



**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.

.../2

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 FMP's and provide 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.
- 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**