

**Analysis - Manitoba Wildlands Recommendations to the Lake Winnipeg Stewardship Board Re: Interim Report to the Manitoba Minister of Water Stewardship**

The following is an analysis of the extent to which Manitoba Wildlands' comments have or have not been addressed in the draft LWSB interim report to the Minister of Water Stewardship (Draft 5 January 7, 2004)

***Re: existing 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***

- be aware of, compile a comprehensive list, 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.

***Analysis:***

It is not clear whether these recommendations have been acted upon. The draft LWSB report does not indicate whether the recommendations contained within the report are borrowed from other reports or whether these are entirely unique to the LWSB. If the LWSB is not the source of some of these recommendations, this should be acknowledged. If they all recommendations are “new” and unique to the LWSB interim report, the question of whether the LWSB can/should endorse recommendations from other reports still remains outstanding.

Dr. Eva Pip also makes a similar comment on page 13 of her submission to the LWSB regarding the December 7, 2004 draft interim LWSB report:

*Much of the information in the draft is unattributed to its source. A cardinal rule for scientific writing is: If it is not the result of **one's own direct work and observation**, one must credit the source where each piece of information came from. One cannot attribute the statements of others to oneself by default, and the substantiation for each piece of information must be maintained.*

***Re: Raising the issue of the health of Lake Winnipeg and the water quality of the waters that supply the lake amongst various inter jurisdictional bodies with responsibility for these waters (e.g. the IJC bodies and Red River Commission, the Prairie Provinces Water Board).***

***Analysis:***

The draft LWSB recommendations include coordinating with feds (INAC), Ontario, Prairie Provinces Water Board (which we specifically referenced – see above). We also referred to the IJC bodies and Red River Commission, but this one is not included.

Instead, the LWSB report recommends working with Minnesota and ND on issues related to the Red River, which essentially addresses this recommendation.

***Re: Coordination and Strategies – Research and Policy***

- 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
- annual forum to share work products, workplans, and technical knowledge / expertise of the various bodies
- 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

***Analysis:***

The draft LWSB report doesn't really go into the "hows" or any sort of structure, mechanisms, process for implementing recommendations at all. These MW comments are not addressed in the draft LWSB report.

***Re: Lake Winnipeg Research Consortium (LWRC)***

- the LWRC requires additional resources, certainty of funding (multi-year), and assurance of continued independence
- planning of research activities
- 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

***Analysis:***

The draft LWSB report has an entire recommendations section devoted to **Science needs for the long-term protection of Lake Winnipeg (Section 29.0)**. However, the text and recommendations do not refer to the LWRC, much less outline a role for the LWRC in the context of broader recommendations regarding science needs. This is a serious oversight, as the LWSB and the LWRC should be closely linked and the activities of the LWRC should feed into the needs articulated by the LWSB. It is assumed that the LWRC provided input to the LWSB for this report. If not, this makes even less sense.

***Re: Outside Expertise Regarding Nutrient Management***

Dr. Patricia Chambers was cited as an example of someone with considerable expertise in this area.

***Analysis:***

The issue of outside expertise is not addressed in the recommendations of the draft LWSB report, other than at the end of the recommendations section 5.0, which references Manitoba Conservation's Phosphorus Expert Committee.

***Re: Public Education and Awareness***

The public must be educated about the consequences of waste products (agricultural, industrial, sewage, and household) that end up in Lake Winnipeg.

- 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
- accomplish the above through a targeted, well-resourced, professional public awareness campaign aimed at communities, businesses, and tourists throughout the watershed

***Analysis:***

Recommendation 31.1 addresses this comment by MW.

***Re: Adoption of a Set of Lake Winnipeg Principles.***

- provided example (Ontario) that could be adapted and become a set of Principles to Guide the Future of Lake Winnipeg
- review of the use of the precautionary principle in recent federal legislation, and in various international mechanisms to which Canada is a signatory.

***Analysis:***

This type of proactive approach is largely absent from the draft LWSB report. Four recommendations sections reference planning (which is a proactive activity) – 8.0 on Watershed Planning, 13.0 on Nutrient Abatement Plans for Wastewater Treatment Facilities, 14.0 on Environmental Planning for New Urban and Rural Development and 25.0 Manitoba Water Services Board. However, none of these refers to the precautionary principle. The draft LWSB report does not go as far as to articulate a set of principles as suggested above.

***Re: Waste Water, Groundwater***

- address sewage as a contributing factor to nutrient loading
  - human waste on a community and individual (i.e. septic fields) level
  - agricultural sources of sewage (e.g. from hog barns and other livestock operations)

***Analysis:***

Recommendations 2.1 – 2.4, 3.1, address livestock sources of nutrients.

Recommendations 4.1 – 4.5, 5.1 – 5.3, 6.1, 7.1 – 7.3, 9.1 – 9.3, 10.1 – 10.4, address other agricultural sources of nutrients.

Recommendations 11.1 – 11.5, 12.1 – 12.4, 13.1 – 13.3, 16.1 – 16.3, 17.1 – 17.2, 21.1, 22.1 – 22.2, 23.1 – 23.5, 27.1 address community human waste issues.

Recommendations 18.1 – 18.2, 24.1 – 24.3 address human waste from septic fields.

- 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

***Analysis:***

Recommendations 2.3 and 2.4 refer to hog operations and environmental standards (not specifying which – use the term ‘contemporary’) and preventing the contamination of groundwater and surface water, the draft LWSB report does not go as far as to recommend that certain areas should be completely off limits to ILOs.

- use of technical and environmental knowledge based standards to determine where to locate intensive livestock operations (ILOs)

***Analysis:***

The issue of siting of ILOs is not addressed in the draft LWSB interim report.

- application of a moratorium on any new ILOs in the Red River Valley where many wells are either contaminated or at risk

***Analysis:***

The issue of a moratorium on new ILOs in certain areas is not addressed in the draft LWSB interim report.

- monitor actions to restrict, reduce and regulate the construction of new septic fields

***Analysis:***

Recommendations 18.1 – 18.2 refer to actions to re-use septic waste and greywater. Recommendations 24.1 – 24.3 refer to elimination of septic fields and replacement with regional wastewater treatment systems and mechanisms to encourage alternatives to septic systems.

- evaluate/upgrade existing septic field systems under a graduated or phased initiative

***Analysis:***

This issue is not directly addressed, except in terms of the need to provide alternatives to septic fields.

- examination and regulation of the characteristics and quantity of sewage flowing into Lake Winnipeg

***Analysis:***

This is addressed throughout the Recommendations section of the draft interim LWSB report in a variety of ways. Some examples are below.

Recommendations 11.1 – 11.5 offer some concrete suggestions as to how to improve the quality and decrease the quantity of waste processed and also released following treatment into the waters that flow into Lake Winnipeg. However, none of the recommendations particularly promote conservation through incentive-based mechanisms (i.e. inverted rate structures for water consumption, tax incentives for industry, etc.) This is addressed in Recommendations 19.1 – 19.6, which deal with water use efficiency.

Recommendations in section 18.0 make some general comments about greywater recycling, but are not specific in terms of strategies.

Recommendations 12.1 – 12.4 address issues surrounding sewage quality through regionalization and improvement of wastewater treatment.

Recommendations 13.1 – 13.3 are about nutrient abatement plans for wastewater treatment plants across the province.

Recommendation 20.1 is about the use of wetlands for nutrient abatement.

- City of Winnipeg must move forward rapidly re: its waste water and sewage treatment upgrades required by its environmental license

**Analysis:**

Recommendations 13.1 – 13.3 address the requirements in terms of nutrient reduction, but recommendations that are also requirements of the City of Winnipeg's environmental license are not specifically identified in the draft interim LWSB report (although some are definitely also echoed in the CEC report on the hearings).

- Manitoba should consider financial buy-in to the City of Wpg treatment facility upgrades, given over 2/3 of our population lives in Winnipeg and the surrounding area

**Analysis:**

This issue is not addressed in the draft interim LWSB report.

- develop capacity 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

**Analysis:**

This issue is not specifically addressed in the draft interim LWSB report. Information gaps are generally addressed in section 29; Recommendation 29.1 includes text that states "Manitoba Water Stewardship, Environment Canada, and Fisheries and Oceans Canada are urged to continue their existing process to develop and then implement a collaborative, long-term science plan for Lake Winnipeg."

- completion and enactment of Manitoba's Nutrient Management Plan

**Analysis:**

Recommendation 29.3 addresses this comment by MW.

- completion and enactment of Manitoba's Water Quality Standards, Objectives and Guidelines

**Analysis:**

This issue is not addressed in the draft interim LWSB report.

**Re: Environmental Deficit – Environmental Assessment Insufficient**

- require (adequately staff and fund) the ability to assess cumulative impacts on our waterways and ground water
- full access to information, and independent technical and scientific services
- recommend requirements for environmental impact statements guidelines for any environmental proposal that has the potential to affect Lake Winnipeg

**Analysis:**

Some of the Recommendations in section 14.0 address environmental review of developments in terms of water and wastewater requirements. It is not explicitly stated that the requirements outlined in the LWSB should be required as part of EIS guidelines or under the Environment Act as part of the environmental assessment review process; thus the LWSB report is lacking the mechanism needed to actually accomplish the recommendations in section 14.0 as outlined. None of the recommendations in section 14.0 refer to funding or capacity to realize the recommendations, nor is the issue of independence and funding for independent review of developments addressed in this section.

***Re: Successful Participation***

- invest 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
- employ a culturally respectful and appropriate approach to elicit input from the holders of this knowledge
- apply the standards in the Tri Council guides to cultural information, interviews etc.
- emphasize the need for traditional knowledge and the steps the LWSB wishes to take in this regard
- examine representation and participation by First Nation and Aboriginal communities and groups in the LWSB to ensure that the process is culturally inclusive, appropriate and meaningful

***Analysis:***

The text in section 29.0 regarding science needs states that “The Board also recognizes that there is a need to better combine traditional knowledge with contemporary science as additional knowledge of Lake Winnipeg is gained.” The LWSB also acknowledges in section 32.0 that “First Nation Communities and others who have important traditional knowledge will be able to provide essential feedback on these recommendations.” However, none of the actual recommendations actually relate to traditional knowledge or address the need for a specific process to elicit and incorporate this knowledge.

***Re: Other Sources of Nutrients and Nutrient Growth***

- develop and or update soil inventories and guidelines in Manitoba and in the US where the results may flow into Lake Winnipeg for the application of fertilizer on agricultural lands
- need agreements and coordination with other provinces and the US
- 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

***Analysis:***

The issue of soil inventories and guidelines for the application of fertilizer is not addressed in the draft interim LWSB report, and therefore nor is coordination or agreements with the US on the subject of fertilizer application. However, recommendations section 4.0 addresses the issue of soil testing for better decision making regarding the application of fertilizer.

- 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

***Analysis:***

NONE of the recommendations of the draft interim LWSB report refer to the role or activities of Manitoba Hydro in nutrient reduction in Lake Winnipeg.

- undertake 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

***Analysis:***

This is not a recommendation of the draft interim LWSB report.

- acquire / undertake GIS mapping (and make publicly available) of all nutrient sources, and all land fills in the Lake Winnipeg/ Red River basins

***Analysis:***

The issue of GIS mapping is not included in the draft interim LWSB report.

***Re: Public 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.

***Analysis:***

Recommendation 32.1 addresses this issue. However, the wording of the recommendation only refers to a focused consultation process regarding the ***recommendations***, whereas consultation should include the contents of the entire draft interim LWSB report.

- 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.

***Analysis:***

Appendix E of the draft interim LWSB report states that “more than 30 inquiries were received from the general public and a number of formal submissions have been sent to the Board. For those individuals/agencies who have given the Board permission, copies of the public submission will be placed in the public registry and on the Board’s web site.” This statement should be expanded as per our suggestion above.

- 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.

***Analysis:***

Nothing in the draft interim LWSB report indicates that the web site will be updated in a timely manner, and to date updates have been less than timely (most recent meeting minutes posted are from July 2004). And although the report refers to posting some public comments (see above), there is no commitment to post all materials, presentations, scientific studies, etc.

- 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.

***Analysis:***

The above points still require clarity and are either not addressed or not addressed in detail in the draft interim LWSB report.

- 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.

***Analysis:***

Nothing in the current draft interim LWSB report refers to capacity/resources and independence of the LWSB itself.

- the LWSB interim report to the Water Stewardship minister should include (as appendices) all comments received, and the Action Plan for Lake Winnipeg, including the reference from the minister requesting this interim report

***Analysis:***

The current draft interim LWSB report does not include (as appendices) all comments received.