

Dagdick, Elise (CON)

From: Jones, Chuck (STEM)
Sent: Friday, March 19, 2010 11:36 AM
To: Dagdick, Elise (CON)
Cc: Miskimmin, Barb (STEM)
Subject: Draft Guidelines For The Preparation of an Effects Assessment for the Louisiana Pacific Canada Ltd Forest Management Plan
Follow Up Flag: Follow up
Flag Status: Completed

Mines Branch has reviewed the above and has no concerns.

Dagdick, Elise (CON)

From: Stephens, Jonathan (CON)
Sent: Friday, April 09, 2010 2:03 PM
To: Dagdick, Elise (CON)
Cc: Barto, William (CON)
Subject: Draft Guidelines for the Preparation of an Effects Assessment for the Louisiana Pacific Canada Ltd. Twenty Year Forest Management Plan

The Sustainable Resource and Policy Management Branch and the Protected Areas Initiative (PAI) have reviewed the Draft Guidelines for the Preparation of an Effects Assessment for the Louisiana Pacific Canada Ltd. Twenty Year Forest Management Plan - and have the following recommendations:

Under section 3.0 INTENT AND SCOPE OF THE ENVIRONMENTAL ASSESSMENT

- should this title read 'EFFECTS' vs 'ENVIRONMENTAL'?

We recommend adding or modifying the following bullets as indicated:

- identify any potential direct or indirect environmental impacts of the proposal on designated protected areas (ie ecological reserves, national parks, provincial parks, park reserves, wildlife management areas, provincial forests, private lands); other designated Crown lands (ie special conservation areas, community pastures, wildlife refuges); and lands under conservation easement, or owned by conservation agencies and managed for conservation purposes.
- describe proposed measures intended to mitigate and/or compensate for any adverse impacts to the environment including terrestrial and aquatic ecosystems on designated or open Crown land, and private land, human health, and present or currently planned resource use;

We recommend including the following definition for protected areas in the FMP:

Protected areas are land, freshwater, or marine areas where logging, mining, hydroelectric development, oil and gas exploration or development, and other activities that significantly and adversely affect habitat are prohibited through legal means. Protected areas include ecological reserves, national parks, provincial parks, park reserves, wildlife management areas, provincial forests, and private lands owned by conservation agencies and managed for conservation purposes.

Under section 4.2.2 Socioeconomic and Land Use Status

- We recommend adding or modifying the following under 'Parks and special places:'
 - any adjacent protected areas (including protected private lands)
 - areas of special interest
 - designated Crown lands (ie wildlife refuges, special conservation areas, community pastures)
 - lands under conservation easement, or owned by conservation agencies and managed for conservation purposes

Under section 4.2.3 Existing and Past Forest Management Activities

- We recommend adding or modifying the following under Forestry road system; Water Crossings; Harvesting practices and associated activities; Silvicultural Practices
 - Mitigation measures for potential effects to adjacent protected areas, other designated Crown lands, and private lands managed for conservation purposes.

Under section 4.5 Mitigation we recommend adding the following under "Where applicable, proposed mitigation measures are also requested for the following:"

- Mitigation measures for potential effects to protected areas (ie ecological reserves, national parks, provincial parks, park reserves, wildlife management areas, provincial forests, private lands); other designated Crown lands (ie special conservation areas, community pastures, wildlife refuges); and private lands under conservation easement, or owned by conservation agencies and managed for conservation purposes.

Under section 4.10 Report Format, we recommend the Effects Assessment and Forest Management Plan include digital shapefiles of geospatial information generated by LP including existing and proposed harvest and renewal blocks; existing and proposed roads; and existing and proposed watercourse crossings.

Dagdick, Elise (CON)

From: Gilbertson, Mike (CON)
Sent: Sunday, April 11, 2010 6:48 PM
To: Dagdick, Elise (CON)
Cc: Kasur, Dean (CON)
Subject: Draft Guidelines for the Preparation of an Effects Assessment for the Louisiana Pacific Canada Ltd.
Twenty Year Forest Management Plan

No comments.

Mike Gilbertson
Director, Environmental Services
Manitoba Conservation
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Dagdick, Elise (CON)

From: Elliott, Jessica (CON)

Sent: Monday, April 12, 2010 11:23 AM

To: Dagdick, Elise (CON)

Subject: Draft Guidelines for the Preparation of an Effects Assessment for the LP Canada Ltd 20 year Forest Management Plan (file # 3893.00)

Parks and Natural Areas Branch has reviewed the Draft Guidelines for the Preparation of an Effects Assessment for the LP Canada Ltd 20 year Forest Management Plan (file # 3893.00) filed pursuant to *The Environment Act*. The Branch has no comments to offer.

Jessica

Jessica Elliott

Ecological Reserves and Protected Areas Specialist

Parks and Natural Areas Branch

Manitoba Conservation

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Before printing, think about the environment

Avant d'imprimer, pensez à l'environnement

DATE: April 15, 2010

Memorandum

TO: Elise Dagdick
Environment Officer
Environmental Assessment and
Licensing Branch
Manitoba Conservation
123 Main Street, Suite 160
Winnipeg, Manitoba R3C 1A5

FROM: William Weaver, M.Sc.
Environmental Review Officer
Manitoba Water Stewardship
200 Saulteaux Crescent, Box 14
Winnipeg, Manitoba R3J 3W3

TELEPHONE: 945-6395
FACSIMILE: 945-7419

SUBJECT: *ENVIRONMENT ACT* PROPOSAL FILE: 3893.00
DRAFT GUIDELINES FOR THE PREPARATION OF AN EFFECTS
ASSESSMENT FOR THE LOUISIANA PACIFIC CANADA LTD.
TWENTY YEAR FOREST MANAGEMENT PLAN

Manitoba Water Stewardship has reviewed the referenced file, forwarded for comment on March 10, 2010. The Department does not have further comment, at this time.

William Weaver, M.Sc.

April 12, 2010



Elise Dagdick
Environmental Licensing Officer
Environmental Assessment and Licensing Branch
Manitoba Conservation
Suite 160, 123 Main St., Winnipeg, MB
R3C 1A5

RE: FILE # 3893 - LP Canada Ltd. Swan Valley FRD Comments to "Draft Guidelines for the Preparation of an Effects Assessment for the Louisiana-Pacific Canada Ltd. 20 Year Forest Management Plan."

Dear Ms. Dagdick,

LP Canada Ltd. (LP) Swan Valley Forest Resources Division (FRD) has reviewed the document entitled "Draft Guidelines for the Preparation of an Effects Assessment (EA) for the Louisiana-Pacific Canada Ltd. 20 Year Forest Management Plan", and has attached a list of comments or points of clarification regarding specific sections of this document as a formal submission to Manitoba Conservation Environmental Assessment and Licensing Branch.

Overall, LP is of the opinion that the draft EA Guidelines provide a thorough and consistent framework for completing an effects assessment in support of LP's 20 Year Sustainable Forest Management Plan. LP looks forward to working with the various government agencies, First Nations and other public stakeholders to ensure all biophysical and socio-economic values have been addressed throughout the development of the effects assessment.

If you have any questions, comments or concerns regarding this submission please feel free to contact me at your convenience.

Yours truly,

A handwritten signature in black ink that reads "Donna Kopecky". The signature is written in a cursive, flowing style.

Donna Kopecky
LP District Biologist

CC: Bruce Webb, Manitoba Conservation
Wade Cable, LP Canada Ltd.

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LP Canada Ltd. List of Comments and Points of Clarification on document entitled, "Draft Guidelines for the Preparation of an Effects Assessment for the Louisiana-Pacific Canada Ltd. 20 Year Forest Management Plan."

Page 3:

LP requests that the federal policy document entitled "Defining Sustainable Forest Management in Canada: Criteria and Indicators" by the Canadian Council of Forest Ministers be specifically highlighted and included with the specific Manitoba provincial policy documents in the paragraph preceding the bulleted list as one of the principle guiding documents in the LP EA Guidelines. (should some reasoning or justification be added for this request?)

Page 3:

LP requests that all relevant policy documents listed are categorized under either federal or provincial categories. This will provide the public with a clearer understanding of the federal and provincial policy requirements that need to be addressed in the subsequent EIS (EIS hasn't been defined, or should this be EA?).

Page 5:

Under section 4.2 Forest Management Area Description, subsection 4.2.1 Biophysical Environment, Wildlife, the term "critical habitat" is used to describe features that may not necessarily be considered "critical", but rather unique or special and may require specific management considerations. LP is concerned that the term "critical habitat" as it is used in this document, can be taken within the same context as it is defined under the *Species at Risk Act*. Therefore, LP suggests that the term critical habitat be included only where there is specific mention of threatened or endangered animal species and removed from the bullet which describes unique or special habitats such as nesting, denning, calving, molting, wintering areas and mineral licks.

Pages 4 and 5:

Each of the main bullets that describe the requirements for the various elements of the biophysical environment contains a requirement for the identification of the location of research sites. LP would like further clarification on what is considered a research site and information as to whether there is a requirement to disclose the location of either LP (or other parties') research plot locations.

Page 6:

With the development of the new forest lands inventory for FMU 13 and 14, LP has been using ecosites to classify productive and non-productive forest lands within our short- and long-term planning processes, instead of the "Forest Ecosystem Classification for Manitoba (FEC)". Ecosites for FMU 13 and 14 have been described in the "Field Guide to Ecosites of the Mid-Boreal Upland Ecoregion of Manitoba". LP requests that the reference under the bullet "Vegetation" be changed to reflect the use of the Field Guide. In addition, LP no longer uses cutting class as a surrogate for age class. With the new inventory and data collected during pre-harvest surveys, LP now uses age to plan short- and long-term harvest strategies.

Page 8:

Under section 4.2.3 Existing and Past Forest Management Activities, LP would like clarification on the level of information required to address each of the sub-sections and associated bullets to ensure

that there are no misinterpretations or misunderstandings with how each of these components is addressed in this section.

May 5, 2010

Ms Tracey Braun
Director, Environmental Assessment and Licensing Branch
Winnipeg, MB

RE: Soprovich comments on Draft Guidelines for the Preparation of the Effects Assessment for the Louisiana Pacific Canada Ltd. Twenty Year Forest Management Plan.

Dear Tracey:

In the document that I sent on the 'Draft Guidelines', I incorrectly referenced Environment Act File #5433.

My understanding is that the correct File # is 3893.

Sincerely,

Dan Soprovich

Honourable Bill Blaikie
Minister of Conservation and Climate Change
Winnipeg, MB

Ms Tracey Braun
Director, Environmental Assessment and Licensing Branch
Winnipeg, MB

RE: Draft Guidelines for the Preparation of the Effects Assessment for the Louisiana Pacific Canada Ltd. Twenty Year Forest Management Plan.
Environment Act File #5433.

I had hoped to review the 'Draft Guidelines', but unfortunately have not been able to do so. However, in the absence of being able to look at the details of the 'Draft Guidelines', I believe that I can provide some important background and guidance of direct relevance to the document.

Clean Environment Commission Hearings must be held on LPs new long-term plan and all 'environmental impact assessment' conducted on the plan. The public must be provided the **opportunity to fully test** all information being provided by LP and its consultants. There is no other option and this is so due to the fact that the last long-term plan and 'environmental impact assessment' submitted by LP and its consultants was fatally flawed, and that LP has been operating in the absence of a valid assessment of the Company's environmental impacts since it was granted a License in 1996. **Intervenor funding is integral to allowing the public to fully test all information, and must be granted.**

To briefly recap some of the important history.

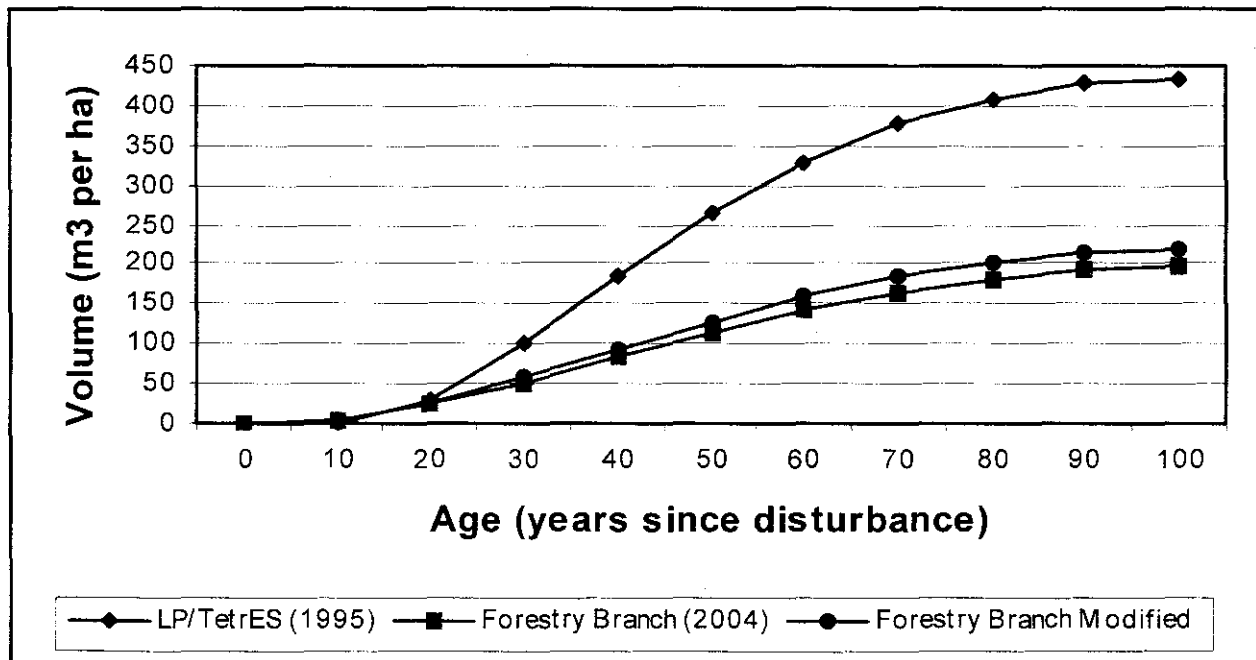
- In its 1995 'Environmental Impact Assessment', based upon data collected by the Company and its consultants, LP and its consultants suggested rates of growth and yield, and 'sustainable harvest' (Annual Allowable Cut), that were extremely liberal per the examination of independent scientists. For example,
 - Mr. Jim Ball, a Canadian Forest Service forester who sat on the Technical Advisory Committee (TAC) on the development, in his letter of October 17, 1995 as posted to the Public Registry, wrote "... the AAC calculations--and the assumptions on which they are based--should be clearly explained e.g. Is the company really planning to cut $150-170 \text{ m}^3 \text{ ha}^{-1}$ now and to grow $325-435 \text{ m}^3 \text{ ha}^{-1}$ (p. 7-16) or $256-484 \text{ m}^3 \text{ ha}^{-1}$ (p. 11-26)?" Mr. Ball had previously raised this concern in his letter of August 17, 1995 to Forestry TAC Chairman Dr. Floyd Phillips, wherein he wrote "... the company should explain this apparent incongruity and reconcile the yield values of $150-170 \text{ m}^3 \text{ ha}^{-1}$ to be cut in the first three years with volumes of $300-400 \text{ m}^3 \text{ ha}^{-1}$ for well stocked stands used in the HSG simulation (7-17) to

project future stands.” Mr. Ball continued to document his concerns following the CEC hearings (e.g., in his December 15, 1995 letter to Manitoba Environment Director Mr. Larry Strachan). This was the same Jim Ball who was to appear as an expert witness before the Manitoba Clean Environment Commission, but was told not to do so ~20 minutes before he was to appear (e.g., see Mr. Ball’s December 15, 1995 letter to Mr. Strachan – “... I received instructions that Thursday morning not to appear.”).

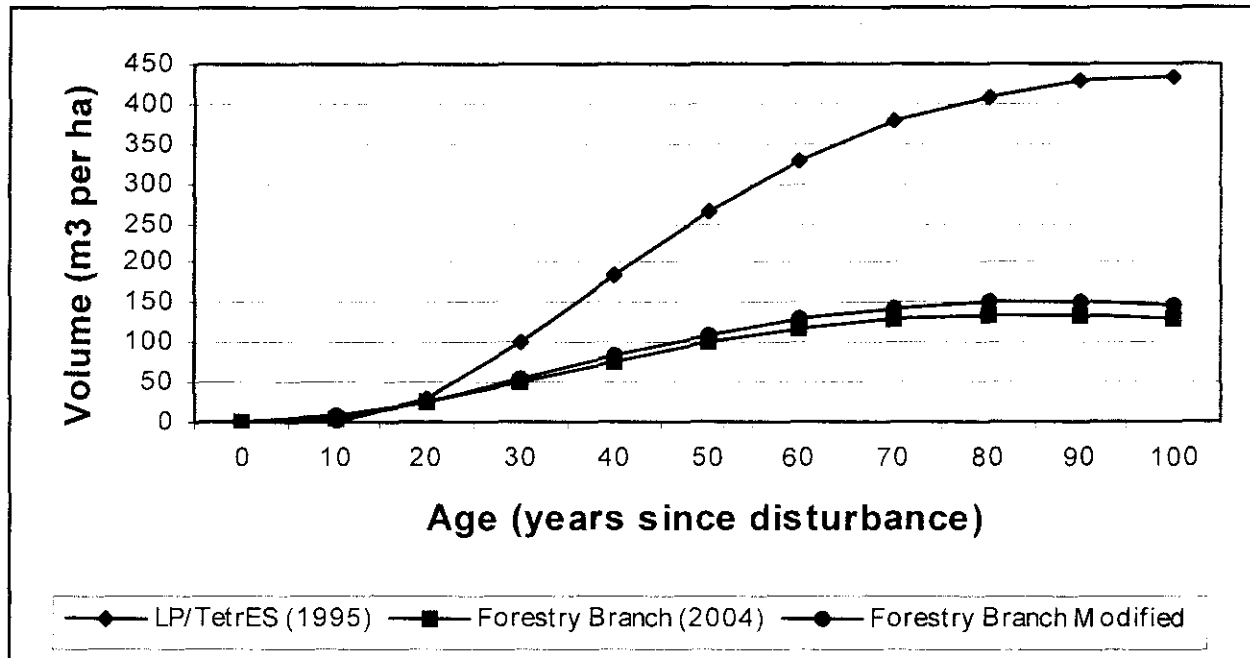
- Mr. Dan Soprovich, in the second of his presentations to the Clean Environment Commission (Soprovich 1995), outlined a number of important sampling problems respecting the data from which Louisiana-Pacific had derived their growth and yield assumptions. On that basis, and on the basis of published growth and yield data from the scientific literature, Soprovich concluded that Louisiana-Pacific’s yield assumptions represented substantive overestimates, and recommended that the growth and yield assumptions, and Environmental Impact Statement (EIS), be rejected by the Commission. Soprovich (1995) stated "In the absence of being able to independently assess LP’s data collection methodology, and to quantify the impact of this methodology on bias and precision, we cannot have a great deal of confidence in the LP data." and "If growth and yield is considerably overestimated, as I suggest, this invalidates all analyses presented in the EIS."
- The growth and yield assumptions represent a critical fundamental building block for any fibre harvest plan, and the assessment of the environmental impacts of a plan. The implications of growth and yield assumptions that are “considerably overestimated” are profound, and include the validity of an environmental assessment built on such blocks. Soprovich (2006) wrote “The growth and yield assumptions are fundamental and critical to modeling forest ‘sustainability’. For example, if one **assumes** that a forest will yield twice the volume per unit area than it really does (i.e., a case where a modeling assumption confronts the ‘real world’), then one will have to cut twice the area predicted on the basis of the faulty assumptions to achieve the same total volume (e.g., cut an area of 200 km² vs 100 km²). An error of this magnitude has huge implications to the real-world impact of such a forestry development on biological diversity, the number of ovenbirds in the forest, the number of moose in the forest, protected areas, water yield, soils, etc., etc., etc..”
- Manitoba Forestry Branch later conducted a wood supply analysis for the Duck and Porcupine Mountains, and reported on this analysis in a 2004 Report (Manitoba Forestry Branch 2004).
- The Annual Allowable Cut estimates derived by the Forestry Branch and reported on in 2004 were substantively less than the ‘sustainable harvest’ derived by LP and its consultants as reported on in LP’s 1995 Environmental Impact Statement and Forest Management Plan. For example, Soprovich (2005), for the Duck Mountain, observed that
 - “Louisiana-Pacific and their consultants concluded that 597,125 m³ of hardwoods (‘LP/TetrES HSG AAC (1995)’) could be sustainably cut each

year for the next 100 years (i.e., HSG Sustainable Crown Land; Table 8-1; TetrES 1995), with no 'significant' impact on the environment. Less than a decade later, the Manitoba government has now reduced the allocation to 348,823 m³ of hardwoods per year ('Forestry Branch AAC (2004)'; i.e., Net Harvest Volume; Table 14; Manitoba Forestry Branch 2004).", and

- "In relation to what Louisiana-Pacific and their consultants concluded was sustainable over a 100-year period (i.e., 597,125 m³ per year), the new Manitoba government AAC represents a drop of 41.6%. Or, looking at this from another perspective, the amount that Louisiana-Pacific and their consultants indicated was sustainable over a 100-year period was about 71.2% greater than what should have been allocated (Figure 1).".
- A significant reason behind the substantively overstated 100-year 'sustainable harvest' was massively overstated growth and yield by LP and its consultants. For example, for aspen-dominated stands at age 60 in the Duck Mountain, Soprovich (2006) found that LP and its consultants had overstated 'true' growth and yield by 2.07 times (i.e., where 'true' is designated as that reported on in the 2004 Forestry Branch Report). See figure from Soprovich (2006) below.



The overestimate was even greater, at 2.53 times 'true', for stands dominated by black poplar and/or white birch (see figure from Soprovich (2006) below).



Such a huge discrepancy reminds me of a conversation I once had with the Regional Forester for the Western Region. We were chatting about aerial big game surveys, and the forester suggested that foresters had it good because “trees don’t move and they don’t hide”, and therefore it was easy for foresters to count and measure them, and to derive good estimates. The overestimation of growth and yield by LP and its consultants is so extreme that it is essentially the equivalent of counting the (immovable) trees twice or 2.5 times, or over-measuring the size of the trees by double or 2.5 times.

- History has now proven that LP and its consultants, the CEC of the day, and the government bureaucrats of the day were wrong or chose to ignore the evidence (e.g., for political reasons, out of fear, or through a lack of competence). Of particular importance, independent expertise (e.g., Mr. Jim Ball), the environmental community, and members of the public were clearly right.

Further to the past fiasco respecting ‘sustainable harvest’ and growth and yield, there are **many additional reasons** why it is imperative for the public to be able to fully and critically review LP’s plans and its ‘environmental impact assessment’. And there are a number of very good reasons for this review to be as broad as possible. A few of these reasons are as follows.

- The Annual Allowable Cut recommendations found in the 2004 Manitoba Forestry Branch report ignore progressive forest management practice and utilize risky assumptions that appear designed to maximize the opportunity for the forestry industry to cut trees. For example.
 - Standards for so-called 'sustainable forest management' recognize the ecological importance of old forests and require attention to forest age structure at the scale of the landscape. For example, the CSA standard requires consideration of forest age structure at the landscape scale. This is so because forest management in Canada has historically been designed to eliminate old forest whereas old forest is known to have certain valuable and unique ecological attributes, including the provision of critical habitat for certain species of animals adapted to old forest. As an example of the practical application of management to maintain old forest, BC in the Sunshine Coast Forest District designates OGMAs (Old Growth Management Areas) across the forest landscape (e.g., I can provide a report demonstrating this for the Sechelt Landscape Unit). Conversely, the 2004 Report from Manitoba Forestry Branch, in determining AAC, does not require the forestry industry to maintain even 1 ha of old growth across the Mountain Forest Section landscape (which includes the Duck and Porcupine Mountains where LP cuts most of its wood). There is a need for LP to clearly demonstrate how its plan will provide adequate old growth forest for those species that require it, and there is a need for said analysis to be subject to the critical scrutiny of independent experts to ensure that the public interest is served.
 - The 2004 Manitoba Forestry Branch Report calculates the AAC on the basis of no forest fires across the forest landscape over the 200 year simulation period. Hardly a precautionary principle approach and particularly so in consideration of global warming effects. However, by doing so, the Forestry Branch does provide a larger 'sustainable harvest' to its forestry industry client (at least until the inevitable fires arrive on the forest landscape).
- Prior to LP showing up in the forest, we had large populations of moose in the Duck and Porcupine Mountains. These large populations provided many things to many people, including substantive subsistence and cultural hunting, recreational hunting, and viewing opportunities. These populations have been in substantive decline since the arrival of LP. For example, using Conservation's hunter questionnaire data for the Porcupine Mountain, the average number of days to tag a moose during the winter season has increased from 5.1 (1993-1995) to 17.8 (2004-2006). Similarly, for the fall season, hunter success for the two hunter/1 tag season has dropped from 51% to 26% for the fall season. The local people now hear a rumour that the Duck Mountain will be shut down to recreational hunting because of the decline in moose populations. Within its 'environmental impact assessment', LP should be made to address the role that forestry operations have had relative to the decline of area moose populations. For example, there has been a massive increase in access due to the roads required by LP and other

forestry companies for their operations. There are now many fewer natural 'refugiums' as a result (i.e., areas where hunters cannot easily access moose), and these refugiums will continue to decline as LP and other forestry companies operate in the area. LP should be made to address how the massive increase in roads, and other elements of forestry company operations, has impacted on the decline of these moose populations. And it should be made to clarify how it will mitigate impacts into the future, and what ongoing impact will occur. It should further be required to quantify the social and economic cost of its impact on the moose population (e.g., opportunity cost). I note that a number of us in this community have been telling government politicians and bureaucrats for years that we had a problem with declining moose populations ... and we now find ourselves in a situation where hunting cannot be maintained. One does tend to wonder if government chose to support the forestry industry at the cost of those who require and value the moose resource.

- We now know that the critical growth and yield data collected by LP and its consultants for its 1995 long term plan and 'environmental impact assessment' were grossly flawed. In a similar vein, I have been provided information by someone directly involved in collecting LP's bird data to indicate that serious flaws may exist with those data, or at least did during the early years of collection of those data. Perhaps this is why, in the early days, LP posted some rather bizarre results in terms of habitat associations. Important to this potential problem are the processes associated with the design, data collection, and analysis of these data ... process problems very similar to those employed by LP to produce its flawed growth and yield estimates. Remember that others, including myself, warned in 1995 that the growth and yield assumptions were flawed and that we were subsequently shown to have been right. There is a need for full independent audit of the bird data.
- LP has employed bad process to develop estimates of how people value the forest. For example, one could respond to the Company's questionnaire online. Clearly, while inexpensive, this is really bad process respecting the collection of data (e.g., biases associated with narrowing the sample universe). For example, I have been told by a forester from outside the area (i.e., not a local person) that he responded to the questionnaire (and my recollection is that he indicated that he was encouraged by LP and/or its consultants to do so). I wonder how many times one could respond to the questionnaire online, and I further wonder how many of LPs employees did so. Any data respecting values should be rejected and, should the Company wish to report on same, the Company should be required to contract a professional who understands the basic method to collect such data.
- A central question that LP should address is how the Company and its consultants could have been so wrong the last time around respecting growth and yield, 'sustainable harvest', etc.. E.g., was it simply a question of a lack of competence or were there other elements in play? Although unlikely that one would receive an objective and/or forthright answer, the Company should

at least be asked to address this matter. Many other questions that the Company should address flow from this. For example, what financial benefit accrued to the Company by virtue of overstating growth and yield, and 'sustainable harvest'?

These are just a few of the serious matters that should be looked at closely. If I had the time to review the various documents in any kind of detail, I am certain that much additional material would result.

Finally, it has also become clear that the government process of the time was fatally flawed (i.e., failed to, or ignored, LP and its consultants massively overstating growth and yield, and 'sustainable harvest'). Implicated are government bureaucrats and the Clean Environment Commission (and of course the Conservative government of the day). The CEC was likely compromised considerably by being the political body that it was, while the bureaucrats operated under a certain reign of terror at the time, being in fear of losing their jobs. There is a need to restore some level of confidence respecting the management and allocation of the public's forest. There is a need to demonstrate that things really are different today than was the case in 1995 when political interests and fear in the public service ruled. There is a need to ensure that it is not only independent expertise, the environmental community, and members of the public that are right about LP's new long term plan, as was the case in 1995.

Sincerely,

Dan Soprovich, M.Sc.
Bluestem Wildlife
Swan River, MB

Literature Cited.

Manitoba Forestry Branch. 2004. Wood supply analysis report for Forest Management Unit 13 and 14. 38 pp. + Appendices.

Soprovich, D.W. 1995. A submission to the Clean Environment Commission. November 30, 1995. 20 pp. + Figure.

Soprovich, D.W. 2005. Overallocation of the deciduous forests of west-Central Manitoba to Louisiana-Pacific Canada Ltd. Yesterday and today. Environmental Impact Assessment Information Note No 5. Bluestem Wildlife, Swan River, MB. 7 pp.

Soprovich, D.W. 2006. Trembling aspen and hardwood yield assumptions for the Duck Mountain, Manitoba. Comparison of the 1995 Louisiana-Pacific Canada Ltd.-TetrES Environmental Impact Assessment assumptions to the 2004 Manitoba Forestry Branch wood supply analysis assumptions. Environmental Impact Assessment Information Note No 6. Bluestem Wildlife, Swan River, MB. 10 pp.



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 # 5433 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.

