

Presentation by the

Association of Manitoba Municipalities



to

The Clean Environment Commission

Hog Production Industry Review Submission

April 25, 2007

Concerns for Manitoba Municipalities

The Clean Environment Commission (CEC), as a part of its investigation will review the current environmental protection measures now in place relating to hog production in Manitoba in order to determine their effectiveness for the purpose of managing hog production in an environmentally sustainable manner. The Association of Manitoba Municipalities (AMM) understands that environmental protection is vital to a healthy economy and is directly linked to healthy communities.

The AMM is submitting comments regarding municipal concerns for the CEC consideration in the Hog Production Industry Review. The AMM represents the 198 municipalities in Manitoba and our chief role is to ensure our members' interests are represented. This is the reason that the AMM is presenting two general issues that are of concern to municipalities in Manitoba.

The role of municipalities is to address local concerns regarding land use. The Provincial Government is responsible for environmental perspectives. Therefore, the AMM is concerned about the impact on municipal planning and the public process associated with both environmental assessments and the technical review committee. These concerns are crucial to the environmental, economic and social well being of communities and need to be taken into consideration through the CEC's investigation and subsequent recommendations.

Planning Concerns

The recent review and modification of The Planning Act has had a tremendous impact on municipalities province-wide. New regulations have required municipalities and/or planning districts to create development plans and zoning bylaws to encourage sustainable planning and development within the province. A Livestock Operation Policy is a requirement as part of the development plan with section 42(2) in The Planning Act laying out the requirements. Municipalities are required to have this work completed by January 1, 2008 and while many have already been completed, there are still some forthcoming.

The work of the CEC could have a significant impact on municipal planning therefore the AMM is requesting that the CEC complete the review promptly to ensure that municipalities are able to complete the planning process. The review of The Planning Act resulted in municipalities spending the last year adapting to a new planning system. The CEC's recommendations have the potential to

have major implications for The Planning Act, however these should ensure that the Act's general principles are not altered. The CEC should not make recommendations regarding the Planning Act, but should only make changes to the Province's environmental protection strategy.

Municipalities and key stakeholders have previously participated in a protracted consultation process to renew this important legislation and it would be unfair for municipal councils to have to work with a constantly changing set of planning rules. We believe that the current Act, while not exactly what any single stakeholder advocated for, is the best available solution and as such, The Planning Act should remain unchanged.

Development of future regulations has the potential to increase the responsibility of municipalities in the planning process. Municipal budgets are already over-extended and municipal governments are not in the position to take on additional costs and responsibilities. Considerable capacity is required to make the current regulations a reality. The capacity of municipalities to increase their land use planning responsibilities to meet proposed recommendations should be kept in mind throughout the Hog Production Industry Review.

Public Process

Public consultations are a vital mechanism for ensuring that people have an opportunity to voice support and concerns in relation to a plan. The Clean Environment Commission (CEC) has provided stakeholders an opportunity to provide an overview of specific concerns to assist in the development of the Hog Production Industry Review. As well, the CEC has a process that allows for an additional opportunity to further discuss issues, including land use planning and approvals, as specified in the *Guide to Public Participation in the Clean Environment Commission Hog Production Industry Review*.

Local control of decisions made regarding land use is fundamental to a high quality planning process and the CEC should ensure that this opportunity for local knowledge to be included in the process remains intact. The land use planning process and the environmental assessment processes are both equally important and should include opportunities for stakeholder input. This increases the strength and acceptability of decisions and is an indication of good governance.

One of the key attributes of the current planning and licencing process is that the Province is responsible for environmental issues while municipalities are accountable for land use. The Provincial Government has the expertise and capacity in regard to environmental concerns and should be held responsible for the information they produce. The Province of Manitoba needs to be accountable for environmental decisions therefore technical information should not be left to be defended by municipal councils during the public hearings required by The Planning Act. This is why the AMM believes that the Technical Review Committee (TRC) should be required to attend all municipal public hearings for which they have provided information.

It is important to the transparency of the planning process to verify all technical information received from the TRC, and allowing a public inquiry of the science-based information would assist the public in accepting this as being true. The AMM also believes that there should be local involvement on the TRC. This would allow local knowledge to be incorporated and cross checked with technical information. The TRC process needs to be examined to ensure that the information presented is precise. Municipalities will defend their own political decisions, however should not be required to defend the technical decisions made by the Province. There is adequate opportunity for this public process to occur at municipal public hearings.

The Provincial environmental licencing and approval process also needs to be examined. Currently the process allows for public hearings to be held at the discretion of the Minister of Conservation and in reality are seldom held. These public hearings should be mandatory, not simply based on how politically controversial an issue is. This would increase the transparency of the licencing and approval process while allowing for public acceptance and understanding of the technical and environmental information being reviewed. The AMM believes that increasing the opportunity for public involvement would increase support for the science-based research and evaluation completed by the Province. Many citizens feel the need to be shown that the Provincial Government has taken proper care in gathering and assessing environmental information. As long as the public has no assurance that this is the case they will continue to fight through the more public municipal land use planning process.

Summary

The AMM believes it is critical that all Manitobans be made aware of the overall, long-term provincial environmental strategy for the hog production industry. The planning decisions made by the Province and municipalities have the opportunity to have positive environmental impacts affecting their residents' health and quality of life. Municipalities are constantly striving to create healthy and balanced communities that have a positive impact on the environment, however can only do so when they have a stable set of planning rules with which to adhere. The AMM believes that the CEC should ensure that The Planning Act remains unchanged.

However, the AMM believes that the environmental licencing and technical review committee processes should be reviewed to ensure that crucial, science-based information is available to the public regarding all hog production facilities. This will improve the quality of information presented and will assist in the dissemination of technical information and planning decisions. Improving the public process will increase communication among stakeholders and allow for increased understanding and knowledge of the planning and environmental licencing process.

The AMM Board would like to ensure that the CEC continues to be attentive to the needs of municipalities in this review in order to assist in making the recommendations viable. It is also important that this review be completed keeping in mind of the positive work that has previously been completed in Manitoba.