

**Nipissing Forest Local Citizens Committee Meeting**  
**Location: MNR Boardroom – Trout Lake Road**  
**Date: February 15, 2011**

INTEREST	Primary Member	P/A	Alternate Member	P/A	Others Present
Access groups, Anglers/Hunters	Lloyd Anderson	A	Peter Foy	P	<b>MNR Staff</b> Randy McLaren  <b>SFL: Support Resources</b> Mark Lockhart – support resources NFRM  <b>Guests:</b>  <b>Observer:</b>  <b>Recorder:</b> Gerry Van Leeuwen  <b>c.c.</b> Peter Street, NFRM Inc. Dave Payne, MNR
Cottagers	Dave Minden	P	Derek Stewart	P	
District Aboriginal Working Group	Dave Joannis	A	Clayton Dokis	A	
Education	Jan Vandermeer	A	VACANT	N/A	
Environmental Groups	Jan Vandermeer	A	Brennain Lloyd	A	
Independent Loggers	Elwyn Behnke	P	Blayne Behnke	A	
Local Cultural Heritage Groups	Roy Summers	P	J. Fred McNutt	P	
Municipalities, Chmbrs of Comm, Econ. Development	Chris Mayne	P	Sarah Campbell	A	
Naturalists	Lorie Reed	P	Roy Summers	P	
Prospectors, Mining/Aggregates	Frank Tagliamonte	A	Mike Roxborough	A	
Public at Large	Tracey Cain	P	Tim Toepfner	P	
Silvicultural Contractors	Andy Straughan	A	Rod Hanselman	P	
Sustainable Forest Licensee – Nipissing Forest R. Mgmt. Inc.	John McNutt	A	Peter Street	P	
Tourist Industry	Johnny Matthews	A	VACANT	N/A	
Trails	Jennifer McCourt	A	Tracey Cain	P	
Trappers & Baitfish	Heinz Erb	A	Johnny Matthews	A	
Wood Workers/Trade Unions	VACANT	N/A	VACANT	N/A	

## **AGENDA**

- 1.** 5:30 P.M. Call to order.
- 2.** Approval of the agenda.
- 3.** Review and approval of the minutes of January 18, 2011.
- 4.** Presentation of the 2009-10 Nipissing Forest Annual Report – Mark Lockhart (45 min)
- 5.** Maintaining public access on Crown land roads – Roy Summers and Randy McLaren (60 minutes) – TRAINING COMPONENT
- 6.** EBR –Brennain Lloyd (10 min)
- 7.** Correspondence
- 8.** LCC Members – open discussion
- 9.** Next meeting date: Chair Lorie Reed
- 10.** ADJOURNMENT

### **1. Call to Order**

Chair Chris Mayne called the meeting to order at 5:30 p.m.

### **2. Approval of the Agenda and Introductions**

The agenda was modified to reflect that Brennain Lloyd could not be on hand to present item 6 tonight and was then approved with that amendment. A round of introductions was held to welcome our newest members Rod Hanselman, who will be alternate for the "Silvicultural Contractors", and Peter Foy, sitting in for "Access Groups, anglers and hunters". Peter Street was also on hand representing the SFL tonight.

### **3. Review and approval of the minutes of January 18, 2011.**

Gerry informed the group that DRAFT 2 of the January 18<sup>th</sup> minutes were circulated electronically to all members with the agenda for this meeting and that they reflected input received from Tracey Caine, Mark Lockhart and Guylaine Thauvette for some minor changes. Draft 2 was approved as circulated and now becomes our final version of these Minutes. Please contact Gerry Van Leeuwen if you wish to receive a clean copy for your files.

### **4. Presentation of the 2009-10 Nipissing Forest Annual Report - Draft**

- Mark Lockhart (Attachment #1 – Nipissing 2009-2010 Annual Report)

Mark presented a slide presentation of the work accomplished within the Nipissing Forest for the 2009-2010 operating year. (April 1, 2009 –March 31, 2010). This report is due to the Ministry of Natural Resources by November 15<sup>th</sup> of every year to facilitate a 30 day review period by that agency. Nipissing Forest Resource

Management Inc. (NFRM Inc.) is currently going through some of the comments received from the MNR but Mark stated that these do not reflect any serious problems and that the final version of the annual report should be posted on line at the website: [www.ontario.ca/forestplans](http://www.ontario.ca/forestplans) by the end of March 2011.

The 2009-2010 operating year was a tough one, with demand for wood products being low due to various impacts from the recent economic recession. As a result, only 35% of the approved harvest in the Forest Management Plan was cut. The balance (65%) of the approval can be rolled over for consideration into the following year's harvesting program.

The "Harvest Area" slide in Mark's presentation used the following acronyms to describe types of forest units harvested. Total harvest was 3,210 hectares broken down as follows;

BW - White Birch – 584 ha.

BY - Yellow Birch – 14 ha.

HDUS – Hardwood Uniform Shelterwood – 359 ha.

MW – Mixed Wood (hardwood and softwood) – 238 ha.

PO – Poplar – 415 ha.

PWST – White Pine Seed Tree -209 ha.

PWUS – White Pine Uniform Shelterwood – 1311 ha.

SF – Spruce and Fir – 79 ha.

The presentation described the cut areas renewed using both natural regeneration (cut areas seeding themselves or sucker growth re-establishing the forest) or by artificial regeneration (tree planting). Renewal sites were prepared using mechanical means or chemical treatments. (see slides for areas treated).

Tending also involved chemical use and some manual cleaning using brush saws. 415 km of roadway were used/maintained on the Nipissing Forest during this period and 9 culverts and 3 bridge installations were also done...many due to emergency replacements caused by beaver flooding and road washouts.

Compliance and Exceptions Monitoring were also briefly discussed. Compliance monitoring and results are entered into the FOIP (Forest Operations Information Program) database to create a long term record of compliance issues.

Mark also indicated that Assessment of Regeneration had not been conducted during the 2009-10 annual work schedule but that NFRM had instead elected to design better systems to help conduct these activities in future years. 7,000 ha. will be assessed for silvicultural effectiveness in the 2010-2011 operating year using some of these newly developed techniques. The results will appear in the November 2011 annual report.

*Discussion*

- Q. Tracey Caine: How good is your Silvicultural effectiveness monitoring?  
A. Mark Lockhart: It is still under development.  
Q. Tracey: Is there enough staff and money to collect the information?  
A. Mark: The SFL does "free to grow" monitoring every year.  
A. Randy McLaren: MNR is also developing audit functions for Silvicultural Effectiveness Monitoring (**SEM**) to see if some general conclusions can be reached.  
A. Peter Street: Between the Vermillion SFL and the Nipissing Forest SFL we have spent many dollars to develop these tools for assessing clear cuts. Now we need to develop a tool to develop shelterwood standards for SEM. We spend some \$40K -\$50K per year on survey activities.  
Q. Tracey Caine: Do we share these developed techniques and information?  
A. Peter: Yes, we share this with adjacent SFLs but techniques will differ as you move across the province. The resulting data is however rolled up from the forest management units to the MNR district and then on to the MNR's regional and provincial levels.

**5. TRAINING - Maintaining public access on Crown land roads** – Randy McLaren – (Attachment #2 – Crown Land Road Use Management)  
- (Attachment #3 – Forest Road and Water Crossings document)

Randy presented an extensive slide show (35 slides) to try to give us a small taste of the workload involved in managing and maintaining roads on Crown lands. Randy explained that prior to the early 1990's MNR used to receive a budget with which to build and maintain roads on Crown lands. When the funding was withdrawn, MNR had to get out of the roads business. Concern for public safety and liability from the unmaintained infrastructure (roads, bridges, culverts) resulted in the creation of a "Forest Roads and Water Crossings Initiative" task team in 2000. Their resulting 2003 report identified recommendations for inventory, maintenance, determining responsibility for and the transfer or decommissioning of these Crown land road networks and water crossings. Randy broke his presentation down by separating Crown lands roads found within the FMP from Crown lands roads outside of FMP areas, as their **UMS** (Use Management Strategy) and policies are at different stages of development.

CROWN LANDS ROADS WITHIN THE FMP AREA (Forest Management Plan area) Responsibility and liability for roads within the **FMP** (Forest Management Plan) area were further separated as follows;

1. Forest FMP Roads primarily for forest industry use would be the responsibility of the forest industry which has developed a UMS for their care and use within the FMP area.

2. Forest FMP roads used by other stakeholders in addition to the forest industry, "forestry shared use roads," would remain the responsibility of MNR and a UMS will need to be negotiated with industry for these roads. It is hoped that some agreement can be reached on responsibility for maintenance and repair work, including cost and work sharing agreements. These negotiations are not part of the FMP planning process.

While these *forestry shared use roads* are an MNR responsibility, very little maintenance is possible on them due to the absence of provincial funding for their upkeep. All such roads are posted that roads and bridges are not maintained and are to be used at one's own risk. General maintenance may take place on one or more such roads a year if/when funding becomes available. Water crossings are monitored annually for their soundness but access restrictions can be implemented by the local District Manager of MNR to close the road to any or all users if problems arise.

*Decommissioning* - The current MNR UMS for these roads states that if a water crossing fails or such a road becomes unsafe, MNR may decide not to repair it. In such cases, MNR will give a third party interest the opportunity to affect the repairs needed, under the authority of a Public Lands Act work permit. The repairs must meet required engineering standards and be completed within set time frames. If such repair is not completed satisfactorily by an authorized third party interest, the MNR may proceed with plans to decommission the road or the failing structure.

CROWN LAND ROADS OUTSIDE THE FMP AREA – MNR continues to be responsible for all road systems on Crown lands outside of the FMP areas unless responsibility has been transferred to a third party interest. A use management strategy (UMS) has not yet been developed for these road systems and will involve a large amount of work to develop. For now these roads will be addressed on a case by case basis. Again, third party responsibility can be transferred via instruments such as Memorandums of Understanding, Land Use Permits, maintenance agreements or private road designation. Where such a road is rendered unusable when damaged or destroyed by unplanned events, there is no obligation on the Crown to restore such access for people hoping to access their businesses, properties or favourite recreational areas.

Randy then described the project he led in the district to help develop a Use Management Strategy for this group of road networks. The maps provided in the presentation disclosed the magnitude of the problem. There are simply not enough dollars available to the Crown to maintain all the Crown land access roads and water crossings in a manner that could guarantee the safety of public users. This is not expected to change.

CASE STUDY – **MOU** - Memorandum of Understanding example – Randy McLaren

Randy had brought along a specific case study regarding an issue Roy Summers had brought to LCC's attention at a previous meeting. Roy gave Randy permission to use this issue to demonstrate how the MOU process is used to transfer responsibility for road and bridge maintenance to third party interests.

Randy mentioned that there are numerous water crossing MOUs signed with third party interests within the North Bay district. They are signed with forest companies, cottage groups, private landowners and mining concerns to name a few. The MOU is a legal document conferring responsibility on a representative of the third party interest and contains legal provisions that state that the third party interest must rebuild the failing water crossing according to currently approved engineering standards and do so by a certain date or give up its right to an interest in maintaining that water crossing. If the third party interest does not rebuild the structure nor does so in an unapproved manner, the Crown may remove the structure permanently and the cost of doing so is a bill due to the third party interests who installed the water crossing. (Please see slide #32 in Randy's presentation for the actual legal wording in a MOU document).

The case study revealed that a bridge on the road under discussion had been inspected by an MNR engineer in 1999 and found to be unsafe for continued public use. MNR determined that it no longer needed this road for any MNR programs like forest management, so the decision was made not to replace the water crossing.

The bridge and road were posted with signs, and letters were mailed to known users like the cottagers in the area advising all that the unsafe water crossing would be removed and not be replaced. The bridge was subsequently removed by MNR in 1999.

In 2000 a MOU was signed with a cottage representative to replace the removed water crossing and a new bridge was installed by the third party interest, using FERIC or log stringer design standards.

In 2010 however, MNR received notice from the MOU holder that he was no longer interested in continuing with responsibility for the water crossing. An inspection of the bridge by MNR revealed that the FERIC design structure had now also deteriorated past its life expectancy and needed replacement. A new third party interest could not be found to sign a new MOU so the previous MOU holder, responsible for having installed the FERIC design bridge, was ordered to remove it for public safety concerns as per the MOU obligation. The bridge was not removed by the date specified by MNR so the Crown hired a contractor to remove the

structure and the bill for that work became a debt due to the Crown by the original MOU holder.

The opportunity for signing a new MOU to replace this water crossing remains available to any third party interest willing to assume this responsibility. At present this area falls within the **AWS** (Annual Work Schedule) of the FMP for forest operations and the need for forest companies to gain access to a nearby area may facilitate an opportunity for the stakeholders to work together on an agreement to reestablish this water crossing or to create a new one into the cottage area. Like the Crown however, the forest industry is not obligated to maintain this access or water crossing beyond the time of its need by industry so an agreement between those parties will be needed for its continued use and maintenance.

Roy Summers then continued the Case Study presentation with more specific details. The cottage area affected by the bridge removal has been present on the shores of the Ottawa River since the early 1900s. This area was created from a tertiary road which eventually became Hwy 533 between Hwy 63 and Mattawa. The portion of road along which Roy's camp is situated is named Coxey's Road and until the removal of the bridge on that road by MNR, it represented the only public boat launch site along the 50 km length of the proposed Ottawa River Provincial Park. Roy presented an overview of the Ottawa River Provincial Park proposal taken from the Living Legacy exercise conducted by MNR in the 1990's.

He also stated that public boat launches previously open to public use and created by the federal government at the Timiskaming dam, are now privately owned and run for profit.

His concern is that the Ontario government appears to be removing bridges and access roads enjoyed by the public, in order to give private tourism operators exclusive use of such areas. He stated that this has been done intentionally in other parts of the province in the past. Roy wasn't sure that he would be able to access his cottage in the future if the road and water crossing issue couldn't be resolved. He also mentioned that using a boat for access to his cottage from the dam at Timiskaming was treacherous at times.

Peter Street mentioned that some forest operations were contemplated in the area near Roy's cottage area this year and that he would look into determining if anything might be cooperatively possible to help restore some access to the area in the short term.

**RECORDER'S NOTE OF CLARIFICATION: OTTAWA RIVER PROVINCIAL PARK**  
The "Lands for Life" and "Our Living Legacy", were public lands management exercises conducted in the 1990's to help define unique ecosystems and habitats that warranted special designation to protect those values. Protection offered to

such sites could include designating them as Conservation Reserves or as new Provincial Parks through which the provincial government could restrict certain activities on those lands i.e. mining, forestry, hunting, fishing, public access, cottaging, etc.. There were hundreds of such sites identified in the study provincially and those sites were prioritized in terms of urgency requiring protection. Many of the identified sites have now been passed into regulation which defines them as Conservation Reserves or as Provincial Parks.

The Ottawa River Provincial Park proposal runs down the Ontario side of the Ottawa River from near Timiskaming, Quebec for some distance down stream, and has not proceeded to the regulated stage to date. Many unresolved land tenure issues remain, including the Algonquin First Nations land claim, which must be resolved before Ontario can move ahead with regulating the area as a new provincial park.

Once a provincial park is created by regulation, the Crown has five years to create a detailed long term management plan. The plan must be developed to ensure that the identified values remain protected and that the park meets the management requirements for provincial parks in Ontario. The Park Management Planning exercise may or may not approve of activities such as fishing, camping, logging, cottaging or the presence of access points within its boundaries. All such land uses are reviewed during the creation of the Park Management Plan or Park Management Strategy and involve public input into the process.

**6. EBR (Environmental Bill of Rights updates) – Brennain Lloyd**

Brennain was unable to attend tonight so this item will carry over to our next meeting.

**7. Correspondence**

Two items of correspondence were received by Gerry;

- LCC member Jan Vandermeer has tendered his resignation with LCC, as he has accepted a teaching position in Saskatchewan and will be leaving the area at the end of February. We all wish him well in this move.
- Andy Straughan sent a note that his maple syrup production site will be hosting the Maple Tapping Ceremony for the area this year on March 12, 2011 – All are welcome and details will follow. (UPDATE: Andy sent details in a separate email to all LCC members)
- Co-Chair Lorie Reed stated that he had been speaking with chairs of adjacent LCCs and all felt there was a need for a regional LCC forum in the future. Last year's forum was poorly attended with many cancelling out on organizers after all the arrangements had been made and paid for. Lorie suggested that the time of year may have been an issue and that a May

meeting might be preferable to one in September. Better for planning by organizers as well, as they won't be trying to do so in July-Aug period. Next call on this is slated for around March 9<sup>th</sup>.

*Comment* - Tracey Caine suggested that this might be able to be held at the same time as the CIF meeting planned for Huntsville this year. Lorie felt that travel distance would limit attendance at the Huntsville venue and that regional LCC chairs preferred to hold this forum a bit more central to our region.

- Co-Chair Lorie Reed also mentioned he'd recently attended a meeting concerning Ontario Power Group's conversion of an Atikokan coal fired electrical generating plant being modified to burn wood pellets. These pellets are to be created from sustainably managed forests and may offer the Nipissing Forest a new market for its products.

#### **8. LCC Members – open discussion**

Derek Stewart mentioned that he had been approached by a cottage group complaining that water levels in area lakes fluctuated too much, especially on Lake Nipissing. He stated that his group wished to know;

Who is responsible for water level control?

Why are levels not held at proper levels for sustaining the fisheries or facilitating boater use and docking?

Why was Lake Nipissing so low again? Was it being improperly managed?

While water level control is not a mandate of the LCC as far as forest operations review is concerned, the group would like to see a presentation addressing some of these concerns as an educational segment for LCC at a future meeting. It was recommended that someone like MNR's Phil Hall could be approached to give a presentation on water level management. Lake Nipissing Partners/Stewardship group might also have information on this issue.

Tracey Caine stated that she had an article available on the signing of some new wood supply contracts and that a contract to supply wood briquettes for fuel had caught her eye. She will make the articles available to LCC.

(UPDATE: These two articles have also been sent with these minutes).

#### **9. Next Meeting date: - Chair Lorie Reed**

Please set April 19<sup>th</sup> aside for our next meeting date

#### **10. ADJOURNMENT – 8:10 p.m.**