

Fort Frances Times

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WEDNESDAY, OCTOBER 27, 2021

Printed in Canada Volume 126 Number 11

email: info@fortfrances.com

www.fortfrances.com

ISSN 0834-6283 PAP No. 07429



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INSIDE



Ring in autumn

Residents at Riverside Health Care's Long-Term Care facilities in Emo and Rainy River have been busy getting their grounds and living spaces prepared for fall holidays and colder weather.

See photos on A10



Harvest market

Emo Feeds held their annual Fall Market event last Saturday featuring plenty of fun for the whole family, including a petting zoo and apple cider pressing.

See photos on B1



Bonot heading to nationals

Team Bonot has secured victory in the Northern Ontario Mixed Provincial Championship and are heading out to the Canadian Nationals in Canmore, Alta., come November.

See story on B7

Opinion did not consider 2017 audit: report

By Merna Emara
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A legal opinion provided to the Town of Fort Frances on wood allocation of the Crossroute Forest did not include a possible 2017 audit – that would have

been the most recent audit which also referenced the mill being closed – and suggested an uncertain, but possible, path for the town to legally challenge the renewal of the forest licence.

The 12-page opinion, provided to the Times by a source who requested anonymity because they are not authorized

to speak to it, was a draft document produced by Gowling WLG (Canada) LLP on Jan. 28, 2019, and emailed to Tannis Drysdale, economic development officer.

The Crossroute Sustainable Forest License (SFL) was given to Resolute Forest Products in 1997, for the purpose

of harvesting wood. The license then gets extended every five years, based on audits that assess the compliance of the license holder.

The opinion, prepared while Resolute still owned the mill property, was to answer four questions: whether Resolute

See "Legal" A3

Fort and Falls mayors are excited but cautious about border reopening

By Ken Kellar
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While the Canada-United States border is set to open up even further early next month, the mayors of Fort Frances and International Falls are expressing some concerns even as they celebrate the communities being able to connect once more.

Following the move by the Canadian government to reopen the land border to U.S. travellers back in August, the U.S. land border will be reopened to fully vaccinated Canadian travellers in November, bringing a 20-month-long closure to an end. The world's largest land border was originally closed in March 2020 as the COVID-19 pandemic hit and closures became the new normal.

Fort Frances Mayor June Caul shared that she is "on-the-fence" about the border reopening. On the one hand she is glad that families will be able to reconnect after years apart. However, she said she is still hesitant about health and safety concerns, particularly for seniors who are more at risk of health complications from COVID-19.

"I worry about the fact that we haven't gotten our own country completely healed yet, never mind letting people go back and forth," she said.

"We know the numbers have been up and down also in Minnesota, so that concerns me, but I am happy for people who will be able to go back and forth to see relatives, and I know lots of snowbirds will want to go south. For tourism, both coming and going, it's great, but I still have a little bit of trepidation about it."

Across the border, International Falls mayor Harley Droba said he is less concerned with the health impacts of Canadians travelling into the United States, particularly as vaccine numbers continue to rise in both countries.

"The way I look at it is, we've had so much time to be vaccinated, both on the American and Canadian sides, and those who want to be vaccinated have been," he said.

"Those that have not been vaccinated are not coming over, so in my opinion, it's the safest route that we can take to get to a sense of economic normalcy."

Droba said his community is looking forward to welcoming back Canadian travellers, particularly as the impact has extended beyond tourism and other business.

See "Border" A8



Running for the black and gold

Peyton Dolny placed first place in the Junior Girls race at last weekend's track and field meet. The event was the last of the year, with several schools gathering near Fort Frances to take part. For more photos and the standings, see B8.

- Allan Bradbury photo

Council dismisses sanctions against Judson

By Merna Emara
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The Town of Fort Frances council dismissed the Integrity Commissioner's recommended sanctions against Coun. Douglas Judson.

Darrell Matson, delegated commissioner to the Town of Fort Frances, made three recommendations to council members: that his report be received for information purposes, that Judson publicly acknowledge his lapse of judgment and issue a public apology, and that the report be made available to the public.

The 5 to 1 vote, with Coun. Mike Behan holding the vote of dissent, did not recognize the recommended sanction of having Judson issue a public apology.

However, all council members voted to accept Matson's report to be received for information purposes while being made available to the public.

Judson emailed a statement, following the Committee of the Whole and regular council meeting, saying the result was a victory for common sense and the protection of political expression.

The commissioner's report

"There are a multitude of ways to express the same core political message without making discriminatory remarks."

- Darrell Matson

was sparked when a complaint was submitted on Dec. 17, 2020, accusing Judson of breaching the municipal Code of Conduct by attributing an anonymous letter to the editor published in the Fort Frances Times to a "white senior citizen."

Matson's report was replete with screen grabs of Judson's public social media accounts, in which he comments and writes

his opinion of those opposing the effort to rename both Colonization Roads in Fort Frances.

The Integrity Commissioner found the complaints against Judson to be unsubstantiated, saying the essence of the commentary in the posts represents political commentary and opinion.

However, Matson did take exception with Judson reattributing a public statement by a

"Flinders Place Resident" to a "White Senior Citizen."

"There are a multitude of ways to express the same core political message without making discriminatory remarks," Matson said. "Regardless of councillor Judson's intention, this can be construed as insulting, disrespectful and disparaging to the member of the public."

Matson added that changing the source of the quotation to a "white senior citizen" when, in fact, the letter to the editor was attributed to "Flinders Place resident" is unacceptable, understood in the context of the respondent string of social media posts on the subject.

See "Councillors" A8

Judson and Caul before court

By Merna Emara
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Fort Frances Coun. Douglas Judson has declared that he has instructed his lawyer to begin a legal proceeding against Fort Frances Mayor June Caul in the Ontario Superior Court of Justice, over alleged abuse of office.

This proceeding was initiated on Sept. 3, 2021. Judson released details of his action against

Caul in a public statement over the weekend, in an attempt to prove her bias against him, and necessitate her to recuse herself from debating and voting on an Integrity Commission report during the Committee of the Whole meeting on Monday night.

"I had hoped to address the matters it concerns out of public view. However, as a result of the Mayor's refusal to acknowledge her conflict and recuse herself from the Integrity

See "Judson" A8

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Legal opinion to council did not consider possible 2017 forest audit

More from A1

Forest Products was harvesting and supplying forest resources from the Crossroute Forest management unit in a manner that complies with the terms and conditions of the SFL, whether the Ministry of Natural Resources and Forestry may act to amend or vary the terms and conditions of the Crossroute SFL, whether the Ontario province may be liable to a third party for failing to enforce the terms and conditions of the Crossroute SFL, and whether Ontario has jurisdiction over private transactions relating to Resolute's Crossroute SFL.

The firm provided the opinion to council in January 2019 but stated at the time that a full legal opinion would not be possible without an Independent Forest Audit (IFA) that was reportedly conducted in 2017 – a fact which was pointed out several times in the document. Although the existence of an IFA was referenced in Resolute's Annual Report, the firm was unable to locate it for the opinion. The Times has not been able to confirm that an IFA was conducted in 2017. Seth Kursman, senior spokesperson for Resolute, wrote in an email to the Times that an audit was done and submitted to the ministry January 2018.

The Times also reached out to Drysdale for comment, but she declined to provide one on grounds that the legal advice is considered privileged.

At the time the opinion was provided, an audit was not available on the ministry's website, according to standard protocol. However, one was placed in the ministry's archives on Oct. 7, 2019, about eight months after the opinion was rendered to the town. The audit was finally posted to the ministry website July 2021.

"For a more recent conclusion on wood supply condition compliance, we should obtain and review a copy of the 2017 IFA for the Crossroute SFL," the report states.

IFAs are the process by which the minister is advised of non-compliance with a license. Under Section 26(4) of the Crown Forest Sustainability Act (CFSA), if the minister is not satisfied that Resolute has complied with the terms of the Crossroute SFL, the license will not be extended, according to a footnote in the legal opinion. However, the firm concluded that Resolute had complied with the terms and conditions of the Crossroute SFL – based on the 2012 audit.

Fort Frances Mayor June Caul said the town has not requested a follow up opinion that includes any audit conducted in 2017.

"Sometimes I get really angry with myself, because we depend and trust the people who are working for the benefit of the town, because we don't have the knowledge that sometimes I wish I had," Caul

said. "Council is made up of everyday people on the street who just want to help the town become a better place."

Caul added that she wished she had known the significance of the possible 2017 audit before the mill started coming down. She said this puts a question in her mind.

"The [Rainy River Future Development Corporation] should have been saying that there should have been an audit done for 2017 right away," Caul said. "That audit made a heck of a big difference because Fort Frances was taken out of the equation as far as wood supply. That's what made me angry and that's why I started questioning."

After the last publicly available IFA, the Fort Frances paper mill shut down its operations in 2014. But based on the 2012 audit, Resolute has delivered forest resources under the Crossroute SFL to its facilities in Thunder Bay, Sapawe and Ignace.

However, the legal opinion states that it is not possible for them to confirm that Resolute is meeting volume allocation following the closure of their facility in Fort Frances.

Gowling also said that Ontario can amend the terms and conditions of the Crossroute SFL or create an overlay license, as stated in the CFSA.

According to the CFSA, a SFL should be cancelled and a new one 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 processing facility."

The Crossroute SFL, numbered 542245, issued in 1997 to Resolute, was transferred to the Boundary Waters Forest Management Corporation (BWFMC) in 2020 under the same license number.

The legal report also did not reference the December 2017 Order in Council that extended the SFL license for 10 years. The last Order in Council also did not refer to a 2017 IFA.

Caul said the Crossroute

SFL expired in 2017, and a new one should have been issued for the BWFMC. She added that experts hired by the town should have seen the red flags in the legal report.

"The people who have worked on the Boundary Waters management plan...have gone to all the meetings when the Crossroute Forest changed over to the BWFMC," Caul said. "They should have made sure the legal counsel that they did ask had a report given in 2017. It makes you wonder why they would have moved further with that."

Gowling stated in the opinion that wood supply agreement guarantees the availability of certain forest resources to commitment holders identified in an SFL. In the Crossroute SFL, Resolute was to supply certain volumes of timber products to the Fort Frances processing facility, Ainsworth GP Ltd., and other traditional operators.

However, only the minister is required to consider whether Resolute is complying with the Crossroute SFL term and conditions.

The opinion states that while there is no formal reporting mechanism under the CFSA, they did not see any barriers to the Town of Fort Frances writing to the minister asking them to exercise their power to cancel a license, provided there is evidence of noncompliance.

"The ball is in Greg Rickford's court and for somebody from the ministry to finally step up and start investigating a little bit themselves," Caul said. "I think they've been quite content to just sit in their offices and their excuse has always been that this is a private company. But there were people interested in getting wood supply to use. But Fort Frances was taken out and nobody stepped up to say this is not right."

The Times also reached to Rickford for comment, but none was provided as of press time.

Border town mayors lobbying to have testing requirements lifted for residents

More from A1

"We're obviously very excited to have our Canadian friends and families come over and utilize our community," Droba said.

"We've missed both the commerce as well as the friendship and fellowship. We have so many families that have been separated between the last two years, so we're very happy to have them come back."

However, there are still concerns regarding how Canadians will travel back and forth between the two countries. At time of writing, the Canadian government requires anyone entering Canada to have a negative PCR or accepted test that is less than 72 hours old, even if they are fully vaccinated. For many coming into Canada, this test must be acquired in their country of origin. The government states on its website that "Canadian citizens, people registered under the Indian Act, permanent residents and protected persons travelling to the United States are allowed to do their pre-entry molecular test before they leave Canada." The United States government requires no such test, only proof of or attestation to their vaccination status, according to the CBC.

However, this still leaves the burden of the test on the individual traveller, something both Caul and Droba worry could hamper efforts to bring the communities and shared economy back together.

"I can tell you there's been some talk amongst border mayors of Ontario hoping that [negative test] requirement can be lifted," Caul said.

"If you don't need anything going across [to the U.S. side], as long as you proved you've been vaccinated, they feel it's time to take that [requirement] away, and it's so expensive for people to have to even do, I'm sure it will deter a lot of people from even going across

"I think you'll have some families come over because it's been so long since they've been able to see each other, but just to pop over to go to the grocery store and gas station, I just don't see that for a while."

- Harley Droba

because of that."

Caul continued on to say that the consortium of border mayors will likely be meeting in the near future and corresponding with the Minister of Public Safety following Trudeau's cabinet shuffle. According to information released on Tuesday morning, the new minister will be Mark Mendicino.

Droba echoed Caul's concerns with people potentially being put off crossing due to the test requirements.

"That is the exact concern I have," Droba said.

"I think you'll have some families come over because it's been so long since they've been able to see each other, but just to pop over to go to the grocery store and gas station, I just don't see that for a while."

Droba shared that he feels

the greater impact of the border closure on the area's economy is something that won't be seen until a few years have passed, but he noted that while Canadian travellers were mostly barred from crossing into the States, other travellers helped make up for the difference.

"With the Canadian border being closed, we've had more Americans literally stop at the end of the road here in International Falls," Droba explained.

"So our commerce has still been relatively good, just a different type of commerce, but we definitely missed the Canadian traffic coming this way."

Still, Droba noted that there has been plenty of change in and around International Falls that will hold some surprises for whenever the majority of Canadian travellers, particularly those from Fort Frances and nearby areas, are able to return to our sister city to the south. In addition to business turnover, Droba said new businesses, along with infrastructure changes and improvements have been taking place throughout the closure.

"I think there's going to be a little bit of a shock for those who haven't been over from all of the things that have happened in the last two years," he said.

"We have two new hotels being built, we've had a ton of growth, road construction, brand new gas stations, we've had a lot change since the last time you were here."

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