



MANITOBA ECO-NETWORK

3rd Floor 303 Portage Ave., Winnipeg MB R3B 2B4
Tel: (204) 947-6511 www.mbeconetwork.org

August 12, 2021

Ms. Carly Delavau
Surface Water Management Section – Water Branch
Manitoba Agriculture and Resource Development

Honorable Ralph Eichler
Minister of Agriculture and Resource Development

Honorable Sarah Guillemard
Minister of Conservation and Climate

Re: MbEN Comments – Consultation on the Manitoba Water Management Strategy

The Manitoba Eco-Network (MbEN) appreciates this opportunity to participate in the Government of Manitoba’s public engagement process for the Manitoba Water Management Strategy. Since 1988, MbEN has promoted positive environmental action by supporting people and groups in our community. MbEN’s programming focuses on policy advocacy, engagement in consultation processes and developing capacity building tools that benefit the environmental non-profit sector and our member groups. We welcome more opportunities in the future to work with the Government of Manitoba in the development of new policies, plans and programs.

MbEN reviewed the consultation document available on the EngageMB platform and feel there is a need for more meaningful public engagement once a detailed strategy with specific actions and goals is developed. MbEN also strongly recommends that the consultation process and further development of the Strategy be undertaken in coordination with the Department of Conservation and Climate. By making this process the sole responsibility of the Minister of Agriculture and Development, there is an implied focus on natural resource development when there should instead be a focus on water conservation and protection when developing Manitoba’s Water Management Strategy.

The proposed vision, guiding principles, and key focus areas have the potential to result in an effective, inclusive, and coordinated water management approach for Manitoba, however, more details will be required before MbEN can support the proposed strategy and provide more focused feedback. These comments focus on providing feedback on the proposed vision, guiding principles and key focus areas as described in the consultation document.

Proposed Vision:

The proposed vision for the strategy, “Resilient, healthy waters that support thriving ecosystems, communities and economies for generations”, is promising, however, this vision could be strengthened to better recognize the importance of water to Indigenous peoples and the connection between water and human rights. For example, the vision for Manitoba’s Water Management Strategy would be strengthened if it was based on the UN’s Sustainable Development Goals and associated approaches for achieving sustainable management of water resources. Since 2003, when the [UN Water for Life Decade](#) (2005-2015) was proclaimed, the UN has “[e]mphasiz[ed] that water is critical for sustainable development, including environmental integrity and the eradication of poverty and hunger, and is

indispensable for human health and well-being.” During this decade hundreds of local governments across Canada, including Winnipeg, adopted the UN’s position and recognized that:

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; and

Fresh water is a shared legacy, a public trust and a collective responsibility.

(City of Winnipeg Council Minutes, March 22, 2006, Minute No. 375)

As we are now in the [UN Water for Sustainable Development Decade](#) (2018-2028), it is important that the Manitoba Water Management Strategy build on the international work already accomplished and include elements of the UN’s approach to sustainable water management as stated in [A/RES/71/222](#), which recognizes:

- [W]ater is critical for sustainable development and the eradication of poverty and hunger, that water, energy, food security and nutrition are linked and that water is indispensable for human development, health and well-being and a vital element of achieving the Sustainable Development Goals and other relevant goals in the social, environmental and economic fields;
- [L]ack of access to a safe drinking water source, basic sanitation and sound hygiene, water-related disasters, water scarcity and water pollution will be further exacerbated by urbanization, population growth, desertification, drought and other extreme weather events and climate change, as well as by the lack of capacity to ensure integrated water resource management;
- [T]he slow progress in advocating for and addressing existing gaps in gender mainstreaming and the empowerment of women hampers the achievement of sustainable development goals and targets;
- [M]any water-related ecosystems are threatened by poor management and unsustainable development and face increased uncertainty and risks owing to climate change and other factors;
- [T]he importance of promoting efficient water usage at all levels, taking into account the water, food, energy, environment nexus, including in the implementation of national development programmes;
- [T]he importance of the participation and full involvement of all relevant stakeholders, including women, children, young people, older persons, persons with disabilities, Indigenous peoples and local communities, in the implementation of the Decade at all levels.

A vision for Manitoba’s Water Management Strategy that captured the sacred nature of water, recognized that water is critical for sustainable development and the eradication of poverty and hunger, and recognized the collective responsibility all Manitobans have to contribute to sustainable water management would encourage a more sustainable, respectful, collaborative, and inclusive water management strategy.

Guiding Principles:

The proposed guiding principles are a positive step forward but there is a need for more details about how these principles will be incorporated into future law and policy. There is also a need for specific recognition of additional elements to ensure the core values guiding future decision-making processes promote sustainable development, better capture Indigenous worldviews and knowledge systems, and ensure decisions are made in a transparent and accountable manner.

- *Protect the quality and quantity of surface and groundwater.*
To improve protection of water in Manitoba, the need for stronger protocols for water monitoring practices should be emphasized by decision-makers (i.e. increased frequency and number of water bodies sampled and parameters tested) and more publicly available water quantity and quality data, including public access to water rights licences should be required. The important role of

Community Based Water Monitoring programs should be acknowledged, and decision-makers should make available additional support for such programs. Current surface water quality nutrient targets in Manitoba are too lenient and non-enforceable. There is also a need for better enforcement of existing water quality standards, objectives and guidelines and the addition of stronger enforcement mechanisms in Manitoba's laws and policies. The addition of enforcement mechanisms that allow the public to initiate investigations and court proceedings is particularly important.

- *Support economic development and address water-based limits to growth.*
Decision-makers need to acknowledge that there are limits to growth in certain regions of the province and in certain regions of North America, and that there will need to be a just transition for some of Manitoba's consumptive water intensive industries. Sustainable economic development (UN SDG Goal 8) must take precedence over growth at all costs (or unsustainable development). Manitoba will need to develop and integrate a food and farming policy that works with nature and produces nutritious food and calories that are basic needs for human growth and development. Expanding consumptive water intensive industries such as our pork industry and our potato growing, potato chip, and frozen French fry industries is neither environmentally sustainable or economically sustainable (unless infrastructure is publicly subsidized). To build more infrastructure such as dams, storage reservoirs, canals and pipelines to support unsustainable economic development would be an unwise use of taxpayer dollars.
- *Utilize watershed and basin boundaries*
Decision-makers must acknowledge that since basin boundaries cross many jurisdictions, other governance bodies, such as the International Red River Basin Board and Prairie Provinces Water Board will need to be more engaged in the governance of water flowing through Manitoba. There needs to be support from decision-makers for more collaborative governance approaches and the involvement of these other governance bodies in public engagement processes when decisions are made affecting water. There is also a need to connect watershed plans at the basin level to develop appropriate policies and programs at the larger regional level, especially for drainage, drought protection, and biodiversity enhancement.
- *Link land and water planning*
Decision-makers must recognize the need for mandatory source water protection plans to be enshrined in watershed planning schemes. Watershed planning schemes must also require drought contingency plans, and these plans must be incorporated into planning and zoning by-laws.
- *Plan for long term with short term milestones*
Unfortunately, most elected governments plan on four year election cycles, so it will be important that Manitoba plans for the future and acknowledges the need to implement Canada's commitment to the Paris Accord and develop a net zero emissions strategy by 2050. Given that some of Manitoba's larger industries (hydro electricity and agriculture) will be impacted by global warming, it will be important for us to take timely actions to implement a just transition strategy.
- *Ensure Indigenous participation and respect for traditional knowledge*
More information about how decision-makers will ensure Indigenous community involvement (e.g. funding commitments, collaborative decision-making processes) and "understand, consider and respect unique Indigenous relationship with water and land, and traditional knowledge" would provide more transparency in terms of what this guiding principle might mean in actual practice. There should also be more information about how the elements of the [United Nations Declaration on the Rights of Indigenous Peoples](#) will be incorporated into decision-making process. It would also be helpful to know how decision-makers will acknowledge problems caused by legacy water power projects and historical/ongoing harms experienced by Indigenous communities in future decision-making processes. See also our additional suggestions from the Key Focus Area section below.

- *Encourage the involvement of all Manitobans*
We need to improve the mechanisms that support public engagement in decision-making processes, including de-politicizing some of our agencies, boards and commissions that have oversight over environmental matters. This could mean making the Clean Environment Commission an independent body that reports directly to Legislature, reinstating the Water Council, ensuring that Watershed District Boards are inclusive and diverse in their composition and include Indigenous governments at the table. Inter-governmental bodies such as the Prairie Waters Board will need to become accessible and accountable to the public. Consultation processes need to be improved, as the EngageMB process lacks transparency and does not ensure that participants have fair and equal access to the process. Environment Act licensing will need to be improved to ensure impact assessment and cumulative effects assessments are required for all development proposals, especially those that impact water. There is also a need to meaningfully involve the public in the assessment and licensing of developments under *The Environment Act*, *The Water Power Act*, and *The Water Rights Act*, among others, that have the potential to impact water resources. It is particularly important that developments of all sizes be subject to public review, instead of limiting public involvement to a small percentage of very large developments.
- *Define roles and responsibilities*
The private sector, while it has a role to play in developing and implementing technologies to improve water quality and water use efficiency, should not be granted rights that result in the ownership of water resources, nor should community and local government water and wastewater services be privatized. Explicit recognition of the public trust doctrine, intergenerational rights, environmental human rights, legal rights of natural entities (e.g. Lake Winnipeg, the Nelson River, the Red River) in policy and law would require decision-makers to acknowledge and reflect these responsibilities in future decision-making processes. There should also be specific identification of the administrative bodies responsible for public hearings (e.g. water power licensing, water rights licensing) in applicable legislation.
- *Ensure a basis in science and evidence*
More information about what “good evidence” includes, how long-term and cumulative risks will be assessed so a “firm” understanding can be achieved by decision-makers, and what “best available practices and tools” includes would provide more transparency in terms of what this guiding principle might mean in actual practice. There is also a need to explain how Indigenous Traditional Knowledge and community knowledge will be considered by decision-makers in conjunction with scientific data and other evidence. It is important that scientific results are independently obtained and emphasis should be placed on research that is peer-reviewed.

Key Focus Areas:

We look forward to further engagement to assist with the development of detailed outcomes and actions for each area. More information is required before specific feedback can be provided, but we have included some general suggestions below.

- *Enhance water supply for sustainable development*
When developing outcomes and actions for this focus area, Manitoba should reconsider the use of the prior appropriation doctrine in the allocation of water rights. This ‘first in time, first in right’ approach does not account for water required to maintain healthy, functioning aquatic ecosystems and in times of drought and severe water shortages, those who have newer permit dates will be the first to be cut off. Priority of purpose (Domestic, Municipal, Agriculture, Industrial, Irrigation and Other) should be the primary allocation consideration, especially in times of drought and water shortages. There is also a need for instream flow to be better regulated in Manitoba and be included as more than just a discretionary consideration. Drought contingency plans needs to be incorporated into the water permitting process as well as at the watershed and basin level, through

watershed planning exercises. Local governments need to also develop drought contingency plans and relevant by-laws to address water shortages.

- *Make every drop count through efficient water use*
The adoption of new and more efficient water conservation and efficiency practices should be prioritized in this key focus area and demand side management solutions should take precedence over supply side management solutions. Manitoba should also make commitments to support the development and start-up of industries that can innovate and adopt/promote water efficiency technologies.
- *Support coordinated water management and governance across watersheds and basins*
When developing new actions and outcomes in this area, it would be advantageous to coordinate efforts with the Federal government in developing a new Water Agency and framework for collaboration. Another opportunity for improving interjurisdictional collaboration is the *Canada-Manitoba Memorandum of Understanding Respecting Lake Winnipeg and the Lake Winnipeg Basin*, an agreement in place since 2010. The purpose of the Lake Winnipeg MOU is, “to facilitate a cooperative and coordinated approach between the Parties in their efforts to understand and protect the water quality and ecological health of Lake Winnipeg and its basin, and achieve a healthy, prosperous and sustainable Lake Winnipeg for present and future generations.” The commitments made in this MOU should influence the outcomes and actions in this area and encourage commitments to further developing collaborative governance approaches. Updating Manitoba’s Water Management Strategy is also an opportune time to strengthen existing interjurisdictional commitments by including Indigenous governments as a Party to the MOU and to have this cooperative and coordinated approach reflected in the new Strategy. Good examples of strong Indigenous involvement in water governance include the [Nicola Watershed Governance Project](#) in BC and the NWT [Mackenzie River Basin Transboundary Water Agreements](#).
- *Advance Indigenous inclusion in water management*
MbEN recommends changing the title of this key area to “*Advance the provincial government’s commitment to reconciliation with Indigenous peoples*” to ensure the development meaningful actions and outcomes. As a signatory organization to the *Five Foundational Pillars in creating a Federal Water Agency in Canada*, MbEN strongly supports adherence to the following principles in the development of actions and outcomes in this key focus area:
 - Fulfilling the federal government’s stated commitment to advancing government-to-government, nation-to-nation relationships by developing pathways and providing resources for the co-governance of shared waters with Indigenous Nations.
 - Recognizing, respecting, and upholding Indigenous inherent, Aboriginal, and treaty water rights and roles.
 - Recognizing, respecting, and upholding Indigenous worldviews and knowledge systems related to water, as defined by Indigenous peoples.
 - Fulfilling the Truth and Reconciliation Commission Calls to Action, with a particular focus on repudiating concepts used to justify European sovereignty over Indigenous peoples and lands and the laws, policies, and litigation strategies that continue to rely on such concepts (Calls to Action 45-47).
 - Fulfilling the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), with a particular focus on ensuring Indigenous peoples have the right to participate in decision-making in matters which would affect their rights (Article 18) and that Indigenous peoples have granted their free, prior, and informed consent before decisions are made that affect them (Article 19).

MbEN supports the proposed approach of developing actions in this area in collaboration with Indigenous peoples, however, there is a need to provide Indigenous governments and organizations

with specific details about how this collaborative approach will be developed, implemented, and financially supported by the government.

- *Increase our understanding of groundwater supply and quality and its inter-relationship with other parts of the environment*
Development of actions and outcomes should include the consideration of recommendations made by the Clean Environment Commission, Public Utilities Board and the intervenors of public hearing processes in terms of impact assessment, cumulative effects assessment, hydrological modelling, integrated licensing processes, public access to environmental data, and monitoring and follow-up practices. For example, many recommendations were made in the Southeast MB Groundwater Planning exercise, but resources were never dedicated to implementation. Manitoba's existing Drought Management Strategy also has a number of actions that should be included, some of which have not been fully implemented.
- *Build our resilience to a variable and changing climate*
Building resilience and adapting to global warming is important, however, as mentioned above, it is extremely important for us to mitigate global warming by adhering to the Paris Accord and developing and implementing a net-zero emissions strategy by 2050. Unfortunately, greenhouse gas emissions in Manitoba have been gradually climbing.
- *Address our water infrastructure challenges and opportunities*
Action items should address ongoing problems with legacy water power developments and other aging infrastructure that has not undergone appropriate impact assessment and public hearing processes. Focus should be on upgrading, improving the operation of, or decommissioning already existing infrastructure and should not be on the development of new infrastructure unless it is necessary to support climate change adaptation and environmental sustainability. There is a need for Provincial and Federal governments to support and accelerate Winnipeg's Combined Sewer Overflow Strategy and North End Wastewater Treatment Plant upgrades for biosolid management and biological nutrient removal. See also our additional suggestions from the Guiding Principles section above.
- *Improve surface water quality*
Action items should include the enhancement of wastewater treatment, including funding commitments from the provincial government, more sustainable agricultural policy and law, wetland protection and enhancement, and management practices to reduce nutrient runoff. For example, soil phosphorus thresholds will need to be made more stringent in order to reduce phosphorus run-off into surface waters. See also our additional suggestions from the Guiding Principles section above.
- *Protect biodiversity and support aquatic ecosystem health*
As acknowledged in the consultation document, Canada is a signatory to the UN Convention on Biological Diversity. This commitment has resulted in the development of targets to meet the [Strategic Plan for Biodiversity 2011-2020](#), which includes the *Aichi Biodiversity Targets*. The increased targets that Canada has adopted in relation to water should be specifically addressed in the Strategy. Manitoba will also need to be vigilant and oppose inter-basin transfers of water that could potentially introduce foreign biota and invasive species into the Nelson-Churchill water basin.
- *Improve the information and knowledge available for effective water management decision making*
Developing actions for this key focus area requires further consultation with the public, Indigenous governments and organizations, and other stakeholders. Consideration should also be given to the numerous recommendations made by the CEC, PUB, and experts participating in recent decision-making processes. See also our additional suggestions from the Guiding Principles section above.
- *Enhance engagement and participation of Manitobans in water management*
Developing actions for this key focus area requires further consultation with the public, Indigenous

governments and organizations, and other stakeholders. Consideration should also be given to the numerous recommendations made by the CEC, PUB, and public participation experts participating in public hearing processes. There is a need to improve public access to environmental information and data (including monitoring plans, reports and data reported to the government by project proponents), more collaborative decision-making processes and co-management arrangements, and support for citizen led monitoring programs. Funding commitments to support non-governmental organizations such as MbEN that seek to support public engagement in decision-making processes are also necessary. See also our additional suggestions from the Guiding Principles section above.

MbEN also recommends that the scope of the Strategy be expanded by broadening the actions and outcomes captured under the proposed key focus areas or adding new key focus areas to specifically include the following elements:

- Water management issues and watershed planning in Northern Manitoba.
- Acknowledgement of past and current environmental impacts Indigenous communities have faced because of water management practices. The Strategy should also reference treaty relationships, the province's duty as a Crown treaty partner, and *The Path to Reconciliation Act* as examples of existing provincial commitments that the province needs to fulfil.
- Financial support for Indigenous led research and integration of Indigenous perspectives about how to improve regulatory requirements, licensing and water management processes in MB.
- Acknowledgement of the role of and support for Community Based Water Monitoring programs.
- The enhancement of enforcement mechanisms to protect water resources and detailed public reporting of infractions/remedies.
- An integrated strategy to eliminate microplastics in our water systems.
- Law and policy reform to improve shoreline/riparian zone protection and restoration.
- A moratorium placed on new water withdrawals for the production of bottled water.

Conclusion:

MbEN sees the development of the Manitoba Water Management Strategy as an important opportunity to improve Manitoba's water governance framework and ensure more sustainable water management practices are adopted in our province.

Due to the importance of water to all Manitobans, there is a need for further public engagement and consultation with Indigenous governments and organizations before the Water Management Strategy is finalized. We have identified a broad range of issues that require further public discussion and need to be better addressed in the Strategy. We also feel there is a need for better recognition of Canada's international water commitments, more effective interjurisdictional coordination, including collaboration with Indigenous governments, and commitments to strengthen Manitoba's regulatory framework.

MbEN appreciates this opportunity to provide input into the development of the Manitoba Water Management Strategy. We look forward to assisting with the development of specific actions and outcomes for the Strategy and welcome future opportunities to collaborate with the Government of Manitoba in the development of stronger environmental laws and policies in our province.

Glen Koroluk
Executive Director

Heather Fast, B.A., J.D., LL.M.
Policy Advocacy Director