



October 17, 2014

Manitoba Conservation and Water Stewardship
Box 38 – 200 Saulteaux Crescent
Winnipeg, MB R3J 3W3

publicregistry@gov.mb.ca

Re: Environment Act Consultation

KAP is Manitoba's general farm policy organization representing and promoting the interests of agriculture and agricultural producers in the province. We share the public's interest and concern for the environment and believe in the importance of preserving the soil, air and water for future generations.

There is a need to continuously update legislation to accommodate changing technologies, best practices, and the environment. Farmers understand this need as they themselves are constantly adapting in order to perform better and be more sustainable.

We ask that any changes to *The Environment Act* be made using sound scientific evidence. There have been changes made previously to the Act regarding regulation of agricultural activities that have not been based on scientific evidence, have had little proven environmental protection, and have had negative repercussions for agricultural producers. For example, some provisions in the *Save Lake Winnipeg Act* that are not based on sound science have had a considerable negative impact on the hog industry in Manitoba, and experts in Manitoba state that these provisions have not had any positive environmental benefit. To this end, broad and comprehensive consultation with stakeholders is necessary before potentially unnecessary and harmful regulations are put in place.

The expansion of the oil and gas sector in Manitoba is having a significant impact on agriculture in the province. KAP regularly receives complaints from members ranging from oil workers trespassing on fields to salt water being spilled into fields. The environmental damage from these activities is prolonged and substantial. Both salt water, which is a common by-product in oil production that is transported by truck, and oil itself are major pollutants along highways, in creeks and rivers, and in farmers' fields. Since farmers are directly affected by the activities of the oil and gas industry KAP would like to see government more involved in preventing pollution of this nature from happening.

We would like to take this opportunity to comment on a few items in the consultation document relating to agriculture.

Technical Advisory Committee

The TAC is an important component to the assessment process as it can substantiate evidence collected during the environmental assessment based on the committee members' specific expertise. Committee

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members should remain impartial specialists tasked with examining the entire breadth of an application. There should be a clear distinction between TAC members and members of the public engaged in consultations to ensure the independence of the committee.

For projects relating to agricultural production, or involving agricultural land, we recommend that KAP or MAFRD appoint at least one member of the TAC. This person can provide farm production specific knowledge including techniques, technology and best or most common practices.

Licensing Process

An emerging problem, with a significant environmental impact in the agriculture industry is the spread of pests and disease in farmers' fields. Manitoba is seeing an increase in mineral exploration, pipelines, oil and gas development, transmission lines, and other developments. Regulations for the preliminary activities relating to the licensing process, including site surveillance, need to include field level biosecurity measures. Entry onto an individual's land can have consequences, including the spread of soil-borne diseases like clubroot in a canola field, and appropriate actions are required to safeguard farms.

Appeals Process

We suggest that the length of time for the appeals process be reasonable and based on the amount of time necessary for proponents to gather documentation and expertise that will be the basis of their appeal.

Enforcement

KAP would like to see strong enforcement mechanisms utilized that are proportional to the potential impact of a project. Oil and gas developments could potentially take thousands of acres of farmland out of production in Manitoba if appropriate environmental and safety measures are not adhered to and pollutants enter a farmers land or water source. We ask the government, when appointing people as enforcers of the Act that they choose people with relevant experience to the industry within which they are working. There are specific mechanics and procedures involved with, for example, operating a hog barn that require someone with working knowledge of a hog operation to have the ability to comment on the potential environmental impact. Enforcement should be reasonable, impartial, and based on scientific evidence.

Public Consultation

We request that when projects impact the agriculture industry, existing industry associations like KAP be utilized in distributing information to members, informing them of any upcoming consultations. Recently, KAP disseminated information relating to the EAL for the RM of St. Clements wastewater treatment lagoon which had implications for farmland. The licensing process was brought to our attention by some of our members who wanted more public input into the process. If there are consultations for projects that impact agriculture, KAP or commodity groups are available to get that information to their members.

Thank you for including Keystone Agricultural Producers in your consultation. We look forward to following the progress of this consultation and if there are any specific questions or comments related to agriculture we would be pleased to assist. At any time you can contact KAP Policy Analyst Alanna Gray at alanna.gray@kap.mb.ca or (204) 697-1140.

Sincerely,

A handwritten signature in black ink, appearing to read 'JB' followed by a stylized surname.

James Battershill
General Manager, Keystone Agricultural Producers