

# Province of New Brunswick

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Population: 756,800 <sup>1</sup>

Area: 7.1 million ha

Forests: 6.1 million ha <sup>2</sup>

Ownership/allocation of forested lands:

Public: 3.2 million ha

Private: 2.9 million ha

Public forest land subject to forest management agreements: 3 million ha

Parks and protected areas: 338,450 ha <sup>3</sup>

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## 1. Description:

New Brunswick is located on Canada's east coast and is the largest of the three Maritime Provinces. The Acadian forest region covers most of the province. This forest region is characterized by softwood and hardwood tree species, including red spruce, balsam fir, black spruce, yellow birch, eastern white pine, eastern white-cedar, eastern hemlock and sugar maple. Primary commercial species in New Brunswick include spruce, fir, pine, maple, birch, poplar and cedar.

In 2016, New Brunswick's largest forest product export markets were the United States (78%), India (7%), Indonesia (4%), Thailand (4%), China (2%), with a number of other markets making up the remaining 5%. Total forest product export sales in 2016 were \$1.7 billion. <sup>4</sup>

## 2. Forest governance:

### Public lands:

The *Crown Lands and Forests Act* is the legal foundation of public (Crown) forest management in New Brunswick. It was proclaimed in 1982 and is administered by the Department of Energy and Resource Development (ERD). The Act divides New Brunswick's Crown land into 10 timber licenses (forest management units). Crown timber licenses are granted through 25-year forest management agreements to forest companies called

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<sup>1</sup> [Statistics Canada 2016. CANSIM \(Population by year, by province and territory\).](#)

<sup>2</sup> Source of forest area information: NB Dept. of Energy and Resource Development, 2015 Forest Inventory Report.

<sup>3</sup> Canadian Council on Ecological Areas: 2016 CARTS Report.

<sup>4</sup> Trade data calculated via Innovation, Science, and Economic Development Canada: 2016 Trade Data Online.

Licenses. The New Brunswick government sets management goals and objectives and Licenses are evaluated on their performance by ERD and third-party auditors. The 10 Crown licenses are presently administered by five Licensees. Each license also has an assigned number of sub-licensee mills who have been allocated annual volumes of Crown timber products.

Parks and protected areas:

In New Brunswick, terrestrial protected areas cover 338,450 ha or 4.7% of the province. The vast majority of this area (290,300 ha) is protected by the province as either Provincial Parks or Protected Natural Areas. The remainder is National Parks, other federal protected areas, and privately owned conservation areas.

Private lands:

Private land in New Brunswick falls into 2 categories:

- (i) Industrial Freehold, which is private land owned by forestry companies; and
- (ii) Private Woodlots.

Industrial Freehold is managed on a commercial scale and most companies have had their lands certified by one of the recognized third-party sustainable forest management (SFM) certification programs. Private lands must conform to the *Clean Water Act*. Under the *Crown Lands and Forests Act*, the ERD Minister has from time to time requested summary details of the management strategy for Industrial Freehold forest operations.

Private woodlots in New Brunswick are held by more than 40,000 separate owners. They are free to manage their woodlots as they deem appropriate and must only conform to the *Clean Water Act*. There are seven Forest Product Marketing Boards in the Province that offer services to private woodlot owners. The New Brunswick Federation of Woodlot Owners Inc. (NBFWO) acts as the liaison between the provincial government and the seven regional Boards. Woodlot owners are subject to Board levies on the sale of forest products and owners may choose to belong to woodlot owner co-operatives, if available. ERD and the NBFWO periodically cooperate to update the provincial private wood supply to help manage long term sustainability.

All timber that is transported within New Brunswick, whether from Crown or private lands, requires a Transportation Certificate (TC). Under legislation, Crown and private woodlot TC's are subject to audits by ERD and the [New Brunswick Forest Products Commission](#). The Commission is an independent body that oversees the marketing relationships involving the forest industries (pulp mills and sawmills), Forest Products Marketing Boards (private woodlot owners and producers) and the provincial government.

### **3. Forest management legislation and regulations:**

Public lands:

Operational standards, policies and guidelines for forest management on Crown lands are established by the provincial government. Crown land forest operations are monitored and periodically assessed by ERD under the Results-Based Forestry system. ERD also evaluates Licensee forest management performance at five-year intervals.

Primary acts and regulations governing Crown forest land in New Brunswick:

- [Crown Lands and Forests Act](#)

- [Timber Regulation – Crown Lands and Forest Act](#)
- [Forest Fires Act](#)
- [Forest Products Act](#)
- [Clean Water Act](#)
  - [Watercourse and Wetland Alteration Regulation – Clean Water Act](#)
  - [Wellfield Protected Area Designation Order – Clean Water Act](#)
  - [Watershed Protected Area Designation Order – Clean Water Act](#)
- [Transportation of Primary Forest Products Act](#)

Acts and regulations governing parks and protected areas:

- [Parks Act](#)
- [Protected Natural Areas Act](#)
  - *Establishment of Protected Natural Areas Regulation – Protected Natural Areas Act*
  - [General Regulation - Protected Natural Areas Act](#)

#### Results-Based Forestry:

ERD Forest Management staff is primarily responsible for assessing and ensuring compliance with forest management acts, regulations and standards. ERD uses a Results-Based Forestry system as defined within the [Forest Management Manual for New Brunswick Crown Lands](#) (FMM). Under this system Licensees are held accountable to achieve clear, forest-wide goals and objectives ([Schedule G – Licensee Performance Evaluation Criteria](#)) and ERD assesses their performance by examining the outcomes of Licensee management (planning, harvest, access and silviculture practices). Results-Based Forestry relies on strict process control, process improvement and an integration of ERD into all internal and external SFM certification systems. This integration is the key principle of this system, as ERD can contribute and verify the Licensees' performance against Key Performance Indicators (KPI) throughout the year. In cases where issues are found the Licensees are required to improve their system in order to ensure they will meet and exceed the ERD KPI. ERD integrated staff are also involved in the development of action plans related to those Crown lands management activities. Those indicators are then formally assessed periodically by both independent auditors and by ERD staff.

Every five years, using the assessments that were done by both independent auditors and ERD staff, ERD evaluates how well Licensees performed in achieving the stated goals and objectives of government. The results of this evaluation are a prime consideration in ERD's decision on whether or not to extend the term of a license for an additional five-year period and whether more or less security is required for any additional five-year period.

The Department of Justice and Public Safety is responsible for enforcement of the acts and regulations governing parks and protected areas and the Department of Environment and Local Government is responsible for the *Clean Water Act* and its regulations.

#### Private lands:

Acts and regulations governing forest management on private land include the *Clean Water Act*, *Forest Products Act* and *Natural Products Act*.

All forest management on private land must comply with the [Clean Water Act](#). The [Forest Products Act](#) established the Forest Products Commission and governs the powers, duties and activities of the Commission including the oversight and general supervision of the Forest Products Marketing Boards. The underlying objective of both the *Forest Products Act* and the [Natural Products Act](#) (with respect to farm products of the forest) is the control and regulation of primary forest products coming from private woodlots in New Brunswick.

#### **4. Timber processing legislation and regulations:**

The [Forest Management Manual for New Brunswick Crown Lands](#) outlines the management requirements that guide Licensees' planning and operations on Crown land.

Under the *Crown Lands and Forests Act* all wood processing facilities (mills) in New Brunswick must report to ERD the volume and source of their wood supply (including Crown wood, private wood and imports to New Brunswick). In this way, all roundwood and biomass harvested and consumed by New Brunswick sawmills and pulp mills is tracked.

Crown and private land timber is scaled according to the [Scalers Act](#) and [New Brunswick Scaling Manual](#). ERD is responsible for the oversight of scaling, reporting and wood tracking on Crown lands.

The [Transportation of Primary Forest Products Act](#) requires that all wood products transported in New Brunswick (including private land) have a Transportation Certificate indicating source, date and time loaded, product, species, destination, licence plate number, name and signature of vehicle operator, offload date and receiver signature (*Section 3 of Regulation 2002-37*). New Brunswick's Forest Products Marketing Boards administer the Transportation Certificate system for private woodlots and the Department of Justice and Public Safety enforces the legislation.

#### **5. Other relevant legislation:**

In addition to the public and private forest land legislation in New Brunswick, other provincial legislation applies to forest management activities including the [Heritage Conservation Act](#) and [Species at Risk Act](#).

#### **6. Forest certification:**

New Brunswick requires that Crown forest lands managed by Timber Licensees are certified under one of the following third-party forest certification systems: Sustainable Forestry Initiative (SFI), Canadian Standards Association (CSA) or Forest Stewardship Council (FSC). At present, all Crown lands managed by Licensees are certified under SFI. Industrial freehold lands controlled or harvested by the Licensees are also certified under SFI. In total 4.2 million ha are certified to the SFI standard in New Brunswick.<sup>5</sup>

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<sup>5</sup> [Certification Status Report, New Brunswick-SFM-Year-end 2016](#). [www.certificationcanada.org](http://www.certificationcanada.org)

## **7. Duty to Consult with Aboriginal Peoples:**

The Province of New Brunswick has a duty to consult with First Nations when contemplating an action or a decision that may infringe upon proven or asserted Aboriginal and treaty rights. The New Brunswick [\*Duty to Consult Policy\*](#) provides direction to the provincial government for engagement and consultation with Aboriginal peoples in New Brunswick.

The Crown's duty to consult applies to resource management activities including licensing, leasing, permitting or regulating access to fish, wildlife, forests, minerals or other Crown resources. Additionally, the duty to consult policy extends to the creation, amendment or implementation of regulations, policies or procedures, including strategic and operating plans, which may have the potential to negatively impact the traditional use of Crown land and resources by First Nations.

The Government of New Brunswick is committed to fulfilling its legal obligation to actively engage in consultation with First Nations and is dedicated to building long term relationships that promote increased opportunity for economic development and participation in the natural resource sector.

## **8. Stakeholder engagement in forest management:**

New Brunswick is committed to stakeholder engagement in major sustainable forest management policy decisions through information sharing, consultation, collaboration and partnerships. Furthermore, the province requires any new or amended provincial legislation to undergo a public review process to permit individuals and organizations an opportunity to provide feedback on the proposed law.