

: Declaration of emergency in effect. Stay at home except for essential travel and follow the restrictions and public health measures.



Order in Council 2326/2017

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

Whereas pursuant to subsection 26(1) of the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c. 25 (the "**CFSA**"), the Minister of Natural Resources and Forestry (the "**Minister**") granted to Resolute FP Canada Inc. (the "**Licensee**") Sustainable Forest Licence ("**SFL**") number 542245 covering the Crossroute Forest, approved by Order in Council O.C. 891/97 dated the 24th of April, 1997 (such **SFL** as amended from time to time, the "**Crossroute Forest SFL**"), which currently expires on March 31, 2022;

And Whereas in accordance with subsection 26(3) of the **CFSA** the Minister conducted a review to ensure the Licensee has complied with the terms and conditions of the **SFL**, which included consideration of two consecutive audits performed by an independent third party, entitled "**Crossroute Forest Independent Forest Audit April 1, 2002 – March 31, 2007 Final Report**" and "**Crossroute Forest Independent Forest Audit April 1, 2007 – March 31, 2012 Final Report**" (the "**Audits**");

And Whereas the Minister is satisfied that the Licensee has complied with the terms and conditions of the Crossroute Forest **SFL**;

And Whereas the Minister now desires to extend the term of the Crossroute Forest **SFL** for ten years in accordance with subsections 26(4) and 26(4.1) of the **CFSA**;

And Whereas pursuant to subsections 26(4) and 26(4.1) of the C.F.S.A., the approval of the Lieutenant Governor in Council is required to extend the term of the Crossroute Forest S.F.L.;

Now therefore, pursuant to subsections 26(4) and 26(4.1) of the C.F.S.A., the Minister is hereby given approval to extend the term of the Crossroute Forest S.F.L. for an additional ten years such that the term of the Crossroute Forest S.F.L. would expire on March 31, 2032.

Ministry of Natural Resources and Forestry

Approved and Ordered: December 12, 2017

Published: December 29, 2017

Boundary Waters Forest Management Corp.

About BWFMC

Forest Management

SFI Certification

Audits

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Audits

Boundary Waters Forest Management Company is audited by qualified third party auditors through participation in the SFI Program and as a requirement of our Sustainable Forest License.

SFI Program Participants certified to the Forest Management Standards are required to undergo annual surveillance audits by independent and accredited certification bodies to deliver ongoing conformance. To maintain a current forest management certificate, certified Program Participants must undergo a full recertification audit every five years. The Boundary Waters Forest was certified in 2020.

The next SFI audit on the Boundary Waters Forest is scheduled for May 17-20, 2021.

[SFI Audit Reports](#)

Independent Forest Audits are an

integral part of Ontario's sustainable forest management framework. The Boundary Waters Forest management unit is audited every 5 years.

An independent auditor assesses the performance of both BWFMC and the Ministry of Natural Resources and Forestry in meeting their forest management responsibilities.

An IFA audit took place on the former Crossroute Forest in 2017 and the former Sapawe Forest in 2017. Once the audit reports become public, it will be available online below.

[Independent Forest Audit Reports](#)

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Titles List 1 of 6

Crossroute Forest Independent Forest Audit 2012 - 2017 /

Links: [Archived by the Ontario Legislative Library: Oct. 7, 2019.](#)

Author: [Ontario. Ministry of Natural Resources and Forestry., issuing body.](#)

Other Author(s): [Arbex Forest Resource Consultants Ltd.,](#)

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Crown Forest Sustainability Act, 1994

ONTARIO REGULATION 167/95

GENERAL

Historical version for the period January 1, 2018 to June 25, 2020.

Last amendment: 416/17.

Legislative History: [+]

This is the English version of a bilingual regulation.

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CROWN CHARGES

- For the purposes of sections 2, 3 and 4, the land referred to as the productive area in a forest resource licence granted before April 1, 1995 shall be deemed to be the land specified under subsection 32 (2) of the Act. O. Reg. 167/95, s. 1.
- (1) The area charge to be paid under subsection 32 (1) of the Act for the 12-month period beginning on April 1 in each year by a holder of a forest resource licence is,
 - \$51 for each square kilometre or part of a square kilometre of land specified under subsection 32 (2) of the Act, if the licence was granted under section 26 of the Act; or

(5) An amendment made to a forest resource licence in accordance with section 34 of the Act and section 10 of this Regulation in respect of a matter agreed on under subsection 38 (2) of the Act or the procedure described in this section need not conform with the agreement. O. Reg. 167/95, s. 9 (5).

(6) Subject to paragraphs 6 and 7 of subsection (1), no information provided during the mediation shall be disclosed by the mediator or the parties except to each other during the course of the mediation. O. Reg. 167/95, s. 9 (6).

(7) The Minister may require that the procedure described in subsection (1) be completed within a period of time specified by the Minister. O. Reg. 167/95, s. 9 (7).

AMENDMENT OF FOREST RESOURCE LICENCES

10. (1) A forest resource licence may be amended under section 34 of the Act in respect of the following matters:

1. The area covered by the licence and the land specified under subsection 32 (2) of the Act.
2. The amount, species and price of forest resources that may be harvested under the licence.
3. The harvesting of killed or damaged forest resources.
4. The renewal and maintenance of the area covered by the licence and other activities carried out in that area, including the funding of those activities.
5. The preparation of a forest management plan, including the requirement to prepare a plan.
6. The silvicultural and other standards and the forest operations prescriptions that apply to forest operations.
7. The methods used to measure compliance with silvicultural and other standards and with forest operations prescriptions.
8. The construction and maintenance of forest roads, including the funding of those activities.
9. The supply of forest resources to a forest resource processing facility.
10. The conduct of inventories, tests and studies.
11. The provision of information.
12. The certification of the area covered by the licence, including the standard to be met for certification. O. Reg. 167/95, s. 10 (1); O. Reg. 186/07, s. 1.

(2) An amendment to a forest resource licence may not be made under section 34 of the Act unless the amendment is authorized by subsection (1). O. Reg. 167/95, s. 10 (2).

CANCELLATION OF FOREST RESOURCE LICENCES

11. A forest resource licence may be cancelled in whole or in part for one or more of the following reasons, in addition to the reasons set out in subsection 59 (1) of the Act:

1. The licensee has purported to transfer, assign, charge or otherwise dispose of the forest resource licence without the consent required by section 35 of the Act.
2. The licence was granted in respect of forest resources on land subject to a previous forest resource licence and an agreement made between the licensees under subsection 38 (2) of the Act or the resolution of a dispute under that subsection is no longer in effect.
3. The licence was granted in respect of forest resources that were subject to an agreement under section 25 of the Act and that agreement is no longer in effect.

4. The licence is a sustainable forest resource licence under section 26 of the Act and, for the purpose of improved management of forest resources in the management unit to which the licence relates, a new sustainable forest resource licence is to be granted to a company that was formed for the purpose of carrying out forest management responsibilities in the unit, that is not associated with any particular forest resource processing facility and in which the holder of the cancelled licence was offered an opportunity to participate. O. Reg. 167/95, s. 11; O. Reg. 572/06, s. 1.

TRANSFER OF FOREST RESOURCE LICENCES

12. (1) The fee for obtaining a consent under subsection 35 (1) of the Act is \$1,000. O. Reg. 167/95, s. 12 (1).

(2) Despite subsection (1), if consents in respect of more than one forest resource licence are obtained at the same time, the fee is \$500 for each consent. O. Reg. 167/95, s. 12 (2).

13. Subsection 35 (2) of the Act does not apply in the following circumstances:

1. A forest resource licence is surrendered to the Minister.

2. A transfer, assignment, charge or other disposition of an interest in a forest resource licence is required by an agreement under subsection 38 (2) of the Act or by the resolution of a dispute under that subsection. O. Reg. 167/95, s. 13.

14. When a forest resource licence is transferred, the licensee shall, not less than 30 days before the transfer, provide the Minister with the following information:

1. A description of the transfer, including the reason for it.

2. Information in respect of the transfer, including information in respect of the valuation of assets, the employees of the transferor and the assumption by the transferee of the transferor's liabilities and obligations to the Crown.

3. The location of the forest resource processing facility that will process forest resources harvested after the transfer.

4. Information in respect of the operation of any forest resource processing facility to be transferred, including information in respect of forest resource supply arrangements and forest resource licences that will supply the facility with forest resources. O. Reg. 167/95, s. 14.

SCALERS

15. REVOKED: O. Reg. 101/11, s. 1.

16. (1) The Minister may issue a scaler's licence to a person who,

(a) has completed a scaler's course approved by the Minister;

(b) has passed the examination for a scaler's licence set by the Minister, or before April 1, 2011, by the board of examiners; and

(c) has paid the fee set out in subsection (2). O. Reg. 167/95, s. 16 (1); O. Reg. 101/11, s. 2 (1).

(1.1) Despite subsection (1), the Minister may issue a scaler's licence to a person who,

(a) holds a scaler's certificate, licence, registration or similar official recognition,

(i) that is issued by a provincial or territorial government in Canada or by regulatory authority authorized or permitted to issue such recognition by a provincial or territorial government in Canada, and

(ii) that attests that the person is authorized to scale Crown forest resources;

(b) has not had his or her scaler's certificate, licence, registration or similar official recognition cancelled, suspended or revoked; and

(c) has paid the fee set out in subsection (2). O. Reg. 483/10, s. 1.

- 2.3. The term of this licence commences on the 1st day of April 2002 and expires on the 31st day of March 2032 but may be extended in accordance with section 26(4) of the *Crown Forest Sustainability Act*. *Prior to Sept 10/20*
4. The Company shall pay the prices determined by the Minister under section 31 of the *Crown Forest Sustainability Act* for forest resources harvested under this licence.

3.3.0 Wood supply commitments and overlapping licences

1. The forest resources harvested pursuant to this licence are to provide a supply of forest resources to the existing forest resource processing facility of the Company located at Fort Frances, Ontario and to the beneficiaries of forest resource supply commitments identified in Appendix "E" hereto.
2. Subject to complying with the wood supply commitments described in Appendix "E" and the conditions in Appendix F, the Company shall be entitled to harvest and utilize the full available harvest described in the Forest Management Plan for the Crossroute Forest.
3. If the allowable harvest levels permitted by a Forest Management Plan will not permit a sufficient amount of forest resources to be supplied from the Licence Area to the aforementioned processing facilities listed in paragraph 3.1 and Appendix "E", the amount of forest resources available shall be shared in a manner prescribed by the Minister unless the Company and the affected beneficiaries identified in Appendix "E" otherwise agree on the manner of sharing subject to the following:
 - a. If an agreement on the manner of sharing is reached, the beneficiaries identified in Appendix "E", who are parties to the agreement, shall acknowledge that the Minister's obligations with respect to the wood supply commitments which are the subject of the agreement are satisfied by the agreement;
 - b. If the Minister is required to prescribe the manner in which the available harvest shall be shared, the Minister will take into consideration, among other things, the traditional wood supplies of those affected by such deficiency.
4. The Minister may grant an Overlapping Licence on the Crossroute Forest pursuant to section 38 of the *Crown Forest Sustainability Act*.
5. This licence and any amendment thereto shall prevail over an agreement under section 38 of the *Crown Forest Sustainability Act*.
6. The Company shall provide copies of the agreements described in paragraph 3.5 herein to the Minister forthwith after such agreements are made, and as required by the Minister.
7. The Minister will provide to the Company a copy of the licence, harvest approvals and a monthly scaling summary regarding Overlapping Licensees at the same time they are provided to the Overlapping Licensee.

4.4.0 Manuals

1. The Company shall prepare a forest management plan, work schedules, and reports for the Crossroute Forest in accordance with the *Crown Forest Sustainability Act* and the Forest Management Planning Manual, and shall abide by that plan and all other requirements described in that manual and the *Crown Forest Sustainability Act*.
2. The Minister hereby requires the Company to conduct the inventories, surveys, tests and studies identified as being the responsibility of a Sustainable Forest Licensee in the Forest Information Manual, and the Company shall carry out those inventories, surveys, tests and studies in accordance with the Forest Information Manual.
3. The Minister hereby requires the Company to provide the Minister with information identified as being the responsibility of a Sustainable Forest Licensee in the Forest Information Manual, and the Company shall collect that information in accordance with the Forest Information Manual.
4. The Company shall not commit wasteful practices as described in either the Forest Operations and Silviculture Manual or the Scaling Manual.

5.5.0 Deleted

2.0 AREA, TERM AND PRICING

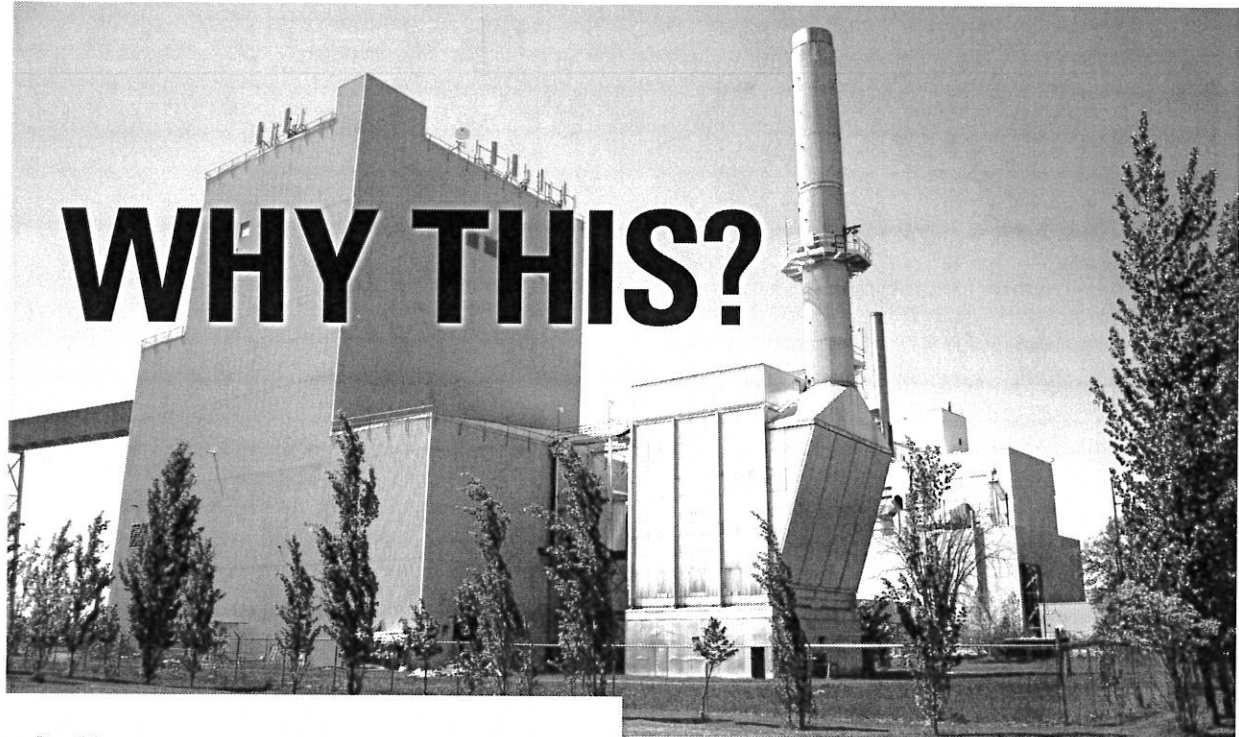
- 2.1 This licence applies in respect of the Licence Area that is comprised of a total area of 15,333.3 square kilometres which total area is more particularly described in Appendix "A" hereto. The area of Productive Lands within the Licence Area is 10,920.5 square kilometres.
- 2.2 The Company shall pay area charges and forestry future charges in accordance with sections 32(1) and 51(5) of the Crown Forest Sustainability Act.
- 2.3 The term of this licence commences on the 1st day of April 2002 and expires on the 31st day of March 2032 but may be extended in accordance with section 26(4) of the Crown Forest Sustainability Act. This licence supersedes and replaces all previous Sustainable Forest Licences issued in respect of the Crossroute Forest, which previous Sustainable Forest Licences shall be of no further force or effect as of and following the date this licence is executed and delivered by the Minister. *SEPT 10/20 AMENDMENT*
- 2.4 The Company shall pay the prices determined by the Minister under section 31 of the Crown Forest Sustainability Act for forest resources harvested under this licence.

3.0 WOOD SUPPLY COMMITMENTS AND OVERLAPPING LICENCES

- 3.1 Subject to complying with the wood supply commitments described in Appendix "E" and the conditions in Appendix "F", the Company shall be entitled to harvest and utilize the full available harvest described in the Forest Management Plan for the **Boundary Waters Forest**.
- 3.2 If the allowable harvest levels permitted by a Forest Management Plan will not permit a sufficient amount of forest resources to be supplied from the Licence Area to satisfy the wood supply commitments described in Appendix "E", the amount of forest resources available shall be shared in a manner prescribed by the Minister unless the Company and the affected beneficiaries identified in Appendix "E" otherwise agree on the manner of sharing subject to the following:
- If an agreement on the manner of sharing is reached, the beneficiaries identified in Appendix "E", who are parties to the agreement, shall acknowledge that the Minister's obligations with respect to the wood supply commitments which are the subject of the agreement are satisfied by the agreement;
 - If the Minister is required to prescribe the manner in which the available harvest shall be shared, the Minister will take into consideration, among other things, the traditional wood supplies of those affected by such deficiency.
- 3.3 The Minister may grant an Overlapping Licence on the **Boundary Waters Forest** pursuant to section 38 of the Crown Forest Sustainability Act.
- 3.4 This licence and any amendment thereto shall prevail over an agreement under section 38 of the Crown Forest Sustainability Act;

*not disclosed
This clause
would be needed
if it was
in Reg - but applied*

*WAS
3.2*



Dear Editor,

The last Independent Forest Audit (IFA) of the licensee's compliance with the terms and conditions of the Sustainable Forest Licence #542245 included the 5 year period from April 1, 2007 to March 31 2012.

This audit recommended a 5 year extension of this SFL, to March 31 2017. The Order in Council however, represents the Crossroute Forest SFL # 542245 expiring on March 31, 2022.

If in fact this SFL's expiration date is March 31 2022 there must be an (IFA) for the 5 years between April 1 2012 to March 31 2017 to satisfy the CFSA Sections 26(3), 26(4), 26(4.1). As stated in my May 19 2021 Letter to the Editor, even though the Boundary Waters Forest Management Corp.'s website indicated a 2017 (IFA) was completed on the former Crossroute Forest, only the 2007 to 2012 (IFA) was published. The Fort Frances pulp and paper mill was partially closed in 2012 and permanently closed May 2014. An (IFA) from April 1 2012 to March 31 2017 would have revealed this fact. The expiration date of March 31, 2022 represented by the MNRF to the Lieutenant Governor in Council is not supported by an (IFA), therefore SFL # 542245 expired on March 31 2017.

The Order in Council 2326/2017 was approved and ordered on December 12, 2017, nine months after SFL # 542245 had expired.

The allocation of wood from the Crossroute Forest granted by SFL # 542245 also ended on March 31 2017. However, while REPAP was expressing an Interest to purchase the Fort Frances mill in 2018 the MNRF maintained and supported the former Licensee's access to this wood supply, at the expense of all the communities dependent on the Crossroute Forest. This expired SFL continued to be useful to the MNRF with the amalgamation of the Crossroute and Sapawe Forests on April 1 2020.

Once again I sincerely hope the Town of Fort Frances will consider the foregoing and try to stop the demolition of the Kraft Mill building and the Biomass Boiler.

Thank you,
David Kircher



Order of Council 2326/2017

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

Whereas pursuant to subsection 26(1) of the Crown Forest Sustainability Act, 1994, S.O. 1994, c.25 (the "CFSA"), the Minister of Natural Resources and Forestry (the "Minister") granted to Resolute FP Canada Inc. (the "Licensee") Sustainable Forest Licence ("SFL") number 542245 covering the Crossroute Forest, approved by Order in Council O.C. 891/97 dated the 24th of April, 1997 (such SFL as amended from time to time, the "Crossroute Forest SFL"), which currently expires on March 31, 2022;

And Whereas in accordance with subsection 26(3) of the CFSA the Minister conducted a review to ensure the Licensee has complied with the terms and conditions of the SFL, which included consideration of two consecutive audits performed by an independent third party, entitled "Crossroute Forest Independent Forest Audit April 1, 2002 - March 31, 2007 Final Report" and "Crossroute Forest Independent Forest Audit April 1, 2007 - March 31, 2012 Final Report" (the "Audits");

And Whereas the Minister is satisfied that the Licensee has complied with the terms and conditions of the Crossroute Forest SFL;

And Whereas the Minister now desires to extend the term of the Crossroute Forest SFL for ten years in accordance with subsections 26(4) and 26(4.1) of the CFSA;

And Whereas pursuant to subsections 26(4) and 26(4.1) of the CFSA, the approval of the Lieutenant Governor in Council is required to extend the term of the Crossroute Forest SFL;

Now therefore, pursuant to subsections 26(4) and 26(4.1) of the CFSA, the Minister is hereby given approval to extend the term of the Crossroute Forest SFL for an additional ten years such that the term of the Crossroute Forest SFL would expire on March 31, 2032.

Ministry of Natural Resources and Forestry

Approved and Ordered: December 12, 2017

Published: December 29, 2017

Section 26 of the Crown Forest Sustainability Act

(3) Subject to subsection (3.1), during the term of the licence, the Minister shall conduct a review every five years to ensure that the licensee has complied with the terms and conditions of the licence. 1994, c. 25, s. 26 (3); 2010, c. 16, Sched. 10, s. 2 (2).

(4) If a review conducted under subsection (3) or (3.1) satisfies the Minister that the licensee has complied with the terms and conditions of a licence, the Minister shall, with the approval of the Lieutenant Governor in Council, extend the term of the licence for five years. 1994, c. 25, s. 26 (4); 2010, c. 16, Sched. 10, s. 2 (4).

If you have any questions concerning this matter, please feel free to contact me.

David Kircher
807-275-7844

Crossroute Forest Independent Forest Audit April 1, 2007 - March 31, 2012 FINAL REPORT

The audit team recommends that the Minister extend the term of Sustainable Forest Licence #542245 for a further five years.

Lead Auditor
ArborVitae Environmental Services Ltd.