

# The Association of Manitoba Municipalities



Water Issues Paper

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April 18<sup>th</sup>, 2006

Water protection has become one of the most important issues for all Manitobans<sup>1</sup>. As such, it is critical that all levels of government, and all stakeholders, work together to ensure Manitoba's water is protected. Municipal Government will be a key partner in any water protection initiative and municipalities are willing to work with the Province to protect Manitoba's water for the benefit of all Manitobans.

The Province has taken a leadership role on this issue, working in consultation with key stakeholders to develop the Manitoba Water Strategy. As a result of this work, the new department of Water Stewardship was created and the Province introduced and passed the Water Protection Act. Municipalities are supportive of the concepts that drove the creation of the Act and the AMM was generally supportive of the Act at the Legislative Committee hearing. While the AMM agrees with many of the concepts and ideas identified in the new Act, how the Act will be implemented remains to be determined. Much of this will be done through the regulation process and we have started to see some of the regulations already. The AMM has submitted its concerns on the specific regulations, however we also feel it is necessary to take a look at the bigger picture and some of the general outstanding issues that still exist. The AMM has identified a number of issues that must be addressed.

## Issue #1: Meaningful Stakeholder Input is Needed

For these plans to have stakeholder buy-in, they must be developed in consultation with all key stakeholders, especially municipalities and conservation districts (CDs). Municipalities and CDs are expected to be partners in this process and it is imperative that they are included in the development of any provincial plan. This entire initiative will only succeed if there is stakeholder buy-in and for this to arise, stakeholders must be a part of the process. And it is crucial that this involvement be from the start and not simply after the key decisions have been made. Municipalities and Conservation Districts all bring local knowledge to the table and must be acknowledged as key stakeholders in this process. For water initiatives to be successful, local groups must be involved from the beginning in developing these initiatives.

One way to get meaningful stakeholder input is through the creation of a working group that includes all of the funding agencies involved in water management initiatives. This group should include the Province, the AMM and the conservation district association, as all three have a financial stake in the process.

There are also concerns that the Provincial Water Planning Branch is not on the same page with municipalities and conservation districts, which in large part may be due to some of the issues identified in this paper. As CDs are being viewed as the delivery mechanism for many of the new requirements, it is imperative that proper coordination and communication takes place. Better communication should also exist with the Manitoba Conservation District Commission, as it plays an important role in this process.

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<sup>1</sup> The AMM would like to thank the Manitoba Conservation Districts Association for their input to this paper

Unfortunately right now there is a good deal of confusion and uncertainty regarding this initiative, in part due to a lack of communication.

The need to improve communication is equally true within government, as at points it appears that communication is lacking between government departments. For this process to be successful, all government departments need to be on the same page. This not only includes the departments of water stewardship, transportation, intergovernmental affairs, conservation and agriculture, but the department of health as well, as water quality is as much a health issue as anything else.

## Issue #2: A Long Term Plan is Needed

It is paramount that a long-term plan for water protection is developed. While the Province has introduced and passed the Water Protection Act, a comprehensive, coherent, workable, province-wide water protection plan is still needed. Municipalities are for the most part willing to use their limited resources to create local, regional watershed-based plans, however these must work in conjunction and be compatible with the larger, province-wide water plan.

It is on this provincial plan that the ultimate success of the entire water management system rests. The Province cannot expect municipalities and conservation districts to develop individual plans on a piecemeal approach. There must be a clear provincial plan in place for municipalities and conservation districts to build on. All actors must be working together and until the overall design is known, this is not possible. This plan must be developed before calling on municipalities to create plans and before provincial regulations are introduced.

For any plan to be successful, there must be clear water quality benchmarks established to see if the plan is doing what it is designed to do. Currently there is information available for major water streams, but not for the tributaries which feed into the major streams. Benchmarks are needed to see if plans and best management practices are working. Otherwise, there will be no way to tell if resources are being maximized.

These plans need to be for overall water management, not simply for drainage. Some conservation districts have signed memorandums of understanding with the Province for the administration of drainage. The last few years have clearly shown the extreme conditions Manitoba can face and have highlighted the need for a plan that includes both drainage and retention and not simply one or the other.

In the development of this plan it is essential that its impact be properly assessed. The burden of implementation cannot be placed on any single group and the financial impact of any proposed rules must be considered. It is equally important that the responsibility for enforcement rests with the Province, and is not transferred to municipalities or conservation districts.

### Issue #3: Financial Cost of Water Initiatives

One of the issues heard most often by our association is the potential cost of this initiative. Financial costs must be a serious consideration during the development of the provincial plan and all aspects should include a careful cost analysis. Any provincial plan must be realistic and financially attainable, and this can only be assured by making certain serious consideration is given to the cost of implementation during the development of the plan. Regardless of how effective a plan maybe, it is useless if it cannot be implemented due to cost.

In fact, the Manitoba Water Strategy Steering Committee identified funding as one of the problem areas in need of resolution, however as yet there has been no meaningful discussion on financing. Time and again this issue is raised in discussions with municipal councils, as there are concerns that municipalities will be left to finance provincial decisions. This issue will need to be addressed before the Province can expect municipalities and other key stakeholders to buy into the process.

Water quality is an issue for all Manitobans and as such is much more than a local issue. Water quality is a public health issue and most certainly one that must be addressed province-wide. For this reason, the Province must allocate adequate financial resources to match the requirements that are being implemented through the new act.

### Issue #4: Integrated Watershed Management Plans (IWMP)

While a comprehensive provincial plan is lacking, there is a provision for the creation of regional, watershed-based plans. While the watershed is the most logical basis for the plan, it must be recognized that not all CDs were established along these boundaries. This is equally true for municipalities, meaning some CDs and some municipalities are a part of multiple watersheds and will be required to develop multiple plans.

While the CDs are the natural entity to undertake a lot of this work, this does by default exclude some stakeholders. Some municipalities are not currently part of CDs, and while there is provision to allow them to participate in the IWMP process, these municipalities will not be providing funding for the implementation of the plan and will not be part of the overall management of the plan if this is done through the local CD. All interests must be represented, and currently provincial parks, First Nations, crown lands and other entities are not included in CDs and therefore not a part of the plans. For IWMPs to work, they must be relevant to the landscape and must include all stakeholders.

While some groups are not part of CDs, many municipalities fall within multiple CDs and multiple watersheds. With early estimates showing that these plans can cost upwards of \$250,000 it may be cost prohibitive for some municipalities to develop multiple plans. There are also some CDs that will be forced to develop multiple plans as they incorporate more than one watershed. While there is a commitment of some funding for the

development of these plans, the \$25,000 provincial commitment falls far short of the actual costs of developing these plans.

One of the reasons for the extreme cost of these plans is that a clear framework of what is expected is lacking. This means CDs are forced to look outside their own staff and hire consultants to develop a comprehensive plan that meets the expectations of the Province. However, these Provincial expectations remain vague, meaning extra work is required to unearth expectations. With 17 CDs being expected to develop similar plans, it would be far more efficient for the Province to develop a template that includes all Provincial requirements and that CDs could work through on their own, instead of each having to hire consultants to do the work.

### Issue #5: The Antiquated Conservation Districts Act

One of the impediments to this process is the antiquated Conservation Districts Act. This Act was written in the 1970s, a time when CDs had very few responsibilities. The responsibilities of CDs have grown substantially since this Act was proclaimed and it is time to update the Act to reflect this new reality. As well, the current Act excludes many of the key stakeholders, including First Nations, crown lands and provincial and federal parks. These groups need to be incorporated into the process to make it work.

### Issue #6: The Need for Realistic Timelines

A final issue is the timeframe for this initiative. The AMM supports the Province's desire to move forward with these water initiatives but this cannot be done by sacrificing sound science and be done at the expense of due diligence. Timeframes must be realistic and allow enough time to ensure the best measures are being implemented.

### Conclusion

Municipalities and CDs are prepared to do their part to protect Manitoba's water quality but many are hesitant to move forward until there is a clear direction. This direction can only be suitably developed through consulting with key stakeholders from the outset. And once developed, it is essential that this direction be clearly communicated to municipalities and conservation districts to ensure everyone is working toward the same clear goal. Without a long-term water management plan with clear benchmarks to measure performance, water protection efforts will continue to falter. The plan itself must be realistic and include careful analysis of the impact of its requirement on those that will be mandated to implement them. The associated timelines must also be realistic and allow for proper consideration of the proposed initiatives.

Municipalities and conservation districts have been active partners throughout the Province's water protection initiatives, from the original Consultation on Sustainable Development Initiative (COSDI) report, through the Water Strategy development and up

until today. Municipalities will continue to work with the Province to advance water protection initiatives, however to do this correctly, the issues identified in this paper must be addressed.