

Manitoba: Provincial Policy and Regulation Overview

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PHJV Wetland Workshop

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Manitoba



***Wetlands create policy confusion: Wet? Dry? Water?
Land? Bush? Habitat? Water Storage? Productive? Wastelands?
Ephemeral? Permanent? Large? Small? Significant? Common?***

1. Complexity of function, location, and physical appearance
2. Often dealt with under several different Acts, departments and jurisdictions
3. Prone to “falling through the cracks” or being impacted by unintentional perverse incentives



Are wetlands risky business?

- Four year mandates between elections mean governments tend to be “risk averse” in terms of introducing leading edge or major change
- Concepts and ideas have to be somewhat “mainstream” and well vetted by public
- Wetlands compete for the same finite land base as agricultural fields, oil wells, pipelines, mines, industrial and housing developments, urban centres, roads, golf courses, etc
- **How do we make a strong case for wetlands?**



Finding the Balance

- Pressure to find a “balance” between environmental protection and economic development
- Need research work to show these are not always in “opposition” and also how a healthy natural environment supports a strong economy
- Public support has to feel “strong and broad” – need for stakeholder engagement



Key Drivers behind MB's Policy Approach

1. Flooding – severe impacts
2. Downstream impacts
3. Plight of Lake Wpg
4. Land-use pressures/conflicts
5. Unclear state of wetland protection - frustration
6. Growing recognition of wetland EG&S
7. Growing adoption of watershed-based planning and management
8. Climate change commitments



Key Objectives

- Provide improved coordination for surface water management
- Address nutrient loading (water quality) and flood and drought (water quantity) in a more holistic and integrated way
- Provide stronger protection for wetlands, including a no net loss approach
- Encourage stakeholder engagement
- Provide better tools for regulatory activities



Navigating the Legislative Process

- Garner public and key stakeholder support throughout process
- Definition of concept, rationale, science support, policy/program outline (Concept Paper)
- Funding requirements and sources (Treasury Board)
- Interdepartmental support (other mandates – other priorities)
- Political support (Cabinet)
- Legal support (drafting)
- Whole of Government support (passage of bill)
- Final development and implementation phase



Implementation Plans

- Wetland policy consultation – MB Water Council
- Surface Water Management Strategy
- Towards Sustainable Drainage Consultation
- Drought Management Strategy
- Lake Friendly Accord and Stewards Alliance
- MOUs and Boards – with Sk, PPWB, IJC's Red River Basin Board and Souris River Basin Board, etc
- New government's interest in ALUS program
- Proposed Surface Water Management Act and supporting new drainage regulations ?



No Net Loss of Wetland Benefits *(part of proposed Surface Water Management Act)*

- The use of wetland restoration to offset unavoidable loss is an additional tool proposed to be added to Manitoba's "policy toolbox"
- Follows the mitigation hierarchy of avoidance, minimization, compensation
- Compensation ratios for restoration are proposed to range from 3:1 to 10:1, depending on value of impacted wetlands
- Costs need to be fairly assessed and fully recovered through the price that the proponent pays as compensation
- Assessing and tracking benefits a challenge



Sustainable Drainage Approach *(part of proposed Surface Water Management Act)*

- Four key goals to the proposed new regulatory approach to sustainable drainage:
 - Improve efficiency
 - Add regulatory certainty
 - Protect wetlands with the goal of no-net loss
 - Move to a watershed-based regulatory planning framework



Current Drainage Approach

- Drainage in MB is regulated under the *Surface Water Rights Act* by Water Control and Licensing Officers from the Department of Conservation and Water Stewardship
- Currently, a drainage licence is required for any drainage-related activity, including wetland drainage, wetland consolidation, culvert replacements or upgrades, ditch clean-outs, and on-farm drainage
- Cost for a drainage licence of any size or complexity is currently \$25.00
- Class 4 (semi-permanent) and Class 5 (permanent) wetlands are prohibited from drainage, exceptions can be made if real property such as buildings etc are at risk.



Water Control and Licensing Officer Powers

- Inspect property to ensure drainage works are in compliance with licence conditions
- Issue Orders to landowners which compel landowners to undertake mitigative works to “undo” or correct illegal drainage works
- Issue fines to landowners who construct works in contravention of *The Water Rights Act* – fines start at \$500 and can (and have) escalated to \$10,000-\$15,000 – for repeat offenders
- It is important to note that a person does not simply pay a fine and keep the illegal work – the person pays the fines and has to remove the illegal work from the landscape

Proposed Sustainable Drainage Approach

- Minor low risk drainage activities (such as like for like culvert replacement and drain clean-outs) will not be required to go through the formal licensing process, proponents simply register their proposed projects with the department. There is a list of minimum criteria the projects must meet.
- Class 3 wetlands (seasonal) will be prohibited from drainage by regulation, unless case can be made for why drainage is required – in which case, proponent will be required to compensate for lost wetland with at least 3:1 compensation ratio
- Enforcement powers of Water Control and Licencing Officers will be enhanced by increasing inspection powers and ability to levy higher fines
- Conservation Districts will develop watershed-based surface water management plans, with help from provincial water engineers, that will target and identify appropriate areas for sustainable drainage, and areas where drainage should be restricted

Science Supporting Policy in MB

- Carbon sequestration in prairie wetlands
 - WRIP (2008-2012) – wetland restoration incentives to farmers via four year climate change funding and partnership with conservation agencies, DUC and MHHC
- Function and value of wetlands for water retention and “ag water” sources
 - Growing Assurance EG&S Program (2013-2018) delivered to producers by 18 Conservation Districts via five year ‘Growing Forward 2’ funding
 - Lake Wpg Basin Stewardship Fund wetland restoration program (2014-2017)

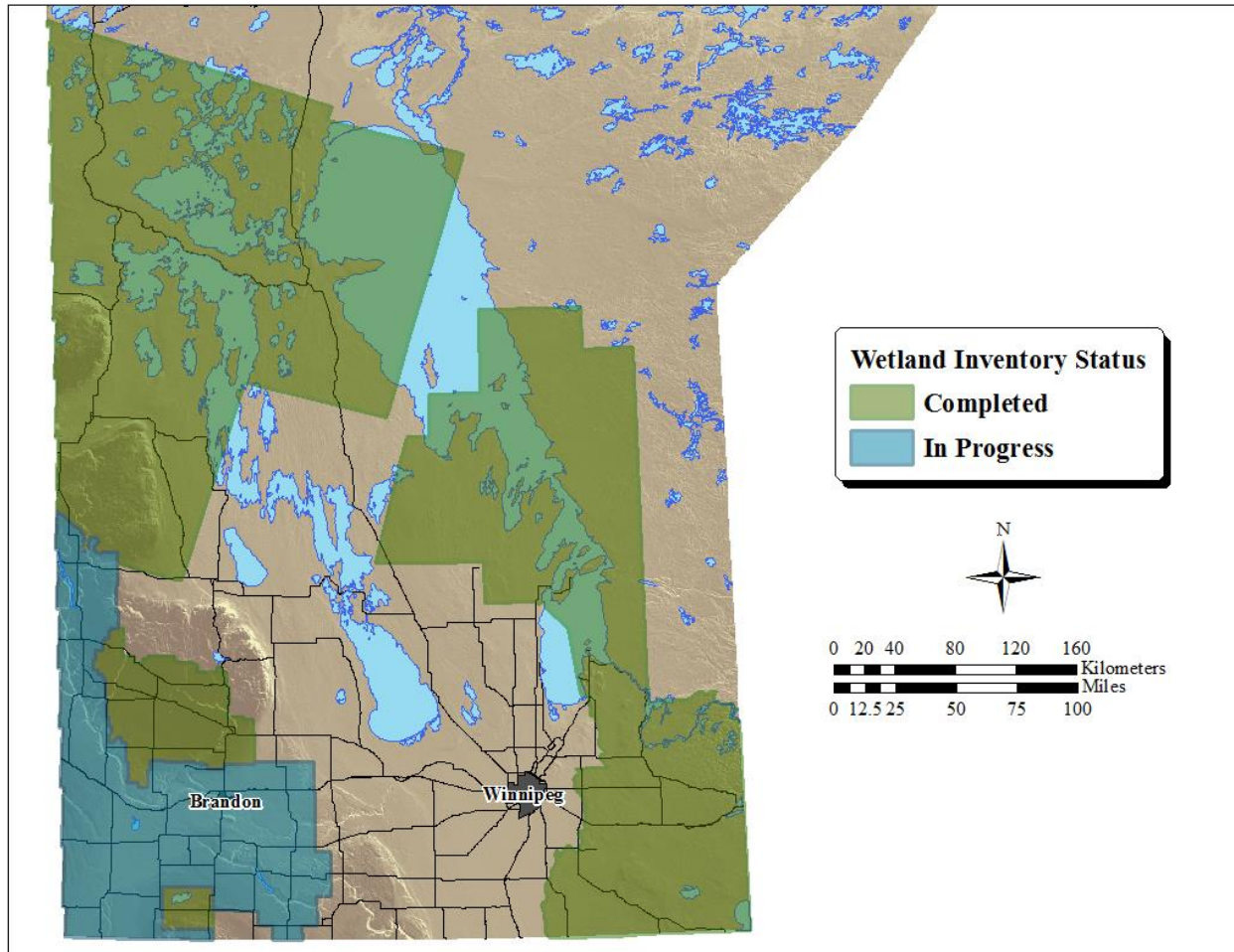


Science Supporting Policy in MB

- Nutrient and sediment source and transport studies, role of “connectedness” of drainage network vs. formerly isolated potholes
 - New nutrient regulations, re-assessment of “sustainable drainage” regulations
- Function and value of coastal wetlands, shorelines, riverbanks, and riparian wetlands
 - Changes to Provincial Land Use Policies and Municipal Development Plans



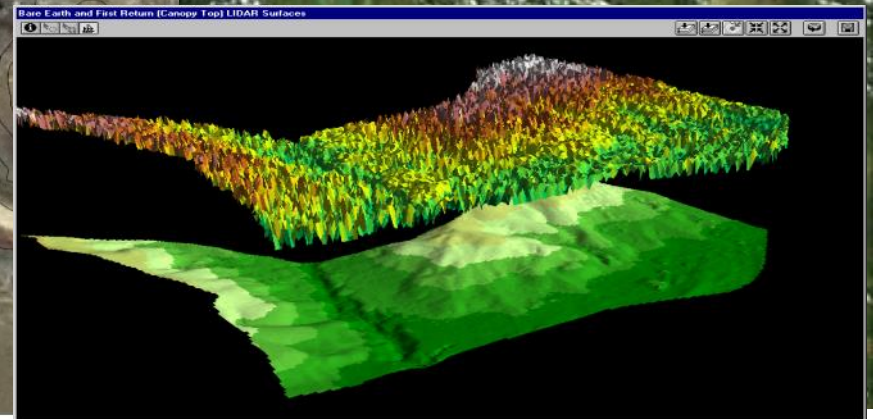
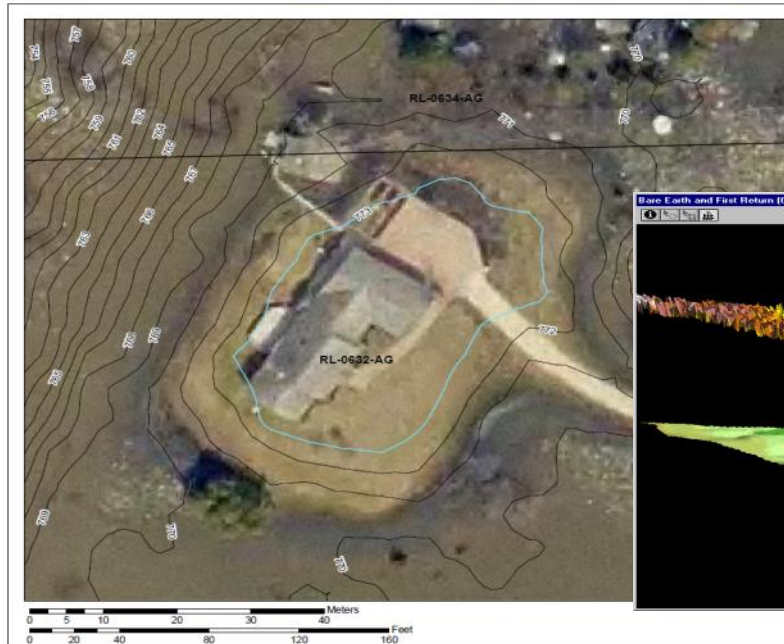
Science Supporting Policy in MB Completing the Wetland Inventory



Science Supporting Policy in MB

LiDAR and Geospatial Data

- A new Imagery Strategy to coordinate, organize, and share imagery is being developed



Science Supporting Policy in MB

- Watershed planning principles, functions and values of wetlands, surface water management studies
 - Development of 24 Integrated Watershed Management Plans (IWMPs) by 18 local Conservation Districts to identify priority actions and target programs and funding
 - Development and release of Manitoba's Surface Water Management Strategy (2014)
 - Development of new Drought Management Strategy
 - [All at: http://www.gov.mb.ca/conservation/index.html](http://www.gov.mb.ca/conservation/index.html)



Successes and Lessons Learned

- MB's Green Plan, Surface Water Management Strategy, Drought Strategy, Climate Change and Green Economy Action Plan, Peatlands Stewardship Strategy, Protected Areas Strategy, Boreal Strategy (in development) and other strategies released and being implemented
- Growth of integrated watershed planning expertise at provincial and CD levels (IWMPs target actions for wetlands)
- Habitat Mitigation Fund (MIT supports no net loss in PPR)
- Strong collaborative relationships with environmental NGOs are critical
- Diverse stakeholder engagement and support enables progress
- Other government departments (with differing mandates) need to be included in policy discussions for wetlands (e.g. agriculture, mineral resources, transportation, municipal planning, health, etc)

Challenges and Barriers

- Continuous pressure to bring more land into agricultural production, rising land prices
- Wetland policy can be seen as a barrier to rural economic development
- Poorly planned development (cottage development, city and town expansion, ex-urban housing developments, golf courses and resort developments) – short term tax gains can lead to long term costs for disaster assistance, remediation, etc
- Lack of a completed wetland inventory
- Budget constraints for environment-related issues, other than crises
- Short term planning horizons (generally tied to election cycles) and lack of long term commitment
- Poor understanding of wetland benefits and their importance to watershed or ecosystem health



Needs and Knowledge Gaps

- Completed wetland inventory (and ongoing updates)
- **Cumulative impact studies** of drainage and water storage trends/activities (both spatial and temporal impacts)
- Greater understanding of wetlands and watershed management – integration of land-uses and water management
- Greater recognition of the fact that healthy ecosystems support strong economies (data and details to support)
- Accessible GIS-based tools and information to facilitate planning, tracking, and impact assessments
- Effective legislation and regulation for ecosystem protection



*Providing the successful policy environment:
Coordination, Cooperation and Engagement*

Actions from MB's Surface Water Management Strategy

- Strive for inclusion, participation and communication
- Share local and traditional knowledge
- Foster collaborative research
- Share scientific data, information and technical advice
- Build partnerships



Stewardship Now



***Environmental and community resilience
for future generations***