

# Forest Caucus Report

A Newsletter of the Canadian Environmental Network Forest Caucus

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## NATIONAL & INTERNATIONAL

### Intergovernmental Forum on Forests Round III

Several "categories" or program elements were discussed at the third session of the Intergovernmental Forum on Forests (IFF) which recently took place in Geneva (May 3-14, 1999). Progress was achieved on categories related to forest valuation, rehabilitation of forests in environmentally critical areas, economic instruments and future supply and demand. There is no final agreement on a number of key proposals for action in several program elements: underlying causes of deforestation; traditional forest-related knowledge; forest conservation and protected areas; and transfer of technologies. There are heavily bracketed texts, indicating very little agreement, in the trade and financial resources program elements. Category III "International Arrangements and Mechanisms to Promote the Management, Conservation and Sustainable Development of all Types of Forests" clearly generated the most interest and a lot of controversy.

Anyone who has been to one of these international negotiating sessions knows that it is a mixture of high expectations and watching paint dry. There is a lot going on but very little happens. While there is great value in the watchdog role of NGOs at these sessions, the biggest benefit seems to be the networking and strategizing that goes on among NGOs involved in forest issues around the world. Canada's approach is somewhat unique in that NGOs and indigenous peoples are represented on the delegation and participate actively in the modification of Canada's interventions. While that restricts an NGO's ability to speak independently during the session, the reality is that NGOs and indigenous peoples' organizations (IPOs) outside of a country delegation

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## ENGOS & BUILDING CAPACITY

Welcome to our second issue!

As I see it, the main goal of this publication is information-sharing. Forest activists need to know what is happening in the rest of Canada and they need to know who is working on current issues. The public needs to know what is truly going on in our forests. By raising awareness, particularly with respect to national and international issues, we are also giving out information on where folks can go for particular expertise and how they can most effectively participate in changing the system.

The term 'building capacity' is somewhat of an all-encompassing phrase, but can entail a series of steps that culminates in fostering expertise. It begins with reading and talking to others about an issue. It continues with conducting research and strategically analysing the options. Finally, it ends with being able to knowledgeably assess the implications of further developments and devise the appropriate methods for combating environmentally destructive practices or policies at a variety of levels.

Whether the issue is climate change and forests, a global forest convention or certification issues, I believe that this publication can also serve ENGOS in a way that helps each of them build capacity as well.

Rita Morbia



"A student of forestry who found information on converting stands into even-aged regulated for- and suppressing fire, creating habitat or calculating optimum rotations. made of institutional or social issues.

The forester of the 20th century could go to his post in the woods, plan for a sustained flow of timber, mitigate the negative effects of harvesting, provide for other values where possible, and feel secure in the knowledge that he had carried out his professional duties. Of course, the 21st century will not be such a time . . . There are still a great number of unanswered questions about the future of forestry, and many of the answers that we do have start with 'It depends . . . ' The single most salient theme of this volume is complexity. The adoption of ecosystem management as a guiding philosophy for 21st-century forestry represents a move from simplified to complex conceptions of ecological and organisational systems. . . A corollary of the importance of recognising complexity is improving site-specific knowledge and management prescriptions. This is the key lesson of 20th century forestry: Beware of simple formulas applied over broad areas."

Kathryn Kohm & Jerry Franklin  
In 'Creating a Forestry for the 21st Century'

The deadline for submissions to the next issue has not been determined at this time. Watch for the deadline on the caucus email listserv or website. Please send articles, either directly to the editor or to the Caucus Coordinator. Email submissions are appreciated. Articles should relate to forestry issues and be under 500 words if possible. Please contact the editor for

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are afforded few opportunities to participate. IFF is a government to government process that can be very frustrating to those who expect a higher level of public participation.

Category III of the IFF's work program is meant to address the future of international forest policy after the final meeting of the IFF (IFF4). Canada and several other countries have been pushing for a legally-binding Forest Convention while others are strongly against it. The environmental community has been largely against such an initiative as they feel there are numerous existing conventions covering forests that are not being implemented. NGOs fear that debating a Forest Convention will just mean more talk and less action to save the world's dwindling forest ecosystems. There is a genuine feeling among the NGOs that the IFF process has been dominated by narrow economic interests, has used outdated procedures for "stakeholder" participation, and has often ignored or duplicated the work of existing agreements and initiatives such as the Convention on Biological Diversity.

In an attempt to rescue some form of legally binding instrument on forests, Canada and Costa Rica have linked up for the Canada-Costa Rica initiative, an intersessional program to explore the need for a legally binding instrument on forests and to better define what type of instrument that might be. Discussions under this initiative will be held in several locations around the world over the next 6 months. The North American session will be held in November.

The following is a summary of the Non-Governmental Organizations (NGOs) and Indigenous Peoples' Organizations (IPOs) concerns expressed at the third session of the IFF:

*In the 7 years since Rio, there has been much dialogue on forests. Meanwhile, over 100 million hectares of the world's forests have been lost or degraded. While dialogue has some value, NGOs*

*and IPOs are frustrated with the lack of impact on the ground. Governments have been unwilling to take action to solve the world's pressing forest problems. Governments have made many forest-related commitments in the last decade (e.g., the legally-binding Conventions on Biological Diversity, Climate Change and Desertification, the UNCED Forest Principles, Agenda 21's Chapter 11, the ITTO's "Year 2000" target, etc.). Two years ago, the Intergovernmental Program on Forests (IPF) Proposals for Action were added to these commitments. If these were all implemented, we believe that significant progress could be made. Unfortunately, little im-*



*plementation has occurred.*

The NGOs and IPOs are proposing a course of action to deliver on forest commitments that have already been made:

*Beginning immediately, each country should initiate a national process with the full participation of all major groups for implementation of all IPF proposals for action, the Convention on Biological Diversity, and other forest-related international agreements. This strategy must:*

- 1) identify any gaps in implementation and possible contradictions between these commitments and existing government programs;*
- 2) include a step-by-step timetable for implementation and reporting; and*
- 3) initiate mechanisms by which all interested parties will be involved in the implementation process, including in monitoring and reporting roles, and by which these parties will have access to*

*all information they need to participate effectively.*

*At IFF 4, the NGOs and IPOs will ask all countries to report on their progress.*

With regard to Category III (legally binding mechanisms), the NGOs and IPOs stated that such mechanisms must:

- Be innovative and different than the current process;*
- Focus on implementation of the IPF Proposals for Action at both national and international levels;*
- Create an effective international monitoring and reporting mechanism for implementation;*
- Create enhanced means of participation for civil society and major groups in the intergovernmental process itself and in implementation processes at both national and international levels;*
- Address the real underlying causes and non-forest-sector sources of forest mismanagement, degradation and loss; and*
- Create a new form of synergy and cooperation among existing international forest-related agreements and institutions, clarifying their relationship with the World Trade Organization, International Labour Organization, and other non-forest-sector institutions and agreements, including a revision of the Interagency Task Force on Forests to ensure transparency and strengthen participation by major groups.*

The NGOs and IPOs have committed to monitor the implementation of the IPF Proposals for Action and present their findings at IFF 4 to be held early in the year 2000 in New York. They will also explore the creation or enhancement of independent, non-governmental initiatives. Such initiatives could include new dispute-settlement and accountability mechanisms such as a "forest tribunal", additional market mechanisms like the Forest Stewardship Council, and enhanced monitoring mechanisms like Global Forest Watch.

by Cliff Wallis, International Issues, Forest Caucus, CEN

# The World Bank and Forests: Why Should Canadian ENGOs Care?

In July of this year, the CEN Forest Caucus hosted a meeting with Odin Knudsen, a representative from the World Bank, to discuss their Forest Policy Implementation Review and Strategy (FPIRS). Present were a few members of the Forest Caucus, a representative from IUCN (World Conservation Union) and the co-ordinator of the Halifax Initiative (an organization dedicated to reform of multilateral lending institutions such as the World Bank).

Most of us involved with forestry issues in Canada know little about the World Bank, except that it has oodles of money, and a reputation for financing environmentally-disastrous projects, particularly in the South. Moreover, why should we take the time to become familiar the World Bank's Forest Policy and participate in its FPIRS?

There are a number of important reasons. The World Bank lends approximately \$20 billion U.S. annually. Canada is a major contributor. Canadian taxpayer dollars, along with those of the U.S., France, Japan and Germany all contribute to projects that have serious implications for the environment. Second, the world's forests play an important role in matters of global environmental concern including the carbon budget, supply and demand of wood products and preservation of the world's biodiversity. Thus, although the individual forestry issues we tackle in Canada may often be regional or provincial in scope, we cannot afford to be narrow in our outlook. Increasingly, globalization and international trade issues directly impact forests in our neck of the woods. Finally, the World Bank's stated mandate is "poverty alleviation and sustainable development." ENGOs in Canada can influence decisions at the highest levels

through pressure on our representative to the World Bank. As a nation, we have a 'seat at the table' and are part of discussions around WB policies and proposals. Many forest activists are also directly involved in related social justice, indigenous peoples, and women's rights issues. For these individuals or organizations, especially, tracking the WB's FPIRS may be of particular interest.

According to its web page, the "World Bank offers loans, advice, and an array of customized resources to more than 100 developing countries and countries in transition." Its "main focus is on helping the poorest people and the poorest countries." Although referred to collectively, as the



'World Bank', it is actually more appropriately named the 'World Bank Group,' and made up of a number of lending institutions where each entity has a specific, slightly different mandate. Included are:

- The International Bank for Reconstruction & Development
- The International Development Association
- The International Finance Corporation
- The Multilateral Investment Guarantee Agency
- The International Centre for Settlement of Investment Disputes

The key decisionmakers at the World Bank include its 24 member Board of Executive Directors. They are appointed by members countries who are shareholders in the bank. France, Germany, Japan, the United Kingdom, and the United States have one executive director each, while the remaining countries are represented by 19 ex-

ecutive directors, elected by groups of countries (or constituencies). Some countries such as China, the Russian Federation, and Saudi Arabia are represented by a single Executive Director while other countries share an ED. Ms. Terry O'Leary, formerly from the office of the Honourable Paul Martin, Minister of Finance, currently holds the position of Executive Director for Canada.

The FPIRS has two main foci: a review and a strategy. The review will be conducted by the Bank's Operations Evaluation Department which serves in an internal auditor capacity and focus upon the 1991 Forest Policy. This review is scheduled to be completed by the end of 1999. It will include the results of six in-country studies as well as a portfolio review (inspection of internal Bank documentation and evidence). This review will encompass both projects that are directly forest-related, as well as WB financing of all other sectors and activities that have impacted on forests. It will include lending by all entities of the World Bank Group.

The strategy is a longer-term endeavour. It will elucidate the Bank's goals and targets in the coming years with respect to its forest policy. Not usually open to broad stakeholder input, the WB has, in this case, decided to construct a consultation mechanism that includes feedback from non-governmental organizations, indigenous peoples, academics and others. To this end, they have asked the IUCN to help design a process that is inclusive, open and transparent. A number of 'analytic studies' have also been commissioned. These cover a number of topics including forest markets and trends, role of plantations, economic instruments, carbon and forests, indigenous peoples and forests and structural adjustment and forests. They are available on the internet.

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The main component in strategy development will be a series of regional consultations. NGO representatives will be 'self-selected' and both the OED review and the analytic papers will help form the basis for discussion. There will be six regional consultations in various client countries, one in Europe and one in North America. Exact dates have yet to be determined. Once a strategy is written, preliminary feedback will be invited, more consultation will take place and a final strategy then sent to the Board of Executive Directors.

An excellent overview of the process is available at the World Rainforest Movement's website [www.wrm.org.uy/english/tropical\\_forests/worldbank.html](http://www.wrm.org.uy/english/tropical_forests/worldbank.html) where they point out the gains made in the 1991 Forest Policy. The Bank committed to:

- assess the likely impacts of forests of macro-economic and non-forest sector loans
- take into account the interests of communities in establishing plantations
- avoid funding logging in primary moist tropical forests
- condition other lending for forest operations on the inclusion of measures to safeguard the interests of forest-dwellers

Despite these commitments on paper, the Bank is mainly seen as a proponent of industrial plantation forestry. Between 1984 and 1994, it lent \$1.4 billion to create 2.9 million ha of plantations. Furthermore, the Bank acts as a catalyst for private sector investment, the extent of which far outstrips the banks own investments, and is often just as destructive.

It is important to note that the World Bank's energy policy, outlined in its paper, "Fuel for Thought: A New Environmental Strategy for the Energy Sector," went through a recent review as well. Although pressure was put on the Executive Directors to move towards a policy that assisted the world's two billion poorest people to have access to

environmentally safe energy, level the playing field for renewables and reduce greenhouse gas emissions through reduction of reliance on fossil fuels, suggestions from NGOs around the world were largely ignored. This does not bode well for the FPIRS.

Financing the Chad-Cameroon pipeline is under consideration by the World Bank and highlights major problems typically associated with its lending policies. Involved are a consortium of big oil companies that include Exxon, Shell and ELF. The project involves development of oil-fields in the southern region of Chad accompanied by a 600 mile pipeline to transport the oil to an Atlantic port in Cameroon. Without funding by the Bank, the project is not likely to attract needed investment by other agencies.

The southern region of Chad is rife with political tensions, and critics have compared the situation with that of Nigeria's Ogoniland. The 600 mile underground pipeline will pass through ecologically fragile rainforest areas. It will affect an area that is the home of traditional Pygmy hunters and gatherers, a minority ethnic group and create conditions that attract large numbers of outsiders in search of employment. Deforestation, poaching and loss of farmland are expected to increase significantly. Furthermore, the pipeline poses the risk of groundwater contamination, and pollution of nearby river systems. Cameroon already has some of the highest rates of deforestation on the planet, and both Chad and Cameroon are places where serious human rights violations have been recorded.

It is imperative that Canadian ENGOS become aware of the World Bank's destructive lending practices, and use the FPIRS as an opportunity to work for change. For more information, see the World Bank's website <http://wbln0018.worldbank.org/essd/forestpol-e.nsf/Mainview>

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## New Brunswick's Protected Areas Strategy – The Saga Continues . . .



By permitting logging and road building in the areas the New Brunswick government has proposed for protection, the very same New Brunswick government is demonstrating how truly weak its commitment to preserving natural areas actually is. But first some background.

Several years ago the New Brunswick government, like many provincial governments, committed themselves to implementing a Protected Areas Strategy. New Brunswick adopted the ecological representation approach rather than the percentage-based strategy favored by provinces such as British Columbia and Ontario. Politically, this was the only route that the government could travel. With only 1.4 percent of the province currently protected, adopting a target such as 12 percent would have resulted in a corporate rebellion. Secondly, unlike most other provinces, merely 48 percent of the land base is owned by the Crown. Therefore, if the protected areas strategy had dealt with the entire land base, major funding would have been required to make purchases of private land. Thirdly, as aerial video footage taken by the Future Forest Alliance has demonstrated, finding even 3 percent of New Brunswick that is somewhat ecologically intact is difficult, let alone 12 percent. The ecological representation approach is much more flexible in terms of the amount of land that can be preserved. The science around this

approach seems to be open to interpretation and in New Brunswick's case, Nature appears to be getting the short end of the stick.

The consultant who worked on the strategy divided the province into seven ecoregions and proposed that each would be represented by a minimum sized reserve of 25,000 hectares in order to preserve biodiversity. This size was justified by the fact that common natural disturbances, fire, wind and insect, disturb areas that range from 10,000 to 50,000 hectares and that the areas chosen needed to be large enough to survive this type of impact. Twelve candidate sites were identified, all together accounting for only 4.3 percent of the province.

However, two existing national parks and one provincial park are large enough to be considered representative for three ecoregions. Therefore, the bare minimum requirements include only four new parks to satisfy the government's protected areas strategy. A new report, yet to be released to the public, will consider whether some of the ecoregions are already represented by protected areas in neighbouring jurisdictions such as Maine or Quebec. This has the potential to further limit the protection the strategy can provide.

However, most outrageous of all, is that during the 4 months while this final report was being drafted, both logging and road building were permitted *within candidate areas* and are still being permitted to proceed in the 12 proposed areas. This is comparable to having twelve of Rembrandt's last paintings, appointing a committee to decide which ones to put in a museum and in the meantime using bits of each to light a fire in order to roast marshmallows. The 12 candidate sites are already relatively small and fragmented by past logging, road building and other development. To continue to allow these impacts to continue completely

compromises their ecological integrity.

Furthermore, the extent of these impacts is practically unknown. One analysis, compiled by the Department of Natural Resources for World Wildlife Fund at the beginning of the summer, indicated that between 10 and 20 percent of one of the areas might be logged this summer under the current five year logging plan.

Many New Brunswick environmental groups have protested the lack of interim protection. The Student Unions of all the universities in New Brunswick and student councils of many high schools issued a press release calling for interim protection. With the aid of a friendly pilot, the Future Forest Alliance has been flying politicians and media over the areas but so far the government has refused to budge, citing contracts with forestry companies that do not allow them to halt activities.

There is some hope. In a surprise turn, a new conservative government has been elected. The new Minister of Natural Resources stated that he supported interim protection in a questionnaire conducted by the New Brunswick Environmental Network prior to the election. But now that the bureaucrats and almighty forestry lobby have him in their clutches, it is difficult to say what will happen. Hopefully, he will deem all twelve areas parks. An official petition is being circulated as a reminder to the government.

If anyone has any ideas or experience with similar processes in other provinces we'd appreciate some advice:

Future Forest Alliance of New Brunswick,  
167 Creek Rd,  
Waterford, NB, E4E 4L7  
Tel: (506) 433-6101  
Fax: (506) 433-6111

It will be much appreciated!!

## Cree Nation of Eeyou Istchee Challenge Forestry status quo in Northern Quebec

For years the hunters of the Cree Nation of Eeyou Istchee (James Bay Region) have been warning that harvesting rates upon their hunting territories are incompatible with their hunting and fishing way of life. The trappers have said that if allowed to continue, widespread clear-cutting will force many of them off the land. Since 1975, when the *James Bay and Northern Quebec Agreement* was signed with Quebec and Canada, the Crees have endured an 8-fold increase in the amount of forest cleared annually. According to management plans, companies operating in Eeyou Istchee will clear-cut about 800 square kilometers this year. This is equivalent to more than one Cree hunting territory being cleared annually. Considering that several families often depend upon a single hunting territory and that in the 5 Cree communities affected by forestry over 1000 thousand Crees still derive the majority of their food from the forest, decisive action was required.

In response to this threat to Cree hunters, the Grand Council of the Crees (Eeyou Istchee)—representing the collective interests of the Cree Nation—was mandated to take legal action to halt the ongoing expansion of forestry activities in hope of ushering in sustainable forestry practices that are in step with the needs of Cree hunters. This lawsuit, known as *Mario Lord et al. v. the Attorney General of Quebec et al.*, was filed in July of 1998. Due to the number of parties involved in this case, the governments of Canada and Quebec and 27 companies including Domtar, Tembec, Barrette Chapais, Chantier Chibougamau and Norbord, and the complexity of the legal issues, the Crees expect this case to take a number of years to be fully heard. In the mean time the clear-cutting would continue unabated and most likely increase given that the government recently allocated an additional 10,000 square kilometers of forests north of the 50<sup>th</sup> parallel to forestry companies. For these reasons, the Grand Council of the Crees (Eeyou Istchee) felt it was necessary to file two additional interlocutory injunctions to stop logging in specific Cree hunting territories and challenge the status quo of current for-

est management in Eeyou Istchee.

The first injunction case, filed on July 8<sup>th</sup> asks the court to place an injunction on the approval of any new forestry management plans or cutting permit until these plans have undergone thorough social and environmental review and assessment as directed in the *James Bay and Northern Quebec Agreement*. To date there has been disagreement over whether forestry plans are required to undergo environmental review. The Crees are now asking the courts to decide. The second injunction was filed on August 3<sup>rd</sup>. In this case the Crees are asking the court to stop logging on a series of hunting areas which are sensitive, either because of their extreme northern location or because they have already been seriously affected by forestry exploitation. Both of these cases are linked to the main case, *Mario Lord v. Quebec et al.*

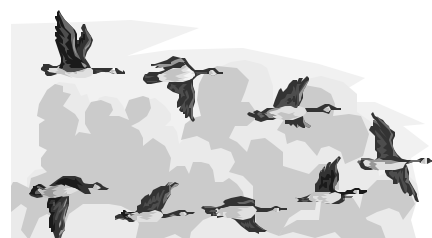
At the heart of each of these court actions is the *James Bay and Northern Quebec Agreement*. While the *Agreement* does not specify that forestry cannot take place within Eeyou Istchee, it does state that these operations must be compatible with Cree traditional pursuits. In other words the Crees have a right to a subsistence economy and the related right to a land base that has the integrity to support this economy. Because the *Agreement* was recognized under 35 section of the Canadian Constitution as a treaty, the right to a subsistence way of life supercedes other legislation, including Quebec's *Forest Act*, or any other rights granted to third parties like the forestry companies. In effect, the Crees' rights have priority over all others.

Unfortunately, Quebec and the forestry industry are pursuing a path that endangers these rights. Each year as the forestry companies push further and further north and as the size and volume of the trees decreases, more and more land has to be clear-cut to maintain existing levels of production. It is unfortunate that mill capacity and not the ecological carrying capacity of the forest dictates forest management. In describing current logging operations one Cree hunter was quoted as saying,

“The animals don't say anything. They just leave...I can hear the cutting all day and night.” This eloquently explains in part why moose have become scarce in areas where logging activity is the greatest.

It may even explain why members of the industry are beginning to recognize that large-scale industrial forestry in the boreal may not be compatible with subsistence activities. In a recent Norbord publication, the company's Vice President, Jean Roy, is quoted as saying that the Crees may have justification for pursuing his company in court when the *Agreement* is held up against the *Forest Act*. As Roy says, “When you read the James Bay Agreement and the law on forests and the environment, they may not be compatible. So on that basis, their contention must be listened to and considered.”

Roy's comments echo what the Crees have been saying for over twenty years. Because governments and the companies have neglected to consider the Crees or their rights in when they expanded north into Eeyou Istchee, the Crees were left with the options of fighting for their treaty rights in court or on road blockades. As a first option the Crees are trying to use the courts to bring change to existing situation. The Crees believe that the court will recognize and affirm the commitments that both Canada and Quebec made to the Crees in signing the *James Bay and Northern Quebec Agreement*. The Crees hope that once their rights are affirmed by the court, then all parties involved will be able to work together to develop a forestry industry founded upon the ecological carrying capacity of the forest and not merely its financial capacity. Only when this goal is achieved will forestry be truly compatible with the subsistence needs of the



## Tories Unleash Living Legacy

After four years of scorched earth downsizing and massive deregulation of environmental protection laws and policies, Ontario's Progressive Conservative government signaled the pre-election race for public support had begun with its March 29 announcement that they would double the amount of land protected as parks and conservation reserves. The carefully orchestrated announcement was as thin on analysis as the northern soils that support the forest that would fall in its wake. Despite the rhetoric and photo opportunities, the real story is as much about increased industrial exploitation on 88% of the land base as it is about the appearance of protection on the much-touted 12%.

Sudbury's Science North was the scene for the provincial government's March 29th unveiling of the *Living Legacy*, hailed by all assembled supporters as the triumphant conclusion to the divisive "Lands for Life" land use planning process which had rocked meeting rooms around the province for close to two years.

Earlier this year, the previously public process had gone private, and discussions moved to a backroom for negotiation among the major forest companies, a coalition of 3 of the province's largest conservation groups, and the Ministry of Natural Resources. The result was the "Forest Accord", a 5-page document outlining a shared commitment to increase the parks and protected areas in the planning area to 12%, as well as a commitment to support the renegotiation of forest management standards and rules for forest management practice on crown land.

But the Forest Accord - as ominous as some sections are - tells only part of the *Living Legacy* story. The March 29 announcement also included a "Proposed Land Use Strategy", the government's response to the consolidated recommendations of the three Lands for Life regional round tables,

and a fistful of announcements contained in media releases and back-grounders. No single document tells the full tale, and, indeed, the story changes from one document to the next (for example, the Forest Accord describes the protected areas as free of mining, logging and hydro-electric development, while the other documents clearly declare many of the "protected" areas open to mineral exploration and mine development).

It's a mixed bag of tricks from which the Tories drew. On the positive side, doubling of the protected areas system is no small feat, and many extremely significant and ecologically valuable areas are now part of the proposed list of lands to be kept free of industrial exploitation. These areas include some magnificent sections of the Superior coastline, a substantial chunk of the ancient forests of the lower Spanish River system, and a suite of island and mainland designations in the Lake Nipigon area.

But then there are the negatives, and they are also numerous. The deal will leave many of the protected areas open to mineral exploration, and establishes that additions to the protected areas system can only be achieved as a result of a "surplus" in timber supply resulting from increased intensification (read "spray, plant, fertilize, spray, spray, fertilize, spray, spray, cut, spray, plant ...." etc.). The three signing environmental / conservation groups also agreed to support the spread of industrial forestry to north of the 50th parallel, without the benefit of an environmental assessment, and to the weakening of forest management rules, including dropping "diversity" objectives.

Not to diminish the concerns with forest-related impacts, perhaps the most worrying aspect of the Living Legacy package is the total exclusion of both the First Nations and the public from the decisive negotiations. For First Na-

tions, this failing also applied to the Lands for Life process itself, where the provincial government refused to deal with First Nations on a government-to-government basis, and aboriginal members of the regional roundtables were either there as individuals, or removed themselves in frustration from the process after several months of failed attempts to have the authority of First Nations' governments adequately recognized.

From a public perspective, one can only conclude that if the most critical set of land use decisions in the history of the province can be made behind closed doors, there is no rational cause to believe that the next round of discussions - those which will reshape forest legislation and legal requirements for forest management standards - will be any more accountable, or any more satisfactory.

Within days of the March 29 photo-op-supreme announcement, Premier Mike Harris released his party's provincial election document, titled the "Blueprint" for Ontario (quickly nicknamed the "bootprint"). A three page environmental spread is dominated by a map of the "Best Park System in Canada", and a claim that the Living Legacy emerged as a result of the Lands for Life processes, and "a historic partnership . . . between environmentalists, industries, and government."

The deal makes history, to be sure.

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# Lands for Life – the Good, the Bad and the Future

Some have found great fault with the outcome of the Lands for Life land-use planning process for Ontario's mid-north and even more fault with the role that environmental organizations played in it. A review of the facts tells a different story.

Concern exists that all the new parks are open to mining. In truth all new parks are currently protected from new mining staking. Mine development is a possible risk in the claims that pre-exist park boundary establishment on May 17<sup>th</sup> (about 200 ha. Of 2.4 million). No new claims can be staked in any of the new or pre-existing parks at this time. This does not mean that the government may not re-open this issue at some time in the future. But if they do we will be there to ensure that our parks are protected.

Some have suggested that our organization supports changes to parks policy that enshrine the right to hunt. Nothing could be further from the truth. Under pre-Lands for Life park policy hunting has been allowed by exception in several classes of parks and prohibited in nature reserve and wilderness class parks. We endorsed this approach and have opposed the changes made which enshrine hunting in all new parks and introduce hunting as an option in wilderness and nature reserve parks.

The Toronto Star has contended that "*outside of the parks the deal was even worse. A Forest Accord, signed by the wilderness groups, doesn't protect the forest so much as the forest industry*". Is that the case?

Before Lands for Life the forest industry had licenses for all lands that were not in parks. All lands newly protected (2.4 million ha.) had to be taken from some company's license area. We may not like it, but over the last 25 years our governments had assigned every hectare of land within the region to timber interests. We had to take some of it back.

Removing large land areas from timber production brings with it the risk of impacts on mill operations, up to and including risks of reducing mill employment and negatively impacting communities. We were convinced, and proven correct, that we could protect wild areas while ensuring wood flow to the forest industry. We thus gained government and industry support for a negotiated solution.

As a result we committed to finding offsetting wood volumes to replace those lost by protected areas establishment. Some of the instruments used include changes to stumpage fees to encourage utilization of waste wood, between company transfer of surplus wood, and re-inventory of previously planted

**... over the last 25 years our governments had assigned every hectare of land within the region to timber interests.**

lands.

We also committed to studying the possibility of permitting intensive forestry on some lands, subject to a complete scientific and public review. These wood volumes would be shared equally for new protected areas (greater than the 12% already established in the region) and industrial use. Sharing increased wood availability with conservation has never before happened in Ontario.

The First Nation communities north of the L4L area are in discussion about industrial forest development with government and industry. The forest accord requires that protected areas be established and that first nations agree before any forest harvest licenses are signed. If we can ensure this happens it will represent the first time that

proper land-use planning precedes forest harvest licensing anywhere in Ontario.

In summary the efforts of the Ontario public in Lands for Life has resulted in:

- 2.4 million hectares of land removed from immediate harvest, road building and access threat, doubling the protected areas system to 12% within the region;
- a requirement to conduct land-use planning and park establishment in advance of resource allocation in the far north;
- a Forest Accord Board that gives equal membership to environmental groups, industry and government after we have been locked out of a decision-making for years;
- an engaged public and a government and forest industry newly sensitized to the fact that the environment matters and that progress can be made to solve problems.

Not surprisingly to most people there are many components to a complex and highly politicized process like Lands for Life. At the end of the day we need to ask "Are things better or worse than before the process began?" Clearly things are better and we have made significant progress of which we can all be proud. It is also clear that we must secure the gains made and forge ahead to complete our parks system and conserve public forests. The results of Lands for Life have made a very good start, and our organization is proud to have played a key role.

Tim Gray  
The Wildlands League  
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## Wilderness Threatened by Tembec Expansion

Pine Falls Paper Company (PFPC), an ancient newsprint mill located on the Winnipeg River, was purchased in early 1998 by Quebec-based, debt-ridden Tembec Inc. Even before the buyout, Tembec publicly announced huge expansion plans, including a new TMP mill, 2 or 3 100 million board feet sawmills, perhaps a 100 million board feet OSB mill. The fact that all of the trees for these expansions would come from public forests or that other interests might have different views about the use or non-use of these forests did not appear to be of concern. The assumption was that the forests were theirs for the taking.

Of the close to 6 million ha in the expanded Forest Management License Area (FMLA), the lands and waters that would be most impacted are bound by Lake Winnipeg to the West and the Ontario border to the East. This shield boreal forest is characterized by long, cold winters, short summers, thin or peaty soils, cold and nutrient poor waters. It is not an area of high "productivity" for either intensive forestry or fishing. However, it is an area that is exceedingly rich in Aboriginal culture, archeology, and wildlife. Rivers such as the Bloodvein, a Canadian Heritage River, offer exceptional wilderness canoeing, in addition to archaeological and wildlife viewing

opportunities.

Present logging access is primarily through a winter road network, however PFPC desires close to 800 km of all weather access road. There is no land use plan in place for this area. The new road would cross many streams, rivers, wetlands and open the area to other "developments", i.e. land use planning by default!

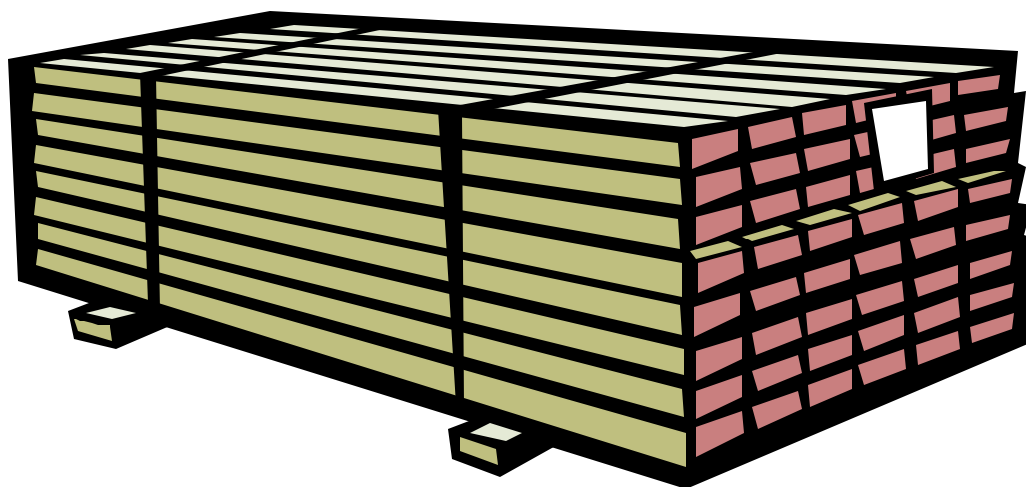
This logging road would change the nature of the area forever, as well as the lives and lifestyles of Aboriginal peoples. Traditional land use practices continue and hunting, trapping, fishing, wild rice gathering, berries, medicinal plants, sacred sites are still important to the lifestyles and economy of the area. Very little is known about the woodland caribou herds on the eastern portion but the impacts of roads and logging on this "vulnerable" species (as listed by the Committee on the Status of Endangered Wildlife in Canada) have been well-documented.

Despite the huge forestry allocations in Manitoba, forestry contributes only 0.2% to our provincial GDP. To ignore the other interests in and values of the forests for a very small contribution to our economic well-being is not justifiable on any grounds. However, the Filmon government appears to be willing

to give serious consideration to spending hundreds of millions of taxpayers' dollars on financing this road, while ignoring the huge social, cultural, environmental and human health costs. This is the province that writes and talks endlessly about sustainable development!

Despite national and provincial commitments to public consultation and input into forestry allocation and management decisions, there has been no public consultation on the use or non-use of these forests. All of the negotiations are occurring behind closed doors and, just as with all other forestry allocations in Manitoba, the public will only be involved after all of the irrevocable decisions have been made.

A new Coalition for Sustainable Land Use Planning on the East Side needs all the help it can get to persuade this government to slow down and follow the recommendations of its own SD implementation committee for comprehensive large area planning before significant decisions are made. Letters asking for protection of wilderness, wildlife, traditional land uses, and broad public consultation on sustainable land use planning should be sent to Manitoba Natural Resources Minister, Glen Cummings at [minnr@gov.mb.ca](mailto:minnr@gov.mb.ca).



For more information,  
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Alice Chambers  
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*The following is a press release issued by the Manitoba Future Forest Alliance as well as a number of other groups on an important federal court decision.*

June 30, 1999

For Immediate Release

## **Canadian Citizens Punished for Challenging the Federal Government to Protect the Boreal Forest**

### **Senate Report Urges Feds to Protect Boreal Forest too**

**Toronto.....**A recent Federal Court decision sends a chilling message that Canadian citizens should not question the federal government's interpretation of the Canadian Environmental Assessment Act (CEAA).

Trial Division Judge Marc Nadon supported the federal government's position that only a small bridge over a small creek in an 11 million hectare Boreal Forest logging project needs to be environmentally assessed under CEAA.

The logging licence entitles BC-based Tolko Manitoba Inc. to clear-cut 20% of Manitoba over 13 years. The entire development includes constructing 860 km of all-season roads, 20 bridges across remote navigable waterways, building a new mill and expanding two existing mills at The Pas. Environmentalists and scientists believe the project will have significant effects on fish in the vast system of lakes, rivers and streams, on the millions of migratory birds from the tropical forests of Central and South America, as well as on the moose, elk, black bears, gray wolves, cougars, American bald eagles and woodland caribou.

Judge Nadon also ruled in the government's favour by awarding its and the Company's costs against the applicants; the citizen volunteer organization Manitoba Future Forest Alliance (MFFA) and founder Don Sullivan. Nadon's decision is tantamount to ruling the case frivolous.

"This case was not frivolous," said Burkhard Mausberg, Executive Director of the Canadian Environmental Defence Fund, which supported the MFFA case. "It was firmly grounded on the recent decision handed down by another Federal court judge, Mr. Justice Gibson in Alberta's Sunpine Case. As well, 10 years ago, the federal government had decided that a full environmental assessment would be required for the very same project that was proposed by a predecessor of Tolko's. We have no alternative but to appeal the decision but we will have to raise the funds first," Mausberg said.

The June 28<sup>th</sup> Report of the Senate subcommittee on the Boreal Forest, based on three years of investigation across Canada and internationally, urgently calls on the Federal Government to "use its existing constitutional authority...to ensure a strong federal involvement" in the protection of the boreal forest.

"This case is the latest and certainly the most extreme to date of a clear pattern of federal and provincial behaviour," said environmental lawyer Rod Northey, who acted for the MFFA. "The federal government appears to want out of its responsibilities for fish, fish habitat, and migratory birds and prefers to let the provinces do what they want with these jurisdictions. This decision certainly supports this approach by the federal government," he added. "The additional problem in this

case," cautioned Northey, "is that the government of Manitoba has no interest in conducting an environmental assessment either, choosing instead to let Tolko get on with logging the Boreal Forest as quickly as possible."

Once the trees are cut, reforestation will take 100 years or more and the existing ecosystem may never be duplicated. As well 25 Cree First Nations communities live off the land within the licenced area. Most of the trees will eventually end up as paper bags to ship cement.

The CEDF was founded in 1984 and is a national, charitable organization, dedicated to helping citizens gain access to environmental justice. CEDF provides funding and access to legal representation and expert scientific resources. To date, CEDF has provided some \$4 million in assistance to more over 150 individuals and grassroots organizations.

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A copy of the decision is available by calling the Canadian Environmental Defence Fund. The decision was handed down on June 18, 1999.

For further information, please contact:

Burkhard Mausberg, Executive Director, CEDF, (416) 323-9521  
Birchall Northey (416) 994-2972  
Don Sullivan, Executive Director, MFFA (204) 947-3081

## Grim Picture for Province's Forests

Recent events in Saskatchewan's forest industry give rise to increasing environmental concerns for the province and for the planet.

In April 1999, the Saskatchewan Government announced a doubling of the commercial timber harvest. The announcement came as a complete surprise to the environmental community as well as the government's own Provincial Forest Policy Advisory Committee.

The doubling of the harvest translates into 4 new sawmills, 2 new oriented strand board (OSB) plants, plus expansions to a variety of existing mills. Due to backroom business deals, it also translates into a tripling of the softwood harvest in the central portion of the province's commercial forest. Unfortunately, the provincial inventory data is outdated and what information does exist, is of poor quality. The province's analyses for future harvests are clearly flawed. For example, the large and increasing backlog of non-regenerated stands are not accounted for by the Saskatchewan government.

The Saskatchewan government has no idea if there are enough trees to double the cut. Having so-called 'sustainable' cutting plans based on outdated and inadequate information makes them dangerous and irresponsible. Who will be accountable 20 years from now when the fear of ecological disaster becomes reality?

Throughout the 1990's, the timber harvest in Saskatchewan signifi-

cantly increased. Now it will double. Little has been done to address the question of how present and future cutting will impact the forest. There have been no environmental assessments or reviews to determine if a doubling of the harvest is ecologically feasible. Due to the definition of "development" under the Environmental Assessment Act, it is quite possible that many of the new expansions and developments will slip through the cracks, foregoing the requirement for environmental impact assessment. This leaves us in a situation where individual, scattered projects are not assessed, but when implemented, their cumulative effects resemble a forest "mega-project."

Saskatchewan is intensively cutting where biological diversity in the forest is highest. Forests in the north, not yet economically viable have much lower biodiversity. Saskatchewan's program to set aside protected areas for the preservation of native biodiversity is called the Representative Areas Network (RAN). With few exceptions, most of the new protected RAN sites in the commercial forest are too small to maintain their own long-term ecological integrity. Industry is actively involved with the decision-making for setting aside protected areas and it is

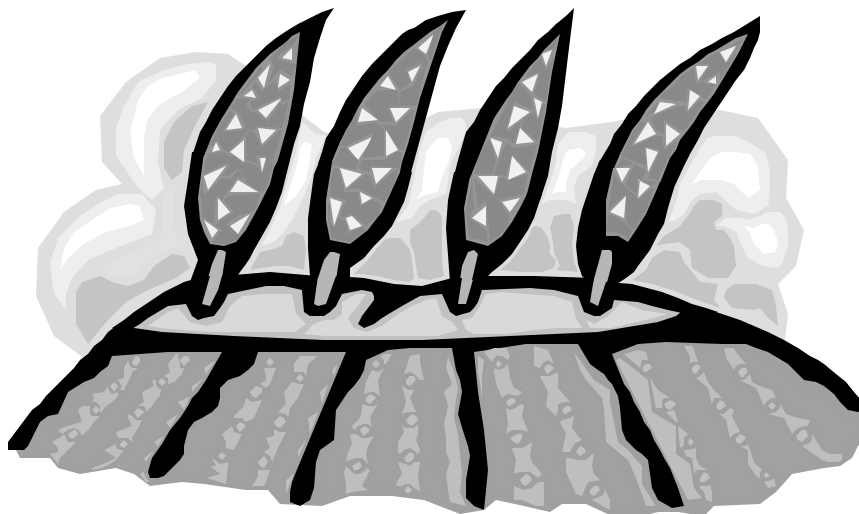
no surprise that a significant portion of protected sites are wetlands where there is little or no merchantable timber.

Concerns about the inadequacies of the boreal RAN have been raised by environmental groups, co-management/stakeholder groups, and interested Saskatchewan residents. Unfortunately, the concerns have fallen on deaf ears. A campaign for Saskatchewan activists continues to target protection of quality wilderness in the Dore and Smoothstone Lakes area, located in the central part of the commercial forest. As in the past, government continues to ignore public concerns and recommendations.

In June 1999, Weyerhaeuser assumed control of MacMillan Bloedel's forest management area. This means that Weyerhaeuser now operates in well over half of the commercial forest in Saskatchewan. It also means that Saskatchewan has an American company cutting the majority of our commercial forest. This fact raises grave concerns regarding "free trade" policies. Potential challenges to environmental legislation or policy by industry, claiming they are barriers to trade are worrying. On top of everything else, Saskatchewan

could lose its ability to exercise already weak environmental protection measures over its forests.

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## MacBlo Buyout Signals Need for Tenure Reform

While the MacMillan Bloedel (MB) takeover announcement appeared as a shock to many people from industry, government and the conservation movement, it really shouldn't have been a surprise. Clearly, MB has been positioning itself for sometime for a takeover. While MB's environmental initiatives have been placating its critics and impressing its customers, it has also been liquidating its private holdings and generating a profit. These aspects make it a valuable purchase. When MB announced early in June that they were prepared to "give up some of their tenure to communities and First Nations," perhaps they were actually preparing to give up all of their tenure by selling it to Weyerhaeuser!

The MB takeover is a bad deal for British Columbia. It will result in an increased concentration of corporate control in this province's forests. The MB initiative to reform forestry; conserve old growth forests; and help lead other companies to more ecologically sustainable forest practices is now stalled. While we wait for Weyerhaeuser to study the initiatives and for the government to approve the decision, the MB staff are lame ducks regarding any further decisions regarding the adoption of better forestry practices. MB's promises in Clayoquot Sound with First Nations and conservationists is now in limbo, as is the status of the LRMP in the Central Coast and the future of the Great Bear Rainforest.

In most cases, what is good for shareholders is not what is good for the public, the owners of Crown forests that are leased to MB. In the present context, the government's rush to settle the compensation issue with MB appears to be related to preparing the company for purchase. It creates doubt around the government's prior knowledge of the possible purchase. Many are incredulous that the relatively small amount of volume lost in the timber licenses to parks should be compensated to the tune of \$84-

million, when the entire company is worth only \$3.6-billion.

If the MB takeover is approved, Weyerhaeuser will own 224,000 hectares of private forest land on Vancouver Island. Some of this property adjacent to the new Island Highway could end up being developed. In the U.S., Weyerhaeuser has developed thousands of acres of its forest holdings, to the detriment of wetlands and wildlife. Weyerhaeuser is already the largest private landowner of forests in North America. Most of its forests are intensively managed on short rotations. Intensive management does not bode well for non-timber, ecological values. For example, it has contributed to the endangerment of salmon in the U.S. The results of intensive management south of the border should serve as a warning: this is where B.C. could be headed if it continues to follow the path of greater corporatization of its forests.

Weyerhaeuser has a sad track record in the U.S. with fines for pollution and price-fixing and a poor record of exporting logs and laying off workers. In B.C., Weyerhaeuser was recently the first major forest company in the four-year history of the Forest Practices Code to be brought to court on charges, in two separate cases, for a total of fifteen alleged watershed-related infractions near Penticton.

The public needs to question this takeover deal and use media attention on this issue as an opportunity to pressure the government into restructuring the entire tenure system. A company's value is, in part, determined by the leases it holds on public land. The fact that these companies can be bought and sold and combined into larger and larger mega-corporations controlled by the global economy, is a sign that the current system only benefits corporations and not British Columbians or ecosystems. If this government was serious about its commitment to

sustainability and the health of B.C.'s resource communities, it would hold off making the decision and instead, begin an honest public process to review and reform the tenure system. What B.C. needs is not greater corporate control of public forest land, but a redistribution of forest tenure to provide communities, First Nations and ecoforesters the opportunity to sustainably manage their fair share of the land base.

While the government has promised a public review of the proposed transfer, in the past these reviews have merely been a whitewash. If the takeover is approved, the government, should, at the very least, retain its ability to withdraw 5 percent of the AAC (approximately 250,000 cubic metres). This volume could be used to pay off the compensation claim, as well as provide volume for local community forest tenures.

Instead of being pleased to see that a U.S. firm is willing to "invest" in the province's troubled coastal forest industry, B.C. government leaders should be concerned that a global forestry giant likely wants to fatten itself on the scattered remnants of our ancient rainforests and perhaps profit greatly by subdividing some of Vancouver Island's E&N railway land. Instead of hoping that Weyerhaeuser will continue with MB's end to clearcutting, British Columbians should be concerned about handing the keys to many of our coastal forests over to the Americans.

For more information, contact:  
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 coop@wkpowlpowerlink.com

# ACTION ALERTS AND NEWS ITEMS

## NEW FOREST COALITION FOCUSES ON GREAT LAKES AREA

The second Great Lakes Forest Coalition meeting was held in Toronto on May 8-9, 1999 and brought together forestry activists from Minnesota, Michigan, Wisconsin, Illinois, Pennsylvania, and Ontario.

After regional updates, there was much discussion as to the purpose and function of this new coalition. It was agreed that the coalition would be a valuable asset to members, as the issues we face often encompass particular geographical areas, and cut across political borders. Given this reality, it makes sense to look at a larger regional picture.

The coalition hopes to play a watchdog role in monitoring forestry issues as they appear in the region. The coalition will also allow its members to keep in mind a broader perspective and be a network of support upon which to draw.

Members discussed issues around the internal structure of the coalition and approved a mission statement. As well, the coalition decided to set up a member's listserv and a web site (still under construction). A map detailing the geographic area of the coalition will also be developed in the near future.

The coalition agreed to meet again the weekend of November 5-7 in Michigan. Possible meeting topics include NAFTA and trade barriers, information-sharing around legislation, coalition structure, and networking.

For more information contact:  
Kyle Ferguson of Earthroots  
(416) 599-0152 or  
Lara Ellis of Wildlands League  
(416) 971-9453.



## RESEARCH RESULTS: NEW BUREAU OF FORESTRY CUT- TING PRACTICES DAMAGE WILDLIFE

A report of research by two Penn State scientists identifies the harm to birds and salamanders from a recently established Bureau of Forestry cutting policy known as a "diversity cut."

This policy which was adopted in 1992 will be implemented on extensive tracts of state forest land as a variation in traditional clear cut harvest practices. When adopted the Bureau was unhappy with clear cut harvesting because it could not guarantee the regeneration of the kinds of species that the foresters wanted. So they developed a "reservation policy" in which trees of the desired species were "reserved" or left standing while the rest of the area was clear cut. This would help to produce the species mix the foresters wanted.

In developing this policy there was no prior investigation to determine what effect the practice would have on forest flora and fauna, just as was the case traditionally with clear cutting. But several scientists at Penn State, led to Prof. Richard Yahner, a bird specialist, were curious about that effect and designed an experiment to determine just how both birds and salamanders fared as a result of the new "diversity" cut.

They examined ten diversity cuts and ten adjacent "reference" stands to determine the impact of the cuts on bird and salamander communities. For birds, while they were somewhat more abundant in the diversity cut than in the traditional clear cut in which no trees were left, they were not as abundant as in the reference stands. Terrestrial salamanders, on the other hand, were absent from all areas that had undergone diversity cuts although they were present on adjacent reference stands.

While the research results were directly specific to the new diversity harvest policy of the Bureau of Forestry, they were also quite relevant to traditional

and unmodified kinds of clear cuts.

Source:  
1997-98 report of the School of Forest Resources of Penn State, page 33.

## FORESTRY BIOTECHNOLOGY JOINT VENTURE

Fletcher Challenge Forests, International Paper, Monsanto Company and Westvaco Corporation announced their intent to form a forestry biotechnology joint venture to produce and market tree seedlings that will improve forest health and productivity for the forestry market worldwide. The four companies will contribute \$60 million (US) in total over five years to the joint venture and provide the business with substantial biotechnology resources to begin operation. The participating companies envision the joint venture as a worldwide magnet for future developments in forestry biotechnology. The four companies believe that as international demand for wood fiber increases, significant business opportunities will result from additional breakthroughs in forestry science. The joint venture will focus its efforts on tree species that represent a majority of the seedlings now planted by the forest industry around the world. The joint venture's initial efforts will involve various eucalyptus and poplar species, Radiata pine, loblolly pine and sweetgum. Targeted genetic improvements include:

- herbicide tolerant planting stock to enable more cost effective, as-needed control of competing vegetation;
- higher growth rates to allow more wood to be grown on less land at lower cost;
- improved fiber quality and uniformity to increase efficiency in paper and wood products manufacturing processes.

These improvements are expected to enable forest landowners to meet the growing demand for paper and wood products while strengthening their ability to manage forestlands in a sustainable and eco-efficient manner for the benefit of future generations. Increasing the productivity of the tree



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