

manitoba wildlands

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November 5, 2004

Bill Barlow, Chair
Lake Winnipeg Stewardship Board
P.O. Box 305
Gimli MB R0C 1B0

Dear Mr. Barlow and members of the Lake Winnipeg Stewardship Board;

**Re: Comments – Lake Winnipeg Stewardship Board Interim Report -
Action Needed to Reduce Lake Winnipeg Nitrogen and Phosphorus Levels to Pre-
1970s Levels**

This letter comprises the comments of Manitoba Wildlands for consideration by the Lake Winnipeg Stewardship Board (LWSB) in developing its Interim Report to the Government of Manitoba regarding action needed to reduce nitrogen and phosphorus levels in Lake Winnipeg to pre-1970s levels.

Manitoba Wildlands shares the high level concern of Manitobans about Lake Winnipeg and the rivers and waters that flow into the Lake. We also agree that there is a need for immediate action to address the excessive level of nutrient loading in the Lake Winnipeg and Red River basins. The river systems are the most significant source of both nitrogen and phosphorus entering the Lake.

The LWSB has asked “Manitobans to help preserve the water quality of Lake Winnipeg for current and future generations” and “help preserve its ecological health” by providing input for the Board’s interim report to the Minister of Water Stewardship, to be prepared by December 2004. Manitoba Wildlands has identified several areas for comment and recommendations, and we trust the LWSB will find our suggestions constructive.

Don’t Reinvent the Wheel – Existing Reports and Recommendations

A variety of relatively recent public processes, environmental reviews, hearings proceedings, studies, and reports exist that contain recommendations and advice regarding the health of waters that drain into Lake Winnipeg.

The LWSB needs to:

- be aware of these documents, compile a comprehensive list of them and acknowledge the work that has already been done;
- extract the relevant recommendations and advice from these documents in relation to the LWSB mandate
- identify which of these reports and recommendations are timely and relevant in compiling its report to the Minister;
- monitor actions in respect to these recommendations and advice; and
- encourage the appropriate agencies to act on the recommendations and advice.

Manitoba Wildlands has prepared a preliminary examination of some of these reports.. We are attaching a sample of references, locations and excerpts of selected reports from various agencies, including reports by the Clean Environment Commission (CEC) and the International Joint Commission (IJC) that are relevant to the work of the LWSB. There are others, including reports regarding the management of the Assiniboine River, and upcoming and current technical reports regarding the Shellmouth Dam and Lake of the Prairies reservoir. We recommend that the LWSB conduct a comprehensive search and review for similar reports and sets of recommendations.

The following are some of the key reports listed and excerpted in our attachment:

- *BETTER TREATMENT - 'TAKING ACTION TO IMPROVE WATER QUALITY' Report on Public Hearings City of Winnipeg Wastewater Collection and Treatment Systems* (Clean Environment Commission)
- *Report on Public Hearings Simplot Canada Ltd. Potato Processing Plant, Portage la Prairie, Manitoba City of Portage la Prairie Water Pollution Control Facility Alterations* (Clean Environment Commission)
- *COSEWIC Assessment and Status Report on the Lake Winnipeg Physa Physa sp. In Canada* (Endangered 2002) (COSEWIC)

Coordination and Synergy – Research & Policy

The area of the drainage basins for Lake Winnipeg and the Red River is vast and spans both provincial and national boundaries. For this reason, coordination, communication, and partnership will be essential to mobilizing action that makes a difference to the water quality of the waterways of this basin, especially Lake Winnipeg. Accordingly, the issue of the health of Lake Winnipeg and the water quality of the waters that supply the lake must be raised as priority issues amongst the various inter jurisdictional bodies with responsibility for these waters (e.g. the IJC bodies and Red River Commission, the Prairie Provinces Water Board). Coordination and strategies to make the best use of Lake Winnipeg basin expertise and resources are also important.

Possible ways that this could occur include establishment of a coordination committee of representatives from other Lake Winnipeg / Red River basin entities; participation by LWSB members (perhaps science committee members) as observers in other agencies' activities, strategic planning; and joint projects with these other groups working in the basin. Ecologically sound solutions for the Lake Winnipeg / Red River basins will need to be based on an integrated and holistic approach among a variety of entities and organizations.

An annual forum so that the work products, workplans, and technical knowledge / expertise of the various bodies can be shared would create considerable synergy and multiply the benefits of the work of the LWSB, among these other organizations. Our comments of course are encouragement to think about the whole basin and its rivers, and not simply the shores of Lake Winnipeg. Thinking and working ecologically holds the potential to accelerate and multiply the actions that will save Lake Winnipeg. A single clearing house of technical, scientific, and policy information regarding the Lake Winnipeg basin and Red River Valley that serves the public, academic community, participants in the many committees, non profit organizations, and boards is another suggestion for LWSB consideration; perhaps the role of the Lake Winnipeg Research Consortium could be expanded to include such a function.

Manitoba Wildlands is fully supportive of the activities of the Lake Winnipeg Research Consortium (LWRC). This type of independent research body is essential to the legitimacy and quality of information, knowledge, decisions and then action to be taken regarding the health of Lake Winnipeg. To continue and expand their work, the LWRC requires additional resources, certainty of funding, and assurance of continued independence. All further research, whether through the LWRC or otherwise must be provided with adequate resources, and research must be conducted in an independent and transparent manner. Public posting of all Lake Winnipeg research is essential. Multi-year funding guarantees and planning are also essential to yearly increases in knowledge and testing of potential actions and solutions.

There are also individuals with expertise in the area of addressing problems with nutrient loading in waterways who should be accessed for their advice and recommendations. For instance, Dr. Patricia Chambers from Environment Canada presented during the CEC hearings for Simplot. See attached summary from the Environment Canada web site. She also presented at the Clean Environment Commission's Fresh Water Forum. Experts such as Dr. Chambers could be invited to do a workshop for the LWSB and perhaps participate in an advisory capacity to the Board. Dr. Chambers' career has included working with rivers/ the cities they flow through regarding nutrient loading, in three provinces. We recommend that the LWSB access her full testimony from the Simplot hearings. Her presentation to the Clean Environment Commission Fresh Water Forum in 2003 is available on the CEC web site (<http://www.cecmantoba.ca/files/Chambers.ppt>).

Public Education and Awareness

Until recently, the idea that the actions of individuals can contribute (either positively or negatively) to the health of Lake Winnipeg has not been part of the consciousness of Manitobans. This needs to change. The public must be educated about the consequences of waste products (agricultural, industrial, sewage, and household) that end up in Lake Winnipeg. To do this, we need to develop an institutional mindset and general public awareness that highlights the power of the individual and the actions that will positively affect the health of the lake, while emphasizing the responsibility of all Manitobans to effect change. A targeted, well-resourced, professional public awareness campaign aimed at communities, businesses, and tourists throughout the watershed is required.

Adopt a Set of Lake Winnipeg Principles.

The current province of Ontario public review of new water source protection legislation includes community recommendations, and a lot of research. We recommend that the LWSB members consider arriving at a set of Principles to Guide the Future of Lake Winnipeg. Attached here is one set of such principles from the Ontario public review. We would observe that only through credible, transparent and verifiable technical knowledge will Lake Winnipeg return to health. See:

<http://www.thewaterhole.ca/publications/SoE%20Summary%20FINAL.htm>

We also would recommend that the LWSB review the use of the precautionary principle in recent federal legislation, and in various international mechanisms to which Canada is a signatory. Environment Canada can assist in obtaining this information.

The Precautionary Principle is also directly referenced and defined in federal legislation. The Canadian Environmental Protection Act (1999) (<http://laws.justice.gc.ca/en/c-15.31/text.html>) states that “[w]hereas the Government of Canada is committed to implementing the precautionary principle that, where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”. The Precautionary Principle is also referred to in several sections of the Act, including in Section 2. (1), which states that,

In the administration of this Act, the Government of Canada shall, having regard to the Constitution and laws of Canada and subject to subsection (1.1),
(a) exercise its powers in a manner that protects the environment and human health, applies the precautionary principle that, where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation, and promotes and reinforces enforceable pollution prevention approaches;

The Oceans Act (1996) (<http://laws.justice.gc.ca/en/o-2.4/89238.html>) similarly refers to Canada’s promotion and application of the “precautionary approach to the conservation, management and exploitation of marine resources in order to protect these resources and preserve the marine environment” and make other references to the application of the precautionary principle.

The international and regional environmental community consistently recommends inclusion of the precautionary principle as a guiding principle in undertakings like the return to health of Lake Winnipeg.

See also:

<http://dieoff.org/page31.htm>[http://en.wikipedia.org/wiki/Precautionary_principle#Applying the Principle](http://en.wikipedia.org/wiki/Precautionary_principle#Applying_the_Principle)

<http://www.sdearthtimes.com/et0398/et0398s4.html> (Wingspread Statement)

Waste Water, Ground Water

The issue of sewage as a contributing factor to nutrient loading in Lake Winnipeg needs to be addressed in various ways. Actions need to be taken and coordinated by all levels of government (local/municipal, provincial and national) in terms of both human waste on a community and individual (i.e. septic fields) level and also in terms of agricultural sources of sewage (e.g. from hog barns and other livestock operations). Monitoring of actions to restrict, reduce and regulate the construction of new septic fields and evaluate/upgrade existing septic field systems under a graduated or phased initiative is long overdue. The characteristics and quantity of sewage flowing into Lake Winnipeg also requires examination and regulation. The City of Winnipeg must move forward rapidly with respect to its required waste water and sewage treatment upgrades. Manitoba should consider financial buy-in to the upgrades, given over 2/3 of our population lives in Winnipeg and the surrounding area.

Hog barns and Intensive Livestock Operations should not be licensed and constructed in areas that pose great risk for Lake Winnipeg ground water flows, and nutrient loading. Ability to source, map, and measure contaminated ground water flows into our rivers and into Lake Winnipeg, with public posting of the information in a transparent manner would improve everyone's habits.

Technical and environmental knowledge based standards must be used to determine where to locate intensive livestock operations (ILOs). In particular, a moratorium with respect to any new ILOs in the Red River Valley where many wells are either contaminated or at risk, would cause all the municipalities to share information, and compare their approach to planning by laws. Tax payers and land owners who know of water quality impacts, including inside and on the other side of municipal boundaries have much to contribute to future decision making.

There is no precautionary sense to waiting for watershed planning initiatives to be completed before municipalities work jointly. In the absence of sufficient information regarding the specific effects of waste from hog barn operations on nutrient levels in our waterways, the precautionary principle should be in effect. See above.

Manitoba's Nutrient Management Plan must be completed, and applied. It would help the LWSB in its work! Manitoba's Water Quality standards must also be completed, and applied, for many obvious reasons.

Environmental Deficit – Environmental Assessment Insufficient

If Manitoba's current steps for the review and licensing of agricultural, urban, industrial and domestic projects in the Lake Winnipeg basin / Red River Valley were sufficient to protect our waterways then Lake Winnipeg would be healthy today. Instead Manitoba is piling up the environmental debts – and attempting to solve problems after the fact. The return to health of Lake Winnipeg will not be solved by continuing to do development planning and issue environmental licenses as we do today. In particular, the lack of cumulative impacts assessment and technical information means decisions are often being made in an adversarial, opinion-laden manner. This is particularly true of effects for developments on our rivers.

The Lake Winnipeg Stewardship Board can make recommendations to require (adequately staff and fund) the ability to assess cumulative impacts on our waterways and ground water. This step would depend on full access to information, and independent technical and scientific services. (See above) The LWSB can also recommend requirements for environmental impact statements guidelines for any environmental proposal that has the potential to affect Lake Winnipeg.

Successful Participation

To date, we have not seen any evidence to indicate that the LWSB has made an investment in the area of traditional knowledge (especially from First Nation fishers) as a source of information and advice regarding the health of the lake and the fishery. The wealth of knowledge held by First Nation and Aboriginal Elders and fishers should not be overlooked or discounted. The LWSB must employ a culturally respectful and appropriate approach to elicit input from the holders of this knowledge. We recommend applying the standards in the Tri Council guides to cultural information, interviews etc. The LWSB's Interim Report should emphasize the need for traditional knowledge and the steps the LWSB wishes to take in this regard.

In general, representation and participation by First Nation and Aboriginal communities and groups in the LWSB should be examined to ensure that the process is culturally inclusive, appropriate and meaningful.

Similarly, we have not seen any evidence to indicate that the LWSB has made an investment in the area of local knowledge (especially from commercial fishers). Again, to gain the input from this specific "public" the approach should be tailored to address the unique characteristics of this group and their knowledge.

Other Sources of Nutrients and Nutrient Growth

Soil inventories and guidelines for the application of application of fertilizer on agricultural lands must be developed and or updated in Manitoba and in the US where the results may flow into Lake Winnipeg. Agreements and coordination with other provinces and the US is also needed. In particular, recent research findings which question the practice of applying these kinds of 'fertilizers' on private land should be reviewed by the science committee of the LWSB. Dr. Patricia Chambers would be able to assist the LWSB in this work.

The LWSB also needs to examine the linkages between hydro water power licenses, regulation of Lake Winnipeg and nutrient loading in Lake Winnipeg, with the objective of providing advice to the Manitoba government about mitigation or procedures that could make a difference. We note that the Clean Environment Commission has verified that the water power licenses held by Manitoba Hydro are interim licenses only. The CEC has recommended that the utility apply for permanent licenses to address this situation.

An audit of all private, municipal, or business landfills in the Lake Winnipeg/ Red River basins to identify risks, potential new standards, and lessons to apply to other landfills and solid waste sites is urgently needed. GIS mapping, that is public, of all nutrient sources, and all land fills in the Lake Winnipeg/ Red River basins is an essential planning tool.

Public Process

There are several essential ingredients to a productive public involvement process. Adequate access to information, transparency in decision-making, clarity of roles and expectations, appropriate timeframes, legitimacy and accountability of the agency soliciting public input, and adequate resources/funding are some of the main elements.

To date, the LWSB process to solicit public input for its Interim Report on action needed to reduce nitrogen and phosphorus levels in Lake Winnipeg to pre-1970s levels is lacking in several areas. What follows are some constructive suggestions to improve the process.

- The LWSB should extend or initiate a second phase of public input based on a discussion document for public consideration that outline various options, strategies, approaches to addressing the problem of improving the health of Lake Winnipeg. The LWSB Interim Report or one based on its recommendations could easily be used for this purpose.
- All materials related to the LWSB public process should be filed in the public registry and posted on the LWSB web site in a timely fashion. This includes all public comments received.
- The LWSB web site must be kept up to date in terms of updates and status of the process.
- Scientific studies, presentations to the LWSB, and research products should also be posted.
- Clarity is required for the following:
 - The role and responsibilities of the LWSB
 - the scope of the public input requested
 - the timeframes and format for submission of public input
 - the process for consideration of public input
 - the method and decision process that will be used to reflect public input (i.e. the public must be able to have access to all public comments)
 - the public review period for the draft Interim Report, prior to submission of the final version
 - LWSB standards regarding documentation, access to information, record keeping and committee products and records.

- There is a need for greater independence for LWSB, including to source information from non-Government of Manitoba sources, technical experts and scientists. Terms of reference, research, and work product should be directed by the LWSB and not by the Department of Water Stewardship. The LWSB budget is currently limited (\$50,000 for 8 months for 2003-2004 and \$150,000 for 2004-2005); more resources are required for the LWSB to be effective. In particular, the resources for the LWSB secretariat (currently there is only one half-time position) should be augmented.
- We would also recommend that the LWSB interim report to the Water Stewardship minister include (as appendices) all comments received, and the Action Plan for Lake Winnipeg, including the reference from the minister requesting this interim report. The LWSB has the opportunity to recommend concrete Action Plan elements to the Minister and to the government. Manitoba Wildlands hopes that your report takes that approach.

In closing we would bring your attention again to the attachments here, especially the document based on existing reports, and recommendations regarding the Lake Winnipeg basin, and rivers which flow into it. We recommend that the LWSB report confirm various recommendations from these and other existing reports about the future of Lake Winnipeg and the waterways to the lake, and identify next actions needed.

Thank you for the time to consider our comments.

Yours truly,



Gaile Whelan Enns
Director, Manitoba Wildlands

Cc.

Honourable Steve Ashton, Minister of Water Stewardship

Attachments:

- *Reports, Recommendations, and Excerpts Related to the Health of Lake Winnipeg – Manitoba Wildlands*
- Summary of Dr. Patricia Chambers' participation in Simplot CEC hearings
- *Ontario Source Water Protection Statement of Expectations*

