Part 1: Biomass, Freedom of Information and the Silence of the DNR Company Men

By Linda Pannozzo

In the opening scenes of Franny Armstrong's 2009 film *The Age of Stupid: Why We didn't Save Ourselves When We Had the Chance,* everything lies in ruin: abandoned rides sit idle in a flooded theme park, forests are ablaze, and amid the smoldering detritus of decades of climate chaos the planet appears to have also been severely depopulated. It's the year 2055 and the film's narrator—played by Pete Postlethwaite—sits 800 km north of Norway in a global archive he built and operates—a vast storage structure rising up from the no longer frozen Arctic, containing everything worth keeping from the now lost civilization: artwork from every national museum in the world, preserved animals, and electronic copies of every book, film and scientific report ever created. By reviewing a montage of real news clips and interviews of real people from the first decade of the 21st century he tries to figure out the answer to the burning question he poses to the viewer: "We could have saved ourselves but we didn't. It's amazing. What state of mind were we in to face extinction and simply shrug it off?"

I was thinking a lot about this question when I wrote this piece about a month ago for *The Halifax Examiner* about the use of biomass in Nova Scotia as a form of so-called "renewable energy." Nova Scotia Power (NSP) announced earlier this year that it had "set a renewable energy record," by exceeding its 2015 legislated requirement of 25 percent renewables—most of it coming from wind, hydro, and tidal, and about three percent coming from burning biomass—organic material from the forest, the majority in the form of trees—a number that was also set to increase in the next five years.[1] I wanted to know if burning trees in the context of how forestry is done in Nova Scotia is as renewable as they are claiming it to be.

Over a period of about a month I corresponded with DNR Media Relations Advisor Bruce Nunn to whom I'd sent a handful of questions pertaining to my research. After four days he promised that "he'd get back to me as soon as possible," and then after ten days assured me that he "hadn't forgotten about me," but that he was "still waiting to hear back from senior managers within the department." My last correspondence with Nunn took place twenty days after my initial inquiry and I still had nothing to show for it. In my piece I noted the lack of input from the DNR on key issues relating to the health of our forests and the sustainability of using biomass to generate energy.

Once the piece was live I decided to file a Freedom of Information Request (FOIPOP) for all the emails that resulted from my initial contact with Nunn and there were a few telling correspondences.

The Email Trail

I'm not an expert, but let's just say I'm familiar with forest inventory data: Back in 2001 and again in 2009 I co-authored reports for GPI Atlantic, an organization that had been tracking indicators of forest ecosystem health in part using inventory data that had been collected by the DNR since 1958. Some of the historical data were in the form of hard copy reports that we accessed and photocopied from the DNR library, some of the more recent data were in electronic form on the DNR Web site, and some of it (unpublished at the time) was provided to me by Ken Snow, then manager of forest inventory. So when I went looking for the latest DNR inventory data I was surprised not to find any.

While it may be found wanting, forest inventory data is important because it attempts to at least provide a picture of the forests we have left.[2] It's the equivalent of a fish stock assessment in the ocean—if you don't know what's left behind how can you know how much can safely be fished without harming the viability of the stock? Inventory data between 1958 and 2003 showed that the forests in this province were getting significantly younger and that the old forests were disappearing. I wanted to know what happened in the last decade and to do that I needed raw data for area, volume, age class and species composition for the province and the regions. So I asked Nunn for it.

At the same time I also asked Nunn about the most recent data (2013) in the National Forestry Database that indicated there's been a sharp decline in recent years with regards to harvesting in the province: in 2013 only 29,100 ha were cut compared to 54,000 ha eight years earlier. The Registry of Buyers also shows a sharp decline in volumes harvested. I wanted to know what the DNR attributes this decline to.

I had already heard the official explanation—the downturn in the pulp and paper industry and the economic collapse of 2008-2009 resulting in a loss of capacity within the industry. I'm sure that's part of it. But I also wondered about whether the numbers could actually be wrong. As I reported in *The Examiner* piece, non-compliance in this province is staggeringly high. Documents obtained by the CBC in 2013 through the Freedom of Information Act found that between 2005 and 2012 only about 30 per cent of the harvest sites surveyed by the DNR had been in full compliance with the regulations and that normally the government "strives for 90 per cent." Why bother following the rules when you know you're not going to get caught? In the eight years reported by the CBC, warnings decreased and the DNR laid charges against violators only four times. So when both compliance and enforcement are abysmally low how do we really know that what's being cut is even being reported accurately?

In search of answers, Nunn turned to the company men. He sent my questions to Allan Eddy a former senior forester with NSP, now Associate Deputy Minister of the DNR. He also copied former woodlands manager of Resolute Forest Products, Jon Porter, who currently holds the position of Executive Director of the department's renewable

resources branch and Jonathan Kierstead, now Director of Forestry, also formerly with Resolute.[3] Within 15 minutes of sending his email Porter replied:

> Fyi, Linda Pannozzo was one of the authors of the GPI Forestry Report many years ago that was critical of forestry in NS.

Over the course of the month other senior brass at DNR would be copied on the emails including Frank Dunn, the Deputy Minister and Robert Morris, Executive Assistant to Minister Lloyd Hines.

Nunn eventually sent me a link to the DNR's Provincial Landscape Viewer saying I could get inventory data there, but after repeated unsuccessful attempts to find any raw data I explained to him (in an email and phone call) that it wasn't working for me. The FOIPOP emails indicate that Nunn received some advice from Eli Elias, the Director of Land Services Renewal on how he could coach me in navigating the site, but Nunn neither coached me, nor did he forward me her email. In it she said, "If she needs a copy of the raw data [then] Jonathan's group will have to provide her with a copy of the data set." No inventory data ever came, though it is now the subject of a separate FOIPOP request.

At another point the FOIPOP emails indicate that Jon Porter replied to my second question about the cause of the decline in harvest levels. He says in part: "The harvesting decline is the result of a number of factors particularly declines in pulp and paper and lumber production and shortages in harvesting capacity." But for some reason not made clear in the FOIPOP files Nunn never informed me of his reply.

"Please advise on how we ought to respond" is how Nunn framed his next request for an answer to my third question, which had to do with a soil study that had been commissioned by the DNR back in 2009. The study's author was Josh Noseworthy—a master's student in the Faculty of Forestry and Environmental Management at University of New Brunswick under the supervision of Dr. Paul Arp, a specialist in modelling forest soils. Noseworthy was looking at the effects of biomass harvesting on soil nutrient pools to see if there were productivity declines associated with harvesting whole trees. His thesis was completed in 2012 but his findings have yet to be made public by the DNR. I wanted to know why his findings hadn't been made public. I also wanted to know why Noseworthy was only able to include in his thesis information for the federally-owned Kejimkujik National Park, and nothing about the rest of the province. In his thesis Noseworthy writes this is "due to confidentiality concerns with Nova Scotia forest inventory data." I wrote Nunn: "Since when are NS inventory data confidential?"

No official response regarding the soil study ever came.

Then on February 23 the FOIPOP emails indicate a busy day: Early that afternoon

someone—their name was redacted in the FOIPOP files—from Forest Nova Scotia (formerly the Forest Products Association of NS), a group that represents the forest industry in the province alerted Allan Eddy and Robert Morris of a Change.org petition that came via a Google Alert. A group had formed in NS that was against the use of biomass—no surprise really, since there had been very strong opposition to it from the get go—but now there was a petition calling on Premier Stephen McNeil to "Stop destroying Nova Scotia's forest for biomass power generation." In turn, Robert Morris forwarded the link to DNR communications staff, including Nunn, as well as an unknown recipient whose name is redacted from the files but who, interestingly, does not have a government email address. Nunn replies:

> Helga Guderley, adjunct prof at Dal is behind the petition. May be unrelated…but NSP Coms [Beverley Ware] just called to tell me that Linda Pannozzo – who has sent us a list of detailed forestry Qs over the past weeks – has called NSP with many technical Qs. Here are my notes on Linda's call to NSP."

Nunn goes on to list in a bullet form nearly all the questions and issues that I had been posing to Nova Scotia Power spokesperson Bev Ware in the preceding weeks:

- No angle yet… doing research
- Asked about biomass capacity
- How much bio it uses each year, etc.
- Asked about renewables… increase to 7% in 2020 from 3% now
- NSP explained that it is based on integrated research plan: assumption that PHP [Port Hawkesbury Paper] would not be online… can't plan on them.
- Also, that figure based on small suppliers using forestry biomass…elephant grass burning…
- More detailed Qs coming daily. About audits, etc. etc.
- She asked for breakdown in harvesting techniques used. NSP said they report those to DNR but will not provide volumes in cubic metres.
- It is a must-run facility—explained that. Provincial regulation.
- NSP has audits… did 140 audits in 2014…don't have 2015 numbers yet. She wants to know what percentage of that represents harvest operations and compliance rates. NSP says that is confidential so will not release that to her but will say they audit all operations.
- What proportion of biomass harvest comes from Crown versus private and private industrial land.

What's interesting about this is that I received Ware's email with answers to many of these questions *after* she spoke to Nunn. Maybe she had to compare notes?

I sent my last question to Nunn the following day and it had to do with concerns raised

by The Nova Scotia Woodlot Owners and Operators Association, a group that represents private non-industrial woodlot owners. As I reported in my piece, they issued a warning to their membership to watch out for unscrupulous biomass harvesters after receiving numerous reports of logging contractors encouraging landowners to sign "development agreements" to convert their woodlots to agricultural land before a biomass harvest. The practice, they said, was being used as a "cover" for contractors wanting to ignore wildlife and watercourse regulations. The harvester gains a small amount of wood because he then doesn't have to leave buffer zones or tree clumps and the landowners are left with financial, environmental, and legal risks. Nova Scotia Power reported to me that in 2014, about one third of the forest biomass going to its boiler in Port Hawkesbury was coming from forest lands in NS that were being "converted" to agricultural land (namely for blueberry production). I wanted to know how the DNR responded to the claim by the NSWOOA.

Nunn, as per usual forwarded my question to the company men. In the last email correspondence that appears in the FOIPOP file Nunn writes, "Folks, another Q from Ms. Pannozzo. We should regroup to discuss how best to respond."

I can't say if they ever did "regroup" but there never was a response.

Shining a Light

At the end of Armstrong's film, the narrator concludes, "We wouldn't be the first life form to wipe itself out. But what would be unique about us is that we did it knowingly. What does that say about us? Why didn't we save ourselves when we had the chance? Is the answer because on some level we weren't sure if we were worth saving?"[4] This final question is of course an attempt by Armstrong to mobilize the viewer who will not take "no" for an answer; who will not accept that human stupidity and greed will ultimately decide the fate of the planet. It is a call to action. Collective action.

While the FOIPOP emails don't provide any tangible answers as to why my requests were not fulfilled, they do say something about the culture within the NS government and the DNR in particular. Governments withhold information for any number of reasons, and one of them is because they're worried the information could result in a damaging public debate and are unwilling to risk political capital. In this case the provincial government is well aware of the growing and vocal discontent about the blatant disregard for forest ecosystem health and unsustainable forest practices, but they continue to maintain the status quo—one that is underpinned by a worldview that only values the forests for its fiber and not for the complex, interconnected systems and biodiversity that literally sustain life on this planet.

But despite what government officials might be accustomed to or hope for, the role of journalism is not to bolster the status quo or to provide free public relations. It's to shine a light on the structures in our society that have power and authority over us and

ensure that authority is wielded in a justifiable manner. In 2014-2015 the DNR cost the province (cost us) more than $88 million to run and nearly $20 million of that went to the renewable resources branch.[5] For the work that is truly needed to "develop, manage, conserve, and protect" our forests it could be money very well spent. Problem is the DNR has become unaccountable, intransigent, and opaque. It is—arguably more today than ever—deeply aligned with the interests of the forest industry rather than with the interests of the public, who fund it.

Repeated attempts to contact DNR Minister Lloyd Hines office for comment were met with—you guessed it—silence.

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[1] With today's announcement by the NS government—ending the legal requirement to operate the NSP biomass plant as a must-run facility—how much biomass will figure into the "renewable energy" bundle into the near future remains unclear. See http://novascotia.ca/news/release/?id=20160408002

[2] In the 1950s forest inventories were first obtained using field strip cruises, which were replaced with field sampling and photo interpretation. Since 1985 the inventories were derived from aerial photographs and photo interpretation—referred to as the Geographic Information System (GIS)—of roughly two million forest stands, which were then supposed to be verified by field sampling. As important as inventory data are, there are serious questions about whether some of it are accurate. For instance, Danny George, an experienced hardwood logger in Guysborough County says that blocks slated to be cut for biomass in eastern NS are actually tolerant hardwood stands (yellow birch, sugar maple, white ash) and not the predominantly lower-quality intolerant hardwood stands (red maple, white birch, aspens) indicated in the GIS inventory. If this is true it raises further questions about the cause of the recent demise of two value-added hardwood businesses in that region as well as serious doubt about the recent assurances by DNRs top bureaucrats, Allan Eddy and Frank Dunn, that the Nova Scotia Power biomass plant is not burning high quality wood.

[3] Founded as Mersey Paper Company Ltd. in 1929 by industrialist Izaak Walton Killam, the company was sold to Bowater in 1956 and renamed Bowater Mersey Paper Company. Over the years there have been changes to the corporate structure and ownership: in 2007 it became AbitibiBowater and then in 2011 Resolute Forest Products. That same year the company announced it was facing "unprecedented production costs" demanding concessions from the union (which it got) and NSP discounted power rates (which it also got). In December the NS government offered Resolute a $50 million "rescue package," which apparently wasn't enough to keep the company running. In 2012 Resolute announced it would shut down and sell its assets and the Nova Scotia government became the buyer. It purchased all shares in the Bowater Mersey paper company for $1 from owners Resolute Forest Products and The Washington Post Company. The assets transferred to NS government included 225,000 hectares

(valued at $115-$120 million, 10,000 hectares of which were purchased by Resolute using nearly $24 million of the government “rescue package”), the pulp and paper mill in Brooklyn (valued at $5 million), a deep water marine terminal in Brooklyn, and the Brooklyn Power Corporation biomass electrical generating plant. Liabilities included a $20 million debt to Resolute Forest Products, Inc; a $120 million pension liability for workers in the woodland/ pulp mill operations, and all environmental liabilities for the pulp mill site.

[4] The Age of Stupid, 2009.

[5] Department of Natural Resources. Annual Accountability Report for the Fiscal Year 2014-2015, p. 5.