

Presentation by the  
**Association of  
Manitoba  
Municipalities**



to

The Standing Committee on Legislative  
Affairs - Bill 22: The Water Protection Act

September 13<sup>th</sup>, 2004

On behalf of Manitoba municipalities, I am pleased to appear before this committee today to outline the Association of Manitoba Municipalities' position on Bill 22: The Water Protection Act.

Water is one of the most important resources in Manitoba and as such, it is essential that it be protected. The AMM had long called on the Province to consolidate water related services and branches into a single portfolio and was pleased with the Province's decision last November to create the new department of Water Stewardship with the mandate to protect and manage this province's water resources. Bill 22: The Water Protection Act is enabling legislation that will give the Province the tools it needs to meet its mandate to protect Manitoba's water resources.

There are many positive attributes in this bill. The AMM has been and continues to be a strong proponent of watershed based planning, as this unchangeable unit is the most logical foundation for planning. It is crucial that watershed based planning be linked to land use planning as the two processes are obviously intertwined. While this will not be an easy procedure, it is certainly a needed one, and the AMM is encouraged that it is included in this bill.

The AMM is also supportive of the creation of a Water Council that will be charged with the responsibilities of monitoring the development and implementation of the watershed management plans and advising the Minister on water issues. It is also important that the composition of this new council reflects the stakeholders most directly impacted by the new legislation. For this reason, it is imperative that the AMM, as the association that represents all 199 municipalities in this province, be included on this council as municipalities will be impacted directly by this legislation.

The AMM is also supportive of the development of watershed quality management zones. These zones will protect water, aquatic ecosystems and drinking water sources by designating all areas of the province into zones and then governing, regulating and

prohibiting any use, activity or thing in these zones. These management zones will be a useful tool in the development process and will help ensure that sound environmental decisions are being made. However, the creation of these zones must be made based on sound science and cannot be used as a tool to prevent or limit development in certain areas of the province, such as the Capital Region. Management zones will be a useful tool but only if the mapping of these zones is based on sound science, and it is imperative that the Province completes the maps and provides them to municipalities and watershed management boards quickly.

The AMM is also pleased to see that Bill 22 includes a clause guaranteeing that there will be consultation in the development of the regulations for this act. This is an important clause since much of the detail will come later through the regulations. For this consultation process to be meaningful however, municipalities must be consulted in the development of the regulations and not simply asked to comment on a completed draft. Input must be sought in the beginning stages of drafting the regulations and not merely once the Province has internally set the direction of the specific regulations.

However, while this bill does have many excellent attributes, the AMM does have some concerns. While legislation in general requires a certain amount of vagueness to ensure that it is adaptable to future changes, this legislation is visibly vague and grants unprecedented powers to the current, and any future, Minister of Water Stewardship, and for this reason should be considered carefully.

One such power is the unilateral ability of the Minister to declare a serious water shortage in part or all of Manitoba if he or she considers that extraordinary measures are needed to ensure a reasonable water supply. While we can certainly appreciate that in some instances immediate reaction and decisions are required and time is of essence, we believe that local input and consultations with the water management authorities should take place before taking such drastic measures. Often it is the local people who best

understand the needs of the community and area and would have valuable input that should be considered before any harsh decisions are made.

One of the greatest concerns our association has with this bill is in its implementation. This bill is vague about how all of these newly legislated ideas and requirements will be implemented. It is clear that municipalities, along with conservation districts and planning boards, will have a major role to play in the implementation of the concepts laid out in the bill. However, how great a role this will be is not clear. This bill lacks any plan for action as to how any of these new requirements will be met and lacks any details as to who will be responsible for ensuring that these new requirements are met. It is imperative that these rules are shared with key stakeholders prior to the act being passed because it is crucial that local people are consulted and involved in the process.

Closely related to the matter of implementation is the issue of financing. This bill is vague on the issue of who will be financing the implementation of this legislation. Without adequate funding, none of the key attributes of the bill can occur. For instance, watershed planning authorities cannot make the watershed management plans required under the act without financial assistance. However there is no indication that the Province will provide any financial assistance to watershed planning authorities in the development of these plans. Without Provincial financial assistance for this bill, the financial responsibility will be simply downloaded to municipalities or will be financed by all Manitobans through user fees. Simply put, Bill 22 will not work without a clear commitment from the Provincial Government to adequately fund the requirements of this legislation.

In summary, while there are definite positive attributes to this bill, the AMM is concerned that this bill is vague, and it is imperative that the Province help offset this vagueness through early consultation in the development of the regulations. The Province must also address the problems with implementation and the financial underpinnings of the bill to

ensure that these responsibilities are not simply downloaded to municipalities and to ensure that the strengths of this bill are not lost due to these weaknesses.

Thank you for the opportunity to present our views to you today on this important bill, and the AMM looks forward to future consultation in the development of the details of this legislation.