

March 15, 2008

Honourable Stan Struthers
Minister of Conservation
Room 330 Legislative Building
450 Broadway
Winnipeg, Manitoba
R3C 0V8

Ms. Tracy Braun
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Dear Minister Struthers, Ms. Braun;

Re: Draft Guidelines for the Preparation of the Environmental Impact Statement for the Tembec 2009-2028 Forest Stewardship Plan – Public Registry File # 4572.00

Manitoba Wildlands is pleased to provide comments on the *Draft Guidelines for the Preparation of the Environmental Impact Statement for the Tembec 2009-2028 Forest Stewardship Plan*. We are filing these comments based on the approval by branch staff of an extension in the deadline. Please include our comments in the public registry file for Tembec's proposed Forest Stewardship Plan. Please also note that our comments on the Guidelines are not exhaustive and do not constitute a complete review of the draft EIS Guidelines. The absence of comments on any given section of the draft EIS Guidelines should not be construed as a confirmation of its comprehensiveness.

Context – EIS Guidelines and Overall Environmental Assessment

Our first concern regarding these draft EIS Guidelines and the overall environmental assessment (EA) process relates to the context for Tembec's forest management activities. Despite its importance in Tembec's forest management activities, the legal agreement between Tembec and the Province of Manitoba is not referenced in the draft Guidelines. The draft EIS Guidelines should acknowledge that the proposed 2009-2028 FSP is governed by the legal agreement. The proponent should also be required to discuss the inter-relationship between the legal agreement, the EIS Guidelines, the EIS and the proposed FSP.

Tembec's legal agreement is set to expire at the end of 2008. As part of the discussion and description regarding the status of the legal agreement, the intended steps to be taken prior to the end of 2008 and

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the implications for the proposed 2009-2028 FSP should be included by the proponent as part of the EIS. We would remind the Minister and department staff that information about the legal agreement is public, and has always been available during the stages of public review prior to the issuing of any new forestry license and environmental license in Manitoba.

According to the draft Guidelines, Tembec's proposed FSP and this EA process apply to FML-01 only. However, there are additional areas throughout southern Manitoba from which fibre is harvested for use in the mill (IWSA for example) and lands aside from those within FML-01 are currently referenced in Tembec's legal agreement. These fibre sources are also part of the context for this assessment and licensing process. Some acknowledgement or clarification should be made to indicate that other areas provide fibre for Tembec's mill, despite not being included as part of this EA process. This is essential information given the assumptions about fibre access upon which the FSP will be based.

We have in the past pointed out that the usual and better procedure at the start of such an EA and licensing process under Manitoba Conservation and its predecessor is for a schedule of the steps intended for the *Environment Act* process to be posted / released as the first step. That has not yet occurred for the Tembec EIS, of an FSP.

Increased Fibre Needs – Elimination of Recycled Content

Manitoba Wildlands assumes that these EIS Guidelines apply to the FMP – the twenty-year plan that Tembec wishes to file – and therefore apply to the public reviews, new EA and new environmental license for the long-term plan.

On that basis, it is essential for the company and Manitoba Conservation to clarify how the 20% potential increased cut due to the company ceasing its recycling program will be included in the EIS Guidelines, the AAC, the FMP, and public reviews. We note that the specifics of the AAC, and statistics as to the actual cut within FML-01 are another example of public information essential to be able to respond to the start of the environmental licensing process for Tembec's long-term forest management plan. As such, AAC information should be posted to the public registry immediately.

The relationship between the EIS Guidelines, the AAC, the assumed cut, and the FMP, and licensing process is unavoidable given the announcement by the company that it will no longer use recycled materials in the mill. While that license is a separate license, the operation of the mill is based on also holding the FMLA with Manitoba, the environmental license to proceed with the FMP held by Tembec, etc. Manitoba Conservation must now make full information available before any further steps are taken with reference to Tembec and FML-01.

Climate Change

EIS Guidelines for Manitoba *Environment Act* proposals now include climate change considerations. That is to say that both the effect of climate change on the operation or development, AND the contribution to climate (change) / greenhouse gas emissions by the operation, *Environment Act*

proposal, or development. To that end, and based on commitments by the Manitoba government to make sure that all renewed or new forestry licenses include climate change as a factor in decision making, the EIS Guidelines for Tembec's proposed 20-year FMP must include climate change considerations.

The draft EIS Guidelines currently contain a single reference to 'climate' – in section 1.1 (Description of the) Biophysical Environment and a reference to 'global warming' in section 2. Environmental Impact Assessment. This is simply not acceptable.

At a minimum, the following sections of the draft EIS Guidelines should be amended to include climate change requirements:

- the listing of policies and/or principles to be addressed by the proponent listed in the section 'Intent and Scope of the Environmental Assessment' should include climate change policy documents such as the Manitoba Climate Change Task Force report: *Manitoba and Climate Change: Investing in Our Future* (September 2001), and the Manitoba Government Climate Change Action Plan, *Kyoto and Beyond - A Plan of Action to Meet and Exceed Manitoba's Kyoto Targets* (October 2002)
- Section 1.1 Biophysical Environment should indicate not only the inclusion of a description of the "general climate conditions", but also a description of current climate change impacts. This would better ensure that impacts of climate change on the project and the implications of the project in terms of its contribution to climate change and its GHG emissions are carried through and assessed as part of section 2. Environmental Impact Assessment, section 4. Mitigation, section 5. Residual Impacts and section 6. Monitoring and Research. The current direction in section 2. to, "consider whether other environmental stresses such as global warming, ozone depletion and air borne pollutants may affect the degree of any impacts from forestry activities" is incomplete and lacking in specifics.

Linear Disturbance

Although roads (access, construction, management) feature prominently in the draft EIS Guidelines, there is no explicit requirement for analysis of the cumulative (past, present, future) impacts of the proposed forestry operations in terms of linear disturbances within the geographic scope of the initiative (in this case FML-01). This is a significant omission that could be addressed by making an explicit reference to consideration of the cumulative effects of linear disturbances on the landscape within the section, 'Intent and Scope of the Environmental Assessment' and in section 1.3 Existing and Past Forest Management Activities. This would ensure that linear disturbance is part of the Environmental Impact Assessment (section 2.), as it states, "The environmental impacts should be related to, and assessed with respect to the Biophysical Environment, Socioeconomic and Land Use Status, and Existing and Past Forest Management Activities".

Protected Areas

Recent decisions taken to intersect the enduring features along Lake Winnipeg with additional road building – both to Bloodvein River First Nation, and from Poplar River to Norway House – mean that enduring features assumed to be protected and represented north of FML-01 are no longer adequately represented. The delay in making decisions for permanent protection of the Poplar/Nanowin Rivers Park Reserve also means that representation of these enduring features in the same natural region is not permanent, and must be considered to be at risk. The EIS Guidelines must therefore include protected areas objectives for the region, especially for enduring features located in FMP that are not permanent, or adequately represented in the region.

Elements to be Addressed in the Final EIS Guidelines – Special Places and New Protected Areas

Within the list of information and assessment requirements, there is a detailed description of elements to be described by the proponent as part of the Forest Management Area Description (in this case these draft guidelines have been provided for public comments and pertain to FML-01). These elements are to be carried through the EIS and addressed as part of the sections regarding the Environmental Impact Assessment, the Sustainability Assessment, Mitigation, Residual Impacts, Monitoring and Research, etc. We feel there are some important elements that should be added and included in the final EIS Guidelines.

The boundaries of the proposed World Heritage Site (WHS) located on Manitoba's east side connect/overlap to a certain extent with the boundaries of FML-01. This is the first time since the WHS was first proposed and supported by the Manitoba government that a forestry licensing process has been initiated. Given the international significance of this boreal forest area, some specific discussion is warranted. The proponent should be directed to specifically describe the WHS and explicitly include it in the overall assessment of the proposed 2009-2028 FSP. The company needs to be clear in a public manner about its assumptions regarding the future World Heritage Site.

The Bloodvein River is a Canadian Heritage River and it flows through FML-01. Special attention is paid to heritage river management and monitoring of Heritage Rivers and there is a priority placed on maintaining the natural, heritage and recreational values of Heritage Rivers. Forestry activities can compromise these values and for this reason, the Bloodvein Heritage River warrants specific reference and detailed discussion and assessment within the EIS. The final EIS Guidelines should include specific requirements to discuss how Tembec will safeguard these values within the riparian and areas adjacent to the Bloodvein Heritage River. The same specifics in the EIS Guidelines are needed for the Manigotagan River Provincial Park. This designation is new since the last EIS, and long term forest plan and FMP from the forest company that owns the mill in Pine Falls. The same specific treatment and details must be included in the EIS for each new protected area within the FML-01.

Draft EIS Listing of Public Policies to be Addressed, Reflected in the FMP

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

We commend Manitoba Conservation for its detail in the section of the draft EIS Guidelines that describes ‘Intent and Scope of the Environmental Assessment’, however we feel it could be strengthened and that certain essential policy areas are not adequately reflected in the listing.

Although forestry guidelines regarding (for example) stream crossings and riparian areas are included in the list, there are additional water policies that should be included in this list – such as ‘Manitoba’s Water Strategy’, ‘Manitoba Water Quality Standards, Objectives and Guidelines’ and the CCME’s ‘Canada-Wide Framework for Water Quality Monitoring’ and ‘Water Quality Index’.

The policy document, ‘An Action Plan for Manitoba’s Network of Protected Areas’ contains key definitions and principles related to protected areas in Manitoba and should be added to this list.

Management plans or regulations for any crown land designation inside the FML should be indicated as applicable. The proponent should be required to discuss and address any existing plans or regulations regarding crown lands within the geographic scope of the study area.

Two final general comments on this list of policies and principles – all should be dated to ensure that the proponent addresses the most recent version. Any policies, regulations, documents not available electronically on the Government of Manitoba website should be filed in the public registry file to ensure the public has adequate access.

The December 2007 Submission Guidelines for Twenty Year Forest Management Plans

We congratulate Manitoba Conservation for its initiative to update the submission guidelines for forest management plans. As the public was not provided with the opportunity to review and comment on a draft version of this policy document, and as this is the first forestry licensing process to make use of the new guideline, we trust that our comments will be afforded thoughtful and thorough consideration. We would remind the Government of Manitoba that the 1999 Guidelines for Long Term Forest Management Plans were written specifically for Tembec in summer 1999 – in advance of a truncated review process for a forest management plan from Tembec. Tembec’s CEO and legal counsel withdrew their new forest management plan by asking for an extension of the improbable deadline for comments. There has been no filing of a long term plan from the company since then.

Our concerns below could be addressed in the short term through adjustments to the draft EIS Guidelines, and if necessary written response from Tembec. We urge Manitoba Conservation to also convene a formal public review process that would allow for public input with the objective of strengthening and improving the 2007 Submission Guidelines for Twenty Year Forest Management Plans.

Ecosystem Based Management vs. Ecosystem Management

Although the language is generally similar in the text description, the fact that one of the guiding

principles of the 2007 FMP Guidelines (Section 1.1 in both FMP Guidelines) has shifted from being ‘Ecosystem Based Management’ to being ‘Ecosystem Management’ is significant, given that Ecosystem Based Management entails defined management techniques while ‘ecosystem management’ is generic and vague. Ecosystem based management is a primary strategic theme of Canada’s National Forest Strategy and Accord (<http://npsc.forest.ca/strategies/strategy5.html>). Further, page 2 of the draft EIS Guidelines in the section entitled ‘Intent and Scope of the Environmental Assessment’ states, “The Environmental Impact Statement for the proposal will: . . . to the extent possible, apply an *ecosystem-based* approach to forest management at the landscape level, and employ adaptive management strategies” (emphasis added) and the listing of policies and/or principles to be addressed in the EIS refers to the policy document, “Manitoba’s Forest Plan ... Towards *Ecosystems Based Management*” (emphasis added). It is clear that ecosystem-based management is Manitoba public policy, so it is unclear why the shift in language has occurred in the re-writing of the FMP Guideline. We would request that the 2007 FMP Guideline be amended and the guiding principle of ‘Ecosystem Based Management’ be restored.

In terms of the EIS Guidelines, we request that Manitoba Conservation specifically clarify in the EIS Guidelines the policies and guidelines that are paramount and indicate that the proponent must demonstrate compliance with said policies.

Species

The loss of prescriptive language in the shift from the 1999 to the 2007 FMP Guideline concerning current forest condition and management objectives – specifically in relation to including content regarding species (wildlife species, threatened and endangered species, indicator species)– is worrisome and leaves too much to the discretion of the proponent (please refer to sections 4.3.4 and 4.5.1 of the 1999 FMP Guidelines for examples of language that has been dropped from the 2007 FMP Guideline). This is slightly balanced by the fact that in the new 2007 FMP Guideline the proponent is now required to “Include a discussion on how the FMP is addressing the integration of recovery plans for provincial and federal species at risk that occur within the license area.” However, this does not negate the need for explicit requirements for considerations of species’ habitat and range needs and other impacts resulting from forestry activities to be an integral part of every aspect of the FMP. The forestry company should be required to provide its measures to manage and safeguard any species that is listed.

An explanation as to why Manitoba Conservation Data Centre ranked species appear not to be included in requirements for the forest management plan should be provided by Manitoba Conservation.

Section 4.3.4.3 of the 1999 FMP Guidelines and section 5.7.2 of the 2007 FMP Guidelines reference wildlife habitat. It is disappointing that the 2007 FMP Guidelines no longer refer to proponent requirements to address habitat needs, and instead use weaker language that is also confusing, indicating the proponent will “discuss the relative amount of habitat for a minimum of five selected

wildlife species and the relative abundance of habitat for the selected species over time”. ‘Discussing’ is not the same as ‘addressing’ and it is unclear as to what is meant by ‘relative abundance of habitat’. The language regarding wildlife habitat from the 1999 FMP Guideline should be restored.

Also 5 species is simply insufficient – even as a stated minimum. We suggest that department staff review previous FMP documents, and the standards regarding species habitat, number of species, and specifics as to the company’s responses so as to improve this section of the EIS Guidelines. A five species minimum is also too conservative given the Model Forest which overlays the FML has extensive information regarding species and their habitat from its technical programs – and Tembec has actively participated in much of this study.

An absence of ecological thinking is appears to be evident in this aspect of the 2007 FMP Guidelines. Species do not live separately. Woodland caribou, as an example, have as many as 80 symbiotic species. The 2007 FMP Guidelines should clearly state that specific species, their habitat, and relationship to other species in that habitat must be included in the FMP. This should also be a stated requirement of the EIS Guidelines.

The new requirement in section 5.6.1 of the 2007 FMP Guidelines to “Include a discussion on how the FMP is addressing the integration of recovery plans for provincial and federal species at risk that occur within the license area” is a welcome addition. However, this requirement could still in theory result in no Manitoba species listed under the Endangered Species Act being designated as indicator species for the purposes of the FMP and the EA (i.e. if the proponent doesn’t include them as indicator species and Manitoba Conservation accepts the proponent’s list). The 2007 FMP Guidelines should contain a clear requirement for indicator species to include species found within the study area that are listed under either Manitoba or federal species at risk legislation and species that require significant habitat areas. There is also an argument to be made here that the proponent’s suggested list of indicator species should also be made publicly available for review and input. Whether either level of government has a recovery plan in place as yet is unacceptable as a basis for decision as to inclusion in the EIS. That opens the door for avoidance of recovery plans in parts of Manitoba where there are forest licenses.

It is also disappointing to see that section 4.5.1 from the 1999 FMP Guideline requiring FMP management objectives to address threatened, endangered species, and indicator species has been omitted from the 2007 FMP Guideline. Overall, the prescriptive language from the 1999 FMP Guidelines concerning management objectives should be reinstated.

The 2007 FMP Guideline could also be strengthened by reviewing the 1999 FMP for additional references to species and wildlife and restoring these references to the 2007 FMP Guidelines. For instance, the section on the Current Forest Condition (4.3.4 in the 1999 FMP Guideline) included “3. Description of the habitat for selected wildlife species” in the list of required information for the discussion of the current condition of the forest. No concurrent reference is found in the 2007 FMP Guideline. Requirements as part of the historic forest description are also now very general in the 2007

FMP Guideline and the proponent is no longer specifically required to provide “information on biodiversity, forest productivity and wildlife habitat and populations . . . with respect to historic trends and range of variability”.

Many of these omissions are in open contradiction to the Forest Management Indicators derived from Canada’s Forest Accord and Forest Strategy, which are endorsed in the draft EIS Guidelines and which the government of Manitoba has signed. We are fairly certain Tembec has the ability to provide these kinds of information.

Finally, the Glossary for the 1999 FMP Guidelines contains definitions for ‘vulnerable species’, ‘threatened species’ and ‘endangered species’; no Glossary items in the 2007 FMP Guideline relate to species. The Glossary should have been expanded and edited as part of the re-writing process; terms related to species should have been carried through and included in the 2007 FMP Guidelines. There are several other terms that should be defined in the Glossary - ecological integrity, ecological services are two such examples of terms that are currently not in the Glossary.

Section 6.0 FMP Amendment (2007 FMP Guideline)

Section 6.0. of the 2007 FMP Guideline regarding the amendment process and triggers for amendment of an FMP is new; there is no corresponding section in the 1999 FMP Guideline. This is a welcome addition, however, we feel this section could be strengthened by a more detailed description of the amendment process. Will all the different FMP EIS Guideline amendment triggers require the same scale and review by Forestry Branch and the Environmental Assessment and Licensing Branch? Will the amendment process be a public process? If not, please explain.

This section is also missing a reference to ‘protected areas’ as part of the list of factors that may result in a significant change to the operating area. Although there is a reference to ‘parks’ in this list, in Manitoba parks are not the only legal designation tool for protected areas (ecological reserves, protected forests, protected wildlife management areas and park reserves are not parks).

Requirements for Current and Historic Descriptions of the Forest

Section 5.4.3 Historical Forest Description (2007 FMP Guidelines) is less complete than its corresponding 1999 FMP Guideline section (4.3.3), and contains fewer details as to requirements concerning past forestry operations and history of human-caused and natural forest processes.

Section 5.4.4 Current Forest Description (2007 FMP Guidelines) is also less complete than its corresponding 1999 FMP Guideline section (4.3.4), omitting 1999 requirements to provide the following information as part of the description of current condition of the forest:

- Description of the habitat for selected wildlife species; and
- Discussion on forest productivity.



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In both instances, the more detailed and requirements of the 1999 FMP Guidelines should be reinstated. The revision of the FMP Guideline should result in more clarity and guidance for the proponent; additional discretion and latitude for proponents is not in the public interest, especially when it concerns safeguarding ecosystem structure and function. This is especially true in relation to a 20-year FMP. In the case of Tembec, the FML concerned is an intensely inhabited, populated, transected, and impacted area.

We trust that our above comments on both the draft EIS Guidelines for Tembec's proposed 2009-2028 Forest Stewardship Plan and on the December 2007 *Submission Guidelines for Twenty Year Forest Management Plans* will receive careful consideration. We look forward to information from Manitoba Conservation as to how our comments will be addressed and reflected in the final EIS Guidelines.

Yours truly,

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Director, Manitoba Wildlands

cc:

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