



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

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**STANDING COMMITTEE  
on  
PUBLIC UTILITIES  
and  
NATURAL RESOURCES**

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40 Elizabeth II

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*Chairman  
Mr. Marcel Laurendeau  
Constituency of St. Norbert*



**VOL. XL No. 8 - 1 p.m., FRIDAY, JUNE 21, 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
MALOWAY, Jim	Elmwood	ND
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	ND
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
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  
STANDING COMMITTEE ON  
PUBLIC UTILITIES AND NATURAL RESOURCES**

**Friday, June 21, 1991**

**TIME** — 1 p.m.

**LOCATION** — Winnipeg, Manitoba

**CHAIRMAN** — Mr. Marcel Laurendeau (St. Norbert)

**ATTENDANCE - 10 — QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Cummings, Downey, Enns

Ms. Cerilli, Mrs. Dacquay, Messrs. Dewar, Edwards, Laurendeau, McAlpine, Mrs. Render

**APPEARING:**

Doug Martindale, MLA for Burrows

**WITNESSES:**

Greg Mickie, Triple S Business Development Corporation

Margaret Kapinga, Private Citizen

Prasad Gowdar, Private Citizen

Rob Altemeyer, Private Citizen

Neill Adhikari, Private Citizen

Harvey Williams, Time to Respect Earth's Ecosystems

Jenny R. Ward, Private Citizen

**Written Presentations Submitted:**

Peter Mandryk and Ray Marquette, Interlake Development Corporation Inc.

Linh Vu, Private Citizen

Laura Reeves, Private Citizen

**MATTERS UNDER DISCUSSION:**

Bill 38—The Wildlife Amendment Act

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

**Mrs. Shirley Render (St. Vital):** Madam Acting Chair, I move, seconded by the member for Seine

River (Mrs. Dacquay), that the member for St. Norbert (Mr. Marcel Laurendeau) be Chair.

**Madam Clerk:** We do not need a seconder in committee, but Mr. Laurendeau has been nominated. Are there any further nominations? Since there are no other nominations, will Mr. Laurendeau please take the Chair?

\* (1305)

**Mr. Chairman:** I call the meeting to order and ask the members of the committee if they wish to continue on in the same format as we have been, that we hear the out-of-town presenters first, or if you want to start going from the top of the list down? What is the will of the committee?

**Mrs. Render:** Mr. Chairman, I suggest we check with the out-of-town presenters first.

**Mr. Chairman:** Okay, then we will continue on in the same fashion we have been.

**Ms. Marianne Cerilli (Radisson):** I wonder if we could have a brief discussion about the plans for today. I understand that there is still quite a list of people to present, that we consider hearing people today who cannot return, as we have been, and end presentations today by around five and resume on Monday.

**Hon. Harry Enns (Minister of Natural Resources):** Mr. Chairman, I think we have managed to work out our arrangements reasonably well to most people's satisfaction, that we come to that determination at that time. Say around five o'clock, we will see how the committee proceeds.

**Mr. Chairman:** We will decide at five o'clock then? That is the will of the committee? Good enough.

Mr. Greg Mickie. Come forward, Mr. Mickie. Have you a written presentation, Mr. Mickie?

**Mr. Greg Mickie (Triple S Business Development Corporation):** Yes, I do.

\* (1310)

**Mr. Chairman:** Has it been brought forward yet?

**Mr. Chairman:** Has it been brought forward yet?

**Mr. Mickie:** No, it is really too brief, Mr. Chairman, to pass out.

**Mr. Chairman:** Okay, that will be fine. Carry on, Mr. Mickie.

**Mr. Mickie:** Mr. Chairman, committee members, ladies and gentlemen, my name is Greg Mickie. I am employed by Triple S Business Development as managing director.

Our group is responsible for economic development in the Selkirk, St. Andrews and St. Clements communities. We have very little to say today because, in our opinion, after months and months and months of discussion on the Ducks Unlimited project, certainly, what more can be said that has not been said already?

This is not a Ducks Unlimited bill, but if the proposed amendments contained within Bill 38 allow the DU project to proceed, then we support this legislation. We respectfully urge this government to do what the vast majority of Manitobans want, make a decision, make it now and make it in favour of Ducks Unlimited. That is all I have to say.

**Mr. Chairman:** Thank you, Mr. Mickie. Any questions?

**Mr. Enns:** Mr. Chairman, I appreciate the brevity of the presenter's brief. We have listened to many presentations. Of course, they are all welcome.

I just want to ask one question. My first introduction to your organization, and perhaps that should be the first question. You list yourself as the Triple S Business Development. Could you just expand on what that represents? Who are you speaking for?

**Mr. Mickie:** Yes, Mr. Chairman, we do economic development in the town of Selkirk and the two rural municipalities of St. Andrews and St. Clements. We are a federally funded Community Futures organization. We are also supported financially by the municipalities. We are responsible to encourage businesses to expand and locate within those areas.

We view the Ducks Unlimited project as something that would certainly enhance our community. We recognize that the R.M. of Rockwood is the location for the proposed project, but we see a good amount of spinoff coming our

way. We are looking at the number of families who would relocate from Winnipeg probably to Selkirk.

We are the major service centre of the Interlake. We have been known recently as the No. 1 rural community in terms of residential and business growth. We are looking forward to the number of tourists this project could attract. After all, what would the Oak Hammock Marsh be today if it were not for Ducks Unlimited, never mind what it could be?

\*(1315)

**Mr. Enns:** Mr. Chairman, my first introduction to your organization, and I am trying to recall whether you were part of the delegation that did in fact have a meeting with me in my office, led at that time by the then Liberal MLA for Selkirk, Ms. Gwen Charles. I appreciated her support for the project.

I would simply encourage your organizations to continue suggesting to the present member for Selkirk that Ms. Charles in fact understood her constituents in this instance, and I would ask you to keep that in mind. Thank you.

**Mr. Mickie:** Mr. Chairman, I would just like to mention that our local MLA is probably aware that the Selkirk and District Labour Council, which represents over 2,000 families, is strongly in support of this project.

**Mr. Enns:** Is that not interesting? Thank you.

**Mr. Chairman:** Thank you, Mr. Mickie.

**Mr. Mickie:** Thank you.

**Mr. Chairman:** Any further questions?

**Ms. Cerilli:** Mr. Mickie, what are your thoughts on the concept of putting into wildlife protection legislation the ability for a minister to allow economic development? This is not legislation that is being put in place to encourage economic development. This is legislation that is designed to protect wildlife.

At this point in time, when we are trying to develop endangered spaces campaigns, when we are trying to change legislation and change our economic practices to protect the environment, we have before us legislation that is going in the opposite direction and is putting in environment protection areas the ability to open them up for economic development. Do you understand the arguments against that, and what is your sense of that?

**Mr. Mickie:** Mr. Chairman, as I said, I am not absolutely familiar with the proposed amendments to the bill or the bill itself, but I believe that there are

enough checks and balances in the system that this minister or any future ministers would govern themselves properly and would seek all of the appropriate advice before making any changes.

**Ms. Cerilli:** Mr. Mickie, I wish you had been here last night because you would have heard presentation after presentation by some of the most well-respected, the most educated, the most experienced environmentalists, biologists and ecologists in the province who are telling the minister over and over again why—I grant you, not from an economic perspective why this is a bad idea but from an environmental perspective—this piece of legislation is not only going to affect Oak Hammock Marsh but every other wildlife management area in the province. I would say to you that I understand that we need to have tourism in rural areas, we need to have economic development in rural areas, we need to diversify the economies in rural areas, but I would hate to see us do that at the expense of wildlife management areas. I ask you to comment on that.

**Mr. Mickle:** Mr. Chairman, I say again that there is no political official either present or future who is going to make any rash decisions. I am sure that they will always use the guidance of the appropriate staff and experts they have at their access to make decisions.

**Ms. Cerilli:** I have not been here that long, Mr. Mickie. I have not been a member for that long, but I understand the power of economics, and I understand the way that our economic system works and that people who have money and influence these days can get what they want. My sense is, that is what we have happening here. I see that there are some competing interests between the environmental concerns and—

\* (1320)

### Point of Order

**Mr. Gerry McAlpine (Sturgeon Creek):** Does the honourable member have a question here? I do not think that the idea of this presentation is for the honourable member to be debating with the presenter, and I think that, if she has a question, I would urge you to ask her to put it forward right now.

**Mr. Chairman:** I would like to remind the honourable members that this is a time when we are going for clarification. We should try and keep our comments as brief as possible and get to the

questions, but the honourable member did not have a point of order.

\* \* \*

**Ms. Cerilli:** I will ask the presenter then, part of what the environment community is saying, with respect to this project and with respect to businesses approached to the environment in the past, is that there has been an investment of some money from Ducks Unlimited into the area. They have been responsible for refurbishing the marsh, but does that mean that—and this is where I get into that we are environmentalists, and we need to look at our business ethic. Does that mean that we should turn over the wildlife management area to them so they can do whatever they want because they have put their money into the area? Is that the business ethic we want to continue on and to have implemented into wildlife management areas?

**Mr. Mickle:** Mr. Chairman, Ducks Unlimited has a tremendous credibility. Certainly that must be known by everyone. Anything they could do would only be beneficial to Oak Hammock Marsh. As I said earlier, look what it is today. What would it have been without their involvement?

You said something earlier about money and influence. I think our government is far beyond any of that.

**Mr. Chairman:** No further questions? Thank you very much, Mr. Mickie.

**Mr. Mickle:** Thank you.

**Mr. Chairman:** I would like to point out that a number of people who previously registered were not able to attend subsequent meetings. Therefore, the Committee Clerk will be circulating their written presentations today.

If you turn to the next page on the list, the written submissions are listed as follows: Mr. Ray Marquette, the Interlake Development Corporation Inc.; Ms. Linh Vu, Private Citizen; and Ms. Laura Reeves, Private Citizen. They have been distributed to you at this time.

They have advised the clerks that they will not be able to attend any of the next meetings coming up that have been scheduled, and they have decided to bring their presentations forward in this format.

**Ms. Cerilli:** Just to clarify then, they are not able to come after today at all.

**Mr. Chairman:** That is correct.

Mr. Norman Binkley—not here; Yvon Dumont—not here.

We will now revert to the order on the list before you, members of the committee. We will start at No. 1, Margaret Kapinga. Ms. Kapinga, if you could just wait until we have distributed your presentation.

**Ms. Margaret Kapinga (Private Citizen):** Ladies and gentlemen, I am here today to voice my opposition to Bill 38, The Wildlife Amendment Act.

The primary reason for the introduction of Bill 38 is to avoid legal challenges to the construction of a commercial development at Oak Hammock Marsh Wildlife Management Area. Bill 38, therefore, does nothing more than make a mockery of wildlife protection in Manitoba.

The first wildlife management area was established in 1961. According to government literature, lands purchased for wildlife management areas were selected on the basis of their importance to resident wildlife and their vulnerability to commercial development.

\* (1325)

Up to this day, what has protected wildlife management areas in Manitoba? The Wildlife Act. Regulation 46/90 of this act states, in Section 2(1), that no person shall, in a wildlife management area, grade, gravel or clear a road or trail; install or modify a stream crossing; drain, dike or block a manmade or natural waterway or wetland; engage in haying, grazing, clearing, bulldozing, burning, fencing, logging, cultivation, mineral exploitation or extraction; apply insecticides or herbicides; or construct, place, occupy or use a building, structure or tent.

Think about it, ladies and gentlemen. Not even tents have been permitted in wildlife management areas. Can any statement be clearer as to the intent of The Wildlife Act?

Now, what are we discussing today? The authority of the Minister of Natural Resources to authorize the construction, operation and maintenance of any building, structure or thing in a wildlife management area. Could any statement be more in conflict with the intent of The Wildlife Act?

Section 90 of The Wildlife Act states that "For the purpose of carrying out the provisions of this act according to their intent, the minister may make such regulations as are ancillary thereto and are not inconsistent therewith; and every regulation made

under and in accordance with the authority granted by this section has the force of law;"

If Regulation 46/90 has the force of law, how can Bill 38 even be considered? And if regulations cannot be inconsistent with the intent of The Wildlife Act, how is it possible that we are considering Section 3(1) of Bill 38 which is in direct conflict with The Wildlife Act?

I suppose in good faith one should trust the Minister of Natural Resources not to abuse this authority, but abuse of authority has already occurred. Projects have been approved prior to any public review. Public hearings are being held with the promise that they are nothing more than a public relations exercise. Laws are being rewritten to favour a private organization over the wishes of the public. In light of this, how can we have any confidence for the future?

What the Minister of Natural Resources fails to realize is that every project constructed under Bill 38 will get used as a precedent for the next one. Today, we have a 54,000 square foot office building, but what will be next—condominiums, swimming pools or airports? If all this can be allowed to occur, why even have the designation wildlife management area?

The response of the minister to questions such as these is that it is no worse than what previous governments have done. The time for finger pointing is over. This is not an issue to be argued within the framework of party politics. For the sake of all living things in Manitoba, we need to strengthen our protection of wild places rather than weaken it.

Dr. Stan Rowe says it best in his chapter in "Endangered Spaces":

From the foolish precept that only humans matter, it follows that the world is for exploiting; parks are for people, animals are for shooting, forests are for logging, soils are for mining. The sole basis for ethical action is the greatest good for the greatest number of people. The values of all things lie only in their ability to serve us.

Contemporary morality, the sense of right and wrong, is completely inturnd, completely focused on humankind. That focus makes it difficult, if not impossible, to be sensitively concerned about the world in the face of escalating human demands. Sustainable

development, we are told, must include forceful economic growth, for how else can the needs of all the world's people be met?

Lacking an ethic that attaches importance to all surrounding creation, people continue to do the wrong things for the apparent good of humanity. The irony is that five billion people, soon 10 billion, all believing in people first, increasing their wants without limit, are a sure recipe for species suicide.

The world was not created for people only, but for purposes that far transcend the human race with its limited foresight and imagination. Therefore, it behooves all conscious inhabitants of this superb planet to nurture it as a garden, maintaining it in health, beauty and diversity for whatever glorious future its denizens may together share.

Do not be fooled in thinking that those opposed to Bill 38 have their own interests at heart. We are a people with a vision for the future, not a future that extends only to the next election, but a future that looks to untold numbers of generations to come. It is these generations to come that will have the greatest condemnation for the passage of Bill 38, not us.

I urge you to heed the words of Dr. Rowe, reject Bill 38, and strive to strengthen the protection of not only Oak Hammock Marsh, but all of our wildlife management areas.

\* (1330)

I have an addition, in light of what was said before. That was my presentation as I prepared it for last week Thursday, but in light of comments made during Thursday's and Tuesday's public hearings and recent news articles, I would like to address this committee on several other points.

First of all on Tuesday, Mr. Enns asked Alison Elliott, President of the Manitoba Naturalists Society, whether or not improved interpretive facilities would be of benefit to Oak Hammock Marsh. For the record, I would like it to be known that I have worked for the Department of Natural Resources as a naturalist at Oak Hammock Marsh for two seasons. During that time, it was abundantly clear that the interpretive value of Oak Hammock lay in its unstructured nature. Put simply, kids and adults do not want to spend time in buildings when they come to Oak Hammock. They just like roaming about absorbing what they can from the natural

sights and sounds around them. The buildings that are there now have always been more than adequate for that. So, in answer to your question, Mr. Enns, no, we do not need improved facilities at Oak Hammock.

Secondly, Mr. Enns also read from a letter received from Ramsar on Thursday night which effectively stated that they were satisfied with the DU project as proposed to them. Early Tuesday morning, however, I received a fax letter from the Ramsar office in Switzerland in response to information released last week. It reads as follows:

"Dear Mr. Gowdar,

"Re: Oak Hammock Marsh.

"Thank you for your telefax message of June 17, 1991, enclosing a copy of an article in the 14 June 1991 edition of the Winnipeg Free Press concerning the planned development by Ducks Unlimited at the Oak Hammock Marsh.

"As you know, the Oak Hammock Marsh Wildlife Management Area covering 1,400 hectares of marsh and 2,200 hectares of upland cover has been designated by the Government of Canada onto the List of Wetlands of International Importance maintained under the Ramsar Convention, an intergovernmental treaty on the conservation and wise use of wetlands. This designation was announced upon the occasion of the third meeting of the Conference of the Contracting Parties to the Convention at Regina, Saskatchewan in May 1987.

"Listing a wetlands site under the Convention entails certain conservation obligations. Development is not precluded at Ramsar sites, but contracting parties are obliged to promote the conservation of these areas and to provide information to the Ramsar Bureau if the ecological character of such a site has changed, is changing, or is likely to change as a result of technological developments, pollution or other human interference. (Art. 3 of the Convention). Procedures exist for such developments to be reviewed internationally by the member States to the treaty with a view to assisting the country concerned in maintaining the ecological character of the site.

"It should also be noted that the Convention provides the possibility for a country, in its urgent national interest, to delete or restrict the boundaries of a wetland it has included on the List. There have been some cases of boundary restrictions at

Ramsar sites throughout the world, with various compensatory measures taken, but up until now, no country has deleted a site from the List.

"Prior to my recent visit to Ottawa, Mr. Duncan Stewart of the Sierra Club of Western Canada sent the Ramsar Bureau information about a planned development at Oak Hammock Marsh. On the basis of his information, I raised the issue with both the federal authorities responsible for international contacts under the Convention and with the international office for Ducks Unlimited.

"In both cases, I was provided with assurances that environmental disruption to the area due to construction would be kept to a minimum, affecting only a very small portion of the site, and there would not be ecological change to the site due to development.

"Furthermore, it was indicated that the development would have a net conservation benefit by virtue of the establishment of an interpretative centre for public education purposes.

"On the basis of these assurances, I wrote to Mr. Stewart on 29 May 1991 to indicate that Canada had now informed the Ramsar Bureau of the plans for Oak Hammock and had therefore met the reporting requirements under the Convention for the site. Contrary to what was written in the Winnipeg Free Press, the Ramsar Bureau does not monitor compliance under the Convention, nor did I indicate in the letter to Mr. Stewart that Ottawa has fully met its obligation under the agreement.

"My personal reaction, on the basis of the information provided me in Ottawa, was that the development could be beneficial for nature conservation, bearing in mind the fact that Oak Hammock, as it presently exists, is a remnant of a former larger marsh covering 47,000 hectares, restored through co-operative management arrangements between the provincial and federal governments and Ducks Unlimited. Public information and access to such areas is important for awareness of the value of wetlands and for continued support for their management.

"In many parts of the world, establishment of visitor and interpretative centres at Ramsar sites and other reserves has been extremely useful, e.g., the Wildfowl Trust established by the late Sir Peter Scott at Slimbridge in England, or the visitor centre at Lake Ichkeul in Tunisia. Devices such as glass-sided ponds or peat bogs have proven

elsewhere to be very effective in capturing schoolchildren's imagination.

"The information provided me in Ottawa did not make mention of some of the developments reported in the Winnipeg Free Press. As a result of that article and the information you have provided us over the telephone, I shall contact the federal authorities once again for clarification about the matter.

"Needless to say, the Ramsar Convention Bureau would very much share your concern that the ecological character of the Oak Hammock site is not changed due to a development activity.

Yours sincerely,

Daniel Navid,  
Secretary General"

Clearly, Ramsar has not been given the whole picture by DU as was indicated earlier. Last week a Rockwood councillor also stated he felt that Ducks Unlimited would never do any damage to our wildlife resources. In early December I obtained a letter from Wilma Robinson of Pitt Meadows, B.C. She writes as follows:

\* (1340)

Dear Mr. Gowdar,

I am sorry I could not answer your phone call sooner but everyone is so busy now that it is almost impossible to get anything done.

I did look up what clippings I had on the subject of DU, but most of the columns I read were slanted toward the B.C. Fish and Wildlife instead. We felt, I think, that it was wiser to deal with them than Ducks Unlimited because they, B.C. Fish and Wildlife, were the ones in charge of the area. Besides, if we complained about Ducks Unlimited, then we had to contend with the animosity of our local hunters' association. They had their own complaints about the Fish and Wildlife, even if they were not the issues we were fighting. So they did not get so upset about us objecting about the way things were going, so I thought if I gave you a brief rundown of the events as we saw them, maybe it would be just as good.

In the beginning, back in 1973 when Fish and Wildlife was given the Polder marsh, about 3,000 acres, to manage as a wildlife area, our club, the Alouette Field Naturalists, suggested to them that they keep it as a sandhill crane



reserve as our local flock was down to under 30 birds. This represented the only flock in the Fraser Valley, with the exception of one pair of birds in Burns Bog, Ladner, which bred locally.

Historically, there were thousands of them in valley, but all the other marshes had been drained or otherwise utilized by man. However, they turned us down, apparently because they needed funding and felt that DU would not fund anything that was not strictly for the benefit of ducks and geese.

Our little club then paid for a crane expert from Wisconsin to come out and assess their plan and evaluate the area as a crane-breeding marsh. He told us he was appalled by their plan and subsequently wrote a paper on his suggestions for management.

We had, after a long debate, managed to get a small area set aside for the cranes. This was an area which annually had one pair of cranes nesting in it. The crane expert advised them to change the plan so that this area was considerably enlarged. This they agreed to do, but when DU machinery began digging to build the dikes, they were given the old plans and their dike was in the process of cutting through the middle of the crane reserve when a friend and I happened to see what was going on. We managed to have them stop work and correct the alignment of the dike, but it was only lucky we caught it.

Also, the equipment was taken every day through the middle of the marsh to reach their work spot, with the result that large tracks of bog were compressed and scarified by the weight and by the caterpillar treads of the diggers.

When I spoke to the DU representative prior to the building of the dikes, I asked him how he was going to keep the bog in the crane reserve from drying out with the digging of a large ditch around it. He said, they would get all the borrow for the dike from the one side and not have a ditch on the bog side. However, he must have neglected to tell his workmen again and, of course, the ditch went in on the bog side with the expected result that the water in the bog drained out into the ditch drying up the crane ponds along the perimeter.

After a few months of arguing, the Fish and Wildlife finally dammed the ends of the dike, saying this would solve the problem. However, the bog is certainly drier and is growing up in pine trees and heavy brush. All the water that fills the ditches obviously comes from the bog itself. We have an ecological reserve bordering on the crane reserve and the little bog in the eco reserve has almost disappeared.

Our club has always distrusted DU's idea of a wildlife management for ducks and geese as a benefit to all wildlife. Certainly, we have seen a decline in such things as short-eared owls, marsh hawks, marsh wrens, bitterns, et cetera, not to mention sandhill cranes, which are down to one or two pairs now, in spite of a less than successful attempt to introduce Idaho cranes to the area.

DU has eradicated hardhacks from a large area of bog, thus wiping out an extensive population of marsh wrens. The islands they have built in other areas for the use of breeding ducks and geese have been a dismal failure. They are too lumpy and bushy for the ducks and geese and, contrary to Fish and Wildlife's expectations, they have not attracted sandhill cranes.

Most of the Canada geese they have out there in the summer are flocks of immatures that were captured in Stanley Park, Vancouver, where they were causing problems by their large numbers. We know them by the way they all swim towards you when you walk on the dikes. The wild ones go the other way.

Our biggest complaints are with the Fish and Wildlife for seeming to do everything to encourage more people into the area to the detriment of the wildlife and of the flora of the region, wide paths instead of narrow ones to protect the wild plants, parking areas to encourage more cars and hunting on Wednesdays and on the weekends during hunting season. We felt that at least one day on the weekend should be free of hunting.

Anyway, you can see that most of our complaints are with the management practices of the Fish and Wildlife which, of course, are regulated by their need for DU's money. We, the naturalists, were really hoping there would be no money coming into their coffers so they could not implement all of their changes. Our

only worry now is that they will turn their attention to the west bog, which so far they have not had the finances to manage.

I am afraid none of this tale of woe will help you very much. There were a lot of other confrontations, but most were with Fish and Wildlife, and Ducks Unlimited was only marginally involved. I thought I would let you know what we went through. It is a big issue all over the country, and you are not alone.

If there is any way we can help, please let us know. We all agree that Ducks Unlimited's use of the property there for administration buildings, et cetera, is a gross misuse of a wildlife area.

Sincerely, Wilma Robinson.

Clearly, there are parallels between the B.C. situation and our own, and the government would do wise to proceed very cautiously.

Finally, in the Winnipeg Free Press, Mr. Enns stated that many DU proposals will probably never see the light of day. How are we as the public able to determine which proposals are going ahead and which ones are not? Was the Clean Environment Commission aware of which proposals were serious and which were not? What about the Western Diversification office. Were they misled into making a financial contribution by proposals which are not going to be carried out?

In a situation such as this, the government has no choice but to cancel this project and Bill 38 or, at the very least, call a new Clean Environment Commission hearing when DU has all their plans finalized. Thank you.

**Mr. Chairman:** Thank you Ms. Kaplinga. I believe there are a couple of members would like to ask some questions, if you do not mind.

**Mr. Enns:** Thank you, Ms. Kaplinga. I make this point only because everything that we say and do and present in written form is forever recorded for posterity in the journals of this Legislature. Therefore, you would want to correct that portion of your brief on the third paragraph of page 1 that says, not even tents have been permitted in wildlife management areas. You obviously are aware of the buildings, of the boardwalks, of the viewing mounds, of the pathways that I take it you have enjoyed at Oak Hammock Marsh. I assume somebody permitted them to be built there.

**Ms. Kaplinga:** I assume so, too. I am not an expert on the regulations of The Wildlife Act. I read through them and I found this. I found it, too, quite confusing why, if this regulation is on the books, why those things do exist at Oak Hammock. I do not understand it.

**Mr. Enns:** It is because previous ministers have exercised precisely the same authority that is being considered under Bill 38 to do those kind of things. I think they did them wisely and correctly for people like yourself and others to enjoy.

I want to refer—you made lengthy references to the Ramsar Convention and the Ramsar people. I would like to read to you from the criteria for selection by the Ramsar people. One of their criteria is: the wetland has scenic, esthetic, scientific, educational, recreational or sporting values which are potentially or actually a great attraction for visitors and tourists from other countries.

I want to then refer you to perhaps one of the best internationally known wildlife management areas, the Wildfowl Trust in Britain at Slimbridge, which indicates that all of our centres have major interpretive facilities, education, and other administrative officers. As well, they have outlets for generating funds through retail sales. Four of these existing centres are on or adjacent to Ramsar sites.

It would appear to me, I would ask you the question, because it is important to us not to be in contravention or not to—we certainly do not want to be among the first or be the first country to withdraw a wetland that has been sited and privileged and honoured to be sited so by the Ramsar people, by the Ramsar organization. It would hardly seem that if at Slimbridge the practice of putting interpretive centres, education centres, administrative centres on or in areas that have been Ramsar selected—and I have heard of no indication that the Ramsar Convention is in any way disturbed with what is happening at Slimbridge—it gives me some, and I think it should give you some comfort that the same would apply in the Oak Hammock situation.

**Ms. Kaplinga:** I believe Ramsar's concerns are not with—although they may be my concerns that a large interpretive centre and a cafeteria and gift shop are being built at Oak Hammock Marsh, I do not believe those are the concerns of Ramsar. The concerns of Ramsar are that the ecological integrity

of Oak Hammock is not disturbed. There will be applications of herbicides and pesticides. There is the possibility when you do build a sewage lagoon that there will be a breakdown in that whole process, and that certainly can only result in a disturbance to the ecological integrity of Oak Hammock. I believe that is the primary concern of Ramsar.

**Mr. Enns:** I think you are quite right. It is prudent upon us to make sure, and we look for your kind of continued concern about the marsh that the management organization that will be charged with the daily management of whatever happens at Oak Hammock is forever mindful of this. The point I am making is that if it can be done and is being done very successfully at Slimbridge, it is logical that we may just be smart enough to do it here.

**Ms. Kaplinga:** Well, that could be, but I heard it once said that the best mitigation procedure is, do not do it, and then you do not run the risk of having to deal with those kinds of crisis situations if a disaster did occur.

**Mr. Enns:** Just one final question, Mr. Chairman, having straightened out the business of tents, you do not mind buildings in the marsh; it is just who owns them or what kind of buildings. You have suggested later on in the brief that the buildings you enjoy right now are quite adequate, and you have enjoyed working with them in your naturalist responsibilities and duties. So it is not that you take objections to buildings in the marsh; it is just whose buildings they are or what kind of buildings they are, I take it, that concerns you.

**Ms. Kaplinga:** No, I would have to disagree with you. Although I worked there, and I certainly enjoyed working at Oak Hammock Marsh, the fact that a building was there had nothing to do with the enjoyment. I know from my everyday experience of taking school children, senior citizens, anyone there is that they were not interested in the building, and the building essentially served no purpose for the visitors. If it was the United Grain Growers who wanted to put a building at Oak Hammock Marsh, it would not make any difference; or if the provincial government solely wanted to fund a larger interpretive centre, I would still be opposed to that.

**Ms. CerlIII:** Margaret, you raised a number of important issues and questions, particularly some of the questions you raised at the end. To pick up on the questions that the minister was asking with relationship to the interpretive programs, maybe you

can describe for the panel what kind of interpretive programs are currently going on at Oak Hammock Marsh.

\* (1350)

**Ms. Kaplinga:** Well, when I worked there, I am speaking from 1984-1985, I assume that the programs have not changed that much. The primary focus was on school children in the spring and in the fall. To be quite honest they are there for maybe an hour or two hours, and they have been cooped up in a bus for who knows how long after driving from Winnipeg. Most of them just like to run around and discover things on their own. The role of the interpreter should not be overplayed as a dominant role.

You are there to guide the children, and the interpretive experience is based mostly on discovery of the natural world through your senses and through the child's own experience, not so much of what someone else's view of the natural world is put into a nice little package and then shown on a video tape and then you go outside and say, oh, yes, this is just like the video tape. It is based on their own discovery.

**Ms. CerlIII:** What is Ducks Unlimited's involvement in those kinds of programs now at Oak Hammock?

**Ms. Kaplinga:** When I worked there in 1984-85, there was no involvement of Ducks Unlimited in those programs.

**Ms. CerlIII:** Are you aware if they are involved now in any of the kind of educational programming that goes on in the marsh?

**Ms. Kaplinga:** I am not sure. I could not answer that.

**Ms. CerlIII:** Tell me more about the buildings that are there, because the minister has talked about how they are inadequate for the number of people who are visiting the marsh and that there needs to be some kind of development so that they are suitable to the number of people who are using the marsh.

**Ms. Kaplinga:** Right now there is an office space for the interpretive staff, which I understand right now they only have two or three people there anyway. So the office space right now is certainly adequate. Then there is a large foyer with displays on the wall, and it is designed as a walk-through area so people do not tend to congregate in that area, they simply walk through if they want to go into

the building. The other facilities I know the minister has referred to as the bathroom facilities there, and there are I suppose four outhouses, but most people I think do not come to Oak Hammock Marsh to use the bathrooms and most people—that is not the reason there, so I do believe that the facilities there are adequate for the people that come.

**Ms. CerlIII:** The minister and the government have an interest in having Oak Hammock Marsh become more of a tourist attraction, that is the impression that I am getting. Maybe you can comment on what approach could be used to do that, or the direction in trying to encourage Manitobans to get out in our wildlife management areas and see what is out there, but at the same time, as you said, not go to the extent where we are jeopardizing the ecological and the environmental integrity of those areas and turning them into a place that cannot sustain the number of people.

**Ms. KapInga:** I suppose tourism does have a place in the Manitoba economy, but I think they would be far better off to have a tourist attraction in an existing centre such as Stonewall. I know the Stonewall Quarry Park is located just—I think, it is actually within the town of Stonewall, and it seems to be very successful. Do you, I believe, and the government would be much better off to put a touristy-type attraction in an area such as that where restaurants are close by, where stores are close by, the roads are adequate, there is no need to improve any roads or bring any other electrical or sewage lines to the facility. Then within those more touristy attractions, if they were to emphasize the importance of the protection of wild spaces, then when people were satisfied with their tourist experience they could then have a more careful appreciation of the wild spaces such as Oak Hammock.

**Ms. CerlIII:** Specifically then, in terms of developing interpretive programs for wildlife management areas like Oak Hammock Marsh, what would you suggest?

**Ms. KapInga:** Well, I think a school-based program would be quite excellent. They could hire interpreters to go out to the schools prior to any visits to areas such as Oak Hammock Marsh and prepare the students. They could then have a greater appreciation of things when they do come to the marsh. When they do have money to spend, to spend it more on personnel than on infrastructure.

I think any child you talk to would certainly say they would much rather talk to another human being about learning something than to just read about it on a panel stuck on the wall. So I think they would be much wiser to put their money into the people resources.

**Ms. CerlIII:** That would certainly create jobs in rural areas, as well.

**Ms. KapInga:** Oh, certainly, yes, because the local people are often the best naturalists for those areas.

**Ms. CerlIII:** One of the other things that you brought up was the problem with Ramsar sending a letter dealing with the development when it seems that they do not have full information about what actually is going to happen at Oak Hammock Marsh, and I wonder if you can comment. What do you think should happen right now until we can clear this up, until we know from Ramsar if they are in support of having Ducks Unlimited put their office complex and conservation centre at Oak Hammock Marsh?

**Ms. KapInga:** I think DU should be required to have finalized plans and to say, these are our plans, and ask for approval or disapproval on the basis of these final plans, not to present plans to, whether it is the Clean Environment Commission, Western Diversification or Ramsar and say, well, these are our plans, but if that is not quite right, well, we can always change it.

There does not seem to be any strong recourse to follow then. They could—that has been a problem all along. They are constantly changing their plans, it seems, and they do not have finalized plans. I think that is a big problem.

**Ms. CerlIII:** Yes, I am starting to wonder what the Ramsar people would think of Bill 38. That just occurred to me.

One of the other things that I was interested to hear you describe was the Fraser Valley experience with some of the efforts by Ducks Unlimited. I was having problems following exactly what happened, and I am wondering if you could summarize exactly what happened.

**Ms. KapInga:** I think Ducks Unlimited had their eyes set on a certain bog area, a wetland area in the Fraser Valley and, with their approach to creating habitat for ducks and geese only, they began management of the area in such a way that other species were essentially eradicated. The marsh wrens, the sand hill cranes were down to one pair.

It was not only that management that upset the naturalists in the Fraser Valley, but it seemed to be the whole manner in which this management proceeded. There seemed to be a lot of misinformation flying about, and the implication of the letter is that the government of B.C. was beckoning to the call of Ducks Unlimited simply because they had the money. The end result of the whole situation was a much less diverse ecosystem for that area.

\* (1400)

**Ms. CerlIII:** You have said that seems very similar to what is happening here in Manitoba. It sounds like the minister has said that as well.

**Ms. KapInga:** I recall from the Clean Environment Commission hearings that Rich Goulden—I think he is assistant deputy minister—stated that the reason for this project was that DU had money, and I can look up those transcripts. I remember that quite clearly. So it is a very similar situation.

**Ms. CerlIII:** I guess the problem is, and I have raised this at other times when we have had these committee hearings, that the question becomes commercialization of the marsh and, once you have a corporation with that kind of money, the question becomes, who is calling the shots, or who is running the show? Is that correct?

**Ms. KapInga:** Yes, and in a situation such as this, it is very dangerous, because Ducks Unlimited has a very narrow mandate. Their mandate is to improve habitat for ducks and geese at the expense of other wildlife.

**Ms. CerlIII:** That answers the other question I was going to ask you related to that, which was just to comment more about their approach to conservation. Do you want to say anything more about that?

**Ms. KapInga:** Well, like I said before. It is a very narrow approach and often to the detriment of other wildlife species which in turn of course will affect duck and goose population down the road.

**Ms. CerlIII:** One of the other things that you mentioned at the beginning of your presentation was comments related to sustainable development. We have heard talk about how, for a variety of reasons, this idea not only of the bill, but the motivation for the bill, the Oak Hammock Marsh development, is not in keeping with sustainable development principles. Can you explain to the panel a little bit about why that is?

**Ms. KapInga:** I am not an expert on sustainable development, but in order for the natural resources at Oak Hammock Marsh to be sustained, if you begin to pave them over, and if you begin to introduce sewage lagoons and herbicides and pesticides, you are beginning to eliminate things, and it is not always guaranteed that you can recover the things you have eliminated. In that alone, there seems to be no sustainable development. There seems to be development and that is it, nothing for the future.

**Ms. CerlIII:** One of the ideas related to that is, as I see it, sustainable development is about scaling down and the concept that small is beautiful idea. If we diversify the number of wildlife management areas or marshes that were to be claimed, we would then be more in keeping with the idea. Do you want to comment on that?

**Ms. KapInga:** I would agree.

**Ms. CerlIII:** One of the other things that you have raised, and I am wondering about, is if anyone has looked into the legality of this bill. When you are talking about regulations being inconsistent with the intent of The Wildlife Act and this being—maybe this is not even a question. It is just something that is occurring to me now as I am looking at your brief.

I know that you are involved with some of the groups. I will not make any more comments about that. It is just occurring to me as I am reading over some of these sections of your brief. Thank you very much.

**Mrs. Render:** Just a couple of comments. I have been with a museum for some 15 years, and I guess I would have to differ with you when you say that interpreters are better out at the school than at the site itself. I have to say to you that children really do not like listening to somebody stand up at the front of their classroom. That is a second choice.

If you do not happen to be fortunate enough to have the particular museum or wildlife sanctuary or whatever it is, then you have to go for that. You are going to get the kids' attention far better if you have the interpreter or the guide, or whatever you want to call that particular educator, at the site itself.

I think I would have to disagree with you saying, do not hire any more interpreters, have the interpreters—

**Ms. KapInga:** I did not say that.

**Mrs. Rønder:** Well, it sounded like that. Hire more interpreters, but have them go out to the school not have them be on site. That was the way I heard it. I may have misunderstood you.

I also am getting the feeling that the way it was in 1984 is just fine, and it sounds as if you wish to keep the numbers down. Small is beautiful. Does that mean you do not want to encourage more students? You do not want to encourage more middle-aged people such as myself or seniors?

To me, the only way you are going to educate people and get them to understand this kind of thing is to open up a place and allow people to learn. Not everybody has the advantage or the opportunity, perhaps, to have been in the job that you were in, to maybe have the chance to belong to the Naturalists Society.

People go to places to learn. They go to museums to learn about history or a particular heritage. They will come to Oak Hammock to learn about it. They need somebody there. It sounds as if you do not wish to expand that at all. You do not wish to expand the number of interpreters. If you hire more people, you have to give them a place to work out of.

My understanding, too, is that Oak Hammock is going to be open year-round, that this will again allow people to be inside the building when perhaps they cannot be outside. I agree with you. It is much better to be outside in the marsh, but I do not see anything wrong with a properly designed interpretive centre. You can work the two of them together. As I say, I was gathering from you that it seems that you want to keep it the way it was, which is an admirable idea, but if we want to educate more and more people, I think we have to expand that vision. You were shaking your head earlier, so perhaps—your floor.

**Ms. Kapinga:** First of all, I certainly did not mean to imply not to hire more interpreters. The comment I was making at that point was to rather hire interpreters than to improve the buildings. As I mentioned earlier, the contact with a person is much more meaningful than through a video tape or a display on the wall.

I am not against people coming to Oak Hammock Marsh. What concerns me is the approach that Ducks Unlimited is taking to create a tourist attraction. That is what they want to call it. I would be thrilled to have people come there in order to

learn about ecosystems and the importance of conserving them. I do not understand the kind of message DU is trying to put across if they say, yes, conservation is critical to the health of the planet and then put an office building for 150 people there. You know, that is a mixed message as far as I am concerned.

(Mr. Gerry McAlpine, Acting Chairman, in the Chair)

In response to your comment about having the centre opened year round, I do not know if you have ever been out there in the winter, but the road out from Winnipeg to Oak Hammock is bordered by open fields and the winds in winter in Manitoba are very strong. I think there would be very few schools that would be willing to risk the travel from Winnipeg to Oak Hammock in the middle of the winter with a busload of school children possibly being stranded in the marsh. I have seen the drifts out there in the winter, and I will be quite surprised to see what type of program goes on in the winter and how many school groups actually take advantage of that.

**Mrs. Rønder:** Just one final comment. Thank you for clearing that up.

The letter that you read from Ramsar, again, I would suggest to you and some of the other people who are opposing this, that rather than take your information from the media, that you get your information from the minister or from Ducks Unlimited itself. I mean, we have heard the word "alligators" brought up so many times—the minister has negated that. So, again, I just say that as a comment. I think all of us know that while the media, it is interesting to read and listen to, it is not necessarily the total source of proper information.

**Ms. Kapinga:** It certainly was from Ducks Unlimited documents that the reference to the alligator ponds was obtained. The media was reporting what was in the documents from Ducks Unlimited, so they certainly did not make that up out of their own heads.

**Mr. Paul Edwards (St. James):** Let me start by thanking you for your presentation. It was very interesting, and one of the things about giving an interesting presentation when you are an educated person is that you face some questions and people want to know what you think. So that is why you have, I am sure, been questioned a lot today. I want to add to that.

By the way, I appreciated you reading those letters. I take those as important to read into the record, because there has also been a lot of discussion and discrepancy as to what this group—and I am not even sure of the designation of what the group is, the Ramsar group, but it was important to hear those thoughts.

Are you familiar with the Fort Whyte Centre here in the city?

\* (1410)

**Ms. Kaplaga:** Yes, I am.

**Mr. Edwards:** That to me—and that is a centre I have been at many times, with my children on occasion, is that centre there what you would classify as an interpretive centre, the building that is there? There are some displays, and they run programs out of that centre. Is that an interpretive centre?

**Ms. Kaplaga:** Yes, I believe the prime mandate of Fort Whyte is to be an interpretive facility.

**Mr. Edwards:** I have some difficulty with the whole—I am never sure whether it is better to maintain the absolute pristine environment and not let people go, or do what we can to have as many people go to experience it, especially urbanites like myself. It is important for myself and my children, who do not live in the country, to see these things and to have access to it. It seems to me there is sort of a range. Probably there is lots of good reason for a high level of protection, very little traffic for certain areas, and we can designate certain areas of the province for that.

There probably should be other areas that we try and facilitate a high level of traffic, or at least we accept a relatively high level of traffic, simply for the purposes of education, albeit it is not the best education. The best would probably be to have lots of outdoor skills and go regularly on your own or in very small groups out into the environment. That just does not happen for a lot of people. It is just not possible.

When I say that—and the reason I brought up Fort Whyte is that strikes me as a centre which is not close to a wilderness experience in small groups, but it is something. It is something, and it is an introduction to nature, and it is very interesting for young children. I have personally witnessed that. Would you agree that we need to have a range within our wilderness areas and access of the public to them?

**Ms. Kaplaga:** Most definitely, yes.

**Mr. Edwards:** Where does Oak Hammock Marsh fit into that in your view? Is it an area that should be protected to the end of keeping it a pristine environment, keeping numbers down; or is it an area that should lean toward Fort Whyte? I do not say Fort Whyte exactly, but at least a centre that has, we do what we can to provide access and we try and accommodate high numbers of people. Where does it fit?

**Ms. Kaplaga:** I think if you reflect upon the characteristics of Oak Hammock, that it has been recognized as a very important staging area for migrating waterfowl, and that it is not like the atmosphere around Fort Whyte. A large number, hundreds of thousands of waterfowl depend on Oak Hammock. I think that characteristic of Oak Hammock certainly would suggest that it deserves a high level of protection, not to the exclusion of visitors because of its location near to Winnipeg and its history of interpretation programs there, but it certainly should be more on the side of high-level protection than on the side of tourist attraction.

**Mr. Edwards:** Just a last question on that, and I am glad you brought that up that it is a staging area, because that is a difference. That does distinguish it from others like Fort Whyte, perhaps. I guess the ultimate accessible centre is the zoo which is at the very far end, of course; animals are in cages.

We have heard mixed evidence about the staging area and the impact of this development. The minister says, Ducks Unlimited say, it will not go down; it will not adversely affect that; it may improve it. At one point, I think it indicated that there may actually be a benefit, and I assume that is tied to the addition of a half section, perhaps more, to the marsh itself. Others have said it would adversely affect it. What do you think?

**Ms. Kaplaga:** From my experience of working out there, I really think that perhaps for the ducks and geese, there would not be that much of an impact if the roads were widened and if a large building was constructed. It is not just a migration stopover for ducks and geese. There are many warblers, shorebirds that not only pass through there on migration but some actually stop and nest there. I have seen nests just a few feet off the side of the roads that are there now, the gravel roads. For those birds who up to this point have had a relatively quiet existence and especially the wildlife that are

winter residents, they have had, as I said before, a quiet existence. This development certainly will have an impact on them, a detrimental impact.

**The Acting Chairman (Mr. McAlpine):** I would like to thank you, Ms. Kapinga, for your presentation.

Mr. Prasad Gowdar, you can proceed.

**Mr. Prasad Gowdar (Private Citizen):** With my presentation, I will illustrate that the sweeping powers given to the Minister of Natural Resources (Mr. Enns) by Bill 38 are not in the best interests of Manitobans today and certainly not for the future.

I will begin my presentation by citing the words of Helen McCullough, a noted local environmentalist. In her letter to the Winnipeg Free Press dated Tuesday, June 11, Ms. McCullough eloquently stated the views of many Manitobans toward Bill 38 and its author Harry Enns, the Minister of Natural Resources.

Ms. McCullough writes, autocratic Bill 38, known as The Wildlife Amendment Act, has been more aptly dubbed "The Dominion Over Everything Act," and Manitobans should be extremely concerned by its autocratic implications. Governments should not be allowed to use their majority to alter laws merely to suit their own agenda, as this amounts to a subversion of the democratic process.

The principle at stake here transcends whether or not it is appropriate to build on protected wetlands. At issue is whether or not governments are to be held accountable to the public for their actions.

(Mr. Chairman in the Chair)

At present, the Minister of Natural Resources (Mr. Enns) could find himself in contravention of Manitoba law if he were to issue a permit to Ducks Unlimited to build at Oak Hammock Marsh. The government's solution to this problem is to change the law whether or not the changes meet with the approval of Manitobans.

Public hearings will be held to allow people to appear before a legislative committee to express their concerns, but the minister has already stated on behalf of the government that he will not consider amendments. So much for the democratic process.

The Manitoba public has every right to be angry when its elected government issues such profoundly autocratic statements. Helen McCullough, Winnipeg.

The Wildlife Act in its current form already gives too much discretion and power to the Minister of

Natural Resources of present and past. Oil drilling should not be allowed in a wildlife management area. Office complexes and major developments like the DU/DNR project at Oak Hammock marsh should not be allowed in wildlife management areas.

Those who have followed the DU/DNR project at Oak Hammock Marsh for the past year can cite another instance where the current Minister of Natural Resources has made a mockery of the democratic process.

The following article occurred in The Stonewall Argus/Teulon Times in March, titled, Waste of time and money:

The provincial government has gone to considerable effort to steer the Ducks Unlimited head office project in Oak Hammock Marsh through the shoals of public disapproval even to the point of persuading the R.M. of Rockwood to go through the unnecessary motions of amending the marsh zoning. The requisite public zoning amendment hearings were little more than a facade to give people opposed to the project the impression they had some input into whether the project was ultimately allowed to proceed. The province was well aware the hearings were quite unnecessary. They just wanted to appear to be listening to the little people. With the election winds blowing last year, the government was no doubt well aware of the need to handle the sensitive and controversial project with careful concern for public sentiment. Perhaps that is why the environment minister delayed announcing the environmental licence approval until after he had been safely re-elected.

There was never any question of the government's support of the project. The Natural Resources department was a partner in the plans from the start and made no secret of it. Having the R.M. of Rockwood pass a zoning amendment over an area of provincial jurisdiction was nothing more than a public relations effort to make concerned citizens think they had some say in the outcome of the whole procedure.

The whole point of holding hearings is to allow those people affected by an issue some input into the decision making process. The Province's handling of the DU hearings smacks



of political highhandedness at its worst, devaluing the democratic process by treating it as a meaningless public relations effort that in the end is nothing more than a waste of people's time and money.

\* (1420)

Our current Wildlife Act has too many loose ends. We need increased public participation and public consultation, not public relations. Why is Jennifer Shay, who is an Order of Canada biologist, founder of Delta Marsh and one of 11 people in Canada chosen by Robert De Cotret to sit on the Canada Environment Advisory Council earlier this year, saying no to the Ducks Unlimited and DNR project at Oak Hammock Marsh?

Why is Harvey Williams, initiator of the interpreter program at Oak Hammock Marsh, saying no to the Ducks Unlimited and DNR project at Oak Hammock Marsh?

Why did the Manitoba Naturalists Society threaten court action in order to have this project stopped? Why did the Manitoba Environmental Council accuse the government of trading their birthright for a mess of pottage, i.e., the DU development?

Why does Duncan Stewart, President of the Sierra Club in western Canada, call the DU/DNR complex at Oak Hammock Marsh a travesty of a project? Why do certain people consistently refer to the above groups and individuals, along with 800 students from River East Collegiate, as a handful of people?

Why are all these people opposed to the DU/DNR proposal? Are we radicals who have no vision for conservation education? Certainly, the answer is no. These people are asking why Stewart Morrison, Executive Director I believe, of Ducks Unlimited, and Harry Enns are so insistent about having this office complex in the middle of a wildlife management area, smack-dab in the middle. Mr. Morrison is risking a reputation that has taken over 50 years to build, that of Ducks Unlimited.

Not all those connected with Ducks Unlimited share his enthusiasm for this project. I would like to present a fax that I received from a Patrick Donovan yesterday, and it reads like this:

"20 June, 1991.

"To the people of Manitoba:

"Ducks Unlimited's proposal to build "Morrison's Mirabel" in the midst of Oak Hammock Marsh is an international embarrassment to all Canadians.

"As a third generation of Donovans who have helped make Ducks Unlimited an unequalled conservation success, I am appalled that this proposed invasion of wetlands has received any serious consideration.

"This proposal directly violates Ducks Unlimited's historic mission of preserving, restoring and conserving wetlands for the protection of migratory birds.

"It also contravenes international criteria and agreements established under (1) the Migratory Bird Act of 1916, (2) the North American Waterfowl Management Plan, and (3) Unesco's Ramsar convention.

"This plan must be scrapped immediately.

"Patrick Donovan, Executive Director, Conservation Canada."

Ducks Unlimited is a conservation organization and should be applauded, should be congratulated for its recognition of the fact that North American waterfowl depend on Canadian breeding grounds for survival. Not wishing to violate any copy infringements, I would like to show you two pages out of a DU brochure, one page saying that:

Seventy percent of North America's waterfowl depend on Canadian breeding grounds for survival. We have diminishing wetlands. We have less than ever before, and it is going in the wrong direction.

We cannot have any of it dedicated to office complexes, not any. On the other side:

His tomorrow depends on you today. Ducks Unlimited Canada.

I cannot disagree with any of those statements. Bill 38 if passed allows one person to impress his/her world view upon Manitoba's wildlife areas. When I wrote that, I thought how great it would be to have—I never thought that a woman should be Minister of Natural Resources, but maybe that is something we can think about for the future. What a wonderful idea.

Are Manitoba's wildlife areas natural resources or are they natural treasures? Should Harry Enns' and Stewart Morrison's views dominate over Jennifer Shay's and Harvey Williams' or Patrick Donovan's views. I believe that as in a healthy ecosystem, diversity is essential. The amount of deviation from

Bill 38 during these public hearings clearly indicates that much more public consultation is required on the Oak Hammock issue and on environmental issues in general.

The Ministers of Natural Resources of past and present have had too much discretion in the regulations of the current Wildlife Act. In the age of heightened environmental awareness, we should be strengthening The Wildlife Act to prevent the abuses of the past and not worrying about removing ambiguity. The very fact that one person, our current Natural Resources minister, can use one project with its many loose ends to justify radical changes to The Wildlife Act shows that it is already seriously flawed.

Why did the current Minister of Natural Resources introduce Regulation 46/90 in early 1990, a regulation that clearly increases the protection for wildlife areas? Have wetland areas and wildlife populations started increasing since it became illegal to camp overnight in the WMA to the point where the Minister of Natural Resources needs exclusive powers to grant a building structure or thing in a wildlife area?

Saying that one conserves wetlands by consuming it, is as silly as saying that one saves a duck by shooting it. Proponents of the DU/DNR complex at Oak Hammock Marsh have argued that their project would not set a precedent for Manitoba's 68 other wildlife areas. If Bill 38 passes in its present form and the current Minister of Natural Resources has publicly stated that he will make no changes, then the precedent will have been set. Manitoba's wildlife areas will be open for business as they never have been before.

Yesterday, as I sat at lunch with a friend, he said to me that I should relax and take it easy and not waste my time attending or presenting at these public hearings. If Bill 38 passes and I have no reason to believe anything different in light of the minister's earlier statements, then I will not have a decision to make whether to present the next time.

Radical amendments are definitely required to The Wildlife Act. The spirit of Bill 38 takes us in the wrong direction. For all the reasons I have stated above, I stand opposed to the passage of Bill 38, certain clauses in Bill 38, and urge the minister to reconsider his devotion to it.

In closing, how much more criticism and condemnation from the local, national and

international environment community is the Minister of Natural Resources (Mr. Enns) willing to endure before realizing what so many of us know already, that the association of his government with the ridiculous "Morrison's Mirabel" proposal serves as an embarrassment to the province and the people of Manitoba and that all considerations of the bill which would allow it to proceed should be terminated immediately?

\* (1430)

Having said that I think in some ways I owe a great debt to Mr. Harry Enns, because I was not involved in the environmental movement at all until a year ago. I guess he served his purpose in the ecosystem by alerting us to the weaknesses in the environmental process as it stands now and I appreciate that. I always like to look on the positive side of things.

You know I think Oak Hammock was a wake-up call, and I hope he can understand and appreciate the views of us who are concerned for future generations of Manitobans. I know that we seem polarized at this point in time, but I strongly believe that we really share the same view for the future.

**Mr. Chairman:** Thank you, Mr. Gowdar. There will be a few questions coming from the committee.

**Ms. CerlIII:** I have a couple of questions. You have raised a couple of new points. Maybe I will begin by saying that a lot of us get involved in this process because we start off trying to do something about things that we think are wrong and we end up here. So watch out.

**Mr. Gowdar:** I like my current job, thank you, sorry.

**Ms. CerlIII:** One of the things that you mentioned had to do with the involvement of the environment community with respect to wildlife management areas. One of the things that the minister has talked about with respect to the Oak Hammock Marsh development is there will be a board that will oversee the project, and we do not have anything to worry about, because it is going to have Natural Resources people on it and Ducks Unlimited people on it.

I am wondering if you have any experience with other groups or other committees that have been involved with this project that would have something to say about this management board or the approach to the management board.

**Mr. Gowdar:** I certainly think that the opinions of qualified world-class biologists, such as Jennifer Shay—and I understand that she is no longer on the Manitoba Ecological Reserves Committee—should be better represented if we have a world-class biologist right here in Manitoba, that her opinions should mean a lot.

I know Mrs. Jennifer Shay has resisted offers from other parts of Canada because of her unqualified expertise in these types of matters. I believe voices like hers need a forum that the current Environment Act and Wildlife Act do not permit. She made the initial presentation here, and we have already heard that everything said here does not matter. Can we so quickly devalue such an expert opinion?

I have met many, many people. It has been a wonderful education for me over the past year, and certainly we need better representation. There is terrible representation in the CEC of expert opinions like Jennifer Shay's. I hope that whatever management board that is constructed will repair that serious deficiency that we have.

I think that this management board should reflect, as Ducks Unlimited likes to brag about, that over 50 percent of their staff are biologists. I think any board should reflect that over half are qualified biologists and scientists and not as in the CEC. I do not know if I answered your question.

**Ms. Cerilli:** Yes, you did, and you also gave me an idea for another amendment that would deal with the management of projects or centres or programs in wildlife management areas in ensuring that we have a cross-section of community environmentalists and local residents involved in boards or committees that are going to be managing in those areas. Thanks for that.

I jotted down a couple of other notes. I guess one of the other things that we are trying to deal with is the whole idea of how we educate people about the environment by giving them some kind of natural wildlife exposure. One of the things that supporters of the bill and of the project at Oak Hammock Marsh are saying is that all these people will be coming to the wetlands and seeing them and somehow then they are going to become converted. They are going to become environmentally conscious. I guess I would like you to talk about that concept, if you could.

**Mr. Gowdar:** I would love to do that.

**Ms. Cerilli:** Okay.

**Mr. Gowdar:** Anybody who has been out to Oak Hammock Marsh, and even when I go with just one other person, we always walk far apart because, if there is too much noise, nothing sticks around. If you have 10 people in a crowd and you are a weasel or muskrat, you are not going to be very close to that amount of noise.

I really question the carrying capacity of Oak Hammock Marsh. What is the carrying capacity of Oak Hammock Marsh? Will it sustain 210,000 visitors? Will its wildlife put up to 210,000 visitors? Will they show up at all? We will only know, I suppose, so Ducks Unlimited tells us, after we have built this edifice.

I will give you a guarantee, and there are not many in life: Leave Oak Hammock Marsh alone and they stay. I can make you a guarantee. Ducks Unlimited cannot make you a guarantee. If they can, then there should be penalties in the licence if they fail to meet that guarantee. As far as I know, there are none.

If Oak Hammock Marsh turns into another Pitt polder marsh, then there are no guarantees. We have lots of assurances that it will not be another Slimbridge, but what if, what if? Are there any stipulations for dismantling the facility? Who determines when it becomes a disaster? How do we know what is gone? We have incomplete inventories, as I have been told by Jennifer Shay in many meetings. There is no inventory of invertebrates. Who is going to tell you when the insects start disappearing? There are a lot of questions, a lot of questions that remain unanswered, too many, far too many, not for the 1990s.

**Mr. Edwards:** Mr. Chairperson, again I have been very impressed by the presentation. We have had a number of very, very good presentations and yours has been one of them.

Your statement in your brief that I picked up on was, and it is an interesting question, should Harry Enns and Stewart Morrison's views dominate over Jennifer Shay and Harvey Williams or Patrick Donovan's views. Of course, as we take partisan sides in any particular political issue, it is tempting to say that the answer to that question is, no, that we should side with the experts who we prefer.

That is not the democratic process. The answer, unfortunately, to that question is ultimately, yes. Harry Enns is the duly elected Minister of Natural

Resources in a democratic province. You have heard my views, because I know you have been here for some of it, as to I think he has obligations to listen to us and to consider some things which we might put forth but, ultimately, he represents the government, and the government, as has been pointed out to us, will face the electorate, and this is their right.

\* (1440)

My question is, and the question I think which is more interesting, at least in terms of this particular discussion, is what is the purpose of The Wildlife Act? That is a question that I have real trouble with in view of this bill, and I wonder if you have given that any thought. Let me draw your attention, in particular, to the statement which is presently in The Wildlife Act. By the way, that is the only restriction on the minister's right to make regulations now. The only restriction in the existing wildlife act is this, that whatever he does has to fit within the parameters of the better management, conservation and enhancement of the wildlife resource of the province. That is the only restriction today in this act.

That, to me, does not sound like a heck of a restriction. I mean, it is The Wildlife Act after all. Surely if you are going to do something under it, it should fit within that. You should be able to defend it on that basis. That, to me, seems to be a minimum for The Wildlife Act. The statement has been made, and it is true. Bill 38, as Helen McCullough says, it is the dominion over everything. The term "wildlife" in front of this act does not mean a heck of a lot.

**Mr. Gowdar:** No, it does not.

**Mr. Edwards:** I wonder, when you say in your brief that this minister and others have had too much of discretion, what would you have us add to that as parameters within which things can be done under The Wildlife Act? Have you given that any thought?

**Mr. Gowdar:** I am not an expert; I am not a lawyer. I am not an expert, but I guess the biggest problem for many of us, many concerned citizens, was that when this project was proposed, the spirit of The Wildlife Act had been violated, and really a poor wildlife act, I think, in retrospect. If this Bill 38 passes, then I think it destroys, not just violate, it destroys The Wildlife Act. In my opinion, we might as well not have it use up any valuable paper anywhere. I want it logged that I use double-sided recycled paper. I do not think any kind of paper that

we would use for The Wildlife Act, if these amendments are made, is worth anything. In fact, I would rather have it be spared.

Certainly we have, and I have discussed that we have enough qualified individuals in Manitoba to make those suggestions, but do we have a forum where their opinions can be heard? I have already told you that Jennifer Shay is not on the Manitoba Ecological Reserves committee any longer.

**Mr. Edwards:** I appreciate your comments. I feel the same way about The Wildlife Act. I wish they would either give it some strength and some security for Manitobans who want to preserve wildlife or give it another name, because it is a bit misleading to me.

Just by way of conclusion, it strikes me that this act, by having to get rid of that parameter, which is not much—all it says is, better management, conservation, and enhancement of the wildlife resource—if you have to get rid of that parameter to justify a project, it suggests the project is not for the better management and conservation of wildlife. That seems to be logical to me, and that is a problem. It strikes me that if you really believed that this was for the better conservation and management of wildlife, you would leave that parameter there and defend it on those terms. That is not being done here.

**Mr. Gowdar:** As weak as it is, I suppose, one should.

**Ms. Cerilli:** The letter that you gave us from Patrick Donovan says that the development at Oak Hammock Marsh, and I would think then the bill, contravenes international criteria and agreements established under the North American Waterfowl Management Plan.

Can you tell me more about that? How does the development contravene that act or that agreement or that plan?

**Mr. Gowdar:** I know very little about the North American Management Plan. I do not have a copy of it. The only thing that I do know about the North American Waterfowl Management Plan is that Ducks Unlimited would like a lot of exclusive access to those funds. I stand strongly against—again, we are ignoring people like Jennifer Shay and Harvey Williams' opinions when we give sole access to one organization to those types of funds to impress their world view on our wildlife areas.

As I said before, if we learned anything, diversity is essential in a democracy and it is essential in an ecosystem, a wetland ecosystem.

**Ms. CerlIII:** Yes, in questioning the minister, I have tried to get a better understanding between this development and the North American Waterfowl Management funds. I understand that it is a lot of money.

I am wondering if you would have some recommendations about how this money should be allocated in Manitoba or in Canada, other organizations, other groups.

**Mr. Gowdar:** Certainly, the Manitoba Naturalists Society has played a huge role in the development of Oak Hammock Marsh. That is why they are so vehement in their disapproval of this project. There is one group that you can start with right there. Jennifer Shay and Harvey Williams are members of the Manitoba Naturalists Society. We can go on, I suppose, to the Friends of Oak Hammock Marsh and groups such as this, and hopefully they will continue and expand their mandate since they have learned so much about wetlands over the past year.

Again, I have said that there are lots of world-class biologists in Manitoba like Jennifer Shay who would be thrilled to have access to such funds and make valuable suggestions.

**Ms. CerlIII:** Yes, I learn more about this area. I understand that it seems like Ducks Unlimited, who has cornered the market, so to speak, on funding for wildlife—well, for sure wetland conservation—and that you have said that they have a narrow focus.

**Mr. Gowdar:** Yes, I think that is a problem in Canada. In the United States, we have the Audubon Society, as big as Ducks Unlimited, a transnational group that does not exist in Canada, not in a strong enough way, in my opinion. We have the Nature Conservancy, who describe themselves, both Audubon and Nature Conservancy, as neutral hunting groups. The annual budget for the Nature Conservancy is \$167 million in the United States. That is over \$100 million more than Ducks Unlimited.

I think a big concern for me as I look to the future is that again our world view in Canada is too narrowly focused, and Ducks Unlimited, the only transnational group, should not be given exclusive access to the North American Waterfowl Management Plan. I would hate for—and I hear there are 80 million bird watchers in the United

States, and some day they are going to realize—I do not have the Free Press article here, but the U.S. Fish and Wildlife Service has had seven agencies come together to recognize that the diminishing populations of new tropical birds are due to diminishing wetlands, and they are going to someday realize that Canada, from DU's brochure, is the key to all of this.

I would like to have, to pass legislation in Manitoba protecting waterfowl. I do not want it to be a directive from the United States. I would like to pass it here. I would like to put us ahead of the game.

**Ms. CerlIII:** That sounds appropriate to me.

One of the other things with respect to the letter from Mr. Donovan is I wonder if you can explain to me who is and what kind of an organization is Conservation Canada.

\* (1450)

**Mr. Gowdar:** As I gather, there is an attached article which describes Mr. Donovan's background. As he told me, they were a group that was formed, 80,000 people, in Montreal to stop the clear cut of the remaining trees on the island of Montreal. They were very successful and actually quite encouraging in this situation when you hear of such success stories in getting \$200 million secured to protect those trees. They stopped the movement to cut down these trees. It is a growing organization, and something very significant that Mr. Donovan, who is much more businesslike I think than environmentalists are given credit for, he was a former hunter. He is a member of Ducks Unlimited, as he states, and he has a lot of hope for reforming Ducks Unlimited to make it into the kind of organization that really works for total wetland ecosystem preservation.

I was in Ducks Unlimited's offices only two weeks ago, and it was quite interesting that in their indoor display, when one walks into the lobby, has about 15 species of ducks—little models—about two species of plants, no insects, nothing else. There are 260 species of birds at Oak Hammock Marsh, shorebirds, songbirds. None of those are represented in the indoor display at the Ducks Unlimited complex on Waverley, and we expect these people to be wetland ecosystem educators. That is pretty scary. That is a scary thought.

People change, organizations change, and I believe I am here to help reform Ducks Unlimited. It

has happened in the States. It is happening in the States. I learned through Mr. Donovan that there are hunters in California, DU people, who are voluntarily giving up hunting, and they are trying to encourage other Ducks Unlimited people. So we know that the organization itself is not as ridiculous as the Morrison Mirabel project would suggest, and so I think we should be careful, all of us that are against this project, in turning and pointing the finger in the right direction.

So Conservation Canada is a growing organization, and you reminded me that this is growing. Anybody who has been at these presentations should realize that this is no longer a fringe movement, the environmental movement; it runs in the mainstream of our society. It is very sophisticated and Oak Hammock is the wake-up call for environmentalists in Manitoba. We are awake and we will grow in numbers as the years pass by. I think, with what has happened in the past few weeks with this project, has only drawn more people to us, and I think the sophistication—I do not mean to pat myself on the back—and the eloquence of the presentations made here should leave a mark on every politician. I hope it has or you are liable to find out how serious a matter this is to us in a very harsh way.

**Ms. Cerilli:** I have no further question. I just wanted to—

**Mr. Edwards:** I just want to add that I think you have made a very important point, and it is a point that has been lost on many presenters, I think, and that is that—and Mr. Donovan points it out in his letter, and you point it out from the brochure—Ducks Unlimited has done legion good works in the past. I believe that. I have had some experience with many who have belonged to Ducks Unlimited and have felt inclined to support Ducks Unlimited myself in the past, and I have never lifted a gun in my life to hunt, but I think they have done good work.

Whether or not this project fits within their mandate is obviously something which their membership, of which I am not one, but which their membership has some serious concerns about, and that may be something they have to deal with.

The other important point which has to be recognized, and I tried to do it in my questions, is this act is not the Ducks Unlimited act. This act goes far beyond this project in Ducks Unlimited and that is, quite frankly, the major point for me. I appreciate

people coming up to talk about the Ducks Unlimited project. It is important to hear about that. This act is not the Ducks Unlimited act. That is a point which I think is not lost on you and I think that is important to recognize as we deal with this.

This act will be here to haunt us for projects to come and ministers to come well beyond this one. Thank you.

**Mr. Chairman:** Thank you, very much, Mr. Gowdar.

**Mr. Gowdar:** Thank you for having me.

**Mr. Chairman:** Ms. Dianne Cox; Mr. Carl Moroz; Mr. Rob Altemeyer. Have you a written presentation, Mr. Altemeyer?

**Mr. Rob Altemeyer (Private Citizen):** Kind of. I had something better. Outline time.

**Mr. Chairman:** Mr. Altemeyer, the Clerk will come and get the presentation from you. We will just be a minute, Mr. Altemeyer. We have to—Go ahead, Mr. Altemeyer.

**Mr. Altemeyer:** Thanks very much for putting up with me today. The flow chart in front of you which I have organized is essentially my argument today, an outline as it serves. I have decided to entitle it An Assessment of Bill 38, 15 easy steps through the bog, some kind of an interpretive tour.

Before I get started, just a few things about myself for the short while that we will be together. My name is Rob Altemeyer and I am a long way from being qualified, on the surface of it, to give anyone an interpretive tour of anything. I am about one semester away from getting my first degree from college in a perfectly artsy capacity, shall we say, which means that at my current pace it will be a good two decades before I am a doctor or a lawyer. Like I said, it looks like on the surface I have nothing to offer.

One thing about being a student for all of its problems and hassles—I mean you go into class and a prof will tell you how great the textbook is that he wrote, and you should buy two or three copies. You have to put up with his arguments on his particular perception of the world for a year. You smile politely, if you are still awake, bob your head once, write an exam and leave. One nice thing that is constant throughout all of that is the level of thinking, the methodical step-by-step process which forms that professor's argument. It shows you

where they are coming from, what it is they are trying to prove, and why they think you should believe it.

That is what I have tried to do today. I offer the flow chart. Even if the particular conclusion, which has kind of surprised even me, that I have reached is shot down in a brilliant ball of fire, I hope that, at least, this outline which I have provided will help honourable members of the committee and other people of the public yet to present, to further zoom lens in on some of the key issues that we are dealing with here today and tackle those instead of some of the subsidiary issues which all too often keep coming up. That is my own opinion.

So, the flow chart, step 1, question: What on earth does Bill 38 do? That is what we are here to talk about today. This is my own interpretation, but it says in step 2: grants the ministry of Natural Resources new powers in the management of Manitoba's wildlife areas. If you want to be anally retentive like me, you can scribble out the semicolon because it is a typo. Notice I said ministry, not particularly minister. Whoever comes in as Minister of the Department of Natural Resources from now until eternity, provided there is not another recommendation made, will have these new powers.

\* (1500)

The motion that we are all here to complain about or support is that Bill 38 should, therefore, be passed into law. It's legit, it's cool, it's hip for the people. The big argument that I have with this, or one argument that could be raised by anyone, is argument No. 1, that the new powers granted to this ministry are, in fact, too powerful. They are all-inclusive, total, authoritarian, totalitarian, all the great words they get to throw around the classroom. We never understand what they mean.

This is it. I mean, never mind the public having any recourse for legal action in the future. We are used to being lied to, abused, ignored, and told to shut up and go away. The legislature, with these new recommendations, will have—if it had any influence whatsoever in the first place, that will be completely removed by these new powers. The minister and that person's interpretation of the use of wildlife management areas all by itself will determine what should go on there, and no one can differ.

One thing that always helps, I think, when you are faced with an abstract concept like future

ramifications of power struggles, is a few probable case studies of what could happen if something goes through. You can decide the validity of these or how likely it is they are going to happen, but I offer them anyway.

Number 1: Let us say in a year, two years, eight years, it does not matter, we have an entomologist as head of the Department of Natural Resources and this person is particularly interested in furthering the many beneficial aspects of his field, and he looks to wildlife management areas as a way of doing that. Unfortunately, many animals eat his case studies—amphibians, frogs, birds, ducks, so he has them shipped out, Stanley Park. You know, they can fly away while the locals go for burgers and fries, but he gets rid of them. Legally, nothing we can do to stop it.

Case study No. 2: Let us say a cattle rancher, just an example, has used wildlife management areas for grazing his herds for a number of years, and it has worked out well both for the wildlife management area and the cattle rancher himself. Let us say we get a Minister of Natural Resources who wants to change that particular wildlife area into subdivisions, cottages, whatever, and the rancher is kicked out and all of the many benefits that resulted from that are gone out the window. Benefits for the rancher, benefits for the public, benefits for the environment, gone, because this is the minister's discretion and his decision. So far, in my now four days of attendance at these hearings, I have heard nothing which could prevent any of those things from happening should the situation arise.

Well, maybe there is one thing in the way. Pro response No. 1. The pros, by the way, are arguments in favour of passing this bill; the cons are the ones against. Pro response No. 1. I heard somebody talk about how the federal Environment Act might well have some kind of jurisdiction over a provincial wildlife act. I do not know if it is true, I have never read the Environment Act, though if it is anything like Bill 38 it could put the sleeping pill industry out of business overnight. In any event, I would think it makes common sense for any restrictions to the minister's power, as specified in Bill 38, which might be restricted—I will rephrase that—any of the minister's powers would have any restrictions, any restrictions upon those should be specified in Bill 38 if they apply to the Canada Environment Act.

One of the minister's stated reasons for going through this whole business is for clarity. He wanted to clear up the ambiguity that was left over from previous administrations and therefore he has come out with this bill. Well, I think it is only fair that not only should the extent of his new powers be specified, but so should the restrictions to those new powers be specified as well. I do not see that in Bill 38 and I think it is something that should be added, if, in fact, there are any restrictions at all.

That is only the first response. There is a second way that you could argue for the passage of Bill 38 as far as I know and that response is to say, okay, granted we have got a really extreme request for a tremendous amount of power in a very important part of Manitoba, but we also have someone who currently, as the minister, has such esteemed credibility that it is worth running the risk of future abuses or even current abuses to give this person those new authorities. That credibility is so impenetrable that we should grant this request.

You look at my own situation, you could certainly add something else to it, I mean, could very easily say in response to that, Rob, you big dope, you do not know anything about politics, you know even less about the internal political struggles that go on. We are talking about a minister, a person who has been involved in politics for a quarter of a century, which is a good deal longer than you have even been alive. Should we not trust the minister, considering that fantastic history of somehow surviving in the turbulent world of politics all those years? He knows what he is doing, let us let him fly with it.

There is Step 8. The common response to that right away is to say, it does not matter what good could come out of a present minister. It does not matter how many fantastic things could be accomplished by this one person in however many years they have left in that office, whether a cabinet shuffle will show up tomorrow and move people around, or whether an election will be called and they will be removed completely.

The future ramifications are such that no one could challenge the minister's decision regarding anything in a wildlife management area if this bill passes, and we could have some real turkey come in after the current minister has done his fantastic job and run buckshot through everything.

You could stop right there, I think, and say, that is a pretty legitimate concern and we have to can this right now. Well, let us hear it out. Let us take the argument to conclusion here. Let us assess the current minister's credibility, as I am only capable of doing for the last four days, not a really honourable way to address 25 years of distinguished service to a province, I admit, but let us look at the situation in hand and what has gone on and decide from there.

My criterion for credibility, as stated in Step 9, reads as follows: Can a minister be trusted to uphold the democratic principle of government for the people by the people and act with the interests of all Manitobans at heart? That, I think, is credibility.

Case study time. As we are all perfectly aware, the motivational factors behind the creation of Bill 38 are damning. The minister was fully prepared to authorize the construction of buildings in the wildlife management area of Oak Hammock Marsh until the Manitoba Naturalists Society, who were heavily involved in the creation of that area, pointed out that this was illegal according to The Wildlife Act itself. The minister's response to this legal obstacle was Bill 38, which effectively removes it. We have heard that many times, but just so we have it on reference, Winnipeg Free Press, Wednesday, May 15 title reads: Bill to Protect Marsh Project from Legal Challenges. About the third paragraph we have: Natural Resources minister Harry Enns confirmed in an interview the bill was designed to thwart a legal challenge of his plans to allow Ducks Unlimited Canada to build an office complex at Oak Hammock Marsh. End of discussion. It happened.

When you read something like that in the newspaper, its scope is a little overwhelming, I have to hand it to you. You have really knocked a few people on their heels on that one. Never mind clarifying what regulation dominates over what other regulation, or what regulation should then be brought into the law itself. Since we have violated the law so many times using the regulation, this single action undercuts every single law in Manitoba.

What it basically says is that the government's will is all-powerful, and that if a pesky little law gets in the way, then the government can bloody well change it to the detriment of any segment of society it chooses, or maybe to the whole of society itself. I mean, with this kind of a precedent, and I do not mean to suggest that this would actually happen, we



could have, oh, maybe infinite wages for MLAs and increased taxes for the people. Not a bad idea if you are an MLA, you know. It is kind of cool. You guys are as underpaid as anyone else, I am sure—maybe even more so. The fact remains that the principle is shot.

\* (1510)

Case study No. 2. I think, by the way, before I go on to that one that on that action alone, regardless to how long a person has been in office, there has to be a serious question as to how much power we should grant them. An additional request for power could almost be ruled out right there, if not completely.

Case study No. 2. There is more. No amendments. Forget it. The public can show up, stay here till two o'clock in the morning, fall asleep on the chairs like I did last night, but still be here, make their presentations, kill themselves trying to figure out just what it is that is going on, and it will not make a difference. That is unacceptable. Just in case we have heard it too many times that the minister will not allow any amendments to his bill, but we do not know where that idea came from, I will read again, same day, same article.

Winnipeg Free Press, Wednesday, May 15, fourth last paragraph: and said the new act will undergo public hearings—that much is true—to allow people to appear before a legislative committee to express their concerns—that much is true—but added he will not consider amendments.

Ma'am, I am sorry, I do not know your name, I certainly understand and appreciate your concern for sole reliance upon the press for information and how it is presented, but seeing as how these two facts of no amendments and the bill, motivational factors, have been mentioned I do not know how many times by earlier speakers. Since the minister has not offered any explanation or apology or even commented, so far as I know, on this article in these public hearings, I think it only fair to conclude that he intends to stand by those words and that is his opinion. He should be held fully accountable for it.

Step 12, assessment of credibility. As I have stated already, the minister's behaviour quite obviously does not merit the allocation of additional powers to his ministry. Indeed, you could even call into question suitability of the powers he currently holds, but wait, wait.

Step 13, lucky number, ministerial response. Well, you know, other governments before this one have violated the intention of The Wildlife Act using whatever regulation it was. I left that blank for you to fill in on your spare time. They used the regulation which refers to the authority the minister has to override any other regulation if he so chooses. Using that regulation, other ministers, in his opinion, have gone against the goodwill of the act, why cannot I?

This is not a response to my argument. Even if it is true—it probably is—it does not refute what I have said, and everything that I have concluded in Step 12 still stands for the simple fact, that other people have done something wrong therefore makes it right for me to do something wrong does not work. Put it simply, two negatives do not make a positive. It is almost like saying, well, we have broken that law so many times, we might as well make it legal to do it now. It just does not add up.

I think you could further say, in this day of growing concern over the very integrity of our world as a living biosphere, it is sustainability of life, which we are realizing that our lifestyle which we enjoy in North America more than anywhere else in the world is responsible for destroying. We, more than anyone else on this planet, should be making efforts not to further degrade what little natural sense is left. We should, in fact, reverse the trend that has been established by earlier governments, assuming that is true, and take a very strong stand against anything threatening it.

Now you might well say that it is unreasonable to expect any mere mortal to be so perfectly credible as to be untouchable, unthinkable that they would do anything other than act in the interests of all inhabitants of Manitoba, human and otherwise, trying to find the greatest good for the greatest number of people.

Therefore, what? If it is impossible to find someone of that credibility, then we should not give them the power which demands that they have that credibility. I must return again to Step 4. There is no way that kind of authority should be given to one person.

Mr. Enns, believe it or not, I do not have a personal vendetta against you. I did not even know who you were before these hearings started, though I have to admit there have been times afterwards that I have wished that I did not know who you were.

There was one time quite recently, to share a little personal story with you, I got so bloody frustrated and angry over all of the things that I just mentioned. Ducks Unlimited and Oak Hammock do not even enter into it, I mean that is shot to hell, but this is what had me. I could not get to sleep. I went out four o'clock in the morning, got out of my nice warm waterbed, four o'clock in the morning, grabbed my favourite baseball and proceeded to pluck every single stop sign within a three-block radius of my house. I was thinking of you and did not miss too often, but I do not intend that to be a personal threat.

I have come to these hearings. I did that before these began. I have watched you work. I have seen you stand up for what you believe in, whether I agree with it or not. I cannot help but respect that. It is also true that I have seen you demonstrate your remarkable skills as a politician. Twenty-five years of experience will do that. Whether I agree with the direction that you are taking those skills, I cannot help but admire that either. I even like your sense of humour but, sir, in light of the argument that I have just made, I have found no excuse for your actions, no way, no trick in any book, to figure out how this proposal should be allowed to proceed, and so you will permit me if my ultimate conclusion is rather harsh.

Step 15: The interests of Manitobans, humans and otherwise, now and into the future will not be enhanced by the present version of Bill 13. The last line I would like to make an amendment to is on my flow sheet. I would rather say the sections in Bill 13 pertaining to new ministerial powers are the offensive ones. For that reason alone the bill should be dropped until further discussion can come up with a more enlightened proposal.

That concludes my presentation. In the absence of a response from the minister which refutes what I have said here, I see no reason for further discussion. I await the minister's response.

**Mr. Chairman:** Thank you, Mr. Altemeyer. Any questions?

**Ms. Cerilli:** One of the things that you have brought up relates to how the bill is a power issue.

**Mr. Altemeyer:** I am sorry, what?

**Ms. Cerilli:** That the bill is a power issue and it is an abuse of ministerial power. I guess I would like you to just summarize, when you were talking about—I wrote a note down here beside Step 10 on your chart—when you said that this bill is setting a

precedent for the government as a whole. I have referred to it as well in second hearing debate, I referred to the bill as an abuse of power.

I am now thinking about Bill 70, which is another bill that has come before the House. I am also thinking about the trend that has been happening, as I am most familiar with my short stay here with environment legislation, where more and more powers are being put into regulation and less and less powers, particularly in terms of protecting the environment, are being put into actual legislation and into the acts.

\* (1520)

I guess I am just thinking, as you are making your presentation and putting those few things together and seeing some of the techniques that legislators are developing for making it legal to abuse the democratic process and to abuse power. I invite you to comment on that if you would like.

**Mr. Altemeyer:** When a person has no power outside of the voice of one, it is naturally a little difficult to gain insight into how it is that power works, who it goes to and how to stop it.

I certainly would agree that Bill 38 represents an attempted abuse of power, though the process of bringing it out has shown us that certain powers exist which should not be there already. Should this trend continue and should the public somehow become aware of it, whether it is through their own initiative or someone on the inside actually telling them, I think they would be well within their rights to demand an explanation and in the absence of that, a full reprimand, whatever that would entail.

**Ms. Cerilli:** Maybe just another comment. I appreciate the novel approach you have taken in your presentation. I think it is an excellent presentation.

**Mr. Altemeyer:** Caffeine will do that.

**Mr. Edwards:** Just one comment and I also appreciated your flow chart. It was innovative and it was interesting to hear your presentation.

I only have one comment, you made a comment and it is not directly related to the flow chart. It had to do with: we have already been used and abused in front of the courts and now it happens in front of the Legislature.

One point, which is in the last five years, courts have been the only refuge for people seeking to uphold environmental standards. There have been

numerous cases and, in fact, in recent years the Rafferty-Alameda cases in the federal court, the Oldman River case and the injunction secured by the aboriginal people when they sought to stop the St. James Bay project without an environmental assessment.

In fact, while they are certainly not perfect either, the courts have been the only legitimate form of environmental review that has taken place on major projects. It is unfortunate it has to happen in the courts, but actually that is the only place it has happened. It is interesting to note that this bill, and Bill 24 in the last session which you obviously were not involved in, sought the same thing, which was to stay away from the courts, because courts can be trouble for politicians.

**Mr. Altemeyer:** One thing I would just like to clarify: When I mentioned the public and the line of what we are used to witnessing, it was not so much a reference to courts in particular but rather power structures in general. That naturally lies not only with courts but with legislatures and, you know, the large corporations, whatever it is that power emanates, which is difficult to figure out all by itself.

Your point is well taken, and I certainly hope that future discussions in public hearings and elsewhere, whatever the subject is that they address, whether it is the power of the courts or the power of the people, that the comments of the public shall not only be entered into the record and printed on paper and filed away and forgotten, but could actually, maybe, possibly, perhaps even be used.

I mean, I do not want to be too tough on you guys, because I see what you have to go through. I really think politicians on the whole are just too tough on themselves. They get elected, they say I have 20,000 people I now have to be responsible for, I have to know everything, I cannot be wrong. So someone comes to you with a gripe or a complaint or an idea or you get one on your own, and you study it a little bit and then you decide okay this is what we are going to do. Then it gets presented in a form which says this is what the government has decided to do, do not dare try and defeat it because then we will look stupid.

I am not sure that is a wise approach. I think the best resource a government has, or anyone who is leading anyone anywhere has, are the people who are being led. The ideas that they have, no matter what experts you consult, no matter what other

cabinet ministers happen to be hanging around that day in your office and you bounce an idea off of them and they give you their opinion, expertise of a phenomenal scale exists out there, outside the corridors. While I think it is entirely appropriate for a government to study an issue, come up with a proposal and make its recommendations, to say that the public cannot possibly add anything to that is not only undemocratic, it is unwise. I do not know, it is something you might want to look at.

**Mr. Doug Martindale (Burrows):** Yes, Mr. Altemeyer, I am interested in your comments on ministerial power and the public interest, and I would like to give you a couple of examples of where I think ministerial power has been used and possibly abused and see if you think there is a similarity between those examples and what is happening at Oak Hammock Marsh.

For example, there are many people who are very concerned about public access to the Assiniboine and Red Rivers, and we have some new public access between the Legislative grounds and The Forks which many people are enjoying. There was an opportunity in St. James. At some time in the future the city or the province or the two working together could have acquired land that could have been a strip of land accessible to the public on the Assiniboine River, but instead we will have The Rotary Pines project and 10 condominiums on the Red River and a very narrow strip of public access.

The Minister of Housing (Mr. Ernst)—

**Mr. Chairman:** Order, please. Mr. Martindale, we have called everybody else to relevancy. Maybe you have not been at the previous portions of this meeting, but I would ask you to be relevant to the presentation that is before this committee. Thank you.

**Mr. Martindale:** I will ask Mr. Altemeyer then if he sees any similarities or has any concerns about ministerial power looking at current examples such as economic activity at the Winnipeg International Airport and whether or not it is protected by legislation or Plan Winnipeg in the future—

**Mr. Chairman:** Order, please. Mr. Martindale, I would really ask you to be relevant to the presentation that is before us today. We are not talking about the Pines today, we are talking about Bill 38, and I would ask you to please be relevant for the last time.

**Mr. Martindale:** I will put my question then. Do you see any similarities between current examples and what may happen in the future due to this legislation, since in your presentation you said you have concerns that the minister will be given too much power and that future ministers will have too much power because of these amendments?

\* (1530)

**Mr. Altemeyer:** Sure. I mean no disrespect. Believe me, the Pines project is a little out of my realm, but the discussion of ministerial power is an intriguing one. There is no way you could run a democracy if everyone voted on everything, especially when you have 25 million people spread out across the second largest country in the world. That is just not going to happen. You have to have some people serving as decision makers and some people following those decisions. Where that line rests, as in when one person has too much power and the rest of the people have a right to draw the line, is something I could not paint for you in a complete perspective some guideline that would see you through every time that situation arose.

I think that the public is well within its rights to raise objections to requests for more power when it is obvious that such a future predicament would be to the detriment of most of society and, in the absence of a rational response to those accusations, the request for power should be withdrawn. That is, I think, all I could answer for you.

**Mr. Chairman:** Thank you, Mr. Altemeyer. Any further questions? None. Thank you very much. We will now call Mr. Don Sullivan.

**Floor Comment:** I was supposed to phone him. He is going to be down at work at Army Navy. Can we hear someone else and I will try and get him down here.

**Mr. Chairman:** I thought I just saw him back of the room a minute ago.

**Floor Comment:** Oh, is he here?

**Mr. Chairman:** I saw him five minutes ago.

**Floor Comment:** I will go find him.

**Mr. Chairman:** Mr. Don Sullivan. Mr. Neill Adhikari. Your presentation is before the committee, I believe.

**Mr. Neill Adhikari (Private Citizen):** Before I proceed, I would like to point out that the text you have in front of you is not precisely the same as what I am going to read. There are a number of factual

errors contained in that text, which I have corrected, and there are some changes in the prose as well, but it is more or less the same.

I believe that Bill 38 is seriously flawed and, therefore, requires substantial revision. A particularly worrisome clause is Section 3(1) Regulations respecting designated areas, which grants the Minister of Natural Resources (Mr. Enns) sweeping powers to make regulations concerning the "use control and management" of a designated area irrespective of "the designation of an area for the better management, conservation and enhancement of the wildlife resource of the province in accordance with Section 2" of The Wildlife Act.

This provision severely weakens one of the goals of The Wildlife Act, which is to protect certain species of Manitoba wildlife by designating suitable tracts of land as wildlife management areas. It does so by allowing this and future ministers to sanction any "use, activity or thing in an area" including the "construction, operation and maintenance of any building, structure or thing in a wildlife management area."

Needless to say, I am not denying that this and future Ministers of Natural Resources ought to have certain responsibilities and privileges under The Wildlife Act for which they are accountable to the Legislature and ultimately to the electorate. However, Section 3(1) of Bill 38 bestows on this minister far-reaching powers to act arbitrarily and without public consultation. These powers exceed those that he or any of his successors can justifiably hold, as they allow him to permit radical changes to the uses of designated areas and specifically wildlife management areas.

Just how will the catchall word "thing" be used to alter wildlife management areas in the future? In fact, these areas are of such fundamental importance to preserving, unadulterated, the various types of Manitoba ecosystems and form such an integral part of the province's heritage, that changes to their use should require much more than simple ministerial fiat—much more, in fact.

Bill 38 should strengthen the protection of wildlife management areas, although not necessarily by making them completely off limits for ministerial incursion. Nevertheless, extensive public review should be required whenever modifications to the traditional nonconsumptive uses of wildlife management areas are contemplated.

Instead of giving Manitobans more clout in the handling of their own valuable habitats, Bill 38 concentrates power in one person's hands. Furthermore, Manitobans have special reason to fear the outcome for wildlife management areas should this bill be passed, given the current minister's publicly expressed attitude towards these hearings.

In particular, as has been pointed out by many speakers, the minister has stated that he will accept no revisions to Bill 38, regardless of the views articulated here, as cited in the 15 May 1991, addition of the Winnipeg Free Press on page 12. As a result, how can we have confidence that he would act in the best interests of the wildlife management areas and of Manitobans were he to acquire the extraordinary powers contained in this bill?

Now as the committee is well aware, the primary purpose of Bill 38 is to give the Minister of Natural Resources (Mr. Enns) unequivocal authority to grant Ducks Unlimited Canada a permit to build an office complex and interpretive centre on the Oak Hammock Marsh Wildlife Management Area. Ironically, the Department of Natural Resources has identified wildlife management areas as Crown-owned oases free from developments by private organizations.

In the Winter 1986-1987 issue of a pamphlet entitled "Conservation Comment" and published by the Department of Natural Resources, it is observed that, quote, lands purchased for wildlife management areas were selected on the basis of their importance to resident wildlife, vulnerability to commercial development and the willingness of their owners to sell.

That being the case, I find it contradictory that the Department of Natural Resources, four and a half years later, is bent on allowing precisely such a development on its prize wildlife management area, an area whose international significance has been recognized.

The interpretive centre notwithstanding, how will the DU office complex enhance and protect the ecological integrity of Oak Hammock Marsh? How will some aspects of the planned interpretive centre, like the alligator enclosure and craft shop, help the resident wildlife and habitat that Oak Hammock Marsh is meant to protect?

I am sure that the minister will have many intelligent and complete responses to these points,

and among them might be the observation that the Ducks Unlimited proposal was subject to a rigorous environmental review at the Clean Environment Commission hearings, the most rigorous review in the history of the province, but in fact several telling criticisms have been made of the DU environmental impact assessment in the Bovey report, which was commissioned by the Canadian Wildlife Service.

Although this report arrived late and was thus not considered by the CEC, an exception should have been made because of the gravity of the findings. For instance, the report notes that the DU assessment was completed in a record two months and lacked essential base-line biological data on the marsh ecosystem, an ecosystem that includes at least 25 species of mammals and 260 species of birds. Such data are essential if the relationships between flora and fauna are to be understood and the potential environmental impacts, from increased visitor loads, for example, thereby assessed. Moreover, the integrity of the entire CEC process itself was compromised by the minister's and his department's publicly championing the project prior to the commencement of the hearings.

In addition to the ill-considered environmental impacts, the proposal must be examined for the precedent it sets of allowing a private organization to develop a publicly-owned wildlife management area. Are other such areas now open to commercial development? It appears that Bill 38 would facilitate precisely such activity by granting the minister considerable discretionary powers. I would encourage the current minister to refuse to set such a precedent, as was done in 1974 when the Oak Hammock Marsh Wildlife Management Area Advisory Committee rejected a proposal for a development close to Oak Hammock Marsh made by Zacharia Realty Ltd., citing its incompatibility with OHMs objectives.

The minister may reply that DU played an instrumental role in reclaiming Oak Hammock Marsh from the ravages of decades of farming and is therefore no ordinary private interest.

I would agree, and it is certainly not the intention of these remarks to besmirch DU's admirable record in the reclaiming of Oak Hammock Marsh. However, I believe that the role of Ducks Unlimited in creating Oak Hammock Marsh does not give it the right to build an office complex on the site. On the contrary, its responsibility and mandate dictate that

it protect the complex ecosystem that it helped to re-establish.

Finally, I question this government's stated commitment to sound fiscal management when it is prepared to give a million dollars of public money to aid an organization whose annual budget is approximately \$44 million. In a time of cutbacks to various provincial programs, how has the government found this large sum? Furthermore, the additional costs of upgrading and in some cases installing access roads, sewage, electrical and communications facilities will ultimately be borne by taxpayers. In addition, the economic benefits of the DU office complex to the Rural Municipality of Rockwood would be maintained were it to be moved to a nearby centre like Stonewall where the infrastructure is already in place.

\* (1540)

So in conclusion, I have argued that the DU proposal is inconsistent with both its own mandate and the role of Oak Hammock Marsh in wetland conservation and should therefore be rejected. Consequently, I believe that Bill 38 which gives the Minister of Natural Resources the power to grant DU a permit should be drastically amended. Moreover, the wide and arbitrary authority which Bill 38 accords the minister to alter the uses of wildlife management areas cannot be vindicated, as the primary objectives of these areas are to conserve habitat and wildlife from human development.

Thank you.

**Ms. CerlIII:** Yes, thank you for your presentation. I would like to have you describe more the Zacharia Realty Ltd. project that was proposed at Oak Hammock Marsh some time ago. I am not familiar with that.

**Mr. Adhikari:** I have only a passing familiarity with the details of the project, but my understanding is that it was a housing development and that the proposal obviously was not to build the housing development on the marsh but at some distance away from it. In spite of that, the advisory committee at the time, which consisted of civil servants from the Department of Natural Resources, and I am not sure if it consisted of Ducks Unlimited people too, but anyway that advisory committee rejected the proposal even though it was not on the marsh because of potential damage to presumably the activity of migratory birds on the marsh and so on.

**Ms. CerlIII:** You are telling us that it was close to Oak Hammock Marsh Wildlife Management Area?

**Mr. Adhikari:** That is correct.

**Ms. CerlIII:** I guess I am interested because there might be some relationship here. I do not think we can do it now, but maybe I can just ask Mr. Adhikari if he could provide me after the hearings with some more information about where the proposed development was going to be located.

**Mr. Adhikari:** I might have something in here actually. Just hold on. Okay, yes, I do. This is from a presentation that the Friends of Oak Hammock Marsh group made to the Liberal caucus on the 13th of August 1990, and there is a more detailed reference to the project in here.

What it says is the following: In March 1974, Zacharia Realty Limited approached Oak Hammock Marsh Wildlife Management Area advisory committee with a proposal for development on 1,015 acres a half mile east of the marsh. The committee strongly opposed the plan on grounds that it would destroy the esthetics of Oak Hammock Marsh, interfere with its wildlife and was incompatible with OHM objectives. The plan was withdrawn. At this time, the committee included members from Ducks Unlimited, the Manitoba Department of Mines, Resources and Environmental Management and the Canadian Wildlife Service.

**Ms. CerlIII:** Do you have any information that would tell us how many people would have been able to be housed in this kind of a development?

**Mr. Adhikari:** That information is not contained here, and I am not sure how many people the project was meant to house.

**Ms. CerlIII:** Just to clarify, it is a half mile east?

**Mr. Adhikari:** The proposal was for development a half mile east of the marsh.

**Ms. CerlIII:** I do not have any other questions about that, not about that.

**Mr. Chairman:** Mr. Edwards, you had a question?

**Mr. Martindale:** Mr. Adhikari, I noticed in your brief that you said that the Ducks Unlimited assessment lacked essential base-line biological data. I wonder if you could tell me and the committee what are the normal requirements for base-line biological data.

**Mr. Adhikari:** That particular part of the presentation comes from part of the text of the Bovey report. The problem is that, as people have pointed out, there has been insufficient amount of

research done on Oak Hammock Marsh. Specifically they lack—they do not know how many invertebrates are there, they do not know how many of certain species of birds are there, and they have not even begun to understand the food web relationships between all of these debiotic and abiotic components of the marsh environment.

Now, the result of that is that we are really not sure, first of all, how much it has changed, how much those data have changed over the past, say, 20 years with the increased visitors. As a result, we do not know how all that has changed in the past. As a result of that, we do not really know how it is going to change in the future if the proposed construction of the office complex and interpretive centre goes through.

(Mr. Gerry McAlpine, Acting Chairman, in the Chair)

Ducks Unlimited has attempted to assure us that the environmental impacts are either negligible or can be mitigated, but so far as I am aware, there are no data published in scientific journals or anything that would allow us to make comparisons in the future. Essentially the point is that if we do not know what is going on there now, how are we going to know in the future if something changes whether the changes were due to the development or whether they were natural anyway? There is no way of predicting with any confidence what the development will do in that respect.

**Mr. Martindale:** How does the data gathered at Oak Hammock Marsh differ from what is normal? Are there less data in this case? Was it gathered over a shorter time frame than usual? What is a normal time frame? Would it be a year or several years or every season for a number of years? I wonder if you could tell me.

**Mr. Adhikari:** I am far from an expert biologist, but from what I have learned—from, for example, Mr. Shearer's presentation yesterday and a number of other people—is that these things have to be studied over much more than two months, for example, which is what DU said. You have to study them over a number of years, so one year is insufficient, five may be, I am not sure. You are looking on the order of magnitude of years for these studies to be done.

\* (1550)

As of what is typically done in other areas, whether this is abnormal or not, that is another thing

that I am not terribly sure of, but even if it is not done in other wildlife management areas, then the research in those other areas is equally insufficient. So, I mean, the amount of study that was done by Ducks Unlimited may in fact be typical for what they have done in other parts of the country and may in fact be typical of what other organizations in other countries have done. My point is that according to biologists that I have talked to and who have made presentations, the whole lot of them are insufficient.

**Mr. Martindale:** Could you tell me if Ducks Unlimited did their own base-line biological assessment, or did they hire someone else to do it?

**Mr. Adhikari:** It is my understanding that—I do not have the name of it here—some consulting group put together the environmental impact assessment. As far as the data gathering is concerned, I am not sure if that was done by DU biologists or by the consulting group that put together the assessment for DU.

**Mr. Martindale:** Do you consider it objective?

**Mr. Adhikari:** I consider it incomplete. I am sure that DU has probably done some duck counts presumably, because that is what they are interested in, but it is incomplete because, as far as I know, it is not being published anywhere. No one else has ever actually looked at it. I am not saying that everything published in scientific journals is gospel, right?—but at least it is being read by at least two other people; it is being reviewed. They have not published anything anywhere as far as I am aware. So what they have done may be objective, may be valid, but it is quite incomplete and it does not give us a complete understanding at all of the ecosystem at Oak Hammock.

**Mr. Martindale:** Duck counts would seem to be rather central to this whole debate. Are duck counts going up or down, or do you know?

**Mr. Adhikari:** As far as I am aware, the national duck counts and U.S. duck counts have in fact been going down over the past, say, 20 years, and other people have pointed this out too. In spite of efforts made in wetlands conservation, the actual numbers have been going down. Some people have suggested that the real solution to that is to curtail hunting more. I mean, I do not know if that would do it, but it is my belief that the numbers have been going down.

**The Acting Chairman (Mr. McAlpine):** Thank you, Mr. Adhikari, for your presentation.

Mr. Brian Lucas. Mr. Greg Mickie. Mr. Norman Binkley. Mr. Harvey Williams.

Just for the benefit of the committee members, Mr. Harvey Williams made a written presentation yesterday. You now have a presentation which is, I do not know if it is an amendment, but it is a revised presentation that he will be making at this time.

**Mr. Harvey Williams (Time to Respect Earth's Ecosystems):** Yes, I have to say that, having attended these hearings, they have been quite enlightening, and my first presentation did not seem adequate. So in view of what I was learning I went back and did some rewriting. I am sorry I do not have a flow chart.

I am president of TREE. It is an organization that was founded in 1989 to promote the protection of forest ecosystems. TREE is an acronym for Time to Respect Earth's Ecosystems. Since many of Manitoba's 69 Wildlife Management Areas encompass forest ecosystems, TREE has an interest in legislation pertaining to WMAs. We support Section 30.1 that restricts trade in wild animals and their parts. We particularly endorse the reclassification of the polar bear as a protected species. The following comments are aimed at Section 3(1) of Bill 38.

Briefs presented earlier have made the point that Section 3(1) is intended to remove a possible obstacle to the construction of a national headquarters for Ducks Unlimited in a WMA, namely, Oak Hammock Marsh. I must confess to having something of a cross to bear on this issue, because it was I who, back in the 1970s on behalf of the Manitoba Naturalists Society, submitted the first proposal and received the first grant to support an interpretive program at Oak Hammock Marsh. The grant was for summer employment of students.

(Mr. Chairman in the Chair)

Since my skill at getting grants far exceeded my talents as a marshland interpreter, and I was and still am fully employed as a professor at the University of Manitoba, I was fortunate in being able to hire Wayne Neily, who may present or may have presented a brief at this committee as co-ordinator of Oak Hammock Marsh's first interpretive program.

Who would have imagined then that a modest program employing four university students would someday culminate in an outrageous proposal to construct a national headquarters for Ducks Unlimited and an extravagantly outsized interpretive

centre which must, according to DU's funding agreement with Western Economic Diversification Fund, include the famous alligator ponds?

It is ironic that this development will cost several times over the \$3 million so far spent in restoration ecology at Oak Hammock Marsh. I must confess to a sense of empathy with the fabled Dr. Frankenstein.

A visit to Oak Hammock Marsh last Sunday only served to strengthen my conviction about the wrongheadedness of the project. The day, as you may recall, was warm and sunny with a bit of wind. The marsh was quiet and peaceful with a few cars in the parking lot and one person standing atop a mound studying birds in the distance with binoculars. Contrast this scene with the congestion and crowding that will greet visitors if the DU project is successful in attracting the hordes of visitors it hopes to. Add to this, the DU national headquarters and the comings and goings of staff and visitors there.

Our doubts about the project were further confirmed as we rode our bicycles around the dike containing the north cell of the marsh. It seemed that we were continually disturbing nesting birds. At one point, a night heron rose from her nest in the shrubs along the dike and circled anxiously until we moved on. Blue-winged teal would scurry up from the water ahead of us, fly down the channel and land, only to be disturbed again as we continued our progress.

We were probably the only visitors to those remote parts of the dike that week. It is easy to imagine how a continual stream of visitors would affect those birds. Monday morning, I listened to a Nobel Laureate physicist open his lecture with a description of his visit to Oak Hammock the day before as the highlight of his visit to Winnipeg.

He referred to the DU development as a desecration and did not seem to find the scale model of the DU complex on exhibit in the interpretive centre and the survey stakes in the ground at various places particularly reassuring.

My purpose here tonight, or today now, since I planned this for the other day, is not to speak in opposition to what I personally consider to be an ill-conceived development at Oak Hammock Marsh. This brief is in opposition to increasing the discretionary powers of the Minister responsible for The Wildlife Act (Mr. Enns) under Bill 38 and to



express concerns about the precedent it sets for drafting future legislation for protection of natural heritage.

Bill 38 would repeal Sections 2 through 5 of The Wildlife Act. Sections 2 and 3 relate to the purposes of designated areas and regulations for implementing the intention of the act. Section 2 provides that "For the better management, conservation and enhancement of the wildlife resource of the province, the Lieutenant Governor in Council may by regulation designate areas of the province and prescribe a use or uses to which each area designated shall be devoted."

\* (1600)

Section 3, now we are talking about the present Wildlife Act, states that: "A regulation made under section 2 may, for the purpose of managing and enforcing the use or uses prescribed"—parenthetically by Order-in-Council—"for each designated area, prescribe activities and things that are permitted or prohibited, as the case may be, within the area, and may prescribe restrictions, terms and conditions and other requirements that shall be observed by any person within the area."

Now, Section 2 defines the purpose of designated areas as being "For the better management, conservation and enhancement of the wildlife . . ." Now I want you to note that these are the things that will be stricken in this amendment.

Section 3 states that regulations must be pursuant to the purposes prescribed by council in the establishment of the designated areas.

Now what could be more reasonable than that.

Section 89 further provides, "For the purpose of carrying out the provisions of this act according to their intent, the Lieutenant Governor in Council may make such regulations and orders as are ancillary thereto and are not inconsistent therewith; . . ." Now note again, we are talking about the intent of the present Wildlife Act and the regulations adopted by either the Order-in-Council or by the minister must be consistent and it lists some areas for regulation by council.

Bill 38 repeals two of these areas for regulation, key areas:

"(b) designating areas of land for the purposes of Part I and prescribing prohibitions and restrictions for each designated area;

"(f) prescribing programs of land use with respect to the preservation, maintenance and restoration of habitat on Crown land; . . ."

Now notice what is being stricken then: provisions under this meeting the "intent" and "ancillary thereto," that is what is being taken out.

Section 90 delegates regulatory power to the minister for the purpose of carrying out provisions of the act according to their intent. Now that is being removed.

That Lieutenant-Governor-in-Council ". . . may make such regulations"—and orders—"as are ancillary thereto and are not inconsistent therewith; . . ."

Clause 90(mm) of this section is repealed. Clause 90(mm) reads: "prescribing prohibitions or restrictions to be observed in any wildlife management area or public shooting ground or other designated area under Part I; . . ." Again, you see, we are removing requirement that Regulations (b) conform to the intent of The Wildlife Act.

Bill 38 places the provisions above with Section 3(1) of Bill 38 which reads: "Unless otherwise provided by this Act or the regulations, the designation of an area for better management, conservation and enhancement of the wildlife resource of the province in accordance with section 2 does not limit or affect the uses and activities that may be undertaken in the area, and the minister may make such regulations as the minister considers appropriate . . ." in regard to

"(a) respecting the use, control and management of an area;

"(b) authorizing, regulating or prohibiting any use, activity or thing in the area;

"(c) authorizing the construction, operation and maintenance of any building, structure or thing in a wildlife area."

Now you see, he can do this irrespective of the intent of The Wildlife Act. He is removed from all obligation. He can do it on mere whim.

The effect of these provisions in Bill 38 would be to remove regulatory power from council, assign it to the minister and at the same time free the minister from responsibility for implementing the intent of The Wildlife Act with respect to designated areas such as WMAs.

Section 3(1) gives the minister unlimited discretionary power to authorize any use or activity

in special areas designated under provision of The Wildlife Act, unless specifically prohibited by the act or regulations—not by the intent, but by the letter of the act.

The minister would use his newly acquired discretion under terms of Bill 38 to allow DU to construct its national headquarters at Oak Hammock Marsh, since the effect of Bill 38 will be to remove the requirement that regulations relating to areas designated under The Wildlife Act be for the better management, conservation and enhancement of the wildlife resource of the province, you see.

It follows by, and this is considered illegal, implication that the DU development at Oak Hammock Marsh will not contribute to the better management, conservation and enhancement of the wildlife resource.

Not only will the minister have the discretion of allowing the construction of DU's national headquarters and a world class interpretive centre, complete with alligator ponds in a wildlife management area, he will have the discretion of allowing such developments in any other area designated under the act—any other area, not just Oak Hammock Marsh.

After the alligator ponds, what else might be proposed—water slides, hot air balloon trips to view the marsh from the air, snorkeling pools, miniature submarines, hot dog carts at the north end of the marsh, a resort hotel with miniature golf course? Whatever comes to the mind of the tourism industry, the department of tourism or any other enterprising entrepreneur that he can convince the minister should be there, the minister has the discretion to put there.

If Oak Hammock Marsh does, in fact, attract the 200,000 or more tourists per year that DU predicts, the pressure for further development will intensify and only ministerial discretion will stand in the way, and experience shows that where development is concerned, ministers are often indiscreet.

If Bill 38 passes, nothing would prevent the minister from authorizing such developments.

The extension of discretionary power granted the minister by Bill 38 applies not to just Oak Hammock Marsh but to the other 68 wildlife management areas in Manitoba as well, including Cape Churchill that protects polar bear denning areas; Sakeram

Marsh, Tom Lamb Marsh, Steep Rock and Spruce Woods wildlife management area.

Such ministerial discretion will encourage pressure groups of all kinds to prevail upon the minister for special consideration for their favourite scheme and pave the way for all manner of secret deals with entrepreneurs, outfitters and developers. Would some special interest be able to prevail upon some future minister to allow the construction of shooting stands and the baiting of polar bears for profit as is presently being done to black bears on the boundaries of Riding Mountain and across the province?

It is interesting to note that DU and the cattlemen are on the same side of this issue. The cattlemen support Bill 38 because they believe that greater ministerial discretion would enable them to gain freer access to wildlife management areas for cattle grazing. A few years ago, DU and the cattlemen were at loggerheads over cattle grazing in Sakeram Marsh. Does the minister really want to be in the middle of an issue like that? Should one person have the power to make such decisions?

The discretionary powers vested in the Lieutenant-Governor-in-Council by The Wildlife Act, as presently written, seem to provide the balance between restriction and flexibility necessary for management of wildlife management areas. It appears that an Order-in-Council could authorize developments such as that proposed by DU for Oak Hammock Marsh.

There is much less likelihood of these powers being used unwisely or abused by a more broadly-based body, such as the Lieutenant-Governor-in-Council, than by one minister. Case after case can be cited of misuse of ministerial discretion often, as in the case at hand, resulting in political embarrassment for the government.

Some recent examples of the minister using his discretion inappropriately include allowing Roblin Spruce Products to cut jack pine right up to Highway 367 in Duck Mountain Provincial Park, using herbicides on the cut over area and replanting it with spruce, significantly altering the local park ecosystem; permitted outfitters and hunters to use bait to attract bears and elk out of Riding Mountain National Park without regard to national park wildlife concerns; failed to enforce park policy restricting forestry-related herbiciding in provincial parks; and

allowed the subdivision of a private holding in Whiteshell Provincial Park in violation of the park management plan.

Premier Filmon has endorsed the Endangered Spaces Program which seeks to protect 12 percent of each natural area in Manitoba from development, as recommended by the World Commission on Environment and Development, otherwise known as the Brundtland commission.

The purpose of protecting representative samples of natural regions is to preserve the ecological diversity of the biosphere. At the present time, only Riding Mountain National Park and Mantario wilderness area in the Whiteshell meet Brundtland commission standards for protection. Atikaki Wilderness Park, Manitoba's only designated wilderness park, is open to mining, hence does not qualify for inclusion in the 12 percent. Indeed, a recent study by the federal-provincial parks council revealed that Manitoba's parks have the lowest level of protection of any provincial parks in Canada.

If the protection of WMAs were strengthened rather than weakened, as will result from Bill 38, these areas could fill in part of the gap created by the low level of protection afforded Manitoba's provincial parks.

Effective legislation to protect significant landscapes uses clear and unambiguous language to express legislative intent and restricts ministerial discretion accordingly. Bill 38 will remove whatever protection is presently provided by freeing the minister from responsibility for implementing legislative intent.

I do not want to dwell on this alligator pond thing. It is a great press thing, but I do happen to have page 6 of the agreement that was signed between Ducks Unlimited and the Western Economic Diversification Fund and on page 6, 7.02—you will find it at the back of your brief—any conditional acceptance of this offer by the recipient will render the offer null and void.

\* (1610)

This agreement, including attachments A, B, C, D, E constitute the entire contract between the parties thereto with respect to subject matter, and then if you will note on No. 6, Courtyard, if you read along where I think I have highlighted it for everyone, is the famous alligator enclosure. Now, I guess that part I would put in the form of a question and have

somebody tell just exactly what this means. Thank you. Pardon? I am sorry.

**Mr. Edwards:** Thank you, very much. I am sorry and just for clarification to start, the sub six at the end there, is that part of one of those exhibits A, B, C, D, and E?

**Mr. Williams:** Yes, this is E. I had it pencilled in. It must not have got through on some of these, yes. I did not want to waste good paper on the whole thing and so I just brought the relevant parts but perhaps someone there has it.

**Mr. Edwards:** Thank you so much for coming forward with your presentation. We all—I think many of us here know well the many contributions your group TREE has made to environmental discussions on all kinds of issues and it is good to have your organization represented here at these hearings.

With respect to the statement that you say at page 5 and I agree, by the way, with your analysis of the legal implications of this amendment and your going through the sections of the present act. When you concluded page 5, in the second paragraph that by implication, the DU development at Oak Hammock Marsh will not contribute to the better management, conservation and enhancement of the wildlife resource—you may have heard me make that argument to other presenters which, quite frankly, astounds me that any minister would be proposing a project that was not able to survive that standard. After all, as I have said many times, this is The Wildlife Act and if you are doing something under it, that would seem to me to be a pretty basic test and not too stringent a one really.

My question for you is, and I say it in the context of the suggestion that is still made, that this project is for the better conservation and management. That is the argument that has been made to us by representatives of the proponents and by the minister himself.

Do you in any way feel that the existing structure, as proposed, could meet that test?

**Mr. Williams:** Not as proposed. As a matter of fact, at one time—I think I was president of the Naturalists Society at the time—we were lobbying for an interpretive centre, a reasonable interpretive centre out there. There was a plan—I do not know if it is still kicking around the wildlife branch—for a modest kind of interpretation program where there would be some better provision for viewing and

interpretation perhaps than is there now, but this strikes me as being just completely out of proportion. Of course, there is no way to justify DU headquarters.

**Mr. Edwards:** One of the other arguments, as I understand it, and I do not want to make this the Ducks Unlimited bill because I think it goes far beyond that, as you have pointed out in your own brief, but assuming that the interpretive centre is a good idea, and I hear you saying that it is in some form or other, an interpretive centre is not a bad idea, is it worth accepting an office complex of this size?

**Mr. Williams:** Well, the short answer is no.

**Mr. Edwards:** Moving on from that then, you indicate on page 6, second paragraph from the bottom, that "the Wildlife Act as presently written seems to provide the balance between restriction and flexibility necessary for management of WMAs." In fact, you may be aware that, I believe it was in the Pearson area of this province, in 1988, Home Oil was allowed to go and commence drilling activity. Does that not shake your confidence that the act as it was written sufficiently protects wildlife management areas?

**Mr. Williams:** I think the problem there, and has been, though, that these things are done sort of by agreement. Somebody walks in and they make a deal with the minister. Whatever. I do not want to make it sound—but there is no public participation, no public involvement, you see. In other words, we do not have any defined public process for involving interested people and making these decisions, or at least providing input.

Now I think the authority has to be with the government, but what is lacking, I think, is this kind of mechanism where we find out what the people want. We give everybody a chance to say things, and then we do what appears to be in the public interest. But I think when it is left too much to the discretion of one person, or even maybe a small group where they can do it behind closed doors, as was done with the Repap thing, then I think that is wrong.

**Mr. Edwards:** Do I take it, then, that you might pull back from that statement in your brief that the present act, the act as presently written, does provide the appropriate balance? Let me suggest to you that the power which was in the act, albeit under regulation, was a power which could be and, in fact, was, on occasion, abused in that type of back

room deal, and would you agree that the present act, even as written, may need some strengthening to allow for that mandatory public process?

Ultimately, at the end of the day the government makes the decision. That is clear. What you seem to be talking about and what I would agree with is that there must be an obligatory holding up of a proposed project, in particular, one which would deviate from the norm, to some kind of public scrutiny. That, of course, is not even in the existing act. Would you pull back from your statement that on that basis, then, just that the existing act may require even some strengthening?

**Mr. Williams:** I would agree. I did not mean to imply that it was perfect. I think another deficiency in it is the narrowness of the definition of wildlife. I think we have to now begin looking at ecosystems and looking at this whole system holistically, and to be totally concerned with one aspect of it, and with a narrow definition of wildlife—I guess if I have one major criticism of Ducks Unlimited it is their focus on, say, ducks and geese as opposed to marsh ecology. Marshes are some of the most productive ecosystems we have, and they are also the most threatened. If the sole motivation is just to produce ducks or geese or both, that is not sufficient. So I think we need to have a broader scope to The Wildlife—maybe not even call it a wildlife act. I do not know why we call it that.

**Mr. Edwards:** Yes. What I hear you saying is that we want to take a holistic approach to these types of decisions, and, of course, maybe one of the problems is we have a lot of acts in the area. There is The Environment Act; there are all kinds of water acts in place; there is this act; there are the mining act, the parks act. We have a bunch of acts, and there is not sort of a cohesive approach, perhaps.

But, keeping in mind that The Wildlife Act is in place and we want it to have some use to us, do you have a suggestion as to how we might define wildlife? Whether or not you have one with you now, is there a source we could look to, because this is something that has been brought up by a number of speakers? We have got to expand this, but nobody seems to—I mean, we understand the existing definition is insufficient. Is there another one? Is there one that we should look to amending this act on? That is something the minister may—one would hope because it does not directly affect his granting of powers—maybe that is something he would look at.

**Mr. Williams:** Well, I could probably expound for a couple of hours on that question, but I think probably the term "wildlife" is inadequate to describe the kind of approach we need to be taking toward this. Maybe we need an ecosystem management act that sets up processes, defines areas of importance in the ecosystem and so on. Forget about wildlife acts, parks acts, forestry acts and the like. I am not sure that I could answer your question adequately there.

**Mr. Edwards:** Maybe I am looking for the easy way out because we have The Wildlife Act in front of us. It is not too likely in the near future we are likely to get an ecosystem act, however much we may want it. I think, as you will know, that was a major complaint amongst many presenters when The Environment Act was coming through in 1988 by the NDP government, that it was not encompassing enough and it did not provide sufficiently that holistic approach to the environment. That was an opportunity perhaps lost.

By way of question, you also mention a recent study by the Federal Provincial Parks Council which revealed that Manitoba's parks have the lowest level of protection of any provincial parks in Canada. Can you give me any further details on that study? It would be very interesting to me to see that study.

\* (1620)

**Mr. Williams:** Sorry about that. I am used to being in front of my class. They use a number of indicators, for example, resource extraction, hunting, a whole list of things relating to parks. They had a scoring system. I think what I should do probably rather than try to describe it for you is I can get you a copy of it if you would like to have that.

I think the problem here again, though, is this whole business of the way we split up the ecosystem. For example, parks, we have a Parks branch. They manage parks, but they do not manage the trees in the parks; the Forestry branch manages the trees in the parks. They do not manage the wildlife in the parks, the Wildlife branch manages the wildlife in the parks.

So there is really no overall way that, in the case of the Parks branch, we can take the kind of values that we all associate with parks and apply them to what we call parks because we have all these other influences. The Mines branch manages the minerals. The mines can mine anywhere, they can

mine anywhere in any park in Manitoba that is provincially owned.

**Mr. Edwards:** Thank you, if you would supply me with a copy, I will give you my address. By way of conclusion, thank you again for coming. I know you have been here on prior evenings and it is a bit arduous and we appreciate your making the effort. Thank you.

**Mrs. Render:** Yes, you made a very impassioned talk today, and I appreciate that. However, I do have a question. Even though you were talking on the bill itself, you have spent two pages talking about the proposed centre. I again get the very distinct impression from your presentation right now and also from listening to other presenters and also other people, and I am just reading here from your presentation where you talk about, you were probably the only visitors on this very sunny Sunday afternoon. You remark, you say: It seemed that we were continually disturbing nesting birds. Then you go on to say: It is easy to imagine how a continual stream of visitors would affect the birds. I get the very distinct impression that perhaps the whole thing should be closed down. Is that what you are suggesting, that there should be no visitors?

**Mr. Williams:** I would say if it is a choice between protecting the natural character of a place, the bird life and so on, I would close it down. I think the notion that we have to dedicate everything we set aside for use by people that—I think someone read part of Stan Rowe's book here earlier. The whole notion that everything out there is to serve us—it looks good, it feels good—but in our effort to serve ourselves I think the ultimate effect will be that we will destroy the ecosystem. We cannot view the world that way. It is a matter of survival. So I would say if it unduly disturbs the wildlife there, then, yes, no visitors.

**Mrs. Render:** Well, I come from 15 years in a museum environment, and it is my opinion that the only way we are going to educate our young people is to provide them with a chance to actually see some of these things that we want to preserve and conserve. If we do not teach our young people and show the young people what it is we are talking about, it is very hard for them to be thinking in the abstract.

As I say, I am wondering whether we are missing the point. What is the point of preserving something if nobody is going to have the opportunity of seeing

this and understanding why it is so valuable? How are we going to educate our young people? You cannot do it just in the classroom. You cannot do it just with slides.

I suggest to you that the best way to educate people in our heritage, whether it is a natural heritage such as Oak Hammock Marsh or whether it is the heritage of old houses or whatever it may be, whatever the museum or the culture group is preserving, the best way is to have the real live thing in front of the child, the student or the senior citizen, whatever. As I say, when you suggest that perhaps you just close it all down, how are we going to educate our young people in the future? How are we going to get to them? How are we going to get to their hearts if they cannot actually see what we are trying to preserve?

**Mr. Williams:** Well, I am reminded of a village in Vietnam one time, when they said they had to destroy it to save it. I would hate to see us destroy to save. I do not think it is necessary to do it that way. I happen to teach in a faculty of education and I have watched the schools gradually shut down field trips, outings and so on for a host of reasons, economic and otherwise. I think the amount of money that is being spent, if we are talking about educating children, for the interpretive centre there, if that were put in to providing less intrusive kinds of educational facilities, getting more kids out—I have led dozens of canoe trips with high school students over the years and I know how valuable these are and I could not agree with you more—I think what we are talking about here is the means, and I do not think this is the right means if it is going to destroy or damage the marsh.

**Mr. Martindale:** Mr. Williams, I wonder if you heard David Suzuki speak at The Forks on Monday night.

**Mr. Williams:** Sorry, I did not.

**Mr. Martindale:** Well, one of the things that he said was that some day the only natural habitat will be in parks and protected areas. I am sorry that I cannot remember when he said that would come about, but I believe it was in the not-too-distant future.

Do you have concerns that what little wetlands we have, including artificially created ones or enhanced ones, should be preserved as they exist now since there is so little available to preserve?

**Mr. Williams:** Well, I read an interesting article I would recommend to all of you. There is a magazine called *Outside* and there is an article in it

by David Quammen. If I had realized this might come up I would have brought you all copies of it, but he makes this very point that when humans first appeared on this planet there were few of us and there was lots of nature and we were a part of nature and we were a part of the ecosystem. As our numbers have multiplied and our technology has increased, we have moved into every place, and what at one time was continuous and widespread, and we were the islands, now is the islands and these marshes and natural areas, our parks and so on, are the islands and they are terribly threatened.

I think we need to take action. There will not be any more of them. They are getting less all the time. They do not increase. They only go one way. It is like entropy always goes up, these always go down, and if we do not take measures to protect them now, they will be gone forever. I have no idea what the effect you see on the biosphere will be when we have a totally culture-controlled biosphere. Will it be a system that is complex enough to stand up, or will it collapse because there is not enough diversity in it? So I think it is essential that we preserve these areas.

**Mr. Martindale:** Thank you, Mr. Williams. I would be interested in reading that article if you could—

**Mr. Williams:** I will be sure that you get a copy, and anyone else who would like to, I will get them one. As a matter of fact, maybe I will send you all one whether you like it or not.

**Mr. Martindale:** I am wondering, if we were to assume for a minute that some of the concerns in your brief and others were not valid, just for the purposes of an argument, I am wondering if a major problem with the Ducks Unlimited proposal is that it is the wrong symbol at this time, given that the public's awareness and concern for environmental issues has increased greatly in the last few years.

Perhaps as short as five years ago, the government might have been able to endorse this project—certainly 10 years ago—perhaps with very little outcry from the public, whereas now, I think there has been a sea change in terms of public attitudes and public opinion and so, even if the effects on the environment are not that great, which some people may argue, not me, but some people may, do you agree with me perhaps that this is the wrong symbol for government and maybe even Ducks Unlimited as well to be putting out there to the public at this time, that development in a wetland

area is the wrong message to be giving to the public considering that as governments we have an educational and leadership role in addition to things like preservation, et cetera?

**Mr. Williams:** Well, yes, I would agree with you. I think I would say yes. We have a lot of wrong symbols. I think these plastic cups here we are all drinking out of are probably the wrong symbols as well. I hope they did not get on video here. So I think you are right. We are saying one thing and doing something else, not just government, but I think we all do, and I think this is clearly an example of it.

\* (1630)

**Mr. Chairman:** Any further questions? If none, thank you very much, Mr. Williams.

**Mr. Williams:** Thank you.

**Mr. Chairman:** Jenny Ward. The presentation has been distributed. Go ahead.

**Ms. Jenny R. Ward (Private Citizen):** Mr. Chairman and the committee, I am a past member of the Manitoba Environment Council, Land Use, and have served as a resident adviser for council, North Kildonan.

Do we have a totalitarian government? If Bill 38, The Wildlife Amendment Act is passed, we do. To allow a minister total power, Section 3(1) is ludicrous. Where is the democracy? The people are turning out to oppose this Bill 38 through public hearings which the minister does not want.

How can we teach our young people about the democratic process when we are mocking the hearings where the people come in good faith to give their points of view? This Bill 38 has been kept very low-key as far as the average citizen is concerned.

Ducks Unlimited is known throughout the world as a good corporate group who help take care of the environment. They do a lot of good things, but not for nothing. Their main subscribers are hunters who shoot a lot of ducks amongst other things. Ducks Unlimited wants to encourage hunters from the United States to visit Manitoba and Canada. Hunters are big business.

If I want to build a house I cannot lease a piece of land which is designated for something else and then build on it. I first have to get permission.

Ducks Unlimited has not been fair and open to the public with regard to what they want to build on Oak

Hammock Marsh. There should be a large-scale plan showing everyone just what has been planned for this area. The public has a right to know at each and every stage of development, not after the fact.

Dr. Robert Wrigley stated that Ducks Unlimited is not interested in building an interpretive building without a head office building which will bring a lot of disruption and noise every single day.

Ducks Unlimited say they are interested in education. They do not need a head office there to educate, and they admit to many more changes in the future. We must not allow this amendment to The Wildlife Act as it will set a precedent for using all wildlife management areas for commercial purposes.

The marsh is a peaceful place where one can walk the boardwalks, picnic by the birds and ground squirrels or walk for miles enjoying the sights of hundreds of birds and ducks with binoculars or using the camera to record the beautiful scenery. The boardwalk is close to, but screened from, the present small building. Thousands of beautiful birds are active and nesting in this area.

The disruption of building a huge complex could frighten many species away for good. Head office would require a large parking lot close to the buildings with much comings and goings of their business plus lots of wires or underground wiring. This does not fit into a natural wildlife area.

I have started a petition for those against the amendment of Bill 38. Within 15 minutes I collected 10 signatures of people who cannot get to a hearing. The public must know more about this amendment to The Wildlife Act. The majority of the people rule, not any one minister.

I would just like to add that I think there have been lots of experts talking here, and they have gone on rambling, gone on about a lot of things that are not on the agenda. We could have got through this a lot quicker if they had kept more to the point, but do not underestimate the average member of the public. They do have brains, they can think, and they are the ones who visit the marsh. They are totally being ignored for the so-called experts such as Professor Shay, I think she is called.

The only time I phoned Professor Shay or something was in conjunction with something for the Manitoba Environmental Council, and she seemed to think that nobody should give an opinion unless they were an expert in a field, which she considered

she was the expert of all experts. She is not infallible. She is good at her work and that, but there are other people, and there are people who have not had university educations who are very concerned with what they have been reading in the paper about the Oak Hammock Marsh.

There have been a lot of people, average people, going out there with their families on a weekend, in the evening, and this is where the education should be pursued, families taking their children out and educating them themselves, rather than very large groups of noisy school children with no control much, going through a thing and not learning much in the process. I am glad to see we are getting back to more family life and people being more involved with their own children. It is a good thing.

I am just getting this petition going because I am so indignant that we are allowing one minister or one person to have so much say on a very, very important part of Manitoba. It is a beautiful place, and more people are being awakened to the advantages of going there. We do not have enough publicity about the marsh. We should definitely not pass anything until we have seen all the plans laid out, as people have pointed out. That is really about all I have to say, except I shall continue with the petition, because so far I have not had one person refuse to sign.

**Mr. Chairman:** Thank you, Mrs. Ward. Are there any questions from the committee? If there are none, thank you very much and have a good weekend.

I would like to advise the committee at this time that a number of the presenters who are not here have contacted the Clerk's office and would like to present on Monday. What is the will of the committee?

**Mr. Edwards:** I take it from your comments, Mr. Chairperson, that there are no further presenters in the audience who wish to present to us this afternoon. Given that, I would suggest that we adjourn now and we reconvene Monday at 10 a.m. to continue the hearings.

**Mr. Chairman:** In that case, we will now rise until Monday, 10 a.m.

**COMMITTEE ROSE AT: 4:37 p.m.**

### WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Dear Sir:

On behalf of the Interlake Development Corporation Tourism Committee and Interlake Tourism, please consider this a letter of support for the Ducks Unlimited development at Oak Hammock Marsh.

This project will provide the Interlake with an important attraction that will help to draw more visitors into the region. Because of its location, the Oak Hammock development will become the first stop on a visit to many others parts of the Interlake, and will provide an important source of revenue from tourism dollars.

One of our major strengths as a region is tourism, and we should take this opportunity to capitalize on and promote the Oak Hammock development.

This project will benefit everyone in the Interlake and we look forward to its completion.

Sincerely,

Peter Mandryk  
Ray Marquette  
Interlake Development Corporation Inc.

\* \* \*

I did not come here today to bash the government for their exploitation of our fragile environment. We cannot improve the situation through constant bickering and fighting, but we can make a difference by listening. This is why I am glad to be given a chance to speak at these hearings. Although Mr. Enns has stated that he does not plan to make any amendments to the action in question, Bill 38, I still want to express my concern about this matter.

Today's youth see the destruction of our planet in a whole different light than do adults. We are still relatively new to this Earth and are still exploring its many wonders, and we do so each and every day of our lives. We see its fragility and we see the grave situation that lies ahead for us to inherit. If adults perceive us to be pessimistic and lacking in hope, maybe it is because we have a reason to be. We do care about what is happening. The T-shirts that we wear are not merely fashion statements, but they show that we recognize the problem at hand and that we want to challenge it head on, unlike the run-around that many adults choose to face this situation with.

I first became involved with the situation at Oak Hammock Marsh in December of this year when a friend, Laura Reeves, and I decided to do some research on Ducks Unlimited's proposal to build on



the marsh. We had heard about the project and had doubts about it from the start, but once we looked through information from all sides of the issue, we came up with the conclusion that placing such an immense building in a wildlife management area would pose a serious threat to the existing wildlife.

We then heard about the features that were to be incorporated into this building and we felt, and still do feel, that facilities such as a restaurant, a gift shop, a greenhouse, a theatre and, most recently, an alligator enclosure have absolutely nothing to do with the main reason for this interpretive centre/office complex as stated by Ducks Unlimited, and that is education.

Education has been billed as a top priority and that is why the government, along with Ducks Unlimited, is being so generous as to incorporate this aspect into the project. I suppose it would not look right if it was just an office building. Let me tell this committee something. I can tell you right now that education is more important to me than to every adult in this room put together.

By opposing the construction of this building in Oak Hammock, I am not saying that I do not want education and that I do not care. I am saying that I do not believe that we should be exploiting the wetlands that we need to be protecting. We have taken a step backward by approving a proposal that so obviously will do more harm than good. We have not learned from our past mistakes, and how much more do we have to see before we will stop this destruction?

I feel strongly about this issue, and I am not the only one. My friend Laura and I wrote up a petition that was given to the Minister of Natural Resources during the last week of May. This petition contained 800 signatures of people who opposed the construction of the building in Oak Hammock and suggested its placement in the nearby town of Stonewall and, hopefully, this will show Mr. Enns that there is a great need out there for a change in the way the government deals with environmental issues.

We, along with many others, are not disapproving of the building itself. Its proposed location in the marsh leaves much to be desired, and if Mr. Enns would take some time to go out to Oak Hammock to see what he is helping to destroy and look at it through the eyes of today's youth, he would see the horrendous mistake that he is making.

The marsh is an educational area in itself. People do not go out there to browse in a gift shop or look at the alligators, but they come out there to see a natural prairie wetland, a wetland that you, Mr. Enns, are planning to pave over, not for the benefit of the younger generation or for the environment, but for the benefit of large corporations like Ducks Unlimited.

How can you possibly pass this action as being beneficial to us when you cannot even justify the decision to place this complex in the marsh? I have heard people mention that by locating this centre in the marsh costs can be reduced. What about the special high-tech safety measures such as the crash-proof windows that need to be added on in addition to the regular costs? The marsh is not an ideal place for the shipment of office supplies needed for the building's maintenance.

If the sole purpose of this centre is for education, then why, Mr. Enns, is it not being built in Stonewall, a mere 10-minute drive from Oak Hammock? If people will take the time out to go to the marsh, they will not bypass the opportunity to head towards a nearby town to see the displays and participate in the recreational activities that are planned for this complex. This will improve the economic situation of rural towns in the area.

This idea has been suggested many times over, but the parties involved have just tossed it aside, maintaining that the marsh is the only place where this complex will be built. Mr. Enns, can you and your friends at Ducks Unlimited seriously look me in the eyes and tell me that you are doing this for my benefit? You have not sold me on this idea. You have not given me one solid reason as to why I should believe in you and have faith in what you are doing. I have not heard a straight answer about the actual number of people who will be working directly in the marsh out of the 170 employees that Ducks Unlimited plan to move to this site.

From my point of view, and once again I am not alone, I see a government willing to give away what little we have to please the people who matter most, the rich corporates, who feel that they have the right to exploit our environment for their own purposes, and soon they will have this right, along with the help of the Minister of Natural Resources.

Bill 38, The Wildlife Amendment Act, will give Mr. Enns the power to authorize the construction, operation and maintenance of any building,

structure or thing in a wildlife management area along with the authority to approve its use as he sees fit. It is disturbing, to say the least, to see how the government handles the situations given to them. If something does not fit into an already existing law, it is possible to make up a new one so the proposal can be approved. Bill 38 is a mistake.

First of all, it is not specific enough because the minister is given authority over, literally, everything that can be placed in a wildlife management area. Right now it is an office building. What is next, an amusement park, if it is not already one, or a shopping mall? There are no restrictions whatsoever placed on the minister's power, and he has shown us, by siding with Ducks Unlimited, that he does not have the competence to lead us in our plight to improve and protect the environment in which we live. I am not insulting the abilities of the minister. I am merely saying that I feel that Mr. Enns does not care enough about our planet and its well-being to be in the authoritative position that he is in right now.

During the hearings on Tuesday of this week, I heard a person state that the government is a representative of the people and that they should be doing their best to meet the needs of the people. I believe that this is true, and in a democratic society that preaches freedom of speech, it should be. Sure, I have the right to speak my mind, but I just do not have the right to make a difference. In fact, Mr. Enns, that is what you were saying when you said that you were not planning to make amendments to Bill 38.

Why are you looking to have dominance over the people? Why do you want to have every say as to what is happening in our country? What you decide has an effect on all of us, so why can we not help in this decision? These are questions that we want answered, and we will not sit back and let you take away our rights.

There are many people in this room who care a greater deal about the environment than you, Mr. Enns, and they do not want to see it being abused. We want an equal say as to what should be done involving the maintenance of wildlife management areas, and we believe that we have just as much right to it as you do.

This is why, Mr. Enns, I beg of you to reconsider Ducks Unlimited's proposal to build in Oak Hammock Marsh, and that is also why I am asking

you not to pass Bill 38 as it now stands, because our future depends on the decisions that you will make now. Please do not make them in haste.

Linh Vu

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Over the past few weeks, I have heard many people state that today's youth would benefit very much from the complex that Ducks Unlimited has proposed for the Oak Hammock Marsh Wildlife Management Area, but not once has Manitoba's youth been asked how we feel about such a huge development being constructed on land currently protected by law.

According to Bill 38, such land will no longer be protected. This act will give the Minister of Natural Resources the power to authorize the construction, operation, and maintenance of any building, structure or "thing" as he personally sees fit in any Manitoba wildlife management area.

With the rate at which wildlife refuges are disappearing, we can no longer afford to lose any more. Yes, today's youth needs to be educated about wildlife and the environment, but this needs to be done by taking youths out into an area such as Oak Hammock Marsh and showing them the wildlife in its natural environment. It is ludicrous to expect that they will understand the beauty and fragility of nature if they are taken to a wildlife management area and led into a building filled with stuffed ducks and other animals hanging from the ceiling on a string, or posing in other "lifelike" positions in a petty recreation of the marsh which can be found immediately outside the building. The mere thought of this is disturbing.

The fact that Ducks Unlimited has already received an environmental licence and a building permit even though their plans are still in the drafting process is shocking, to say the least. This has entitled them to construct anything they choose to directly in the marsh. Apparently, this may include anything from an alligator enclosure to a dance and music hall, as the minister has not shown any disapproval to these special features.

As Mr. Enns indicated earlier, this development will be quite a "showpiece," but it seems that we must remind him that the whole point behind going to this wildlife management area is to observe the wildlife in its natural environment, not to sit around sipping drinks from disposable cups, admiring a building. To pass off an office building, restaurant,

gift shop, and recorded sounds of ducks being played periodically as educational is disgusting. Using today's youth as the scapegoat for such irresponsible behaviour is offensive and insulting. The government is surely aware of how informed today's youth are about what has happened and is currently happening to the environment. We must ask: What are you leaving for us? What will we tell our children and grandchildren when there is nothing left for them? Anyone sitting in this room who is 50 years of age or older has, within their lifetime, witnessed the land beneath them change virtually beyond recognition. We have taken over so much wilderness that there are only scattered pockets of it remaining. We have spoiled so much of nature already; there is no need to spoil more. This is why I am requesting that The Wildlife Act not be amended, and that Ducks Unlimited consider building their office building/conservation centre complex elsewhere, such as in Stonewall, where the land has already been upset.

Of course, someone is bound to say that the area to be used for this construction was already upset when the marsh was created and that it is not good for anything anyway, but this is not true. In fact, two of the most sought-after species by people world-wide nest in the very sedge meadows that

Ducks Unlimited plans to pave over. These are the Le Contes and sharp-tailed sparrows.

The concern of youth over the protection of wildlife management areas is incredible. Tremendous support was shown for alternately locating this building in Stonewall, as Linh Vu and I circulated a petition concerning this matter throughout our prominent high school. Within a relatively short time, approximately half of the student body had signed the petition and, overall, we were able to collect 800 signatures from people who could see no advantage to developing a wildlife management area.

In Brazil, entire rain forests are being clearcut, and we are angered at the careless attitude that Brazilians seem to have towards the destruction of the environment and its wildlife. Their excuse is that they are poor and jobless. What is ours?

The government now has a chance to prove to us, the youth of today, that it truly cares about our future, and I strongly suggest that it take advantage of this opportunity. Wildlife management areas should not be transformed into areas for frivolous entertainment. So again, I ask that The Wildlife Act not be amended and that these special wilderness areas be preserved in as natural a state as possible for all future generations to enjoy.

Laura Reeves