

SUMMARY

LOUISIANA-PACIFIC CANADA LTD. - TEN YEAR FOREST MANAGEMENT PLAN - 1996-2005 (CLIENT FILE NO.: 3893.00)

Louisiana-Pacific Canada Ltd. had applied for a Environment Act Licence of a Ten Year Forest Management Plan - 1996-2005.

Because considerable interest had been expressed concerning the Proposal the Minister had requested that the Clean Environment Commission hold a public hearing.

A public hearing was held by the Clean Environment Commission and a report was submitted to the Minister of Environment for his consideration. If you wish to obtain a copy of the Clean Environment Commission's report, respecting the public hearing, please contact the Clean Environment Commission's office in Steinbach, Manitoba, at (204) 326-2395.

The following excerpts, **Executive Summary**, **Conclusions**, **Observations**, and **Recommendations**, are from the Commission's Report "*Report on Public Hearings, Louisiana-Pacific Canada Ltd. Ten Year Forest Management Plan 1996-2005*" (March, 1996).

EXECUTIVE SUMMARY

In accordance with the conditions of *Forest Management License Agreement #3* (September, 1994), Louisiana-Pacific Canada Ltd. submitted a proposal to Manitoba Environment regarding a Ten Year Forest Management Plan for Forest Management License Area #3 in October, 1994. Significant public interest in the proposal caused the Minister of Environment to instruct the Clean Environment Commission to hold public hearings and provide recommendations on the proposed forest management plan.

The Commission held public hearings in the Town of Swan River and City of Winnipeg for nine days (November, 1995/January, 1996). The Commission Panel heard from 60 presenters and entered 96 exhibits as evidence.

During the course of the hearings, participants raised issues supporting and opposing the proposed forest management plan. Although many residents of the area were in favour of the proposal, there was a significant concern respecting the projected amount of timber to be harvested and specific areas where harvesting would occur. Other issues raised included the environmental assessment process, forest sustainability, buffer management, biodiversity, impact on enduring features, harvesting within Duck Mountain Provincial Park, third party interests, and monitoring.

Louisiana-Pacific Canada Ltd. emphasized their use of specific standard operating procedures, such as pre-harvest surveys, to identify and protect significant environmental areas. A harvesting model was also presented to demonstrate forest sustainability. In addition, the proponent stated their willingness to cooperate with various organizations for research purposes and their commitment to use adaptive management approaches to incorporate ecosystem based management principles.

Following the hearings, the Panel concluded that the proponent's Ten Year Forest Management Plan for Forest Management License Area #3 would meet the environmental objectives of Manitobans and would be consistent with the principles of sustainable development. The Panel identified a number of recommendations to ensure forest sustainability is achieved.

CONCLUSIONS

The Clean Environment Commission has concluded that Louisiana-Pacific Canada Ltd.'s "*Forest Management Licence #3 - Ten Year Forest Management Plan 1996-2005*" would meet the environmental objectives of Manitobans and is in keeping with sustainable development guidelines.

TERMS OF REFERENCE

In his letter to the Clean Environment Commission, the Minister of Environment set out the Terms of Reference (Appendix A) to be addressed in the public review of the proposed forest management plan and in the Commission's subsequent recommendations. The Panel has provided a response to each topic (printed in italics) identified in the Terms of Reference.

...whether an Environment Act Licence should be issued respecting the Louisiana-Pacific Canada Limited Forest Management Licence #3 Ten Year Forest Management Plan, 1996-2005 Proposal;"

The Panel has concluded that the proponent should be issued an Environment Act licence. It was felt that a licence would ensure that the environmental objectives of Manitobans are met.

...the potential environmental impacts of the forest management activities proposed in the Louisiana-Pacific Canada Ltd. Forest Management Licence #3 Ten Year Forest Management Plan, 1996-2005 Proposal on the biophysical environment, sustainability of all forest values including ecosystems and biological diversity, and land use;"

Based upon the evidence presented and commitments made during the hearings, the Panel has concluded that environmental impacts can be mitigated. The Panel also notes that the move toward ecosystem based management will require a continued focus by government and the forest industry in addressing short and long term forest management planning issues.

...socioeconomic, social, cultural and health impacts directly related to the environmental impacts of the Louisiana-Pacific Canada Ltd. Forest Management Licence #3 Ten Year Forest Management Plan, 1996-2005 Proposal;"

The Panel has concluded from the evidence presented at the hearings, that the socioeconomic, social, cultural and health impacts related to environmental impacts of the proposed forest management plan, can be mitigated. Impacts concerning First Nations are presently under negotiation or are before the courts.

...measures proposed to mitigate any adverse impacts resulting from the Louisiana-Pacific Canada Ltd. Forest Management Licence #3 Ten Year Forest Management Plan, 1996-2005 Proposal and, where appropriate, to manage any residual effects;"

The Panel has concluded that evidence respecting mitigation of potential adverse impacts were thoroughly discussed and debated during the course of the hearings. In addition, the Panel is of the belief that potential adverse impacts can be mitigated and managed satisfactorily.

...proposed plans and procedures for the transportation, handling and disposal of dangerous goods and hazardous materials, and for response to environmental accidents;"

Although little discussion took place during the hearings in regard to dangerous goods and hazardous materials, the Panel has concluded that existing regulations would provide the necessary conditions for controlling the transportation, handling and disposal of dangerous goods and hazardous materials. The Panel also believed that appropriate conditions could be provided in a licence to safeguard the environment from the impact of an accident.

...monitoring and research which may be recommended in relation to the forest management activities proposed in the Louisiana-Pacific Canada Ltd. Forest Management Licence #3 Ten Year Forest Management Plan, 1996-2005 Proposal;"

Based on the evidence and discussion presented at the hearings the Panel has concluded that appropriate recommendations, with respect to monitoring and research activities, can be developed.

...The Clean Environment Commission recommendations shall incorporate, consider and directly reflect, where appropriate, the Principles of Sustainable Development as contained in Towards a Sustainable Development Strategy

for Manitobans, and in Applying Manitoba's Forest Policies."

The Panel has concluded that the principles of sustainable development and, in particular, sustainable development forest policies were considered and addressed throughout the duration of the hearings. However, the Panel is of the belief that a number of conditions would be required in an Environment Act license to ensure the sustainability of the forest and to achieve ecosystem based management.

OBSERVATIONS

The following Observations contain general comments to government which do not form part of the Panel's specific recommendations respecting the licence application submitted by Louisiana-Pacific Canada Ltd. These Observations are presented as matters of concern which warrant consideration by government.

1. The province must ensure that additional staff and related resources are provided to the Departments of Environment and Natural Resources to ensure compliance with the Louisiana-Pacific Environment Act Licence and Forest Management Plan. Adequately trained staff must be available to guide pre-harvest survey programs, harvest planning activities, and post-harvest audits. The panel emphasizes the importance of support for a competent Integrated Resource Management Team. It is essential that members of this field team have complete and timely access to all information respecting resource management and reasonable opportunity to examine and comment on plans and actions.
2. The environmental impact assessment guidelines provided by Manitoba Environment to future project proponents seeking Environment Act licensing should incorporate the concepts of "ecosystem based management", including a requirement for the detailing of criteria through which ecological integrity would be maintained. Manitoba Environment, Manitoba Natural Resources, and Louisiana-Pacific Canada Ltd. must ensure that they have adequate expertise available to implement ecosystem based management concepts effectively.
3. The Panel believes that the opportunity to receive income through the harvest of hardwoods on private land or leased Crown land may have a significant impact on land usage in some areas. It is possible that significant areas of forest may be converted to agricultural lands. Therefore, the development of a private woodlot management assistance program is strongly encouraged by the Panel. It is suggested that this program should be developed and delivered by the Province and should approximate the services currently being provided by The Manitoba Forestry Association in southeastern Manitoba and The Manitoba Habitat Heritage Corporation in the western part of the province.
4. The Panel observes that the Endangered Spaces Program in Manitoba appears to be progressing at a slow pace. Opportunities to set aside provincial land in order to achieve program objectives decrease as further allocation of Crown lands and resources occur. The Panel encourages a concerted effort on the part of government to advance the program in order to meet stated goals.
5. During the design and planning of the 1998 forest inventory respecting FML #3 and future inventory work in the Province, the Manitoba Department of Natural Resources should include consultation with interested stakeholders and other parties in order to optimize the collection of ecosystem information and baseline data.
6. The Panel observed uncertainty and frustration on the part of the First Nations people respecting the progress and resolution of a number of their concerns including land claims and the desire for participation in resource management decisions.
7. The Panel observed many difficulties presented by the late filing of information respecting deficiencies identified during the public review of environmental assessment documentation. It is essential that adequate opportunities exist for the public, and a the Commission Panel, to review all relevant information related to an environmental assessment, including documents that respond to deficiencies, prior to the advertisement of a public hearing. The Panel believes that Manitoba Environment is best situated to oversee the review of documentation and to ensure that an adequate opportunity for public comment on that documentation has been provided. The Panel is of the opinion that, in the future, Notice of Hearings should not be issued until the Commission has received written confirmation that assessment deficiencies have been addressed to the satisfaction of Manitoba Environment, that sufficient time has been provided to permit interested parties to review the deficiency responses, and that all relevant documentation has been placed on the Public Registry.
8. The Panel observed the potential advantage of utilizing interactive video to reduce time commitments and costs

for hearing participants. The continued application of this procedure may well improve access to the hearing process, particularly where multiple hearing locations are necessary.

The major impediment to expanding the use of this readily available technology appears to be the extremely high hourly costs of the telecommunications connections which exceed the identifiable savings to those directly involved. It would be worthwhile to review the regulatory constraints that appear to prevent lowering of these costs.

RECOMMENDATIONS

1. An Environment Act license should be issued to Louisiana-Pacific Canada Ltd. for the management of areas specified under Forest Management Licence Area #3, subject to the following conditions:
 1. Areas of sufficient size and character to provide ecological benchmarks shall be excluded from all hardwood harvesting activities;
 2. No harvesting of hardwoods shall occur within the boundaries of the Duck Mountain Provincial Park, except where such harvesting is conducted under the terms of existing quota holder or allocation entitlements;
 3. No harvesting of hardwoods shall occur within the boundaries of Asessippi Provincial Park;
 4. No harvesting of hardwoods shall occur within the boundaries of areas currently under consideration for addition to the Duck Mountain Provincial Park, (see map - Appendix D) until such time as final decisions respecting the future uses of these areas have been reached;
 5. No harvesting of hardwoods shall occur within the boundaries of the areas west and south of the Duck Mountain Provincial Park currently under consideration for inclusion under the Endangered Spaces Program (see map - Appendix D), until such time as final decisions respecting program requirements for this area of the Western Upland Region #7 have been reached;
 6. No harvesting of oak, ash, or maple stands shall occur;
 7. Harvesting of hardwoods on Crown Lands shall not exceed a total of 145,000 cubic metres during the months of June and July of each year;
 8. All log storage areas shall be located in a manner to ensure that leachate cannot directly enter any surface watercourse or body;
 9. Stand rotation ages shall be managed so as to approximate as closely as possible variability which would result from natural disturbances;
 10. Forest renewal plans for each harvest site shall be submitted annually for approval by Manitoba Natural Resources and all forest renewal plans shall prescribe measures to ensure that successive vegetation is similar to that which would have occurred following natural disturbances;
 11. Pre-harvest survey information shall be considered prior to the preparation of management procedures for each harvest site;
 12. A *Stakeholders Advisory Committee* shall be established by Louisiana-Pacific Canada Ltd. which will include representation from a wide range of forest users and this Committee shall function for no less than five years;
 13. Louisiana-Pacific shall initiate discussions with appropriate agencies, industries, and other stakeholders to identify and establish priorities for research and shall endeavor to assist in the implementation of such research.
2. Buffer zone management requirements are to be identified and defined under the terms of the Licence and shall include guidelines related to creeks, streams, water bodies, wetlands, and roads. The requirements shall be integrated to provide comprehensive protection of flora, fauna, aquatic life, and avians.
3. A complete review of growth and yield should be undertaken and appropriate adjustments to the harvest commitments made within two years of the completion of the forest inventory planned for 1998.
4. Specific requirements (including detailed outlines of the information to be collected, the sampling intensity, the training (certification) of survey staff, and the protocol for data review) for pre-harvest surveys on Crown Lands should be prepared by the Provincial Departments of Environment and Natural Resources and provided to Louisiana-Pacific Canada Ltd.
5. An annual audit of regeneration results and compliance with harvesting terms and conditions should be undertaken by Manitoba Natural Resources and audit results should be made available annually for public

review.

Following the Clean Environment Commission's public hearing, Environment Act Licence No. 2191 was issued to Louisiana-Pacific Canada Ltd., on May 27, 1996, for the Development, being the carrying out of forest management activities within the geographical boundaries of Forest Management Licence Area Number 03, as detailed in the "Louisiana-Pacific Canada Ltd. Forest Management Licence Number 3 Ten Year Forest Management Plan 1996 - 2005".

The Licence was appealed and subsequently Environment Act Licence No. 2191 E was issued on December 10, 1996 and varied as follows:

- Subsection 3(i) was added to require Louisiana-Pacific Canada Ltd. to encourage private landowners to practice woodlot management;
 - Subsection 3(ii) was added to ensure that any timber purchased from private land is included in the cumulative annual volume which can be harvested by Louisiana-Pacific Canada Ltd.;
 - Subsection 13(iv) (Subsection 12(iv) in the original Licence) was amended by specifying a sampling frequency; and
 - Subsection 8(i) and Appendix A were amended to provide interim protection to proposed additions to Duck Mountain Provincial Park, consistent with the Draft Manitoba Provincial Parks System Plan.
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If you have any questions pertaining to the approval process please contact:

Approvals Contact:

Mr. Floyd Phillips