

April 28th, 2010

Honourable Bill Blaikie
Minister of Conservation and Climate Change
Room 330 Manitoba Legislative Building
450 Broadway
Winnipeg, Manitoba
R3C 0V8

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

Dear Minister Blaikie, Ms. Braun:

RE: Manitoba Wildlands comments Draft Guidelines for the Preparation of the Effects Assessment for the Louisiana Pacific Canada LTD. Twenty Year Forest Management Plan, Environment Act file # 3893

Manitoba Wildlands is providing comments on *Draft Guidelines for the Preparation of the Effects Assessment for the Louisiana Pacific Canada Ltd. Twenty Year Forest Management Plan* as filed with Public Registry, file #3893. We expect these comments, and attachments to be filed in the public registry for Louisiana Pacific (LP), and added to Louisiana Pacific materials posted on the Manitoba Conservation web site.

Draft Guidelines for Preparation of Effects Assessment

Page one of the *Draft Guidelines for the Preparation of an Effect Assessment 2010* states that Louisiana Pacific (LP) requested and was approved to submit an Effects Assessment with their twenty year forest management plan (FMP) in 2005. These 2005 materials should be available in the public registry at this time, with an explanation as to why they are not yet part of a proceeding under the Environment Act. Will this five year old plan be filed? Was it based on these guidelines? Was it written without guidelines? Will Manitoba Conservation fulfill its mandate in the public's interest and direct adjustments and changes on that 2005 materials based on the results of this review? Will the 2005 plan simply be filed? Was the EIS/EA prepared at that time?

Correspondence between LP and Manitoba Conservation would theoretically contain rationale as to why the Effects Assessment Guidelines are being reviewed now. A full Environmental Impact Statement (EIS) was part of the previous submission with the ten year forest management plan (1995). This correspondence is not available in the public registry, the public registry website nor Louisiana

Pacific's website. *This documentation must be made public for a thorough review of the Guidelines and subsequent Effects Assessment to be conducted.*

In particular for this review of Guidelines, it is essential to know whether Manitoba Conservation rejected what LP prepared earlier, and why the guidelines for this Effects Assessment (EA) under the Act are almost the same as 15 years ago.

If these guidelines are the EIS or EA guidelines for long term forest management plans in Manitoba, then Manitoba Conservation needs to state so clearly.

Manitoba Conservation has new guidelines for the preparation of a twenty year forest management plan (2007). We would expect there would be EIS or EA guidelines in place, including with previous public review, which Manitoba Conservation would use to match the goals and requirements in its new twenty year forest management plan guidelines. Instead we appear to have 15 year old EA Guidelines being reviewed, a 20 year plan already written five years ago, and no clarity as to how the plan and an EA will be filed and reviewed.

A twenty year FMP is a complex, long term plan which should include all aspects of impact and effects on the ecosystems, and these should be considered before the activities take place. These impacts and effects include, but are not limited to, long term effects on and from climate, all ecosystem interactions, flora and fauna composition and uses of forested area, species at risk, water bodies, and general cumulative impacts on the area. An EIS thoroughly covers all of these topics plus the public policy and regulatory framework for the proposal under the Act, and social or community factors within the scope of the FML Area.

As this FML area is the most southern, new, with the highest fibre quantum from private lands in Canada the next stage of assessment and licensing is an opportunity for Manitoba Conservation to show what it requires in cumulative assessment. While the licence has expired, and annual extensions have been in place taking us to almost 15 years, the opportunity still exists to promote a joint cumulative assessment from Manitoba Conservation and LP.

Louisiana Pacific was required to file a detailed EIS for its previous ten year FMP (now 15 year FMP). Tembec's (or subsequent owner) next twenty year FMP will be based on an EIS (recent public review). Conducting an EIS is standard procedure for any long term project and should be enforced in all projects. Manitoba Conservation needs to clarify why the Effects Assessment title was changed on a document that is essentially the same guidelines from 15 years ago.

Manitoba Wildlands recommends that Manitoba Conservation put consistent Forest Management/Planning EIS/EA Guidelines in place for any company that is requesting an environment licence or renewal of its licence, and submitting a plan. These should be consistent with recent forest planning guidelines, clearly identified as parallel to the long term forest planning guidelines, etc.

Manitoba Wildlands recommends that Manitoba Conservation provide its rationale for using 15 year old draft EIS/EA Guidelines for this review rather than conducting its own in house updating of the guidelines, including with respect to changes to the public policy and regulatory framework in Manitoba during the 15 year period before public review.

Previous and Current EIS/ Effects Assessment Guidelines

The submission guidelines show few updates since the first draft guidelines were reviewed and finalized. The public comments period for *Guidelines for the Preparation of the Environmental Impact Statement for the Louisiana Pacific Forest Management Plan 1995-2004* resulted in new topics being incorporated into the guidelines. These included:

- requiring use of adaptive management strategies and ecosystem-based approach to forest management;
- Fire history, management, frequency, and forest regeneration timelines following a fire to be taken into account;
- And, ecosystem monitoring will be performed to fill-in gaps in Biophysical, and Socioeconomic data needs to be outlined in the EIS;

The Draft Guidelines for Effects Assessment (LP 2010) show few substantive changes from the guidelines finalized in 1995. The most significant changes between these two set of guidelines are:

- The legal duty to directly consult with First Nations is inserted into consultation text, though no further guidance is offered;
- The impacts to private forested land is to be considered;
- Plans to reclaim all weather and seasonal roads are required in the updated guidelines;
- The potential impacts of pesticides and pesticide containers need to be considered;
- The potential impact on non-hazardous substances, both on-site and of-site, need to be considered.
- Potential changes to the land base pursuant to the Provincial Parks Act need to be considered**
- A greenhouse gas inventory pursuant to Environment Canada's GHG guidelines is to be included**
- And, some newer government guidelines, statues, and regulations are referenced in the guidelines.

Fundamentally, there is very little difference between current draft Guidelines Effects Assessment Guidelines and Final EIS Guidelines put forward initially put forward for Louisiana Pacific's ten year FMP. ** Both these additions require further elaboration.

Manitoba EIA and EIS: Standards and Policies

Manitoba Wildlands would like to highlight that there is currently no formal environmental assessment process or requirement under the Manitoba Environment Act; nor is there a regulatory requirement under the Manitoba Forest Act that directs EIS or EA for forest management plans. Manitoba Wildlands repeats the question: Why was Louisiana Pacific granted approval for conducting an Effects

Assessment for their twenty year FMP which has never been seen? Why is this review being conducted using old guidelines?

Swan River OSB Plant and FML 03

The guidelines for the effects assessment for the woodlands operation and licence does not outline what plant/plants will process the fibre. It is assumed the LP Swan River Oriented Strand Broad (OSB) Plant will use the fiber.

Given the current instabilities of Swan River OSB plant and the deficiencies in the Effects Assessment Guidelines, Manitoba Wildlands recommends that Manitoba Conservation undertake a cumulative environmental assessment of both FML 03 and the plant operations - in relation to licences for both the FMP and the OSB Plant.

Responsibilities under Environment Act License #3893

Environment Act License #3893 lists a number of requirements regarding Louisiana Pacific's ten year FMP. These requirements include:

- Clause 13. Respecting Guidelines: The Licencee shall carry out harvest and associated activities in accordance with practices set out in "Forest Management Guidelines for Wildlife in Manitoba", "Recommended Buffer Zones for Protecting Fish Resources in Lakes and Streams in Forest Cutting Areas", and "Recommended Fish Protection Procedures for Stream Crossings in Manitoba, and any other provincial guidelines which may be adopted for forest management activities.
- Clause 14. Respecting Operational Procedures: The Licencee shall conduct forest management activities according to the procedures described in the Standard Operating Procedures or in revised Standard Operating Procedures, that may be developed in consultation with the Stakeholders Advisory Committee, and approved by Manitoba Environment and Manitoba Natural Resources.
- Clause 25: Respecting Stream Crossings: The Licencee shall provide to the responsible Federal Government Departments administering the Fisheries or the Navigable Waters Act, detailed information with respect to the characteristics of the stream, including fish habitat information or navigability, at the proposed point of crossing, and the design of the proposed crossing structure.
- Clause 27: Respecting Non-timber Resources: The Licencee shall: (i) evaluate the potential for the occurrence of heritage resources on the areas where forest management activities will occur, and the potential for forest management activities to impact heritage resources, in consultation with the Historic Resources Branch of Manitoba Culture, Heritage and Citizenship;

Manitoba Wildlands recommends that Manitoba Conservation place in the public registry immediately a clause by clause indication of whether or not LP fulfilled its obligations under the environmental licence, which is now in its 4th year of annual extensions, based on the 1995 proceedings under the Act and through CEC hearings. In particular Manitoba Conservation

needs to take steps so that annual operating plans are filed in the public registry, including with information as to any adjustment in the plan, or operations.

Public Registry/Online and Permanent Paper Registry

Manitoba Wildlands requested a copy of the inventory of Public Registry File #3893 and #3741.10. Some of that inventory exists, though the file does not contain the listed correspondence between LP and Manitoba Environment with the final EIS Guidelines attached, from spring 1995. Manitoba Wildlands has compiled an attached listing of what is currently found in the paper files of #3893.

A number of items related to this review are currently missing from the public registry, list including:

- previous guidelines for the Louisiana Pacific 1996-2005 FMP,
- copy of the letter extending Louisiana Pacific's operations under Environment Act License #2191E to December 31st, 2010.

These documents could not be found in the public registry, posted online, or on the Louisiana Pacific website. These are important documents which should be available during a public review period.

These missing documents highlight the ongoing problem of public registry files not being up to date. In addition, it is noted by Manitoba Wildlands that the Manitoba Conservation Public Registry website has posted online documents pertaining to open Environment Act files that are currently not in the *public registry central files*.

All documents relevant to an Environment Act proposal and file should be in the central public registry, and ideally also posted online. Manitoba Wildlands recommends that Manitoba Conservation review the LP files, update the inventory, and make sure that documents are available. Ideally standards should be available to indicate what will be filed in the central registry, by what time, in relation to steps for review etc.

Manitoba Wildlands recommends that Manitoba Conservation resume the usual policy of making legal agreements with forestry companies, and any orders in council, etc public. These can be held in the central public registry file, and included at any significant steps in review, licensing etc.

In particular Manitoba Conservation needs to immediately make sure they are taking steps for the central public registry and online posting, and avoid posting documents that are not in the central public registry.

Cumulative Effects

Manitoba Wildlands recommends Manitoba Conservation and LP take the overdue step of discussing regular reviews of cumulative impacts of the FML 03 FMP, with public transparency. The effects assessment can then reflect how this ongoing or living cumulative impact assessment will be conducted, and identify the impacts or effects of the first 15 years of operation. We would suggest

five year intervals for these cumulative impact assessments – which must be based on operations and performance versus a policy / paper assessment.

In addition to guidelines outlined by the CEAA, it is worth noting that Canter and Kamath (1995) outline in a detailed list aspects of cumulative effects which should be considered. These include ecological, social, economic and cultural effects of the proposed development.

A Reference Guide for the Canadian Environmental Assessment Act – Addressing Cumulative Environmental Effects (prepared by the Federal Environmental Assessment Review Office) outlines detailed descriptions of what should be included in an EIS, or in this case an EA, under the CEAA.

ISO 26000 Guidance Standard on Social Responsibility

ISO 26000 is a new forthcoming, international standard on social responsibility. We are providing some short elements from the standards document. All quotes are from the ISO web site, and current ISO 26000 documentation.

Manitoba Wildlands recommends that the Effects Assessment for Louisiana Pacific's FMP indicate whether Louisiana Pacific agrees with and supports the contents of ISO 26000 Standard on Social Responsibility. If it does not an explanation should be provided. If it does then the EIS should include the ways the utility is applying the ISO Standard 26000 to the Louisiana Pacific's FMP planning and decision making process. We note that existing license contains clauses that specifically relate to social responsibility.

The standard will provide harmonized, globally relevant guidance for private and public sector organizations of all types based on international consensus among expert representatives of the main stakeholder groups. The standard is meant to encourage the implementation of best practice in social responsibility worldwide.

Principles of Social Responsibility

Definitions from the ISO/DIS 26000:

Accountability: Responsibility of an organization for its decisions and activities, and state of being answerable to its governing bodies, legal authorities and, more broadly, its other stakeholders regarding these decisions and activities.

Transparency: Openness about decisions and activities that affect society, the economy and the environment and willingness to communicate these in a clear, accurate, timely, honest and complete manner.

Ethical Behaviour: An organization's behaviour should be based on the ethics of honesty, equity and integrity. These ethics imply a concern for people, animals and the environment and a commitment to address stakeholders' interests.

Respect for Stakeholder Interests: An organization should respect, consider and respond to the interests of its stakeholders.

Respect for the Rule of Law: An organization should accept that respect for the rule of law is mandatory.

Respect for International Norms of Behaviour: An organization should respect international norms of behaviour, while adhering to the principle of respect for the rule of law.

Respect for Human Rights: An organization should respect human rights and recognize both their importance and their universality

Social responsibility involves an understanding of the broader expectations of society. A fundamental principle of social responsibility is respect for the rule of law and compliance with legally binding obligations. Social responsibility, however, also entails actions beyond legal compliance and the recognition of obligations to others that are not legally binding. These obligations arise out of widely shared ethical and other values.

Social responsibility has the organization as its focus and concerns the responsibilities of an organization to society and the environment.

Indigenous peoples enjoy collective rights, and individuals belonging to indigenous peoples share universal human rights, in particular the right to equal treatment and opportunity. The collective rights include: self determination (which means the right to determine their identity, their political status and the way they want to develop); access to and management of traditional land, water and resources; maintaining and enjoying their customs, culture, language and traditional knowledge free from discrimination; and managing their cultural and intellectual property.

An organization should recognize and respect the rights of indigenous peoples when carrying out its decisions and activities.

The Environment and Social Responsibility

Definitions from the ISO/DIS 26000:

Principles: 6.5.2.1

Environmental Responsibility: In addition to complying with law and regulations, an organization should assume responsibility for the environmental burdens caused by its activities, products and services in rural or urban areas and the broader environment. It should act to improve its own performance, as well as the performance of others within its control or sphere of influence.

The Precautionary Approach: This is drawn from the Rio Declaration on Environment and Development [119] and subsequent declarations and agreements [109][131][94], which advance the concept that where there are threats of serious or irreversible damage to the environment or human health, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation or damage to human health.

Environmental Risk Management An organization should implement programmes using a risk-based and sustainability perspective to avoid, assess, and reduce environmental risks and impacts from activities, products and services. An organization should develop and implement

awareness-raising activities and emergency response procedures to reduce and mitigate environmental, health and safety burdens caused by accidents and to communicate information about environmental incidents to appropriate authorities and local communities.

Polluter Pays: An organization should bear the cost of pollution caused by its activities, products and services according to either the extent of the environmental burden to society and the remedial action required, or the degree to which the pollution exceeds an acceptable level (see Principle 16 of the Rio Declaration [119]). An organization should use the polluter pays principle to internalize the cost of pollution and quantify the economic and environmental benefits of preventing pollution in preference to mitigating its impacts.

Principles: 6.5.5.1

Climate Change Mitigation and Adaptation: It is recognized that greenhouse gas (GHG) emissions from human activities, such as carbon dioxide (CO₂) and methane (CH₄), are the very likely cause of global climate change, which is having significant impacts on the natural and human environment [16]. Among the trends observed and anticipated are: rising temperatures, changes in rainfall patterns, more frequent occurrences of extreme weather events, rising sea levels, and changes to ecosystems, agriculture and fisheries.

Manitoba Wildlands recommends that the proponent indicate whether Louisiana Pacific supports and applies these ISO standards in its operations. Louisiana Pacific needs to inform its shareholders whether these principles of social responsibility, including with environmental principles, are integrated into its project planning. In addition we recommend that the proponent include in its EIS/EA clear statements as to its approach to social responsibility for this project.

Manitoba Conservation may well benefit from placing standards of this sort in future scoping documents, and EIS/EA Guidelines for projects under the Environment Act. A simple expectation for a proponent to indicate which ISO standards it uses would be a start; for the department to state a requirement for proponents to identify any ISO or CSA standards or certification it holds would be an important second step.

Manitoba Wildlands recommends that Manitoba Conservation require that any proponent filing a proposal under the Environment Act indicate which industry associations, regional, national or international standards or peer organizations the company or proponent participate in. The aim is to know at the beginning the corporate operational standards especially corporate responsibility standards of the proponent.

Climate Change

Manitoba Wildlands notes that *Kyoto and Beyond*, and *Manitoba and Climate Change – Investing in Our Future* are included in the Effects Assessment Guidelines. Unfortunately, these documents are out of date. There are obvious additional regulatory and public policy climate requirements that should be listed in these guidelines. References to Canada's GHG inventory are decidedly out of date – as

current obligations, new Manitoba legislation and updated GHG and emission thresholds should be reflected in these Guidelines.

Manitoba Wildlands recommends that Manitoba Conservation, Forestry Branch, be directed to updated and put in place for all quota holders, licence holders, and forest based mills in Manitoba expectations for carbon inventory, GHG operations budgets, and emissions reporting that reflect the regulatory and policy direction of the government as a whole.

Emission Standards

Currently there is an outstanding licensing decision regarding the status of Regenerative Thermal Oxidizers (RTOs) for the control of volatile organic compounds (VOCs) from the press and dryer exhaust gas streams of the LP Swan River OSB Plant. While, the Clean Environment Commission (CEC) has held public hearings on the matter, decisions have not been made in regards to the plant's operational standards. Given the fiber from the long term forest management plan these EIS Guidelines apply to goes to this mill, effects of operation and emission standards must be disclosed in the Effects Assessment in Louisiana Pacific's twenty year FMP.

Endangered Species

The pages five and six of the draft guidelines for the Louisiana Pacific Effects Assessment state the Assessment will:

Provide an overview description of the Biophysical Environment, Socioeconomic and Land Use Status, and the Existing and Past Forest Management Activities, within areas to be managed by the FMP. Use maps or graphical representation where appropriate, and provide information on all components listed below. If information on specific components is not available, indicate how and when the required data will be gathered.

Including:

- animal species (birds and mammals, plus available data for micro-organisms, insects, reptiles and amphibians), populations, habitat and seasonal use patterns;
- threatened or endangered animal species;
- animal species at the extent of their range;
- critical habitat including but not limited to nesting, denning and calving sites, molting areas, wintering areas, and mineral licks; and
- location of research sites.

The draft Effects Assessment guidelines also do not *outline how LP will manage potential impacts on species at risk*. Species at risk within the effected area should be identified, especially those listed both federally and provincially.

Manitoba Wildlands recommends that the EIS/EA Guidelines and the EA product include detailed historic and current data regarding each listed endangered species, with identification of impacts on habitat, risks, and strategies to avoid impacts on these species.

First Nations

Page 4 of the Draft Guidelines for preparation of this Effects Assessment states:

The proponent is also encouraged to consult with local interest groups and residents, including local First Nations communities that may be affected by this proposal, as well as other Manitobans who may have concerns.

Louisiana Pacific should not be merely “encouraged” to consult with local interest group, but they have an obligation to discuss future plans and impacts with both local communities and First Nations. This language needs to be amended immediately, highlighting the importance of local communities and First Nations peoples.

While the Crown may require LP to undertaken information exchange, or business negotiations with First Nations, the Crown is responsible for Aboriginal consultations. **Manitoba Wildlands recommends that department staff review ministerial correspondence regarding the need for First Nation consultations regarding a renewed and lengthened LP plan and environmental licence in order to make recommends regarding consultation requirements. (2006 – 2008 correspondence)**

Given the problems with LP’s ten year plan in 1995 and the First Nation content used without full consent, Manitoba Wildlands recommends the department establish guidelines for public use of First Nation/ Aboriginal knowledge in publicly filed proposals under the Environment Act.

Manitoba Wildlands also recommends that the public registry contain the consultation standards being used, and any notification documents etc. These steps would add certainty to the Crown being transparent, including so that any other First Nation potentially affected, or members of those mentioned can access this information. Without these steps First Nations and First Nation individuals access could be blocked. Such steps can be taken without breaching confidential aspects of consultations. **Manitoba Conservation’s process for assessing for any potential impact on Aboriginal rights, if undertaken, should be a matter of record also.**

Impacts on Federal Lands

A further reason for cumulative impact assessment after 15 year operations by LP is to assess the impact on federal lands, notably Riding Mountain national park. A satellite before and after view of the federal lands bordering on the FML may well show impacts.

Manitoba Wildlands recommends that Manitoba Conservation begin a collaborative process with CEAA to discuss potential effects or impacts in relation to federal responsibility and environmental licences for forestry operations in Manitoba.

Manitoba Wildlands recommend that the LP EIS/EA be required to include before and after information regarding the Riding Mountain Escarpment, with data as to amount of logging, land clearing, etc over 15 years.

Legal Agreement

During the proceeding under the Act and CEC hearings in 1995-96 the Forest Management Licence Agreement between Manitoba and LP was part of the materials filed, it was publicly available.

Manitoba Wildlands recommends that the FMLA between Manitoba and LP be refiled in the public registry and that it be available during all further steps for this proposal under the Act.

Private Lands Logging

The effects assessment will require specific content regarding private lands logging to date in order to accurately describe future private lands logging. The land quantum, proportion of total fiber, and the success or validity of private lands logging assumptions from the current plan will need to be tested and examined in the EIS/EA.

Manitoba Wildlands recommends that the EIS/EA Guidelines for the LP long term forest management plan specify full analysis of any assumptions or operational standards regarding private lands logging, including: differences between crown and private lands operations (all aspects); regeneration; drainage; impacts on species and biodiversity, etc.

Regulatory/ Policy Compliance with Manitoba Standards

Section 3.0 (*Intent and Scope of the Environmental Assessment*) of the *Guidelines for the Preparation of the Effects Assessment* states:

An Effects Assessment would incorporate, consider and directly reflect, where applicable, the **Principles of Sustainable Development** as contained in the “Sustainable Development Strategy for Manitoba” (1994), and the policies which have been developed or are emerging under the “**Land and Water Strategy**”, such as “**Applying Manitoba's Water Policies**” (1994), “**Applying Manitoba's Forest Policies**” (1994), and “**Applying Manitoba's Natural Lands and Special Places Policies** (1995). The EIS should also show how the policies and/or principles encompassed in the following documents will be addressed:

- “Manitoba’s Forest Plan ... Towards Ecosystems Based Management” (KPMG, 1996);
- “Defining Sustainable Forest Management in Canada: Criteria and Indicators” (CCFM, 2003);
- “The Canada Forest Accord”;

- “National Forest Strategy (2003-2008), A Sustainable Forest: The Canadian Commitment” (2003);
- “Timber Harvesting Practices for Forestry Operations in Manitoba” (MNR, 1996);
- “**Canadian Biodiversity Strategy**” (DOE, 1995);
- “**A Wildlife Policy for Canada (CWS, 1990)**”;
- “Forest Management Guidelines for Terrestrial Buffers” (2010);
- “Forest Management Guidelines for Wildlife in Manitoba” (MNR, 1989); (Table 1 in the Forest Management Guidelines for Terrestrial Buffers (2010) replaces parts of the Forest Management Guidelines for Wildlife in Manitoba (1989). Refer to Table 1 in the Terrestrial Buffer guidelines for details.)
- “North American Waterfowl Management Plan”;
- “Policy for the Management of Fish Habitat” (DFO, 1991);
- “Forest Management Guidelines for Riparian Management Areas” (Manitoba Conservation and Manitoba Water Stewardship, 2008);
- “Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat” (DFO & MNR, 1996);
- “**Kyoto and Beyond**” (**Province of Manitoba Climate Change Action Plan, 2002**)
- “Manitoba and Climate Change - Investing in our future” (Manitoba Climate Change Task Force, 2001); and
- Other Manitoba Guidelines:
 - “Forestry Road Management” (Manitoba Conservation, 2005);
 - “Brush Disposal Guidebook” (Manitoba Conservation, 2005);
 - “Pre-Harvest Surveys” (Manitoba Conservation and Manitoba Water Stewardship, 2008); and
 - “Protection of Softwood Understorey in Mixedwood and Hardwood Forests” (Manitoba Conservation, 2003).

The list above from the EIS Guidelines for this Plan and EIS is dated, inaccurate, and misleading. It does not provide an acceptable basis for the company’s materials. Many more up to date or revised policies and Guidelines are missing. Both company and Manitoba Conservation staff are knowledgeable about new policies, especially in relation to forestry operations, so it may be necessary to determine how this happened. The **BOLD** titles above have been replaced some time ago. Others in the list have also been replaced with updated and changed public policies, forest management policies, etc. We have attached to this letter our listing of Lands and Water policies for the Manitoba government from 1999 – 2009, as an aid. (Available on DVD with file folders and electronic format documents)

One example: Climate Change policies, province wide plan, and new Act are all as of 2008. Or: Manitoba has had a new Water Strategy since 2007. It is routine in EIS/EA Guidelines that both the principles and guidelines for Sustainable Development in Manitoba are included. These are also often part of the referral for the minister to the CEC.

Manitoba Wildlands advises Manitoba Conservation at this time that the public policy basis for this set of guidelines is wrong, and requests that Manitoba Conservation update the public policy requirements, so that the proponent can adjust the future FMP and EA.

AAC & Inventory Issues

It is a matter of public record that Manitoba Natural Resources and LP both over estimated the wood supply in this new FML 15 years ago. We are attaching one independent paper that describes the errors in arriving at AAC for the FML.

Manitoba Wildlands recommends that Manitoba Conservation contract an outside, independent review of the forest resource inventory in FML 03, the AAC, and then assess the actual cut since 1996. This review should include projections over the next 100 year for the forests and fiber sources in the FML with recommendations and mitigation suggestions. We further recommend that this review be included in the matters for the CEC to conduct hearings, including that the review and data be made available for the hearings.

We note that for a review of the fiber inventory to be done data as to the actual cut will be used. **Manitoba Wildlands recommends that Manitoba Conservation conduct a review of the steps necessary to make information about actual cut and logging activity in Manitoba available. We recommend this information should become part of the Manitoba Lands Initiative online data portal.**

Manitoba Wildlands recommends that Manitoba Conservation provide for public information an overview of the steps taken to update the forest resource inventory for FML #03 since 1995, including locations and monitoring reports for permanent and temporary samples plots. This information should be part of the public information in advance of review of the EIS and FMP.

CEC Proceedings

Given written confirmation by ministers of Conservation that a second long term forest management plan for LP, particularly a license twice the length of the ten year licence, requires a referral from the minister to the CEC to hold public hearings. Currently, the 10 year licence is moving into its 15th year, where affected communities and Manitobans who may be affected by decisions regarding the LP operation are entitled to an opportunity to ask questions, and receive answers.

In the mid 1990s, LP undertook extensive pre hearing workshops, open houses, and made changes in their plan as a result. The hearings were informed by federal experts – and the review processes under the Act - included several government agencies. All of these steps contributed to decisions taken, including for pollution abatement equipment. The EIS itself included extensive species and biodiversity information – which was questioned and added to during the hearings. The licence for the woodlands operation was adjusted including in relation to establishment of protected areas. It stands to reason given the 15 year gap contributions from the public, independent experts and other government agencies would again make a significant difference in decision making for this FML.

Manitoba Wildlands recommends that Manitoba Conservation Minister Blaikie follow through on commitments made by his predecessors to refer the LP EIS/EA and Plan to the CEC with a clear mandate in the referral to include certain cumulative impact factors, climate change, regeneration, endangered species, impacts on communities, annual allowable cut in relation to actual cut and long term sustainable yield, and the economic viability of the operation, among other topics, in his direction for scope of the CEC hearings.

Manitoba Wildlands further recommends that the CEC review the record for past hearings regarding forestry operations in Manitoba in order to provide sufficient capacity and access to information and resources for public participants in the CEC proceedings.

Manitoba Wildlands also recommends the CEC conduct workshops with public participants to determine approach to hearings content, schedule, and structure.

Finally, Manitoba Wildlands recommends CEC hearings be held in both Winnipeg and the local community, over a period of days, on a basis that encourages citizen participation.

Closing Comment

We have determined that in a period of significant public policy, regulatory changes and updates, and despite new forest management planning standards for long term plans, Manitoba Conservation has barely looked at the EIS/EA Guidelines for forest management planning.

There were some changes in 1995 due to public review for LP, and a few changes (noted in this letter) before they were released in 2010 for the new LP long term plan process. The same document and EIS/EA guidelines were probably used for the Tembec 2009 long term plan.

Review in relation to the Tolko licensing, planning and EIS products for 1997 is not part of this comments letter.

Many of the omissions and gaps in these draft Guidelines, including when they were used for Tembec's proposal under the Act, are noted in this comments letter. Overall the EIS/EA Guidelines are out of step with the government's own policies and standards. It is as if Manitoba Conservation intends that all logging and fiber access by major companies in Manitoba continue to be based on dated and inconsistent standards.

The legal agreements with these companies do not include these ESI/EA standards. They are not stuck in stone for decades. We request the Minister direct an updating of these standards before there are any further steps taken for long term planning and licensing in Manitoba FMLs.

We have attached here:



- Manitoba Wildlands Comments for Tembec 2009-2028 Forest Stewardship Plan and Environmental Impact Statement, File # 4572.
- Manitoba Wildlands listing of Manitoba Government Lands and Water Policies 1999 – 2009.
- Trembling Aspen and Hardwood Yield Assumptions for the Duck Mountain, Manitoba by D. Soprovich, 2006.
- *Guidelines for the Preparation of the Environmental Impact Assessment for the Louisiana Pacific Ten Year Forest Management Plan*
- A Vision for Canada's Forests 2008 and Beyond. Canadian Council of Forest Ministers. 2008
- Manitoba Wildlands' Inventory of Public Registry File #3893 as of April 23rd, 2010

Recommendations are in bold throughout this letter. Our office is available to assist with or discuss steps to act on these recommendations.

Yours truly

Gaile Whelan Enns,
Director
Manitoba Wildlands.