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Submitted Online Via the [Environmental Registry of Ontario](#)

Subject: ERO Posting # 019-4922: Proposed regulatory changes under the *Crown Forest Sustainability Act* for the harvest of Crown forest resources for personal use

Dear Ms. Campbell,

Greenmantle Forest Inc. (GFI) is the Sustainable Forest Licensee (SFL) for the Lakehead Forest. As such, Environmental Registry of Ontario (ERO) Posting #019-4922 and its outcome is important to GFI's forest operations. We thank you for the opportunity to comment on the proposed regulatory changes under the *Crown Forest Sustainability Act* for the harvest of Crown forest resources for personal use.

The Lakehead Forest has a well-developed road network, as such, Crown land is easily accessed by citizens of the City of Thunder Bay and the surrounding rural communities. The Forest's landbase is an arrangement of Crown and private land with private land parcels both aggregated around communities and randomly interspersed with Crown land. With this land ownership pattern and proximity to settlement, the Lakehead Forest is very a 'public' forest subject to heavy use by stakeholders and the public. The Forest provides an advantageous location for harvesting Crown forest resources for certain personal (non-commercial) uses (e.g. collection of firewood, Christmas trees, tree branches for decorative uses).

Collection of forest resources for personal use from the Lakehead Forest has occurred for many years. With public access and exposure, GFI's forest operations have experienced incidents of wood theft, garbage disposal, equipment and asset vandalism, fuel theft, and other random interference with active forest operations. Although this ERO proposal specifies no personal use harvest in active operations, GFI is concerned there will be an increase of activity harmful to its operations.

GFI supports sensible streamlining of regulatory processes. For successful implementation of the proposal described in ERO # 019-4922 we, collectively as Registered Professional Foresters managing the Lakehead Forest, believe the following concerns need to be addressed.

Collection of up to 10 cubic metres of downed wood

The proposed regulatory changes describe the inclusion of a number of conditions on personal use harvest of Crown forest resources under either the "rules in regulation" or "the authorization". The conditions include no harvesting in active forest operations, where forestry personnel or any equipment are present, or where any signs are posted indicating forestry operations are scheduled

to occur. With this description, GFI is concerned that timber piled at roadside, with no forestry personnel and equipment present, will be perceived as abandoned, and thus available and collected for personal use. In contrast, harvested wood piled at roadside is scheduled for transport to a processing facility or storage yard, and at times there is a delay in implementing hauling operations making piled wood appear abandoned. With no forestry personnel, equipment or signage of scheduled operations present, forest operations may appear to be inactive or complete, whereas in fact, they may be, ongoing.

Parts of trees (tops and branches) placed or piled at roadside may still be a commercial product of forest operations and waiting on further processing for transport to a mill site. These sites may be part of ongoing operations and not available for personal harvest.

Unattended, harvested timber piled at roadside, or parts of trees at roadside, are a source of revenue for the harvester and GFI; it is not abandoned wood and not available for personal harvest. Although the operation may be perceived as inactive, activity to haul can/may commence without advance notice; or roadside tops and branches are often processed with grinders for biomass for local facilities within two to three years of harvest.

The proposed conditions in ERO #019-4922 must specify that harvested wood piled at roadside or tops/branches is not downed wood (fallen trees or parts of trees) available for personal harvest collection unless permission is received from the SFL holder or forest management entity.

Posting of signs

The proposed conditions on personal use harvest of Crown forest resources describe posting of signs indicating where forest operations are scheduled to occur as a method of identifying active operations, without assigning responsibility for this action. The preparation, installation, removal and management of signs uses human resources and creates a financial burden for forest managers. This is contrary to recent updates to the CFSA which are focused on reducing burden for the forest industry. The DMNRF should be aware that posting signs to indicate scheduled forest operations, or to provide other information is often an unreliable method of communicating to the public, as GFI experiences ongoing theft and vandalism of signs. Posting of signs to deter theft of fuelwood, or destruction of hardwood veneer by fuelwood collectors has had no effect on the Lakehead Forest. The onus should be placed on the public, not forest management companies, to know where areas of operation are, either through the FMP, AWS or communications with the NDMNRF / SFL.

Transplanting of trees

The proposed personal use harvest of Crown forest resources includes the transplanting of up to five trees that are no larger than 1.4 metres in height, annually, per household. However, the rules in the regulation provide no distinction between the taking of planted or naturally grown trees. As part of SFL and forest management responsibilities, forest industry annually undertakes considerable forest renewal efforts involving silviculture prescriptions, site preparation, seedling procurement, tree planting and plantation tending. The most significant cumulative impact of permitting transplant from plantations will most likely occur on aggregate pit sites undergoing prescribed rehabilitation comprised of Pine seedlings that are desirable to the public.

Planted trees achieving a height of up to 1.4 metres represent a several years of tree growth that cannot be recovered, and a considerable amount of financial and human capital for GFI and other companies which is at risk. GFI recognizes it may be difficult for non-forestry practitioners to identify a plantation, however prohibition of transplanting from plantation provides public awareness and a regulatory mechanism to minimize this activity. To increase transplanting success of trees by the public, GFI suggests lowering the height limit of trees to 1 metre, since it is easier to dig up and maintain an intact root ball with smaller trees.

Rules in regulation and authorization

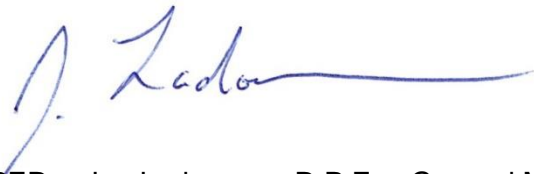
To ensure successful implementation of the proposed regulatory changes, rules in regulation and authorization must be expressed in clear and unambiguous language which is easily understood. With cutting of standing dead wood being proposed, a clear definition of 'dead wood' is needed to avoid cutting of live deciduous trees during the leaf-off season.

In addition to Environmental Registry of Ontario notices, is NDMNRF proposing to publish the implementation of the proposed changes to the CFSA regulations in media frequented by hunters, anglers, and outdoor recreationalists?

The forest sector is an important part of Ontario's history and critical to the future of our business and community. It is important to recognize the complexity of the various activities in forest operations while making forest resources available for personal use. GFI will be pleased to discuss potential and practical solutions to the concerns presented in this letter.

Sincerely,

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