

New Brunswick Forest Products Commission

Annual Report 2017-2018

Energy & Resource Development
November 2019

November 1, 2019

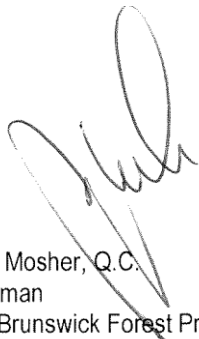
Hon. Rick Doucett, Minister
Department of Energy & Resource Development
P. O. Box 6000
Fredericton, NB
E3B 5H1

Dear Sir,

Re: New Brunswick Forest Products Commission – 2017-18 Annual Report

On behalf of the New Brunswick Forest Products Commission, it is my privilege to submit our Annual Report for the period April 1, 2017 to March 31, 2018. The report has been designed to highlight the activities and accomplishments of the Forest Products Commission for the fiscal year 2017-18, and to provide summary information regarding the seven forest products marketing boards.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian Mosher', is written over the typed name and title.

Brian Mosher, Q.C.
Chairman
New Brunswick Forest Products Commission

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Chairman's Message

The New Brunswick Forest Products Commission (FPC), an agency established in 1971 by the *Forest Products Act*, oversees the seven Forest Products Marketing Boards (the "Marketing Boards") and acts as a liaison in the marketing relationships between private woodlot owners, the seven Marketing Boards, forest industries (pulp mills, sawmills and consumers) and the Government of New Brunswick. The Commission and Marketing Boards have legislated authority regarding regulation of the production and marketing of primary forest products from private woodlots. The Commission reports to the Minister of Energy and Resource Development and to the Crown Corporations Committee, a standing committee of the New Brunswick Legislature.

This Annual Report is designed to be in line with the reporting of the Government of New Brunswick's and Department of Energy and Resource Development's formal management system which focuses on performance reporting and aims to provide better accountability to the public.

The annual report of the New Brunswick Forest Products Commission (the "Commission") provides summary information about the Commission's activities as well as the financial and statistical information for the fiscal year ending March 31, 2018. The primary function of the report is to be the major accountability document for the Legislative Assembly and the public. It serves as the key link between the objectives and duties of the Commission and the results obtained.

The Commission and its staff continued work over the year to improve the ways that the duties of the Commission align with its legislated objectives. We look forward to continuing that process throughout the next year.

Brian Mosher, Q.C.
Chairman, New Brunswick Forest Products Commission

Highlights from the Past Year

At various times throughout the year, Commission staff provided assistance to the Department of Energy and Resource Development in conjunction with trade issues related to super-calendared paper and softwood lumber.

The Commission conducted a second round of stumpage data collection, covering the period between October 1, 2015 and September 30, 2016. As of March 31, 2018, the results of the study had not been finalized and released.

Appeals were filed with the Commission from four appellants with regard to the Southern New Brunswick Forest Products Marketing Board (SNB Board) Order # 2015-604. The appeals were filed with the Commission in January of 2016. After a number of unavoidable procedural delays, the appeals were heard together on August 9 and 10, 2017. The Commission rendered its decision in December of 2017 and in January of 2018, the SNB Board appealed the Commission's decision to the New Brunswick Court of Appeal. The appeal had not been heard before March 31, 2018.

The South East New Brunswick Forest Products Marketing Board issued a written report to their Board of Directors regarding an employee issue. The employee in question received a copy of the report from one of the directors prompting the Board to implement confidentiality agreements for their directors. Two directors and an alternate director were suspended for refusing to sign the confidentiality agreement. The three directors filed an appeal with the Commission which was heard on January 24, 2018. The appeal panel dismissed the appeal and reaffirmed the SENB Board's decision to suspend the appellants.

The Commission provided assistance to the seven Forest Products Marketing Boards to develop a common accounting system for the Marketing Boards. Atlantic Data Systems was tasked with the development of the new system. As of March 31, 2018, three of the Marketing Boards had implemented the new system, two of the other Boards were expected to begin using the new system beginning in the 2018-2019 fiscal year and the other Boards were still in the testing phase.

The Department of Energy and Resource Development was required to respond to recommendations made by the Office of the Auditor General on the silviculture program and private wood supply. The Commission collaborated with Departmental staff and submitted a response. 11 of the 19 Departmental recommendations that were implemented came from the Commission.

Commission Objectives and Duties

The Forest Products Commission (Commission) was established in 1971 by the *Forest Products Act*, although it draws its authority, duties and responsibilities from that act, as well as the *Natural Products Act*. The primary role of the Commission is general supervision over the operations of the seven Forest Products Marketing Boards (Boards) in New Brunswick that are established under the *Natural Products Act*.

Under the *Natural Products Act*, regulations have been made by the Lieutenant-Governor in Council establishing the seven Forest Products Marketing Boards and the authority of those Boards to collect levies from primary forest products that are produced and marketed. Regulations are also made by the Commission that defines the administration and governance of each Forest Products Marketing Board. The table below outlines the year of establishment, establishing regulation, administration regulation, and associated agency of each Board.

Forest Products Marketing Board	Year of Establishment	Establishing Regulation	Administrative Regulation(s)	Associated Organization
Carleton-Victoria	1978	Regulation 2014-1	Regulation 2005-140	Carleton-Victoria Wood Producers Association
Madawaska	1961		Regulation 2006-87	N/A
North Shore	1973		Regulation 2005-142	N/A
Northumberland County	1974		Regulation 2005-144	Northumberland County Woodlot Owners Association
South East New Brunswick	1981		Regulation 2005-106	N/A
Southern New Brunswick	1979		Regulation 2005-146	S.N.B. Wood Cooperative Ltd.
York Sunbury Charlotte	1978		Regulation 2005-148	N/A

The objectives of the Commission are:

- (a) to encourage and facilitate the achievement of expanding markets and equitable prices for both the producer and consumer of purchased primary forest products; and
- (b) to encourage and facilitate the optimum utilization of private woodlot resources.

The duties of the Commission are:

- (a) to examine and consider data relevant to the production and sale of purchased primary forest products,
- (b) to facilitate meaningful dialogue between producers and consumers,
- (c) to administer the negotiation process between the Producer Associations and their agents,
- (d) to act as conciliator when requested in disputes arising between a Producer Association and a consumer of primary forest products,
- (e) to conduct inquiries on the following matters with respect to primary forest products:
 - (i) the cost of production, distribution and transportation;
 - (ii) prices, markets and systems of classification; and
 - (iii) any other matter related to marketing,
- (f) to investigate complaints in relation to the marketing of primary forest products,
- (g) to be informed regarding developments in the harvesting and marketing of primary forest products, and

(h) to recommend to the Minister the institution of those marketing controls that appear necessary or advisable.

The Commission is responsible for the overall conduct of the regulated forest products marketing system for private lands in New Brunswick. It is responsible for ensuring that the Boards exercise the powers granted to them in the manner intended. The Commission:

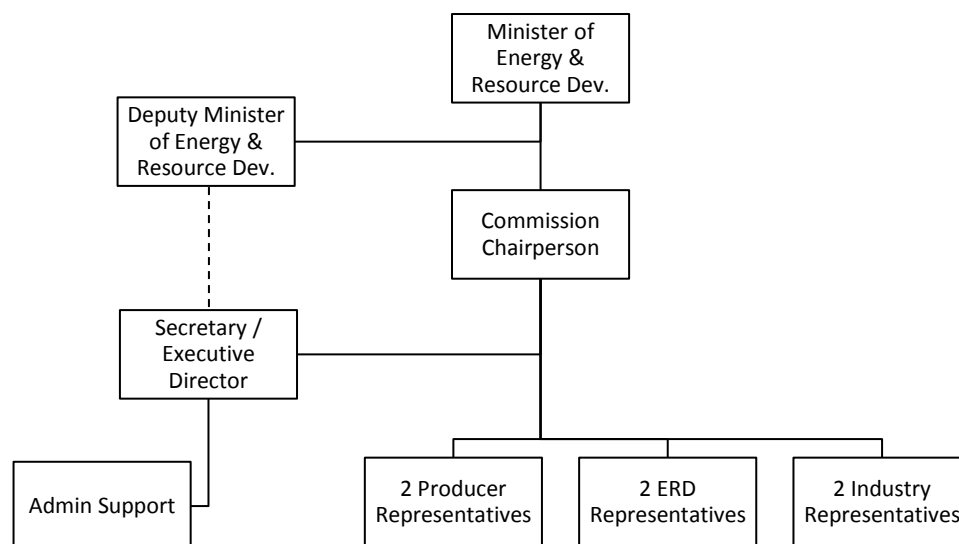
- has general supervision of the seven regulated Forest Products Marketing Boards;
- provides liaison and is the body of appeal for Marketing Boards, private woodlot owners, government and industry;
- lends assistance in resolving disputes between: woodlot owner, board, industry, contractor, broker, etc.;
- can facilitate the negotiation, conciliation, and arbitration between Boards and industry;
- investigates complaints in relation to the marketing of primary forest products;
- provides policy advice to the Minister of Natural Resources, and
- recommends amendments to regulations pertaining to Marketing Boards and the marketing system.

The seven Marketing Boards are given specific powers by regulation and the role of the Commission is to verify they work within the scope of their marketing plans. In doing so, the Commission represents the interests of the private woodlot owners in each Marketing Board regulated area.

Overview of Commission Operations

The Commission is responsible to the Minister of Energy & Resource Development. The Commission's structure is defined by the Forest Products Act, and includes seven members appointed by the Lieutenant-Governor in Council. The Commission is designed to provide a fair representation of all segments of the forest sector, including two representatives of the producers (private woodlot owners), two representatives of the forest industries of New Brunswick, two representatives of the Department of Energy & Resource Development, and one independent Chair. Appointment terms of industry and producer representatives are up to three years and appointment terms of the ERD representatives and the Chair are up to five years.

The Commission also has a staff consisting of an Executive Director / Secretary and two administrative support staff, who are employees of the Department of Energy & Resource Development.



Sector	Representative
Independent Chair	Brian Mosher
Energy & Resource Development	Carol Dixon
Energy & Resource Development	Vacant
Producers	Claude Pelletier
Producers	Hans Bouma
Forest Industries	Mike O'Blenis
Forest Industries	Gerard Robichaud

Changes in Commission Membership

In May of 2017, Ms. Martha O’Sullivan resigned from her appointment to the Commission representing the Department of Energy and Resource Development. Her position continued to be vacant beyond March 31, 2018.

Data Collection

The Commission regularly collects data from the Boards, including monthly production, sales of primary forest products through the Boards, financial statements and reports of forest management revenues and expenditures related to the Private Woodlot Silviculture Program. During the 2017-18 year, the Commission continued to work on initiatives aimed at improving the consistency and accuracy of production data collected from the Boards. The Commission implemented a new standardized production report designed to improve the efficiency of data entry into DNR’s Forest Industry Allocations and Statistics system. With the improved data, the Commission was able to produce quarterly production reporting for its members, the Minister, and forest industry stakeholders.

Auditing and Reporting

The production data and audited financial information was compiled, standardized and assessed to provide reports and information to the Minister of Energy and Resource Development. A financial review of the Provincial Private Land Silviculture program was completed, verifying that no more than 20% of the provincial silviculture monies have been retained by the Boards for program administration costs and that Boards provide additional revenue detail for the 10% of the government funding level required as “owner funding” in this fiscal year. The Commission also conducted procedural audits of the Transportation of Primary Forest Products Certificates.

Legislation – Acts / Regulations / Orders

The Commission did not create any new or amend any existing acts or regulations during the 2017-2018 year. The Commission issued the following orders during the 2017-2018 year:

Order No.	Subject	Date In Force	Date Repealed or Expiry (if applicable)
2017-196A	Borrowing Authorization – Carleton-Victoria Forest Products Marketing Board	July 19, 2017	July 18, 2018
2017-196B	Borrowing Authorization – Carleton-Victoria Forest Products Marketing Board	July 19, 2017	July 18, 2018
2017-296	Borrowing Authorization – Northumberland County Forest Products Marketing Board	November 16, 2017	November 15, 2018
2017-396	Borrowing Authorization – South East New Brunswick Forest Products Marketing Board	July 19, 2017	July 18, 2018
2017-596	Borrowing Authorization – York Sunbury Charlotte Forest Products Marketing Board	July 19, 2017	July 18, 2018

Investigations

The Commission conducted three investigations during the 2017-18 year. The first joint investigation by the New Brunswick Forest Products Commission and the Department of Justice and Public Safety was conducted under the *Transportation of Primary Forest Products Act* regarding the non-payment of Marketing Board levies by an individual contractor. As of 31 March 2018, work continued summarizing the information gathered from the investigation.

A request was received to conduct an investigation into the relationship between the Southern New Brunswick Forest Products Marketing Board and the Southern New Brunswick Wood Co-operative Ltd. The Commission requested information from both organizations. By the end of March 2018, the Commission had appointed two inspectors to conduct an inspection into the accounts and records of both the SNB Board and Co-op in conjunction with an investigation under 12(4)(a) of the *Natural Products Act*.

At the request of AV Group Inc., the Commission conducted an investigation into apparent inconsistencies with respect to deliveries being made to their AV Nackawic facility from private woodlots. The investigation was completed and the results were provided to AV Group Inc. in November of 2017.

Commission Meetings

The Commission conducted eleven meetings during the year with a 90%-member participation rate. All eleven of the meetings were held in Fredericton.

Negotiations

As part of its mandate, the Commission is responsible for the administration of the negotiation process between Boards and consumers. It does so through Commission Order 2005-189 (*Forest Products Marketing Boards Negotiating Agencies Order – Natural Products Act*). The Order requires that Boards and consumers of primary forest products register the names of the individuals that will undertake negotiations between the parties (Negotiating Agencies) with the Commission. In 2017-18, there were eight negotiating agencies formally filed with the Commission between Marketing Boards and processors and one report on negotiations filed. No agreements were received.

Financial Information

The Commission receives its funding through the budget of the Department of Energy and Resource Development. It is the sole source of funding for the Commission. A balance sheet has not been prepared because the Commission draws its funding directly from ERD, according to an agreed upon budget. The Commission does not receive the funding as a grant, but operates directly from the ERD budget, with administrative support from the Department. The Commission is a body corporate, as determined by the *Forest Products Act* and confirmed by the Office of the Auditor General. The Commission expenditures are also included in the ERD Annual Report and financial statements. The Chair of the Commission is paid \$25,000 annually and the other six members of the Commission who attend monthly meetings are paid a per diem (\$150 per day) while engaged in work of the Commission which is set by Order of the Lieutenant-Governor in Council. Reimbursement for reasonable travel expenses is in accordance with New Brunswick Government Travel Policy AD-2801.

New Brunswick Forest Products Commission Financial Statement 2017-18

	2017-18 Budget	2017-18 Expenditures	Budget Variance
<i>Administration</i>			
Regular Payroll and Benefits	\$ 241,365	\$ 178,999	\$ 62,366
Administration Travel Expenses	6,000	1,191	4,809
Rent/Operating Expenses	41,900	91,442	(49,542)
Administration Sub-total	289,265	271,632	17,633
<i>Members' Expenses</i>			
Members' per diem	36,700	31,450	5,250
Members' Travel Expenses	13,800	9,504	4,296
Members' Sub-total	50,500	40,954	9,546
General Program Sub-Total	339,765	315,586	27,179
<hr/>			
Total	\$ 336,300	\$ 315,282	\$ 21,018

- Source: ERD / NB Forest Products Commission

Appendix A – Private Woodlot Production and Sales Data

Forest Products Marketing Board Volume in Cubic Metres (excluding biomass)								
Year	Carleton-Victoria	Madawaska	North Shore	Northumberland	South East NB	Southern NB	York Sunbury Charlotte	Total
2008-09	192,000	149,000	96,000	21,000	115,000	122,000	121,000	816,000
2009-10	181,400	99,900	137,300	19,500	126,200	119,200	112,200	795,700
2010-11	243,500	124,100	117,800	20,700	113,300	163,200	122,800	905,400
2011-12	165,700	144,900	192,200	33,000	193,600	327,400	147,600	1,204,400
2012-13	150,100	195,500	203,800	47,500	162,500	292,600	144,300	1,196,300
2013-14	206,600	207,800	238,100	112,400	239,000	420,000	245,300	1,669,200
2014-15	213,800	164,100	252,100	140,500	226,100	354,600	238,900	1,590,100
2015-16	320,691	239,681	266,031	232,378	253,282	431,263	345,008	2,088,334
2016-17	296,232	265,355	238,159	247,137	242,536	505,446	447,462	2,242,327
2017-18	237,470	191,480	172,148	195,564	252,737	404,589	357,643	1,811,631
Average	220,748	178,183	191,374	106,971	192,429	314,026	228,218	1,431,950

2017-18 Forest Products Marketing Board Volumes in Cubic Metres (excluding biomass)								
Species	Carleton-Victoria	Madawaska	North Shore	Northumberland	South East NB	Southern NB	York Sunbury Charlotte	Total
Softwood Harvest	114,256	83,753	96,631	127,983	188,026	302,149	189,945	1,102,743
Softwood AAC (70%)	100,000	75,000	180,000	120,000	250,000	345,000	265,000	1,335,000
Softwood AAC(Max.)	140,000	105,000	260,000	180,000	345,000	495,000	385,000	1,910,000
Hardwood Harvest	107,422	101,965	71,447	60,983	62,812	92,182	136,910	633,721
Hardwood AAC (70%)	125,000	95,000	215,000	90,000	185,000	305,000	235,000	1,250,000
Hardwood AAC (Max.)	190,000	145,000	310,000	125,000	270,000	430,000	345,000	1,815,000

Forest Products Marketing Board Sales \$								
Year	Carleton-Victoria	Madawaska	North Shore	Northumberland	South East NB	Southern NB	York Sunbury Charlotte	Total
2008-09	7,531,012	4,168,563	3,384,704	917,372	4,012,493	5,099,530	7,581,709	32,695,383
2009-10	5,384,809	3,856,060	2,518,514	517,901	3,327,433	4,396,302	7,089,168	27,090,187
2010-11	8,847,112	4,055,273	3,183,222	1,032,416	4,483,899	5,646,943	6,954,290	34,203,155
2011-12	8,317,063	5,692,710	5,287,399	1,589,679	7,280,015	8,937,481	8,787,461	45,891,808
2012-13	7,708,280	7,365,283	6,209,351	2,341,227	6,195,271	11,643,389	9,080,488	50,543,289
2013-14	10,828,824	10,081,022	6,803,711	4,752,291	9,949,186	22,350,491	13,336,721	78,102,246
2014-15	10,822,864	7,587,292	6,467,140	6,280,849	10,424,132	15,438,242	9,281,149	66,301,668
2015-16	15,830,539	10,635,742	7,662,715	6,948,588	11,215,054	12,802,239	8,151,419	73,246,296
2016-17	15,431,461	10,431,716	7,625,007	8,235,854	9,370,499	14,354,767	10,399,983	75,849,287
2017-18	12,238,602	6,456,252	6,677,025	6,579,017	4,727,007	11,248,064	7,462,226	55,388,193
Average	10,294,057	7,032,991	5,581,879	3,919,519	7,098,499	11,191,745	8,812,461	53,931,151

Appendix B – Forest Products Marketing Board Silviculture Revenue and Expenditures

2016-17 Silviculture Program	Forest Products Marketing Board							Total
	Carleton- Victoria	Madawaska	North Shore	Northum- berland	South East NB	Southern NB	York Sunbury Charlotte	
GNB Silv. Program Funding (\$)	\$ 507,623	\$ 533,500	\$ 771,550	\$ 470,974	\$ 832,483	\$ 918,303	\$ 836,500	\$ 4,870,933
Private Silv. Program Funding	\$ 94,870	\$ 64,189	\$ 150,550	\$ 167,092	\$ 144,991	\$ 110,634	\$ 82,901	\$ 815,227
Total Silv. Program Funding (\$)	\$ 602,493	\$ 597,689	\$ 922,100	\$ 638,066	\$ 977,474	\$ 1,028,937	\$ 919,401	\$ 5,686,160
GNB Cost Share %	84%	89%	84%	74%	85%	89%	91%	86%
Direct GNB Silv. Program Expenditures	\$ 406,098	\$ 399,881	\$ 628,000	\$ 415,135	\$ 666,619	\$ 732,923	\$ 696,228	\$ 3,944,884
Direct GNB Silv. Program Expense %	80%	75%	81%	88%	80%	80%	83%	81%
Silv. Program Administration Expense %	20%	25%	19%	12%	20%	20%	17%	19%
Total GNB Program Funding	\$ 507,623	\$ 533,500	\$ 771,550	\$ 470,974	\$ 832,483	\$ 918,303	\$ 836,500	\$ 4,870,933

Appendix C – Forest Products Marketing Board Financial Reporting

Forest Products Marketing Board Balance Sheet Summary

2017-18	CV	MAD	NSH	NTH	SENB	SNB	YSC	Total
Assets								
Current	1,007,983	848,175	744,433	556,228	715,683	796,742	875,011	5,244,255
Investments	-	-	23,893	-	-	5	-	23,898
Capital Assets & Equipment	1,395	128,804	328,570	8,608	49,279	-	35,225	551,881
Restricted Funds	-	122,818	-	-	-	-	-	122,818
Total Assets	1,009,378	1,099,797	1,096,896	564,836	764,962	796,747	910,236	6,242,852
Liabilities								
Current	736,482	121,015	282,461	96,748	82,010	18,645	238,046	1,575,407
Long Term	-	-	107,500	70,000	-	-	-	177,500
Total Liabilities	736,482	121,015	389,961	166,748	82,010	18,645	238,046	1,752,907
Net Assets								
Net Assets	272,896	978,782	706,935	398,088	-	-	476,047	2,832,748
Retained Earnings	-	-	-	-	682,952	778,102	196,143	1,657,197
Total Liabilities and Equity	1,009,378	1,099,797	1,096,896	564,836	764,962	796,747	910,236	6,242,852
<i>Year End</i>	<i>Mar 31</i>	<i>Mar 31</i>	<i>Mar 31</i>	<i>Mar 31</i>	<i>Mar 31</i>	<i>Mar 31</i>	<i>Mar 31</i>	

Forest Products Marketing Board Income Statement Summary

2017-18	CV	MAD	NSH	NTH	SENB	SNB	YSC	Total
Revenue								
Wood Sales	12,238,602	6,456,252	6,672,363	6,579,017	4,727,007	11,248,064	7,462,226	55,383,531
Cost of Wood Sales	12,148,939	6,273,157	6,677,025	6,360,136	4,727,135	11,003,622	7,284,319	54,474,333
Net Sales	89,663	183,095	(4,662)	218,881	(128)	244,442	177,907	909,198
Fees, Levies & Other	258,041	15,169	285,201	750,455	345,158	1,109,010	874,421	3,637,455
Net Revenue	347,704	198,264	289,863	969,336	345,030	1,353,452	1,052,328	4,555,977
Expenditures	243,881	220,523	260,584	916,053	302,410	1,448,622	1,074,818	4,466,891
Net Income (Loss)	103,823	(22,259)	29,279	53,283	42,620	(95,170)	22,490	134,066

Change from Previous Year	2017-18	2016-17	Variance	% Change
Assets (\$)	6,242,852	6,066,689	176,613	+3%
Liabilities (\$)	1,752,907	1,725,676	27,231	+2%
Retained Earnings (\$)	1,657,197	1,691,961	(34,764)	-2%
Net Revenue (\$)	4,555,977	4,870,022	(314,045)	- 6%
Expenditures (\$)	4,466,891	3,935,667	531,224	+13%
Net Income/ (Loss) (\$)	134,066	934,355	(800,289)	-86%
Wood Sales (\$)	55,383,531	75,849,287	(20,465,756)	-27%
Softwood Production (x 1,000 m3)	1,103	1,463	(360)	-25%
Hardwood Production (x 1,000 m3)	634	780	(146)	-19%
Total Production (x 1,000 m3)	1,737	2,243	(506)	-23%

Appendix D – Forest Products Marketing Board Contact Information

Carleton-Victoria Forest Products Marketing Board
151 Perkins Way, Florenceville, NB, E7L 3P6
Agent: Carleton-Victoria Wood Producer's Association

Chairman: Roy McLellan
Manager: Linda Bell
Telephone: (506) 392-5584
Fax: (506) 392-8290
Email: info@cvwpa.ca

Madawaska Forest Products Marketing Board
640 rue Principale
St. Jacques, NB, E7B 1Y4

Chairman: Charles Albert
Manager: Rodrigue Bellefleur
Telephone: (506) 739-9585
Fax: (506) 739-0859
Email: odvdm@nbnet.nb.ca

North Shore Forest Products Marketing Board
2807 Miramichi Avenue, P. O. Box 386
Bathurst, NB, E2A 3Z3

Chairman: Mario Comeau
Manager: Patrick Doucet
Telephone: (506) 548-8858
Fax: (506) 548-1165
Email: nsfpmb@nbnet.nb.ca

Northumberland County Forest Products Marketing Board
271 McMurdo Street, Industrial Park
P. O. Box 494, Miramichi, NB, E1V 3M6
Agent: Northumberland Co. Woodlot Owners and Pulp Producers Assoc. Inc.

Chairman: Ken English
Acting Manager: Paula Creamer
Telephone: (506) 622-7733
Fax: (506) 622-6317
Email: woodlot@nbnet.nb.ca

South East New Brunswick Forest Products Marketing Board
P. O. Box 5074, Shediac, NB, E4P 8T8
(Site Location: 3384 Rte 132, Scoudouc, N.B. E4P 3S7)

Chairman: Joseph Murphy
Manager: Lisa Barkley
Telephone: (506) 532-1150
Fax: (506) 532-6500
Email: senbmb@nb.aibn.com

Southern New Brunswick Forest Products Marketing Board
P. O. Box 4473, Sussex, NB, E4E 5L6
Agent : SNB Wood Co-operative Limited
(Site Location: 13 Drury's Cove Rd, Sussex, N.B. E4E 4E4)

Chairman: Bill Richards
Manager: Pam Folkins
Telephone: (506) 433-9860
Fax: (506) 433-3623
Email: pfolkins@snbwc.ca

York-Sunbury-Charlotte Forest Products Marketing Board
P.O. Box 424 – Station A
Fredericton, NB, E3B 4Z9

Chairman: Rodney Mott
Manager: Shawn McGrath
Telephone: (506) 444-6644
Fax: (506) 444-6630
Email: ysc@nbnet.nb.ca