



Second Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE
on
PUBLIC UTILITIES
and
NATURAL RESOURCES

40 Elizabeth II

Chairman
Mr. Ben Sveinson
Constituency of La Verendrye



VOL. XL No. 9 - 10 a.m., MONDAY, JUNE 24, 1991



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

LIB - Liberal; ND - New Democrat; PC - Progressive Conservative

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	LIB
ASHTON, Steve	Thompson	ND
BARRETT, Becky	Wellington	ND
CARR, James	Crescentwood	LIB
CARSTAIRS, Sharon	River Heights	LIB
CERILLI, Marianne	Radisson	ND
CHEEMA, Gulzar	The Maples	LIB
CHOMIAK, Dave	Kildonan	ND
CONNERY, Edward	Portage la Prairie	PC
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	ND
DOER, Gary	Concordia	ND
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	LIB
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Clif	Interlake	ND
EVANS, Leonard S.	Brandon East	ND
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	ND
GAUDRY, Neil	St. Boniface	LIB
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
HARPER, Elijah	Rupertsland	ND
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	ND
LAMOUREUX, Kevin	Inkster	LIB
LATHLIN, Oscar	The Pas	ND
LAURENDEAU, Marcel	St. Norbert	PC
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MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	ND
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McCRAE, James, Hon.	Brandon West	PC
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MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	ND
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	ND
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	ND
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	ND
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	ND
WOWCHUK, Rosann	Swan River	ND

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON
PUBLIC UTILITIES AND NATURAL RESOURCES

Monday, June 24, 1991

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Ben Sveinson (La Verendrye)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Mr. Enns

Mr. Carr, Ms. Cerilli, Mrs. Dacquay, Messrs. Edwards, Evans (Interlake), Helwer, Laurendeau, Penner, Reimer, Sveinson.

Substitutions:

Mr. Evans (Interlake) for Mr. Dewar

WITNESSES:

Norman Binkley, Private Citizen

Robert Gaudry, Interlake Region

Yvon Dumont, President, Manitoba Metis Federation

Don Sullivan, Choices - A Coalition for Social Justice

Written Presentations Submitted:

Dennis Bayomi, Private Citizen

MATTERS UNDER DISCUSSION:

Bill 38—The Wildlife Amendment Act

* * *

Clerk of Committees (Ms. Bonnie Greschuk): Will the Committee on Public Utilities and Natural Resources please come to order. We must proceed to elect a Chairperson. Are there any nominations?

Mr. Marcel Laurendeau (St. Norbert): I nominate Mr. Sveinson.

* (1005)

Madam Clerk: Mr. Sveinson has been nominated. Are there any other further nominations? Since there are no further nominations, will Mr. Sveinson please take the Chair.

Mr. Chairman: When the committee sat last Friday, it had been hearing public presentations.

There are still approximately nine presenters listed. Shall the committee continue with hearing public presentations?

Some Honourable Members: Agreed.

Mr. Chairman: Agreed. The committee had previously agreed to hear from out-of-town presenters prior to considering presentations from Winnipeg residents. I understand that there are still a few out-of-town presenters registered to speak. Is it the will of the committee to hear from them first?

Some Honourable Members: Agreed.

Mr. Chairman: I also understand that there are a number of people who have indicated that they will not be able to attend today's meeting but would still like to be heard on Tuesday evening if possible. What is the will of the committee?

Mr. Jack Penner (Emerson): Mr. Chairman, I would suggest that we wait until we finish and hear everybody here today and then make a decision on that matter after we have heard those who are here today.

Mr. Chairman: Is that the will of the committee?

Some Honourable Members: Agreed.

Mr. Chairman: Agreed. Also I understand that there will be one written submission that will be circulated and has been circulated that is not listed. The written submission is from Mr. Dennis Bayomi.

I have before me the resignation of Mr. Greg Dewar as a member of the Standing Committee on Public Utilities and Natural Resources effective June 24, 10 a.m., 1991. Are there any nominations to replace Mr. Dewar?

Mr. Laurendeau: I would like to nominate Mr. Evans.

Mr. Chairman: Mr. Clif Evans, Interlake, has been nominated. Are there any other nominations? There are not? Mr. Greg Dewar (Selkirk) has been replaced by Mr. Clif Evans (Interlake).

Our first presenter is Mr. Norman Binkley. Would you please come forward? His presentation has

been circulated. Mr. Binkley, would you please proceed.

Mr. Norman Binkley (Private Citizen): Mr. Chairperson, members of the committee and our honourable legislators, I would like to say that my presentation is going to be frank and to the point because I have been a Manitoban all my life and I am very proud of that fact. I will express my concern here as a person, one of many of us who realize that Manitoba is not just on the brink of some decisions which will forever, or may forever, damage its natural resources.

* (1010)

It is second nature to many Manitobans to understand and appreciate their natural surroundings. The public is justly becoming concerned about the lack of responsibility and maturity of its governments when dealing with matters of the environment. The subject is one of endearment and one of the highest priority with the public. The public is very serious about the care of the world today, and politicians seeking election are going to have to remember this. The displeasure that Bill 38 has generated has not enhanced either the favouritism of the minister or the party he represents.

An organization called Ducks Unlimited has proposed building a large new complex in an area called the Oak Hammock Marsh. A large group of people, devotees of wildlife interests, have said no. A politician in the province has come out in favour of the idea and said yes.

The principles here are that the law prohibits this building in the Oak Hammock Marsh and was written into the laws of the province for a good reason. It is not in the interests of wildlife for buildings or their inhabitants to intrude in this area belonging to wildlife.

This is an embarrassing event for the province. Governing of this type has been unsuccessfully tried in the world for nearly 100 years, but has only several years ago been recognized by every nation that practised it, that it is futile. It seems inappropriate that it should make its final throes in Manitoba.

Not only is the subject of wildlife a gentle subject, but the residents of the province who devote much of their lives towards these interests make their opinions and decisions exclusively for those interests of wildlife. The devotion of the employees

of the Crown who serve in the interests of wildlife is well-known to anyone who has had the gratifying experience of dealing with them, but the greatest contribution to the operation of nature itself are the volunteers of society who donate the greatest of all gifts, their time. These are the people who must be heard as these are the authorities of nature itself.

Ducks Unlimited is a well-known, respected and prestigious organization and part of our Manitoba. Its creation was for the same reasons which wildlife enthusiasts work everywhere. Their contribution to a more productive wildlife has been appreciated in the province. Their request to build such a complex in the heart of the wildlife area has been taken with exception, and it is for good reason. This has been declared a wildlife area. Unnecessarily imposing humanity into it is not permissible. It is simply illegal.

It might be a little confusing if you listen to the defence rendered by the local representatives of Ducks Unlimited. On the contrary, I find it not just a little surprising, inasmuch as this is a domestic affair, that Ducks Unlimited have not already withdrawn their application for this licence to build, and at least to receive the blessings of the local residents. Pressure on the part of the corporation might be interpreted as labelling the structure as their monument, and this could lead to a most unpleasant strain on an already well-established relationship between wildlife families here. Business groups, as with the minister, both point directly to the financial gain of this project. We in the province are not interested in the financial gain, of all things, in the area of wildlife. To suggest that benefits will pour in from tourist dollars, only one has to realize that come November 15, there will be precious few tourists around in the small towns supporting local businesses.

* (1015)

Any small town would welcome the education centre and business offices of the proposed project. This is the business aspect of any community. There would be no question of the town removing the snow of the Ducks Unlimited employees' parking lot and their visitor accommodation, and on any town advertising there would be reminders of the support to the interpretive centre and the wildlife it supports.

To create new facilities that will enhance educational equipment and presentations is indeed what wildlife is all about. The techniques available in today's visual presentations for education are phenomenal. There is no doubt that the Oak

Hammock areas could be used to capture much of this dialogue of nature, but this information and these scenes can be captured from any area or indeed from the marsh area itself with any necessity of the gigantic intrusion of this building.

Most of our TV programs have been always created within the wilds itself for many years. The impressive scenes and sounds that have been extolled as a product of the new proposed facility sound very exciting, and they will be something to look forward to if this facility materializes. However, it would be most unfortunate if this facility were to be condemned in advance on the grounds that it had violated the real interest of the wildlife spirit, and it would be hard to understand how it had been escorted right into the marshes by a minister of the Crown in complete contravention to the laws of the province.

Mr. Chairperson, I would like to, at this time, say that a few of the following examples that I wish to give are not drifting from the original intent of this subject, but wish to show the close relationship between our subject, that of carefully and sincerely protecting the interests of wildlife, and of that of the environment. For some reason, in this province they are divided into two departments. Without consideration of the environment there cannot be wildlife, and without wildlife the environment is certainly without meaning. The province is not living up to its intent of the many laws and policies which it has taken so much time and money to establish and which they have misled the public to believe are in place. Is there a guideline where humanitarian or public interest has a foothold for concerned citizens, an effective action line? I would like to give you an example of what I mean by reading from two letters which were mailed to me some months ago.

One is from a little girl in our neighbourhood. This involves an area that has been expropriated by the City of Winnipeg to build a series of reservoir cells in the community for water storage. You will hear more of this later. During the early winter months work was done in the process of surveying data, that saw a bulldozer come into the forest and take a few savage swaths of trees, so the little girl writes to the minister of wildlife saying: Over the years I have seen many animals in that forest—foxes, owls, deer and many others. If you take out all the trees, all these animals will have no homes. You will destroy

their habitat. There is nowhere for them to move to, so they will die.

The minister replies, this land, et cetera, on which they plan to build is owned by the city. No approvals from the department are required for the city to clear forested area on their own land, and the minister is right. Protection against this happening can be found in several publications to prevent it happening and, in this case, a completely unnecessary act from transpiring. There is no record of preventing so many of these ecological disasters affecting the land use, the wildlife and, indeed, man himself.

From the CN Tower in Toronto, it has been said, you can view 70 percent of the world's most productive soil. This property 15 years ago was disappearing at the rate of over 100 acres per hour while Ontario was enjoying one of the greatest industrial expansions in its history. Today most of this land is under asphalt, of course. It is likely the only area of the world that can boast of No. 1 soil forming the foundation to some of the largest parking lots in the world, most of which, incidentally, are so big that they are never more than partly occupied. The implication of a politician crying out to stop this program would have been just that, political tragedy. The government of Manitoba will shortly be called upon to make an identical stand against this.

An incident within our province some years ago witnessed a federal policy of land leasing in the Riding Mountain area. Without the forethought and in spite of advice to the contrary, hundreds of acres of this land were cleared, flushed of its wildlife, and put into production. Twenty years since have passed in a vain attempt to stop the corrosion of this soil as, stripped of its natural tree and grass roots, it continues to slide down the mountain.

In place in our provincial publications are The Environment Act, The Wildlife Act, the provincial land policies, which will hopefully tie in with the Manitoba Planning Act presumably to make our stand on something stronger. Up to this point, however, these publications are lip service only to the public, who look on in amazement at times on decisions that are made in complete contravention to the interests of our province and to that implied in the policies in print.

The province will have to accept the examples and pitfalls it has been shown from other areas of the world, the desecration of land and water and wildlife and the atmosphere, knowing in many cases

that this harm came as a result of some other decisions that had been wrongly made, in many cases the decision made solely on the outward appearance of a financial benefit.

* (1020)

Manitoba, for a number of reasons, is in a position to be a leader in both environmental and wildlife issues, but not if our resources are prostituted by politically ambitious renegades, nor with the insincere planners, but if the meaningful advantage is taken out of this Manitoban, the sincerity of this community and the volunteer in the field of naturalists. Our population levels and our large areas, the considerable areas naturally involved in small lakes, there are so many assets, and they must come under the management of the people, and the good intentions of government support must not just appear in countless publications to be varied and toyed with to suit each individual legislator, but in a progressive attempt to avoid mistakes which are starting to appear in this province as they have in others in the past.

As for the province's stand on the issue of Bill 38, the issue is not whether the proposed project can proceed under the laws of the province. It cannot. If, on the other hand, the province will change a law to accommodate a party member while the people stand outside the gate and say "nay," then we have an interesting case of law which if changed will not enhance the dignity of our legislators. Thank you.

Mr. Chairman: Are there any questions for Mr. Binkley?

Ms. Marianne Cerilli (Radlsson): Mr. Binkley, I apologize for coming in late during a presentation, and I see by the list that you are from out of town. Can you tell me where you live?

Mr. Binkley: I live just east of the city about 10 miles.

Ms. Cerilli: So you do not live in the area?

Mr. Binkley: Of the Oak Hammock Marsh? No, I do not.

Ms. Cerilli: It is becoming clear from the paper today that this is becoming a situation of competing interests. Maybe I can ask you, since you live out of town, if you have a sense of people in the area where you live, if they are in support of the bill and of the project that is motivating the bill.

Mr. Binkley: There has never been a word of support to this legislation. I think the general feeling

is that the legislation really was not meant, because a lot of care had gone into the original laws protecting wildlife. I am surrounded by wildlife back there, only starting back again after a number of years of absence, because just by sheer chance a small wildlife area has developed.

I farm in the area and I have all my life. I have done other things, but this general area is very conducive to wild migratory waterfowl in the fall of the year especially. Some of us, at least, make sure there is enough crop left to give these birds a feeding area on their staging route. This is an aspect, I think, which we all enjoy part of in our wildlife concept.

Ms. Cerilli: I guess I am wanting to look towards ways that we can find solutions. From the newspaper this morning we see that there are local community people in the area of Oak Hammock Marsh and Stonewall who are quite anxious to have the tourism economic spin-off from the project. I have said during these committee hearings a number of times that I understand there is a need for diversifying rural economy and that tourism is something that we should be looking at.

I think that you mentioned in your presentation that you are aware of that, and I am wondering if you could make some comments of what you would see as a way of dealing with that in terms of the building at Oak Hammock Marsh. I mean, people have said that Bill 38 is not the Ducks Unlimited bill, but in fact, in a lot of ways it is. We know that we would not have Bill 38 if we did not have Ducks Unlimited and Natural Resources wanting to put the office building at Oak Hammock Marsh. I guess my question is for you just to comment on the idea of developing tourism related to environment education, related to showing Manitoba's wilderness, but yet not jeopardizing wildlife management areas.

Mr. Binkley: I think that the interpretive centre and the facilities which it has advertised as going to be instigated in this facility are marvelous. I can see them in the north end of Winnipeg; I can see them in the town of Stonewall; I can see limitless advantages to any opposition of this nature which is going to enhance wildlife and which is going to educate the people. I cannot see it going right into the marsh.

I would like to elaborate on Ducks Unlimited. I have worked with Ducks Unlimited in my operation with conservation districts. I think they are one of the finest organizations going. They are just

another organization, the same as any other Manitoba organization. I can see Ducks Unlimited being slightly tarnished if they are given any particular advantage here to move into this area.

I would like to see this building in an area where as many people as could possibly be. There is an area down in New Orleans which covers the bayous and the swamps. It is an outstanding interpretive centre. It is not located out in the swamps; it is located where people any day of the week can go and see it right in the city. I can see an advantage of this whole concept if it is placed where people can get at it because, as I have mentioned, on November 15 Oak Hammock Marsh is not going to be an inspirational site for tourists from all over the world who come and visit. I can see it getting a much better response from being located in a place like Winnipeg or Stonewall or, perhaps, Stony Mountain.

* (1025)

Ms. Cerilli: You raised an issue of another facility. Can you describe where that facility is?

Mr. Binkley: I am sorry, which facility?

Ms. Cerilli: You were just talking about another facility similar to the one that we are contemplating here.

Mr. Binkley: No. There is another proposition out in our district where the City of Winnipeg intend to go in and build water reservoirs. I probably think this is inappropriate to go into detail in, because hearings have been applied for this vast destruction in our area. So I am making reference to it with the intent of showing that this is another project which is going to be of public controversy and which in our publications, such as the land use policies of Manitoba, and which, in The Environment Act, all have clauses in it which would, if interpreted per se, prohibit the proposition from coming into effect.

Mr. Chairman: Mr. Binkley, thank you for your presentation.

Mr. Binkley: Thank you. Good morning.

Mr. Chairman: Would Mr. Robert Gaudry come forward, please? Mr. Gaudry, do you have a written presentation?

Mr. Robert Gaudry (Interlake Region): No, I do not.

Mr. Chairman: Okay, thank you. Proceed.

Mr. Gaudry: Good morning, committee members, Mr. Minister. I am here to support Bill 38 because I

think it will give the flexibility for the minister to address the needs of the fishermen, trappers, farmers and any others who would like to have an interest in a wildlife management area. Thank you.

Mr. Cliff Evans (Interlake): Mr. Gaudry, it states you are from the Interlake region. What part of the Interlake are you from?

Mr. Gaudry: St. Laurent, Manitoba.

Hon. Harry Enns (Minister of Natural Resources): Mr. Gaudry, I am pleased to see you here at this meeting. I am aware that you are a fisherman on Lake Manitoba, is that not correct?

Mr. Gaudry: Yes.

Mr. Enns: It is my understanding, and certainly as the MLA for the area, that for a considerable number of years your organization and people from around St. Ambrose and St. Laurent, generally, have petitioned government, not just this government but previous governments and Ducks Unlimited Canada, I believe, to proceed with the development of the Lake Francis marshes, the kind of development which, of course, would require a ministerial permit to enable certain works to be undertaken, dikes to be built, cells to be created. Is that a continuing concern to people in your area?

* (1030)

Mr. Gaudry: Yes, that is exactly why we are supporting Bill 38, because we have a dead marsh over there, about 10,000 acres right now, and we would like to do something with it that will benefit the wildlife.

Mr. Enns: As you understand it, if the authority of the minister in this instance to grant these kind of permits should in fact be struck down in law, then that may not be possible.

Mr. Gaudry: That is right.

Mr. Enns: Thank you, Mr. Gaudry.

Mr. Chairman: Are there any other questions for Mr. Gaudry?

Ms. Cerilli: Mr. Gaudry, I wonder if you know that this same minister who is proposing Bill 38, not very many months ago, proposed a regulation for The Wildlife Act that was diametrically contradictory and opposed to what you are asking for, saying that it is merely because of the proposal to build an office complex and a conservatory at Oak Hammock Marsh that we have Bill 38. I wish that you had been here for some of the other presentations, Mr. Gaudry. I am serious when I say that, you know, the

problem of economic and environment competing interests is something that we face every day. As the Environment critic, you know, I am dealing with this every day, and—

Mr. Penner: Would you table the information that you have just verbally expressed?

Ms. Cerilli: I think there has been enough on the record.

Mr. Penner: I am serious. I think it is important that you document.

Mr. Chairman: Order, please.

Mr. Penner: Mr. Chairman, I think it is important when a presenter or a member of this committee makes statements such as Ms. Cerilli has just put on the record that she is willing and able to back up those kinds of statements for the benefit of the presenter as well as for those who are members of this committee, that we might in fact peruse that information.

Ms. Cerilli: Was that a point of order?

Mr. Chairman: No, it is not a point of order.

Ms. Cerilli: On a point of clarification, Mr. Chairman. The minister himself is on record as saying that the reason for Bill 38 is the project at Oak Hammock Marsh.

Mr. Chairman: Ms. Cerilli, would you continue with the questions of the presenter? We are not at this point debating, if you will. Would you continue?

Ms. Cerilli: I will try and get back to my train of thought.

Mr. Laurendeau: Try and be relevant.

Ms. Cerilli: I think I am being very relevant, Mr. Laurendeau.

What I was explaining to the presenter before asking the question—because I would like to find out more about the situation that you are referring to in the area where you live. So maybe that is what I will do; I will start off by asking you to explain further the situation that you are facing in the community where you live and why specifically this bill will assist you in dealing with that situation. This bill, I remind you, is only dealing with wildlife management areas, which are intended to protect wildlife from development.

Mr. Gaudry: I would like to ask you a question. Do you call fish wildlife too, or are you talking just about birds here now, or what?

Ms. Cerilli: I understand fish, yes, are wildlife, but they are also—see, this is what I am talking about when I say, competing interest. Are we changing our attitude to wildlife to not just see them as a natural resource, to not just see wilderness areas and wildlife there to be exploited or used for commercial and financial benefit. I am not saying that we should not have a fishing industry. What I am saying is, I think that we need certain areas in the province that are going to be protected, Mr. Gaudry, and I wonder if you can comment on that or respond to that.

Mr. Gaudry: I am with you for that to be protected. That is why we want Ducks Unlimited in there in that mud that we have that is Lake Francis Marsh like now. That is why we would like to see Ducks Unlimited come in there and do something good in that marsh like they did in Oak Hammock. Right now we only have a big pile of mud in there. If you call that a management area right now, and if you call it a wildlife preserve, you should go in there and walk in there, then you will find out exactly what I am talking about.

Ms. Cerilli: Okay. Mr. Chair, my question is: What do you want them to do there? Be more specific. I want to learn what you want them to do there.

Mr. Gaudry: We have got a big plan that we would like to see done in there by Ducks Unlimited. We have been trying to get it done for the last 10 years, and we could not get any satisfaction from any government, except this government today that is willing to try and give us a hand at developing that marsh.

Ms. Cerilli: Well, Mr. Gaudry, I would suggest to you that Ducks Unlimited is putting millions of dollars into an office building in a wildlife management area, rather than doing that kind of work that you are asking them to do. I have said at these committee hearings repeatedly and asked the question, you know, and I ask you.

Mr. Gaudry: The way I read The Wildlife Management Act, there is no way they can come in there unless they get a permit from the minister. You cannot bring the machinery in there, you cannot build anything on those, so that is why we would like to see this bill passed, so we can go ahead and do something with our marsh over there. It is a dead marsh. If this minister does not have authority to get

Ducks Unlimited to come in there and do any kind of project, we will never get it done.

Ms. Cerilli: Mr. Gaudry, I guess I am hesitating because I hope that you have all the information that we have as a committee. I wish you had all the information that we now have as a committee. I understand that this is not the time for debate, and I understand that I am not going to influence the minister.

At this point, I do not think I am going to change his notion of wildlife management areas, but I think that we could propose some amendments to this bill that would do what you are asking, would allow for construction in wildlife management areas, that would allow for the kind of development and preservation work that you are asking for without allowing for any kind of industry, any kind of construction, any kind of corporate office structure, which is what we now have in Bill 38, and that is one of my concerns. If you can maybe make more specific the kind of development that we need in wildlife management areas to meet your needs.

Mr. Gaudry: Let us say now we need a fish hatchery on Lake Francis. What do we have to go through to get a fish hatchery built on Lake Francis marsh?

* (1040)

Ms. Cerilli: Is Lake Francis marsh including a wildlife management area?

Mr. Gaudry: That is right, it is.

Ms. Cerilli: I am not familiar with that area. I do not understand why you have to have the fish hatchery in the wildlife management area. Can you explain that to me?

Mr. Gaudry: Because that is the creek that the fish come in and will spawn. If Ducks Unlimited makes a nice creek for Lake Manitoba to connect with Lake Francis, then we could have a nice hatchery built at the same time to help the fishermen, plus helping the trappers in that area where there is no more trapping done because it is just a big pile of mud right now.

Mr. Chairman: Are there any other questions for Mr. Gaudry? Mr. Gaudry, thank you for your presentation.

Would Mr. Yvon Dumont come forward, please? One moment please. Mr. Dumont, will you please proceed?

Mr. Yvon Dumont (President, Manitoba Metis Federation): Thank you, Mr. Chairman, Mr. Minister, committee members. I am from St. Laurent, Manitoba, as well, and I am here to support Bill 38 because I believe in the principle of democracy and I believe that the minister should have the flexibility to be able to do what is necessary in order to look after the interests of Manitobans.

So many times, as Metis people, we go to government and we ask for certain things to be done and we are told well, we are sorry we cannot do it because the act does not permit. The minister does not have the responsibility to be able to do things that may be contrary to the law, but nevertheless in the interests of the people of a certain area, and we have big problems with that. The minister is the person who is accountable to the people. The minister is the minister of the Crown, accountable to cabinet and accountable to the Premier and accountable to the Legislative Assembly. I cannot see a Minister of Natural Resources who would go out and do something intentionally that is contrary to the best interests of conservation.

I think that a minister has the resources behind him to be able to do the proper kind of research, the kind of research that is necessary to make sure that damage to conservation areas is marginalized so that projects can take place with as little as possible damage to the environment. I believe in these days of environmental awareness that a minister, regardless of which government he serves with or which political party, would make sure that happens.

For example, when I say that I believe ministers should have flexibility to be able to do things that may be contrary to an act but yet in the best interests of Manitobans, there is one that comes to mind right now. For example, I am appalled, I am absolutely appalled that a minister of the Crown, the Minister of Justice (Mr. McCrae) or the minister in charge of utilities would have to do something illegal, something that is contrary to the law in order to stop those horrendous messages that are being put through the Manitoba Telephone System. If there was a portion of the act that would make it possible for a minister to say well, this may not be contrary to the law but it is contrary to the best interests of Manitobans, then that phone would be unplugged now because I do not believe that Manitobans would put up with it.

Yet it is legal and the minister can say, I am sorry but in order to do something about this, I would be

forced to do something illegal. No flexibility in doing what is in the best interests of Manitobans, that is the problem.

As far as the marshlands of Manitoba, I live in St. Laurent, Manitoba, which is close to Lake Francis marsh. The people of my community used to make a living on the waterfowl, the trapping and hunting, fishing on the resources of Lake Francis marsh. Dams have been put in place, hydro dams, other dams that have caused that marsh to go dead, as the previous presenter mentioned. As soon as you get close to Lake Francis marsh, you can smell it because it is dying.

There is a community up in northern Manitoba called Cormorant. A lot of people from our community moved up there towards the turn of the century. They moved up there because there was an economic base. They could make a living there. They could feed themselves and their families. They could look after themselves. Today that marsh area is flooded. No controls whatsoever are on Cormorant Lake.

Not only did the wildlife disappear, but the flooding has taken place to the point where it is flooding some of the basements in the communities. Docks are under water. I understand there is a project up there that is being proposed by Ducks Unlimited that would put a control on the level of water in Cormorant Lake. The people up there are anxiously awaiting for that project to take place, because they are concerned about the environment for the wildlife, and they are concerned about the water that is in their basements and the water that is flooding their docks.

We look at what has happened to Oak Hammock Marsh. We understand that used to be kind of a mud hole as well until Ducks Unlimited took the initiative to come in there and make it into one of the best wildlife management areas, one of the best waterfowl nesting areas within driving distance from Winnipeg. If they had not done that, we would not have it.

We in St. Laurent, Manitoba, and the people in Cormorant, Manitoba, are waiting to see that kind of action take place in our communities so those marshes will be revitalized, so the waterfowl will come back. I understand there are discussions with Ducks Unlimited about making some cells available in Lake Francis for a fish hatchery which would revitalize the economy for the fishermen.

Fishing is a dying industry. I know a lot of people look at it as a commercial industry, and they see the fish as a natural resource that should be left alone and not fished commercially. Our people have been making a living off that. There are a hundred-and-some fishermen around my community who make a living off commercial fishing. It is our belief that the project at Lake Francis marsh would make it possible for this to happen.

Somebody said, well, is it right for somebody to put this into the act, Section 38, that says the minister can approve any thing to be built there? Well, I think any thing at the discretion of the minister who is accountable to the people, to the Legislature, to the Premier and to cabinet. That would be in the best interests of the area.

* (1050)

I understand right now that there are some opponents to what has taken place at Oak Hammock Marsh, and they will do anything and use any means to stop it. I understand that those very same people are on record as saying that they will do anything and use any means to stop what we are trying to do at Lake Francis marsh.

So, yes, I support Bill 38, because I believe that special interest groups and individuals who do not live in the area that is affected should have the right to use the courts and some technicality because there is some gray area in the act should be able to stop the minister from doing something that is in the best interest of the people who live in the area. We live there. We make a living there. We are not a showcase. We do not live behind a glass for somebody to come and look at us. We live there. We make a living there. It is our resources that you are talking about.

I think that first of all the priorities should be, when you are listening to people who are making presentations, on the people of the area, not university professors, not lawyers. Certainly, I think we can learn a lot from those people, and we can use their knowledge and background in order to make decisions.

Yes, I hear, maybe others do not hear, but I hear a lot of support for this Bill 38. A lot of people would like to have the minister have the flexibility to be able to do things that are in the best interest of their particular area. Sometimes when you have a law that covers everything, there are those instances

where the law forgets to look, and there are some gray areas that need a minister's decisive action.

I would like to be able to tell Jim McCrae today that there is a provision in your act that says that you can unplug those phones, and you do not have to do it illegally, but it is not there. Those messages continue to be given to anybody and everybody that wants to listen, and there are lots. That is why I support Bill 38.

I passed some pamphlets around there about a friend of mine called Guy Fontaine, who lives in my community, who has quite a reputation for taking pictures of waterfowl, making them available for people to look at. They are all over the States. They are all over Canada. Where does he take his pictures? I was talking to him not too long ago. I called him this morning. He does not take his pictures in the natural marshes of Lake Francis, and he does not take his pictures in the natural marshes of Cormorant, but he takes them at Oak Hammock Marsh, and he takes them at all kinds of Ducks Unlimited marshes.

Why do you think he does that, because Ducks Unlimited is some kind of environmental monster that is out there to destroy the environment? I do not think so. From what I know of Ducks Unlimited, they have done nothing but a lot of good to the environment. They have done nothing but a lot of good to the nesting grounds of ducks and geese, and certainly they may have made their mistakes here and there, but overall Ducks Unlimited has done a good job.

Yes, there are a lot of people saying that in my community, and there are a lot of people in my community waiting for the projects to take place in Lake Francis. We know that those same forces that are saying now that they will do anything, will use any means, to block the development that is about to take place at Oak Hammock Marsh, to block our project on Lake Francis. If there is any room in the act for them to do it through the courts, regardless of what the local residents would like to see, they are going to do it.

I want to be able to go and twist the minister's arm, and I do not want to hear from him that he has no choice because the act does not permit him to do that. I want him to take into consideration what the people of the area want. I want him to be able to do it without breaking the law, because I already know that there are people out there who are committed to stop even the Lake Francis development, and by

using the same section of the act that they are going to use to stop Oak Hammock Marsh, the same section of the act that is going to be used to stop the development at Oak Hammock Marsh.

That is why I want to see that replaced. I want Ducks Unlimited to be welcomed. Some people say, by golly, we may end up with a Disneyland at Oak Hammock Marsh, but I think that is exaggerated. We should be so lucky; we should be so lucky. Talk to the people of Orlando, Florida. Talk to the people of California. My children want me to take them down to Disneyland. It would cost me thousands of dollars to take them down there and have a look, and here we are saying this change in the act cannot take place because we might end up with a Disneyworld in Manitoba. Give me a break; give me a break.

We need to make maximum use of our natural resources. We need to make maximum use of the tourism industry. We need to bring people to our marshes. We need to protect the waterfowl. Government does not have the money to do it, God knows that. Ducks Unlimited is committed to doing that. They are willing to use their resources, to come up to Canada and to come up to Manitoba, thank God, to do the kind of things that taxpayers are not able to do. We should look at this approach by Ducks Unlimited as a help to our ailing economy here in Manitoba. We should look at Ducks Unlimited as a help to our ailing waterfowl areas, because that is what they are doing.

* (1100)

My friend who takes pictures of wildlife, waterfowl mostly, and I would like to close with that. I would like you to think about that as we discuss this so-called environmental monster, Ducks Unlimited. He takes his pictures in areas that have been developed by Ducks Unlimited, the great majority of them. He does not go in a natural marsh in Lake Francis because it is dead. It stinks. It is a mudhole. It needs to be looked after and the taxpayers of Manitoba are not able to take care of it. We have some people associated with Ducks Unlimited who want to come here—and maybe partly for their own interest, absolutely, I do not deny that—but it is also in our interest to make sure that the kind of conservation projects that are taking place in Manitoba, in Canada and in the United States continue to take place.

I do not want that same section of the act being used by people who do not even live in the area. I

do not want that same section of the act to be used by anybody who is using any thing and any means that they have in front of them to stop it. When they say that, I know they will use that section of the act. I am glad this project at Oak Hammock Marsh is bringing this to a head because it needs to be discussed, and the benefits of those kinds of projects need to be looked at closer by Manitobans. Thank you.

Mr. Chairman: Mr. Dumont, I would like to apologize first for not reading into the record that in fact you are here as the president of the Manitoba Metis Federation, just for the record.

Mr. Enns: Thank you, Mr. Dumont. I appreciate you taking time to appear before the committee this morning. I particularly appreciate, Mr. Dumont, your understanding of the word "democracy". It has been used a great deal at this committee, and, as an elected official yourself, you have an understanding of the word.

I am faced with a situation here where the immediate local government council members unanimously have appeared before this committee asking for me to do a certain thing. We have heard from the town of Stonewall, the adjacent town, the mayor represented and the full council, asking this government to do a particular thing. I have suggested before that the MLA for the district made it very clear what his views on this project were, was elected with a larger majority when this issue was an election issue. I, myself, as minister, was elected with a majority, again I might add, when it was plain to everybody where my feelings stood on this matter. This government, which had this project on its agenda, was elected with a majority since this agenda was put on.

The question to you is, it would be highly undemocratic of me if I were to allow special interests groups that have opposed the project to convince me to back away from it. Is that not your understanding of how democracy should work?

Mr. Dumont: That is what I meant at the beginning when I said I believe in democracy, and I believe that elected officials ought to have the right to govern, that they should not be too restricted.

Mr. Enns: The other question I want to raise, and I do thank you, because it is extremely important, the issue has been made this morning and on other occasions that Bill 38 is here only and primarily

because of the Ducks Unlimited project at Oak Hammock Marsh.

You understand and, really, as I understand your presentation, your concern here is that if the section of the act that is challenged and struck down that would prevent the Oak Hammock project from proceeding, it is of course the same section that opponents to a project that is near and dear to the heart of people who you are immediately concerned with at St. Laurent, the Lake Francis project, could also be struck down. Is that not right?

Mr. Dumont: That is right.

Mr. Enns: It is important that that be on the record, because the other evening we were of course also informed by Mr. Brian Pannell—not informed, indeed challenged—that the hundreds of cattle ranchers who currently enjoy some grazing and haying permissions on wildlife management area should be of great concern to somebody like the member for Interlake, that if this bill does not go through those leases would all be challenged, that hundreds of ranchers and farmers in The Interlake would no longer be able to get their fodder supplies under the permission that is now granted by the lease. Thank you, Mr. Dumont.

Ms. CerlIII: I just want to clarify that a number of people who have presented to these committee hearings have said that there is a vast difference between some of the things that are allowable under the act currently, and have been done, and an office building in a wildlife management area. Thank you.

Mr. Chairman: That is not a point of order. It is a dispute over the facts.

Mr. Dumont, did you have anything further to add?

Mr. Dumont: No, thanks.

Mr. Chairman: Are there any other questions for Mr. Dumont?

Ms. CerlIII: Mr. Dumont, I appreciate your presentation, and I have a number of issues that I would like to get you to comment on, but I will start off with the question of, how are we going to deal with this?

We know that we have certain areas in the province that are unique environmental wildlife habitat areas that we know we have to take care of. I would say that some of them, if they have been protected areas, might have more fish, might have more wildlife, might have mining resources in them.

There might be all sorts of potentially economically beneficial things in protected areas and, as we destroy the rest of the province, are we now saying, well, yes, that is a wildlife management area but, because there is all this economic benefit there, now we have to change the law so that we can go and cut down the trees, or we can go there and we can fish the fish, or we can hunt the area?

I would say that one of the reasons that is happening is that we have not taken the care in other areas. We have let our fishing industry get so large or be unregulated so that it will outfish a region. This has happened in many parts of the country.

So I would ask you the question, how are we going to deal with it when we realize that it is the very areas that we have protected that are going to be the most abundant in terms of natural resources? Are we going to allow economic development to go on in those areas, and then what will we have?

(Mr. Marcel Laurendeau, Acting Chairman, in the Chair)

Mr. Dumont: First of all, I think that in everything you need to have a balance of economics and conservation. I would think that if there was a unanimous motion against this project from the people in the surrounding areas, regardless of what the act says, it would not be happening. It would not be happening, but the people in the area are making a choice. The way I see it the council in the area—I know in our area we allow things to go on in Lake Francis marsh partly for economic reasons. We have to make a choice of where do we—I mean, if you carry it to an extreme, pretty soon we would not be cutting any trees down. How do we build our houses? We would not be fishing. How would we eat fish? We would not be grazing animals, cattle and others. We would not be killing anything. What would we eat? There has to be a balance.

Sometimes in order to make sure that some projects that we are really supporting go through, we have to support some things that are not necessarily that popular with everybody. I think that somehow the minister in charge, who is accountable to the people, who is accountable to cabinet, who is accountable to the Legislature, with the resources that he has behind him, would be able to do the proper kind of research that would decide when we decide not to go ahead with a project, that it would not be interpreted by the strict letter of the law. That sometimes has been to our detriment.

* (1110)

Ms. Cerilli: I guess I have to get in on the democracy talk that is going on here. Maybe my vision of democracy is different, but I think that there is two things. We are not only responsible, particularly as a minister, you are not only responsible to the constituents that elected you, but you are also responsible for having a vision for the whole province and responsible for the wildlife management areas for the whole province. I think that the kind of democracy that this bill represents, and is putting into law, where if you elect somebody, they are not accountable until the next election. I think that is the problem we are having with the federal government. Even this provincial is critical of that.

I am suggesting, and we are going to be looking at some amendments that would put this into the act, I think, that is going to have some true community involvement in decision making that goes on in wildlife management areas.

(Mr. Chairman in the Chair)

There would be government, there would be -(interjection)- excuse me, Mr. Chairperson, how come the minister gets to interrupt me?

Mr. Chairman: Order, please.

Ms. Cerilli: My patience with the minister is wearing thin today.

Mr. Chairman: Order, please.

Mr. Enns: I think, if I may respond while you are getting some order over there—

Mr. Chairman: Order, please.

Mr. Enns: I want to assure my honourable friend that my patience is—

Mr. Chairman: Order, please. Mr. Minister and all members, could I have order, please—Mr. Dumont.

Mr. Dumont: First of all, I believe that if a government is really doing things that are detrimental to the province and if the majority of the House feels that they are, they can be brought down. I mean, we have had that experience recently, for one thing.

The other thing is, I want to tell you that minister right there, he is a minister for everybody, but I will tell you, if he does not do what we like to see in our area, he is going to be accountable to us.

Ms. Cerilli: I do not know if I was finished making the point that I was making. Would you support having some kind of structure or process that would allow for communities to participate in working

together with representatives from local industry, from local business, from local naturalists or environmental groups and from government so that wildlife management areas would have, on an ongoing basis, some kind of community involvement in the management, so that it would not just be, as this bill suggests, the minister who can decide what happens?

Mr. Dumont: I think that is a motherhood kind of a statement to say, would you support the maximum input from everybody. I think, certainly, everybody would support that, but I think that this section in the act, 3(1), I believe, the proposed section is meant to cover unexpected things, projects that have overwhelming support at the community level. Like this one has. Like the Lake Francis marsh has. Like the project at Cormorant Lake has. There would not be a single individual in the province who would say, well, I am sorry but you cannot go ahead with it because there is a technicality here, there is a loophole in the law that provides me with the opportunity to put a stop to it. I think that you have to have that balance.

Ms. CerlIII: There are a couple of other things that I wanted to raise. One of them is for us to realize that we are dealing with The Wildlife Act here. We are not dealing with an act that is regulating economic development. We are dealing with an act that is supposed to be protecting areas that are of environmental importance. We want to ensure that they are not going to be overly exploited.

So I guess I am asking you to think about—what you are talking about, the idea of making the right choice, and again going back to the first question I asked you: How are we going to deal with the fact when we have these competing interests? I would suggest that a lot of the problems that are occurring in rural areas with their natural resources being depleted are because so often it is economic gain that wins out and often not small local economic gain but large industrial economic gain. Aboriginal people in the North know that well with flooding from megaprojects in dams—

An Honourable Member: From your government, yes.

Ms. CerlIII: Well, I am not here to apologize or—

An Honourable Member: Well, maybe you should.

Ms. CerlIII: I am not going to begin to apologize—

Mr. Chairman: Order, please.

Ms. CerlIII: So I would ask you, you know, the point I was making earlier, when is the environment going to start winning a few?

Mr. Dumont: I think, first of all, that is a big problem with government, as I see it. They say, well, I am sorry but we are not concerned here about the economy, we are concerned about the environment. Then you go to the other place and they say, well, sorry, I am not concerned about the environment here, we are concerned about the economy. We have that all the time.

For example, with CMHC, Canada Mortgage and Housing Corporation, we go to them and we say, listen, there are houses being built here in Cormorant or in St. Laurent, and we would like to have the people of the community take advantage of those economic opportunities. They tell us, well, sorry, but we do not deal with economic development. You see, we are concerned only with housing.

I think that is a big problem, and usually it ends up that the people who end up making the decision are the people furthest removed from the situation. I think that the minister, in this case and in a lot of other cases, ought to have the flexibility to be able to respond to the people of the local area. That is whose environment you are intruding on.

Ms. CerlIII: I have a question here that I jotted down from when you were making your presentation. I would ask you—you were referring to a marsh in an area, and I assume it is where you live. I would ask why is that marsh dry now, or why is that area dead as you called it?

Mr. Dumont: There are a lot of people who have different answers to that. We think, in our area, it is related to the Fairford dam. The level of the water is not at the same level as where it used to be, and the circulation of the water in that marsh is not the way it used to be, so it ends up being a dying marsh.

* (1120)

Mr. James Carr (Crescentwood): Thank you, Mr. Dumont, for your presentation. I just cannot help but ask you a question related to a comment about democracy. I want you to correct me if I am misquoting you, but my notes say that you believe that the minister should have the power to do something contrary to the law, when it is in the best interests of Manitobans. Could you tell me just how you would define the public interest, in that case, and what laws you are thinking of, in particular, that

you think ought to be contravened to serve that interest?

Mr. Dumont: I think the Oak Hammock Marsh is an example of where the people in the area, at least I am told, are supportive of the project. They see it as having some good economic spinoff for the people of the area. They see it as a project that would encourage conservation, not only in their area, but all over Manitoba. Certainly, I see it as an encouragement to Ducks Unlimited to continue on the kind of development that they have been doing. That is one.

The other one is one that is very prominent in the news about the messages that are coming through the Manitoba Telephone System, where there are clearly some messages there that are contrary to the public interest, but what they are doing is not against the law. You see, they are using a technicality in reverse, and so there is no flexibility there for the minister to be able to do what is in the interest of the public.

Mr. Carr: The minister is seeking to change the law, and that is why we are debating Bill 38. That is why we have a committee of the Legislature that asks people like you to come and tell us whether or not you think the law is a good one or a bad one, and the government will or will not use its majority to pass the amendment or not pass the amendment. The minister cannot, outside the law, determine what he believes to be in the public interest and that is why he has proposed a change to the law.

I just wanted to be clear that you were not arguing something different than that, that a minister of the Crown, whether it is the Minister of Natural Resources or the Minister of Justice or anybody else, should take the law into his or her own hands with the interpretation of what the momentary public interest may or may not be. I just wanted to make sure that I was clear on what position you were arguing there.

Do you have any other comments?

Mr. Dumont: No, I want to make it clear there that what I meant by those statements was that the law ought to provide the minister the legal right to be able to do things that are in the best interest of the public.

Mr. Carr: Thank you for that clarification. I do not think it is a small point.

Mr. Paul Edwards (St. James): Mr. Chairperson, I just want to pick up on some comments that I have heard the speaker make about the need for flexibility

and the need for the minister to be able to do any thing which he feels is in the best interests of the community at large. As I understand it, that is what is being proposed. I assume that is being said in support of this amendment which the minister has before the House.

I simply want to ask the speaker, would he consider it a reasonable curtailment on the minister, a reasonable amount of flexibility to limit the minister's discretion only insofar as it is proven to be for the better management, conservation and enhancement of the wildlife resource of the province? Would that seem to be a sufficiently broad standard by which the minister could act within it? Let me just say, it strikes me that is a pretty reasonable curtailment. All that says is whatever you do under The Wildlife Act should be for the better management, conservation or enhancement of wildlife. Does that strike the speaker as a reasonable limit?

Mr. Dumont: I think that again you know, that is a motherhood statement. I think, of course, that is what the whole act is about.

Mr. Edwards: Well then, the presenter may be interested to know that as the act stands without this amendment, that is the only criteria that the minister will have to meet, that is the only standard that he will have to meet to do what he wants, including Oak Hammock Marsh. There is no need for this amendment and this bill if that is the only standard which the speaker would suggest we hold the minister to.

Mr. Dumont: Again, I believe that Mr. Edwards was not here when I was speaking earlier, but what I am saying is that sometimes, and I heard you say this the other night, that do you think that the minister ought to be able to do any thing that he wants. My response was that I understand that the group that is very strongly against the development at Oak Hammock Marsh will do any thing and use any means to stop it from happening, any means, do any thing. I also know that those people are clearly on the record as saying that they will do any thing and use any means to stop the project that we are so looking forward to in my area, in the Lake Francis marsh. If that is what is needed, then I am all in support.

Mr. Edwards: My only comment, and the speaker has quoted me and I obviously understand that the opponents will do everything they can possibly. I assume they will do everything they can legally to

stop the project. That is their right, as it is yours to speak in favour of this.

My only point to the speaker is, if they were to challenge this in court, if they were to take the minister to court for letting this go ahead, the criteria the minister would be held to and the only criteria he would be held to would be the standard of, is it for the better management, conservation and enhancement of the wildlife resource of the province. The speaker has indicated that is a motherhood statement. I agree. Surely if you do something under The Wildlife Act it should be able to meet that criteria. I mean, that is a pretty minimal motherhood statement. If that is the criteria which the speaker supports, as I do, we should leave the act alone, because that is there and that is all that is there.

Mr. Dumont: From what I understand, the act—and we do not know what the court would rule or how they would rule. I do not think there is any of us here that would make that decision, but from what I understand, the act the way it now reads would stop any challenges to the development at Oak Hammock Marsh. That is what I support.

Ms. Cerilli: I guess I am thinking of two things. One is the point that only people who live in the neighbourhood of wildlife management areas—that there is only people living in those areas that are supporting the projects, but that there are local people who are also in opposition to the bill and to some of the projects that you are talking about.

I guess one of the things I would ask you, and maybe the approach I am taking to this is reflective of my experience and trying to find win-win solutions, trying to find ways that everyone involved can have their needs and interests met. I guess the point that you are making about, if we do not have this bill, and if there is a court case with respect to Oak Hammock Marsh, that then there would be some opportunity for members of the public to oppose all sorts of other things that are going on in wildlife management areas.

I guess I would just like to say that we know that this has been happening for awhile where there have been certain kinds of things that have gone on in wildlife management areas, and that there has only been opposition when environmentalists or members of the public feel that it is so destructive or so obnoxious, that they cannot stand for it.

So I guess I would just put to you that I do not think that everything in wildlife management areas is

going to be opposed. What I would say is that we need something in The Wildlife Act that is going to give more direction of what is allowable and more of a sense of what is in keeping with the intent of wildlife management areas than this bill does.

* (1130)

Mr. Dumont: I think that, first of all, I find it very, very hard to believe that an organization like Ducks Unlimited would do something to Oak Hammock Marsh that would be so detrimental to what is happening over there, that would be so detrimental to the conservation of wildlife.

If that technicality is used to stop that project, and I understand that it is pretty sure that the minister will be challenged in court if he issues that permit, then that technicality could be used in any other marsh. For example, somebody could say the grazing of animals in Lake Francis marsh area is contrary to the interests of wildlife conservation. They could argue that in court. As precedence is set on and on and on, where do we stop it? I think that the minister has to have the flexibility to be able to issue permits when there is sufficient support.

Mr. Cliff Evans: Mr. Dumont, could you enlighten me a little bit about the Lake Francis marsh that you are so concerned with because of it being in your area? Is there a project present now to develop Lake Francis marsh in any way?

Mr. Dumont: There is a proposal being worked on by Ducks Unlimited. You may not be aware of it. I assure you that the opponents to what has taken place in Oak Hammock Marsh are aware of it, and they have already vowed to stop it by using any thing and any means that is available to them.

I suppose you are right—that is, Mr. Edwards was right—that is their right to do that. Nevertheless, I think that the minister, in the end, who is the person who is ultimately responsible to the people of Manitoba, should be able to make that decision.

Mr. Cliff Evans: Have you made any type of proposals, presentations to the present minister in the last three years regarding Lake Francis marsh for any type of development within the government, within Natural Resources?

Mr. Dumont: We have talked to the minister quite a bit. We have talked to the previous ministers quite a bit, Mr. Penner, Mr. Harapiak, I believe, and other ministers. There has been a lot of consultation that has taken place with the residents of the area on Lake Francis. Many things have been discussed,

including a cell that would provide an opportunity to have a fish hatchery that would improve the conditions for the fishermen on Lake Manitoba.

Mr. Cliff Evans: Can you inform me of the drawbacks to proposals to the previous ministers, regardless of government, as to why any such projects could not go ahead?

Mr. Dumont: I do not think there is any reason why it would not have been able to move ahead, because there have never been any challenges to the regulation that permitted for the minister to be able to issue the kind of permit that is being requested here. The reason was just that the projects were in the consultation stages. The projects were in the planning stages, and they had not been able to move ahead.

Now with what has developed at Oak Hammock Marsh the situation has changed, because now the groups that are opposed to this development have vowed to use that technicality by saying, it is not in the act. It is just part of the regulation, so it can be challenged in court. They are going to use that technicality to stop the project at Oak Hammock Marsh.

They have already vowed, they have already said publicly, that they will use the same part of the act to stop the development that has taken place in Lake Francis or that is being talked about and discussed and proposed in Lake Francis. That is what concerns us.

Mr. Cliff Evans: When do you perceive that this project and proposal with Ducks Unlimited will be completed for your area, for your marsh?

Mr. Dumont: In our area, we are not sure. It is still in the planning stages. We had hoped to see a start on it this year. Ducks Unlimited has been focusing on Oak Hammock, and they have not been able to move ahead there, and so everything is being held back.

Mr. Cliff Evans: If I may, Mr. Dumont, I thank you for your presentation, but also please keep me informed of your proposal. I certainly would appreciate that. Thank you.

Mr. Chairman: Are there any other questions for Mr. Dumont? Mr. Dumont, thank you very much for your presentation.

Mr. Dumont: Thank you, Mr. Chairman.

Mr. Chairman: Is Ms. Dianne Cox here, Ms. Dianne Cox. Mr. Carl Moroz. Mr. Don Sullivan.

Mr. Sullivan's presentation has already been distributed and he is here representing a group called Choices. Go ahead, Mr. Sullivan.

Mr. Don Sullivan (Choices): Good morning, Mr. Minister, Chairperson, honourable members.

Choices is here this morning to speak out against any amendments to The Wildlife Act which would give the minister added powers that would go counter to the intentions of the act to protect a heritage wetland area such as Oak Hammock Marsh.

Choices feels that The Wildlife Act is intended to protect the province's natural resources from narrow interests. Clearly, building of Ducks Unlimited's office complex in Oak Hammock Marsh shows that this government is biased towards a particular interest group. Choices is convinced that Ducks Unlimited's self-interests on this matter are being placed above the far broader public's interest in protecting this unique and delicately-balanced wetland area.

Clearly, some serious questions should be asked here this morning. Should a unique wildlife management area under the protection of The Wildlife Act concerning development be altered to accommodate the needs of a private developer, and should this parcel of public Manitoba land be leased to a multimillion dollar private corporation for \$1 for the next 50 years, and should treated sewage created yearly by many tens of thousands of visitors be dumped into an internationally recognized wildlife preservation area? Choices feels that the answers to these questions must be a resounding no.

Choices questions the ability of the government to answer these questions in a fair, objective and unbiased manner, particularly since the Clean Environment Commission did not even consider the Canadian Wildlife Service report highly critical of the Ducks Unlimited project. Furthermore, Choices is convinced that Ducks Unlimited's intention to build their office complex in Oak Hammock Marsh lacks clarity.

We are of the opinion that Manitobans are being hoodwinked by this bricks and mortar project. Ducks Unlimited is interested primarily in promoting themselves in the eyes of their parent organization in the United States, and in the words of Mr. D. Stewart Morrison, Executive Vice-President of Ducks Unlimited: "We have an ever-increasing job to do relative to selling Ducks Unlimited Canada to

our U.S. Organization . . . Having a facility that is exciting to see . . . so we can advertise it in our U.S. magazine, is in keeping with our objectives."

Choices feels that such statements clearly indicate that Ducks Unlimited is concerned only with their image south of the border, rather than the preservation and conservation of our Canadian waterfowl, which Ducks Unlimited propaganda would have Manitobans believe is their primary objective.

* (1140)

We in Choices believe that the amendments being made to The Wildlife Act will seriously erode and weaken the protection of all wildlife habitat in Manitoba. Choices, in particular, takes issue with any amendment that gives a minister all-encompassing powers to compromise our remaining wetland habitat to the interest of commercial development. At no other time has any Manitoba government allowed a private corporation to develop an office complex in a designated wildlife habitat.

In closing, Choices feels that in a period of heightened concern about our environment, and given the tough economic times, the development of an office complex in Oak Hammock Marsh is not only bad for the environment, but bad economics as well.

Environmentally-friendly projects cut by the Conservative government should have higher priority than the needless and harmful office complex developed by Ducks Unlimited.

If we are supposed to bear the brunt of "tough economic choices," as specified by the Conservatives, then the choices made with tax dollars must be choices which benefit the largest number of Manitobans possible, not just a small number of people in concerned groups for hunters.

Ducks Unlimited's choice is wrong, and Manitobans deserve better. Thank you.

Mr. Chairman: Are there any questions for Mr. Sullivan?

Mrs. Louise Dacquay (Seine River): What is your opinion of the current situation relative to the facilities available for visitors?

Mr. Sullivan: I have been out there. I actually have been out there a number of times to do some photography. I think the interpretive centre should not be built, and I have more problems with the office complex associated with the interpretive centre out

there. Right now, I think it is just fine; we do not need to disturb it much any further than is necessary.

Mrs. Dacquay: On page 1 of your presentation, you have, "Nor do we feel that the sewage created yearly by many tens of thousands of visitors should be dumped into an internationally recognized wildlife preservation area." Is that not currently occurring? Do they just not have noncontained sewage?

Mr. Sullivan: We do not have treated sewage being dumped by visitors from the office complex or a Disneyland style type of—

Mrs. Dacquay: Where is it going currently?

Mr. Sullivan: Personally, I do not know. I am not aware of where it is going now.

Mrs. Dacquay: It is a noncontained—

Mr. Chairman: Order, please. Could we just get the questions a little bit more clear, and the answers, please?

Mrs. Dacquay: —a noncontained sewage facility?

Mr. Sullivan: I think you should ask the minister that question.

Mrs. Dacquay: Having visited the site, are you not aware that is the . . . there?

Mr. Sullivan: I am a photographer, not a person who is adept on where treated sewage goes. That is not—

Mrs. Dacquay: No, I am asking about current facilities. You indicated you have visited it on numerous occasions.

Mr. Sullivan: Yes, that is right.

Mrs. Dacquay: So my question is: Here you are implying, at least I believe you are implying, that the new facility will not have better control over the sewage that is being created?

Mr. Sullivan: Well, yes, I am implying that because that would be identified in the Bovey commission, and it was not addressed by the CEC at all.

Mrs. Dacquay: Are you aware currently that the sewage is not contained?

Mr. Sullivan: I am not aware of that. Personally, I have never had the chance to use any of the facilities there.

Mr. Chairman: Are there any other questions for Mr. Sullivan? Thank you very much, Mr. Sullivan.

Mr. Brian Lucas. Is Mr. Brian Lucas here, please? Mr. Mark Gray, Ms. Debbie Molina, Ms. Dianne Cox,

Mr. Carl Moroz. We have completed the list of presenters.

Mr. Edwards: Mr. Chairperson, I distinctly recall that at our committee meeting on Friday it was indicated what our schedule was and the schedule outlined at that time included this meeting as well as I believe a further one this evening—tomorrow night.

An Honourable Member: Only if necessary.

Mr. Edwards: It was indicated publicly at that time. Can the Chairperson tell us what contact has been made with those who have given us indications they wish to speak, but have not, or are obviously not here this afternoon? Has there been any contact with them to ask if they might be available to present to us at the evening sitting which we had earlier anticipated we would have?

Mr. Chairman: For the information of the committee, we have one person, a Ms. Dianne Cox, who called and requested to be allowed to speak tomorrow night.

Mr. Enns: Well, Mr. Chairman, this committee has been, in my judgment, extremely co-operative in accommodating the public presentations made before this committee. We have now reached the point where we have no more public presentations before us. I would ask you, Mr. Chairman, to begin consideration of the bill.

Mr. Edwards: Mr. Chairperson, as I am sure the minister is aware by now, both my friend from the New Democratic Party and I have a number of amendments which we would like to propose. It is highly unlikely in my experience, and I will defer to the minister, but I am sure he will agree after his many years of experience, that we would give that complete consideration before we had to break for the day's session.

Given that and, of course, more importantly, given that we have at least one individual, and I suspect there may be others, who are able to make the evening sitting but are not able to make this afternoon's sitting, I would ask the minister and you yourself, sir, to be consistent with our approach to the public which has been full participation by all members of the public wishing to present, for whatever period of time they sought to present for. We have gone that route. Let us not curtail it now.

I, therefore, would move that the committee, at this point, adjourn and that we reconvene for the evening session as proposed on Tuesday evening to hear the remaining public presentations and also

to, hopefully, start and, quite likely, finish at an evening session the consideration of the bill clause by clause.

* (1150)

Point of Order

Mr. Penner: I believe, Mr. Chairman, that normal proceedings of committee under this administration and also under previous administration, at which I have had the opportunity to appear numerous, seldom ever have I seen the committee presenter be allowed to make appointments as to when it would suit them. It has always been clearly indicated by government and by the committee that they will sit at given periods of time to consider.

If it is impossible for the presenters or the people who would like to present to be present at those hearings, that is then, of course, their choice, or not be present at those hearings or not able to, that they would then contact somebody else to make those presentations for them. Seldom ever have I seen, as a matter of fact, I have not witnessed that the committee would postpone its hearings specifically to hear one or two people who could not appear during the regular hours of the committee.

Mr. Enns: Just on the same point of order, I seek your guidance as to whether or not we have a formal motion for adjournment which may or may not be debatable. In the event it is, I would ask you put the question so we could deal with it.

I would repeat my request of the Chair to commence consideration of the bill.

Mr. Chairman: Mr. Edwards, you have put forward a formal motion or not?

Mr. Edwards: Yes, Mr. Chairperson, I have. Given that debate has ensued from the honourable member across the table, I would like to respond very briefly so that honourable members may have that. First of all, it is a point of order which was obviously not a point of order. We gave at the outset unlimited time to people. That, as well, we did not have to do. We have sat and every night have publicly stated that we would as much as possible accommodate speakers. We said that every night, every time we sat. We have outlined when we intended to sit in the future. We did that Friday, and we did not just talk about Monday morning. We talked about an evening session.

Given -(interjection)- If necessary. Well, I question, Mr. Minister, what "if necessary" means.

"If necessary," if anything, must mean that there are still people who need to be heard. What would be more critical at a public hearing process than hearing all of the public? More importantly, if the minister and his colleagues are concerned that it is not custom or we should not do it, we should not accommodate the public, we will not get done the clause by clause, I can assure the minister of that. There are many amendments which are going to come forward. We will not get done in any event. Why not, at this point, adjourn to another hearing when we can do the whole thing as well as hear all of the public?

Mr. Edward Helwer (Gimli): Mr. Chairman, I think we have given everyone fair and ample opportunity to appear before this hearing. I understand the Clerk had talked to Ms. Dianne Cox and had informed her that this could be our last sitting this morning, and she said she would try to get here if possible. I think she has had every opportunity to be here and to make her presentation. The idea of just a possible hearing on Tuesday night only, it is only if it was necessary, so I do not think it is necessary.

* * *

Mr. Helwer: I think we can complete the bill today, if we go clause by clause.

Mr. Chairman: Order, please. We have here adjournment of debate. Is this what you have put forward, Mr. Edwards?

Mr. Edwards: Yes, it is.

Mr. Chairman: A motion to adjourn a debate is always in order. All other motions including adjournment motions shall be decided without debate or amendment; in other words, the question is called. Shall the committee be adjourned? All those in favour.

Some Honourable Members: Yea.

Mr. Chairman: All those against.

Some Honourable Members: Nay.

Mr. Chairman: The Nays have it.

Mr. Edwards: Mr. Chairperson, I would ask for a recorded vote.

Mr. Chairman: All those in favour, please raise your hands.

Madam Clerk: Three.

Mr. Chairman: All those against, please raise your hands.

Madam Clerk: Five.

Mr. Chairman: We will begin clause-by-clause debate of the—order, please.

A recorded vote was requested. Five were against and three were for. The ruling of the Chair has been sustained.

Point of Order

Ms. Cerilli: Mr. Chairperson, we have a number of speakers who are on the list, and a number of us were under the impression that we were going to have another sitting. A number of people who were planning to present today, I am sure, are at work or at school perhaps, and given that, I think—

Mr. Chairman: Order, please, Ms. Cerilli. That is not a point of order and it has been decided already. Thank you very much.

* * *

Mr. Chairman: We will begin clause by clause. -(interjection)- Order. You have another point of order?

Ms. Cerilli: What I was going to request was that we have a short recess, so that we could prepare, for even five or 10 minutes.

Mr. Chairman: Is it the will of the committee to have a five-minute recess?

Some Honourable Members: Agreed.

Mr. Chairman: It has been agreed that there is a five-minute recess.

* * *

The committee took recess at 11:55 a.m.

After Recess

The committee resumed at 12:03 p.m.

Mr. Chairman: Order, please. Since all presentations have been heard regarding Bill 38, The Wildlife Amendment Act, we will proceed with detailed consideration of the bill. Does the minister responsible have an opening statement?

Mr. Enns: Mr. Chairman, I will briefly try to indicate to committee members again the genesis of the bill that is before us, Bill 38. It is inextricably linked up to a project that has received a wide degree of notoriety, and I think that notoriety is perhaps an appropriate use of the word. I do not necessarily expect all members of the opposition to concur with the judgment that has been arrived at by the

Department of Natural Resources and myself as minister, and the subsequent support for the project that has been received by the Legislature at its second reading when we deal, of course, with the principles of a bill.

Much has been made by a particular member of the committee whom I respect, Mr. Edwards, about the fact that this minister has allowed himself to be quoted or to have indicated publicly that he would consider no amendments to this bill and has taken exception to that fact, and I have some empathy for that position. Allow me simply then to express a few comments on that regard.

These committees of the Legislature, by the way, are unique to Canada. I have seen many amendments, many ministers bring in many bills and subsequent presentations materially affected the bills. Very often the bills that we bring forward in our best effort affect the lives, working conditions, how businesses operate, how societies govern themselves, and we are not always the best and the final word of wisdom as to how best that is done. With capable staff, with capable legislative counsel staff, we have, of course, attempted to do our best. I have seen many occasions where a presenter has been able to make the case and the committee has been convinced of the wisdom of suggested changes, and those have then been implemented. However, I have yet to see a case where the principle of the bill has been altered, and that is really a fundamental difference.

I have no objections, and I say to the committee right now, I will entertain any or all recommendations that would strengthen the principle of this bill. The principle of this bill being that it is important that in the better management, enhancement of wildlife management areas, the minister of the day be given the kind of authority that past ministers have enjoyed which enable this province to put together an enviable record of amassing some 7.5 million acres in wildlife management areas, only because, I suggest, that since their inception there has been a clear understanding of what has been meant by the term wildlife management area. Not an exclusive game refuge, not an ecological reserve, but a host of different management techniques that are made available to our Wildlife biologists to better manage and to better enhance the wildlife.

That has been interpreted in different ways, and that is everybody's right to interpret them in different ways. For instance, we are very anxious, were very

anxious to create a management area that includes the communities of Sundance, where 2,000 workers, construction workers, are going to be working around a major hydro dam, where \$5 billion are going to be built—I am talking about Limestone that has been built. My Wildlife managers, knowing that thousands of people are going to be there on a temporary basis—we need some management tools to be able to better manage the wildlife in those areas or else they are going to be in jeopardy.

Wildlife management areas have been created, and my friend from the Interlake is only too well aware of it. Large sections in the Interlake have been set aside as wildlife management areas, only because of the willingness on the part of the then governments. I must say during most of those creations it was a NDP government under Mr. Schreyer's government that created many of the ARDA-funded kind of wildlife management areas where land was assembled. But that was again made only possible because the minister of the day, whether it was Mr. Sid Green, or whether it was Mr. Evans, or whether it was Mr. Mackling, was able to, under permit, sensibly, apply commonsense, to say this kind of activity—limited grazing will be allowed in these quarter sections of land. Limited haying will be allowed in these sections of land, only after our wildlife biologists have had an opportunity to exercise some judgment, when the hay can be cut, after the nesting season, for instance, of certain birds and so forth.

* (1210)

I do not know what compelled my not so very distant predecessor, Mr. Plohman, to allow the Home Oil Company to enter upon a wildlife management area in Pearson for the purposes of drilling oil, but whatever it was—you know, I am not questioning that judgment at this particular time. I am simply pointing out to the committee that we have allowed ourselves to be confused and misled, quite frankly, because of other motives, in this instance, to considerably distort what constitutes a wildlife management area in the province of Manitoba and what the act calls for.

It is my opinion that it is important and, indeed, it has become more important to me to see the passage of this act in its present form, to clear any ambiguity or any lack of clarity with respect to that section of the act that has come under the attention of those who are currently opposing the project at Oak Hammock Marsh, but could have far-reaching

circumstances. We were told that from a source that I have some respect for, a lawyer who has made environmental protection his business. He stood up just the other evening and challenged the current use of cattle producers, and there are many.

The province takes in some \$2.5 million in grazing and haying leases on that issue alone. Now, quite aside from the fiscal impact that has on a government that is now strapped for money, and members of the opposition should not take that lightly because that \$2.5 million will have to be found elsewhere, but more importantly to me, and I think the presentation that was made by the president of the Manitoba Cattle Producers bears some weight on the question. When he is here, not in defense of a particular project in Oak Hammock, not in defense of Ducks Unlimited Canada, not in defense of this minister particularly, but out of concern for the constituents that he represents, the cattle producers of Manitoba, who they believed might be threatened if this section of the act of the ministerial authority that granted these kinds of permits was under question and perhaps struck down in a court of law. What would then happen to the legality of the arrangements made throughout the different wildlife management areas in Manitoba? Had he been here the following night when Mr. Brian Pannell, indeed, said that very likely would happen, that our haying and grazing leases that are now being utilized by Manitoba ranchers and cattle producers would be challenged.

We heard today from the president of the Manitoba Metis Federation who, quite aside from the fact, talks about a project that is within my constituency, but one that I am well aware of that the department and previous ministers spent 10 years in studying. A task force was set up under the chairmanship of one of our senior employees, Mr. Jones. They had been working with the communities, with the St. Ambroise people, with the St. Laurent people. They had been working with the Ducks Unlimited field personnel out of the South Interlake office and they have a project designed that would rehabilitate that marsh, would in fact create another Oak Hammock Marsh.

To do that, a minister, me or somebody else, has to permit certain works to be undertaken, dikes to be built, machinery to be moved onto the marsh, has to be permitted to enter into a contract with the organization that is doing the work, in this case, Ducks Unlimited Canada. These are, Mr. Chairman

and members of the committee, reasons why Bill 38 merits the support of the committee.

I am tempted to engage in the opening comments about the merit of the project that, of course, is the centre of this issue. Regrettably, too much ink and too much loose talk has thrown wild distortions into the proposed project. I regret extremely that an organization such as Ducks Unlimited Canada has been, in my judgment, less than fairly treated. I regret that senior staff, professional staff of the Department of Natural Resources, who advised this minister, advised this government that this is a worthwhile project, that they should have their professional integrity questioned in the manner in the way it is, because we are proponents with Ducks Unlimited Canada in this project.

Now I do not mind the politics that is being played. I am an old, experienced politician, but let me put it to you in this way, in an analogous way. I have some difficulty in understanding the politics of the opposition. If my colleague the Minister of Labour, for instance, were to bring in a measure, labour legislation, that affected the city of Winnipeg principally, primarily, and he could parade before a committee of the Legislature or the House the fact that he had the full endorsement of organized labour as represented by the leadership for the project, he had the full endorsement of the Winnipeg Chamber of Commerce for the project, he had the full endorsement of not just the mayor but of all 29 members of council of Winnipeg—do you believe that kind of unanimity could ever happen in council, but let us say that happened—and, of course, he had the endorsement of the government of the day, what the Minister of Labour wanted that day, would you not say that was reasonable grounds for the government to feel encouraged to move forward with the proposal?

The proposal in question has the full unanimous support of the local government of the R.M. of Rockwood, has the full and total support of neighboring local governments, the Town of Stonewall, R.M. of St. Clements, Town of Selkirk and particularly so was represented by the former Liberal member of Selkirk. Gwen Charles brought a delegation in support of this project with me, an organization known as the Selkirk Development Corporation. It has the support of the Manitoba Federation of Labour, which is the organization—you may call it what you want. The Canadian Wildlife Service has reviewed the

proposal and has acknowledged that it is not harmful to the wildlife environment at Oak Hammock Marsh, and, of course, first and foremost, is being promoted by the premier conservation organization in Canada, Ducks Unlimited Canada.

I have a great deal of difficulty in understanding the kind of opposition to the project. I understand how it was possible to generate it, of course. If you come up to somebody, anybody in Manitoba, in the country, and ask them, do you think it is appropriate to build an office tower in the middle of a marsh? Everybody envisions up a 40-storey steel glass tower in the middle of the marsh, and of course they will say no. They will also say no that it is not appropriate to beat your wife. It is that kind of question that is being asked, but it is not asking too much to acknowledge that Ducks Unlimited Canada has done a marvelous job in the preserving of wetlands. It is not asking too much to consider the professional judgment that is involved as well from the Department of Natural Resources in support of this program.

Mr. Chairman, if honourable members' committees have recommendations or if they have amendments to propose to the act that will strengthen the principle of this act, they may wish to think that my declaration of concern contained with the act with respect to the polar bear is not sufficient. I mentioned that because I regret that there are other sections to this act that are important. It was a concern to a large number of people, particularly in the Interlake when what we deemed was an unacceptable type of trophy-hunting practice with large cash prizes was going to take place in the Interlake. We found ourselves as minister, as the department not able to prohibit it. That is covered in Bill 38, and I would seek the support of all members of the committee for that action.

There has been considerable publicity recently, and quite correctly so, about the rising concern about the sale of animal parts, particularly the parts of our black bear. Again we have, to date—I do not fault any previous administration or any previous minister for that. Times change, but that is being reflected in Bill 38 for the first time, bringing in the necessary legislative authority that will enable my officials in the department to make different regulations or recommendations as to how we better control, licence or indeed prohibit and ban the sale of animal parts emanating from Manitoba.

Again, I say to honourable members if, in their wisdom, they feel that there are amendments that would strengthen the portions of the act to enable the department to do these things better, they will certainly be entertained. I say to honourable members opposite particularly, that if it is an amendment that is meant to strike at the principle of the act, then they will also be entertained, they will also be debated and they will be voted upon. Thank you, Mr. Chairman.

Ms. Cerilli: Maybe I can begin with a question for the minister, if he can clarify something he just said and let us know before we get into proposing our amendments, what is the principle of this act?

Mr. Enns: The principles are several. I will deal with the noncontroversial ones first, the simple, important principle of introducing the authority of the department to regulate, control, licence the sale of animal parts. There is, I suppose, not a principle, but it is called for under our current legislation, that to provide the optimum protection to what we refer to as important or endangered species—I use the word carefully there because the polar bear is not endangered, as I understand it. I am looking at my wildlife directory.

* (1220)

By the way, I should take this opportunity to introduce Mr. Art Hoole, the province's wildlife director for some years standing, and Mr. McIvor is here also from our branch as the legislative authority. The main principle of the bill is that the authority of the minister to make exemptions to the act be sustained, and as I have said throughout second reading and throughout different presentations here, that authority is no greater, no less than was originally contained in the regulations of the act and utilized by a host of Ministers of Natural Resources who preceded me.

I am aware that, particularly in the area of environmental law and environmental concerns, times are changing and I have been told that. It is not good enough simply to say that, and I accept that. I have said that simply because Mr. Plohan or Mr. Evans or Mr. Mackling or Mr. Enns, before that, or Mr. Buck Witney, who was the minister when the act was introduced in 1961, felt comfortable, under the advice of Legislative Counsel then, that the regulation that allowed ministers, notwithstanding anything that it said in the act, to permit any thing to happen in wildlife management areas. That stood for 30 years.

We have received formal notice that that was going to be challenged in court. So the principle of the act is that it said—that I was advised by legal counsel, the reason why that can be challenged in the act because that ministerial authority is not housed in the act proper, in The Wildlife Act, which is the act which through regulation established wildlife management areas. It has always been housed as a regulation in the manner and way in which wildlife management areas were operated, but because it was not housed in The Wildlife Act proper, it could be challenged. So it is an important principle to me, the important principle to me in this act that that ministerial authority be housed in The Wildlife Act.

Mr. Chairman: Let us start with Clause 1—

Ms. Cerilli: Yes, I just want to clarify further. From what the minister has said in his opening statement with regard to the information that he was given that made him aware that he would like to develop this piece of legislation that is before us, can he explain the case or the circumstances that led him to understand that, as he said, he needed this bill?

Mr. Enns: I can best indicate perhaps that I received a formal letter from a lawyer representing the Manitoba Naturalists Society saying that it was the section under which ministers past have created permits to do any thing in a wildlife management area that would be challenged in a court of law. Would I please get on with issuing the permit, because they have been anxiously waiting for me to issue the permit so they could get on with the challenge in law, but we do not undertake these matters simply to have court cases. If we are forewarned well in advance that a particular action of government is going to be challenged at law, we examine it, we call in our own legal counsel from the Attorney General's department, we look at the legislation and the determination as well in today's law, because it was suggested to me, because of this ministerial authority which has been housed, and I have documented that well.

You have throughout the '80s where different ministers have used that regulation, but that authority was not originally housed in The Wildlife Act. The regulations only have their strength if the principle of what they are proposed to regulate is in the statute itself. I bow to better and more learned legal minds here, and I am looking at my esteemed and honourable friend from St. James (Mr. Edwards). He will understand that that is how law

is developed and how subsequent regulations are developed. If the regulation does not pertain to a principle contained in the law, then indeed it cannot be found wanting.

I was convinced by what I consider to be capable legal help from the Attorney General's department and other, I might add, that that was the case. It was recommended to me that I should proceed with this. I might say, and I say this very candidly, I was sorely tempted to accept the director of Wildlife's position. Today, I am somewhat questioning whether I should not have followed, because there is an equally strong feeling that the regulation as it stands would withstand any court challenge, that there is nothing wrong.

I could have issued, under the existing authority, the permit for the project to proceed at Oak Hammock, but the Wildlife director also said, well, it could be struck down. That was not sufficient comfort for me to encourage Ducks Unlimited, who after all are the principal providers of funds for the project, nor indeed my own department from proceeding in the planning, in the setting up of the management board that will control and decide anything and everything that takes place in the marsh: the programming, the interpretive centres, the exhibits.

I would not encourage my colleague the Minister of Environment (Mr. Cummings), who has had a committee working there on the actual site or the proposed site doing an inventory of flora and fauna and what else in terms of environmental purposes. I would not be doing all of this and going through the whole process of a debate in the Legislature if there were some reasonable grounds to question whether or not we had the legislative authority to do the same.

Mr. Chairman: The time is now 12:30. Does the committee wish to proceed or adjourn? -(interjection)- The will of the committee is to adjourn. This committee stands until tomorrow at 8 p.m.

COMMITTEE ROSE AT: 12:29 p.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

One of the most extraordinary things amongst all these adverse circumstances was that I never for a day gave up listening to the songs of our birds, or watching their peculiar habits,

or delineating them in the best way I could; nay, during my deepest troubles I frequently would wrench myself from the persons around me, and retire to some secluded part of our noble forests . . . Yet through these dark ways I was being led to the development of the talents I loved, and which have brought so much enjoyment to us all.

John James Audubon

from The Bicentennial of John James Audubon

I would like to begin by thanking you for this opportunity to express my views on Bill 38, particularly on its possible impact on Oak Hammock Marsh and its implications for all Manitobans.

First, I should like to state up-front my affiliations, biases and vested interests. I am a Winnipegger, born, raised and intending to forever remain in Winnipeg. I take great pride in my city, my province and my country. I very much enjoy working as a computer analyst at the University of Manitoba Medical School.

I have never been a farmer, hunter, activist (environmental or otherwise), or supporter of any political party. I have not until today presented my views before any committee and have sent only one letter to the editor of a newspaper. That letter, Winnipeg Free Press, April 11, 1991, is attached as part of this presentation.

At an early age I was taught to respect my natural surroundings and do everything possible to understand, appreciate and respect those surroundings. Consistent with those life-long attitudes, I am a member and supporter of the following organizations: the Canadian Nature Federation, Manitoba Naturalists Society, Fort Whyte Centre for Environmental Education and the Friends of Oak Hammock Marsh. Although I am proud to belong to these organizations, none of my views in this presentation are to be interpreted as representing these organizations.

I am a concerned citizen, with neither fortune nor fame as my objective, but concern over the well-being of special places like Oak Hammock Marsh. Like the majority of Manitobans, I lead a quiet, unassuming life and have accepted the decisions and guidance provided by the leaders of our province. Until now.

With these opening comments behind me, let me now talk about my concerns with Bill 38. Last summer I took the opportunity to travel for three weeks in Eastern Europe, specifically in Hungary

and Czechoslovakia, experiencing first-hand the dramatic changes taking place there. In talking with the local people, I learned much of their struggles and ways of life. Out of this, perhaps the most significant lesson I learned was how very fortunate we are to be able to live in Manitoba.

On the surface, we Manitobans can be thankful for enjoying many things: clean water, fresh air, abundant food, excellent health care, safe neighbourhoods, economic stability, reliable transportation, state-of-the-art communications, endless recreational facilities and beautiful natural areas. In comparison to Eastern Europe and dozens and dozens of other countries far worse than Eastern Europe, we Manitobans enjoy a very comfortable way of life.

But deeper and much more profound is something we Manitobans have that we too often take for granted, something that many people around the world still do not enjoy. That special something is freedom.

In Manitoba, we are free to come and go as we please. We are free to seek an education and say what we think. We are free to form political opinions and elect our representatives. Literally, we are free to identify and make our own unique and lasting contributions.

When I first heard about Bill 38 and how it was to give ministerial discretion in cases of future developments in wildlife management areas, I was quite concerned. But when I heard in the media and at one of these very committee meetings the minister expressing no intention of changing his plans to consider amendments to the bill, I was no longer just concerned, I was quite embarrassed.

I felt I was no longer in Manitoba. I was suddenly back in Eastern Europe, but not the Eastern Europe I had begun to respect for its honest efforts to bring democracy and freedom to the people. No, this was the Eastern Europe of old where only the government, not the people, knew right from wrong.

If, on the one hand, the minister wished to use his discretion to decide future developments in wildlife management areas and, on the other hand, has a record of showing no consideration of the input of others in an open and fair way, what would this say about the future developments in store for Manitoba? The reality is Oak Hammock Marsh is now one such alarming example.

Quite simply, this clause in Bill 38 cannot be permitted. This is a call to move Manitoba into the

Eastern Europe of old where only government, not the people, knows right from wrong. Freedom will become a thing of our past, not of our future.

It is no secret that Bill 38 is the final step to let Ducks Unlimited start construction at Oak Hammock Marsh. Many others before me have eloquently stated their concerns about this development. I too am concerned. Over the last 10 years, I have enjoyed each and every visit I have made to Oak Hammock Marsh. I could speak for hours on what Oak Hammock Marsh means to all of us, but I think its very essence is its simplicity and down-to-earthness. This must not be compromised.

One need not be a sociologist to realize that our society is becoming increasingly fast-paced and technology-driven. Look no further than our children, many of whom are being raised on Nintendo computer games and Ninja Turtle videos. Having studied and worked in the computer field for the past 15 years, I am very familiar with the uses and abuses of technology. My feeling is that it is critical that we balance the increasingly complex and artificial parts of our lives with the simple and natural realities of life that we too quickly and blindly try to complicate and make artificial.

It has been argued by those in favour of the Ducks Unlimited project that the development will significantly improve the interpretive and educational programs available to the people of Manitoba. I disagree. There is no substitute for learning in natural surroundings, untouched by artificial encumbrances. The lasting impressions on young children unobtrusively watching Canada geese flying overhead is priceless. This should not be replaced with or even supplemented by interactive videodiscs, touch screens, stuffed animals, song and dance, gift shops and theatrics.

The other argument, that being one of economic benefits to surrounding communities is very disappointing. Granted it is easy for me to say, with a job to go to and food in my refrigerator, but, really, what precisely are those economic benefits and to whom? Have economic implications of other development strategies been studied, and how can anyone put a price on a red-winged blackbird, a meadowlark, a white pelican or a LeConte's sparrow?

Over the past couple of weeks, revelations have surfaced that have made the project all the more unacceptable. Granted, inevitably we may never

see an alligator enclosure or the DU Duck mascot, but the plan for an office complex for Ducks Unlimited corporate headquarters still stands. So what are we to think of the planners who thought of those ideas? How can we trust that their intentions are with the well-being of Oak Hammock Marsh and not with the economic prosperity of a tourist attraction?

I feel strongly that further development, especially of the magnitude we are facing, is totally unnecessary and unjustified.

It is ironic that even Oak Hammock Marsh itself expresses its concern. Not a hundred feet from construction stakes already dotting Oak Hammock Marsh is a self-guiding interpretive sign that has stood for many years in front of a small protective island. It reads:

Islands are special places to marsh wildlife. It's here that gadwall, mallards, blue-winged teals and other ground-nesting ducks go about the business of building nests and incubating eggs—safe from predators like the skunk, fox and raccoon.

Does anyone really want to add the "citizens of Manitoba" to that list of predators?

Fortunately, all is not necessarily gloom and doom. There are many other, more fiscally responsible ways that Ducks Unlimited and our governments could invest those millions of dollars targeted to the construction of the office complex/interpretive centre.

What about hiring additional knowledgeable interpreters to teach and guide visitors at Oak Hammock Marsh? What about additional brochures and information booklets? What about hiring, instead of firing, more science teachers to teach our children about ecology and the environment? What about assisting the already excellent interpretive programs at the Fort Whyte Centre for Environmental Education? What about funding the near-bankrupt Museum of Man and Nature to build and maintain a major exhibit on wetland ecology and marsh life? What about funding the museum to provide guided tours to Oak Hammock Marsh and surrounding areas with rest stops in neighbouring communities like Stonewall and Lockport?

Ducks Unlimited, the Department of Natural Resources and the Western Diversification Fund could still be heroes through all of this. Just listen

and reconsider Bill 38 and Ducks Unlimited's plans for Oak Hammock Marsh. Just listen to Audubon:

How amply are the labours of the naturalist compensated, when, after observing the wildest and most distrustful birds, in their remote and almost inaccessible breeding places, he returns from his journeys, and relates his adventures to an interested and friendly audience.

John James Audubon

from The Bicentennial of John James Audubon

Thank you for your interest and friendliness.

Respectfully yours,
Dennis Bayomi

Attached:

Winnipeg Free Press

April 11, 1991

"Special place

"As I sit here at Oak Hammock Marsh on this the first Sunday morning of spring, I cannot help but wonder why anyone would want to change this very special place. For almost 10 years—literally a third of my life—I have been returning to Oak Hammock Marsh to enjoy and appreciate all of the living things that make this such a special place.

"With the changing of the seasons comes the long-anticipated return of the marsh's inhabitants. First the magnificent trumpeting of the geese. Then the unmistakable spring songs of the meadowlark and killdeer. Soon afterwards, the communities of

ducks, blackbirds and swallows. The grace and beauty of the pelicans, the vitality of the beavers, the spl"endour of the butterflies. The list goes on and on.

"Oak Hammock Marsh is a precious example of how we can and should appreciate, respect and protect all living things. We must realize that the marsh is a complex and fragile system, a system that at one moment appears flourishing and alive, at another moment weak and dying. The seemingly simple balancing act of nature is in fact much too complicated for any of us to pretend to understand, let alone tinker with. The risks are just too great.

"I have never before been moved to write a letter to the media or to an elected official—until now. With this letter, I would like to express my sincerest gratitude to all those responsible for Oak Hammock Marsh as we know it today. But on behalf of the marsh's inhabitants, I must appeal to everyone concerned to rethink any further development.

"Keep this a place for the birds, not tourists. Build your office complex and parking lots somewhere else but here. Don't turn this refuge into a concrete zoo. Redirect those millions of taxpayers' dollars into badly needed resources in our libraries, in our schools, in other interpretive centres to teach young and old about nature and the environment. Stop the planned development at once and leave Oak Hammock Marsh alone. There's just too much at stake.

"Dennis Bayomi
Winnipeg"