

May 14, 2008

Ms. Elise Dagdick
Environment Officer, Environmental Assessment and Licensing Branch

Ms. Tracy Braun
Director, Environmental Assessment and Licensing Branch
Manitoba Conservation
123 Main St Suite 160
Winnipeg Manitoba R3C 1A5

Dear Ms. Dagdick and Ms. Braun;

**Re: Environment Act Proposal from Tolko Industries Ltd. – Dickstone South Road
Grass River Provincial Park – Public Registry File #3094.70**

The March 2008 Environment Act Proposal from Tolko Industries Ltd. regarding Dickstone South Road seeks permission for the creation of an all-weather road in boreal forest areas within a provincial park. The proposal raises some significant questions and concerns that are not answered in the material submitted as part of the proposed license alteration. As a result, we urge Manitoba Conservation to require additional information from the proponent and with another round of public review, based on information provided by the proponent. We are including here suggestions and questions that need to be answered.

Please place our comments in the public registry file for this proposal.

Rationale for Logging Road as All-Weather Road

Forestry roads are not usually built as permanent all-weather roads. The fact that Tolko is applying for what is essentially a license alteration to build an all-weather road raises some important questions that require a public response from the proponent prior to a licensing decision. First, why is this logging road proposed as an all-weather road? For what reason is all-season access required? Aside from logging, what else will this road be used for? Does it assist Manitoba Hydro in its transmission or generation station development intentions? What is the decommissioning plan for this road? If decommissioning is not planned for the foreseeable future, this road should be very carefully considered through a transparent and public process.

Is the location of this proposed road similar to or the same as the all-weather road proposed by Tolko and rejected as part of the previous environmental licensing review? If so, the rationale for refusal to license the previous all-weather road must be part of this licensing and decision-making process. It is the responsibility of the Environmental Assessment and Licensing Branch to be aware of the whole set

of circumstances connected to an environment license. In this case the previous refusal of permanent all weather roads, and refusal of Tolko's appeals were due to concern regarding woodland caribou, among other species.

Impacts of an All-Weather Road on a Listed Species – Woodland Caribou

According to maps included in the 1984 Grass River Provincial Park Management Plan, Tolko's proposed all-weather road will affect winter habitat areas of the Naosap Woodland Caribou herd, a herd that is considered to be at high risk by Manitoba Conservation. According to 'Manitoba's Conservation and Recovery Strategy for Boreal Woodland Caribou', this herd uses Grass River Provincial Park and the surrounding area as habitat (both calving and wintering). Given the formal status of woodland caribou under Manitoba's Endangered Species Act, the proponent must be required to provide details regarding potential impacts on the Naosap Woodland Caribou Herd with respect to this proposed road AND the associated logging activity that it will facilitate. How is this proposal in keeping with the Government of Manitoba commitment to woodland caribou recovery? How can Manitoba Conservation contemplate licensing this all-weather road when there is no Recovery Action Plan in place for the Naosap Herd (or any woodland caribou herd in Manitoba), despite three years having elapsed since the release of the 2005 Conservation and Recovery Strategy for Boreal Woodland Caribou? Is it part of Manitoba's 'plan' to allow road building and logging in woodland caribou habitat before a Recovery Action Plan is in place?

Assessment of the logging that will be enabled by this road, and the impacts on woodland caribou are essential elements for decision making on this Environment Act proposal. We suggest that Tolko's operating plans and assertions regarding woodland caribou in its long term forest management plan – the basis for its current environment license – must be reviewed in relation to this road proposal.

As woodland caribou are also listed under the Federal Species At Risk Act, what are the implications for Manitoba and the proponents of this decision in terms of obligations under SARA? All of the above questions require responses from either Tolko Industries and/or Manitoba Conservation, where appropriate, prior to any decisions regarding licensing for this proposed project.

Finally, which other species or listed species may be affected by Tolko's proposed all-weather road? Manitoba Conservation should require the proponent to do its homework on these matters. What kind of effects will the proposed road and logging activities have on Reed Lake?

Immediate Need for an All-Weather Road / Expiration of Tolko's 2009 Agreement and Environmental Licence

According to the timeline provided with this road building license application, the proposed all-weather road will not be completed and operational until 2010. Tolko's current long term forest management agreement and environmental license expires at the end of 2009. Why does this proposed road require licensing now? What is the justification for proceeding with this project as a separate proposal under

the Act that mandates a license amendment? , The proposal is better included as part of the full assessment of Tolko's new long-term plan? A cynic might wonder whether Tolko wishes to secure approval for aspects of its plans for 2010 and beyond because it would rather not fully address the very significant issues associated with building road through wintering habitat of a species listed under Manitoba's Endangered Species legislation.

Is Manitoba Conservation prepared to set a precedent for what could be perceived as a "back door" way to license aspects of a future long term forest management plan so that it does not have to address these issues in what will be a full public review process? Is this a way for companies to accomplish staged licensing – a practice that the Manitoba Government has made repeated commitments to end? These are very important questions with implications for future development proposals in Manitoba. Project justification and the context for this road within Tolko's overall forestry plans are key aspects of the project that should be addressed by the proponent, and placed before the public again.

Roads and Logging in an Area of a Provincial Park that is 'Closed to Logging'

Tolko's proposed all-weather road will bisect areas of intact boreal forest that have been closed to logging inside Grass River Provincial Park. If an area has been closed to logging, it is reasonable to make the assumption that the reasons for doing so include enabling the area to remain intact, to facilitate its continued function as wildlife habitat, and to ensure that ecosystem structure and functions are perpetuated. One might also even assume that if an area is closed to logging, activities that facilitate logging – such as a logging road, not to mention a permanent all-weather road – would also be prohibited. Apparently the proponent thinks otherwise. Is Manitoba prepared to re-open an area that has been closed to logging for decades and act contrary to public statements it has made in support of maintaining and expanding existing natural areas. Is Manitoba prepared to act contrary to public statements concerning the "protection of natural areas inside and outside of provincial parks" (September 4, 1999 letter from the Manitoba NDP

http://manitobawildlands.org/docs/Sept_4_Letter_page_1.JPG)?

The stated purpose of the proposed all-weather road to "provide economical delivery of harvested wood from the existing Loonhead Lake/Wheadon River operating areas", which is essentially about deriving additional economic benefits that would flow exclusively to a private company. Given this objective, we would like to know how this project will be of benefit to Manitobans? How do the potential benefits of Tolko's proposed all-weather road compare to the benefits for Manitobans if the area remains closed to logging and available for woodland caribou, or indeed if the area were to become formally protected? We suggest that it is long over due to consider the benefits of intact boreal forest areas closed to logging, rather than making dated assumptions about the benefits of opening such areas to logging and road building.

Protection of Lands Within Provincial Parks

The network of protected areas in the natural region within which Grass River Provincial Park is situated is far from complete. This is one of the reasons that this proposal is cause for such concern. The Manitoba government has repeatedly committed to establishing protected areas in the province's

Manitoba Wildlands continues the work of WWF Canada and Nature Canada for new Manitoba Protected Areas.

forest regions in advance of forestry licensing (please refer to commitments made by the Manitoba NDP as part of responses to Manitoba Wildlands' election surveys in 1999, 2003, and 2007 http://manitobawildlands.org/govern_elections.htm). Unfortunately, to date, very little progress has been made. This proposal, however, represents an opportunity. Since there is little evidence of urgency for Tolko's proposed road, initial work to identify potential protected areas elsewhere within Tolko's FML should precede licensing. More specifically, there is an opportunity here to identify and protect lands within Grass River Provincial Park before any decisions about this road or opening closed areas for logging. The design of protected areas within Grass River Provincial Park should be based on maximizing protection of the Naosap woodland caribou herd and their calving and winter habitat, which are outlined in the Park Management Plan referenced in Tolko's proposal.

This proposal is an opportunity for the government and Manitoba Conservation to act on its many commitments to protect the boreal forests in Manitoba. It is also an opportunity to apply climate change impacts and impacts on climate change to a proposal in a park, in a boreal region in our province. Sadly, instead we are reviewing yet another proposal without any climate change standards.

In closing, a licensing decision of such a substantial nature that will affect lands within a Provincial Park – an area that belongs to all Manitobans – should not be made solely on the basis of the proposal for the road itself. Rather, this decision should be made in relation to the impacts of that road (and the logging activity it will facilitate) on the Provincial Park as a whole and its habitat and species.

We appreciate the opportunity to comment on this proposal and we trust that our comments will be carefully considered and addressed. It is our strongly held conviction that this proposal should not go ahead, and that Manitoba Conservation must require considerably more justification from the proponent.

Yours truly,

Gaile Whelan Enns
Director, Manitoba Wildlands

cc.
Honourable Stan Struthers, Minister of Conservation