



September 11, 2009

To: Conservation Minister Stan Struthers

This letter is an appeal to Environmental License 2896, issued to Tolko Industries for the Dickstone South logging road across Grass River Provincial Park.

The Wilderness Committee, as a group of concerned citizens from Manitoba and across Canada, has many objections to this license being issued.

The very first objection relates to newly passed amendments to the Provincial Park Act and other Acts. As of June 11, 2009, logging is now prohibited in Grass River Provincial Park. This environmental License is being issued for a logging road across Grass River Park. This license constitutes a direct challenge to the new amendment banning logging in provincial parks. In response to this appeal, the Wilderness Committee requests the rationale as to why this logging access road is exempt from legislation which prohibits logging in this area.

As stated many times by Conservation Minister Struthers, the park logging ban is being enacted in direct response to the Clean Environment Commission recommendation of 1992. The recommendation stated 'forestry activity in all provincial parks should be phased out.' A logging access road may be incorrectly interpreted as not logging, but it is impossible to interpret a logging access road as not being forestry activity. In response to this appeal, the Wilderness Committee wishes an explanation as to how this license can be allowed in light of the 1992 CEC recommendation cited above.

A new objection to the environmental license application has been discovered. Section 26 of Tolko's 1997-2009 environmental license (2303 E R) states that "The Licensee shall ensure the maintenance of all travel corridors for woodland caribou, as determined by the I.R.M.T."

The 1984 Grass River Park Management Plan expressly lists the area the proposed road is to traverse as a travel corridor for woodland caribou. In response to this appeal, the Wilderness Committee requests an explanation as to why this section of Tolko's license is being ignored, or how this proposed road bypasses the aforementioned caribou travel corridor.

Parks branch of Manitoba government specifically asked that this license be rejected, as is succinctly stated in the Summary document associated with this license. In response to this appeal, the Wilderness Committee wishes a detailed explanation as to why the management of this park is not being executed as requested by Parks branch.

In the summary document published with this license, Conservation Northwest region brought up the fact that in other jurisdictions in Manitoba, a detailed caribou management plan is required ahead of development. Such a plan must accompany any application or

issuance of development license in caribou habitat. In response to this appeal, the Wilderness Committee requires an explanation as to why a detailed caribou management plan for caribou affected by this development is not required.

In the summary document, a section on caribou questions presented by environmental licensing includes reference to a "showstopper". This is obviously a reference to the fact that upon further review of caribou in the region, the route of this road and the forests it is intended to access is critical habitat for woodland caribou. Disturbing said habitat in any way is illegal under federal and provincial law. The Wilderness Committee contends that persons at Manitoba Conservation already know that critical woodland caribou habitat is going to be affected by the development authorized by this license. In response to this appeal, the Wilderness Committee requests a complete and detailed explanation regarding the "showstopper" comment as found in the summary document. We also request an explanation as to whether or not Manitoba Conservation feels this road and the logging activity in the forests north of Grass River park will affect woodland caribou critical habitat.

In a separate letter outside of this license that was received by the Wilderness Committee only this past summer, Jack Dubois, Director of Wildlife for Manitoba Conservation, mentioned a newly discovered herd of caribou in the general area of this licensed development or in the forest being accessed by this road. In response to this appeal, the Wilderness Committee requests that all available data on this new herd be presented before this license is approved. If said data on a new herd is not sufficient to make a judgment as to whether this project will impact this newly discovered herd and whether this project will affect the critical habitat of this herd, the Wilderness Committee requests an explanation as to why this project should be allowed to proceed before data is collected.

As stated in the summary document, no recent collar data is available for caribou that are acknowledged to be using the area to be traversed by this new development. In response to this appeal, the Wilderness Committee requests an explanation as to how the critical habitat of the caribou that are using the area affected by this development has been determined. If no critical habitat for these caribou has yet been identified, the Wilderness Committee asserts this development license goes against federal and provincial species at risk legislation, and an explanation as to why that is allowed should be presented.

In the summary document, the majority of comments were against issuing this license. In response to this appeal, the Wilderness Committee wishes an explanation as to why this license on public land was issued against the wishes of the majority of Manitobans.

In submitted public comments by the Wilderness Committee and Manitoba Wildlands, concern was raised over a logging road being built for 20 years of service, when the proponent of the development does not have tenure over the region for that length of time. In response to this appeal, the Wilderness Committee wishes an explanation as to why this license is issued when tenure is not guaranteed.

The question has been raised as to why this logging road was being licensed separately from the forest license that Tolko is going to need to renew. This development is a major change to Tolko's operations and environmental license, and may even go against its environmental license. In response to this appeal, the Wilderness Committee wishes an explanation as to why this road was not licensed in conjunction with Tolko's long-term environmental license.

A rationale as to why this road is being built as an all-weather road was requested during consultation, yet no answer was forthcoming. All-weather roads have a significantly greater environmental footprint than a winter haul road. In response to this appeal, the Wilderness Committee wishes an explanation as to why this road is being designed as an all-weather road.

In the summary document, Water Stewardship made many recommendations if this license was to be issued. None of the recommendations have been written into the license. In response to this appeal, the Wilderness Committee wishes an explanation as to why none of the Water Stewardship recommendations were excluded from the license. This license should be invalid without said recommendations regarding high-quality water management, chemicals, and water monitoring.

Concerns were raised by different Conservation departments over access to this area by individuals or corporations outside of Tolko's logging operators. As the road is only a benefit to Tolko and not to the majority of Manitobans, a clause in the license must state that Tolko is financially responsible for all unauthorized use of this road, and Tolko is financially responsible for all environmental disturbance caused by unauthorized users. In response to this appeal, the Wilderness Committee wishes an explanation as to why a clause stating this is not included in the license.

In the summary document, Parks branch requested that the decommissioning and removal of Tolko's other crossing on the Grass River be a requirement for authorization of this license. In response to this appeal, the Wilderness Committee wishes an explanation as to why this clause was not included in this license.

Sincerely,

Eric Reder
Campaign Director, the Wilderness Committee