

# Citizens of Manitoba - We Care about Our Water – May 06

## Preamble

Water is a sacred gift that connects all life. Access to clean water is a basic human right. The value of the Earth's fresh water to the common good takes priority over any possible commercial advantage. Fresh clean water is a shared legacy, a public trust and a collective responsibility.

Lake Winnipeg is in a state of eutrophication. *"The gradual but steady increase of phosphorus and nitrogen to water systems over the past decades is probably one of the single, largest water quality challenges facing not only Manitoba, but other jurisdictions in Canada."*<sup>1</sup> The excessive levels of phosphorus fuel the production of some forms of blue-green algae, which in turn produce highly potent toxins, resulting in an increase of beach closures, a loss of biodiversity and potential impacts to human health.

According to scientists at the Department of Fisheries and Oceans, loadings of phosphorus from the Red River Basin have increased by over 50% in the last 10 years. In Manitoba, the largest geographic source of phosphorus is the Red River basin. The largest anthropocentric source of phosphorus is derived from the agricultural sector.

Since the early 1970's, phosphorus concentrations have increased by 194% in the La Salle River, 188% in the Seine River and 190% in the Cypress River.

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<sup>1</sup> Manitoba Water Stewardship – July 20, 2005 Regulation under the Manitoba Water Protection Act: Consultation Document for initial review.

Results of a private well sampling program conducted by Manitoba Conservation in 1999/2000 showed that 43% of the wells sampled exceeded the Canadian Drinking Water Quality Guideline of zero total coliform organisms detectable. About 16% of the private wells sampled exceeded the guideline for nitrate the form of nitrogen that causes health problems such as blue baby syndrome.

In a detailed report on the protection of well water quality, our Provincial Auditor in November of 2005 outlined his findings and concluded that Manitoba has under-developed standards and legislation, has limited review and monitoring practices and provides inadequate public communication to its citizens on matters regarding drinking water.

## **General Principles for Source Protection**

- 1) As an overarching principle, we insist that any water quality management zone regulation developed under the Water Protection Act and any amendment to the Manure Management Regulation under the Environment Act place a primary focus on **source protection** and the maintenance and rehabilitation of aquatic ecosystems.

Source protection of water quality and quantity is necessary to preserve and enhance aquatic ecosystems, fundamental to sustain all ecological processes, life-support systems and food production. A primary consideration must be given to protecting drinking water and human health. Buffer setbacks from surface and groundwater sources that are proposed under the Water Quality Management Zones Regulation for Nutrients must be greatly enhanced, especially if that water source is for drinking.

Manitoba's new water protection regime must, at a minimum, include these other guiding principles and programs:

2) **Family farms** and those least able to pay must not suffer financial burden in the phase-in of the program.

A family farm or family farm corporation must be adequately defined within the Farm Lands Ownership Act. We are supportive of the Nebraska definition whereby the majority of the voting stock is held by members of a family, and that no corporation, other than a family farm corporation shall acquire or otherwise obtain an interest in land for the purposes of farming. Public financial incentives will be made available only to family farms, family farm corporations, cooperatives and non-profit entities.

3) Manitoba's water protection regime must accelerate **voluntary measures with financial incentives**. These measures and incentives will be used in combination with new and existing modified regulatory instruments.

Voluntary measures alone will not solve our water quality problems in Manitoba, as this is what led us to our current problem. In order to stop the denigration of Lake Winnipeg, **phosphorus must be regulated** based on residual soil nutrient levels.

- Application of manure is to be subject to annual manure management plans for operations subject to conditional use.
- Soil testing must be done by an independent, accredited third party for operations subject to a conditional use permit.
- In fields where there is variability of soil types, multiple soil tests must be taken. Manure application must be tailored to site-specific conditions.
- Manure application rates must not exceed the average requirements for the specific crop to be grown, based on the average crop insurance yield for the risk area the crop is to be grown in. This must also take into account the heat units, frost risk, and flooding risk in each area.
- Through incentives, moving away from fall application of manure, fertilizer and bio-solids to spring time applications and during the growing season when plants take up nutrients.

Existing legislative and regulatory instruments must be modified and amended to help accelerate the remediation of Lake Winnipeg. **Intensive Livestock Operations currently subject to conditional uses under the Planning Act must be classified as a development under the Environment Act.**

Absent of the classification of ILO's under the Environment Act, major changes must occur to the Technical Review Committee structure, mandate and function. Such changes must be reflected through the development of a Technical Review

Committee regulation under the Planning Act. This regulation would, at a minimum, establish the following conditions:

- TRC to be chaired by Water Stewardship Staff
- Verification of the accuracy of information submitted as a prerequisite of conducting a review and making recommendations.
- Public involvement into the scoping of the TRC review and input in the development of the final report.
- Site-specific variances in soil type and quality, the current and projected use (e.g. irrigated land, annual crops, perennial forage, etc) and potential for nutrient mobilization into ground water and surface waters must form part of the TRC review and assessment.
- To ensure that adequate spread lands are available for the granting of a conditional use permit to prevent the buildup of both nitrogen and phosphorus, the TRC must assess both nutrients, N and P based on realistic crop requirements utilizing average crop insurance yields for that specific risk area. The TRC must only include in their assessment of available spread acres those that are permanently associated with the operation through ownership by the applicant/operator or secured by caveat if owned by another person.

Any modification to the role, mandate, terms of reference and make-up of the Technical Review Committee must include a separate public consultation exercise.

#### **4) Targets, goals (quantifiable and qualitative) and penalties for non-achievement must be set in the water protection regime.**

The Canada-Manitoba Implementation Agreement on the Agricultural Policy Framework (2003 to 2008) has set a goal of completing environmental farm plans for 75% of all farms in Manitoba. It is now mid-2006 and slightly over 10% of farm operations have executed an environmental farm plan. Voluntary approaches must be more aggressive to encourage a higher participation rate, particularly among ILO's whose operations have the potential to negatively impact the environment.

For operations that spread manure, bio-solids and fertilizers that exceed the agronomic need of the crop grown, a three year phase in will be allowed to find more spread acres and to employ other technologies to process and dispose of their manure. Failure to employ these measures will result in the mandating of a cut back on production

The target set in 2003 to reduce nitrogen by 13% and phosphorus by 10% must be revisited based on recent work conducted by the Lake Winnipeg Research

Consortium. The Lake Winnipeg Research Consortium suggest that nutrient reduction must strictly focus on phosphorus reduction as the harmful blue green algae in Lake Winnipeg can thrive by fixing nitrogen from the atmosphere. Department of Fisheries and Oceans scientists suggest that we may have to reduce phosphorus loadings entering Lake Winnipeg by as much as 50% and focus on keeping the nitrogen to phosphorus ratio in surface water systems greater than 15:1.

5) Water protection legislation and regulations that aim to protect water must take **precedence over other provincial legislation/regulation** that impacts our land and water.

Once identified, water quality management zones, source protection plans, sensitive areas, restrictions on development and protected areas must be included in development plans, watershed plans and large area land use planning processes and their outcomes. If there is a conflict between the Water Protection Act and any other legal instrument that regulates our land and water, the Water Protection Act must take precedence.

**Aboriginal and Treaty Rights must be upheld** when a water protection regime is implemented and First Nations must be meaningfully consulted at the earliest time possible. As water is a shared resource between indigenous peoples, the provincial crown and the federal government, all parties must work collaboratively in the design of any measure under the Act.

6) **Partnerships**, which include the diverse make-up of civil society, and citizen participation, will be required for any future water protection program roll out. Access to information and capacity to participate must be provided for all affected citizens and participants.

For instance, Manitoba has created a system through legislation, which allows certain organizations a stable pool of money through a check-off to operate and participate in consultative and regulatory processes referenced and mandated by government. We suggest that this same principle be applied to wider segments of Manitoba civil society, which engage in consultation exercises on behalf of the public good.

- 7) Future consultation, education, outreach, research and public information programs must **balance** private and public economic goals with public good and community goals.

Thorough public consultation must offer the ten pillars of successful consultation which include, commitment, rights, clarity, timeliness, objectivity, resources, coordination, accountability, evaluation and active citizenship.

Special interest groups, such as industry associations and farm commodity groups must only be given voice and access in future consultative processes equal to the voice and access of civil society organizations and communities. Government education, outreach and research program content must reflect larger public good goals such as water protection and not be influenced by private economic interests.

- 8) Over the long run, larger public and private investments in **pollution prevention** will ease future investments in infrastructure for water and wastewater systems.

Currently, building new networks of water supply projects and upgrading existing water treatment technologies in Manitoba verify an inadequate state of water quality and water conservation practices in Manitoba. By limiting the use of hazardous chemicals, pesticides, pharmaceuticals, antimicrobial agents, detergents, and endocrine disrupters, treatments costs for drinking water can be reduced in the long term, while risk factors are also reduced.

- 9) Sufficient public and private resources (both human and financial) must be allocated to Manitoba's water protection regime to allow for **increased monitoring, data collection, enforcement**, and program review.

The province must develop a comprehensive database, which identifies the locations of all intensive livestock operations situated in Manitoba, type and capacity of storage facilities and spread fields used in their manure management plans. This database can also include soil test phosphorus results and well water quality test results in proximity to ILO's.

Detailed public soil surveys to complete the remaining 70% of agri-Manitoba must be vigorously completed within the next 5 years. This will ensure that water quality management zones can be appropriately mapped.

Comprehensive public hydrological and ground water supply data must be completed as well as data, which improves and updates the identification of groundwater pollution hazard zones. Surface water quality sampling must be more frequent, expanded to include additional sites and must adequately capture major run-off events. Public participation and co-operation with government in water sampling should be encouraged and a legally enforceable protocol developed. Groundwater well testing must become more frequent and include the parameter nitrate as a subsidized test.

As the database is developed, this information must be made available to the public, updated at regular intervals and offered in an interactive fashion through the Manitoba government website. Water allocation permits must be included in this database.

There are many innovative ways to generate new funds to pay for source protection. (Please see "For the Public Good" document at [http://www.mbeconetwork.org/projects\\_water.asp](http://www.mbeconetwork.org/projects_water.asp))

- 10) **Perverse subsidies**, which support unsustainable practices that impact our water, must be removed and redirected towards incentives, voluntary measures, best management practices and environmentally sustainable development that protects water quality and quantity.

Incentive packages offered to attract new water industries in Manitoba must be terminated and those budgetary allocations should be redirected to best management practices and local ecological forms of development that has minimal impact on our shared water resource. In the long run, providing agricultural producers and other landowners financial support to supply ecological goods and services is a benefit that all society enjoys.

**Time is of the essence.** Phase-in of a water protection regime must take place within the next three to five years.

**The following organizations have signed on to this statement:**

Assiniboine Watershed Network  
Brandon and Area Environmental Council  
Brandon Naturalist Society  
Campaign for Pesticide Reduction  
Council of Canadians – Winnipeg Chapter  
Citizens for the Responsible Application of Phosphorus  
Coalition to Save the Assiniboine River  
Concerned Citizens of the RM of Piney & Buffalo Point First Nation  
Concerned Residents of Winnipeg  
Consumers for Responsible Energy  
Council of Women of Winnipeg  
Earthkeeper Farm  
Hog Watch Manitoba  
Manitoba Wildlands  
Mixedwood Forest Society  
National Farmers Union  
North American Stormwater & Erosion Control Association (MB)  
Pansy Groundwater Committee  
Provincial Council of Women of Manitoba  
Roseisle Creek Watershed Association  
Spirit of the Red River  
Wolfe Creek Conservation