

Nipissing Forest Local Citizens Committee Meeting
Location: North Bay MNR office
Date: Tues. April 21, 2009

INTEREST	Primary Member	P/A	Alternate Member	P/A	Others Present
Access groups, Anglers/Hunters	Lloyd Anderson	P	Peter Foy	A	MNR Staff: Randy Morrison Mary Lou McKeen Guylaine Thauvette SFL: Guests: Observer: Recorder: Gerry Van Leeuwen c.c. Peter Street, NFRM Inc. Dave Payne, MNR
Cottagers	Dave Minden	P	Doug Billingsley	A	
District Aboriginal Working Group	Dave Joannis	A	Patrick Restoule	A	
Education	Jan Vandermeer	A	VACANT	N/A	
Environmental Groups	Jan Vandermeer	A	Brennain Lloyd	A	
Independent Loggers	Elwyn Behnke	A	Blayne Behnke	A	
Local Cultural Heritage Groups	Roy Summers	P	VACANT	N/A	
Municipalities, Chmbrs of Comm, Econ. Development	Chris Mayne	P	Sarah Campbell	A	
Naturalists	Lorie Reed	A	Roy Summers	P	
Prospectors, Mining/Aggregates	Frank Tagliamonte	P	Mike Roxborough	A	
Public at Large	Tracey Cain	P	Tim Toeppner	A	
Silvicultural Contractors	Andy Straughan	P	VACANT	N/A	
Tourist Industry	VACANT	N/A	VACANT	N/A	
Trails	Jennifer McCourt	A	Tracey Cain	P	
Trappers & Baitfish	VACANT	N/A	VACANT	N/A	
Wood Workers/Trade Unions	VACANT	N/A	VACANT	N/A	

Agenda:

1. 5:30 pm - Call to order and Introductions – Andy Straughan (Co-chair)
2. Approval of Agenda
3. Review and Approval of Minutes from March 17, 2009 LCC meeting
4. FMP Up-Date – Mary Lou McKeen
5. Website Access to the Forest Management Plan – Guylaine Thauvette (15 min.)
6. Access to Crown Lands – Guylaine Thauvette – (30 min.)
7. Environmental Bill of Rights postings of interest – Brennain Lloyd
8. Correspondence
9. LCC Affairs – What's on your mind? – 10 min. (if time permits)
10. Upcoming Workshops/Events/Training – (MNR/ALL)
11. Next Meeting – May 19, 2009
12. Adjournment

1. Call to Order/Introductions

The meeting was called to order at 5:34 pm by tonight's chair, Andy Straughan. No introductions were required.

2. Approval of Agenda

The agenda was amended to remove item 7, (EBR postings) as Brennain was unable to attend. The agenda was approved as amended.

3. Review and Approval of Minutes from March 17, 2009 LCC Meeting

Amendments were made to the March minutes regarding the date of the expected Forest Management Plan (FMP) sign off by the MNR's Regional Director (source Mary Lou McKeen). Amendment made regarding the intent of Tracey Cain's letter of concern re: harvest access issues in the FMP (source Tracey Cain).

Amendment made to add a Post Meeting note on the delayed signing date for the FMP and the resulting extended review period notification process (source Mary Lou McKeen).

The March minutes were approved with these amendments.

4. Forest Management Plan (FMP) update – Mary Lou McKeen

Mary Lou informed all present that the Regional Director had not signed off on the FMP until March 26th, a day later than had been expected. This resulted in correction notices to the final review dates of the FMP, having been placed in all the local media. The review period now runs from March 27th until April 25th, 2009. Notification of this change was also made by a special mail out, while the Environmental Bill of Rights registry was updated to reflect this change as well. The change makes Sat. Apr.25/09 the last date on which a person may make a request to the Director of Environmental Assessment and Approvals Branch of the Ministry of the Environment, for an Individual Environmental Assessment (IEA) to review a specific proposed forest management activity within the FMP. An IEA request is normally made when a concerned person(s) is not satisfied with the outcome of the issue resolution process. To date, MOE has not advised MNR of any IEA requests received but such

requests often are not submitted until the end of the review period. MNR will likely know if such requests have been received by May 1, 2009 and Mary Lou will inform LCC and the plan author of any such requests received.

5. Website Access to the Forest Management Plan – Guylaine Thauvette

Guylaine gave an excellent on-line demonstration on navigating the provincial website where all provincial forest management plans are housed. (www.ontario.ca/forestplans). She showed the group how tables and various map coverage could be accessed. The site is a bit difficult to navigate until one becomes accustomed to it but Guylaine offered to send us a note she has prepared, to make this a bit easier. (Sent to all LCC in a separate e-mail on April 23, 2009). The site looks like it will be a tremendous tool for forest management work into the future and Guylaine's presentation was very well received.

Comments: It was noted by several LCC members that the size of the files for the maps made it difficult to access the information for users of both satellite and dial up internet services. They also felt that better map labeling would make map selection a bit easier for public users of the site.

6. Access to Crown Lands – Guylaine Thauvette (Attachment 1 – Access to Crown Land)

Guylaine provided clarification of Ontario's Crown land access policy and procedures as they relate to current legislation in place. Two basic fundamental principles govern current Crown land access policy.

- 1.) The government does not guarantee access to Crown lands.
- 2.) The government does not construct access to resources.

She then applied these principles to the current issue regarding selection of a forest haul road through the Restoule area for the new Nipissing Forest Management Plan.

Discussion included how land grants to the south of North Bay originally were surveyed with a road reservation along specified lot and concession boundaries while to the north, it became a 5% reservation of each property, not specifying the reserve location....likely due to the ruggedness of the terrain along some of the property boundary lines. MNR had discovered that the 5% reserve for road allowance no longer existed in the private land patents immediately north of Hawthorne Drive. While there was no indication on the patent itself as to why the reserve had been removed, it is possible that the deviation of Hawthorne Drive from the normal road allowance may already have used up the 5% reserve amount.

Tembec had agreed to the removal of the Hawthorne Drive haul route for the FMP because they were reasonably certain that they would successfully reach an agreement to haul through one of two private properties along the Odorizzi haul route. Negotiations are continuing.

Public access into the FMP area remains along Hawthorne Drive and a trail leading from its end, which is currently suitable for ATV and four wheel drive vehicles. The Regional Director has only ruled that haul trucks would not use the Hawthorne road system for access.

Roy Summers stated that the presentation had satisfied all of his current concerns surrounding the access issue regarding Hawthorne Drive and that no further follow up would be necessary to address the issues he'd raised in his March 18/09 note to LCC. (See March 17/09 Minutes - attachment #8).

7. Correspondence

Tracey Cain indicated that she'd received a letter from MNR's Regional Director (RD) addressed to the LCC dated March 27, 2009. The RD congratulated and thanked our LCC members for their hard work on the Forest Management Plan. Tracey will bring the letter to our next meeting so that it can be read aloud.

8. LCC Affairs – What's on your mind

Andy Straughan reminded all that the Powassan Maple Syrup festival was on this coming weekend with lots to see and do, including the West Coast Lumberjack show.

Dave Minden stated that he liked the new attendance recording format now used in our minutes, as it demonstrated the current weakness in our alternate representative system. Often both primary and alternate members appear absent, indicating that perhaps better communication should occur between reps. when one cannot attend. Dave also asked if we could try to fill in some of the vacancies in our membership soon. Randy Morrison stated that a few members from past years were interested in getting involved again but that new members would not likely be recruited until after our summer recess.

There had also been a recommendation made that LCC members be provided an opportunity to present information on the interests they represent, as future meeting agendas allowed. Frank Tagliamonte stated that he was in the process of preparing a presentation on mining for our group and would present it at a future meeting.

9. Upcoming Workshops/Events/Training

Randy Morrison reminded the group that the MNR would be sponsoring the Regional LCC Workshop on Sept. 11-13, 2009 in Sudbury. (Notice of this was sent separately to LCC members by Guylaine Thauvette on April 16/09). Workshop organizers have asked each LCC to make a commitment at this time so that planning can occur for fairly firm numbers. We have been asked to respond by May 15, 2009. Each LCC may send up to two participants with all expenses covered. LCC supported Randy's suggestion that we commit to sending two representatives to the workshop now, and that we would select our participants at a later date.

10. Next Meeting – May 19, 2009

Randy Morrison suggested that the May meeting might be an ideal opportunity for a field trip to the Gurd Research Area in Gurd Township, S.W. of North Bay. He proposed that we start that meeting an hour earlier, 4:00 pm at the MNR to facilitate travel, listen to guest speakers at the site, have supper local to that area, and then travel back. The black flies should not be too bad yet at that time of year. LCC felt this to be an interesting suggestion and asked that the recorder quickly send out a separate notice of this to the LCC, to

determine how many would be interested in attending this meeting. (Note: Separate notification sent out by recorder on April 22, 2009).

11. Adjournment - Meeting adjourned at 7:15 p.m.

Provisions for Access to Land in Northern Ontario

Presented at the Nipissing Forest Local Citizens Committee meeting

April 21, 2009

Guyline Thauvette, MNR Nipissing Area Forester

In answer to Roy's e-mail

From Roy's e-mail:

- Curiously we met John McNutt walking around trying to find an alternate to the Sand Lake Road without passing through Restoule. I wondered as his being alone and why he wasn't accompanied by MNR personnel. As a matter of fact I wondered why the MNR wasn't doing.
- During the last two LCC meetings I have become increasingly peeved with what I consider the MNR's failure to look after our access to Crown Lands.
- The MNR are quick to tell us what we can't do but seem to make no effort to ensure that this access is guaranteed in the future.
- That prompted me to ask why the MNR just pulled rank and demanded the 5% Road Reservation from the Letter. It wasn't hard to tell that I had just kick a sacred cow!
- So the MNR should pay using the funds set aside for road building
- In any case, this road should be open to the public and any other peoples who are interested in harvesting biomass fibre along with the Restoule Anishnabec.

- I knew from the get-go that Hawthorne Drive was a public highway under the Public Land Act!
- Then earlier this month I was astounded by the decision to forbid logging trucks on Hawthorne Drive and would challenge the decision. I hadn't given a southern access much more thought because why would somebody (or even a company) build a private road when a public one was available.

Public Lands Act

- Generally, Crown land is open to public use for transient use, under the Free Use Policy.
- Use of Provincial Park land is under separate legislation
- Activities and/or mode of access may be restricted- no hunting, no motorized vehicles
- The creation/construction of roads and trails on Crown land requires government approval

- The government does not guarantee access to Crown land
- The government does not construct access to resources

Reservations for Roads

- The Public Lands Act provides for Crown grants to contain reservations for public access
- Prior to 1866, access was through surveyed road allowances, every 5th lot and 2nd concession
- In 1866, the 5% reservation was adopted for Northern Ontario, because the road allowances did not lend themselves to establishing roads. The road allowances off Hwy 522 in the Loring area are a good example
- Reservation was the only practical means for providing access for settlement

Exercise of Percentage Reservation for Roads

- Exercising the use of the 5% reservation is described in the MNR policy and procedure

From the Policy;

- To ensure that when the exercise of the percentage... is done in a fair and equitable manner, the Minister may exercise the reservation:
 - Where the lands are required for the program purposes (i.e. to provide for resource extraction) of the Ministry in lieu of other acquisition alternatives ... and
 - There is no other option for access

Restoule Area Access

- Hawthorne Drive
- Road surveyed to deviate from road allowance; 5% reservation removed from the land grant. Road is public access
- Odorizzi Road – alternative public access is available