



# MANITOBA ORDER IN COUNCIL

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DATE: **October 14, 2009**

ORDER IN COUNCIL NO.: **00339 / 2009**

RECOMMENDED BY: **Minister**

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## ORDER

Approval is given to the Minister of Conservation's proposal to dismiss three appeals filed in September 2009 with respect to Environment Act Licence No. 2896, pursuant to section 27(2)(d) of *The Environment Act*.

## AUTHORITY

*The Environment Act*, C.C.S.M. c. E125, states:

### Appeal to minister

**27(1)** Except as may be otherwise provided in this Act, any person who is affected by

(a) the issuance of a licence or permit by the director;

may make an appeal to the minister that includes the reasons for the appeal and any facts relative thereto, within the following periods:

(f) in the case of a decision, issuance, refusal, order, instruction or directive or the imposition of limits, terms and conditions or the disposition of the appeal, within 30 days of the date thereof;

### Disposition of appeal by minister

**27(2)** Where an appeal is made to the minister pursuant to subsection (1), the minister may, on such considerations as the minister deems advisable do any or all of the following:

(a) require the commission to hold public meetings or hearings on the matter; or

(b) refer the matter back to the director for reconsideration; or

(c) vary, cancel or stay the decision appealed against; or

(d) dismiss the appeal;

and shall within seven days from the date of the decision, send by registered or certified mail to the appellant, or serve on the appellant, notice of the decision of the minister.

### Lieutenant Governor in Council approval

**27(3)** Notwithstanding subsection (2), where an appeal is made with respect to a decision described in clause (1)(a), (b) or (d) of this section, the minister shall refer the proposed disposition of the appeal to the Lieutenant Governor in Council for approval.

## **BACKGROUND**

1. On March 14, 2008, Tolko Industries Ltd. filed a proposal pursuant to *The Environment Act* to construct and operate an all season forestry haul road through Grass River Provincial Park (Dickstone South Road) to facilitate the delivery of wood to its plant at The Pas.
2. The Director of Environmental Assessment and Licensing issued Environment Act Licence No. 2896 to Tolko Industries Ltd. on August 12, 2009.
3. Three appeals of that licensing decision were filed with the Minister of Conservation in accordance with section 27(1) of *The Environment Act*.
4. The Minister has considered the appeals, and proposes to dismiss them.
5. The Minister has referred the proposed disposition of the appeals to the Lieutenant Governor in Council for approval.