

March 7, 2008

Minister Christine Melnick
Manitoba Water Stewardship
Room 314 Legislative Building
Winnipeg, MB R3C 0V8

Comments to: Watershed Planning and Programs Branch
Manitoba Water Stewardship
Box 20000, 123 Main Street
Neepawa, Manitoba R0J 1H0

Re: Conservation Districts Framework for the Future – Framework Discussion Document

The purpose of this communication is to convey Manitoba Wildlands' comments and concerns regarding the November 2007 Manitoba Water Stewardship document, *Conservation Districts Program Framework for the Future Discussion Document* (the 'CD Discussion Document').

Our first comment relates to the lack of a clear process regarding information and decisions about the CD Discussion Document. Information as to who will see and review comments, where comments will be publicly available and posted and when, and how comments will be reflected in the final Framework, for instance, is absent from the CD Discussion Document. It is not even clear whether all Conservation Districts will be afforded the opportunity to review comments from the public.

A public review process of this nature warrants a public registry file, yet this process is not referenced as such on the Manitoba Water Stewardship webpage of public registry files (http://www.gov.mb.ca/waterstewardship/water_info/public_registry.html) and no file is found within Manitoba Conservation's public registry (<http://www2.gov.mb.ca/con-cat/Regquery.htm>). The establishment of a public registry file for the CD Framework process would be a straight forward way to facilitate public access to comments and responses from the reviewers.

In terms of the content of the CD Discussion Document, there are several issues of concern that we would like to call to the attention of Manitoba Water Stewardship. We request these be addressed in the final CD Discussion Document, and that written correspondence be sent to our offices in response to these concerns.

Funding for Conservation Districts

The CD Discussion Document acknowledges that the current funding formula does not anticipate the dramatic growth in the number of CDs, the number of watersheds in CDs, and the costs of watershed planning.

The \$78,000 operational and administrative grant to each CD from the province is clearly inadequate without supplemental funding. It is not clear what municipal funding or municipal operational grant is earmarked by each Municipality for the CD for their watershed. Additional information is needed regarding the current pattern of funding for each CD, as well as the specific services and valuation of in-kind services from the province for each CD in order to properly evaluate and comment on the proposed funding formula.

It is Manitoba Wildlands' position that the Manitoba Government is dramatically under estimating the funding requirements for watershed planning processes in expecting CDs to deliver these plans – amongst their other responsibilities. Expanded resources will be needed. Even acknowledging the contribution by the province of technical, training and other in-kind support, the expectation that 21 CDs (the estimated number of CDs that will ultimately be established in Manitoba; page 4) will deliver all these watershed plans for under \$5 million a year (the stated total provincial grant for CDs – page 12 of the CD Discussion Document) is simply courting failure given the stated goals. Once again, more information is needed in order to examine the true level of funding – from RMs, the province, other sources and through in-kind services.

We also note that in relation to funding watershed plans under the CDs, there is little mention of the role of the Manitoba Water Council and/or the Water Stewardship Fund, which were established under the *Water Protection Act* to support watershed planning. What roles will each of these play in watershed planning within CDs? The Discussion Paper should include this information, especially concerning the Manitoba Water Council.

CD Responsibilities

We are concerned that the province seems to be off-loading its responsibilities to municipal bodies like CDs. According to the CD Discussion Document, CDs will be responsible for:

- an Integrated Watershed Management Plan (IWMP) (page 4)
- a five-year strategic plan (page 4)
- surface water management plan and related policies (page 5)
- water budget for the watershed (page 5)
- surface water infrastructure management strategy (page 5)
- appropriate reporting procedures documenting suitable watershed health improvements (page 6)
- annual budget process (including identification of goals and strategies for measuring progress) (page 6)
- annual report card on watershed issues, indicators of watershed health and progress toward goals (page 6)
- as well as other conservation, land use, and water services projects and programs

The devolution of responsibility further includes CDs and therefore municipalities taking on liability and risk, and being increasingly subject to provincial legislation, policies etc. In light of the level of provincial funding indicated in the CD Discussion Document, the list of responsibilities seems

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disproportionate, even despite the suggested plan for CDs to leverage additional funding from other sources in addition to provincial and municipal funds.

The CD Discussion Document uses language that suggests that current and future CD funding, responsibilities, policies etc. apply to both past, existing and future CDs and CD activities. We would appreciate clarity as to this point. How will existing drainage, existing planning be handled, grandfathered? How will the evaluation and outcomes from watershed plans established through CDs affect municipalities and the CD organizations?

The Objectives under Goal 8 (page 6) read as if each conservation district could have different monitoring, evaluation and reporting programs. It is disconcerting to think that goals, standards, reporting, etc. might not be consistent for all CDs. Clarity as to how monitoring, evaluation, reporting, and improvement or changes in CD operations or/and watershed plans will be assessed and what standards will be used must be included in the next stage of public information. As these objectives read, there is little basis to arrive at consensus. It would benefit all parties to put independent external evaluation in place.

The composition and establishment of each CD board, or the CD Commission board is slightly vague. The CD Discussion Document indicates that the CD Commission will establish a new CD appointment policy by 2009 and that Provincial interests will be represented on CD boards (page 4). Will public input be part of the process to establish new policy regarding the CD boards? Will stakeholders from the CD be participants on CD boards? Will decisions about and by CD boards be transparent? Will municipalities continue to appoint members to CD boards? Who actually represents busy Deputy Ministers on the CD Commission board? And is it the intention to place provincial regional civil servants on these CD boards? If so then the discussion paper needs to include and discuss the options. These questions should be addressed in the final CD Discussion Document.

Policy, Legislative & Development Interactions

The CD Discussion Document is about the future of CDs but largely assumes that the reader would be familiar with existing policies that guide the activities of CDs. It would be useful to have more information about existing CD policy (to our knowledge, very little is currently public), as it is difficult to conduct a review without comparing proposed policy with existing policy. It would be very helpful if Manitoba Water Stewardship posted existing CD policy documents on the government's CD website.

The CD Discussion document is unclear as to how coordination of the *Conservation Districts Act* with the *Planning Act* and the *Water Protection Act* will occur (Goal 3, page 4). Which *Act* takes precedence? Which activities are to occur under which *Act*? This needs more clarity. Similarly, the sets of policies identified in the CD Discussion Document need further definition. Which policies are included in the (page 4) reference to CD plans serving, "the objectives of *The Conservation Districts Act*, *The Water Protection Act* and Manitoba's land and water policies"? Specific references should be included in the discussion paper.

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How will enforcement be addressed? The CD Discussion Document (Goal 7, page 6) states that, “CDs have no regulatory or enforcement mandate”. Essentially the question of who is responsible or liable for what recurs in reviewing the CD Discussion Document.

The CD Discussion Document is completely silent as to the interaction of CD activities and planning with decisions about major developments. For instance, now that conservation districts overlap with forest license areas, what will the implications of the work of CDs be for long term forest management plans – and vice versa? These significant overlaps in jurisdiction and planning should be addressed as part of the Conservation Districts Program Framework.

Information and Public Involvement

So far, the public’s access to information related to the Conservation Districts Program Framework and associated Discussion Document is reflective of the attitude to public access to information overall for CD activities and watershed planning. This includes the fact that there is NO public access to any of the watershed planning initiatives in the province, and NO enabling of citizens to participate (other than those who are paid to participate). We have never seen a public notice regarding the commencement of a watershed planning initiative. There appears to be no standard for access to information by the participants in a watershed planning process, let alone the citizens resident or doing business in the watershed.

This is in contrast to Objective 2 of the CD Discussion Document, “Conservation districts will be governed by local boards that encourage and provide opportunity for citizen consultation and meaningful participation in decision-making processes.” Specific mechanisms, timing, processes to involve and meaningfully consider public involvement should be articulated – with respect to watershed planning, decision making by CDs and this current process to craft a new framework for the Conservation Districts Program – should be addressed in the next stage of the Conservation Districts Program Framework / final version of the CD Discussion Document.

In a watershed planning process, all parties should have access to planning information – maps, data and information, especially existing water permits, dispositions, irrigation permits, power reserve information etc. All water information should be public, posted, and searchable, and part of the Manitoba Lands Initiative website. A significant absence of information does not enable watershed planning.

CDs and First Nation Communities

References to First Nations in the CD Discussion Document are confusing or confused. First Nations are incorrectly referred to as stakeholders (page 2). This raises the issue of consultation; what is the province's Aboriginal / First Nation consultation policy? What is the status of the draft consultation policy from fall 2007

(<http://www.manitobawildlands.org/docs/MBGovFNConsultationPolicydraft13Sep07.doc>)?

Municipalities do not carry the crown's responsibility to consult with First Nations. The process to afford First Nations the opportunity to “fully participate and partner in CD planning and programming” (page 4) is not one that can be devolved to CDs. We see no references to reserve land, traditional territories, crown lands etc in the document.

The involvement and participation of First Nations in CDs needs to be addressed in the context of the consultation process required to facilitate First Nations involvement.

Overall Ambiguity

Overall, the CD Discussion Document requires more detail. Vague allusions to coordination, policies and legislation, the appearance that CDs will be taking on more responsibility without a concurrent increase in resources leave too much to the imagination. Taken in the worst light possible, the CD Discussion Document could be taken as an initiative to reinvent CDs as branches of provincial government departments. As the government rolls back their independence as municipal agencies, the CDs will shoulder increased liability, not much more funding, a dramatic increase in responsibility throughout watershed(s), but no ability to affect legislation, regulation, licenses, or decision making for developments.

Please advise our office of answers to questions contained in this set of comments, and confirm where and how the review comments, public registry file for this public review are to be operated.

Given I am a resident of a conservation district, attendee at annual conventions, and participant in annual field trips it is worth noting that these comments are provided in support of the role Conservation Districts play in our province. We hope to see clarity in the matters identified above.

Improved access to CD information and transparency regarding CD activities, especially watershed planning, will also improve participation and quality of programming. We look forward to the next stage in this ‘discussion’.

Yours truly,

Gaile Whelan Enns
Director, Manitoba Wildlands

cc.

Deputy Ministers on Conservation Districts’ Commission
Chairs and Managers, Conservation District in Manitoba

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