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# FAST FACTS

**December 18, 2008**

## A Festive Season for Manitoba's Boreal Forest

**T**he third term Doer government has taken a firm stand on its election commitments to move forward with the creation of a United Nations Educational, Science and Cultural Organization (UNESCO) World Heritage Site that provides for significant protection measures to the East side of Lake Winnipeg.

While Quebec and Ontario have been praised for making vague commitments to protect the boreal forest in their province, the Manitoba government has recently taken concrete legislative steps to do what the other two provinces have merely talked about doing.

The first move came early this year when the Doer government, after winning an unprecedented third term, announced that it would not proceed with its option to construct BiPole III, a high voltage Direct Current Transmission Line down the East side of Lake Winnipeg.

The government of Manitoba then took further steps by making two very significant announcements that will change the way business is done in Manitoba's boreal forest.

First, Manitoba's Minister of Conservation introduced amendments to the Forestry Act that would no longer allow logging in Manitoba's provincial parks. This came as very welcome news after environmentalists and the government's

own environmental review board, the Clean Environment Commission, recommended in 1992 that there should no longer be clear cutting in provincial parks.

The recent announcement will add additional protection measures to Nopiming, Grass River, Clear Lake and the Whiteshell Provincial Parks. The only exception will be that Duck Mountain Provincial Park will see continued logging until a deal can be worked out with the Little Loggers Association and Louisiana Pacific.

While some would have liked to have seen the province go a step further with a ban on mining in provincial parks, this is nonetheless a significant move for the provincial government.

Second, and to the surprise of many, the good news did not stop there. On December 1<sup>st</sup> the government of Manitoba introduced a historic land use planning bill in the legislature.

Bill 6, appropriately named The East Side Traditional Lands Planning and Special Protected Areas Act, will legislatively give First Nations on the east side of Lake Winnipeg the ability to better manage, plan, control and protect the natural resources in their traditional territories. This is a significant first for Canada.

Manitoba must be commended for being the first province in Canada to take legislative steps



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## *FAST FACTS continued ...*

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to catch up with recent Canadian court rulings recognizing constitutionally protected Aboriginal and treaty rights.

Bill 6 sets up a mechanism whereby First Nations communities on the East side of Lake Winnipeg Planning area can enter into a formal government-to-government land use planning exercise that will have legal standing. In short, the Act would enable First Nations to develop land-use plans that provide interim and permanent legal protection of traditional lands and would ensure any new development activities undertaken by third parties in a First Nations traditional land-use area will be conducted in collaboration with First Nations. This certainly meets one of the litmus tests of meaningful and bona fide consultation that the courts have come to define with respect to Aboriginal and treaty rights.

If this act is to have any force and effect, two important questions, related to Bill 6 need to be addressed in the very near future (if they have not already been): First, does the government of Manitoba have the internal infrastructure and resources needed to implement this significant piece of legislation? And secondly, and more importantly, do the First Nations communities who choose to exercise their right under this new bill have the necessary resources, skills and tools to work as equals in this new co-operative relationship with the government of Manitoba and, if not, how will their unequal status be overcome?

Once Bill 6 receives royal assent will also send a clear signal to UNESCO, the world body that bestows World Heritage Site designation, that Manitoba is serious about its commitment to pursue a UNESCO World Heritage designation for a 4.3 million hectare parcel of land on the East side of Lake Winnipeg.

The value of the ecosystems services that this sensitive ecological area provides was recently pegged at around a \$130M a year, according to a recently released report by the International

Institute for Sustainable Development. The report was prepared for Pimachiowin Aki, a not-for-profit corporation set-up by the First Nations communities whose traditional territory would encompass most of the proposed World Heritage Site. This assessment did not, however, account for the potential economic spin-off associated with tourism and other related community economic development opportunities that may arise as a result of UNESCO World Heritage Site designation. Such economic spin offs have been substantial in other World Heritage Sites.

Just in time for the festive season, these recent announcements by the government of Manitoba are truly gifts that will keep on giving for generations to come. The amendments to the Forestry Act and introduction of Bill 6 will most certainly create a lasting legacy of which this government can be proud.

*Don Sullivan is Director of the Boreal Forest Network*



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