the year. Clearly, the impacts of logging activities must be considered for future watershed management, flow volume (see above) as well as water quality. The water inflows to the lake from a cut forest become more colored with higher levels of dissolved organic carbon and levels of the nutrients phosphorus and nitrogen are also higher leading to increased eutrophication. We are considering repeating the Species at Risk study to show the damage caused by the recent past logging activities. The rare and endangered species are important for the reestablishment of healthy diverse populations. The trivial financial

benefits of logging should be compared to the value of the mature forest. In the past, only one side of the cost benefit equation has been considered.

5) Invasive, Non-native Species

Logging activity threatens to introduce invasive species into the existing healthy forest. Mitigation strategies, monitoring and enforcement have not been identified in the FMP satisfactorily. There are many pathways for this to occur. One is that trucks which take away timber have also worked in other areas so the potential for cross contamination is present.

6) Impact of Logging Activities Within Close Proximity to Ontario Cottagers and Tourism

There are approximately 580 full time and seasonal residences on Jack's Lake with cumulative property values conservatively estimated in excess of 4-500 million dollars, contributing approximately 70% and 80% to the tax base of the Municipalities of Havelock-Belmont-Methuen and North Kawartha respectively. The economic viability of the town of Apsley is directly related to expenditures made by residents on Jack's Lake, including the thousands of people who benefit from the residing in or visiting the lake community. Cottage country must be managed carefully to ensure that social and economic benefits are sustained in the future. Continued logging is incompatible with and in too close proximity to this lake community. Its negative effects on the environment and the community completely outweigh the economic benefit of employing a very small number of loggers.

The Federation of Ontario Cottager's Association (FOCA) has stated that "forest covers almost 2/3 of the province of Ontario, and close to 90% of those forests are publicly owned, known as "Crown lands". According to the province, 44% of these Crown lands are managed forests, which are subject to the Crown Forest Sustainability Act of 1994". Easy accessibility to forests due to roadways established and maintained by cottagers should not be exploited by the logging industry at the burden of the local lake community and environment.

The Narrows Point Road Association, which has 154 members is registering their objection to logging based on the following concerns: Safety; Road Damage; Impact on Residents (Noise, Visual); Impact on Environment; Impact on Water Quality.

THE JLA's PROPOSED RESOLUTION OF ISSUES

At a meeting December 6th, 2019, with Jesse Van Allen, District Manager, MNRF Bancroft District office, the JLA Environment Committee provided a copy of Paul Heaven's Species at Risk Evaluation which was added to the MNRF database for future reference to inform any decisions that would impact the Jack's Lake environment.

The JLA recommends that there be a conference that brings together scientists from both sides to bring out all of the information that is essential to make an informed decision on the future of logging and the relationship to downstream water quality and the true value of a mature forest.

The Jack's Lake Association is requesting a moratorium on any continued logging around Jack's Lake, including Little Jack's lake, as the solution to resolve all of the above issues.

Please confirm receipt of this email.

Regards,
Jack's Lake Association, Environment Committee