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# **Manitoba Clean Environment Commission**

## **Forest Management Plan Approval Process**

**May 2020**



## **Manitoba Clean Environment Commission**

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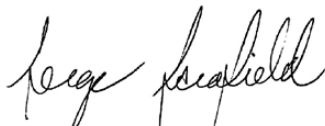
Honourable Sarah Guillemard  
Minister of Conservation and Climate  
Room 344, Legislative Building  
450 Broadway  
Winnipeg, Manitoba R3C 0V8

**Re: Forest Management Approval Process Review**

Dear Minister Guillemard,

The panel is pleased to submit the Clean Environment Commission's Report on the Forest Management Approval Process Review.

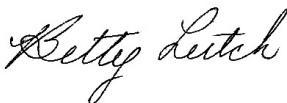
Sincerely,



Serge Scrafield, Chair



Ian Gillies



Betty Leitch



Vince Tacan



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## **Executive Summary**

On December 19, 2019, the Minister of Conservation and Climate requested that the Clean Environment Commission conduct a review of Manitoba's existing two track forest management plan approval process and develop recommendations for a single approval process that would meet the requirements of The Forest Act and The Environment Act. Also requested was a review and comparison of approval processes for forest management activities in other Canadian jurisdictions.

A review across Canada revealed that all jurisdictions have a consistent approach to forest management planning based on the application of sustainable forest

management with guidance from the Canadian Council of Forest Ministers. Forest management plan development is a collaborative process involving government, industry and the public, with direction coming from legislation and comprehensive planning manuals. Five jurisdictions require environmental assessment as part of the forest management planning process. Manitoba is one of only two provinces that require a separate environmental assessment report and authorization.

In practice, Manitoba's forest management planning is as robust as in other Canadian jurisdictions. However, legislative support could be stronger and publically available

## *Manitoba Clean Environment Commission*

information on the process needs improvement. The environmental assessment process is well organized and has authority in legislation, but adds an additional separate public process using similar information as for the forest management plan process.

The government and the commission panel each conducted a gap analysis between the forestry and environmental assessment processes. Recommendations and suggestions on how to address the identified gaps are provided.

The commission recommended, after consideration of all information, an integrated single forest management plan approval process incorporating environmental assessment requirements and a collaborative staged approach for plan development. The panel recommended that information about the process and opportunities for input be extended to the public at large and a wider range of government departments.

The recommended process can be facilitated by a ministerial agreement, as outlined in section 11(2) of The Environment Act. Once the amended process is in place and the recommended legislative, policy, guidance and process amendments have been made, forest management plans could be removed as a development requiring approval under The Environment Act.

Forest management planning in Manitoba is consistent with processes in other Canadian jurisdictions and is beneficial to Manitoba's economy and to society. Providing more public information and broadening participation in the forest management planning process will ensure that economic, environmental, social and cultural priorities are addressed.

## **Chapter 1: Introduction**

### **1.1 Mandate and Terms of Reference**

On December 19th, 2019, the Minister of Conservation and Climate made the following request of the Clean Environment Commission:

Pursuant to section 6 of The Environment Act, I hereby request that the Clean Environment Commission (the Commission) conducts the following in accordance with the attached Terms of Reference:

A review of the existing approval processes for Forest Management Plans;

- Input into parameters by which equivalency can be achieved using one approval process; and
- A review and comparison of the approval processes for forest management activities in other Canadian jurisdictions in relation to Manitoba's.

In accordance with section 7 of The Environment Act, please provide me with a report including the Commission's advice and recommendations following the completion of the requested reviews.

The request included terms of reference that were clarified on April 28, 2020.

Pursuant to section 6 (5.1) of The Environment Act, the Minister has determined that the Terms of Reference for the Commission are as follows:

- Review the current and proposed approval processes for an FMP under The Forest Act and The Environment Act.
- Conduct a comparison of the FMP approval processes for forest management activities in Canadian jurisdictions.
- Provide advice on gaps and opportunities in consideration of the conditions set out in section 11(2) of The Environment Act and the current FMP approval process under The Forest Act.
- Based on the review and analysis, develop recommendations regarding an FMP approval process that would meet the requirements of both The Forest Act and The Environment Act.
- Provide a report to the minister on the findings along with recommendations regarding an FMP approval process.
- The report must be submitted by July 1, 2020.

## **1.2 The Commission**

The Clean Environment Commission (the commission) is established under The Environment Act and provides advice and recommendations to the minister, develops and maintains public participation in environmental matters and carries out functions that it is required or permitted to carry out under The Contaminated Sites Remediation Act and The Drinking Water Safety Act.

The commission consists of a full-time chairperson and part-time commissioners appointed by Order-in-Council. A four-person panel was formed to carry out the investigation that is the subject of this report. The panel members were Serge Scrafield (Chair), Ian Gillies, Betty Leitch and Vincent Tacan.

## **1.3 The Process**

As mandated, the commission panel reviewed forest management approval processes in other Canadian jurisdictions and followed up with representatives from three provinces for clarification. The panel sought information on the current forest management plan approval process from Manitoba's Forestry Branch and Environmental Approvals Branch. A meeting with industry representatives provided further insights to forest management in Manitoba.

## **1.4 The Report**

The report is divided into four chapters. Chapter 2 provides the results of a review of current forest management plan development processes in Canada, Chapter 3 provides a description of the current forest management plan approval and licensing processes in Manitoba, Chapter 4 describes the analysis of gaps and sets out proposals to develop an integrated single process.

The appendices of the report include the terms of reference, a list of individuals with whom the panel consulted and pertinent documents that are not currently publicly available but are central to the discussions.

## Chapter 2: Jurisdictional Review

### 2.1 Introduction

Forest management in Canada has been and continues to be an evolving process, from the time when Indigenous peoples depended upon the forest for their survival and well-being, through exploitation and industrialization to a more holistic approach to forest management. Summarized in the federal government's State of Canada's Forests report to parliament (Natural Resources Canada 1997) are five stages of regulation of forest management.

.....The first was a period of **unregulated exploitation, followed by an era of regulation for revenue, a third stage of conservation, a fourth period of timber management, and a fifth and current era of sustainable forest management.**

Governments in Canada recognized, long before confederation, that Crown lands could be a source of revenue. By mid 19th century, some provinces had legislation granting exclusive licences to harvest timber from Crown lands in exchange for royalties and ground rents. By 1900, all provinces had some kind of forest administration in place.

In the first half of the 20th century, forest policy was driven by revenue generation and economic development. This development phase was capital intensive requiring an extensive timber supply to meet demand for large scale processing facilities. Crown forest tenures offered this supply as long as dues were paid and certain conditions were met.

The rate of harvesting during this period was unregulated and reforestation, the responsibility of the Crown, was inadequate. It became clear that the licensing system did not address the problem of unregulated overharvest. Several provinces established royal commissions which recommended the adoption of sustained-yield policies (managing for the continuous production of timber to achieve a balance between net growth and harvest) and amending the tenure system, placing more responsibility on the industry. The licensing system evolved to provide an incentive for industry to practice sustained-yield forestry while still providing sufficient royalties. Most provinces had such arrangements in place by the early 1960s.

Growing environmental awareness in the 1960's and 1970's highlighted the adverse impacts of industrial harvests on forests. Public interest pushed for multiple use forest management that recognized both sustained timber harvest and other non-timber values. However, a sustained-yield model was not adequate to address the concerns and demands brought to the attention of governments and industry. Forest policy initiatives undertaken by the Council of Resource and Environmental Ministers and later by Canadian Council of Forest Ministers (CCFM) included several discussion papers, utilizing significant public engagement as part of the process to re-evaluate forest management across Canada.

Environmental concerns continued to grow during the 1980s resulting in a shift in forest policy, with ecosystem sustainability and social factors as part of management considerations. Also at this time, there was demand for public input into decision

making from a range of interest groups and the recognition of Indigenous rights and the value of traditional knowledge.

Early in the 1990s, the Canadian forest ministers, with input from a broad representation of forest users developed a forest strategy, *Sustainable Forests: a Canadian Commitment* (Canadian Council of Forest Ministers 1992). It included 9 strategies and 96 commitments to be implemented between 1992 and 1997 incorporating the forest related commitments made at the Rio Earth Summit in 1992. An evaluation of progress was performed in 1997 and the strategy was amended in 1998. The Canada Forest Accord was signed in 1998, by governments, the forest industry, forestry practitioners and conservationists (Natural Resources Canada 1998). This was a landmark achievement in Canadian natural resource policy bringing federal, provincial and territorial governments together within a science based national framework to define and measure Canada's progress in the sustainable management of its forests.

The mid 1990s brought a flurry of activity in adapting forest policies and programs to implement sustainable development and sustainable forestry. This included the development of six criteria and indicators (see text box) to measure the state of Canada's forests and facilitate research, through the Model Forest network (a cooperatively funded research group established in each jurisdiction) that produced sustainability models and researched many aspects of timber and non-timber values.

Provinces and territories established or amended their legislation to reflect forest sustainability as well as developing comprehensive guidelines and practice codes to address a broader set of criteria. Forest management planning now includes not only the value of timber but also opportunities for public participation, a recognition of ecosystem services, recognition of Indigenous rights and incorporation of traditional knowledge and other uses and values.

### **Criteria and Indicators**

The Canadian Council of Forest Ministers criteria and indicators (C & I) are intended to provide a common understanding and scientific definition of sustainable forest management in Canada. Together they serve as a framework for describing and measuring the state of our forests, forest management practices, values and progress toward sustainability. The criteria represent forest values important to Canadians while the indicators identify scientific factors to assess the state of the forest and measure progress over time. The C & I framework reflects an approach to forest management which is based on the recognition that forests are ecosystems providing a wide range of environmental, economic and social benefits to Canadians and that sustainable forest management demands an informed and participatory public, as well as the best available information and knowledge.

There are six criteria as listed below, addressing 22 elements and employing 46\* indicators.

Conservation and biological diversity  
Ecosystem condition and productivity  
Soil and water conservation  
Global ecological cycles  
Multiple benefits  
Society's responsibility

From Canadian Council of Forest Ministers 1997.

\*In 2004 the number of indicators was reduced from 83 to 46 after thorough review by expert committees under CCFM guidance. (Canadian Council of Forest Ministers 2004).

Concurrently, to accommodate Canada's access to international markets and demanding consumers, third party forest certification (see text box) has been put in place by industry, to guarantee consumers that the products and the forest from which they came are managed for sustainability. The forest certification standard embedded in the certification systems is a method to give effect to the environmental, social and governance commitments of all participants in the forest industry supply chain. Canada leads the world in third party certification

with more land certified than any other country and, as a consequence, has an international reputation as a trusted source of legally and sustainably obtained forest products (Natural Resource Canada 2017).

### **Forest Certification**

Forest Certification is a market driven third party verification system. Through third party independent audits forest company operations are measured against rigorous standards, which often go above and beyond provincial regulations. Those products that are certified as being produced sustainably enjoy preferred or exclusive market status. Many consumers of forest products and some of Canada's trade partners require assurances through certification. Manitoba's largest forest products companies have adopted certification programs.

The three independent certification programs used in Canada:

- Canadian Standards Association (CSA) [applies only in Canada]
- Forest Stewardship Council (FSC)
- Sustainable Forestry Initiative (SFI)

Adapted from: Forest Products of Canada, accessed March 13, 2020. <http://certificationcanada.org/en/certification/forest-management-certification/>

With the guidance by the Canadian Council of Forest Ministers sustainable forest management continues to evolve, based on on-going research and utilizing emerging technologies. Since the first strategy was developed and implemented in 1992, CCFM has undertaken and reported on evaluations measuring level of successes and producing new visions for Canada's forests into the first part of the 21st century.

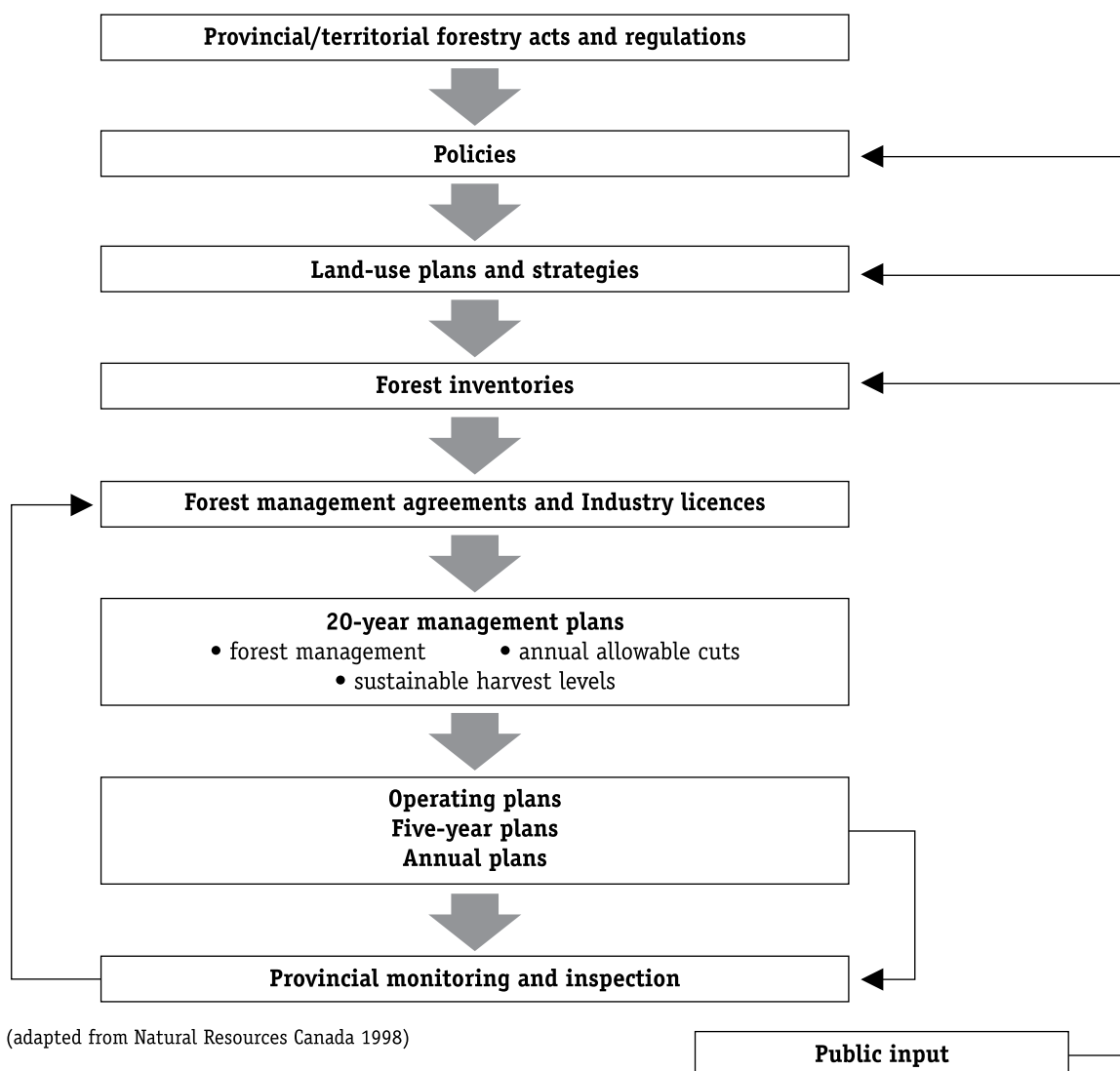
In implementing sustainable forest management, all provinces and territories have a similar forest tenure management system (Fig. 2.1), with minor variations. Over the past 25 years, evolution of the system details and regional variations have been due to market influences, international commitments, public demands, a changing legal framework (e.g. section 35 of the Constitution Act, 1982), research, recognition

of Indigenous rights and the value of traditional knowledge, recognition of the value of environmental services and most recently a heightened regard for climate change.

The system is implemented using legislation, regulations, standards and codes of practice (see text box). There are varying approaches to implementation. Some jurisdictions provide significant operational details in their legislation and regulations, some opt for less detail in legislation but provide legal status to the published detailed guides, manuals and standards, while others rely on detailed guidelines that are not officially named as part of the legislative scheme.

Currently there are five jurisdictions (Ontario, Newfoundland, Saskatchewan, Yukon and Manitoba) that require environmental assessment as part of forest management planning. Only Newfoundland and Manitoba require a separate environmental assessment process and authorization in addition to the forest management plan review. The other three integrate the environmental assessment requirements within the forest management plan process. The remainder of the jurisdictions have incorporated environmental considerations into their legislation, regulations and forest planning guidelines.

**Figure 2.1: Forest Management Planning Framework Canada**



### **Types of Rules Governing Forest Management in Canada**

**FOREST LEGISLATION:** Statutory law, the highest level, is passed by Parliament and provincial legislatures. Forest statutes define broad government objectives in forest use and management; and they prescribe the transfer of forest resource rights to private parties (i.e., the tenure system), the responsibilities of government officials, and the basic fiscal and managerial arrangements regarding forests.

**REGULATIONS:** Like statutes, regulations have the full force of law, but are passed by Cabinet rather than the legislature or Parliament. They define statutory provisions and their administration; and they lay out many of the rules for forest management (e.g., planning obligations, forest practices and stumpage payments).

**COMMON LAW:** Common law is based on past cases and court decisions, especially in matters of property rights, nuisance and contracts. Judicial decisions assist in the interpretation of statutes, regulations and contracts.

**FOREST TENURE ARRANGEMENTS:** The right to harvest timber from Crown lands is subject to terms and conditions outlined in tenure agreements. These agreements (e.g., Forest Management Agreements) are legally binding contracts that precisely define the obligations and responsibilities of the government and the private user or tenure-holder.

**ADMINISTRATIVE RULES AND PROCEDURES:** Many rules for forest use and management take the form of guidelines, manuals and standards adopted internally by the responsible forestry department or administration. Lacking the force of law, they provide direction to forest managers in their daily operations, but when they are incorporated into a tenure agreement or passed as regulations, they assume more formal legal significance.

From Natural Resources Canada (1997)

management plans under The Forest Act and The Environment Act and develop recommendations regarding a forest management plan approval process that would meet the requirements of both acts. Also, the commission is requested to provide a jurisdictional scan across Canada.

Following is a summary of the regulatory environment, the forest management plan preparation framework and general approval process for each jurisdiction highlighting major differences and singular approaches to forest management planning. A summary of the common themes is provided in Table 1. Legal requirements indicated in the table may be found in forest management agreements, legislation, regulations or referenced guidance documents.

Legislation in all jurisdictions allows the minister, with the Lieutenant Governor's approval, to enter into forest management agreements. In some instances the agreement is equivalent to a long-term licence and in others an additional licence is required. The term of these agreements or licences are consistently between 20 and 25 years. Additional detail is provided for each jurisdiction.

Crown consultation is the responsibility of each government.

The information was collected through review of legislation and regulations as well as examination of provincial strategies and policies and mandated guidance documents and contact with provincial representatives where further clarification was needed. Links to source documents can be found in References.

#### **2.2.1 Alberta**

Licensing of forestry operations in Alberta is governed solely under The Forests Act. There are no requirements for a separate environmental assessment or licensing. The minister is responsible for dividing the forested landscape into forest units. The director is responsible for determining the annual allowable cut (how

## **2.2 Jurisdictional Summaries**

The commission is requested to review and analyze the approval process for forest

**Table 1: Jurisdictional review of forest management licensing.**

Province or Territory	EEA Required	FMA (yrs.)	FMP (yrs.)	Review Period (yrs.)	Length of OP	Standards Referenced	Other acts Referenced	Public Engagement	Indigenous Reference	Advisory Board	Professional sign-off	Appeals	Audits
Alberta	N	20	10	10	1	Y	Y	Y	Y	Y	Y	Minister	Self Report
British Columbia	N	20	5	5	1	Y	Y	Y	Y	Y	Y	Board	Independent
Manitoba	Y*	20+	20	5	2	N	N	Y	Y	Y	Y	Minister	Unaddressed
New Brunswick	N	25	25	5	1	Y	Y	Y	N	Y	N	Board	Min. Direction
Newfoundland & Labrador	Y*	20+	5	5	1	N	N	Y	Y	N	N	Unaddressed	Unaddressed
Northwest Territories	N	25+	5	5	1	N	Y	Y	Y	N	N	Minister	Unaddressed
Nova Scotia	N	20	N/A	10	1	Y	N	N	N	N	N	Unaddressed	Unaddressed
Ontario	Y*	20	5	5	1	Y	Y	Y	Y	Y	Y	Minister	Independent
Prince Edward Island	N	20	5	N/A	5	Y	N	Y	N	Y	N	N/A	Unaddressed
Quebec	N	N/A	5	N/A	1	Y	Y	Y	Y	Y	Y	Minister	Unaddressed
Saskatchewan	Y*	20	5	10	1	Y	Y	Y	Y	Y	Y	Minister	Independent
Yukon	Y*	10+	10	10	1	N	Y	Y	Y	Y	N	Minister	Independent

\*See individual province descriptions for accommodations made. \*In practice only.

many trees can be cut down each year to maintain sustainability) for these units.

The minister, responsible for the Forests Act, may enter into 20 year forest management agreements which must align with regional land use plans as prepared under the Land and Stewardship Act. These government driven plans are developed with a high degree of public input, address all uses, users, the environment and cumulative effects in each region. Regional plans and forest management agreements are available to the public on the government website.

The 20 year forest management agreement has the status of a licence and the associated forest management plan is valid for 10 years.

The Forests Act specifies that any rule, directive, code, standard or guideline may be adopted or incorporated by regulation.

Although, there is no requirement for an operational third party audit process, the licensee must provide a “declaration” or other documentation as prescribed by the director or minister that they have complied with all the conditions.

The Regulated Forestry Profession Act sets out qualification and certifications for individuals in certain forestry related activities. Certification of forest management plans is required. Licensing appeals go directly to the appeal body. A report goes to the minister with recommendations and the minister makes the final decision. The decision is not appealable to the courts.

The Timber Management Regulation (Part 5) lays out the basic requirements for information to be included in an annual operating plan, the contents of the report at the end of the year as well as some basic standards that must be adhered to in forest harvesting.

The Alberta Forest Management Planning Standard is the accepted guidance document that sets out the process and information requirements for a forest management plan. Alberta has adopted the CAN/CSA-Z809-2002 *Sustainable Forest Management: Requirements and Guidance Document* as the

forest management planning system. The process is based on the standard but adapted to conditions in Alberta. The planning horizon is 200 years, two forest rotations.

Noted in the planning standard is that the province is responsible for dealing with public inquiries and the media as well as defining the processes by which the forest management plan, approvals, annual reports and stewardship reports are made public. It specifically states that forest management plans and reports are public documents and shall be made available by posting on the department website.

In applying the standard, plan development is undertaken cooperatively by a plan development team with representatives from the proponent and the government; the team membership is made public. A second committee is a public participation group, formed with representatives of interested parties, where membership may vary depending upon circumstances. Terms of reference are prepared collaboratively by the committee along with a communication plan prepared by the proponent. The proponent is responsible for public notification of opportunities for input in plan preparation.

There is a progressive decision making process for the plan. As plan components are developed agreement-in-principle is granted by the government indicating that the content is acceptable at that point. The entire final plan must be reviewed by the public participation group and government representatives. Following these reviews, the province convenes an Approval Review Committee of senior staff to consider the plan in total, including any input received from the committees, and provides recommendation for consideration and final approval. The province may also refer all or parts of the draft or final versions to independent experts for review.

The terms of reference are also to set out a dispute resolution process that is effective and timely. The process provides clear written guidance for stakeholders to

express dissenting views while encouraging meaningful discussion before implementing formal dispute resolution mechanisms led by the province.

The remainder of the manual provides specific information requirements and the standards that should be met. These include specific biological measures as well as methodologies for calculating and evaluating forest harvest, growth, yield and regeneration.

Documents available on the government website include forest management agreements, management plans and amendments, guides, directives, standards and interpretive bulletins.

### 2.2.2 British Columbia

In British Columbia a number of policies, acts and regulations are intertwined in the forest licensing and harvest management process. Forest harvest is governed by *Provincial Timber Management, Goals, Objectives and Targets* as well as regional land use plans and other provincial strategies – such as climate change and cumulative effects.

Under the Forest Act the minister may enter into an agreement in the form of a forest licence. The licence is for no more than 20 years and must specify the timber supply area, and restrictions on supply area, type of timber, type of terrain and the annual allowable cut. The licence must provide for cutting permits with terms that do not exceed 4 years.

As set out in the Forest and Range Practices Act (FRPA) the licence holder must prepare a forest stewardship plan (forest management plan). The plan is for five years and may be extended for no more than an additional five years, subject to circumstances specified in regulation. An annual site plan is also required and must be readily available to the public. Forest plans are to be consistent with regional integrated land use plans. The forest stewardship plan must be certified by a “qualified person”, as defined in the FRPA.

A Forest Practices Board acts as a forestry ombudsman. The FRPA sets out that the board must carry out periodic independent audits, may carry out special investigations to determine compliance with regulations and standards by a party and the appropriateness of government enforcement.

A Forest and Range Practices Advisory Council advises on improvement to the government’s administration and management of forest and range resources. The advisory council periodically reviews and evaluates the requirements of the Forest and Range Practices Act and provides recommendations.

The Forest Appeals Commission hears appeals regarding government actions and renders decisions.

The Forest Planning and Practices Regulation outlines specifically what the forest stewardship plan must contain. The regulation also sets out specific provincial, regional and site objectives for biodiversity elements in preparation of a forest stewardship plan, conditions for public review and comment and practice requirements.

The licensee is responsible for publishing a public notice and making the plan available for public review. Also, the licensee must provide opportunity for review to those whose rights are affected and must make reasonable efforts to meet with First Nations affected. If required by the minister, a copy must be supplied to other parts of government as well as federal government representatives to allow for review and comment.

Comments submitted must be considered. When the plan is submitted to the minister for approval it must include a copy of the notice, a copy of comments, a description of changes made as a result of the public input and how the plan complies with Indigenous community requirements.

A number of documents are publicly available on the government website including forest licence agreements and amendments, comprehensive forest

stewardship plans and required reports, as well as cumulative effects reports for areas with a number of licences.

### **2.2.3 New Brunswick**

Forest management in New Brunswick is directed by the policy document *A Vision for New Brunswick Forests ....Goals and Objectives for Crown Land Management*, which is based on the National Forest Accord. The governing statute is the Crown Lands and Forests Act. Under this act the minister is responsible for the development, utilization, protection and integrated management of the resources of Crown land including access, harvesting and renewal of timber, maintenance of fish and wildlife habitat, recreation rehabilitation and other matters as assigned under the act or regulations.

A Crown timber licence as well as an agreement are required for major harvest operations. The Crown Lands and Forests Act prescribes that an industrial plan, a management plan and an operating plan are required. A management plan applies for 25 years, with five year reviews. An operating plan must be updated annually.

The minister may carry out a forest operations compliance audit and once completed the report is delivered to the licensee, setting out the findings, outlining any required corrections or requiring a compliance action plan. The minister may publish a copy of the audit report and compliance action plan.

The act establishes an appeal board and the conditions under which members are appointed. The Forest Audit Appeal Board hears appeals with respect to findings of a forest audit report. Board decisions are final.

Regulations under the act set out the audit and appeals processes and penalties and establishes the Crown Lands and Forest Advisory Board.

New Brunswick's forest policy document, outlines goals and strategies and actions for forest management. The *Forest Management Manual for New Brunswick's Crown Land*,

reiterates the policy goals and adds further clarification. The manual also provides specific direction on forest management planning procedures and report format.

Development of a forest management plan is a collaboration between the licensee and the governing department. The Forest Management Planning Committee is composed of representatives from both parties and is responsible for setting a schedule, setting procedures, standards, roles and responsibilities, and milestones leading to creation of forest management plans.

The manual also stipulates that to efficiently execute the plan schedule, the roles and responsibilities of both parties need to be clearly defined. The department is responsible for setting forest management goals, objectives and standards that reflect public values and for the identification and development of forest management policies, objectives and standards and the review and approval of the forest management plan.

Licensees are responsible for developing and implementing the forest management plan that meets government goals, objectives and standards. They are required to prepare plans and reports in the form prescribed by the department within the established schedule. The licensee is also expected to conduct public consultation related to the forest management plan.

The manual provides specific guidance about the content of the plan including methodologies and reporting formats. The performance evaluation procedure is also outlined.

Information available on the government website includes a list of licensees and audit reports.

### **2.2.4 Newfoundland and Labrador**

Forest management in Newfoundland and Labrador is directed by the *Provincial Sustainable Forest Management Strategy: Growing our Renewable and Sustainable Forest Economy 2014-2024*. Forest licensing is governed by the Forestry Act and

forest management plans are subject to an environmental assessment under the Environmental Protection Act.

The Forestry Act enables management of the province's forests and establishes the duty of the minister to *..consult with and advise all departments of government respecting the planning, development and use of forest resources of the province.* The minister, or a person ordered by the minister, must consult with the public in preparing a sustainable forest management strategy and plans. An opportunity must be provided for members of the public, governments of the province, the federal government and other agencies having interest to meet for consultations, provide information respecting the plan, and record and respond to concerns respecting environmental effects.

Indigenous land claims agreements are to be upheld and planning is done taking the conditions of the agreements into consideration.

Where the minister proclaims a forest management district through the sustainable forest management strategy process, a forest management plan is required. The minister may order a person who has cutting rights to develop the plan, otherwise the Forestry Branch is responsible for developing the plan.

A five year plan, included in a sustainable forest management plan, must provide for sustained yield forest management consistent with the strategy and principles of sustainable development.

A Crown timber licence, valid for 10 years, issued to an agreement holder, describes the Crown land and sets out the respective powers and duties of the minister and the agreement holder. The agreement is for 20 years with five year review periods. The plan is considered part of the agreement.

As set out in the Sustainable Forest Management Planning Regulation, a five year operating plan is required, consultations must take place with provincial and federal government

representatives, the forestry industry and other persons or groups who have interest in the plan. A list of those consulted and the outcome of the consultations is to be included in the plan. In addition, annual reports are required.

Five year and annual plans must also comply with a subsection 30 of the Environmental Assessment Regulations under the Environmental Protection Act. An environmental assessment and ministerial approval are required under the Environmental Protection Act. The minister also has the power to exempt a project from environmental assessment if it is in the public interest.

The forest management planning process is largely run by the Forestry Branch, adhering to the principles in the forest strategy. There is only one agreement holder who is responsible for a management plan. The remainder of the forest management zones are the responsibility of the government, but smaller operators, under a variety of authorizations, also submit their operating plans as part of the process for approval.

There is no publicly available planning manual. Currently, Forestry Branch, prepares the plan and undertakes public engagement. Issues outside of forestry responsibility are handled on a case-by-case basis. Once the plan is satisfactory to the forestry branch it is submitted to Environmental Assessment Division for review. The plan is posted on the environmental website and calls for public input. Once the comment period is over, the plan is released (approved) by the minister, with conditions if necessary.

## 2.2.5 Northwest Territories

The forest licensing process in the Northwest Territories falls entirely under the Forestry Management Act. Under this act, the minister may appoint a Forest Management Supervisor who performs under direction of the minister. The supervisor may design, implement and supervise programs and activities, conduct research and approve forms and permits, licences, applications,

reports and notices for use under the act and regulations.

A Forest Management Agreement is established under guidance of a 25 year plan, with five year interim plans and annual operating plans required.

Appeals are made to the minister. The minister appoints an advisor who hears the appeal and makes recommendations. The minister's decision is final.

Also stated, is that guidance documents may be adopted by regulation.

The Forest Management Regulations allow the supervisor to issue permits and licences according to qualifying conditions and in a prescribed form. Before a timber cutting licence is issued, the supervisor must discuss the application with the municipal council and may accept advice and recommendations or other terms and conditions.

Land use permits may be required to build roads and are approved by the Mackenzie Valley Land and Water Board. They apply for five years with possible extensions for another 2 years.

Plans are subject to various land use agreements, and are subject to input from Indigenous groups and communities, municipalities and various government agencies.

The Forest Management Act is currently under review to modernize and is open for public comment.

#### **2.2.6 Nova Scotia**

Forest management in Nova Scotia is directed by the provincial natural resources strategy, *The Path We Share, A Natural Resources Strategy for Nova Scotia 2011-2020*. The strategy is currently being updated and is seeking public input. Referenced in this document is *Nova Scotia's Code of Forest Practice, A Framework for the Implementation of Sustainable Forest Management, Guidelines for Crown Land*. Forest management licensing is governed by the Forest Act on private lands and the Crown Lands Act on Crown lands. There is no requirement for an additional environmental assessment.

Under the Forest Act, the minister is responsible for the development and implementation of forest management programs. Also set out are the topics to be considered in a planning process.

The act provides a list of forest management techniques to be used on Crown land and recommended on private lands.

The minister is to ensure that wildlife, wildlife habitats and long term diversity and stability of the forest ecosystems, water supply, watersheds and other significant resources are managed. Regulations regarding mandatory standards for sustainable forest management practices to protect wildlife habitats, watercourses, wetlands and other significant resources are binding on both privately owned lands and Crown lands.

The minister may enter into agreements, as approved by the Lieutenant Governor, with other governments and others as governed by the act or regulations. The minister may also enter into group management ventures and with private land owners.

Regulations related to the Forests Act address specific standards respecting wildlife and along watercourses. The Forest Sustainability Regulations set out the basic requirements for a wood acquisition plan, monitoring, reporting and silviculture standards.

Under the Crown Lands Act the minister administers roads on Crown lands and forest utilization licence agreements. A forest management agreement may include provisions for sub-licensing and must contain terms and conditions deemed necessary by the minister for a period not longer than 20 years. The agreement may provide that in every tenth year of the agreement it may be extended for ten years, up to twenty years.

Private forest land is the primary source of forest products in Nova Scotia. There is one operation on public lands established many years ago and the operation has been

grandparented into the current management regime.

### **2.2.7 Ontario**

In Ontario, forest management is directed by the *Policy Framework for Sustainable Forests*. Forest management licensing is governed by the Crown Forest Sustainability Act and is subject to review under The Environmental Assessment Act as well as being subject to the Environmental Bill of Rights.

The sustainability of Crown forests are determined in accordance with the Forest Management Planning Manual as stated within the act.

The act does not apply to provincial parks and S35 Indigenous rights are recognized.

The minister must ensure a forest management plan is prepared for every management unit. The plan is to be in accordance with the planning manual, and describe the forest management objectives and strategies, have regard for plant life, animal life, water, soil, air and social and economic values, including recreation values and heritage values. The plan must be certified by a professional forester in accordance with the forest planning manual. The minister may require a licence holder to prepare or amend a plan.

The act sets out how permits under the Endangered Species Act are incorporated into the process.

Appeals are made directly to the minister.

The minister is to establish local citizens' committees to advise on forest management plans and any other issues as requested. The minister may establish other advisory committees or forest management boards. Management boards are to advise the minister regarding forest management, prepare forest management plans on request, exercise authority as delegated by regulations or perform other functions as set out in regulations.

Any forest management agreement must be consistent with the applicable

forest management plan. The minister may grant, with the Lieutenant Governor's approval, a renewable licence to harvest forest resources in a management unit. The licence duration is for a 20 year term and may be extended under certain conditions. Reviews are required every five years. If the review results are satisfactory the licence is extended for five years, up to a total of 20 years. The contents of the licence is specified.

Forest operations must be conducted in accordance with an approved plan and comply with the Forest Operations and Silviculture Manual. The act requires the minister to prepare four manuals: a Forest Planning Manual, a Forest Information Manual, a Forest Operations and Silviculture Manual and a Scaling Manual. The general content of each manual is also described. Manuals specific to a geographic region may also be developed.

Of note, a manual or an amendment has no effect unless it is published by the ministry, available to the public and approved by regulation.

The Independent Forest Audits regulation sets out the audit process and associated penalties. Once every five years an audit is required in the areas included in the declaration order as described below. The audit requires three independent auditors who assess both the practices and compliance by the licensee and the government. A report is delivered to the licensee, the minister, the local citizens' committee and First Nations. The audit is tabled by the minister and posted on the website.

Ontario Regulation 167/95 sets out the fees to be paid, resolution of disputes between parties operating on the same land, process for amending, cancelling or transferring a licence, requirements for scalers and the formalization of the required manuals and the requirements for public notification of any amendments to plans or manuals.

Although not referenced in the Crown Forest Sustainability Act, an Environmental Assessment Act review is also required. The Ministry of Natural Resources and Forestry has received authority by way of declaration orders under the Environmental Assessment Act to carry out forest management activities within a defined area of the province (Area of Undertaking), without having to perform a separate environmental review process. The lands in question are the northern part of Ontario. Such declarations must undergo public review and comment prior to coming into force. The order contains 61 conditions which outline the specific requirements for a planning process that must be followed when proposing forestry operation on Crown lands, within the geographical boundaries, that ensure that potential environmental effects and public and Indigenous community input are considered. This process encompasses the environmental review requirements and have been incorporated into the forest planning manual. Links to the declaration can be found in References.

Forestry Branch and Environmental Assessment Branch have implemented a process that ensures that there is a coordinated approach to approval. Ontario amended its processes in 2003 and most recently in 2019 to integrate forest management planning and environmental assessment into a single process.

Coordination between the two branches has resulted in a successful planning regime. Notices, information and invitations for public comment are posted on the Environmental Registry. The government remains responsible for public input. The forest management plan development process is an environmental assessment managed by provincial forestry representatives. Environment staff are kept up to date on progress and clarifications on process or expertise is sought as needed. Environmental assessment requirements have been incorporated into the forest planning manual.

Forest management activities are also subject to the Environmental Bill of Rights that require: a right to review and comment; the right to appeal; the right to sue for environmental harm and; the establishment of an environmental commissioner to monitor these rights.

The forest management plan preparation and approval is also a staged process with active public engagement at each stage. The requirements for plan preparation are set out in the *Forest Management Planning Manual*.

Forest Management is conducted in an adaptive management cycle. A forest management plan is prepared by a plan author who is a registered professional forester, who certifies that the plan provides for the sustainability of the Crown forest. The forest management plan is implemented as scheduled in the annual work schedule and as reported in the annual report. Following year five, the implementation of the plan to date is assessed and a determination is made as to whether the implementation of the plan has provided for the sustainability of the Crown forest and recommendations for future planning are provided. The next forest management plan is prepared based on recommendations from the year five annual report, changes to the forest condition, updates to science and policy and specific efforts to confirm, update, or revise management objectives and practices. The manual also includes climate change as an important component to be considered.

Stage One includes the formation of the planning team, appointment of the Local Consultation Committee by the government, with Indigenous participation if they choose to join, the development of the terms of reference and a consultation strategy.

The department in consultation with the licensee establishes a steering committee with senior officials from both organizations to monitor the preparation of the plan and resolve issues and disagreements among the planning committee members.

Stage One involves collecting appropriate decision support tools and providing

preliminary analysis of past, present and future management objectives. Stage Two is the compilation of information on the state of the forest in consideration of management objectives and the desired future state. A preferred and optional harvest plan and mapping of primary roads is to be provided. Stage Three provides the operational plan, with the specifics of on the ground requirements, such as water crossings, buffer zones etc. Stage Four is presentation of a draft plan, including any comments and suggested alterations received to date. Stage Five is the preparation of the final plan, incorporating all comments and revisions. The final plan is certified by the author with a Forester's Seal and submitted for approval with all comments and alterations. The plan is then signed off by the government.

At each stage there is opportunity for public input. These opportunities are widely advertised, locally and on the public registry. Opportunities include written submissions, conversations with team members and information centres. The public is also provided opportunity to comment on the plan after it is approved. A detailed dispute resolution process is in place and we were told it works well. The process allows remaining issues the public may have, after the plan is approved, to be dealt with without a ministerial appeal or an individual environmental assessment.

Indigenous communities are invited to participate in the general public engagement activities but may also be accommodated with a customized process that is agreed upon between the parties. At stage two, the Indigenous communities are invited by the government to develop a background and values document specific to their community. This activity is considered S 35 consultation. It is at the community's determination whether this information is included in the plan.

All plans, annual reports and amendments are available on the forestry website. The declarations are available on the environmental registry.

At the time of writing this report, the Ontario government tabled proposed further changes to the forest management process. An amended Forest Sector Strategy has been proposed as well as legislative and regulatory changes. Among the changes is an exemption of forest management planning from environmental assessment under the Environmental Assessment Act, thereby removing the need for the declaration. Requirements in the declaration have been incorporated into the forest planning manual. It has also been proposed that the mandatory audit cycle be lengthened from five to ten years.

### **2.2.8 Prince Edward Island**

Prince Edward Island's forest management is guided by the provincial conservation strategy, *PEI, Planning for a Sustainable Future, A Time for Questions* and the provincial forest strategy, *Moving to Restore a Balance in Island Forests, Prince Edward Island Forest Policy*. Forest management is enabled by the Forest Management Act.

The minister is responsible for the conservation, management and protection of forest lands in accordance with the act and regulations. The minister must prepare and make available to be publicly reviewed a forest policy which includes information on the growth, yield and utilization of forests with and without management, policy objectives and principles for forest lands, an assessment strategy and actions to achieve objectives and principles of forest management and any other information required by regulation.

The minister may establish a Forest Improvement Advisory Council to advise on matters relating to conservation and use of forest land, along with a list of specific issues that could be addressed.

The minister encourages management of private forest lands for sustained production of forest products consistent with the forest policy and the provincial conservation strategy. The minister is responsible for conservation, utilization, protection and

integrated management of Crown forests.

A Crown Forest Land Management Plan is prepared, by the government, for each forest district. The topics to be covered in the 20 year plan are prescribed by government. Five and 20 year operational projections looking at a horizon of 100 years, are also required.

Plans are to be made available to the public. And all cutting (under any form of approval) must be compatible with the district plan. The minister may place restrictions on harvesting or extraction within 20 metres of water or within 40 metres on either side of the midline of a designated heritage road or by any regulations.

Only a small area (13%) of PEI forests are on Crown land. PEI does not allocate long-term timber rights on public lands. The province will however enter into co-management agreements with groups whose values and goals are in line with the 2006 Forest Policy and must abide by those standards. Agreements have been signed with environmental groups and First Nations.

*Prince Edward Island Ecosystem-based Forest Management Standards Manual* provides guidance for forest management planning on private lands. These standards are a requirement to acquire government assistance in forest management on private lands.

Forest management plans are available on the forestry website and offer an opportunity for public comments.

### **2.2.9 Quebec**

In Quebec, forest management is driven by the *Sustainable Forest Management Strategy* and managed under the Sustainable Forest Development Act.

Quebec has taken a distinct approach to sustainable forest management, the government is responsible for all forest planning. The act sets out the sustainable forest management principles and policies that must be followed in forest management planning. The minister must produce a

publicly vetted forest management strategy.

The act also provides specific instructions on public and Indigenous engagement. A consultation policy must be developed, be kept current and be available to the public. Local integrated land and resource management boards, set up under the municipal affairs department, are responsible for development of local area land use plans. These boards also assist in the development of forest management plans for the area. The local area plans prevail if there is disagreement.

The government develops the forest management plans with these boards guided by the mandated standards, manuals and the consultation policy. In areas where there are land use agreements with Indigenous communities, this process may not be applied. Conditions set out in the agreements are then followed.

It is noted that all timber cut in Quebec must be sold in province. Cutting rights are in the form of a timber supply guarantee associated with a wood processing plant. A timber supply guarantee may be acquired by application to the minister, under conditions that are set, or may be referred to the timber marketing board for sale on the open market.

A successful applicant must also acquire company certification from a separate government bureau. Certification is required for fire management, pest management and silviculture activities. A timber supply guarantee is for five years.

Five year tactical plan development utilizes the local boards and includes consultation with the public and Indigenous communities. Documents are available at the local government office and comments will be accepted on-line or in person. Five year plans are available on the government website, in the region of their operation.

Annual operating plans are developed in collaboration with the operator and are reviewed by the advisory group and the public prior to approval.

The department may outsource the development of plans and other activities to management companies or to the operators. The plans must be signed off by a certified forester. The government however, is ultimately responsible for all forest management activities.

The Regulation Respecting the Sustainable Development of Forests in the Domain of the State provides a listing of management standards such as areas where cutting is prohibited, restrictions around natural features (roads, riparian zones, wetlands, archeological sites etc.). A guide on how to apply the standards is available.

In 2018, forest operations became exempt from environmental review per Section 22 of the Environment Quality Act and its regulations. Conditions that were previously required are now incorporated in the Regulation Respecting the Sustainable Development of Forests in the Domain of the State.

### **2.2.10 Saskatchewan**

Forest management in Saskatchewan is governed by The Forest Resources Management Act and The Environmental Assessment Act and actions must be consistent with the Saskatchewan Environmental Code.

The Saskatchewan Environmental Code is a consolidation of requirements in The Environmental Protection Act and the The Forest Resources Management Act and is adopted by regulation under each of these acts. The Forest Management Planning chapter applies to every person who is required to submit a forest management plan under the act. The code must be published in the gazette and made available to the public.

The minister may appoint, with approval of the Lieutenant Governor, an advisory committee to advise and assist with matters concerning forest resources and report as requested.

Licensees must comply with the act, regulations, the terms imposed and the code.

A forest management agreement sets out the rights of the licensee for harvest and responsibilities for renewal and also the right to be consulted and compensated should land withdrawal be necessary. The licensee will be notified of any other grant, lease, licence or permit issued if it affects the rights conferred by agreement. Forest management agreements are not to exceed 20 years. An agreement may provide that every fifth year the licence may be extended up to a total of 20 years.

Prior to commencing activities, the licensee submits for approval a forest management plan for the full term of the agreement and annually produces and submits a five year operating plan. The minister may vary the timing as long as it is in accordance with the act, regulations, the code and signed by a "qualified person", as set out in the code. Once every 10 years, before an extension, a revised plan for the full term is required.

Forest management plans are to describe how the area will be managed, indicate how Indigenous and other people using the land have been consulted and indicate the outcome of the consultations and the responses. If the development falls within the requirements of The Environmental Assessment Act, the plan must comply with requirements of that Act.

Operating plans are to describe the manner in which the plans will be implemented during the five year operating period and include any other information the minister may require.

The minister reviews the plan, approves it if it complies with The Forest Resources Management Act and The Environmental Assessment Act and is in the public interest. If the plan is not approved, the minister must supply a written notice to the licensee and provide an opportunity to make representation. The minister is not required to give an oral hearing. After considering the representation a written decision is rendered.

Saskatchewan has addressed the coordination of forestry management

planning and environmental assessment through a protocol agreement between the responsible branches. The process has been streamlined and continues to be refined with experience.

In 2004, a gap analysis was done to streamline the process and incorporate the assessment requirements into the forestry guidelines, which are part of the environmental code. Another analysis in 2012 resulted in further modifications and led to an amendment of The Environmental Assessment Act removing forest management from automatically being classified as a development requiring environmental assessment. A protocol was negotiated and signed in 2015 and The Forest Resources Act was amended acknowledging that a forest management plan approved under the act was deemed to be approved under The Environmental Assessment Act.

The protocol agreement sets out the responsibilities of each branch. The Environmental Assessment Branch was to continue the posting of public notices and materials for public review and to ensure public engagement is adequate. With the recent centralization of a registry, the Environmental Assessment Branch continues to review any notices that are to be posted on that registry.

The lion's share of the work in preparing and approving a forest management plan is done by the Forestry Branch. The Environmental Assessment Branch provides support on procedures and any expertise that may be required. There is ongoing communication between the branches, to exchange information, resolve any outstanding or new issues and ensure approval of the plan, but an environmental assessment branch representative does not necessarily sit on the plan committee.

The protocol agreement requires review every three years or any time the need is identified by either party. Government officials indicate that the protocol and forest management plan process has been working well and that issues are resolved on an on-

going basis so that the three year review may only result in minor process changes to address the issues identified.

Under the the Environmental Assessment Act, the minister may also appoint persons to conduct an inquiry (public hearing). This clause has not been invoked for forest management planning in recent years.

Under The Forest Resources Management Act, the Forest Resources Management Regulations establish a Forest Policy Advisory Committee and a Science Advisory Committee. It also sets out the requirements for integrated land use plans and the obligations of the minister.

The terms to be included in a forest management agreement or term supply licence are set out. Additionally, requirements in a forest management plan and operational plans are outlined. The licensee is to ensure an independent audit is done at their expense and the terms for the audit are provided. The regulation lists some specifics of the licensee's forest renewal responsibilities, road management responsibilities and conditions for road use and removal of harvested products.

The *Forest Resources Management (Saskatchewan Environmental Code Adoption) Regulations* provide for the adoption of the forestry planning chapter of the environmental code and the *Forest Management Planning Standard*. The planning standard includes specific mandated processes and procedures for a committee to prepare a plan and undertake public engagement. Great detail is provided on what information is required and in what form, including follow-up activities. It also sets out the criteria for a "qualified person".

As with most other provinces, the plan preparation is undertaken by a committee, requires a communication plan and is a staged process with public review at the various stages. Public notification and collection of comments remains the responsibility of the government.

Documents available on the government website include proposed plans and

opportunities for public input, the approved plans and the mandated guidance documents.

### 2.2.11 Yukon

Forest management in Yukon is enabled by the Forest Resources Act, where the purpose of the act *..is to promote the sustainable use of forest resources for the benefit of current and future generations by ensuring that the environmental, economic, social and cultural interests of all users of the forest are considered with the need to promote healthy forests*. Forest management is also subject to the Yukon Environmental and Socio-economic Assessment Act.

Within the Forest Resources Act there is recognition of rights and duties association with Indigenous land settlement agreements.

Forest management plans are required and their general contents are set out in the act. Plans must take into account the principles set out in the in final agreements (Indigenous land use agreements) and prescribed by regulation.

The minister may establish a planning area for the purpose of a forest resource management plan. Prior to implementation, the minister must consult with First Nations whose territory falls wholly or partially within the proposed management area to determine final boundaries, using the preferred method of participation. Where the area includes settlement lands, interest in joint planning and shared costs are to be considered. The minister must also consider the availability of information, the need for new information and other known interests in the planning area.

Where the planning area includes settlement and public lands the minister and the First Nation must set up a joint planning committee. The two parties enter into an agreement that sets out the composition of the committee (must have equal representation), the manner of appointment, process for selecting the chair, terms of reference, schedule of activities, rules of procedure, process for amending the terms

of reference and reciprocal arrangements to discuss the recommended plan prior to implementation.

The minister must provide written reasons, for the area on public lands, for accepting, rejecting or amending the recommended plan.

Where the lands do not contain settlement lands but contain traditional territories, the minister may appoint a planning committee to recommend a plan. The minister must provide a terms of reference that addresses the committee composition, key issues, a schedule of activities including opportunities for First Nation and public engagement, rules of procedure and a process to amend the terms of reference. When a First Nation expresses interest in participation, in writing, the minister must provide a draft of the terms of reference before supplying it to the planning committee and invite comments from the First Nation. After receiving a recommended plan the minister supplies a copy to First Nations within the planning area for comment, consults with the appropriate renewable resources council and makes the plan available to the public, and invites comments. The minister may, with written reasons, accept, reject or amend the plan. Best efforts are to be made to implement the plan.

The minister may enter into an agreement with a First Nation that addresses the process for preparing a forest resources management plan as it will be applied within their traditional territory. Forest resources management plans are to be consistent with any regional land use plan, and any other plan that has been subjected to public review and approval. This includes settlement lands to the extent possible.

The director, on receiving an application for a timber harvest licence, must notify the public and First Nations with traditional territory in the area of the application and provide opportunity for comment.

A timber resources licence establishes the right of the licensee to harvest for commercial purposes within a defined area

for a term not exceeding 10 years, and other requirements as listed. The licence may be renewed for one more term (10 years). The director may undertake an independent audit of the timber harvesting practices used by a licensee to evaluate the efficacy of those practices; the process is outlined.

The Forest Resources Regulation sets out the specific content of forest resources management plans, timber harvest plans and site plans. The director must notify a First Nation if there will be harvesting in an area where there is no plan or the harvest will be over 1000 cubic metres. Affected First Nations must be invited to make representation on traditional land use and any other interests or concerns. If the plan has not yet been subjected to public review then a copy must be provided to the First Nation and the public, inviting comments.

The regulation also states: *The Director may develop management guidelines, standards and manuals identifying operating procedures for forest resource harvesting and related activities as described in a timber harvest plan, a woodlot plan or a site plan.*

Appeals are to the minister with copies to the director and any other party affected. The minister may make a decision to confirm the director's decision, amend the decision or refer it back to the director with instructions. The minister may defer the decision to a person or body delegated to hear the appeal.

A public review of the Forest Resources Act is currently underway.

Forestry operations are also subject to review under the Yukon Environmental and Socio-economic Assessment Act (YESAA). YESAA is legislation that sets out an independent process for assessing the potential environmental and socioeconomic effects of proposed projects. Within the assessment process, the public, First Nations and non-government organizations are given an opportunity to provide comments and recommendations. Typically, assessments are carried out by the Yukon Environmental and Socio-Economic Assessment Board for

proposed timber harvesting projects that are greater than 1,000 cubic metres, and for forest resources roads. Reviews under this act, in most cases, are done cooperatively with the forest planning committees. The requirements under this act have been incorporated into the standards.

The *Yukon Forestry Handbook*, provides a plain language description of forest management in Yukon. Standards have been developed for different aspects of forest management and are detailed, comprehensive and provide the requirements in a plan.

## **2.2 Commission Comment**

The panel observed that there is a consistent process for forest management planning across the country based on guiding principles agreed to at the national level, inclusive of provinces and territories, industry, the public and Indigenous communities. At the centre of the process is the development of a comprehensive forest management plan based on principles of ecological sustainability widely accepted by the forest industry and articulated by forestry ministers. The preparation of a forest management plan is a staged collaborative process with government, industry and the public. There are, however, differences in how public engagement is structured. In those jurisdictions where the process is closely tied to environmental assessment, participation from the wider public is sought through the public registries. Where it is solely a forestry process, only the local public appears to be involved and mostly through engagement by the proponent. In many of these cases, publicly vetted local integrated land use plans already exist and public input into forest planning also ensures that plans are compatible.

Manitoba and Newfoundland are the only two jurisdictions where separate environmental assessment reports and authorization for forest management plans are required. Other jurisdictions have found

ways to streamline the process while still satisfying the requirements for forestry plans and environmental assessment. Saskatchewan has a protocol agreement between branches on a mutually agreed on process, decreasing the everyday involvement of the assessment staff. It was indicated that this arrangement has worked well over the past five years. There is a good working relationship between the branches on ensuring all requirements are included, but decreasing the workload on the government, the industry and the public as it avoids two separate processes seeking public input. Ontario has what could be called a regulated directive (declaration), to meld the two processes. The government of Ontario has proposed to take this one step further and have the approval only involve the forestry branch, where the environmental requirements are incorporated into the referenced forest management plan manual.

In some jurisdictions, by legislation, the minister is required to prepare a forest strategy. In some others there is an overall publicly vetted long-term provincial conservation or forest strategy or a statement of the forest management objectives stated in the governing act.

A key feature of all forest management plan and environmental assessment process is transparency. The ease of accessing and reading the regulatory and planning documents varied greatly between jurisdictions. Some set out specific process requirements and standards in detail while others provided an overview of the process, who was to be involved, the documents needed and their general contents. It was helpful in understanding the approval process when underlying documentation, the conditions for approvals and a general description of the content was included. Such documents include forest management agreements, forest management licences, forest management plans, and operating plans. Although these are common to all

jurisdictions, the requirements for, the contents of and their application varied slightly across jurisdictions.

Some jurisdictions specifically require, by legislation, the preparation of a forest management planning manual and related documents, with updating timelines and making them publicly available. Others have, in varying ways, referenced guidance documents in their act or regulations, thus facilitating making them part of the legislative framework. There was also great variability in the detail and specificity within the planning manuals.

Many jurisdictions have specific provisions and processes for Indigenous engagement. Some are referenced in legislation while others are addressed by specific processes for Indigenous inclusion in the planning manuals and guidelines.

There was much information available on the public government websites. Some were more comprehensive than others. In either the planning manual, on the website or both, an explanation of forest management planning and the stages for plan approval were provided in an understandable way. In jurisdictions where a forest management agreement constituted a licence, agreements were posted. In most jurisdictions, at a minimum, current forest management plans and any amendments were readily available. For those plans in progress, announcements of public participation opportunities were included. Some also included annual and five year reports. In the case of Saskatchewan, the panel heard that providing all this information to the general public was somewhat unfamiliar to forestry operations when it started. However, in the interest of transparency, an informed public and gaining social licence, the result has been positive.

Acts from most jurisdictions also allow the minister to form advisory bodies. In some provinces the specific purpose, duties and membership is spelled out. In most, it is left to the discretion of the minister.

## **Chapter 3: Manitoba Legislation, Regulation and Approval Process**

### **3.1 Introduction**

Manitoba is a member of the Canadian Council of Forest Ministers (CCFM), which over the past 25 years has developed and promoted a policy framework for sustainable forest management. Manitoba participated in the preparation of the National Forest Strategy, is a signatory to the National Forest Accord and has adopted the principles of ecosystem management. In 1997, the Manitoba government enacted The Sustainable Development Act, which included requirements for government and Crown agencies to follow a set of principles that addressed economic, ecological and social sustainability. Flowing out of this act,

with public input, was a Land and Water Strategy that defined a number of policies for forest management. Along with the research contributions made by the Manitoba Model Forest, all of the above actions resulted in the forest management regime we have today.

The minister stated in the most recent 5 year report to the legislature in 2016 that:

*Our forests provide many economic, environmental and cultural benefits. Through The Forest Act and The Forest Health Protection Act, the Forestry and Peatlands Management Branch attempts to maintain and enhance these benefits for every Manitoban.*

*From the trees that line our streets  
to the forest products and jobs  
that industry provides, our forests  
are indispensable parts of life in  
Manitoba.*

### 3.2 Legislation

In Manitoba, forest management is enabled by The Forest Act and forest management plans are also subject to review and approval under The Environment Act.

The Forest Act identifies the minister as the responsible party to oversee the act and designates the Forestry Branch as the administrator under the minister's direction. Like all other jurisdictions, the act enables the minister to enter into agreements for forest related management activities, the act states:

*8(1) The minister, subject to the approval of the Lieutenant Governor in Council, may, on behalf of the government, enter into an agreement or arrangement with the Government of Canada, a province or state, a municipality or the owner or licensee of a forest for the protection, development or utilization of forest resources, including protection from fire, insects, and diseases, for forest inventories, silviculture research, watershed protection, reforestation, forestry publicity, and education, and, in respect of the construction of roads and improvement of streams on Crown forest land, improvement of growing conditions and management of Crown forest land.*

The act outlines the process for the disposition of cutting rights through public competition; or by negotiated agreement, approved by the Lieutenant Governor, with a party that is willing to make the capital investment; or in an area to provide local employment. Any appeals related to this process and its outcomes are directed to the minister, who will enlist the assistance of an arbitrator.

It is stated that cutting rights cannot be transferred unless approved and the minister may withdraw rights if these rights are not being used as authorized. There is no cutting in provincial parks except for Duck Mountain.

Forms, declarations, applications, returns or other information that is required to be submitted or made under the act shall follow the conditions set out in the regulations.

The conditions for the issuance of a Forest Management Licence are:

*18(1) Where the investment in a wood-using industry established or to be established in Manitoba is sufficient to require the security of a continuous timber supply, the minister with the approval of the Lieutenant Governor in Council may, subject to section 11 and 12 (11 and 12 describe the disposition process) and to such terms and conditions as may be imposed by the minister and such terms and conditions as may be prescribed in the regulations, grant a forest management licence to such and industry.*

The licence is granted for 20 years and renewed for further periods of not more than 20 years each. The licence grants the licensee exclusive rights to the timber and associated products within the forest management area. The licence will apply only to species, size, quality and quantity of timber which in the opinion of the minister is required by the licensee.

Also available is an option licence that allows a prospective operator to investigate a forest management area, for up to two years, to determine if they wish to apply for a forest management licence. No other forest harvest operations are permitted in the area for the duration of the licence.

Should a licence be canceled, the licensee may appeal to the minister. Should the licensee not be satisfied, there is an option for further appeal to the courts.

The minister is required to provide annual and five year reports on the state of forests and forest management to the legislature.

The act also allows the Lieutenant Governor to enact regulations on a number of subjects, those relating to forest management and licensing are:

- respecting performance of forest renewal and prescribing methods and standards
- prescribing the terms, conditions under which a licence or permit may be granted, or any agreement entered into
- respecting the conservation, protection and management of Crown forests and the control and management of the flora and fauna in such areas, and the occupancy of the land in provincial forests
- respecting any other matter or thing necessary for carrying out enforcement of this act

The Forest Use and Management Regulation covers a number of topics and specifically addresses the requirement for working plans after a licence is issued.

Although not referenced in The Forest Act, a licence is also required under The Environment Act, as a Class 2 development. This requirement is set out in the Classes of Development Regulation Section 3(3):

*Timber cutting that requires a forest management plan or operating plan under The Forest Act.*

The Environment Act requires a project proposal to be placed on the Public Registry, advising the public through the media and providing an opportunity to comment. The proposal is circulated to interdepartmental representatives for comment. The director issues guidelines or requests specific information to be included in the report. The director may also require the proponent to carry out public consultation, may require outside review of the report or request a public hearing be held. If the director is satisfied all conditions are met, an Environment Act Licence is issued, or if

a licence is refused, written reasons must be provided. Appeals are made to the minister.

The Licensing Procedures Regulation sets out the minimum information requirements for a development proposal. These include such things as: location; legal land description; name of the proponent; landowner; owner of mineral right; existing and adjoining land use and any changes required; description of the development and method of operation; dates of commencement of construction, operation and termination; description of previous studies and authorizations; description of potential impacts including effects of pollutants, impacts on fish, wildlife, surface and groundwater, heritage resources, forestry related impacts and socio-economic implications; description of environmental management practices; and anything else required by the director.

An Environment Act licence may be appealed to the minister responsible for The Environment Act.

The Environment Act licensing requirements are clearly outlined in the legislation and regulation as well as an on-line guide being readily available.

Although not as clearly outlined in legislation and regulations as in other jurisdictions, the practice of forest management in Manitoba is robust and is consistent with practices implemented across Canada under the umbrella of the Canadian Council of Forest Ministers guidance and the Canada Forest Accord. More discussion on this topic will follow.

### **3.3 The Forest Management Plan Approval Process**

#### **3.3.1 Introduction**

The forest management licensing and plan approval process is lengthy, with many steps. Several definitions, as provided by the Forestry Branch, are required to help understand what documentation triggers the process and what is required during the process. These are provided below.

**Forest Management Licence (FML):** A cutting right issued under Section 18 of The Forest Act. Typically the FML is issued in the form of a simple one page document that references a Forest Management Licence agreement that contains the detailed terms and conditions.

**Forest Management Licence (FML) agreement:** An FML agreement describes the underlying terms and conditions of an FML that has been issued by the minister, as per Section 18 of The Forest Act. The FML agreement includes but is not limited to a description of the area covered under the agreement, details regarding the timber made available under the agreement (species, quantity, quality, age etc.) and obligations of both the licensee and the government. Examples of these obligations assumed by the licensee include: forest renewal; adherence to all provincial guidelines (existing and new); forest management plan development; and annual reporting. Forest Management Licence agreements are valid for no more than 20 years but are renewable if terms and conditions are met.

**Twenty Year Forest Management Plan (FMP):** The Forest Management Licence agreement requires a company to develop a Twenty Year Forest Management Plan and submit it for approval to the Director of Forestry. The FMP is to be reviewed and updated at ten year intervals and adjustments made as required. Subject to satisfactory performance and an acceptable FMP update, the FML agreement is renewed for another ten years. The FMP provides the strategic framework for management activities during the 20 year period. The plan identifies operating areas where harvest, renewal and access development activities will take place for the duration of the plan. Supported with sophisticated modeling, the licensee must demonstrate that the proposed activities are sustainable over the long-term and considers impact of management on a broad range of non-timber values.

Preparation of forest management plans is guided by *Manitoba's Submission Guidelines for Twenty Year Forest Management Plans* (2007), available on the government website.

**Operating Plan (OP):** In addition to an FMP, each forestry company is required to develop and submit an operating plan every two years. The FMP describes the general areas where harvesting, road construction and renewal will occur over a 20 year period. Operating plans provide the year-to-year detail of where operations are taking place. Preparation of operating plans is guided by *Manitoba's Submission Guidelines for Forest Management Operating Plans* (2015), available on the government website.

**Annual Reports and The Forest Report:** The Forest Management Licence holder is required to report on the implementation of both the operating and forest management plans. The annual report summarizes the activities for the previous year. The Forest Report summarizes five years of forest management activity and compares it with the current FMP which includes an assessment of the achievement of objectives and strategies and application of adaptive management. Guidance on the content and preparation of reports can be found in *Manitoba's Submission Guidelines for Forest Management Annual Reports* (2010), available on the government website.

### 3.3.2 Forest Management Licencing

As noted, in The Forest Act and the *Manitoba Crown Timber Allocation Policy*, a proponent may approach the government with a forest development proposal. This proposal is evaluated by Forestry Branch and other government departments. If the proposal and business plan are acceptable, Crown consultation takes place to identify rights based concerns. With the approval of the Lieutenant Governor, and in consideration of issues resulting from consultations, the minister may negotiate the terms of a forest management licence, in a forest management agreement. Once

the terms of the agreement are finalized they are signed off by both parties and a forest management licence is issued. Then begins the process of forest management planning.

### 3.3.3 Forest Management Planning

#### 3.3.3.1 Forestry Plan Review Process

The basis for the commission's discussion for the planning process, led by the Forestry Branch, will be that outlined for the preparation of most recent 20 year plan for Forest Management Licence #3 along with the existing 20 year planning guideline. The terms of reference (ToR) are available in Appendix III. Figure 3.1 provides an overview of the steps in the process.

The preparation for the 20 year forest management plan starts with the creation of a terms of reference, which includes a timeline and assignment of a project team. The team consists of representatives of the licence holder (forestry company) as well as representatives from the Forestry Branch (head office and regional), Wildlife and Fisheries Branch (head office and regional) and from Environmental Approvals Branch. The licence holder develops the terms of reference, which is reviewed by Forestry Branch and the Wildlife and Fisheries Branch, and the approved terms are signed off by the company and the government.

Additional staff from both the company and the government may be involved. Timber Quota holders, stakeholders and the public will be involved at various stages of the plan development.

The general plan content is guided by the *Submission Guidelines for Twenty Year Forest Management Plans*, with additional details provided in the terms of reference. The terms of reference specify that the plan must take an ecosystem based approach consistent with provincial, national and international guidance. They also

#### *Forest Management Approval Process Review.*

outline specific responsibilities of the parties. Crown consultation occurs throughout the planning process and into the operational phase.

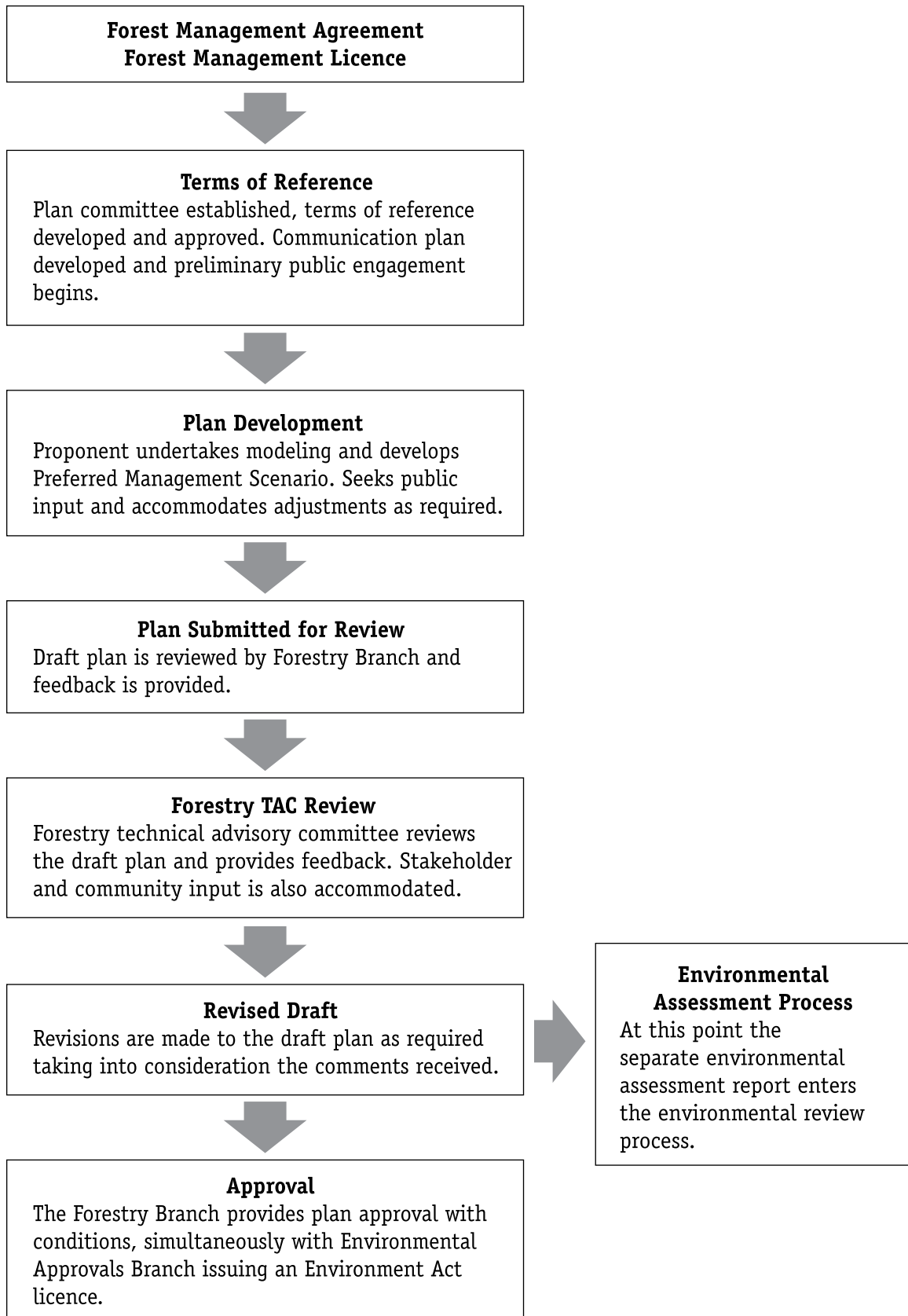
The responsibilities of government are outlined as:

- confirming that the proposed indicator species selected for the Preferred Modeling Scenario (PMS) meet government requirements
- end date for submission of the 20-year plan
- details of the government review processes
- details of The Environmental Act review process
- details of the Crown consultation process, including the proponent's role
- proposed date for government approval of the 20-year plan
- existing issues in the Forest Management Licence
- confirmation that the suite of indicator species proposed are satisfactory
- available information regarding other resource users
- other relevant land base management plans

The Plan proponent must provide:

- a communication plan
- existing issues with the Forest Management Licence
- proposed indicator species selected for the Preferred Modeling Scenario modeling of the Forest Management Plan

**Fig. 3.1: Forest Management Plan Approval Process (Forestry)**



The first task is to ensure that sufficient forest inventory information (see text box) is available. The government provides all data available, but if it is not available or up-to-date for the area of interest, the proponent may be required to collect the necessary data

under direction of the Director of Forestry. The proponent is responsible for providing forest modeling under various scenarios to determine effects and the preferred way forward to maintain sustainability, the Preferred Modeling Scenario.

#### **Manitoba's Forest Inventory**

Forest inventory is a map of the forested landscape that outlines the stands (groupings of trees) making up the forest. The stands are categorized by age, species mix, and height, along with other ecological qualities. Inventory data are collected through interpretation of aerial photographs and verified by ground sampling plots. Satellite imagery and other emerging technologies are also used. New disturbances such as fire, road building, harvest, reforestation and non-forestry development are incorporated into forest inventories through regular updates. Periodically, entirely new forest inventories are developed.

#### **Growth and Yield**

Growth and yield programs are used to predict what the future forest will look like by measuring and monitoring stands through time. Models are informed by multiple field sampling data sets to predict timber yields and changes in the forest. Surveys also help in understanding the forest's response to forest renewal activities, such as tree planting. The renewal data informs and validates the assumptions in forest modelling.

#### **Forest Modelling**

A forest management model, facilitating sustainable forest management, is created by combining the forest inventory, growth and yield information and management objectives. The forest inventory represents the current state of the forest and the growth and yield information allows the model to project growth and forest change

through time. Timber and non-timber values are incorporated into objectives that influence the type, timing and location of management activities that the model will select (road building, harvest and renewal activities).

Once the model is built it is re-run repetitively, adding or adjusting objectives and targets for each run or "scenario". With each scenario, the results of the model are reviewed to assess the impact on forest values over time (i.e. moose habitat, old growth forest etc.). Forest planning models typically consider impacts over long term horizons (200 years), with detail and focus on the first 40 years. Indicators of sustainability are examined over a full 200 years.

In Manitoba, Forestry Branch develops a "base case" forest model scenario that is a starting point for the scenario development process. The plan proponent adds information to the base case as it leads a scenario development process during forest management plan development. This process incorporates input from provincial staff across branches, stakeholders, interested communities and others.

The process ultimately leads to the selection of a Preferred Management Scenario, seeking to provide a balance between environmental, social and economic values, acceptable to the parties involved. Once approved, the Preferred Management Scenario guides management activities and operating plan development.

Also among the first tasks is for the proponent to develop a communication plan on how public engagement will proceed. This plan, once approved, becomes part of the terms of reference. The 20 year guidelines instructs that the plan at a minimum should include:

- A list of communities, non government organizations, First Nations, stakeholders, advisory groups, associations, and other interested individuals and/or stakeholders that the proponent intends to contact.
- The location and general timing of proposed communication meetings.

- The level of engagement for each group will be determined by the proponent to help the group provide meaningful input to develop the plan. Given the ongoing clarification of the legal system provides regarding Crown consultation, the government recommends the proponent meet with department staff to discuss how they plan to engage Indigenous communities in the planning process.

The most recent terms of reference further clarify that information sharing and engagement will happen at various stages of the forest management plan development as outlined below. Also agreed was that conditional approval will be given as each chapter is developed.

- **Early plan development** - (post ToR approval at the beginning of the plan process) Confirming plans for engagement and identifying community values.

- **Mid plan development** - Scenario planning, iterative modifications to scenarios based on input.
- **Late plan development** - Scoring forest management scenarios to assist in choosing a Preferred Management Scenario complete with 20 years of harvest scheduling and modeling output.

With all conditions in place, a draft of the plan is compiled and submitted to the Forestry Branch. The technical advisory committee (see text box), led by the Forestry Branch, with membership chosen by the forestry director, reviews the draft and provides feedback. The plan is then revised by the proponent in response to the comments and concerns. It is at this point that a separate environmental assessment report is submitted to Environmental Approvals Branch for review and licensing. That process will be described later in this report.

### **Technical Advisory Committee**

A technical advisory committee, composed of representatives of government departments, reviews development proposals prior to plan approval or licensing. Representatives assess the impacts of developments on their department or branch's area of responsibility, indicate where conflict may exist and suggest alternate actions to mitigate the effects. Technical advisory committees are utilized in the forest management planning and the environmental assessment processes. Representation includes:

#### **Agriculture and Resource Development**

- Forestry Branch\*
- Lands Branch\*
  - o Regional Lands Manager
- Water Science and Watershed Branch\*
  - o Water Quality Management
  - o Groundwater Management
- Wildlife and Fisheries Branch\*
- Mines and Minerals Branch
- Petroleum Branch

#### **Conservation and Climate Change**

- Environmental Approval Branch\*
- Parks and Protected Spaces Branch\*
- Environmental Compliance and Enforcement Branch
  - o Provincial Managers

#### **Environment**

- o Air Quality Management
- Drainage and water rights
- Office of Drinking Water
- Climate and Green Plan Implementation
  - o Clean Technology

#### **Sport Culture and Heritage**

- Historic Resources Branch

#### **Health, Seniors and Active Living**

- Environmental Health Unit

#### **Municipal Relations**

- Community and Regional Planning

#### **Infrastructure**

- Highway Planning and Design Branch

\*Forestry Technical Advisory Committee

Once the final forest management plan has been reviewed, approval is given, with conditions. The Director of Forestry provides a letter of approval with conditions and, upon completion of the environmental assessment process, the Director of Environmental Approvals may issue an Environment Act licence, with conditions.

The licensee must also prepare and submit operating plans. These plans are developed with government regional representatives and community input. Crown consultation is also undertaken during this part of the planning process. For areas identified and scheduled for harvest in the operating plan, systematic pre-harvest surveys are done. These surveys address the wood supply as well as other areas of concern such as vegetation, soils, slopes, riparian areas, species of concern and wildlife habitats. Harvest plans are then drawn up that include mitigating actions to minimize impacts to the environment and other values. These plans are reviewed by the regional Integrated Resource Management Team, consisting of land, parks and protected spaces, water, fish and wildlife and enforcement representatives. Members of these teams have knowledge and experience with the local environment, communities and regional priorities. Additional mitigation measures may be required. Once the concerns of the regional team are addressed, the proponent undertakes sharing the information with the local communities, user groups, stakeholder advisory committees and Indigenous communities. Feedback is sought and the plan revised as needed. The operating plan is then submitted to Forestry Branch for approval. The branch will facilitate a review by the technical advisory committee, and on approval may include conditions. Before implementation of the plan, operating work permits are required from Manitoba Agriculture and Resource Development, which may involve an additional review to ensure that actions comply with regulatory requirements of The Forest Act and other acts and regulations (see text box).

### **Forest Practices Guidelines**

Forest practices guidelines are incorporated into guidebooks that provide specific direction for on-the-ground operations. These guidebooks, published by government, address such things as water crossings, riparian areas, buffer management and road management among others issues. They are available on the government website.

The development of the guidebooks is led by the Forestry Branch with input from a Forest Practices Committee. The committee is made up of representation from government agencies responsible for issues concerning fish, wildlife, forestry, Crown lands, parks and water. External input comes from the forest industry, conservation and academic organizations.

Forest companies may also participate in a national or international third party forest certification process to assist in sale of their products. These processes are far more intensive and wide-ranging than the licensing process. There is no legal requirement to participate in the certification process in Manitoba, but a copy of the latest audit report is required as an appendix in the forest management plan.

Forest Management Licence holders are required to report on their activities annually and at five year intervals, summarizing the previous five years. At the ten year mark a significant review of the plan and the outcomes is done, amending or updating the plan as required for the remaining ten years.

The forest plan submission guidelines and other guidebooks are available on the government website but the forest management plans and required reports are not.

### **3.3.3.2 Environmental Assessment Plan Review Process**

In the case of forest management plans, the Environmental Approvals Branch provides guidelines for the environmental

assessment report. Draft guidelines are posted on the Public Registry for 30 days for public comment as well as circulated to the technical advisory committee. The makeup of this committee encompasses a greater number of interests than that convened by the Forestry Branch (see text box). Guidelines for the Forest Management Licence #3 20 year plan can be found in Appendix IV. Once the comments are evaluated and any needed adjustments made, the final guidelines are issued. An outline of the process can be found in Figure 3.2.

An environmental assessment report addresses most of the same components as those that are part of a forest management plan. An assessment report is to include an analysis of the project on the sustainability of the identified components, the environment in general and include the effects on climate change and a cumulative effects assessment. The report format also differs from the format used in the forest management plan. Specific direction on public engagement may also be provided.

The proponent prepares an environmental assessment report while also preparing the forest management plan. Once the Forestry Branch finds the draft forest management plan acceptable, the environmental assessment report is submitted to Environmental Approvals Branch in the form of an Environmental Act Proposal for review and licensing. This report is posted on the Public Registry seeking public comment for at least 30 days as well as being circulated to the technical advisory committee. Comments are collected and evaluated. The proponent may be requested to provide additional information as a result.

The director may request the minister convene a public hearing by the Clean Environment Commission, should there be a significant level of public concern or a significant provincial impact that requires greater public input. It is at the discretion of the minister to have a public hearing. The commission will provide licensing

recommendations to the minister. The hearing results are taken into account in The Environment Act Licence and signed by the director.

If no hearing is held, the director will take into account all information available and issue a licence with conditions if required, or deny a licence and provide reasons. Links to current licences can be found in References.

Approval of the forest management plan by Forestry Branch happens at the same time The Environment Act licence is issued.

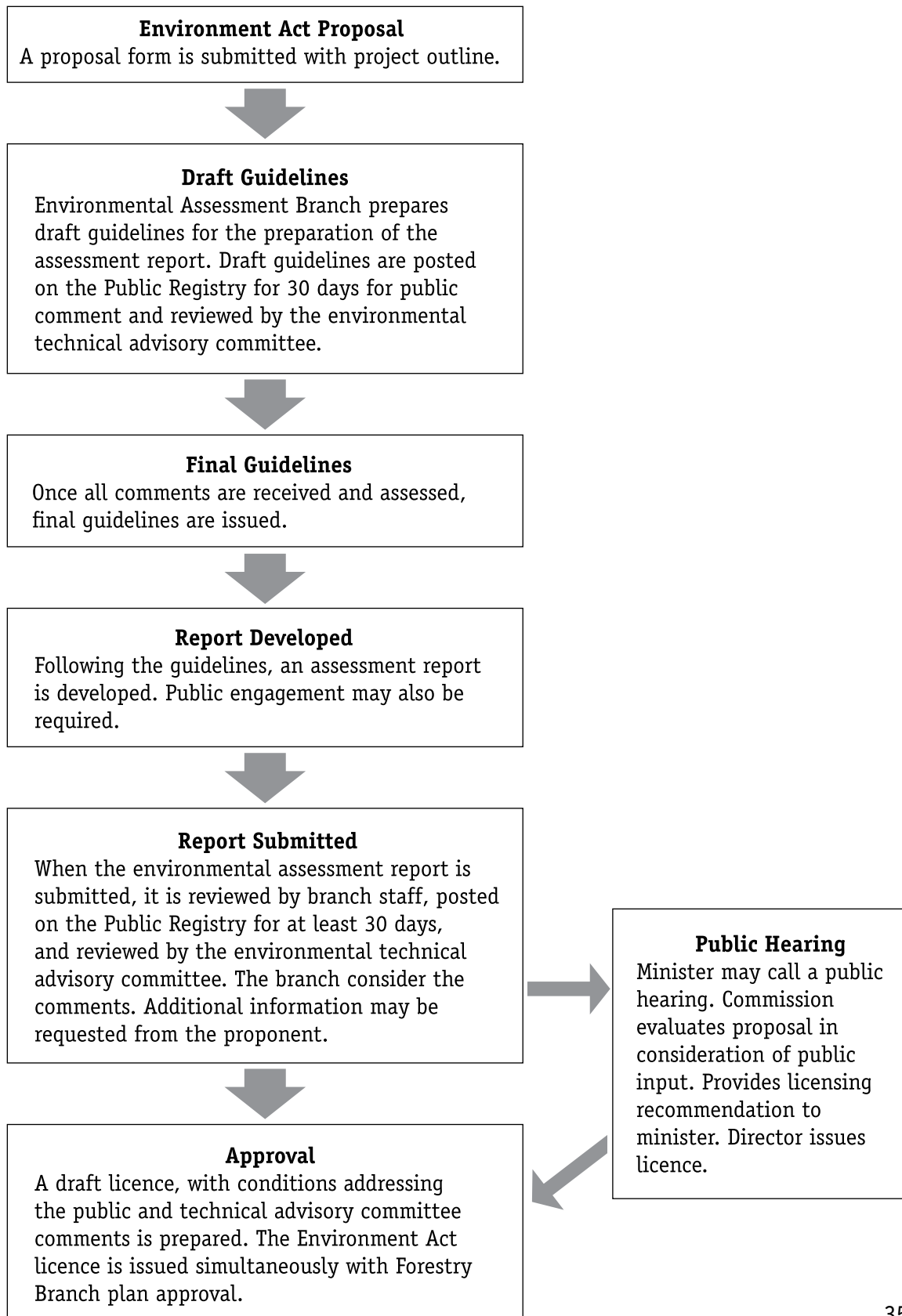
The Environment Act licence is available on the Public Registry.

### **3.3 Commission Comment**

Early in the review, the panel noted the lack of detail in Manitoba's forestry legislation related to forest management licensing as well as gaps in publicly available information. Taking the available public information into consideration, it was difficult to understand the process. Following discussions with representatives of the Forestry Branch, there was greater comfort in interpreting the legislation and with the forest management process in Manitoba. As practised, the process is consistent with and is as robust as those in other jurisdictions in Canada.

The panel began with reading licensing legislation and regulations along with the website information. In The Forest Act, there are cursory descriptions of licensing requirements and it was not clear how they relate to each other. Terminology on the website was not consistent with that found in the legislative documents. For example: the term forest management licensing agreement (FMLA) is used often in website information but this term is not found in legislation. The term "forest management plan" or the requirement for one does not appear in legislation, leaving the panel uncertain as to where this requirement came from. It was later explained that this requirement is a condition within each forest management licence agreement.

**Figure 3.2 Forest Management Plan Approval Process  
(Environmental Assessment)**



The agreements are not available on the government website.

The panel notes there is no current provincial forest strategy, or a policy statement on overall provincial forest management objectives. With the recent replacement of The Sustainable Development Act, the status of associated policies currently stated in the plan guidelines are uncertain. An updated policy or strategy that identifies and addresses upcoming forestry management issues and opportunities in Manitoba would provide direction and certainty for the industry along with providing public confidence.

A pleasant surprise for the panel was the work of a Forest Practices Committee. With information provided by Forestry Branch, it became evident that this committee is central to the implementation of sustainable forest management practices in Manitoba. However, it is only mentioned in passing on the government website, with little context or indication of membership. As it turns out, the membership and terms of reference for this committee are well defined, but a full summary is not currently available to the public nor is its existence referenced in the legislation as in other jurisdictions. The Forest Practices Committee could provide a central role in revising the 20 year forest management plan guidelines.

Enhanced information on the website would go a long way in explaining forest management in Manitoba. Although the guides for forest planning are available on a government website, the resulting approved plans, required reports, operating plans and amendments are not. Project level planning documents such as the terms of reference and information produced at stages in the plan development are not available on a government website that would inform the public and allow for comment. The addition of basic definitions and content of forest management agreements, forest management licences and inclusion of a requirement for a forest management plan to The Forest Act would assist in better understanding forest

management requirements.

The panel also discovered during this review that, forest management plans are to be signed off by a certified forester. This condition is not included in legislation but only in a forest management agreement. This issue was discussed with Forestry Branch. The panel was told that setting up a forester certification process has been investigated but it was decided not to proceed because the forest practitioner community in Manitoba was small and the financial and administrative burden could not be justified. It was also explained that certification can be maintained by a forester who comes from a different province, but that one cannot apply for new certification from a province where they do not practice. Forester certification is now judged by the director based on equivalency.

Exploration of establishing a forester certification process in partnership with Engineers and Geoscientists Manitoba could be undertaken to see if there is a streamlined way of establishing certification. Generally, the consistent application of specialized knowledge respecting established standards is supported by professional certification. However, if this is deemed not to be feasible in Manitoba, then the equivalency requirements should be outlined and included in the guidelines.

Forestry Branch representatives acknowledged that the current forest management plan guidelines need updating and work has begun to do so. The current Forest Management Licence #3 plan approval process and the outcome of the commission's review will inform the guideline update.

Environmental assessment requirements are well documented, easy to understand and documents are readily available to the larger public, for the most part. In the case of forest management planning, however, environmental assessment is an additional public review process based on similar information. It also should be noted, that although the environmental licence for the forest management plan is available on-line,

the plan which it references, is not. The plan is available for examination on-site, in printed form, in public registries located in Winnipeg and communities in the project area.

A notable difference between the two processes, observed by the panel, was that the forestry process extended public participation to the “local” communities, mostly by the proponent, while the environmental process provided an opportunity, by the government, for all Manitobans and a wider representation of

government departments to participate. In addition, while there was reference to Indigenous communities, little specific guidance is provided on how the Indigenous engagement may proceed. Recognizing that each community may wish to engage based on their own traditions, proponents should be encouraged to interact with elders and knowledge holders to gain as much understanding of traditional knowledge as possible and use it to inform the forest management plan, with permission.

## **Chapter 4: Amending the Process**

### **4.1 Introduction**

The purpose of amending the forest management plan approval process is to transition from a two track approach to a single integrated process. A single process, managed by forestry managers, is consistent with those used in other jurisdictions in Canada. A single process, judiciously implemented, is consistent with sustainable forest management principles and can improve efficiency while ensuring continued public participation and addressing environmental issues.

The panel reviewed legislation and practices governing forest management

approval processes in jurisdictions across Canada. A detailed review of the current state of Manitoba's legal framework and current practices for forest management planning and approval was also undertaken. In the course of these investigations, the panel met with provincial government officials and industry representatives. On this basis, the panel offers its recommendations and comments for amending Manitoba's approach to forest management planning and approvals with particular focus on the large forest development initiatives currently classified as Class 2 developments under The Environment Act.

Section 11(2) of The Environment Act, reads:

*Notwithstanding subsection (1) where a development or type of development is subject to an existing approval process that, to the satisfaction of the minister*

*(a) involves interested government departments and agencies;*

*(b) includes public consultation; and*

*(c) addresses environmental issues;*

*the minister may, by agreement with the minister responsible for the reviewing department, exempt that development or type of development from this section.*

The minister requested, in the terms of reference, that the commission:

*Provide advice on gaps and opportunities in consideration of the conditions set out in section 11(2) of The Environment Act and the current FMP approval process under The Forest Act.*

Prior to the commission's investigations, the government undertook an analysis of the gaps between the forest management plan and the environmental assessment review processes (see Appendix V). The panel also compared the two processes, paying particular attention to criteria outlined in section 11(2): the involvement of government departments and agencies, public consultation, and addressing environmental issues to the satisfaction of the minister.

*Manitoba's Submission Guidelines for Twenty Year Forest Management Plans*, several subject specific guidelines and guidebooks, as well as the plan approval process, taken together, provide a suitable framework for addressing environmental issues associated with forest development. However, many elements of the forest plan approval process are not legislated requirements and could be seen as discretionary. Moreover, there

are elements in the environmental licensing process that are not formally addressed in the forestry process.

The panel reviewed these processes and gaps and concludes that they may be addressed by a formal ministerial agreement. The agreement would set out the protocol and requirements for integrating forest management planning and environmental assessment in a way that satisfies Section 11(2) of The Environment Act. The same section provides for a ministerial agreement.

Following is a detailed review of gaps and advice on elements that should be considered for inclusion in a ministerial agreement and in guidelines.

## **4.2 Gap Analysis**

The government gap analysis was provided in two sections: Environment Act Class 2 Development requirements; and Guidelines for the Preparation of an Effects Assessment. Remedies for addressing the identified gaps were also proposed. The panel's review will maintain that organization.

### **4.2.1 The Environment Act – Class 2 Development Requirements**

The government gap analysis addressed The Environment Act requirements in Sections 11(8) through 11(13), 12.0.1, 12.0.2, 13.2 and 14. These sections outline the responsibility of the director to advise the public and other government departments and agencies of a proposal and allow for comment, take into consideration proponent led consultation results, include climate change in the assessment and address alterations to projects and plans.

The government concluded that most of the requirements for advising the public and department representatives along with conditions for a proposal review outlined in sections 11(8) through 11(9)(d) and managing alterations to a plan in section 14, were addressed in documents such as forest management plan guidelines, other topic guidelines and project specific terms of reference.

While this conclusion is appropriate, these types of guidance documents are not referenced in The Forest Act. The commission advises that a formal ministerial agreement or an appendix to an agreement include the referenced legislated requirements from The Environment Act and not just those identified as gaps.

Following are matters addressed specifically by the panel:

**Appeals.** Under section 11(4) of The Environment Act, ... *any approval issued under a process subject to an agreement entered into pursuant to subsection (2) has the status of a licence issued under this section and is subject to the appeal process provided under this Act.*

This means that persons affected by an approval of a forest management plan will retain the right to appeal that decision to the minister responsible for The Environment Act who refers the disposition of that appeal to cabinet. This information should be noted in a ministerial agreement.

**Public and Departmental Consultation.**

Sections 11(8) (a) through (c) are important to address in a ministerial agreement as they relate directly to two of the issues which the minister considers in reaching a decision to recognize the forest management plan approval process under section 11(2), namely public consultation and involvement of government departments:

*11(8) Upon receipt of a proposal for a Class 2 development under this section, the director shall within such time as may be specified by the regulation*

*(a) subject to section 47, file a summary of the proposal in the public registry and notify the public through advertisements in the local newspaper or radio that a proposal has been received, providing opportunity for comments and objections;*

*(b) file a copy of the proposal with the departments as may be affected by the development, for their review and comment;*

*(c) on the advice of the departments so consulted, determine the form of assessment required for the proposal....*

The requirement to advise the public and other departments and agencies of the proposed forest management plan preparation and provide an opportunity for comment throughout the process is an essential element to be included in an agreement.

In practice, the Director of Environmental Approvals posts the technical advisory committee and public comments as well as a summary of the disposition of the concerns on the Public Registry. Once approved, the licence is also posted with any conditions. However, the plan, on which the licence is based, may or may not remain on the website, but only be available for on-site review in printed version at registry locations. Approved major amendments are posted. The panel advises that the approved plan and amendments must be made available on the electronic and physical Public Registry for the life of the plan.

The Forest Act contains no requirements for public or government department participation. In practice, opportunities for public input are extended to local communities, largely through proponent engagement. A limited number of departments and agencies are invited to make comment after the draft plan is completed.

The government is charged with managing Crown forests for the benefit of all Manitobans. In that spirit all Manitoban's should have the opportunity to be advised of forest management policies, programs and activities as well as having opportunity for input to forest management planning.

**Authority to Request Information.** Under section 11(9)(a), the director may require additional information from the proponent. Although this may seem like stating the obvious, the panel finds that this provision should be included in a ministerial agreement to ensure that the Director of Forestry and the public have the information required to make informed comment and the director informed decisions.

**Project Guidelines.** Under Section 11(9)(b), the director may ... *issue guidelines and instructions for the assessment and require the proponent to carry out public consultation;*

The panel advises it is important to address this section in a ministerial agreement as it references guidelines for assessment, which will become guidelines for the forest management plan, and may require the proponent to engage with the public. Both of these are elements of the forest management plan approval process, and can be incorporated in the project terms of reference, however they are not referenced in The Forest Act. A ministerial agreement, on the other hand, is referenced in legislation.

Although not required by legislation, it has become a practice for the Director of Environmental Approvals to make draft guidelines available to the public and other departments and agencies and invite comment. The panel advises that this practice be included in a ministerial agreement and applied to the forest management plan submission guidelines and terms of reference, as another step in ensuring adequate opportunity for participation by the public at large and by members of communities in the area of the operations.

**Background Studies and Information.** Section 11(9)(c) empowers the director to ... *require the proponent to prepare and submit to the director an assessment report to include such studies, research, data gathering and analysis or monitoring, alternatives to the proposed development processes and locations, and the details of proposed environmental management practices to deal with the issues;*

A ministerial agreement should include this requirement, noting that environmental assessment could be integrated into the forest management plan in a manner determined by each plan committee. The committee determination would then be included in the plan terms of reference.

**Report Review.** Section 11(9)(d) empowers the director to *conduct or cause to be conducted a review of the assessment report;*

The Director of Forestry, in practice, reviews and causes the review of forest management plans. The panel finds, however, that a specific enabling clause does not appear in the Forest Act. A ministerial agreement should address the power of the director to conduct a review of forest management plans so that the minister can be satisfied that environmental issues are addressed.

**Public Hearing.** Section 11(9)(e) through section 11(10.1), section 11(13) and section 12.0.1(2) address the director's discretionary power to recommend a Clean Environment Commission hearing and the minister's response to that request. Once an agreement is signed by the ministers, these sections will no longer be applicable, therefore it is important the forest management plan approval process provide for opportunities for public involvement in the development of forest management plans.

It should be noted that under section 6(5) of The Environment Act, the minister responsible for the act retains the discretion to refer any environmental concern to the commission, should the minister choose to do so.

**Environmental Management.** Section 11(11)(a) empowers the director to (a) *issue a licence to the proponent with such specifications, limits, terms and conditions or with a requirement for such modifications as the director deems necessary to ensure effective environmental management;*

The panel advises that a ministerial agreement specify that, in approving the plan, the Director of Forestry ensure effective environmental management. This is critical to include as it directly applies to the third matter that the minister is required to address under section 11(2), namely that the forest management plan approval process addresses environmental issues.

**Forest Management Plan Approval.** The Director of Forestry approves a plan after it satisfactorily addresses the forest management plan guidelines, the terms of reference and technical advisory committee input. The panel advises that a ministerial agreement recognize the existing practice and direct that the plan also address public comments.

**Technical Advisory Committee.** The forest management plan approval process and the environmental licensing process include the appointment and involvement of a technical advisory committee made up of representatives of government departments and agencies. Given that the minister needs to be satisfied that the process addresses environmental issues, the panel concluded that the forestry technical advisory committee membership may need to be enhanced to appropriately address environmental issues. The panel advised that a ministerial agreement require that Environmental Approvals Branch staff be invited to sit on any forest management plan technical advisory committee and that the Director of Environmental Approvals agree to the list of departments and agencies forming the advisory committee. This ensures that the minister responsible for The Environment Act can be satisfied that the forest management plan approval process involves interested government departments and agencies as contemplated by section 11(2).

**Public Consultation Results.** Under section 12.0.1(1), *when considering a proposal, the director and the minister may take into account any public consultations on the proposed development conducted by the proponent.*

A ministerial agreement should give some assurance to proponents that their public engagement activities regarding the forest management plan will be considered in government decisions. Submission of records regarding public engagement activities is required in the forest management plan guidelines, but is not referenced in The

Forest Act. Nor is it clear on how this information is considered in the director's decision. Clarification should be provided in the ministerial agreement and in the forest management plan guidelines.

**Climate Change.** Under section 12.0.2, .... *when considering a proposal, the director or minister must take into account — in addition to other potential environmental impacts of the proposed development — the amount of greenhouse gases to be generated by the proposed development and the energy efficiency of the proposed development.*

Climate change planning is not currently a requirement in The Forest Act or the forest management plan guidelines. The panel advises that it be added to a ministerial agreement to ensure that it becomes part of those guidelines. Guidance on how to calculate and report on greenhouse gases and energy efficiency should be sought from Manitoba Conservation and Climate.

**The Water Protection Act.** Section 12.1 specifies that *A licence, or an alteration to a licence, issued under section 10, 11 or 12 after the date that this section comes into force, in respect of a development that affects or may affect water, must, in circumstances specified in The Water Protection Act or regulations made under it, include specifications, terms, limits or conditions as necessary to ensure compliance or consistency with a water quality standard, objective or guideline set or adopted under that Act.*

A ministerial agreement under section 11(2) exempts a forest management plan from section 11. However, compliance with The Water Protection Act is included as a condition for environmental licensing, therefore The Water Protection Act must be addressed in the ministerial agreement. Guidance on requirements, to be included in the guidelines or project specific terms of reference, should be sought from Manitoba Agriculture and Resource Development.

**Alterations.** Section 14 specifies requirements for the director to address

alterations to a development, in this case a forest management plan. An amendment to a forest management plan or operating plan requires approval from the Forestry Branch, an Integrated Resource Management Team, or a Conservation Officer, depending on the significance of the amendment.

Under the forest management plan approval process, amendments to operating plans that are not significant require approval by an integrated resource management team or a regional forester. Conditions of approval are addressed in the amendment of the plan. The operating plans and their amendments are not currently posted on a government website. The panel advises that a ministerial agreement require a proposed minor alteration, with environmental implications, be signed off by the Director of Environmental Approvals and the approved amendment be posted on the electronic Public Registry.

Filing of an amendment in the Public Registry is a requirement of The Environment Act for forest management plans. To ensure transparency and an informed public it is advised that a ministerial agreement require approved alterations to a forest management plan be filed on the Public Registry.

Significant changes to the overall direction of a forest management plan, including new operating area, new roads and changing the preferred management scenario require an amendment approved by the Forestry Branch. This is consistent with The Environment Act where a new proposal, which is subject to public and technical advisory committee review, is required for harvesting or road construction that were not previously approved in a plan. Forestry Branch requires public consultation by the proponent for such amendments. The panel advises that a ministerial agreement require the technical advisory committee review significant amendments to plans and that those amendments be filed in the registry inviting public comment. This is important so that public engagement, as well as the

involvement of interested departments and agencies, is satisfactory to the minister as required in section 11(2).

#### **4.2.2 Guidelines for the preparation of a forest management plan**

The Director of Environmental Assessment determines the content of the environmental effects guidelines and the Director of Forestry determines the content of the submission guidelines for forest management plans. Environmental guidelines are referenced in legislation while the forestry guidelines are not. To ensure that environmental effects are adequately addressed, the director responsible for environmental approvals should sign off on the new, updated and relevant parts of both *Manitoba's Submission Guidelines for Twenty Year Forest Management Plans* and the terms of reference for each project. The panel advises that this condition be part of the ministerial agreement.

The government conducted a comprehensive analysis of the gaps between *Manitoba's Submission Guidelines for Twenty Year Forest Management Plans* and recent guidelines for the Preparation of an (Environmental) Effects Assessment for a Twenty Year Forest Management Plan for Forest Management Licence Area # 3. It was concluded that while most of the environmental guideline requirements were addressed in the forest management plan guidelines, gaps were noted and recommendations made for filling those gaps.

The panel assessed the gaps between the two sets of guidelines, reviewed the government gap analysis and concluded that:

- environmental guideline requirements are addressed, with some exceptions, in the forestry plan approval process
- relevant gaps between the two sets of guidelines are identified
- recommended resolution of those gaps be implemented

The panel advises the following actions be taken to address identified forest management guideline gaps in support of a ministerial agreement:

- More detail is needed in the description of information required, similar to that found in the environmental assessment guidelines for Forest Management Licence Area #3. This level of detail will provide certain direction and clarity for the proponent and greater confidence for the public that environmental issues are being addressed.
- Local air quality be added as a component considered when developing a forest management plan, with direction on scope, content and format sought from Conservation and Climate.
- It was noted in the government gap analysis that forest management plan guidelines do not require a description of past and existing wood storage and processing areas. However, these areas must be described for future operations. The current environmental assessment guidelines require this description. The government concluded that a description of past areas is not necessary since they are addressed in previous plans and assessments. The panel concurs with this decision.
- Although not legislated, it has been a practice to require a cumulative effects assessment in an environmental assessment report. This requirement has been included in the guidelines for the Forest Management Licence Area #3 assessment report. Cumulative effects occur over time and space and can be scaled up or down. There are project level effects and regional effects, and project level assessment results are fed into the regional scenario. Currently, there are no regional land-use management plans that would identify thresholds and include a cumulative effects assessment. It is

not appropriate to expect a proponent to undertake a regional assessment, for all developments, outside their project area. Recent proposed amendments to The Planning Act, if implemented, will provide a framework at a regional level and an opportunity for the contribution of project level effects to be included. The Canadian Forest Service (Natural Resources Canada 2019) and the Canadian Council of Forest Ministers (2019) along with many academics are also undertaking research to develop parameters for cumulative effects assessment for forestry in Canada. Approaches and methodologies coming out of these studies may be adopted in future.

In the current case of forest management planning in Manitoba, project level cumulative effects assessments are required. While not all effects can be quantified, the effects of such things as total kilometers of roads and linear developments can be assessed along with effects on watersheds, carbon balance etc. Where regional information exists, efforts should be made to incorporate project level effects into the regional scenario. The panel advises that a cumulative effects assessment be included as a requirement in the forest management plan guidelines and that the scope, content and presentation be prescribed by Environmental Approvals Branch in line with current practices under The Environment Act.

- Visual impacts be included as a component in the forest management plan. Direction should be sought from Environmental Approvals Branch.
- Concordance and commitment tables, be included in the plan to help track impacts and commitments over the life of the plan. These tables are a requirement in the environmental assessment process.

In addition to issues identified in the gap analysis, the panel offers some comments, observations and advice regarding forest management planning processes, guidance

documents and provision of public information. The expectation is that the forest management planning process will be robust, comprehensive, transparent and accountable in support of a healthy environment, society and economy. The panel advises that:

- Consideration be given to either expanding the forest plan submission guidelines to become a forest management manual, as used in other jurisdictions, or create an additional document that explains, in plain language, the entire forest management regime in Manitoba. A full description of provincial processes will enhance the public's understanding and confidence in the management of Manitoba's forests. These documents must be easily accessible on a government website.
- Expand the discussion in the guidelines acknowledging the role of Indigenous communities in forest management and provide general guidance on engagement with Indigenous communities. This engagement would not replace the Section 35 consultations but would encourage early involvement of communities in planning forest management activities.
- The criteria for the selection of indicator species in plan preparation be more fully described in the guidelines to improve understanding of what and why indicators are chosen. For example, wildlife species may be selected in consideration of them being species at risk, a keystone species, an indicator species or influenced by some other forest management component. Consideration should be given to include indicators beyond wildlife such as water flow and quality and social or cultural indicators.
- An analysis of the effects on watersheds be included in the forest management plan. Forestry operations can alter the annual, seasonal and local water flow

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and water quality depending upon their location in the watershed. Effects on the watershed upstream and downstream should be included.

- It is a requirement in a forest management plan that a list of provincial legislation and regulations that govern a proponent's activities be included. Proponents are expected to comply with provincial laws. It would be helpful for the public's understanding to include, in forest management plans, short descriptions on how cultural sites, herbicide application and handling of petroleum products will be managed, even though they are subject to regulation. This will provide greater clarity so that the public can understand how the environment and cultural heritage are being protected.
- Proponents be given direction to include, in the plan, results of activities that enhance the environment and carry these results forward into the cumulative effects assessment.
- Consideration be given to requiring separate sub-plans for some components of the forest management plan, such as road management or monitoring. Where content often changes, a separate flexible plan makes it easier for the regulator and the public to keep track of the on-going changes and the current situation. These plans must be made public. This approach is used for monitoring some environmental licences.
- Although third party forest certification is not legally required by any Canadian jurisdiction it provides another level of compliance check. In discussions with representatives from government and the forest industry in Manitoba, it became clear that provincial forest management regulation and marketplace certification are two different and separate processes. It was stated that first and foremost certification requires compliance with jurisdictional

regulations. Certification standards and audits often go beyond these requirements and result in a higher level of performance. Some jurisdictions require mandatory and independent audits at specific intervals. Discussions with all parties contacted during the review process has led the panel to conclude that mandatory audits may no longer be required. The certification process has raised the level of compliance. Provincial audits can be undertaken should a situation require it, but this would be an exception rather than the rule. As an additional check for compliance with provincial regulations, the panel recommends results of certification audits be made available to the Director of Forestry throughout the life of a forest management plan. The submission guidelines should recognize that a forest management plan could reference any relevant information or audit results from the certification process.

- Where a forest management plan is being renewed and where there was a previous environmental effects assessment, the current assessment could reference the previous assessment where no change in effects has been observed. Any changes in environmental effects would be described and assessed as well as effects not previously addressed. The forest industry has raised concern with the utility of repeating an assessment of environmental effects where there has been no change in those effects. This suggestion would minimize duplication while still ensuring that new or changed effects are addressed.
- Consideration be given to posting on a government website operating plans, forest management agreements, annual reports, results of five and ten year reviews in addition to approved management plans and amendments. These documents should remain available to the public for the life of the plan.
- Currently, requirements of a proponent for forest management planning are included in a forest management agreement, which is not publicly available. The panel suggests that these agreements be made available to the public, on a government website, to aid in understanding the responsibilities of the parties. If this is not possible for business or privacy reasons, then the contents of the forest management licence could be amended to include the regulatory conditions and the licence be made publicly accessible on a government website.
- The Forest Practices Committee be formally recognized and their role be incorporated as a requirement in the preparation of 20 year plan guidelines and all other subject guidelines or guidebooks.
- Drafts of all guidelines and guidebooks be subject to technical advisory committee review, be posted on a government website and be open for public comment prior to publication. A schedule for regular guideline reviews and updating as required would also be beneficial.
- The certification of a forest management plan by a professional forester or equivalent be a requirement for forest management plan approval. Investigation of forester certification could be undertaken with Engineers and Geoscientists Manitoba. If a certification process cannot be put in place, equivalencies to certification should be included in the forest management guidelines.
- Make it clear in the guidelines that documents produced in the forest management planning process will be made available to the public at large.
- Incorporate the staged review process as part of the forest management planning guidelines.
- As an alternative to an appeal to the minister, consideration could be given to

inclusion of a public dispute reconciliation mechanism in the forest management approval process to address outstanding public concerns, after the plan is approved. This provides a choice of a less cumbersome process to resolve issues without immediately proceeding to a ministerial appeal. Success with this approach has been attained in other jurisdictions.

### **4.3 Proposed Process**

The forest management plan development process proposed by the panel is the integration of the environmental review process with the current forestry review process, amending or expanding actions as required (Fig. 4.1). These changes will be included in the recommended contents of a ministerial agreement, as set out later in the report.

Forestry Branch would continue to lead the forest management plan development process. A preliminary and new step will be for the Director of Forestry and the Director of Environmental Approvals to negotiate the membership of a technical review committee to be enlisted throughout the process. The final membership, determined by mutual agreement, is signed off by the Director of Forestry and the Director of Environmental Approvals.

A forest planning project team is formed as it is currently, with Environmental Approvals retaining a seat on the project team, should the branch wish continued participation. Draft terms of reference developed by the proponent will include how environmental assessment requirements are to be incorporated into the plan process. At the same time, the proponent develops a draft public engagement plan.

A project summary, draft terms of reference and a draft public engagement plan are posted on the Public Registry and circulated to the technical advisory committee members for comment. Comments are evaluated and the terms of reference finalized. The Director of Forestry, the company representative, the Director of

Fish and Wildlife and the Director of Environmental Approvals now sign off the final terms of reference. Any amendments to the terms of reference during the process are posted on the electronic registry, but comments need not be sought unless there are major alterations.

As currently, additional staff, advisors, industry and community representatives may be involved at different points in the process.

As outlined in the Forest Management Licence #3 terms of reference, information sharing and public engagement will happen at various stages of the plan development. Documentation available at these points is circulated to the technical advisory committee and posted on the Public Registry for public comment. Comments and concerns from this and the community engagement process are evaluated and addressed, as required, on an ongoing basis. In this way, issues are addressed and the plan is revised proactively rather than at the end of the process.

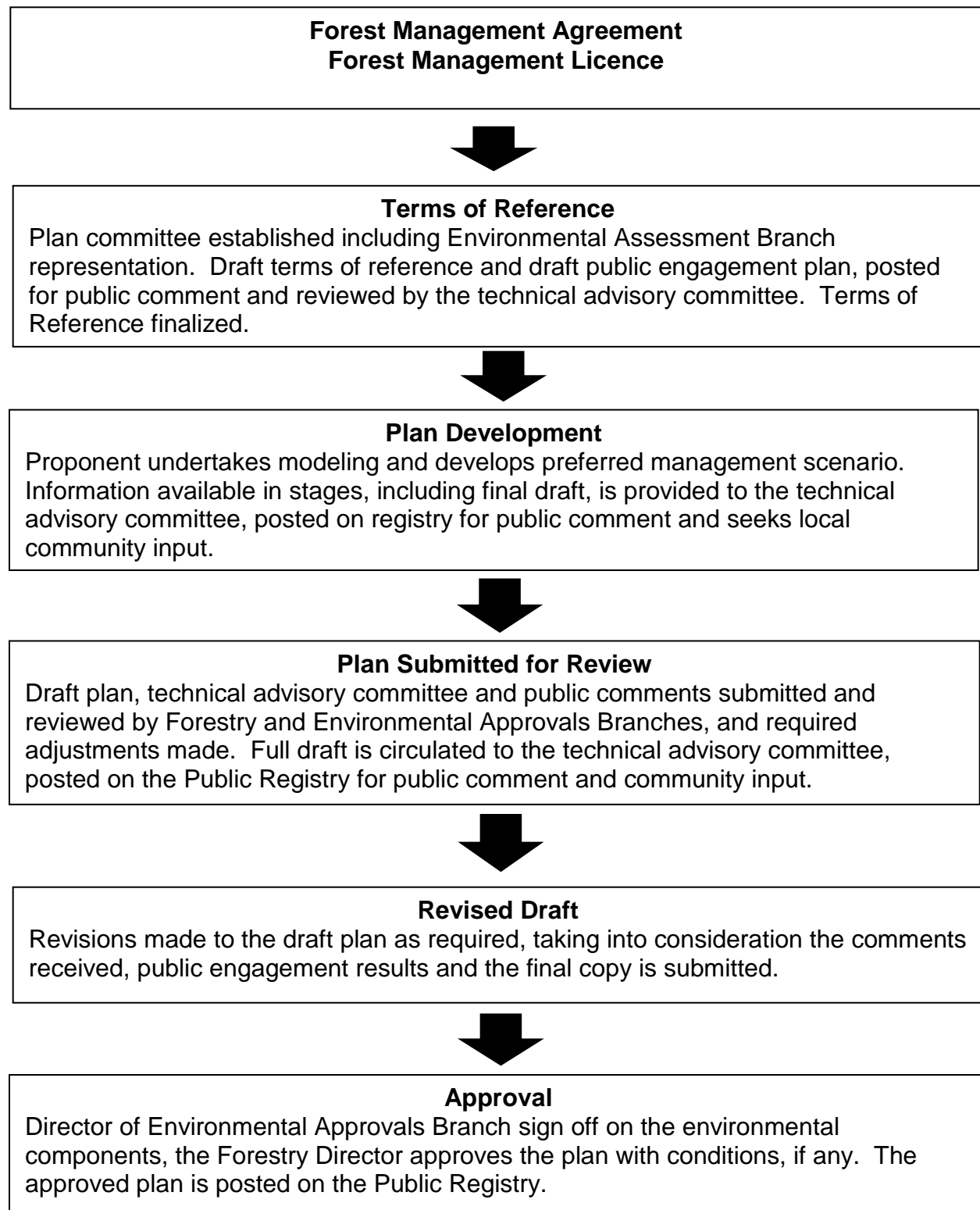
Once a draft plan and a report on results of public engagement are completed, Forestry Branch and Environmental Approvals Branch review it, and required revisions are made by the proponent as directed. The draft plan then goes to the technical advisory committee for final review and is posted for public comment. Comments are evaluated and additional revisions may be directed.

The forest management plan, with conditions if required, is signed off by the Director and Environmental Approvals and approved by the Director of Forestry. The approved plan is posted on the electronic and physical Public Registry.

### **4.4 Ministerial Agreement**

Subsection 11(2) of The Environment Act provides that the minister may, by ministerial agreement, exempt forest management plans from section 11 of the act.

Figure 4.1      **Proposed Forest Management Plan Approval Process**



A ministerial agreement should outline the duties and responsibilities of the parties and the operating principles the parties will adhere to. An agreement should allow flexibility so its conditions can be easily altered as issues arise. It should include a provision for mandatory review every five years but may be renewed or amended at any time.

The Clean Environment Commission recommends, when forest management plans are required, a ministerial agreement direct the Director of Forestry to:

- Appoint a technical advisory committee of government departments and agencies.
- Ensure that *Manitoba's Submission Guidelines for Twenty Year Forest Management Plans* and plan-specific terms of reference:
  - a) address the need for effective environmental management and the assessment of environmental effects
  - b) address the gaps identified in Appendix V including impacts on local air quality, visual impacts, cumulative effects, generation of green house gases, energy efficiency and planning for climate change
- Request additional environmental information from the proponent where it is required for the public and a technical advisory committee to make informed comment and for the director to make informed decisions.
- Ensure that, in granting approval, the plan include such specifications, limits, terms and conditions or with a requirement for such modifications necessary to ensure effective environmental management and compliance with any water quality standard, objective or guideline set or adopted under the Water Protection Act.
- Ensure that alterations to the plan are available for review by the public and a technical advisory committee, approved

and filed in the electronic and physical registry in conformance with section 14 of the Environment Act.

- Obtain sign off from the Director of Environmental Approvals on technical advisory committee membership and on environmental components of the guidelines, the terms of reference, the forest management plan and alterations prior to their final approval.
- Ensure that documents are made available with notice to the public and to the technical advisory committee for 30 days for review and comment, that the proponent undertakes public engagement activities and submits the results, that these comments and results are taken into account in decision-making and that the final documents are publicly available on a government website for information. Documents to be made available are:
  - a) *Manitoba's Submission Guidelines for Twenty Year Forest Management Plans*
  - b) terms of reference and public engagement plans for each project
  - c) draft plans and their components
  - d) approved forest management plans and any major alterations
  - e) required reports and the results of the 10 year review

The ministerial agreement should note that:

Under section 11(4) of the Environment Act, persons affected by an approval of a forest management plan retain the right to appeal that decision to the Minister responsible for the Environment Act.

#### **4.5 Future Strategic and Legislative Considerations**

Facilitation of the transformation, over the long term, from a dual track forest management plan approval process to

an integrated single process requires amendments to legislation and policy to ensure that environmental protection is incorporated as outlined in Section 11(2) of The Environment Act and ensure the objectives of sustainable forest management are met. The strategic and legislative changes suggested by the commission will not increase the burden on the industry or government. The recommended actions reduce the number of steps from the current forest management plan approval processes, improve clarity and increase transparency and accountability for the public.

#### **4.5.1 Policy/Strategy Considerations**

The Clean Environment Commission suggests that consideration be given to developing an up-to-date, publicly vetted forest policy or forest strategy that addresses forest management opportunities and challenges in Manitoba.

#### **4.5.2 Legislative Considerations**

The Commission recommends that amendments to forestry legislation be considered to:

- Reference and provide short descriptions of each of the forestry management licensing documents and the linkages between forest management agreements, forest management licences, forest management plans and operating plans.
- Prescribe the forest management planning process to be inclusive of environmental protection and to address environmental impacts.
- Include a reference to directives (manual, guideline, guidebook, code, rule, standard) to be issued by the minister or director, thereby recognizing them as part of the regulatory process.
- Require that the public at large and other departments of government have the opportunity to review documents and participate in the forest management

planning process, similar to what is set out in The Environment Act.

- Authorize the minister to establish advisory bodies as well as develop terms of reference for these bodies.

Once these amendments are made to forestry legislation, policies, guidelines and processes, the commission suggests that the Classes of Development regulation, under The Environment Act, be amended to remove forest management plans from the list of Class 2 developments.

## **4.6 Conclusion**

Sustainable forest management embraces a holistic evidence based approach. With guidance of the forest ministers and participation of Canadian jurisdictions, forest management in Canada has evolved from a narrow commercial model into a multidisciplinary activity that encompasses the well being of Canada's forests, their environmental integrity, connections with larger society and the communities that depend on them. Economic, social and environmental considerations are taken into account. Sustainable forest management practices in recent decades encourage public participation, recognize indigenous traditions and knowledge and make policy and research results available. Provincial forest planning has incorporated the input of industry, communities, Indigenous peoples and conservationists within the processes used to manage Canada's forests.

Forest certification, with third party auditing, has contributed to the economic value of Canada's forests as well as added another layer of oversight that garners public and consumer confidence. It has also brought the industry to work collaboratively for the benefit of Canada's forests.

Sustainable forest management requires deliberative planning, with flexibility to adapt to changing conditions. Canadian jurisdictions have approached forest management planning using a common

framework inclusive of public participation and recognition of environmental, social and cultural values.

The forest management plan approval process proposed for Manitoba, incorporates practices common in other Canadian jurisdictions. The evolution from of a two track to a single integrated process in other provinces occurred over time allowing for ongoing adjustments. It was done through deliberate steps, with checks and balances, to ensure appropriate environmental protection was permanently incorporated into forest management planning. The end result is a seamless process that addresses both forestry and environmental concerns, requiring only one approval.

All the elements of such a process are available in Manitoba, without a need for major reform of the forest management plan approval process. The panel has identified significant environmental considerations that must be included in a

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forest management plan process and believes they can be successfully incorporated. Enhancements in the availability of information to the public and more opportunity for input provides for greater transparency and accountability.

In support of the single process, the panel encourages amendments to The Forest Act be more prescriptive and deliberate to provide clear legislative authority for forest management licensing and forest management activities in Manitoba. Along with legislative changes, the forest management plan guidelines will require expanding and updating on an on-going basis to include all identified requirements.

The panel has confidence with the guidance provided, Manitoba Agriculture and Resource Development and Manitoba Conservation and Climate can implement an efficient, flexible, yet robust one window process for forest management in Manitoba.

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[https://www.gov.mb.ca/sd/pubs/environmental-approvals/eap\\_report\\_guidelines\\_march\\_2018.pdf](https://www.gov.mb.ca/sd/pubs/environmental-approvals/eap_report_guidelines_march_2018.pdf)

## *Manitoba Clean Environment Commission*

*Information Bulletin – Guide for Public Comments on Environment Act Proposals.* Manitoba Sustainable Development. October 2017.

[https://www.gov.mb.ca/sd/pubs/environmental-approvals/Guide\\_for\\_Public\\_Comments\\_2017\\_10.pdf](https://www.gov.mb.ca/sd/pubs/environmental-approvals/Guide_for_Public_Comments_2017_10.pdf)

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[https://www.gov.mb.ca/sd/pubs/environmental-approvals/Public\\_Registry\\_Guide\\_2017\\_10.doc.pdf](https://www.gov.mb.ca/sd/pubs/environmental-approvals/Public_Registry_Guide_2017_10.doc.pdf)

*Environmental Assessment and Licensing Process.* Flow Chart. Manitoba Sustainable Development. October 2017.

[https://www.gov.mb.ca/sd/pubs/environmental-approvals/EAL\\_Process\\_flow\\_chart\\_2017\\_10.pdf](https://www.gov.mb.ca/sd/pubs/environmental-approvals/EAL_Process_flow_chart_2017_10.pdf)

*Environment Act Licence 2191E.* Issued to Louisiana Pacific LTD. Manitoba Environment. December 10, 1996.

<https://www.gov.mb.ca/sd/eal/archive/1996/licences/2191e.pdf>

*Tolko Industries Ltd. 1997-2009 Forest Management Plan, Licence.* Licence No. 2302 E R.

<https://www.gov.mb.ca/sd/eal/archive/1997/licences/2302er.pdf>

## **New Brunswick**

Crown Lands and Forests Act (C-38.1)

<http://extwprlegs1.fao.org/docs/pdf/nb47808.pdf>

Regulation 86-160

<http://laws.gnb.ca/en/ShowPdf/cr/86-160.pdf>

*A Vision for New Brunswick Forests ....Goals and Objectives for Crown Land Management.* New Brunswick Department of Natural Resources and Energy. December, 1999 (Revised March 10th, 2000)

<http://leg-horizon.gnb.ca/e-repository>

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*Forest Management Manual for New Brunswick Crown Land.* Interim Manual. New Brunswick Natural Resources. January 2004.

<https://www2.gnb.ca/content/dam/gnb/Departments/nr-rn/pdf/en/Publications/ForestManagementManual.pdf>

Forests and Crown Lands

[https://www2.gnb.ca/content/gnb/en/departments/erd/natural\\_resources/content/ForestsCrownLands.html](https://www2.gnb.ca/content/gnb/en/departments/erd/natural_resources/content/ForestsCrownLands.html)

## **Newfoundland and Labrador**

Forestry Act (RSNL 1990 Chapter F-23)

<https://www.assembly.nl.ca/legislation/sr/statutes/f23.htm>

Sustainable Forest Management Planning Regulation (61/13)

<https://www.assembly.nl.ca/legislation/sr/regulations/rc130061.htm>

Environmental Protection Act (SNL 2006 Chapter E-14.2)

<https://www.assembly.nl.ca/Legislation/sr/statutes/e14-2.htm>

*Provincial Sustainable Forest Management Strategy: Growing our Renewable and Sustainable Forest Economy 2014-2024.* Government of Newfoundland and Labrador, Department of Forest

Resources and Agrifoods, Forest Service of Newfoundland and Labrador. 2003.

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*Environmental Protection Guidelines for Forestry Operations in Newfoundland and Labrador.*

Government of Newfoundland and Labrador, Department of Fisheries and Land Resources,

Forestry and Wildlife, Forest Ecosystem Management. January 01, 2018.

<https://www.faa.gov.nl.ca/forestry/managing/pdf/Environmental-Protection-Guidelines.pdf>

Forestry and Agrifoods

<https://www.faa.gov.nl.ca/forestry/index.html>

## **Northwest Territories**

Forestry Management Act (R.S.N.W.T. 199, cF-9)

<https://www.justice.gov.nt.ca/en/files/legislation/forest-management/forest-management.a.pdf?t1571846618570><https://www.justice.gov.nt.ca/en/files/legislation/forest-management/forest-management.a.pdf?t1571846482713>

Forest Management Regulations (R.S.N.W.T 199,c.F-14)

<https://www.justice.gov.nt.ca/en/files/legislation/forest-management/forest-management.r2.pdf>

Forest Resources

<https://www.enr.gov.nt.ca/en/services/forest-resources>

## **Nova Scotia**

Forests Act (R.S.N.S. 1989 c 179)

<https://www.nslegislature.ca/sites/default/files/legc/statutes/forests.htm>

Wildlife Habitat and Watercourses Protection Regulations

<https://novascotia.ca/just/regulations/regs/fowhwp.htm>

Forest Sustainability Regulations

<https://www.novascotia.ca/just/regulations/regs/fosust.htm>

Crown Lands Act (Chapter 114, 1989)

<https://nslegislature.ca/sites/default/files/legc/statutes/crownlan.htm>

*The Path We Share, A Natural Resources Strategy for Nova Scotia 2011-2020, Nova Scotia*

*Department of Natural Resources. Nova Scotia Department of Natural Resources. August, 2011.*

[https://novascotia.ca/natr/strategy/pdf/Strategy\\_Strategy.pdf](https://novascotia.ca/natr/strategy/pdf/Strategy_Strategy.pdf)

*Nova Scotia's Code of Forest Practice. A Framework for Implementation of Sustainable Forest Management. Guidelines for Crown Land. Working Paper FOR 2008-1. Nova Scotia Natural Resources.*

<https://novascotia.ca/natr/forestry/reports/Code-of-Forest-Practice-2008.pdf>

Topic Specific Guides

<https://novascotia.ca/natr/library/publications/forestry.asp>

Forestry

<https://novascotia.ca/natr/forestry/>

## Ontario

Crown Forest Sustainability Act (S.O. 1994, c. 25)

<https://www.ontario.ca/laws/statute/94c25>

Independent Forest Audits Regulation (O. Reg. 160/04)

<https://www.ontario.ca/laws/regulation/040160>

General Ontario Regulation 167/95

<https://www.ontario.ca/laws/regulation/950167>

Environment Assessment Act (R.S.O. 1990 c.E18)

<https://www.ontario.ca/laws/statute/94c25>

Decision Declaration MNR-75

<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTE50DQ3&statusId=MTc5MzIy&language=en>

*Policy Framework for Sustainable Forests*. Forest Policy Series. Government of Ontario. 1994.

<https://docs.ontario.ca/documents/2826/policy-framework-eng-aoda.pdf>

Policy and Planning Manuals

<https://www.ontario.ca/page/forest-management-policies>

Forest Management Planning

<https://www.ontario.ca/page/forest-management-planning>

## Prince Edward Island

Forest Management Act (F-14)

[https://www.princeedwardisland.ca/sites/default/files/legislation/f-14-forest\\_management\\_act.pdf](https://www.princeedwardisland.ca/sites/default/files/legislation/f-14-forest_management_act.pdf)

*Moving to Restore a Balance in Island Forests, Prince Edward Island Forest Policy*. Department of Environment, Water and Climate Change.

[https://www.princeedwardisland.ca/sites/default/files/publications/forest\\_policy-english-sept-19.pdf](https://www.princeedwardisland.ca/sites/default/files/publications/forest_policy-english-sept-19.pdf)

*PEI, Planning for a Sustainable Future. A Time for Questions. Foundation Document*.

Government of Prince Edward Island. July 2012.

<http://www.gov.pe.ca/photos/original/susfuture.pdf>

*Ecosystem-Based Forest Management Standards Manual*. Prince Edward Island Department of Agriculture and Forestry, Forests, Fish and Wildlife Division. June 2014.

[https://www.princeedwardisland.ca/sites/default/files/publications/technical\\_version\\_forest\\_management\\_manual.pdf](https://www.princeedwardisland.ca/sites/default/files/publications/technical_version_forest_management_manual.pdf)

Forestry

<https://www.princeedwardisland.ca/en/topic/forestry-0>

## Quebec

Sustainable Forest Development Act (Bill 57, 2010. c 3)

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2010C3A.PDF>

Regulation respecting the sustainable development of forests in the domain of the State (c. A-18.1, r.0.01)

<http://legisquebec.gouv.qc.ca/en/ShowDoc/cr/A-18.1,%20r.%200.01/>

Guide to the application of the regulation

<https://mffp.gouv.qc.ca/RADF/guide/?lang=en>

Environment Quality Act c. Q2

<http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/Q-2>

Regulation respecting the application of the Environment Quality Act (c.Q-2, r.3)

<http://legisquebec.gouv.qc.ca/en/ShowDoc/cr/Q-2,%20r.%203>

*Sustainable Forest Management Strategy.* Department of Forests, Faune et Parcs. Government of Quebec.

<https://mffp.gouv.qc.ca/english/publications/forest/sustainable-forest-management-strategy.pdf>

Forests

<https://mffp.gouv.qc.ca/the-forests/?lang=en>

Manuals, guides and policies

<https://mffp.gouv.qc.ca/the-forests/forests-publications/?lang=en>

## **Saskatchewan**

The Forest Resources Management Act (c.F19.1)

<https://pubsaskdev.blob.core.windows.net/pubsask-prod/690/f19-1.pdf>

The Forest Resources Management Regulations ( c F19-1 R1)

<https://pubsaskdev.blob.core.windows.net/pubsask-prod/1885/F19-1R1.pdf>

The Forest Resources Management (Saskatchewan Environmental Code Adoption) Regulations (c F19 R11)

<https://pubsaskdev.blob.core.windows.net/pubsask-prod/80718/F19-1R11.pdf>

*Forest Management Planning Standard, Saskatchewan Environmental Code.* Government of Saskatchewan. September 5, 2017.

Forest Planning

<https://www.saskatchewan.ca/business/agriculture-natural-resources-and-industry/forestry/forest-management-planning>

Saskatchewan Environmental Code

<https://publications.saskatchewan.ca/#/categories/69>

The Environmental Assessment Act (c E-10 1980)

<https://pubsaskdev.blob.core.windows.net/pubsask-prod/616/E10-1.pdf>

## **Yukon**

Forest Resources Act (SY 2008 c.15)

<http://www.gov.yk.ca/legislation/acts/fore.pdf>

Forest Resources Regulation

[http://www.gov.yk.ca/legislation/regs/oic2010\\_171.pdf](http://www.gov.yk.ca/legislation/regs/oic2010_171.pdf)

Yukon Environmental and Socio-economic Assessment Act (S.C 2003, c.7)

<https://laws-lois.justice.gc.ca/eng/acts/Y-2.2/index.html>

*Yukon Forestry Handbook*. Yukon Government, Energy, Mines and Resources, Forest Management Branch. 2015.

<http://www.emr.gov.yk.ca/forestry/pdf/yukon-forestry-handbook-2017.pdf>

Forest Operational Standards

[http://www.emr.gov.yk.ca/forestry/operational\\_standards.html](http://www.emr.gov.yk.ca/forestry/operational_standards.html)

Final Agreements

<https://yukon.ca/en/agreements-first-nations#modern-treaties-comprehensive-land-claims-agreements>

Forestry

<http://www.emr.gov.yk.ca/forestry/>

## APPENDIX I



MINISTER OF  
CONSERVATION AND CLIMATE

Legislative Building  
Winnipeg, Manitoba, CANADA  
R3C 0V8

MAY 07 2020

Serge Scrafield  
Chair  
Clean Environment Commission  
305-155 Carlton Street  
Winnipeg MB R3C 3H8

Dear Serge Scrafield:

This letter replaces my letter of December 19, 2019 regarding a request for review of Manitoba's approval processes for Forest Management Plans. The Terms of Reference enclosed has been revised based on a request from the Clean Environment Commission to provide further clarification and to provide an extension to the report due date due to COVID-19.

Forest Management Plans submitted in accordance with The Forest Act currently require approval under The Forest Act and The Environment Act. Conservation and Climate has conducted a preliminary review of the two approval processes and identified opportunities for streamlining while still maintaining the integrity of the environmental assessments.

As part of this review, the department conducted a preliminary analysis of the gaps between the two processes and analyzed the potential for an exemption, under section 11(2) of The Environment Act, for forest management activities that require the submission of a Forest Management Plan.

Pursuant to section 6 of The Environment Act, I hereby request that the Clean Environment Commission (the Commission) conducts the following in accordance with the attached Terms of Reference:

- A review of the existing approval processes for Forest Management Plans;
- Input into parameters by which equivalency can be achieved using one approval process; and
- A review and comparison of the approval processes for forest management activities in other Canadian jurisdictions in relation to Manitoba's.

In accordance with section 7 of The Environment Act, please provide me with a report including the Commission's advice and recommendations following the completion of the requested reviews.

You may contact Shannon Kohler, Director of the Environmental Approvals Branch and Matthew Conrod, Director of the Forestry and Peatlands Branch regarding information relating to the existing approval process.

Warm Regards,

*Original signed by*

Sarah Guillemard  
Minister

cc: Cathy Johnson  
Shannon Kohler  
Matthew Conrod

## **Terms of Reference**

### **Clean Environment Commission Forest Management Approval Process**

#### **Background**

Pursuant to The Forest Act, companies who hold or are seeking a Forest Management Licence (FML) are required to develop a Forest Management Plan (FMP). Existing Forest Management Licence agreements specify that a long-range plan must be developed every twenty years. The approval of a twenty-year FMP is the responsibility of the Director of the Forestry and Peatlands Branch of Agriculture and Resource Development.

In accordance with The Environment Act and the Classes of Development Regulation, a licence is required for timber cutting that requires an FMP or Operating Plan under The Forest Act. The Environment Act licence is issued by the Director of the Environmental Approvals Branch of Conservation and Climate.

The forest industry has raised concerns that the two approval processes for a FMP are duplicative and are not in line with the approval processes of other Canadian Jurisdictions.

Section 11(2) of The Environment Act allows for exemption of a development or type of development from requiring an Environment Act licence if it is subject to an existing approval process that to the satisfaction of the minister (a) involves interested government departments and agencies; (b) includes public consultation; and (c) addresses environmental issues. The Act stipulates that the exemption is administered through an agreement between the ministers of the approving departments.

The department has conducted a preliminary review that outlines gaps between the two existing approval processes and the basis by which an exemption or equivalency may be considered.

The Minister of Conservation and Climate is requesting that the Clean Environment Commission (the Commission) conduct a review of Conservation and Climate's existing approval processes for FMPs and provides additional input into parameters by which equivalency can be achieved using one approval process. A review and comparison of the approval processes for forest management activities in other Canadian jurisdictions in relation to Manitoba's is also requested.

#### **Terms of Reference**

Pursuant to section 6 (5.1) of The Environment Act, the Minister has determined that the Terms of Reference for the Commission are as follows:

- Review the current approval processes for a FMP under The Forest Act and The Environment Act.
- Conduct a comparison of the FMP approval processes for forest management activities in Canadian jurisdictions.
- Provide advice on gaps and opportunities in consideration of the conditions set out in section 11(2) of The Environment Act and the current FMP approval process under The Forest Act.
- Based on the review and analysis, develop recommendations regarding an FMP approval process that would meet the requirements of both The Forest Act and The Environment Act.

*Forest Management Approval Process Review.*

- Provide a report to the minister on the findings along with recommendations regarding an FMP approval process.
- The report must be submitted by July 1, 2020.

The Commission may, at any time, request that the Minister of Conservation and Climate review or clarify these Terms of Reference.

April 28, 2020

## **APPENDIX II Consultations**

Matt Conrod, Manitoba Agriculture and Resource Development

Elise Dagdick, Manitoba Conservation and Climate Change

Jeff Gordon, Manitoba Forest Industries Association

Brian Oake, Newfoundland Fisheries and Land Resources

Nadine Penney, Saskatchewan Ministry of Environment

Ward Perchuk, Spruce Products Limited

Marianne Porteus, Manitoba Agriculture and Resource Development

Kristina Rudzi, Ontario Ministry of Environment Conservation and Parks

Corey Wight, Newfoundland Fisheries and Land Resources

Todd Yakielashek, Louisiana-Pacific Corporation

## APPENDIX III

### 20-Year Forest Management Plan (FMP) for Forest Management Licence #3

#### *Terms of Reference*

Revised: July 23, 2019

#### EXECUTIVE SUMMARY

**Who** – The Plan proponent (Louisiana-Pacific Canada Ltd.) is the holder of Forest Management Licence #3. The plan regulator is the Province of Manitoba. The 20-Year Forest Management Plan (FMP) will be guided by input received from Indigenous communities, stakeholders, environmental groups and the public.

An FMP Planning Team consisting of staff from Louisiana-Pacific Canada Ltd., the Province of Manitoba, scientists and/or consultants will guide the creation of the 20-Year Forest Management Plan (FMP).

FMP Planning Team members will include:

AGENCY	ROLE OR TITLE	PERSON
<b>Louisiana-Pacific (LP) Canada Ltd.</b>  Swan Valley – Forest Resources Division	Siding Business Manager, Natural Resources	Dan Toivonen
	Area Forest Manager	Todd Yakielashek
	District Forester	Paul LeBlanc
	Planner	Vern Bauman
<b>Mountain Forest Section Renewal Company (MFSR)</b>	Silviculture Forester	Jeannette Coote
<b>Manitoba Sustainable Development (MSD)</b>	Forestry and Peatlands branch (Winnipeg) A/ Director	Matt Conrod
	Forestry and Peatlands branch (Winnipeg) Industry Liaison	Jane Epp
	Forestry and Peatlands branch (Winnipeg) FMP Consultation Lead	Evan Finkler
	Forestry and Peatlands branch (Winnipeg) Wood Supply Modeller	Jianwei Liu
	Forestry and Peatlands branch (Winnipeg) A/Manager - Inventory & Analysis section	Jim Boyd
	Forestry and Peatlands branch (Swan River) Western Region Forester	<i>Vacant</i>

<b>Manitoba Sustainable Development (MSD)</b>	Forestry and Peatlands Branch (Swan River) Regional Forest Management Supervisor	David Chetyrbuk
	Wildlife and Fisheries Branch (Winnipeg) Habitat Mitigation & Wildlife Land Specialist	Brian Kiss
	Wildlife and Fisheries Branch (Swan River) Regional Biologist	Gerald Shelemy
	Wildlife and Fisheries Branch (Swan River) Regional Wildlife Biologist	Brent Fuchs
	Wildlife and Fisheries Branch (The Pas) A/Manager, Regional Wildlife Section	Maria Arlt
	Wildlife and Fisheries Branch (Dauphin) Regional Wildlife Manager	David Elliot
	Environmental Approvals Branch (Winnipeg) Environment Officer	Elise Dagdick

Additional staff from LP Canada, the Province of Manitoba, Timber Quota holders, as well as, stakeholders and the public will be involved at different stages of FMP development.

**What** – The FMP Terms of Reference (ToR) is the blueprint for developing the 20-Year Forest Management Plan (FMP) for Forest Management Licence #3. The new 20-Year FMP will include ecosystem values and be designed with a community-supported strategy to ensure the long-term conservation of moose populations. The benefits to Moose management resulting from FMP development will be discussed with the MSD Wildlife and Fisheries branch, Indigenous communities and stakeholders. The plan proponent will incorporate moose science and traditional knowledge regarding moose, wherever possible. Ecosystem-Based Management will continue to provide the basis for FMP development and will consider components such as land base, yield curves, modelling and management objectives.

**Where** – The 20-Year FMP is for Forest Management Licence #3 (FML-3), which includes the Duck Mountain Provincial Forest and surrounding area. FML-3 is located mostly within the Boreal Plain ecozone with a small portion located in the Prairie ecozone.

**When** - The FMP Terms of Reference (ToR) must be mutually agreed upon, in writing, by the Plan regulator (Province of Manitoba) and the Plan proponent (LP Canada Ltd.). Once written approval of the ToR occurs, the plan proponent will refer to the ToR to guide and help develop the 20- Year Forest Management Plan (FMP).



Map: Forest Management Licence #3 (FML-3)

## Forest Management Approval Process Review.

Louisiana Pacific (LP) will undertake Engagement and Information Sharing at various stages of the FMP as identified in – *Manitoba's Submission Guidelines for Twenty Year Forest Management Plans*.

[https://www.gov.mb.ca/sd/forestry/pdf/practices/20\\_year\\_forest\\_plan\\_2007.pdf](https://www.gov.mb.ca/sd/forestry/pdf/practices/20_year_forest_plan_2007.pdf).

Proponent Communication Plan (Information Sharing and Engagement):

- **Early plan development** – (post ToR approval but at the beginning of the plan process).  
Confirming plans for information sharing and identifying community values
- **Mid-plan development** – Scenario planning, iterative modifications to scenarios based on input
- **Late plan development** – Scoring forest management scenarios to assist in choosing the 'Preferred Management Scenario (PMS)' complete with 20 years of harvest scheduling and modeling output.

The 20-Year FMP is expected to be submitted to the Province of Manitoba by December 31, 2019.

Manitoba Sustainable Development (MSD) and LP agreed to a Chapter Approval in Principle process. Chapters of the FMP, or portions thereof, would be submitted to MSD for a full Technical Advisory Committee (TAC) review and comment as completed by LP. These comments would be forwarded to LP to edit or respond to the concern. MSD signing off on the Chapter Approval in Principle does not indicate completeness or finalize the chapter but defines direction on the chapter and addresses concerns prior to the final submission. Once the full plan is submitted, Forestry and Peatlands branch will follow the guidance in the FMP Submission Guidelines (*i.e.* Manitoba's Submission Guidelines for Twenty Year Forest Management Plans, 2007) in coordinating a review.

FMP approval is anticipated to be within two years following submission of the FMP – December 2021.

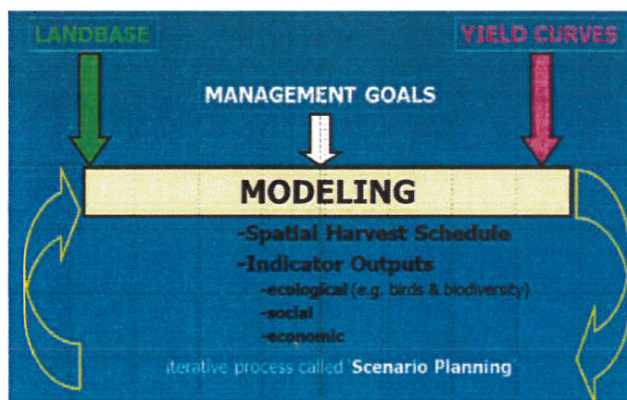
The approved Forest Management Plan (FMP) will be signed by both the proponent and Director of Forestry and Peatlands branch.

**Why** – The 20-Year FMP is the long-term strategic plan that will guide forestry activities in Forest Management Licence #3 over the next 20-year period.


**How** – The 20-Year Forest Management Plan (FMP) is a large and complex undertaking. Therefore, the FMP Terms of Reference is sub-divided into four categories:

- land base
- yield curves
- management goals
- modeling

These four FMP categories will lead into an iterative modeling process. Note that opportunities to provide input for plan development will be provided to Manitoba Sustainable Development, Indigenous communities, stakeholders and the public.



**SIGNATURE PAGE**



Matt Conrod  
A/Director  
Forestry and Peatlands Branch  
Manitoba Sustainable Development



Dan Toivonen  
Siding Business Manager, Natural Resources  
Building Solutions



Rob Olson  
Director  
Wildlife and Fisheries Branch  
Manitoba Sustainable Development

## 1. INTRODUCTION

The Plan proponent, LP Canada Ltd., is the licence holder for Forest Management Licence #3. The Plan regulator, the Province of Manitoba, is responsible for the review and approval of the 20-Year Forest Management Plan (FMP).

### 1.1 Ecologically-Based Approach

An **ecologically-based approach** to this proposed FMP is consistent with provincial, national, and international guidance:

#### Provincial

- Manitoba's Submission Guidelines for Twenty Year Forest Management Plans

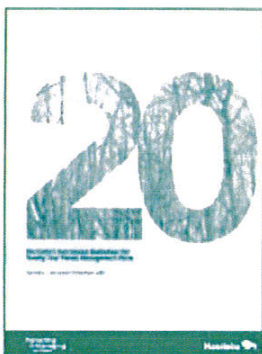
#### National

- Canadian Council of Forest Ministers – Indicators of Sustainable Forest Management (2003);
- Sustainable Forest Management (SFM)

#### Globally

- Embedded with the World Conservation Strategy (International Union for the Conservation of Nature et al. 1980)
- United Nations Conference on Environment and Development's Agenda 21 (United Nations 1992a)
- United Nations Convention on Biological Diversity (United Nations 1992b)

### 1.2 Terms of Reference



(From page 2, section 2.0 Pre-Planning Requirements – *Manitoba's Submission Guidelines for Twenty Year Forest Management Plans*)

#### Terms of Reference

The Terms of Reference (ToR) is a living document. The ToR is used by the Plan proponent (LP Canada), and the Plan regulator (Province of Manitoba) as a planning aid to guide the FMP Planning Team in discussions regarding the 20-Year FMP. Wood supply information and/or Base Case analysis will be provided by the Manitoba Sustainable Development (MSD). If MSD does not have a Base Case completed, in part or in total, by the time the Terms of Reference for the FMP is submitted, the Director of Forestry and Peatlands will give written instructions to the proponent on how to proceed in a timely manner.

The Plan **regulator** (Province of Manitoba) will provide:

- confirmation that the proposed indicator species (plant and/or animal) selected for modelling the Preferred Management Scenario (PMS) meet government requirements
- end date for submission of the 20-Year FMP to the Province of Manitoba
- details of the various Manitoba Sustainable Development review processes
- details of the Environmental Assessment process and Licensing Branch process, under the *The Environment Act*
- details of Manitoba's Crown-Consultation process including proponent's role in supporting the process
- the proposed date for the Province of Manitoba to approve the 20-Year FMP
- existing issues in Forest Management Licence #3 (FML-3)
- confirmation that the suite of indicator species (plant and/or animal) proposed are satisfactory
- available information regarding other resource uses
- other relevant land base management plans

## *Manitoba Clean Environment Commission*

The **Plan proponent** (LP Canada Ltd.) will provide:

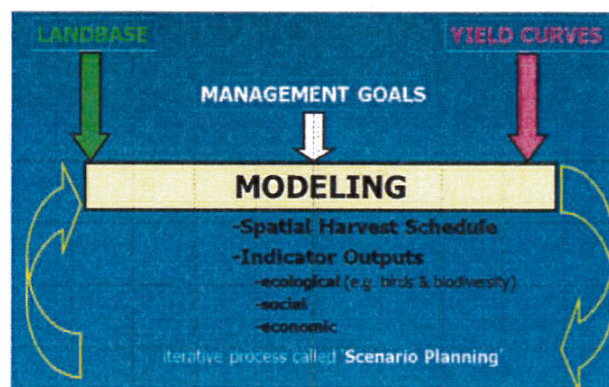
- a Communication Plan (*i.e.* Information Sharing and Engagement)
- existing issues in Forest Management Licence #3 (FML-3)
- the proposed indicator species (plants and/or animal) selected for PMS modelling of the FMP

## 1. FOREST MANAGEMENT PLAN OVERVIEW

A 20-Year Forest Management Plan (FMP) is a large and complex undertaking. Therefore, the FMP Terms of Reference is sub-divided into four meaningful categories:

- land base
- yield curves
- management goals
- modeling

*Note that information provided by Indigenous communities, technical experts, stakeholders and the public can occur at each phase of modelling.*



**Embedded science** – wherever possible, relevant science and traditional knowledge (verbal and written) will be added into the land base, yield curves, management goals, and modeling. For example, geographic areas can be identified that are of traditional importance to local persons, and this information can be used in the land base.

### 2.1 Proponent Communication Plan (Information Sharing and Engagement)

As per section 2.0 of the FMP guidelines (i.e. *Manitoba's Submission Guidelines for Twenty Year Forest Management Plans*), the Province of Manitoba will provide information on the Crown-Consultation process with Indigenous communities (including timelines and communities) and communicate the proponent's role in supporting consultation by providing information on FMP development.

The proponent will prepare a "Communication Plan" that outlines plans for FMP Information Sharing and Engagement with Indigenous communities and stakeholders.

Information Sharing and Engagement will happen at various stages of the FMP:

- **Early plan development** – (post ToR approval but at the beginning of the plan process) Confirming plans for engagement and identifying community values
- **Mid-plan development** – Scenario planning, iterative modifications to scenarios based on input;
- **Late plan development** – Scoring forest management scenarios to assist in choosing the "Preferred Management Scenario (PMS)" complete with 20 years of harvest scheduling and modeling output.

### 2.2 Existing Issues in Forest Management Licence #3 (FML-3)

Existing issues in FML-3 are as follows:

- low moose populations
- community-supported strategy for the long-term conservation of moose populations
- the perception of declining elk and marten habitat
- landscape-level management
- water yields
- beaver populations
- roads and road access
- species at risk
- forest access and trails

*Note that the list will be updated to include information received through Information Sharing and Engagement.*

Some local stakeholders have raised issues in regard to the decline in moose populations. LP will be investigating a landscape management approach for the 20-Year FMP that would significantly reduce the number of roads and thereby limit access.

## 2.3 Indicator Species in the FMP

Indicator species are defined as an animal or plant species that can be used to infer conditions in a particular habitat.

Indicator species that will be modelled for within the scope of this forest management plan are the 17 indicator bird species listed below. These indicator bird species represent habitat with different ages, cover types and interspersions.

### Coarse-Filter Biodiversity Bird Species with existing models in the Duck Mountain:

1)	AMRE	American redstart
2)	BCCH	Black-capped chickadee
3)	BHCO	Brown-headed cowbird
4)	BHVI	Blue-headed vireo
5)	BOCH	Boreal chickadee
6)	BRCR	Brown creeper
7)	COYE	Common yellowthroat
8)	CSWA	Chestnut-sided warbler
9)	GCKI	Golden-crowned kinglet
10)	HETH	Hermit thrush
11)	OVEN	Oven bird
12)	REVI	Red-eyed vireo
13)	SWTH	Swainson's thrush
14)	VEER	Veery
15)	WIWR	Winter wren
16)	YBSA	Yellow-bellied sapsucker
17)	YWAR	Yellow warbler

Several other wildlife species, that are not indicator species, rather species of noted concern or importance are, Moose, American Pine Marten, and Elk. Bird species at risk include Golden Winged Warbler, Canada Warbler, and Olive sided fly catcher. Below is a summary of how the forest management plan will address/model habitat abundance for each species.

### Moose

A Resource Selection Function (RSF) model will be used to spatially model and quantify winter moose habitat for the current forest condition as well as at years 10, 20, 30 and 40.

A Habitat Supply Model (HSM) will be used to spatially model and quantify summer moose habitat for the current forest condition as well as at years 10, 20, 30 and 40.

### Marten

A Habitat Suitability Index for winter cover will be used to spatially model marten winter cover for 200 years. Bird Species at Risk

Bird species at risk have very little habitat information. Therefore, the agreed upon approach will be to use indicator bird species as a proxy for bird species at risk.

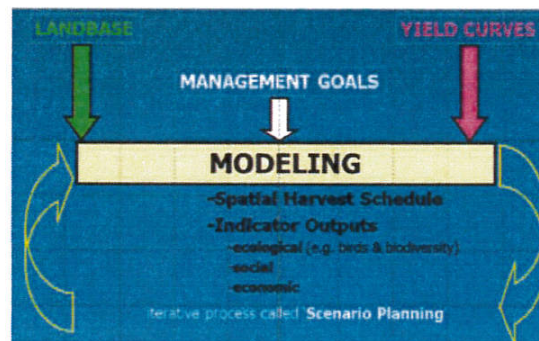
Species	Surrogate Indicator Bird Species
Canada warbler (CAWA),	American Redstart (AMRE), Veery (VEER)
Olive-sided flycatcher (OSFL),	Alder Flycatcher (ALFL), Common Yellowthroat (COYE)
Golden-winged warbler (GWWA),	American Redstart (AMRE), Veery (VEER)

### Elk

Currently there is no suitable model or data available to strategically quantify or model elk habitat for the FML 3 area at the landscape level. Elk are recognized as an important species of concern. Should a validated elk model become available over the course of the plan, it would be considered for use during one of the 5-year forest reports.

## 2. LANDBASE

A digital modeling land base was created for Forest Management Licence #3 (FML-3) and approved January 29, 2019. In keeping with the Province of Manitoba's stated goal of an ecologically-based approach, an ecological land base consisting of uplands, peatlands and wetlands was created. Approved use of this land base information is limited to strategic planning purposes only (i.e. development of the 20-year FMP). Any use beyond this purpose should not be considered endorsed by either party, unless by written mutual consent.



The MSD Forestry and Peatlands Branch (Inventory and Analysis section) has agreed to update the ecosystem modeling land base. All disturbances up to March 31, 2018 are included in the modeling land base. All analyses by the Province of Manitoba and LP would utilize the same modeling land base file.

### 3.1 Ecological Boundaries

Ideally, there would be a single ecological land base that follows ecosystem boundaries at a relevant scale. This is well described in Manitoba's publication – *Five-Year Report on the Status of Forestry (2006-2011)*, under the section titled "Ecozone-Based Reporting Structure" (Figure 1).

### 3.2 Ecological Land Base

Forest Management Licence #3 consists of three Forest Management Units (FMU), which include:

- FMU 10 (east and south of the Duck Mountains)
- FMU 11 (Swan-Pelican forest and Swan Valley area)
- FMU 13 (Duck Mountain Provincial Forest)

Each FMU has a separate forest inventory with a different date of origin and methodology. These differences create some challenges for amalgamating forest land bases and modelling. Various areas (peatlands, wetlands, soils, mapped ecological products) will be incorporated into the ecological land base. Ducks Unlimited Canada wetlands mapping will be used across all FMUs, wherever possible.

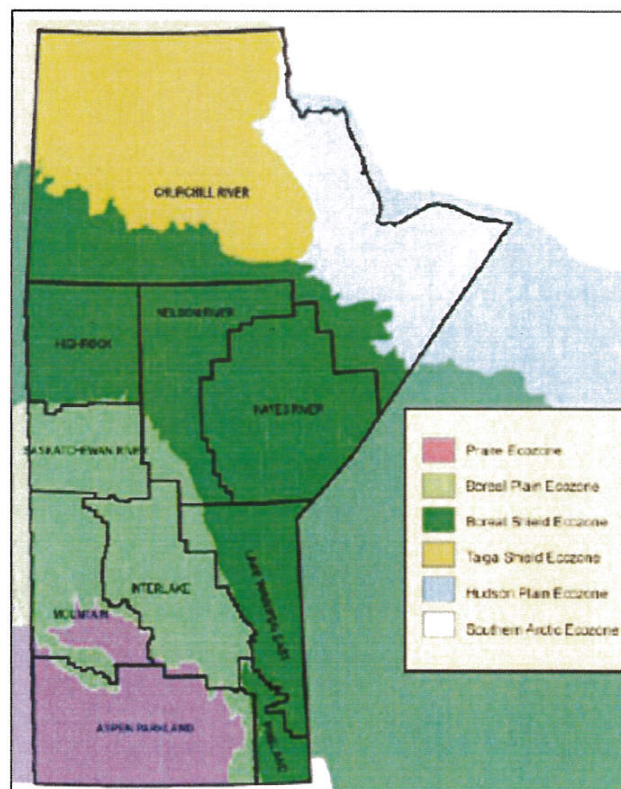


Figure 1. Ecozone boundaries and forest section boundaries in Manitoba

### 3.3 Land Base Strata

In keeping with the Province of Manitoba's stated goal of an ecologically-based approach, ecological strata will be used for modeling all ecosystems goods and services.

*"The purpose of FMP is to ensure the use of forest resources in Manitoba is consistent with the province's commitment to an ecosystem-based approach to achieving sustainable forest management."* – Manitoba's Five-year report on the Status of Forestry (April 2006-March 2011).

The Plan proponent can use ecological strata and the Plan regulator can still track timber strata simultaneously. The 2006 FMP took an Ecosystem Based Management approach and used ecosystem strata throughout the FMP (i.e. Volume curves; Carbon curves; Habitat Element Curves – snags, down woody debris, % shrub cover). The ecological strata will also provide an 'ecological robustness' that will benefit biodiversity and modelling for wildlife habitat.

The ecosystem-based strata are based on two ecologically-meaningful parameters: 1) **soil moisture regime**; and 2) **soil nutrient regime**, which is highly correlated to soil texture. Forest ecosystem classification systems across Canada consistently use soil moisture regime and soil nutrient regime as environmental gradients to define ecosystems (Figure 2).

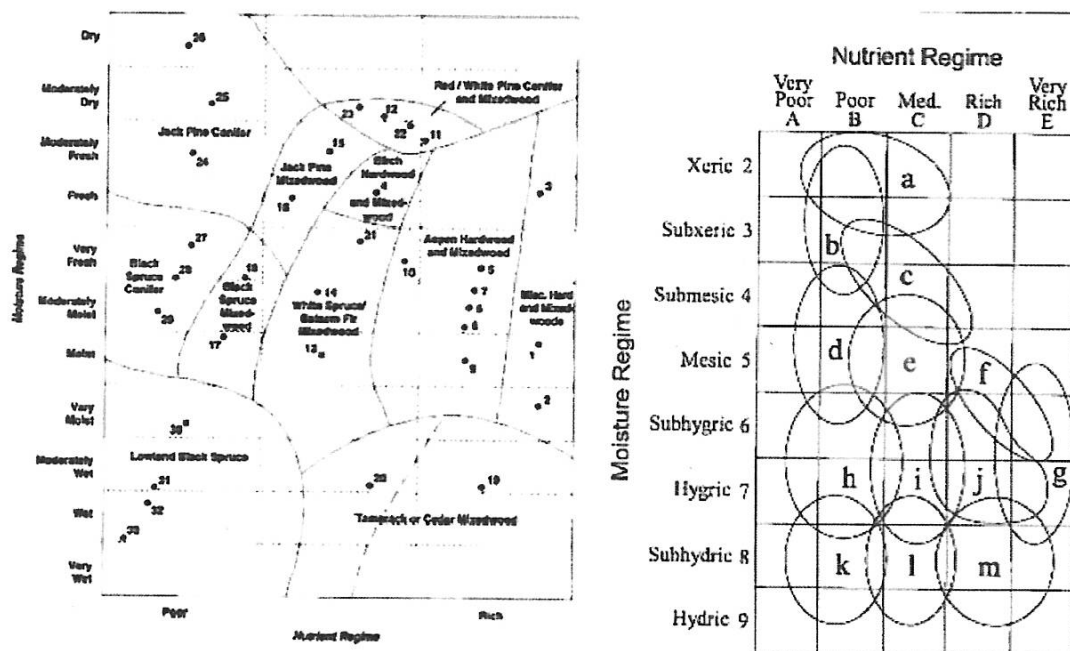


Figure 2. Edatopic grids use soil moisture regime and soil nutrient classes. Manitoba (left) Zoladeski et al. 1995; and Alberta (right) Beckingham et al. 1996.

### *Forest Management Approval Process Review.*

Ecological strata and timber strata are not mutually exclusive on the Duck Mountain land base with the Forest Lands Inventory (FLI). Forestry Corp. consultants and LP have configured the FLI to easily allow for multiple strata to be assigned to every polygon. In the LP data, each polygon in the Duck Mountain Provincial Forest was assigned the following:

- Ecosite
- EcoSeries
- Habitat Element Curve strata
- Ecological Representation Analysis (class 1 to 5)
- Rare Ecosites (scale of 1 to 5)
- Seral stage
- Note that any other classifications can easily be added

#### **3.4 Updating the digital modeling land base**

The 2006 FMP modeling landbase will be updated to the date stamp March 31, 2018 including:

- Updating natural disturbance (e.g. June 2012 blowdown event mapped by MSD; any mapped fires or mapped insect and disease events)
- Updating actual cutover boundaries to March 31, 2018
- Account for all wetlands (bogs, fens, swamps, marshes and open water) in FML #3 (using Ducks Unlimited Canada wetland mapping)
- Traditional knowledge if location-specific information is made available
- Ensuring the unique key field (FORESTKEY) is present. FORESTKEY allows us to link each polygon to ecosites, HEC strata, future wildlife habitat rankings, etc.
- Restoring the original FMU 13 Duck Mountain boundary back to the surveyed boundary edge

Harvesting that has occurred after March 31, 2018 will be 'hard wired' into the spatial harvest schedule, to avoid scheduling the harvest of recent cutovers.

### 3. YIELD CURVES

Yield curves provide information for forest management decisions. Ecosystem yield curves include a variety of ecosystems goods and services (e.g. snags and coarse woody debris) in addition to the standard yield curve of merchantable timber volume over age. Note that a yield curve is required for each strata/ ecosystem goods and services combination.

As stated in *Manitoba's Submission Guidelines for Twenty Year Forest Management Plans* –

*"This guidebook is written to help professionals obtain an approved FMP. The proponent has the discretion to assemble the FMP in a form they prefer as long as the required information is contained within the FMP. The tables presented in the guidelines are not standards but are examples of showing the information required in the FMP."*



#### 4.1 Volume Curves

Volume over age (*i.e.* volume curves) is a standard modeling input that estimates changes in timber volume over time across the land base. LP will not use volume curves to determine wood supply, since Forestry and Peatlands Branch determines wood supply (*i.e.* the Annual Allowable Cut) for each Forest Management Unit. Forestry and Peatlands branch will develop a base case wood supply analysis to set the Annual Allowable Cut (AAC) using best available data for yield curves, post-harvest transitions and other inputs and assumptions.

The proposed blocks in an Operating are always subject to the Annual Allowable Cut (AAC) by Forest Management Unit. The landscape-level strategic harvest is also subject to the AAC by Forest Management Unit.

Manitoba Sustainable Development (MSD) will provide LP with the base case wood supply yield curves and related inputs. LP may either: use the base case; build upon the base case; or take a different approach to modeling. MSD will work with LP to discuss any different approaches and/or assumptions used to create an alternate modelling scenario. Any new approaches and/or assumptions to modelling used for Forest Management Plan (FMP) will require implementing a monitoring plan during the life of the FMP.

LP will use the MSD Forestry Branch's yield curves within the range of actual sampled observations (aged 40 to 120 years) from the 2002, Forest Lands Inventory (FLI). LP will not extrapolate stand age beyond 120 years but will use Riding Mountain Permanent Sample Plot (PSP) data for stand ages 120-200 years (LeVac 2012). The Riding Mountain data shows: stand volumes decline with age; canopy gaps opening; and 2-cohort stands forming a lower volume than a single cohort stand. No data is currently available for stand ages older than 200 years.

#### 4.2 Late Stage Stand Development and Succession

It is recognized that differing approaches to modelling late stage stand development and succession may result in a different forecast of future forest conditions. LP and Manitoba Sustainable Development (MSD) agree that a comparison of the forecasted future forest conditions arising from the Base Case (Wood Supply analysis) the Preferred Management Scenario (PMS) will be included in the FMP. MSD will provide LP with the Base Case future forest condition.

MSD and LP can jointly monitor late stage stand development. Joint efforts for data collection (*e.g.* older permanent sample plots), monitoring and analyses will further validate assumptions and enhance the science of later stage stand development and succession.

#### 4.3 Carbon Curves

The Canadian Forest Service - Forest Carbon Accounting model (CBM-CFS3) is one way to account for carbon. However, CBM-CFS3 runs outside the modeling system and requires a data export after each modeling run is completed. The use of CBM-CFS3 carbon curves for ecological strata in the Duck Mountains (Johnston 2005) allows the carbon to be accounted for inside the modeling run and is easily generated with each scenario. In

*Terms of Reference - FML 3 Forest Management Plan*  
(July 23, 2019)

addition, the carbon curves are calibrated to local conditions using the same data that the Province of Manitoba used for creating yield curves.

#### **4.4 Snag and Coarse Woody Debris Curves**

LP will utilize a suite of ecosystem yield curves that will include: Curves for volume over age; snags by age; down woody debris; and percent shrub cover.

#### **4.5 Modeling Inputs - Post-Harvest Transitions**

Post-harvest transitions refer to the cover group (*i.e.* hardwood; hardwood-mixedwood; softwood-mixedwood; and softwood stands) that a stand regenerates to after harvest and renewal activities. Post-harvest transitions are a very sensitive input to model and have a significant influence on the species composition of the future forest. The species composition of the forest is further influenced by wildlife habitat values, biodiversity, and other important forest values.

Manitoba Sustainable Development (MSD) will develop a Base Case (Wood Supply analysis) using best available data for yield curves, post-harvest transitions and other inputs and assumptions.

Manitoba Sustainable Development (MSD) will provide LP with the Base Case wood supply yield curves and related inputs. LP may either: use the base case; build upon the base case; or take a different approach to modeling. MSD will work with LP to discuss any different approaches and/or assumptions used to create an alternate modelling scenario.

LP will use silviculture survey data (*i.e.* hardwood regeneration surveys for age 5 years; and Free-To-Grow plantation surveys at 14 years old) to provide a first approximation of post-harvest transitions for ages 5 to 14 years post-harvest. Data from 1996 harvest blocks to present time will be used.

## 4. MANAGEMENT GOALS

### 5.1 Management Goals Overview

Management goals have a significant influence over the modeling results and subsequent harvest schedule. For this reason, information received through Information Sharing and Engagement will significantly influence management goals and the harvest schedule.

As a starting point, FMP management goals include the following:

- Maintain or improve moose habitat
- Undertake significant engagement with Indigenous communities, stakeholders and the public
- Maintain or improve biodiversity which includes the selection of indicator species
- Consider climate change in the new 20-Year FMP
- Determine when and where the forest is a carbon sink or a carbon source
- Protect wetlands and waterfowl
- Ensure not to exceed 30% harvest within a watershed
- Ensure not to exceed the Annual Allowable Cut (AAC) of hardwood or softwood within each Forest Management Unit (FMU)

*Note that the list of FMP management goals will be updated to include information received through Information Sharing and Engagement.*

### 5.2 Relevant Land Base Management Plans

Land Base Management Plans within or adjacent to Forest Management Licence #3 area will be reviewed.

Existing Land Base Management Plans that will be reviewed are as follows:

- 2004 Swan Lake Basin Management Plan
- 2007 Duck Mountain Provincial Park Management Plan
- Saskatchewan Duck Mountain Provincial Park Management Plan
- 2009 Duck Mountain Provincial Park ATV Trail Planning Group
- Integrated Watershed Management Plans
  - 2006 Shell River
  - 2013 (draft) East Duck Mountain – Sagemace Bay Watershed
  - Swan Lake (initiated 2009; in progress)
  - Dauphin Lake (initiated 2010; in progress)
- 2007 Riding Mountain National Park management plan

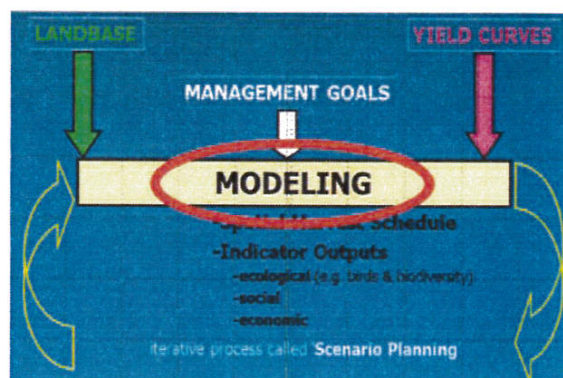
The goals and objectives of each plan will be reviewed and considered. Wherever possible, forest management activities will attempt to implement or complement each plan's goals and objectives.

## 5. MODELING

Modeling is the culmination and mixture of the land base, yield curves and management goals. Modeling results in both a spatial harvest schedule and indicator outputs of various ecosystem values.

As stated in Manitoba's *Submission Guidelines for Twenty Year Forest Management Plans* –

*"This guidebook is written to help professionals obtain an approved FMP. The proponent has the discretion to assemble the FMP in a form they prefer as long as the required information is contained within the FMP. The tables presented in the guidelines are not standards but are examples of showing the information required in the FMP."*



Although forest management planning in Manitoba has traditionally been based on **sustained yield timber management**, the need to balance economic objectives with environmental and social needs was enshrined in Manitoba's sustainable development strategy and recommendations that Manitoba's forest management policies move towards the implementation of Sustainable Forest Management.

The practice of sustainable forest management requires different skill sets and a broader knowledge base than sustained yield timber management. The ability to prepare and implement forest management plans based on the concept of sustainable forest management will evolve over time as new data sets are created, research is carried out, and new skills are acquired.

### 6.1 Modeling Overview

The modeling land base and its' ecological strata utilize yield curves, management objectives, and targets. Scenarios will be run to create modeling output (indicators) and modeling will result in both a harvest schedule and a suite of ecosystem outputs.

### 6.2 Modeling Scenarios – Scenario Planning

The Plan proponent (LP Canada) will be working towards a forest management scenario that will consider benefits to the moose population.

Scenarios that will be evaluated include:

1. Baseline Forest Management Scenario
2. Moose Emphasis Scenario

The scenarios will be evaluated, "...analyzed and ranked against the management objectives..." as per Table 5 of the FMP Submission guidelines (Manitoba's Submission Guidelines for Twenty Year Forest Management Plans, 2007). A maximum of 10 objectives will be used to score the forest management scenarios. Input from Indigenous communities, stakeholders, and the public will guide the creation of a list of objectives, followed by prioritization of 10 objectives.

The highest ranked scenario will result in the "Preferred Management Approach" which will form part of the Forest Management Plan (FMP), modeling output, and the 20-year spatial harvest schedule.

The 'Preferred Management Approach' forest management scenario will be identified in the 20-Year Forest Management Plan (FMP), complete with harvest schedule maps and ecosystem outputs (e.g. amounts of old forest over time).

**6.2.1 Spatial Harvest Schedule and the Base Case**

The development of the MSD Base Case (wood supply scenario) normally includes a spatial analysis component. The general intent of the spatial component is to quantify the impact of various spatial constraints on indicators, such as modelled harvest levels. Manitoba Sustainable Development (MSD) recognizes that the spatial component of the LP Base Case is not intended to generate an operational spatial harvest schedule. The operational spatial harvest schedule will be generated from the Preferred Management Scenario (PMS) after Information Sharing and Engagement with Indigenous communities is complete, and values other than timber (e.g. water, wildlife, social) are incorporated.

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## **APPENDIX IV**

### **Guidelines for an Environmental Assessment of a Twenty Year Forest Management Plan for Forest Management Licence Area # 3**

Manitoba Conservation and Climate  
December 2019

Guidelines for an Environmental Assessment of a  
Twenty Year Forest Management Plan for Forest Management Licence Area # 3

## **1.0 INTRODUCTION**

Louisiana-Pacific Canada Ltd. (LP) has developed a new Twenty Year Forest Management Plan (FMP) for continued forest management activities within Forest Management Licence Area # 3 pursuant to The Forest Act. The activities include harvesting, road construction, access development, and reforestation. The FMP was developed in accordance with the Manitoba Conservation and Climate document, “Manitoba’s Submission Guidelines for Twenty Year Forest Management Plans (2007)”.

All environmentally significant developments, proposed or operating in Manitoba, are regulated by The Manitoba Environment Act (Chapter E125, CCSM). The Classes of Development Regulation (164/88) sets out the types of developments that are subject to an assessment and licensing process prior to construction and operation. The forest management activities being proposed by LP are identified as Class 2 developments in the regulation, and are therefore subject to the assessment and licensing process set out in Section 11 of The Act. Section 11(9)(b) of The Environment Act stipulates that, for the purposes of assessing the environmental effects of a proposed Class 2 development, the director may issue guidelines and instructions for the assessment. The purpose of this document is to provide LP with guidelines for the environmental assessment of the forest management activities described in the FMP.

## **2.0 INTENT AND SCOPE OF THE ENVIRONMENTAL ASSESSMENT**

The environmental assessment for the proposal will:

- to the extent possible, apply an ecosystem-based approach to forest management at the landscape level, and employ adaptive management strategies;
- reference the proposed forest management activities as described in the FMP;
- describe the public and Indigenous community engagement programs undertaken for the proposal, including the results of the engagement;
- describe the existing biophysical and socio-economic conditions within the areas to be managed by the FMP;
- describe the need and justification for the proposal;
- identify any potential environmental effects of the proposal;
- identify any potential social, cultural, health and economic effects directly related to any environmental effects of the proposal;
- identify any potential direct or indirect environmental effects on designated protected areas (i.e. ecological reserves, national parks, provincial parks, park reserves, wildlife management areas, provincial forests, and private lands); other designated Crown lands (i.e. special conservation areas, community pastures, and wildlife refuges); and lands under conservation easement, or owned by conservation agencies and managed for conservation purposes;

- describe proposed measures intended to mitigate and/or compensate for any adverse effects to the environment including terrestrial and aquatic ecosystems on designated or open Crown land, human health, and present or currently planned resource use;
- propose mechanisms for monitoring environmental effects of the proposed activities and subsequent research that may be necessary;
- evaluate whether forest ecosystems will be sustainable if the activities proposed in the FMP are carried out; and
- propose mechanisms to involve the affected public, Indigenous communities, and resource users in the effect assessment of site specific activities and the development of mitigation plans.

The environmental assessment would incorporate, consider and directly reflect, where applicable, the Principles and Guidelines of Sustainable Development as contained in the Manitoba Sustainable Development Act, and the policies which have been developed under the “The Manitoba Water Strategy” (2003). The environmental assessment should also show how the policies and/or principles encompassed in provincial and federal documents related to forestry best practices and climate change will be addressed.

### **3.0 EXISTING ENVIRONMENT**

Provide a description of the existing biophysical and socio-economic setting as well as the past and existing forest management activities within areas to be managed by the FMP. Include a description of relevant monitoring programs that have been carried out within Forest Management Licence Area # 3. Use maps or graphical representation where appropriate. If information on specific components is not available, indicate how and when the required data will be gathered. Sensitive information such as the location of sensitive habitats and heritage/cultural resources should be kept confidential and addressed outside of the environmental assessment document. The information provided shall include, but not be limited to the following components.

#### **3.1 Biophysical Environment**

- a) General climate conditions.
- b) Geology, topography, and landforms:
  - an enduring features description on a natural region or ecoregion basis, indicating which enduring features are currently contained within the designated lands, and what protection standards and management regime are in place for the sites.
- c) Air:
  - local air quality.
- d) Water:
  - streams, rivers, lakes, and surface drainage;

Guidelines for an Environmental Assessment of a  
Twenty Year Forest Management Plan for Forest Management Licence Area # 3

- wetlands;
- stream classification;
- water quality that includes nutrients (nitrogen and phosphorus species), organic carbon species, and sediment load;
- runoff and infiltration regimes;
- locations of groundwater use when these are within 100 m of logging areas; and
- shallow aquifers that may be affected by the harvesting operations (spills from machinery and fuel tanks, road construction, etc.).

e) Soils:

- soil type and depth, including physical, chemical and biological properties;
- soil stability as it relates to the potential for erosion;
- soil structure as it relates to the potential for compaction;
- nutrient status; and
- moisture regime.

f) Vegetation:

- forest land by site classification (based on soil characteristics and moisture status), age class (including old forests), species, area, and volume;
- intact forests;
- classification and area (km<sup>2</sup>) of forest land and non-forested land (use ecological land classification where feasible);
- plant biodiversity;
- threatened or endangered plant species or plant communities;
- species of conservation concern (as defined by the Manitoba Conservation Data Centre);
- species of cultural importance;
- plant species at the extent of their range;
- medicinal plants;
- unique and protected ecosystems;
- unique and non-protected ecosystems; and
- harvesting and gathering sites that are locally important.

g) Wildlife:

- animal species (birds and mammals, plus available data for micro-organisms, insects, reptiles and amphibians), populations, habitat and seasonal use patterns;
- threatened or endangered animal species and associated habitats;
- species of conservation concern (as defined by the Manitoba Conservation Data Centre);

Guidelines for an Environmental Assessment of a  
Twenty Year Forest Management Plan for Forest Management Licence Area # 3

- species of cultural importance;
- animal species at the extent of their range;
- wildlife habitat, including sensitive habitats; and
- habitat features including but not limited to nesting, denning and calving sites, molting areas, wintering areas, and mineral licks. (Note: the locations of these sensitive sites should be kept confidential to protect sensitive resources. The locations should be disclosed only to provincial wildlife staff for direction on mitigation and monitoring actions. However, the environmental assessment must describe in detail how harvest and access planning has incorporated the presence of sensitive sites, what mitigation tactics will be employed (in the absence of avoidance, which is preferred), and how their effectiveness will be monitored.

h) Aquatic species:

- aquatic species, specifying non-native species;
- aquatic habitat that sustains or supports, or has a potential to sustain or support fish stocks for commercial, recreational or traditional fishing activities;
- threatened or endangered aquatic species and habitats;
- species of conservation concern (as defined by the Manitoba Conservation Data Centre);
- species of cultural importance; and
- aquatic species at the extent of their range.

### **3.2 Socioeconomic Environment**

- a) Traditional land and resource use, including:
  - traditional hunting, fishing for sustenance, trapping, and gathering; and
  - sacred, ceremonial, and burial sites.
- b) Local economies and industries in the area.
- c) Local and regional infrastructure, including health care facilities, communities and human habitation, emergency services, and roads.
- d) Community values (aesthetic, visual landscape, cultural and spiritual sites, as well as traditional lifestyles).
- e) Employment.
- f) Wild rice production.
- g) Mining claims and leases.
- h) Hydro and natural gas distribution systems.
- i) Commercial trapping, including existing trapper's trails.
- j) Commercial guiding.
- k) Commercial fishing, including existing fishermen's portages.

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Twenty Year Forest Management Plan for Forest Management Licence Area # 3

- l) Recreational hunting and fishing, including existing recreational portages.
- m) Crown Lands.
- n) Parks and special places:
  - Provincial Parks;
  - ecological reserves;
  - protected areas;
  - wildlife management areas;
  - unique or sensitive areas;
  - any adjacent protected areas (including protected private lands);
  - areas of special interest;
  - designated Crown lands (i.e. wildlife refuges, special conservation areas, and community pastures); and
  - lands under conservation easement, or owned by conservation agencies and managed for conservation purposes.
- o) Recreation, including campgrounds and trails (i.e. hiking, ATV, snowmobile).
- p) Tourism, including remote lodges and out camps.
- q) Wildlife outfitting.
- r) Public, non-commercial use of forest resources, including:
  - hunting, trapping, and fishing;
  - local use of timber; and
  - all other non-harvesting forest uses.
- s) Heritage and cultural resources, including sites or objects of archaeological, paleontological, historical or architectural value, as well as burial sites.
- t) Highways and roads.
- u) Hiking, skiing, mountain bike, canoe routes, and snowmobile trails.
- v) Existing agreements and claims, including:
  - co-management agreements;
  - treaty land entitlements;
  - Indigenous/specific land claims; and
  - Crown land designations.
- w) Demographics:
  - general population measures and trends; and
  - settlement patterns.
- x) Public and workplace health.

### **3.3 Past and Existing Forest Management Activities**

- a) Forestry road system:
  - Location, description, and status of existing all weather and seasonal access forestry roads;
  - current reclamation and decommissioning of all weather and seasonal access forestry roads; and
  - former road decommissioning success.
- b) Water crossings:
  - location, type, and condition of existing water crossings; and
  - former water crossing decommissioning success.
- c) Harvesting practices and associated activities:
  - past and current harvest areas, including shape, size, harvest methods and equipment used, leave areas, in-block structure retention, riparian management areas, and buffers;
  - species, volumes (compare to Annual Allowable Cut);
  - wood storage and processing areas;
  - storage, handling, and disposal of hazardous, non-hazardous, domestic, and recyclable solid and liquid waste, both on-site and off-site; and
  - logging camps, included associated water supplies and wastewater storage and disposal.
- d) Silvicultural practices:
  - site preparation practices;
  - forest renewal methods and regeneration success;
  - pesticide application, including type and volume used, methods of application, and measures to protect human health, non-target species and the environment.
- e) History of natural disturbances (including fire, insects, disease, and blowdown from large wind events) and regeneration of these areas.
- f) Forestry and ecological research:
  - tree improvement program;
  - methods testing, including harvesting methods, site preparation methods, and site improvement techniques; and
  - research programs such as monitoring programs, forest succession research, pesticide research, etc.

*Forest Management Approval Process Review.*  
Guidelines for an Environmental Assessment of a  
Twenty Year Forest Management Plan for Forest Management Licence Area # 3

#### **4.0 PROJECT DESCRIPTION**

Provide a description of the proposed forest management activities for the duration of the FMP. Describe the alternatives considered where applicable. The information provided shall include, but not be limited to the following components. Use maps or graphical representation where appropriate.

a) Road access:

- location and description of forestry access roads;
- construction methods;
- plans for access management;
- maintenance activities, and
- short and long term decommissioning and reclamation.

b) Water crossings:

- location and type of water crossings; and
- decommissioning.

c) Harvesting practices and associated activities:

- harvesting methods, including methods to protect understory;
- operating/cutting area design, including shape, size, harvest methods and equipment to be used, leave areas, in-block structure retention, riparian management areas, and buffers;
- wood storage and processing areas;
- storage, handling, disposal or reuse of hazardous, non-hazardous, domestic, and recyclable solid and liquid waste, both on-site and off-site; and
- logging camps, included associated water supplies and wastewater, and decommissioning.

d) Silvicultural practices:

- site preparation practices;
- forest renewal method, including natural regeneration and assisted regeneration, and supporting activities such as seed collection and tree improvement operations;
- methods to maintain and protect biodiversity;
- stand tending, including thinning and pruning; and
- pesticide application, including type, methods of application, and measures to protect human health, non-target species and the environment.

e) Climate Change:

- consideration of climate change impacts, vulnerabilities, risks and opportunities as well as adaptation of importance to the forestry sector as provided in:
  - the NRCan publication “Canada in a Changing Climate: Sector Perspectives on Impacts

and Adaptation (See Chapter 3, pp. 70-74):

[https://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/earthsciences/pdf/assess/2014/pdf/Chapter3-Natural-Resources\\_Eng.pdf](https://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/earthsciences/pdf/assess/2014/pdf/Chapter3-Natural-Resources_Eng.pdf);

- Canadian Council of Forest Ministers' Climate Change Task Force (CCFM-CCTF):  
<http://www.ccfm.org/english/coreproducts-cc.asp>;
- Manitoba's new Made-in-Manitoba Climate and Green Plan (pp. 44-46):  
<http://mopia.ca/wp-content/media/2017-climategreenplandiscussionpaper.pdf>; and
- Pan-Canadian Framework (PCF) on Clean Growth and Climate Change (see pp. 22-23 including but not limited to PCF carbon offset framework that may be put in place).

f) Forestry and ecological research.

## **5.0 ENVIRONMENTAL ASSESSMENT**

The environmental assessment should describe any potential environmental effects, both positive and negative, associated with the proposal. All potential sources of environmental effects to the biophysical environment should be considered. In addition, any potential effects to the socioeconomic environment directly related to the environmental effects of the proposal should be identified. A description of how traditional knowledge obtained from engagement of Indigenous communities was incorporated into the assessment of effects and development of mitigation measures must be included. The assessment also should consider potential trans-boundary effects and whether environmental stresses such as climate change, ozone depletion, and air borne pollutants may affect the degree of any effects from forestry activities.

Categorize all potential effects as significant or insignificant, direct or indirect, and describe the location and severity of any effects, as well as time frames within which they may occur. Where a range of effects may result, these should be noted. "Worst case scenarios" should be considered for assessment purposes, where applicable. All assessment conclusions should be supported by technical information based on experience in Manitoba and/or elsewhere. Any deficiencies in the information about potential effects should be clearly noted and addressed as stated in the monitoring and research section of the report.

## **6.0 SUSTAINABILITY ASSESSMENT**

Although the principles of sustainable development should be addressed throughout the environmental assessment, specific information is requested on the following:

a) Evaluate how the proposed harvesting and regeneration practices will:

- impact the forest age class structure and distribution at the landscape level;
- protect the understory component (when present) of forest stands; and
- produce a forest that will support ongoing harvesting at the proposed rate, for the long term.

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- b) Evaluate whether sustainability of all forest values, including ecosystems and biological diversity, can be achieved in light of the proposed harvesting and regeneration practices, and proposed mitigation and protection measures.
- c) With respect to sustainability, assess the sensitivity of the preferred management approach to significant uncertainties such as:
  - increased or decreased amounts of natural disturbance (i.e. fire, wind, insects and disease); and
  - the influence of climate change.

## **7.0 MITIGATION**

### **7.1 Mitigation Measures**

Describe any steps that will be taken to avoid, eliminate, or reduce any effect identified by the Environmental Assessment, or to sensitive areas that may be identified in the future. This should include whether the proposed forestry practices will conform to the policies and principles encompassed in provincial and federal documents related to forestry best practices, and climate change. Discuss how past success and lessons learned influenced the selection of mitigation measures. Mitigation of any effect may involve identification of areas where timber harvesting cannot occur until a more detailed assessment is complete, or where constraints are such that no timber harvesting should take place. It may also involve changes to scheduling and/or location as well as alternative methods and options for:

- road construction, access management, retirement and reclamation;
- harvesting practices and associated activities;
- silvicultural practices;
- forest protection practices;
- local employment and training; and
- research projects.

The environmental assessment should also include a description of proposed measures to adjust forest management activities for any changes to the land base that may result from a land use review under The Provincial Parks Act.

### **7.2 Mitigation Plans**

The following plans must be submitted with the environmental assessment in draft form:

- a) **Access management plan:** to address how existing and new access will be managed to avoid impacts to wildlife (developed in consultation with the Wildlife and Fisheries Branch and Regional Wildlife staff of Manitoba Agriculture and Resource Development);
- b) **Cultural and heritage resources management plan:** for the identification, mitigation, and monitoring of cultural and heritage resources.

## **8.0 RESIDUAL EFFECTS**

Describe any effect which cannot be prevented, eliminated, or mitigated, and outline any planned compensation programs.

## **9.0 CUMULATIVE EFFECTS ASSESSMENT**

Describe and assess the potential biophysical cumulative effects of the forest management activities and other activities in the area on the environment.

## **10.0 MONITORING AND RESEARCH**

### **10.1 Monitoring Plan**

Provide a draft monitoring plan, developed in consultation and cooperation with Manitoba Conservation and Climate, which includes a description of the plans for:

- a) collection of baseline data;
- b) studies that may be required to clarify uncertainties regarding any effect of proposed activities;
- c) programs to determine the effectiveness of recommended mitigation measures;
- d) monitoring that may be required to fill any data gaps with respect to the biophysical environment, socioeconomic environment, and existing and past forest management activities; and
- e) sharing of data and reporting of results to Manitoba Conservation and Climate.

### **10.2 Research**

Describe any research which may be required to inform adaptive management processes.

## **11.0 PUBLIC INPUT**

Describe plans to inform the public, Indigenous communities, and resource users of all future forest management activities in the areas managed by the FMP, and ways in which their concerns will be addressed. Include mechanisms to allow public input from affected resource users, e.g. community monitoring committee.

## **12.0 TECHNICAL REFERENCE**

All assessment conclusions shall be supported by technical information. This information shall include:

- a) the credentials of the experts contributing to the environmental assessment and comprising the study team;
- b) scientific reports and papers on topics relevant to the proposal, including technical studies of

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- similar forest management activities conducted elsewhere; and
- c) original studies performed by qualified scientists or engineers, commissioned by the proponent, specific to the proposal.

**13.0 TABLE OF CONCORDANCE**

The environmental assessment shall include a table of concordance that cross references the information requirements identified in these guidelines with the information presented in the environmental assessment document.

**14.0 TABLE OF COMMITMENTS**

A summary of the commitments made by the proponent in the proposal for the implementation of mitigation measures, plans, and monitoring shall be included in the environmental assessment. The summary shall be provided in table format and include timing and responsible parties for each commitment, where applicable.

**15.0 REPORT FORMAT**

The environmental assessment shall include an executive summary and be written with a minimum of technical terminology. Where highly technical portions are essential, definitions or explanations shall be included. A glossary of terms shall also be provided.

The environmental assessment shall make optimal use of maps, charts, diagrams, and photographs for presentation. Maps and diagrams should be presented at a common scale, appropriate to represent the level of detail considered. Specifically, maps indicating zones of effect on land and water use and areas of habitat should be of a common scale.

## APPENDIX V GAP ANALYSIS

### Gap Analysis for Forest Management Plan Approval Processes (EAB licensing vs FPB approval processes)

**EAB:** Environmental Approvals Branch  
**FPB:** Forestry and Peatlands Branch  
**FMLA:** Forest Management Licence Agreement  
**FMP:** Forest Management Plan  
**FMP guidelines:** Manitoba's Submission Guidelines for Twenty Year Forest Management Plans  
**OP:** Operating Plan  
**TAC:** Technical Advisory Committee  
**IRMT:** Integrated Regional Management Team

EAB Requirement	FPB and Certification Requirements	Gap? (Y/N)	Recommendation to Fill the Gap
<b>Environment Act – Class 2 Development</b>			
11(8) Upon receipt of a proposal for a Class 2 development under this section, the director shall within such time as may be specified by the regulation:	-	-	
(a) subject to section 47, file a summary of the proposal in the public registry and notify the public through advertisements in the local newspaper or radio that a proposal has been received, providing opportunity for comments and objections;	FPB currently does not solicit public comments on FMPs.	Y	FPB is willing to fulfill these requirements. The FMP guidelines would be revised to include public consultation by the branch.
(b) file a copy of the proposal with the departments as may be affected by the development, for their review and comment;	FPB already circulates the FMP to departments for review. However, not all EAB TAC member are included in FPB circulation.	Y	FPB would add TAC members to their circulation to include those that are used in the current EAB process.
(c) on the advice of the departments so consulted, determine the form of assessment required for the proposal, which may include forwarding the proposal to the minister for consideration as a Class 3 development pursuant to section 12 or consideration as a Class 1 proposal under section 10;	The form of the FMP submission is outlined in the FMP guidelines.	N	
(d) notify the proponent of the assessment options and tentative schedule for the options; and	This is included in the FMP and Operating Plan guidelines.	N	
(e) provide the proponent with the name of a contact person to coordinate the process.	FPB does this informally.	N	

11(9) For the purposes of assessing the environmental impacts of a proposed Class 2 development, the director may do any or all of the following things:	-	-	FPB would also send the public comments received to proponent for their consideration in addressing in revisions to the FMP.
(a) require from the proponent additional information;	Y	Y	FPB sends TAC comments to the proponent and requires them to revise the draft FMP to address the comments.
(b) issue guidelines and instructions for the assessment and require the proponent to carry out public consultation;	N	N	In addition to the FMP guidelines, FMP Terms of Reference are developed for each new FMP. Public consultation requirements are discussed below.
(c) require the proponent to prepare and submit to the director an assessment report to include such studies, research, data gathering and analysis or monitoring, alternatives to the proposed development processes and locations, and the details of proposed environmental management practices to deal with the issues;	N	N	<p>The FMP guidelines (section 5.8 - Preferred Management Approach Selection Process) require the proponent to develop ecological and socio-economic objectives (biodiversity and ecological integrity; economics; and cultural, traditional, and recreational activities of Indigenous communities and other resource users) that will be assessed during evaluation of various forest management scenario. The management objectives form the core of the plan. All other information in the plan should support the objectives and how they will be achieved. A preferred management scenario is selected</p> <p>The FMP guidelines (section 5.11) require the proponent to identify programs for data collection and to identify and monitor the effect of forest management activities on forest values.</p> <p>The FMP guidelines (section 5.12) encourage the proponent to partner and participate and recommend future research needs that may increase the growth or health of a forest, verify sustainability, understand ecosystem functions and recovery pathways and increase public acceptance of forest management activities. The proponent is requested to list and describe the current and planned research relevant to their landbase.</p>

(d) conduct or cause to be conducted a review of the assessment report;	FPB could have the FMP reviewed by another party if desired.	N	
(e) request the minister to direct the chairperson of the commission to conduct a public hearing.	The Forest Act and the associated guidelines do not provide an option the CEC to hold public hearings for an FMP.	Y	It is not recommended that an option for CEC review of FMPs if added to the FPB review process. Section 11(2) of The Environment Act does not require an option for CEC review in the criteria to exempt a development. Only public participation is specified. The public consultation by the proponent and FPB would suffice to address the requirements of section 11(2).
11(10) Notwithstanding subsection (9), where the director receives objections and reasons for the objections with respect to a proposed development, the director may, within such time as set out in the regulations recommend that the minister cause the commission to hold a public hearing; but where the director decides not to recommend a public hearing be held, the director shall provide written reasons to the objector, and advise the objector that the decision can be appealed to the minister.	Same as above	Y	Same as above
11(10.1) If the minister decides not to request a public hearing on a proposal after receiving a recommendation from the director under subsection (10), the minister must give written notice of his or her decision to the objector. The notice must advise the objector that the decision can be appealed under section 28.			
11(11) Upon receipt of a proposal for a class 2 development under subsection (1) or (6), the director shall deal with the proposal in accordance with subsections (8), (9) and (10), and shall	-	-	
(a) issue a licence to the proponent with such specifications, limits, terms and conditions or with a requirement for such modifications as the director deems necessary to ensure effective environmental management; or	FPB approves an FMP only once the document has been revised by the proponent to satisfactorily address the FMP guidelines, Terms of Reference and the TAC comments.	N	
(b) refuse to issue the licence and thereby prohibit the construction, alteration, operation or implementation of the development.	FPB can refuse to approve a draft FMP and to not extend the FMLA, withdrawing the cutting rights	N	

11(12) Where, the director refuses to issue a licence pursuant to subsection (11) the director shall provide written reasons for the decision to the proponent, the minister, and to the files in the public registry within such time as may be specified in the regulations.	This is not legislated, but has been FPB's past practice.	N	
11(13) Where the minister has requested a public hearing on a proposal and subsequently advice and recommendations are presented to the minister, and the recommendations of the commission are not included in the environmental licence, or refusal, the director shall provide written documentation of the reasons for the decision to the proponent, the minister, the commission and the files of the public registry at the time of notifying the proponent of the decision.	Same as above relating to CEC.	Y	Same as above relating to CEC.
12.0.1(1) When considering a proposal, the director and the minister may take into account any public consultations on the proposed development conducted by the proponent.	The FPB requires the proponent to carry out public consultation to inform development of the FMP.	N	
12.0.1(2) If the commission holds public hearings on a proposal, the director or the minister may require the proponent to forward the results of any public consultations conducted by the proponent to the commission.	Same as above relating to CEC.	Y	Same as above relating to CEC.
12.0.2 When considering a proposal, the director or minister must take into account — in addition to other potential environmental impacts of the proposed development — the amount of greenhouse gases to be generated by the proposed development and the energy efficiency of the proposed development.	This is not required in the FPB process.	Y	The amount of greenhouse gases to be generated and the energy efficiency of the activities described in the FMP could be added to the Terms of Reference for new FMPs.
13.2 The minister may, in accordance with the regulations, require a proponent of a development that is subject to an assessment under section 10, 11, 12 or 13.1 to provide financial or other assistance to any person or group participating in the assessment process.	The FPB process does not have this requirement within an Act, Regulation, or guideline.	Y	FPB could create a policy for future FMP processes indicating that the Director can require a proponent to provide financial or other assistance to any person or group participating public consultation process. However, section 11(2) of The Environment Act does not require an option for financial assistance to the public in the criteria to exempt a development. Only public participation is specified.

<p><b>14(1) Where a proponent</b></p> <p>(a) has submitted a proposal for a development in accordance with sections 10, 11 or 12, but is not yet in receipt of an environmental licence; or</p> <p>(b) has received an environmental licence for a development; and the proponent intends to alter that proposal or the development as licensed that does not conform to the limits, terms and conditions or that is likely to change the environmental effect, the proponent shall notify the director or the minister, as the case may be, of the proposed alteration before proceeding with it.</p>	<p>An amendment to an FMP or Operating Plan requires approval from the Forestry Branch, IRMT, or a Conservation Officer, depending on the significance of the amendment.</p>	N	
<p><b>14(2) Where</b></p> <p>(a) the director or the minister has received notice of a proposed alteration in accordance with subsection (1);</p> <p>(b) the potential environmental effects resulting from the alteration are insignificant or will be accommodated by the ongoing assessment process; and</p> <p>(c) in the case of a proposed alteration to the development as licensed, the proposed alteration is not an alteration to any limit, term or condition that was amended as a result of an appeal under section 27 or 28;</p> <p>the director or the minister may in writing, and with such limits, terms and conditions as he or she consider advisable, give approval to the proponent to implement the alteration.</p>	<p>Amendments to Operating Plans that are not significant require approval by the IRMT or Regional Forester. Conditions of approval are addressed in the amendment of the plan.</p>	N	
<p><b>14(2.1) If the director or minister approves a proposed alteration, he or she must file in the public registry</b></p> <p>(a) a copy of the approval under subsection (2); and</p> <p>(b) the name of a contact person in the department who can give information to the public about the proposed alteration.</p>	<p>Approval of amendments to FMPs and Operating Plans are not currently filed by FPB in the public registry.</p>	Y	<p>FPB could file amendment approvals in the Public Registry. A FPB contact person can also be provided.</p>
<p><b>14(3) Where the director or the minister has received notice of a proposed alteration in accordance with subsection (1), and the proposal is other than as described in clauses 2(b) and (c), the director or minister shall direct the proponent to seek approval for the proposed alteration as a proposal in accordance with section 10, 11 or 12, as the case may be.</b></p>	<p>Significant changes to the overall direction of an FMP (including new operating area, new roads, changing the preferred management alternative) require an amendment approved by the Forestry Branch. (This is consistent with the requirements of The Environment Act where a new proposal, which would be subject to public and TAC review, is required for harvesting or road construction that were not previously approved in an FMP). However, FPB only requires public consultation by the proponent for amendments.</p>	Y	<p>The FMP and OP guidelines can be changed to require the Forestry Branch to undertake TAC and public review of significant amendments.</p>

14(4) The decision of the director or minister with respect to the disposition of the alteration in accordance with subsection (2) or (3) shall be communicated to the proponent within 21 days from the receipt of the request for the change.	Notification to a proponent of the decision on a requested amendment within 21 days is not a requirement.	Y	A specified timeline for notification could be added to the FMP and Operating Plan guidelines, however, this is not a requirement of section 11(2) of The Environment Act regarding an exemption.
14(5) No person shall proceed with an alteration in a development until the person has received approval therefor from the director or minister.	This is implied. The guidelines indicate that approval is required for an amendment.	Y	The FMP guideline could be updated to specifically state that a proponent cannot proceed with an amendment until it is approved.
<b>Draft Guidelines for the Preparation of an Effects Assessment for a Twenty Year Forest Management Plan for Forest Management Licence Area # 3</b>			
<b>Existing Environment</b>	<p><b>The FMP guidelines require: Consideration of all Values:</b></p> <p>Ecological/social values must be considered by the forest industry when developing long-term plans. Forest management planning must also recognize current resource commitments as the basis for future planning and decision-making. Manitoba Conservation recognizes the need to manage forest resources for ecological and social values, as well as timber resources. Some examples of other forest values include cultural sites, social, biodiversity, recreation, water resources, soils, and ecological values.</p> <p>Biodiversity is defined in the FMP guidelines as: The variety and variability within and between living organisms from all sources such as terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part.</p>	-	

<p><b>Biophysical Environment (Existing)</b></p>	<p>The FMP guidelines (section 5.4.2 - Biophysical (Site) Description) require a physical description of the FML area. It should include, but is not limited to, a description on climate, soils, geology, terrestrial and aquatic flora and fauna, water resources, physical infrastructure and protected areas at available and appropriate levels of detail.</p> <p>Forestry certification requires companies to practice sustainable forestry and managing for the conservation of soil, air, water bodies and riparian areas, water quality, carbon, biological diversity (animal and plant species, wildlife habitats, and ecological or natural community types), wildlife and aquatic habitats, recreation and aesthetics.</p>	<p>-</p>	
<p>General climate conditions.</p>	<p>The FMP guidelines (section 5.4.2 - Biophysical (Site) Description) require a physical description of the FML area. It should include, but is not limited to, a description on <b>climate</b>, soils, geology, terrestrial and aquatic flora and fauna, water resources, physical infrastructure and protected areas at available and appropriate levels of detail.</p>	<p>N</p>	
<p>Geology, topography, and landforms: an enduring features description on a natural region or ecoregion basis, indicating which enduring features are currently contained within the designated lands, and what protection standards and management regime are in place for the sites.</p>	<p>The FMP guidelines (section 5.4.2 - Biophysical (Site) Description) require a physical description of the FML area. It should include, but is not limited to, a description on climate, soils, <b>geology</b>, terrestrial and aquatic flora and fauna, water resources, physical infrastructure and <b>protected areas</b> at available and appropriate levels of detail.</p>	<p>N</p>	
<p>Air: local air quality.</p>	<p>The FMP guidelines do not require a description of air quality.</p>	<p>Y</p>	<p>Local air quality could be added to the list of values (in the FMP guidelines) to be considered when developing an FMP.</p>

<p>Water:</p> <ul style="list-style-type: none"> <li>streams, rivers, lakes and surface drainage;</li> <li>wetlands;</li> <li>stream classification;</li> <li>water quality that includes nutrients (nitrogen and phosphorus species), organic carbon species, and sediment load;</li> <li>runoff and infiltration regimes;</li> <li>locations of groundwater use when these are within 100 m of logging areas; and</li> <li>shallow aquifers that may be affected by the harvesting operations (spills from machinery and fuel tanks, road construction, etc.).</li> </ul>		<p>The FMP guidelines (section 5.4.2 – Biophysical (Site) Description) require a physical description of the FML area. It should include, but is not limited to, a description on climate, soils, geology, terrestrial and aquatic flora and fauna, <b><u>water resources</u></b>, physical infrastructure and protected areas at available and appropriate levels of detail.</p> <p>Forest management certification mandates the use of best management practices that go well beyond legal requirements to protect water quality in all water bodies including rivers, streams, lakes and wetlands.</p>	N	
<p>Soils:</p> <ul style="list-style-type: none"> <li>soil type and depth, including physical, chemical and biological properties;</li> <li>soil stability as it relates to the potential for erosion;</li> <li>soil structure as it relates to the potential for compaction;</li> <li>nutrient status; and</li> <li>moisture regime.</li> </ul>		<p>The FMP guidelines (section 5.4.2 – Biophysical (Site) Description) require a physical description of the FML area. It should include, but is not limited to, a description on climate, <b><u>soils</u></b>, geology, terrestrial and aquatic flora and fauna, water resources, physical infrastructure and protected areas at available and appropriate levels of detail.</p>	N	
<p>Vegetation:</p> <ul style="list-style-type: none"> <li>forest land by site classification (based on soil characteristics and moisture status), age class, species, area, and volume);</li> <li>classification and area (km<sup>2</sup>) of forest land and non-forested land (use ecological land classification where feasible);</li> <li>plant biodiversity;</li> <li>threatened or endangered plant species or plant communities;</li> <li>plant species at the extent of their range;</li> <li>medicinal plants;</li> <li>unique and protected ecosystems;</li> <li>unique and non-protected ecosystems; and</li> <li>harvesting and gathering sites that are locally important.</li> </ul>		<p>The FMP guidelines (section 5.4.2 – Biophysical (Site) Description) require a physical description of the FML area. It should include, but is not limited to, a description on climate, soils, geology, <b><u>terrestrial</u></b> and aquatic <b><u>flora</u></b> and fauna, water resources, physical infrastructure and protected areas at available and appropriate levels of detail.</p> <p>The FMP guidelines require a discussion on how the FMP is addressing the integration of recovery plans for <b><u>provincial and federal species at risk</u></b> that occur within the license area.</p> <p>Section 5.4.4 – Current Forest Description of the FMP guidelines requires a description of the current condition of the forest, which includes:</p> <ul style="list-style-type: none"> <li>detailed description of the forest resources inventory</li> </ul>	N	

		<ul style="list-style-type: none"> <li>• <b><u>classification for productive and non-productive forest lands</u></b> by strata and/or forest type and changes from previous forest resource inventory</li> <li>• description of landscape diversity</li> </ul> <p>The FMP guidelines require the proponent to indicate how this FMP will influence the values (associated with cultural and traditional, economics and recreational activities) of First Nations, local communities and other resource users.</p>		
<p><b>Wildlife:</b></p> <ul style="list-style-type: none"> <li>• animal species (birds and mammals, plus available data for micro-organisms, insects, reptiles and amphibians), populations, habitat and seasonal use patterns;</li> <li>• threatened or endangered animal species and associated habitats;</li> <li>• Species of conservation concern or cultural importance as determined through consultations with Wildlife and Fisheries Branch and Regional Wildlife staff;</li> <li>• animal species at the extent of their range;</li> <li>• wildlife habitat, including sensitive habitats; and</li> <li>• habitat features including but not limited to nesting, denning and calving sites, molting areas, wintering areas, and mineral licks. (Note: the locations of these sensitive sites should be kept confidential to protect sensitive resources. The locations should be disclosed only to provincial wildlife staff for direction on mitigation and monitoring actions. However, the Effects Assessment must describe in detail how harvest and access planning has incorporated the presence of sensitive sites, what mitigation tactics will be employed (in the absence of avoidance, which is preferred), and how their effectiveness will be monitored).</li> </ul> <p><b>Aquatic species:</b></p> <ul style="list-style-type: none"> <li>• aquatic species, specifying non-native species;</li> <li>• aquatic habitat that sustains or supports, or has a potential to sustain or support fish stocks for commercial, recreational or traditional fishing activities;</li> <li>• threatened or endangered aquatic species and habitats; and</li> <li>• aquatic species at the extent of their range.</li> </ul>	<p>The FMP guidelines (section 5.4.2 - Biophysical (Site) Description) require a physical description of the FML area. It should include, but is not limited to, a description on climate, soils, geology, <b>terrestrial</b> and <b>aquatic flora</b> and <b>fauna</b>, water resources, physical infrastructure and protected areas at available and appropriate levels of detail.</p> <p>The FMP guidelines require a discussion on how the FMP is addressing the integration of recovery plans for <b>provincial and federal species at risk</b> that occur within the license area.</p> <p>The FMP guidelines require the proponent to indicate how this FMP will influence the <b>values</b> (associated with <b>cultural and traditional</b>, economics and recreational activities) of First Nations, local communities and other resource users.</p> <p>The FMP guidelines indicate that a FMP should recognize large, ecologically relevant landscape units because of its strategic emphasis. In most cases, reporting on the total FML will occur and in some cases summaries by forest section or forest management unit (FMU) will occur. ...</p>	N		

	<p>The proponent is encouraged to use whatever planning units are appropriate <b><u>for descriptions</u></b> or analysis of <b><u>watersheds, habitat unit, and/or wildlife ranges</u></b>. The formally accepted COSDI report recommends wide area planning based on natural areas such as watersheds.</p> <p>The FMP guidelines require a discussion regarding the relative amount of <b><u>habitat</u></b> for a minimum of five selected wildlife species and the relative abundance of habitat for the selected species over time.</p>	-	
<p><b>Socioeconomic Environment</b></p> <p>a) Traditional land and resource use, including:</p> <ul style="list-style-type: none"> <li>• traditional hunting, fishing for sustenance, trapping, and gathering; and</li> <li>• sacred, ceremonial, and burial sites.</li> </ul> <p>b) Local economies and industries in the area.</p> <p>c) Local and regional infrastructure, including health care facilities, communities and human habitation, emergency services, and roads.</p> <p>d) Community values (aesthetic, visual landscape, cultural and spiritual sites, as well as traditional lifestyles).</p> <p>e) Employment.</p> <p>f) Wild rice production.</p> <p>g) Mining claims and leases.</p> <p>h) Hydro and natural gas distribution systems.</p> <p>i) Commercial trapping, including existing trapper's trails.</p> <p>j) Commercial guiding.</p> <p>k) Commercial fishing, including existing fishermen's portages.</p> <p>l) Recreational hunting and fishing, including existing recreational portages.</p> <p>m) Crown Lands.</p> <p>n) Parks and special places:</p> <ul style="list-style-type: none"> <li>• Provincial Parks;</li> <li>• ecological reserves;</li> <li>• protected areas;</li> <li>• wildlife management areas;</li> </ul>	<p>The FMP guidelines require the following information regarding socio-economic conditions:</p> <p>The plan will recognize previously allocated or committed lands for uses other than forestry (such as <b><u>protected areas, Treaty Land Entitlements (TLE), or other Crown lands designations</u></b> within the boundaries of an FML area may be excluded from forest management activities) and describe the proponent's strategy for addressing any related issues. Other resource uses should be described in terms of local, regional and provincial significance. <b><u>All pertinent existing and proposed land use activities the proponent is aware of within the planning area</u></b> should be described. Activities may include <b><u>hydroelectric development, parks and recreational areas, protected areas, mining, agricultural, utility corridors and highway development</u></b>.</p> <p>The proponent will describe:</p> <ul style="list-style-type: none"> <li>• From available data (Statistics Canada) the <b><u>social economic conditions</u></b> on the FML.</li> </ul>	N	

<ul style="list-style-type: none"> <li>• unique or sensitive areas;</li> <li>• any adjacent protected areas (including protected private lands);</li> <li>• areas of special interest;</li> <li>• designated Crown lands (i.e. wildlife refuges, special conservation areas, and community pastures); and</li> <li>• lands under conservation easement, or owned by conservation agencies and managed for conservation purposes.</li> </ul> <p>o) Recreation, including campgrounds and trails (i.e. hiking, ATV, snowmobile).</p> <p>p) Tourism, including remote lodges and out camps.</p> <p>q) Wildlife outfitting.</p> <p>r) Public, non-commercial use of forest resources, including:</p> <ul style="list-style-type: none"> <li>• hunting, trapping, and fishing;</li> <li>• local use of timber; and</li> <li>• all other non-harvesting forest uses.</li> </ul> <p>s) Heritage and cultural resources, including sites or objects of archaeological, paleontological, historical or architectural value, as well as burial sites.</p> <p>t) Highways and roads.</p> <p>u) Hiking, skiing, mountain bike, canoe routes, and snowmobile trails.</p> <p>v) Existing agreements and claims, including:</p> <ul style="list-style-type: none"> <li>• co-management agreements;</li> <li>• treaty land entitlements;</li> <li>• Indigenous/specific land claims; and</li> <li>• Crown land designations.</li> </ul> <p>w) Demographics:</p> <ul style="list-style-type: none"> <li>• general population measures and trends; and</li> <li>• settlement patterns.</li> </ul> <p>x) Public and workplace health.</p>	<ul style="list-style-type: none"> <li>• The economic contribution by the proponent's mill to the province. Recognize (if any) other landbase management plans provided by Manitoba contained in the terms of reference.</li> <li>• Any <b><u>recreational, cultural or historical values</u></b> that contribute to the socio-economical conditions.</li> <li>• <b><u>Communities Economic Development policies.</u></b></li> </ul> <p>Forest lands within the FML area boundary not managed for timber production must be included in the description of the current condition, including the following:</p> <ul style="list-style-type: none"> <li>• federal parks, ecological reserves, protected areas and any lands permanently withdrawn from timber operations through legislation</li> <li>• areas where policy direction does not permit forest operations</li> <li>• forest lands that will be managed to meet goals for other values (i.e. buffers along water features)</li> <li>• areas where forest operations have been deferred until some time in the future. If deferred areas mentioned are included in the base case a generic description is required (ex. to meet adjacency requirements, wildlife guidelines and areas of special interest). These lands are part of the land base for determining timber production levels but are not available in the short term.</li> <li>• areas depleted but not yet successfully regenerated</li> <li>• low volume stands.</li> </ul> <p>Forest certification requires companies to manage the visual impacts of forest operations, and to provide recreational opportunities for the public.</p>	
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Past and Existing Forest Management Activities	-	-	Y
<p>a) Forestry road system:</p> <ul style="list-style-type: none"> <li>Location, description, and status of existing all weather and seasonal access forestry roads;</li> <li>current reclamation and decommissioning of all weather and seasonal access forestry roads; and</li> <li>former road decommissioning success.</li> </ul> <p>b) Water crossings:</p> <ul style="list-style-type: none"> <li>location, type, and condition of existing water crossings; and</li> <li>former water crossing decommissioning success.</li> </ul> <p>c) Harvesting practices and associated activities:</p> <ul style="list-style-type: none"> <li>past and current harvest areas, including shape, size, harvest methods and equipment used, leave areas, riparian management areas, and buffers;</li> <li>species, volumes (compare to Annual Allowable Cut);</li> <li>wood storage and processing areas;</li> <li>storage, handling, and disposal of hazardous, non-hazardous, domestic, and recyclable solid and liquid waste, both on-site and off-site; and</li> <li>logging camps, included associated water supplies and wastewater storage and disposal.</li> </ul> <p>d) Silvicultural practices:</p> <ul style="list-style-type: none"> <li>site preparation practices;</li> <li>forest renewal methods and regeneration success;</li> <li>pesticide application, including type and volume used, methods of application, and measures to protect human health, non-target species and the environment.</li> </ul> <p>e) History of natural disturbances including fire, insects, and disease, and regeneration of these areas.</p> <p>f) Forestry and ecological research:</p> <ul style="list-style-type: none"> <li>tree improvement program;</li> <li>methods testing, including harvesting methods, site preparation methods, and site improvement techniques; and</li> <li>research programs such as monitoring programs, forest succession research, pesticide research, etc.</li> </ul>	<p>The FMP guidelines (section 5.4.3 - Historical Forest Description) require descriptions of the following:</p> <ul style="list-style-type: none"> <li>existing access development including road class, ownership, status (for example active, retired, rehabilitated), stream crossings</li> <li>harvested areas</li> <li>report on renewal activities such as, areas scarified for natural regeneration, areas planted, stand tending (including information on vegetation management programs) and renewal surveys</li> <li>history of natural disturbances including fire, insects and disease</li> <li>historical forest health concerns on the FML</li> </ul> <p>Forest certification requires companies to</p> <ul style="list-style-type: none"> <li>protect forests from economically or environmentally undesirable levels of wildfire, pests, diseases, invasive exotic plants and animals, and other damaging agents and thus maintain and improve long-term forest health and productivity;</li> <li>manage lands that are ecologically, geologically or culturally important in a manner that takes into account their unique qualities;</li> <li>recognize and respect of Indigenous Peoples' rights and traditional forest-related knowledge.</li> </ul>	-	<p>A description of water supplies and the storage, handling, and disposing of wastes is not required in the FMP guidelines. However, these are regulated, therefore a description of water supplies and how wastes will be managed is not a necessary requirement of environmental assessments.</p> <p>The FMP guidelines do not require a description of past and existing wood storage and processing areas. However, these areas must be described for future operations. A description of past areas is not necessary since they are addressed in previous plans and assessments.</p>

Project Description		-	
<p>Provide a description of the proposed forest management activities for the duration of the FMP. Describe the alternatives considered where applicable. The information provided shall include, but not be limited to the following components. Use maps or graphical representation where appropriate.</p> <p>a) Road access:</p> <ul style="list-style-type: none"> <li>• location and description of forestry access roads;</li> <li>• construction methods;</li> <li>• plans for access management;</li> <li>• maintenance activities, and</li> <li>• short and long term decommissioning and reclamation.</li> </ul> <p>b) Water crossings:</p> <ul style="list-style-type: none"> <li>• location and type of water crossings; and</li> <li>• decommissioning.</li> </ul> <p>c) Harvesting practices and associated activities:</p> <ul style="list-style-type: none"> <li>• harvesting methods, including methods to protect understory;</li> <li>• operating/cutting area design, including shape, size, harvest methods and equipment to be used, leave areas, riparian management areas, and buffers;</li> <li>• wood storage and processing areas;</li> <li>• storage, handling, disposal or reuse of hazardous, non-hazardous, domestic, and recyclable solid and liquid waste, both on-site and off-site; and</li> <li>• logging camps, included associated water supplies and wastewater, and decommissioning.</li> </ul> <p>d) Silvicultural practices:</p> <ul style="list-style-type: none"> <li>• site preparation practices;</li> <li>• forest renewal method, including natural regeneration and assisted regeneration, and supporting activities such as seed collection and tree improvement operations;</li> <li>• methods to maintain and protect biodiversity;</li> <li>• stand tending, including thinning and pruning; and</li> <li>• pesticide application, including type, methods of application, and measures to protect human health, non-target species and the environment.</li> </ul>	<p>The FMP guidelines require the following (section 5.9 - Development Activities (Implementation Strategy)):</p> <p>Identify the forest development activities that will be carried out to implement the preferred management approach:</p> <ul style="list-style-type: none"> <li>• operating areas and harvest methods</li> <li>• road development and access management (primary, secondary and major winter road corridors and alternatives)</li> <li>• forest renewal.</li> </ul> <p>Information will include the criteria used in identifying and selecting:</p> <ul style="list-style-type: none"> <li>• areas for harvest, renewal and tending operations;</li> <li>• operational harvest prescriptions for strata;</li> <li>• wood storage and processing areas</li> <li>• the location of new primary, secondary, and long term winter road corridors and broad management strategies for road use;</li> <li>• road construction standards</li> <li>• water course crossings.</li> </ul> <p><b>Construction and management of new and existing roads:</b></p> <ul style="list-style-type: none"> <li>• Regular Maintenance – to provide for conditions that facilitate harvesting and log hauling operations. Includes regular grading, ditching, repairing and cleaning culverts, gravelling, and brushing.</li> <li>• Periodic Maintenance – to provide for conditions that facilitate renewal and assessment activities (minimal maintenance to permit access using a 4x4 vehicle).</li> <li>• Monitoring of water crossing to mitigate the likelihood of a washout.</li> <li>• Short term decommissioning</li> <li>• Long term decommissioning</li> </ul>	-	<p>A description of water supplies and the storage, handling, and disposing of wastes is not required in the FMP guidelines. However, these are regulated, therefore a description of water supplies and how wastes will be managed is not a necessary requirement of environmental assessments.</p> <p>The FMP guidelines could be revised to require a more detailed description of planning in terms of climate change.</p>

<p>e) Climate Change:</p> <ul style="list-style-type: none"> <li>· consideration of climate change impacts, vulnerabilities, risks and opportunities as well as adaptation of importance to the forestry sector as provided in: <ul style="list-style-type: none"> <li>o the NRCan publication "Canada in a Changing Climate: Sector Perspectives on Impacts and Adaptation (See Chapter 3, pp. 70-74): <a href="https://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/earthsciences/pdf/assess/2014/pdf/Chapter3-Natural-Resources_Eng.pdf">https://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/earthsciences/pdf/assess/2014/pdf/Chapter3-Natural-Resources_Eng.pdf</a>;</li> <li>o Canadian Council of Forest Ministers' Climate Change Task Force [CCFM-CCTF]: <a href="http://www.ccfm.org/english/coreproducts-cc.asp">http://www.ccfm.org/english/coreproducts-cc.asp</a>;</li> <li>o Manitoba's new Made-in-Manitoba Climate and Green Plan (pp. 44-46): <a href="http://mopia.ca/wp-content/media/2017-climategreenplandiscussionpaper.pdf">http://mopia.ca/wp-content/media/2017-climategreenplandiscussionpaper.pdf</a>; and</li> <li>o Pan-Canadian Framework (PCF) on Clean Growth and Climate Change (see pp. 22-23 including but not limited to PCF carbon offset framework that may be put in place).</li> </ul> </li> </ul> <p>f) Forestry and ecological research.</p>	<p>The following information must be included:</p> <p><b>Harvest Operations:</b></p> <ul style="list-style-type: none"> <li>• overview of annual wood requirements indicating species, volumes and harvest systems</li> <li>• proposed operating areas and projected schedule for development</li> <li>• projected harvest volume by strata for each five-year period</li> <li>• harvesting methods (clear-cut, strip-cut, mechanical systems)</li> <li>• understorey protection approaches</li> </ul> <p><b>Forest Renewal:</b></p> <ul style="list-style-type: none"> <li>• overview of renewal activities to be conducted by the company including cost shared programs in site preparation, planting, tending, tree improvement, and regeneration and free to grow (FTG) surveys;</li> <li>• discussion on renewal methods including natural regeneration, assisted regeneration by direct seeding or planting (include supporting activities such as seed collection and tree improvement operations);</li> <li>• silvicultural prescriptions by strata</li> <li>• The discussion must include a forecast of the types and levels of activity for renewal and tending operations planned for the FMP period. Renewal activities are to be linked to the overall management objectives and implementation strategies.</li> </ul> <p><b>Silvicultural Prescriptions (SP):</b></p> <p>The SP is a framework that describes the link between current forest condition, silvicultural treatments and the future forest condition (strata). The SP contributes to achieving objectives, strategies and targets within the overall framework of a sustainable FMP. A SP is reported for each strata harvested in the preferred management strategy.</p>	
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	<p>This process may predict major cover type changes and therefore assist in offering changes prior to sustainability issues being developed. The outcome of these silviculture prescriptions will be monitored using regeneration and free to grow surveys and reported appropriately. The SP will list the desired strata, by percent, resulting from the implementation of the stated prescriptions.</p> <p><b>Operating Practices:</b></p> <p>The proponent must present an overview of all forest management planning and operating practices or procedures employed by the proponent in the course of day-to-day operations, including standard operating procedures for harvest operations, road development, access management and forest renewal.</p> <p>The Operating Plan guidelines require a list and a map of the areas proposed for <b>herbicide</b> spraying.</p> <p>Forest management certification requires companies to:</p> <ul style="list-style-type: none"><li>• minimize chemical use and to use only government-approved chemicals, <b>Pesticides</b> listed under the Stockholm Convention on Persistent Organic Pollutants are banned and World Health Organization type 1A and 1B pesticides are prohibited, except where no other viable alternative is available; and</li><li>• To ensure <b>carbon storage</b> through prompt reforestation, afforestation, soil conservation, and protecting forests from damaging agents (maintain the processes that take carbon from the atmosphere and store it in forest ecosystems).</li></ul> <p>The FMP guidelines (section 5.12 – Research) require a list and description of the current and planned <b>research</b> relevant to their landbase.</p>	

Environmental Assessment		-	
<p>The environmental assessment should describe any potential environmental effects, both positive and negative, associated with the proposal. All potential sources of environmental effects to the biophysical environment should be considered. In addition, any potential effects to the socioeconomic environment directly related to the environmental effects of the proposal should be identified. A description of how traditional knowledge obtained from engagement of Indigenous communities was incorporated into the assessment of effects and development of mitigation measures must be included. The assessment also should consider potential trans-boundary effects and whether environmental stresses such as climate change, ozone depletion, and air borne pollutants may affect the degree of any effects from forestry activities.</p> <p>Categorize all potential effects as significant or insignificant, direct or indirect, and describe the location and severity of any effects, as well as time frames within which they may occur. Where a range of effects may result, these should be noted. "Worst case scenarios" should be considered for assessment purposes, where applicable. All assessment conclusions should be supported by technical information based on experience in Manitoba and/or elsewhere. Any deficiencies in the information about potential effects should be clearly noted and addressed as stated in the monitoring and research section of the report.</p>	<p>Forest Management and Operating Plans approach the identification and mitigation of environmental effects in a different manner than traditional environmental assessment.</p> <p>The FMP modelling process by the proponent to determine the Preferred Management Approach scenario replicates the environmental assessment process. (Environmental effects are avoided through planning and design rather than the development of mitigation based on a pre-determined plan).</p> <p>Ecological and social values (cultural sites, biodiversity, recreation, water resources, soils, etc.) are incorporated into the modelling of forest management scenarios to determine which scenario preserves or reduces the impacts to values the least. Forestry management objectives aim produce a desired future condition of the forest.</p> <p>Management objectives are developed to address higher level values. Objectives must be measurable where reasonable and used for the longer term. The management objectives form the core of the plan. All other information in the plan should support the objectives and how they will be achieved.</p> <p>The management objectives address the following subject areas:</p> <ul style="list-style-type: none"> <li>• Ecological – indicates how the FMP will conserve biodiversity and ecological integrity of the forest and as compared to the base case if the preferred management approach is not the base case; and</li> <li>• Socio-economic – indicates how this FMP will influence the values (associated with cultural and traditional, economics and recreational activities) of First Nations, local communities and other resource users.</li> </ul>	-	<p>The FMP guidelines could be revised to include an analysis of whether environmental stresses such as climate change, ozone depletion, and air borne pollutants may affect the degree of any effects from forestry activities.</p>

	<p>Operating plans describe harvest areas with prescriptions for riparian and terrestrial values.</p> <p>Potential environmental effects and associated mitigation are identified during the Operating Plan review by the IRMT, the public, and Indigenous communities.</p> <p>The Operating Plan guidelines require communications between a proponent and IRMT during the preparation of an OP are referred to as mitigation. Once the proponent has completed pre-harvest surveys and has developed a preliminary block shape, the mitigation may begin. Mitigation of resource concerns are incorporated into the OP during its preparation. The proponent and the IRMT meet to discuss the harvest block shape and the associated terrestrial and riparian values and determine a reasonable prescription and final block shape.</p> <p>The Director of Forestry may also include required changes to the OP, mitigation measures to be implemented, and approval conditions in the letter approving the OP.</p> <p>An analysis of whether environmental stresses such as <b><u>climate change, ozone depletion, and air borne pollutants</u></b> may affect the degree of any effects from forestry activities is not required in the FMP guidelines.</p>	

<p><b>Sustainability Assessment</b></p> <p>Although the principles of sustainable development should be addressed throughout the effects assessment, specific information is requested on the following:</p> <p>a) Evaluate how the proposed harvesting and regeneration practices will:</p> <ul style="list-style-type: none"> <li>• impact the forest age class structure and distribution at the landscape level;</li> <li>• protect the understory component (when present) of forest stands; and</li> <li>• produce a forest that will support ongoing harvesting at the proposed rate, in perpetuity.</li> </ul> <p>b) Evaluate whether sustainability of all forest values, including ecosystems and biological diversity, can be achieved in light of the proposed harvesting and regeneration practices, and proposed mitigation and protection measures.</p> <p>c) With respect to sustainability, assess the sensitivity of the preferred management approach to significant uncertainties such as:</p> <ul style="list-style-type: none"> <li>• increased or decreased amounts of natural disturbance (i.e. fire, wind, insects and disease); and</li> <li>• the influence of climate change.</li> </ul>	<p>-</p> <p>The FMP guidelines (section <b>5.6 - Planning Context</b> requires a section that establishes the context within which the plan has been developed and will be implemented, including criteria and indicators to assess sustainability.</p> <p>Manitoba, as a signatory to Canada's Forest Accord, has committed to reporting on sustainability using a minimum of six criteria that are part of the criteria and indicators framework developed by the Canadian Council of Forest Ministers 1995 (CCFM).</p> <p>The criteria developed through the CCFM are:</p> <ul style="list-style-type: none"> <li>• biological diversity</li> <li>• ecosystem condition and productivity</li> <li>• soil and water</li> <li>• role in global ecological cycles</li> <li>• economic and social benefits</li> <li>• society's responsibility.</li> </ul>	<p>-</p>	<p>-</p>	<p>Regarding <b>mitigation measures</b>, see comments in Environmental Assessment section above.</p> <p>Regarding potential changes in land use associated with the <b>Provincial Parks Act</b>, the FMP guidelines require recognition of other land commitments and a description of the proponent's strategy for addressing any related issues.</p>
<p><b>Mitigation</b></p> <p>Mitigation Measures</p>	<p>-</p>	<p>-</p>	<p>-</p>	<p>Describe any steps that will be taken to avoid, eliminate, or reduce any effect identified by the Environmental Assessment, or to sensitive areas that may be identified in the future.</p> <p>This should include whether the proposed forestry practices will conform to the policies and principles encompassed in provincial and federal documents related to forestry best practices, and climate change. Mitigation of any effect may involve identification of areas where timber harvesting cannot occur until a more detailed assessment is complete, or where constraints are such that no timber harvesting should take place. It may also involve changes to scheduling and/or location as well as alternative methods and options for:</p> <ul style="list-style-type: none"> <li>• road construction, access management, retirement and reclamation;</li> </ul>

<ul style="list-style-type: none"> <li>• harvesting practices and associated activities;</li> <li>• silvicultural practices;</li> <li>• forest protection practices;</li> <li>• local employment and training; and</li> <li>• research projects.</li> </ul> <p>The Effects Assessment should also include a description of proposed measures to adjust forest management activities for any changes to the land base that may result from a land use review under The Provincial Parks Act.</p>				
<b>Mitigation Plans</b>	-	-		
<p>The following plans must be submitted with the Effects Assessment in draft form:</p> <p>a) Access management plan: to address how existing and new access will be managed to avoid impacts to wildlife (developed in consultation with the Wildlife and Fisheries Branch and Regional Wildlife staff of Manitoba Sustainable Development); and</p> <p>b) Cultural and heritage resources management plan: for the identification, mitigation, and monitoring of cultural and heritage resources.</p>	N	<p>Both the FMP and OP guidelines require access management planning.</p> <p>The Pre-Harvest Surveys guidelines for forestry operations developed by Manitoba's Forest Practices Committee require identification of heritage resources so they can be protected while planning and implementing harvest and renewal activities. Reporting of any discoveries is also outlined in the guidelines. Operating plans are sent to the Heritage Resources Branch for review.</p>		
<b>Residual Effects</b>	-	-		
Describe any effect which cannot be prevented, eliminated, or mitigated, and outline any planned compensation programs.	N	<p>The FMP guidelines require reporting of monitoring results which will be used in future planning efforts and to implement adaptive management approaches to implement corrective actions and improve the results over time.</p>		
<b>Cumulative Effects Assessment</b>	-	-		
Describe and assess the potential cumulative effects of the forest management activities and other activities in the area on the environment.	Y	<p>The FMP guidelines do not require an assessment of cumulative environmental effects.</p>	<p>The Canadian Council of Forest Ministers (CCFM) has been considering assessment of cumulative environmental effects with regard to forest management. Assessment of cumulative environmental effects could be added to the FMP guidelines.</p>	
<b>Monitoring and research</b>	-	-		
Monitoring Plan	-	-		

<p>Provide a draft monitoring plan, developed in consultation and cooperation with Manitoba Sustainable Development, which includes a description of the plans for:</p> <ul style="list-style-type: none"> <li>a) collection of baseline data;</li> <li>b) studies that may be required to clarify uncertainties regarding any effect of proposed activities;</li> <li>c) programs to determine the effectiveness of recommended mitigation measures;</li> <li>d) monitoring that may be required to fill any data gaps with respect to the biophysical environment, socioeconomic environment, and existing and past forest management activities; and</li> <li>e) sharing of data and reporting of results to Manitoba Sustainable Development.</li> </ul>	<p>The FMP guidelines (section 5.11) require monitoring and assessment:</p> <p>Forest operations will be monitored by the company to ensure compliance with the FMP and operational prescriptions. Monitoring should also identify the effect of forest management activities on forest cover and forest values. The FMP will contain a section that describes the forest operation monitoring programs.</p> <p>The FMP may contain information on the following if it different that the normal monitoring:</p> <ul style="list-style-type: none"> <li>• A description of the monitoring programs that will be used to monitor forest operations.</li> <li>• Data collection programs to be carried out by the company include growth and yield studies, permanent sample plot programs and pre-harvest ecological surveys. The FMP will indicate what programs the company intends to implement, the standards for data collection and how the programs will be co-ordinated with similar programs in Manitoba Conservation.</li> <li>• Monitoring will be conducted as part of FMP implementation and will be reported on.</li> </ul> <p>Reporting provides:</p> <ul style="list-style-type: none"> <li>• A way to account to the public on the results of forest management operations set out in the twenty year plan; and</li> <li>• A record of forest management operations and their results. This can be used in future planning efforts and to implement adaptive management approaches.</li> </ul>	<p>N</p>	
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Research	-	-	
Describe any research which may be required to inform adaptive management processes.	<p>The FMP guidelines encourage the proponent to partner and participate and recommend future research needs that may increase the growth or health of a forest, verify sustainability, understand ecosystem functions and recovery pathways and increase public acceptance of forest management activities. The proponent should list and describe the current and planned research relevant to their landbase.</p> <p>Forest management certification requires companies to continually improve the practice of forest management, and to monitor, measure and report performance in achieving the commitment to sustainable forestry.</p>	N	
Public Input	-	-	
Describe plans to inform the public, Indigenous communities, and resource users of all future forest management activities in the areas managed by the FMP, and ways in which their concerns will be addressed. Include mechanisms to allow public input from affected resource users, e.g. community monitoring committee.	<p>The FMP guidelines (section 1.1) indicated that the approach to forest management planning will be open and consultative. The planning process should include extensive and ongoing public involvement. FML holders must provide various public communication information opportunities during the development of the FMP, beginning as early as possible.</p> <p>The proponent is required to develop a Communication Plan. The plan must include a list of the communities, non-government organizations, First Nations, stakeholders, advisory groups, associations, and other interested individuals and/or stakeholders that the proponent intends to contact to provide formal opportunities during various stages of the planning process for input, and a description of the level of engagement for each group to provide meaningful input. (The communication plan is reviewed and approved along with the FMP.) Reporting on how the input was incorporated into the FMP is also required.</p>	N	

	<p>The FMP guidelines require reporting on communication with the public and stakeholders during development of the plan. A summary must be included in the plan which reports on the information listed below:</p> <ul style="list-style-type: none"> <li>• description of the communication processes and activities</li> <li>• description of when and how the communication occurred</li> <li>• document what was presented</li> <li>• list of what input was received</li> <li>• discussions of how the concerns have been addressed in the plan</li> <li>• identification of how the proponent will establish an</li> <li>• on-going communication program through annual plans and other processes</li> </ul> <p>The Operating Plan guidelines require the following:</p> <ul style="list-style-type: none"> <li>• Proponent to hold open houses with communities in and around the licence area.</li> <li>• The proponent will adopt a workable method for information sharing with the objective of answering the community's questions and incorporating new values into the OP.</li> <li>• In an appendix of the OP, the proponent will provide copies of the invitations, including the meeting location and time, the number of people attending the meeting and the meeting minutes.</li> <li>• New values shared by the community that affect the draft OP will be placed in the meeting minutes.</li> <li>• Changes to the draft OP due to these new values will be highlighted in the appropriate section of the OP.</li> </ul> <p>Forest management certification requires companies to ensure public awareness of forest certification by documenting certification audits and making the findings publicly available.</p>	
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