

THE QUEEN'S BENCH

WINNIPEG CENTRE

APPLICATION UNDER Queens' Bench Rule 14.05(2)(c)(iv)

BETWEEN:

WESTERN CANADA WILDERNESS COMMITTEE

Applicant,

- and -

THE GOVERNMENT OF MANITOBA,

Respondent.

AFFIDAVIT OF ERIC DAVID REDER
SWORN THE 14th DAY OF JUNE, 2011 JUN 16 2011

PITBLADO LLP
Barristers & Solicitors
2500 - 360 Main Street
Winnipeg, Manitoba
R3C 4H6

DAVID G. NEWMAN, Q.C.

Telephone No. 956-0560
Facsimile No. 957-0227

(File No. 45961/1)

THE QUEEN'S BENCH

WINNIPEG CENTRE

APPLICATION UNDER Queens' Bench Rule 14.05(2)(c)(iv)

BETWEEN:

WESTERN CANADA WILDERNESS COMMITTEE,

Applicant,

- and -

THE GOVERNMENT OF MANITOBA,

Respondent.

AFFIDAVIT OF ERIC DAVID REDER

I, ERIC DAVID REDER of the City of Winnipeg, in the Province of Manitoba,

MAKE OATH AND SAY THAT:

1. I am the Manitoba Campaign Director for the Applicant Western Canada Wilderness Committee and as such have personal knowledge of the facts and matters hereinafter deposed to by me, except where same are stated to be based on information and belief, in which case I verily believe same to be true.
2. The Applicant is a body corporate duly incorporated pursuant to the laws of British Columbia and registered in Manitoba.
3. The Applicant is a public interest environmental citizen group with charitable status. Its stated mission is to protect Canada's biodiversity through strategic research and public education and to defend Canada's remaining wilderness and wildlife.

4. The Applicant's office in Manitoba was opened in 1999 with a view to ending logging in Manitoba's Provincial Parks.

5. The Applicant has approximately 7,500 members in Manitoba, and 60,000 members nationally.

6. In early 2007, the Applicant relaunched a dormant "Stop Park Logging" campaign, based upon the 1992 Clean Environment Commission report on logging in Manitoba. The said Clean Environment Commission report stated at page 86 that "commercial forestry activity in all provincial parks should be phased out." An extract from the said Clean Environment Commission Report is attached hereto as Exhibit "A".

7. In or about the spring of 2007, I was made aware that Tolko Industries Ltd. (hereinafter "Tolko") intended to build a logging road (hereinafter "Dickstone Road") through Grass River Provincial Park (hereinafter the "Park").

8. In or about the summer of 2007, the Applicant published an Educational Report about Provincial Parks which included an objection to Tolko's plan to build Dickstone Road. A copy of the said Educational Report is attached hereto as Exhibit "B".

9. I posted information on the Applicant's public website, from 2007 to late 2009, informing the public of Tolko's plans to build a logging road across the Park, under the page titles "Grass River Provincial Park Logging", "Grass River Provincial Park logging road", and "Stop Tolko's Grass River Provincial Park Road and Bridge". Copies of the said web pages are attached hereto collectively as Exhibit "C".

10. On or about May 9, 2008, the Applicant sent out a news release, publicizing the fact that Tolko was applying for a license to build a logging road and bridge through the Park. A copy of the said news release is attached hereto as Exhibit "D".

11. On or about May 9, 2008, the Applicant sent out an email message to its list of supporters requesting that they submit public comment on Tolko's license application. 259 people sent in their opinions through the Applicant's website. A copy of this e-mail is attached as Exhibit "E".

12. On or about May 13, 2008, the Applicant submitted the aforementioned comments of its members to the Respondent's Environmental Assessment and Licensing Branch. The Applicant expressed concerns about the Tolko proposal (Public Registry file #3094.70) to build Dickstone Road through the Park. The Applicant's comments indicated that this proposal was inconsistent with the recommendation by the CEC to phase out commercial logging in provincial parks. A copy of this submission is attached hereto as Exhibit "F".

13. On or about November 21, 2008, the Respondent sent out a press release, announcing it would ban logging in the Park, and that "commercial operations" would cease. A copy of the said November 21, 2008 press release is attached hereto as Exhibit "G".

14. On or about November 24, 2008, the Respondent sent out a press release, providing further details of the new logging ban. A copy of the said November 24, 2008 press release is attached hereto as Exhibit "H".

15. On or about August 12, 2009, the Respondent granted Environment Act Licence No. 2896 (hereinafter the "Licence") to Tolko allowing the "construction, operation and maintenance of an all-season road" to be constructed through the Park.

16. On or about February 11, 2010, I met with Conservation Minister Bill Blaikie on behalf of the Applicant. He expressed the Respondent's view that a logging road is not logging and therefore, the issuance of a permit to build a logging road did not contravene the park logging ban contained in *The Forest Act*.

17. On or about February 16, 2010, the Applicant sent out an email message to its list of supporters, reporting on the first meeting with new Conservation Minister. Blaikie. Attached hereto as Exhibit "I" is a copy of the said e-mail message.

18. On or about March 21, 2011, I met with Hugh Arklie, and Gaile Whelan-Enns of Manitoba Wildlands to discuss our options regarding the potential review of the interpretation of *The Forest Act* which allowed for the Licence to be issued for the construction of Dickstone Road.

19. The Applicant determined that it would offer the Respondent the opportunity to participate jointly in an Application to clarify the interpretation of the term "logging" as it is found in *The Forest Act* and in particular to determine whether the term was broad enough to incorporate the construction of a "logging road".

20. On or about April 4, 2011, Manitoba Wildlands and the Applicant sent a joint letter to Minister of Conservation Bill Blaikie, confirming the contents of conversation with the Minister on March 29, 2011. The letter expressed the Applicant's hope to pursue review of this matter cooperatively with the Respondent. A copy of the said April 4, 2011 letter is attached hereto as Exhibit "J".

21. On or about April 26, 2011, after Gaile Whelan-Enns of Manitoba Wildlands received responses from a staff member of the Respondent, I sent a letter to Conservation Minister Blaikie, stating that the Applicant was not satisfied in having telephone discussions with members of his staff. Instead I highlighted the importance of this issue and the need for a written response from Minister Blaikie on whether he would cooperatively pursue a Queens Bench 14.05 Rule Review with respect to the interpretation of the term "logging" as it is found in *The Forest Act*. A copy of the said April 26, 2011 letter is attached hereto as Exhibit "K".

22. On or about April 29, 2011, I received a reply from Conservation Minister Bill Blaikie dated April 26, 2011 in which he indicated that the Respondent did not agree with the Applicant's interpretation of

The Forest Act, and therefore the Respondent would not be cooperating in the proposed legal review. He did, however, remind the Applicant that it was free to legally challenge the view held by the Respondent. A copy of the said April 26, 2011 letter is attached hereto as Exhibit "L".

23. I make this Affidavit *bona fide*.

SWORN before me in the City of Winnipeg,)
in the Province of Manitoba, this 14th day of)
June, 2011.)
)
)



A Commissioner for Oaths in and for the
Province of Manitoba.

~~My Commission Expires:~~
A Notary Public in and for
the Province of Manitoba



ERIC DAVID REDER