



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. Ben Sveinson  
Constituency of La Verendrye*



**VOL. XL No. 7 - 8 p.m., THURSDAY, JUNE 20, 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**  
**THE STANDING COMMITTEE ON PUBLIC UTILITIES AND NATURAL RESOURCES**  
**Thursday, June 20, 1991**

**TIME — 8 p.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRMAN — Mr. Ben Sveinson (La Verendrye)**

**ATTENDANCE - 11 — QUORUM - 6**

*Members of the Committee present:*

Hon. Mr. Enns

Ms. Cerilli, Messrs. Cheema, Edwards, Evans  
(Interlake), Helwer, Laurendeau, Penner,  
Render, Rose, Sveinson

**APPEARING:**

Hon. Mr. Cummings, MLA for Ste. Rose du Lac

**WITNESSES:**

Robert Wrigley, Private Citizen

John Shearer, Private Citizen

Bob Gooding, Private Citizen

Kenneth Emberley, Crossroads Resource  
Group

Roger Turenne, Canadian Parks and  
Wilderness Society

Mila Oh, University of Manitoba Recycling and  
Environmental Group

Heather Henderson, Private Citizen

Brian Pannell, Private Citizen

Billy Jo Delaronde, Private Citizen

**MATTERS UNDER DISCUSSION:**

Bill 38—The Wildlife Amendment Act.

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**Mr. Chairman:** The Standing Committee on Public Utilities and Natural Resources is called to order to resume consideration of Bill 38, The Wildlife Amendment Act. When the committee sat last Thursday and Tuesday, it had been hearing public presentations. There are still 27 presenters listed. Shall the committee continue with hearing public presentations?

**Some Honourable Members:** Hear, hear.

**Mr. Chairman:** The committee had previously agreed to hear from out-of-town presenters prior to considering presentations from Winnipeg residents. However, since then a number of out-of-town presenters have just registered today. In fairness to the other members of the public who have registered some time ago and have been at the last two committees, what is the will of the committee?

**An Honourable Member:** Proceed in order.

**Mr. Marcel Laurendeau (St. Norbert):** I believe that we ought to start hearing them in order, Mr. Chairman. I think that we have given ample opportunity to those from out in the country. I think we should start hearing them in order.

**Mr. Chairman:** Okay, just one point. We have not finished the out-of-town presenters yet. We did say that we were going to finish the out-of-town presenters who had been there firstly. So we will finish them.

**Ms. Marianne Cerilli (Radisson):** I have another suggestion. I think that there might be some people who can only present this evening, and whether they are out of town or not, I think we should hear those people first.

\* (2015)

**Mr. Chairman:** Order, please. I do understand what Ms. Cerilli has said. We do have a list of those also, but in fact we would have to continue with the out-of-town presenters who have been there on the list first. Is that the will of the committee, firstly, and then go to, in fact, the in-town presenters who cannot make it back? The out-of-town presenters who were here in the first place, we will continue to hear them, we will finish them, not including the ones who had registered today. Is that understood?

**Ms. Cerilli:** There may be some people from out of town that could come back and would be willing to come back, but there might be some people here tonight who will not be able to present at any other time.

**Mr. Chairman:** We have a list here of the people who have registered with the clerk who cannot come

back after this. Will we then go on with those and not hear the ones from the country first? There are six who cannot come back. Then it is the will of the committee to continue with the ones who cannot come back and then we will go on to the ones from the country. Okay.

The people who in fact cannot come back are: Mr. Greg Mickie, who is from out of town; Mr. Kenneth Emberley, who is from Winnipeg; Dr. Robert Wrigley, Mr. John Shearer, Mr. Bob Gooding, and Mr. Harvey Williams

**Ms. Cerilli:** Just to clarify, I understand that the committee is supposed to sit again tomorrow afternoon beginning at one and, because it is irregular for committee to sit during working hours in the day on a Friday rather than in the evening, when people are going to be either at school or working, more likely, I just want to make people aware who are at the committee tonight that this is what is going to happen, that we are going to continue tomorrow afternoon at one. I would recommend that—I do not know if we have to agree to this now, but because of the fact that there will probably be a number of people who will not be able to come tomorrow afternoon—we would limit the sitting hours tomorrow afternoon to, say, five o'clock.

**Mr. Chairman:** Is it the will of the committee to decide right now how long you want to sit today and tomorrow?

**Hon. Harry Enns (Minister of Natural Resources):** Mr. Chairman, I would advise that we proceed to hear the presentations in the manner in which we have. I appreciate the committee members' co-operation. For instance, the other evening there were three or four presenters who indicated that they could not come back and that we accommodate them. We would leave those decisions to that time, whenever that appears, whether it is eleven o'clock or 11:30. The same applies for Friday.

**Mr. Chairman:** We will decide about eleven o'clock then if we want to proceed later than that. We will decide tomorrow what time we will sit. I would just like to say now, to remind all the members as well as the members of the public, that this committee has also been called for tomorrow at 1 p.m. That is Friday, June 21; Monday, June 24, 10 a.m.; and Tuesday, June 25, at 5 p.m.—8 p.m., pardon me. If necessary.

Would Mr. Greg Mickie please come forward. Mr. Greg Mickie? Would Mr. Kenneth Emberley please come forward. Would Mr. Robert Wrigley come forward, please.

If you could just wait for one minute, Dr. Wrigley, your presentation is being handed out to the members and then you can begin. Dr. Wrigley, you can proceed.

\* (2020)

**Mr. Robert Wrigley (Private Citizen):** Gentlemen, within the last century Oak Hammock Marsh was transformed from a native marshland to drained agricultural fields, served as an air force bombing range and, finally, was rehabilitated to a productive wetland.

Throughout the 1970s and '80s, Manitobans and tourists from around the world became increasingly aware of the natural beauty and abundant wildlife populations readily observable at Oak Hammock Marsh Wildlife Management Area.

The marsh, tall-grass prairie, forest, and lure crops now support over 250 species of birds, at least 24 species of mammals, and thousands of smaller creatures and plants. Well over a million birds, including 400,000 waterfowl stop at Oak Hammock during their migratory travels each year. This area has become a showpiece among Manitoba's wildlife management areas and one of the most successful of Ducks Unlimited's 5,000 Canadian wetland projects.

The concept of a conservation centre consisting of a Ducks Unlimited office and an interpretive centre grew from a common desire by the government of Manitoba and Ducks Unlimited Canada to establish a major new interpretive facility at the marsh.

The combination of the office and interpretive centre within a single building offers a number of important advantages:

- It provides year-round operation and long-term viability of the centre.

- It ensures needed developments for Oak Hammock and visitors.

- It saves the centre an estimated one-quarter million dollars each year in operating costs by sharing the facilities, equipment, services and various personnel.

Ducks Unlimited will ensure that the interpretive centre will always be a first-class facility for all

visitors. Any shortfall in revenues will be met by Ducks Unlimited private-source funding and will not become a drain on the taxpayer.

The interpretive centre has been planned to function as:

A Manitoba and outside visitor attraction, dedicated to informing adults and children about the values of wetlands and the need to conserve them;

A biological resource centre for schools and universities;

A retreat for naturalists and outdoor-recreation enthusiasts;

A workshop for people interested in the arts and crafts related to nature; and

A meeting place for outdoor organizations.

The overall mission of the centre is to foster public awareness of the inherent values of wetlands throughout North America, and public support for initiatives in wetland conservation and waterfowl management.

With activities targeted at specific audiences, such as school classes, seniors, families, tourists and wildlife groups, the major objectives of the program are:

To describe the diversity and ecological relationships of North American wetlands;

To demonstrate the critical need to preserve wetlands and adjacent uplands for people and wildlife;

To show how management techniques are used to rehabilitate and maintain wetlands; and

To promote the concept of sustainable use of resources.

The focus of the interpretive activities at Oak Hammock is public education dealing with wetland ecology, management and conservation.

It has been estimated that 14 percent—that is 1.3 million square kilometres of Canada—is covered by wetlands. This represents a full one-quarter of this habitat type on the surface of the earth. One-half of North America's wetlands have been destroyed, and 65 to 98 percent of Canada's remaining wetlands have been drained or contaminated in Canada's populated, industrial and agricultural regions.

Wetlands are an integral part of the life-support systems of people and wildlife, yet this ecosystem

is fast disappearing, despite an annual expenditure of over \$80 million of private and public money, including \$40 million from Ducks Unlimited Canada. This drastic decline in wetland-wildlife populations and the shortage of clean water in many of North America's cities and farms attest to the misuse of this resource.

An enlightened public is needed to support new policies directed at restoration and protection of wetlands and other threatened environments. Oak Hammock Marsh is an ideal site for conservation centres because it represents a highly successful example of wetland reclamation, it boasts an impressive array of wetland and upland resources and it has great potential for public education.

\* (2025)

The aim of the public program is to introduce visitors to wetland ecology and conservation through a variety of exciting options within the centre and then to encourage exploration of Oak Hammock Marsh's wetlands, prairie and forest trails with an interpreter or on a self-guided basis.

Interpretive centre facilities contributing to educational opportunities include a reception hall, a classroom, a theatre, exhibit halls, observation decks, meeting rooms and a courtyard with an amphitheatre. There is direct access to the marsh right outside the back door.

The wildlife management area features observation mounds, nature trails, boardwalks, lure crop pull-offs and interpretive tours.

Over the past two years I have been collecting ideas from or for interpretive facilities and topics with the assistance of biologists and interpreters from across the country, including a number of individuals who are opposed to this project. These advisers have all been willing to contribute because they all agree on the importance of public education to wetland conservation and generally support Ducks Unlimited's conservation work.

The Oak Hammock management board has recently been established and the main responsibility of that board is to prepare and review an interpretive program. As these plans are finalized, they will be made public. If there are project proposals that lie outside of the scope of the present environmental licence, they will be submitted to the Department of the Environment. Progress reports have been distributed and published to help keep people informed.

In conclusion, Oak Hammock Marsh is no longer a pristine prairie marsh, but a series of artificial pond cells and meadows wrestled from agricultural fields. It is located within sight of two-thirds of a million people. While it has been rehabilitated to provide valuable habitat for wildlife, it still requires intensive management to maintain its productivity. What better place to conduct public education on conservation and wetland and wildlife techniques?

The challenge of the centre is to stimulate meaningful public contact in terms of education and recreation, while preserving the biological riches, environment and the special nature of Oak Hammock. Once this has been achieved, the conservation centre will demonstrate to visitors from all walks of life and from all corners of the world how people and wildlife can live in harmony with the land. The centre has great potential for establishing a national and a worldwide reputation for both educational achievement and wildlife abundance.

The co-operative efforts of Ducks Unlimited Canada, the Manitoba and federal governments, and numerous concerned private citizens have built Oak Hammock into today's successful wetland. The passage of Bill 38 will permit their essential work to continue at the site. Bill 38 will allow the creation of this worthwhile centre to the benefit of both wildlife and people.

With the indulgence of the committee I would like to respond to a few of the comments that were made during the first evening by opponents of the amendment and the conservation centre, since they were meant to discredit the centre and to be exploited by an uncritical press. They were taken from a year-old document entitled Preliminary Discussion on Public Programs submitted to Environment Canada.

First, there was a statement that we were planning to build a Disneyland at Oak Hammock Marsh, and I would appreciate it if you would let me actually read my draft.

The Oak Hammock conservation centre is envisioned as one of the foremost wetland interpretive centres in North America. The centre enters a highly competitive field for people's time, interest and dollars in the areas of education, recreation, and entertainment. Most notable in this regard are the animated displays and rides of the Disneyland centres, the rich collections and exhibits of major

museums, the technical wizardry and participatory opportunities of science centres, the outdoor trails and live displays of nature centres and zoological gardens, and finally the sophisticated audio-visual productions of television and movie theatres. Consequently, high public expectations present a major challenge to the conservation centre staff and management board to deliver wetland conservation messages in an exciting and innovative fashion.

To interpret this paragraph as meaning that we are building a Disneyland as quoted by Mr. Syrett and Mr. McKinley's Winnipeg Free Press headline is a ridiculous leap in logic and intended to mislead. Although the reporter sat only a meter away from me, no attempt was made to ruin a good story by checking with the author or the source draft.

\* (2030)

The reference to alligators is equally absurd, trying to frighten the public into thinking that dangerous animals were going to escape into the marsh. My reason for introducing the idea of displaying the two-foot baby alligator at the centre was perfectly legitimate, and this was one of over 200 ideas that have been collected, as I said, from myself and literally four or five dozen other people.

The centre's mandate includes topics from all of North America's wetlands, and The Everglades and its alligators are an exciting story to tell. After an evolutionary history of over 60 million years, the American alligator was driven to near extinction within one human generation of uncontrolled slaughter. Action by wildlife managers, conservationists and legislators saved this remarkable creature, and in so doing established one of the world's most famous conservation success stories.

The alligator has tremendous interest appeal for children in particular, and many lessons in aquatic adaptations can be demonstrated in the classroom to great effect using a baby specimen. I know their educational value because I was asked to go on Quebec television with a small pet of mine when I was a teenager, and so I must report now, so that there will not be any more confusion, there are no plans for an alligator at the centre.

Due to the bad publicity on alligators arising from this hearing, thousands of school students and adults will not have the chance to see this wetland

species, and such ridicule is particularly saddening coming from self-acclaimed naturalists and teachers within this very room, for this kind of ignorance clearly demonstrates the educational challenge that lies ahead for the interpretive centre staff. Thank you very much.

**Mr. Chairman:** Mr. Wrigley is open to questions now.

**Mr. Enns:** Dr. Wrigley, I want to assure you that I do not ask this question because of any desire on my part to inquire into your private and personal affairs, but it is appropriate and a practice at committee hearing such as this to inquire of a person as to their background. When somebody comes before us representing a company, or organized labour, or a society, we know their background and where they come from.

I believe that you are not a doctor of veterinary medicine, although I assure you, as a cattleman I have the highest regard for them. What is, if I may ask, your academic background in this field?

**Mr. Wrigley:** I am an ecologist. I study mainly mammals, and I have worked particularly in wetlands while I was a curator of birds and mammals at the Manitoba Museum of Man and Nature for 18 years, and the last eight years there I was also museum director. I have done considerable travel throughout North America and some parts of Europe, studying wetlands and other habitats. I was trained at McGill and the University of Illinois.

**Mr. Enns:** Thank you, Dr. Wrigley.

**Mr. Laurendeau:** I seem to recognize your name, Dr. Wrigley. I believe there is a number of books you have also written as well. Is that not correct, Mr. Wrigley?

**Mr. Wrigley:** Yes, I have.

**Mr. Laurendeau:** Could you give me a short list of those books?

**Mr. Wrigley:** You mean verbally, or an actual list?

**Mr. Laurendeau:** I would actually like to have them verbally.

**Mr. Wrigley:** Okay. I think I have written about 12 books, a lot of them for children. I have a particular interest in popularizing science, which I think is one of the reasons that I was asked to work on this project. My largest book is called "Mammals in North America." There are about 365 pages. This

past year, I have published a smaller one for very young children on reptiles and amphibians, and that has been distributed throughout North America.

**Mr. Laurendeau:** That is what I wanted to get the information on.

**Ms. Cerilli:** Mr. Wrigley, one of the concerns that has come up recently with respect to this project has to do with the Western Diversification Fund and the agreement with the fund. I understand that you are responsible for writing part of the report that is attached to an appendix that is part of the agreement with the fund. Is that correct?

**Mr. Wrigley:** That is correct.

\* (2035)

**Ms. Cerilli:** I understand that Section (e), which is part of the agreement, does include the part of your report that makes reference to, as you have said, the classrooms or the theatres, changes to the various mounds, additional boardwalks, nature trails and an alligator enclosure.

**Mr. Wrigley:** And your question, please.

**Ms. Cerilli:** My question is: Is that correct?

**Mr. Wrigley:** That is quite likely correct. I have written at least a dozen different drafts of that document and, as I indicated, I have been adding to it repeatedly. Maybe it is the old editor in myself but, when I get a new idea from someone else or I think of something, I add it to that draft and it keeps getting larger.

At that point, we were thinking that the alligator story would be appropriate.

**Ms. Cerilli:** Is there anything involved with changing the plan that has been submitted to the Western Diversification Fund or is that something that the planners can do with the project?

**Mr. Wrigley:** We spoke in very general terms of what the facilities would be and the typical kinds of activities that would occur in each. I do not believe Western Diversification was particularly interested in the details, because there were so many of them.

I just gave a few examples. We probably had over a hundred examples at that point, when I wrote that submission.

**Ms. Cerilli:** That plan or that proposal that is included in the agreement that went to Western Diversification which, as I said, includes exhibit halls, observation decks, all the things, the

amphitheatre, additional boardwalks, lure crops, all the things you have listed in your proposal here, your brief, is that the same proposal that was reviewed during the environmental impact assessment?

**Mr. Wrigley:** These would all have been in chronological order getting probably larger each time and more comprehensive because of the ideas that were coming in. I would have to check the exact dates on those. Quite likely, they would not be the identical document. That was my job to continually improve it.

One thing I would like to say here is: This centre is not going to evolve from a set plan that I and my colleagues at Ducks Unlimited and Manitoba Natural Resources and elsewhere produce, and it is not going to be set in stone.

We are collecting ideas so that on a rotational basis we can continually put new exhibits and new programs in there. We are looking for a vast file of ideas, so I hope people do not get the idea that because something is stated in any of those earlier documents that it will in fact appear. These are all interpretive programs that will be reviewed by the management board and by the staff. Most of these ideas probably will never see the light of day and all of them would have to be approved.

**Ms. Cerilli:** Mr. Wrigley, there has already been an environmental impact assessment done on this project and there was a licence given by the Clean Environment Commission. I think that this is a very serious problem if what the environment impact assessment assessed is not in fact what is done at Oak Hammock Marsh. Would you not agree with me?

**Mr. Wrigley:** No, I am afraid I would not. We were talking in general terms of the types of facilities and programs that we would have there. I do not think anybody at the environmental hearings expected me in a four- or five-minute talk and in a two- or three-page document to include everything that we had anticipated appearing at Oak Hammock.

**Ms. Cerilli:** I understand from newspaper coverage—I have not spoken to the chair of the Clean Environment Commission for the project myself—but I understand he said that he had some concerns that the Clean Environment Commission did not review the proposal that is actually what is planned for Oak Hammock Marsh. Are you aware of that?

**Mr. Wrigley:** Yes, I saw that. Even my management board does not know what will be approved in that plan yet, because the board is still under formation. It is going to take probably a year before that plan is approved and implemented, so I am not surprised something that happened a year ago last March was not totally up to date.

**Ms. Cerilli:** We have also found that Ramsar International, who initially we thought was approving this project, now that they realize the plans are going to actually going to change the nature and the intent and the ecological integrity of the marsh, they are going to review their decision to okay the project and endorse it with their support.

I would think that it is a very serious thing to have the Clean Environment Commission issue a licence for what is a heritage marsh based on one proposal and then find out there are plans that are dramatically different for the marsh.

\* (2040)

**Mr. Wrigley:** If that were true, I would agree with you. At the top of these documents, it indicates that these are preliminary proposals, not approved documents. Nobody requires in this country the approval of the Ramsar people, and in fact they are considering amending their regulations so that future Ramsar sites perhaps would be required to have interpretive centres there on site to assist people understand what they are seeing. I think they also realize that the only way we are going to save wetlands is to have the public fully informed.

**Ms. Cerilli:** The point is though that we have had an environment licence given out for a project. This was an issue raised at the very beginning of the debate on this project. We do not know specifically what the licence is approving, and I would think that is a serious problem for the Clean Environment Commission, for the people involved in this project. I think that is what one of the concerns is.

**Mr. Wrigley:** I do not think we have presented anything subsequent to the Clean Environment hearing that would fall outside the types of activities that I was discussing, both in my brief and verbally. I was talking in general terms about exhibits, interpretive tours, interactive displays, video monitors and so on, including some outdoor ponds.

I did not specify at that time, because I had no authority to specify. All I indicated was there were likely going to be some outdoor ponds and the kinds



of things that could be there. I feel that everything we have submitted in that report is ecologically sound. I have bounced these ideas off a lot of experts in the field, and I feel quite confident that they would be attractive exhibits and help teach the public.

**Ms. CerlIII:** The other problem with the Clean Environment Commission hearing is that there was a controversy with that as well, in that there was a split decision and there had to be a break in the tie. That was before I was a member, but I am wondering, were you at those hearings?

**Mr. Wrigley:** Yes, I was.

**Ms. CerlIII:** Were you aware of the reasons why the members of the panel that heard the public presentations, many of which I am sure are similar to what we are hearing here, what were their reasons for opposing the development?

**Mr. Wrigley:** They did not express all the reasons. Some of them came out in the report. This is a controversial issue, and I anticipate just like in this group, people were representing their constituents or the ideas that they felt comfortable with. Obviously, there was division on that panel. I do not think anybody expected that it was going to be a unanimous decision.

**Ms. CerlIII:** Mr. Wrigley, what is going to be done at the conservation centre, as you refer to it, the office part of the conservation centre? What is going to be done there that will require it to be on the marsh site?

**Mr. Wrigley:** That is not the reason that the office is there. One of the reasons, obviously, is they want to show people what they can do with reclamation of wetlands, which is their duty, and that is what they are for. So they would like to be near the marsh that they assisted the government in building. The reason why we have to have the two buildings together, the interpretive centre and the conservation centre, I think I expressed some of the reasons in my documents. There is also the construction cost—tremendous savings there too.

You are quite right, a lot of the activities that go on in that building could be done in other places, but then you would not get all the benefits that I outlined.

**Mr. Chairman:** Order, please. Any of the members wishing to carry on a conversation, would you like to do it in the back or out in the hall, please? Thank you.

**Mr. Paul Edwards (St. James):** Dr. Wrigley, it has been very informative to hear you speak about this project, and I note that, of course, the title of your presentation and the substance of your presentation is restricted to this project, the Oak Hammock conservation centre. Hearing your credentials, sir, it strikes me that you would be an appropriate person to give us your advice on this bill, which is, of course, not the Oak Hammock Marsh bill and will not start and finish with Oak Hammock Marsh. It is a bill which grants unto the minister, amongst other things, certain rights which give me and my party grave concern.

As a person of vast experience in this area generally, and I say generally, of course, but I assume that you are familiar with The Wildlife Act of this province, can you give us your thoughts on Section 3(1) of that act, and in case you are not familiar with it I want to just indicate what it says. It says, for the first time ever in this act, albeit similar things have been in regulations in the past, but this power is now in the act: the minister may make such regulations as he considers appropriate respecting the use, control and management of an area—that is, a wildlife area—authorizing, regulating or prohibiting any use, activity or thing in an area; or (c) authorizing the construction, operation and maintenance of any building, structure or thing in a wildlife management area.

That strikes me as a rather unique, rather inordinately wide gap in this legislation, and it also strikes me as, essentially, antidemocratic in a sense that it is centralizing authority, an override authority, in the hands of one person. I do not believe it is a partisan concern, I might just say. Who knows who the next minister will be, or future ministers? This is an act. We are putting this into law. This will not change when the government changes. That is a grave concern to me, sir. Could we have your thoughts on that section?

**Mr. Wrigley:** I can understand and appreciate your comments. I do not have vast experience in legal matters or in discussing The Wildlife Act. I can just give you my personal impressions, if that is what you are asking.

I see in the current regulations and in the new amendments positives and negatives on both of them. I have been told by people a lot smarter in these affairs than I, that under the present circumstances of regulations, not just this one but other ones, and the inability of us Canadians to

agree on anything anymore, it seems, that the probability is almost zero that we could recreate at this time another Oak Hammock Marsh.

I think that is a real shame. That is the bad part of having very tight regulations. There are obviously a lot of good reasons for having very tight regulations, and you expressed that about having authority in one individual that may not always do the best for that resource.

**Mr. Edwards:** One further question. If there was a way that we could limit that ministerial discretion—and I understand what you are saying about efficiency and the need to be able to get something done, and ultimately there will always be dispute and there will always be those who are for and against a project such as this, I am sure, but ultimately a decision has to be made.

If there were a way that we as legislators at a committee at which we can propose amendments could limit the minister, at least, to the intent of the act, and you well know the intent of the act and it is set out in Section 2 of the existing act, I believe, to promote and enhance the wildlife in this province for the benefit and the use of all Manitobans today and in the future. If we could limit it at least to a statement of philosophy, would that not be something better than just a straight *carte blanche* as I have read to you? Would that be something that you would suggest we look at?

\* (2050)

**Mr. Wrigley:** Again, that is a judgment call. Under the present regulations, we are not quite sure; obviously, that is why we are here whether that centre can be built. I as a biologist feel that that centre is absolutely critical. That is far more important than having Oak Hammock Marsh set aside just for wildlife and a little bit of recreation and education.

That place is much too valuable just to use for those reasons. We need to use it for both wildlife and education. If the present regulations do not allow that, then I must conclude that the minister has to make that kind of flexibility so that somebody in authority can make that decision.

I just worry about—I know the reason for tightening up legislation. It has been so terribly abused in the past, and the environment, obviously, is in deep trouble; but to carry it to a point where it handcuffs projects like this one, that is where, I think, we are almost going overboard. That is why I said

it is a judgment call, and perhaps only time will tell after we review a number of ministerial decisions on these things whether we have gone too far one way or the other.

**Mr. Edwards:** It strikes me from your comments—and I understand fully your unequivocal support for this project. But learning from The Environment Act itself, which has a public process and has stages in it—and I am sure you are aware of the different levels of projects and what a proponent has to go through—should we not be looking at applying that same philosophy? Perhaps a balance between public input, public participation, which, of course, we all want—in theory, and the need to ultimately make a decision and the need for there ultimately to be political accountability for that decision.

Is there not a happy medium that we could find that would still allow a form of public participation within the framework of the act, and I look to The Environment Act as one example. Of course, it has a different focus than this act, and a different mandate than this act. It strikes me that the answer cannot be to allow the minister, to allow anything—“thing” is the word—on his and his whim alone. That cannot be the answer in a wildlife act. Surely there is a balance, and surely that is not the balance. Would you agree?

**Mr. Wrigley:** Again, I do not know where that balance is. Every issue that revolves around resources now seems to be a very controversial one, and people are coming from such diverse backgrounds and interest groups that it seems like somebody has to make that final decision within the parameters of the mandate, for example, of Oak Hammock Marsh. There are sections and objectives in plans for Oak Hammock and if that thing that you are referring to falls so far outside what the vast majority of Manitobans think is appropriate there, then I think the minister would obviously pay the price of that.

I just have to assume that the minister is also relying on the advice of a large number of professional people who have spent their whole life in those fields, giving that individual the benefit of their knowledge. So there are checks and balances. Just where that proper balance is, I agree is a difficult one to make, and probably we will just have to look back in hindsight and see what happened and where we should go from there.

If I could just make one point, because I think it relates to your comments and Ms. Cerilli's: Yes, there is great controversy in here but I think ironically that we are all fighting for the same thing. We are all wanting Oak Hammock preserved, and we are all wanting public education. There are two visions, both of them going in the same direction. One is, and I have absolutely no argument with it, buildings do not belong in a natural area if there is no particular reason for them being there, and I cannot argue against that. In this case I feel there is an overriding reason for that building to be there, and we cannot have the interpretive centre without the conservation centre because no one else is going to pay the bill for it and can contribute all the additional services and personnel. For example, there are 11 staff people listed now for the interpretive centre. If that centre were on its own, its budget would have to be way more than tripled and we would need another half dozen or more staff to run it. Those are the kind of savings that we just do not have the money at this time to come up with. We are talking drinking water, water for industry, water for wildlife, and this is the only way as a biologist I can see that we are going to get and maintain all of those essentials is through this kind of a centre.

**Mr. Enns:** I just want to come back to one point that I think needs to be very clear, Dr. Wrigley. The Clean Environment Commission has recommended, and the Department of Environment has provided a licence to my department and Ducks Unlimited of Canada to do certain physical things at Oak Hammock, essentially approved the licensing of the interpretive centre in conjunction with the administrative buildings of Ducks Unlimited Canada, along with some other physical things that were put before the Clean Environment for consideration, ancillary physical requirements whether it was lagoons to treat sewage, parking facilities, and so forth. What we seem to be getting sidetracked on is the programming or the exhibit that is going to be, in fact, housed in that administrative centre. As of this moment, nothing has been approved.

I think you referred to it earlier, you have made many suggestions and assume there will be more suggestions coming from you and other people to the management board that is just in its embryonic stage. It is indeed the management board that will in the final analysis decide what is in good taste,

what is appropriate, what is furthering the goals of the interpretive centre, but today the Clean Environment Commission licensed the shell, and I would hope that that, as you have already mentioned, would be forever changing.

You know, it really is not much different than the exhibits that change from time to time in the Museum of Man and Nature. They no doubt initially got the licensing or passed the zoning bylaws of the City of Winnipeg to erect a museum in the City of Winnipeg, but it surely is not a matter—it never was, and never will be—a question for the Clean Environment Commission to concern itself as to where an ashtray is placed—pardon me, there probably would not be any ashtrays in that place—or where a lounge, or where a bathroom, or a washroom, or where a wildlife exhibit is placed. That is something that the management of the facility will determine on an ongoing basis, and it does not impact in any way with the environmental questions that are of concern here.

I am advised, and I believe Ducks Unlimited Canada is totally cognizant of the fact, that any changes to what was presented to the Clean Environment Commission at the time of their licensing hearings would have to be referred back for further environmental examination before they could be undertaken. Is that not your concept of what in fact is in place?

**Mr. Wrigley:** Yes, that is my understanding. There is also an environmental advisory committee made up of a large number of interest groups on both sides of this issue, and they are advising the Department of Environment as we go. Each time there are plans or programs that reach an approval process, or architectural designs of the leased site and other kinds of facilities, they are introduced to this environmental advisory committee so that the Department of Environment is kept up to date on what is happening. We imagine that continuing for decades. Each time somebody comes up with anything that it is felt falls outside of the parameters of the present licence, would obviously go through that panel and have to be licensed.

**Mr. Enns:** Thank you, Dr. Wrigley.

**Mr. Wrigley:** That is fine.

\* (2100)

**Ms. Cerilli:** I guess I want to respond to one of the things that you brought up with respect to why the

interpretive centre cannot be built there without an office building. I am amazed, Ducks Unlimited, the more I learn about them the more I realize they have a lot of money. This organization gets a lot of corporate money, and I cannot understand why would they not be able to build an interpretive centre in the marsh without having it attached to its office building.

**Mr. Wrigley:** You must talk about construction and operation. We are talking long term here and resulting in multi millions of dollars. The money that comes out, the \$45 million of their annual budget, is for construction of water control structures and for various kinds of other programs right across the country. That money is not intended for this interpretive centre. The board of Ducks Unlimited has to raise these additional funds, and I am sure you can imagine that this is not going to be an easy feat in this time of financial restraint.

The people who are donating money in United States and Canada for the preservation of wetlands and waterfowl are not submitting their dollars for the construction of this interpretive centre. There are two completely different systems here.

**Ms. Cerlill:** So the U.S. is putting a lot of money into this centre?

**Mr. Wrigley:** No, they are putting a lot of money into Ducks Unlimited projects right across the country, of which there are over 5,000.

**Ms. Cerlill:** I hope there are some U.S.-related industries or corporations that are going to be putting so much money into some of the other environment problems that we have in Canada, like the depletion of our forests. Why are the Americans putting money into this kind of a—

**Floor Comment:** That is the reason for their organization.

**Ms. Cerlill:** Let the man answer.

I put the question: Why is the U.S. putting all this money into Canadian wetlands?

**Mr. Wrigley:** Because a lot of people in North America realized that a large percentage of the waterfowl population comes from Canada, that they are bred there and travel great distances from the Arctic down to Mexico. The fact at that point was that Canada did not have in the early years, in the '30s, the kind of money that was required to preserve wetlands, and so hunters and conservationists in the United States formed Ducks

Unlimited Incorporated, and through that private agency were able to transfer funds from the United States to Canada to do this worthwhile work. Governments could not do that.

**Ms. Cerlill:** I am not sure if you are answering my question.

**Mr. Wrigley:** Could you just recap it for me?

**Ms. Cerlill:** Why are they doing it?

**Mr. Wrigley:** Because they want to preserve wetlands and waterfowl, and the people in the United States cannot do that by themselves because most of the resource is bred outside of the continental United States. Mexico is now also heavily involved because a lot of the waterfowl crosses the U.S.-Mexican border as well.

**Mr. Chairman:** Are there any other questions for Dr. Wrigley? Thank you, doctor.

**Mr. Wrigley:** Thank you.

**Mr. Chairman:** Would Mr. John Shearer come forward, please.

The presentation has been circulated already. Mr. Shearer, you can proceed.

**Mr. John Shearer (Private Citizen):** Thank you, Mr. Chairman, committee members.

The Wildlife Act of Manitoba, R.S.M. 1987, Chapter W130, is not a perfect piece of legislation, but it has proven valuable in helping to protect our priceless natural heritage. Now we are faced with Bill 38, The Wildlife Amendment Act, which is designed to amend several key sections of Chapter W130. I have serious objections to this bill and to some of the amendments it proposes. In particular, I object to the hurried manner in which these amendments have been introduced, and to the way in which some of these amendments would severely jeopardize our abilities to protect, conserve and enhance the wildlife of Manitoba.

Perhaps it is time to amend the Manitoba Wildlife Act. The adoption in September of 1990 of A Wildlife Policy for Canada by the Wildlife Ministers' Council of Canada represents a significant advance in the recognition of what wildlife is, and of its importance and relationship to humankind. This policy, which I understand has been endorsed by this government, is the product of many years of refinement by wildlife experts from across Canada and would provide an excellent framework for a major revision of The Wildlife Act. In August of

1990, Premier Filmon and his government officially endorsed the Endangered Spaces campaign and its agenda whereby all 12 natural regions of the province would be adequately represented by the year 2000 in special areas protected from resource extraction. This program is an integral part of the sustainable development concept recommended by the Brundtland Commission and espoused by the government of Manitoba. A carefully amended Wildlife Act could facilitate the protection of these special endangered spaces which this government and the opposition parties have pledged to achieve.

Regrettably, some of the amendments proposed in Bill 38 would move Manitoba in the opposite direction. Specifically, I refer to the revised Section 3, Clauses 1 and 2 and to the repeal of Clauses 89.(b) and 89.(f) under the Regulations. These changes would effectively put unlimited control over wildlife areas at the discretion of the minister and would eliminate wildlife management areas and other areas designated under this act from serious consideration as protection for wildlife and endangered spaces.

The wording of Clause 3.(1), which states that "the designation of an area for the better management, conservation and enhancement of the wildlife resource . . . does not limit or affect the uses and activities that may be undertaken in the area," is incredible. Does this really mean that any and all uses and activities are possible within a wildlife area? If so, then any realistic expectations of wildlife conservation and enhancement are without foundation.

If The Wildlife Act is to be amended, let us approach the process in a more thorough and reasoned manner. The first step should be to adopt a much broader definition of wildlife. Under the current Wildlife Act, wildlife is defined as "a vertebrate animal of any species or type that is wild by nature in the province, but does not include fish." A Wildlife Policy for Canada as Policy, 1.1 on page 10, states: Governments should broaden their definition of wildlife to include any species of wild organism. This would assist in the preservation of biodiversity and demonstrates a recognition that not only wildlife but ecosystems also must be conserved and protected.

The first stated goal in the Wildlife Policy for Canada reads:

1. Maintaining and restoring ecological processes. Ecological processes sustain the productivity, adaptability, and capacity for renewal of lands, waters, air and all life on earth. They include maintenance of the chemical balance of the planet, stabilizing climate, recycling of nutrients, breakdown of pollutants and cleansing of air and waters, watershed protection, soil formation and the supply of food and habitat for all species.

This is on page 8.

\* (2110)

As a professional ecologist with 20 years of field experience, I am well aware that animals and animal populations do not exist in isolation. They are integral components of ecosystems. Ecosystems, even simple ones, are exceedingly complex. They include living things—microbes, plants, animals, both invertebrate and vertebrate, including humans. They also include the abiotic components such as solar energy, gravity, water, soils, minerals and air. All of these components interact in a system of feedback loops, checks and balances which rival the complexity of the human body but on a much larger scale. Just as our bodies can be affected in unpredictable ways by stressors, so too ecosystems can be affected by stress from externally introduced factors.

Unfortunately, we still do not understand ecosystem functioning well enough to be able to confidently predict the effects of stress on these systems. Even after hundreds of years and billions of dollars worth of medical research, the effects of stress on the human body can be unpredictable. How then, with only a tiny fraction of this time and money spent on ecosystem research, can we expect to understand and predict the consequences of introducing significant stressors into these systems?

The very concept of wildlife management is open to question. Wildlife, by definition, are wild. We can attempt to manage wildlife through habitat alteration and manipulation. We can certainly attempt to manage human activities which impact on wildlife. However, can we really manage wildlife without changing its very nature?

Until we know much more about how ecosystems function, we can never expect to manage them successfully. Indeed, for most ecosystems, we do not have even a thorough accounting of the

components let alone an understanding of how these components interact. To continue the medical analogy, our understanding of ecosystems is comparable to the understanding of comparative anatomy and physiology which existed perhaps a hundred years ago. Unless and until we learn much more about ecosystem functions and about the interactions of the wildlife, which are an integral part of these ecosystems, the best approach to managing, conserving, and enhancing wildlife resources is to minimize stresses on the natural populations and on the ecosystems to which they belong.

This will never be achieved by: authorizing any use, activity or thing in the area, from Section 3.(1)(b), or by authorizing the construction, operation and maintenance of any building, structure or thing in a wildlife management area, from Section 3.(1)(c).

One of the guiding principles listed in A Wildlife Policy for Canada states, quote: The maintenance of viable populations of wildlife always takes precedence over their use by people.

A second principle states, quote: The way in which land, water and air are used strongly affects the quality and quantity of habitat upon which wildlife depends.

If these principles are to apply, we must not declare specially designated wildlife areas open for any and all business, as these Bill 38 amendments do. Instead, we must strive to minimize disturbances to the wildlife habitat and to actively discourage activities and uses which do not directly protect and enhance the wildlife resource and the ecosystem upon which it depends or do not directly contribute to a greater appreciation and understanding of that wildlife and that ecosystem.

Any amendments to The Wildlife Act pertaining to the designation and management of special wildlife areas should be based on these principles. Unless these principles and policies are followed, situations such as the public outcry against the construction of corporate offices in the Oak Hammock Marsh will become increasingly common.

Another recent example pertaining to the Pierson Wildlife Management Area was reported in the Brandon Sun on January 20, 1991. A citizen who had donated the land for wildlife use and protection was embittered and disillusioned because the province was permitting the land to be used for

agricultural crops. So little of Manitoba is currently designated for wildlife protection. We must not permit further degradation of these precious areas.

If Manitoba is truly committed to sustainable development and to the Endangered Spaces campaign, we must find ways to identify and protect at least 12 percent of each representative region for the long-term sustainability of wildlife populations, biological diversity, and their supporting ecosystems. Wildlife management areas and other special wildlife areas designated under The Wildlife Act are one available means within the existing framework of setting aside special areas. However, for this to be viable, more stringent controls on development within these areas would be required.

Bill 38, as presently constituted, would significantly reduce such controls. The Brundtland report speaks of, quote: a new approach to conservation of species and ecosystems that can be characterized as anticipate and prevent.

The report explains that, quote: development patterns must be altered to make them more compatible with the preservation of the extremely valuable biological diversity of the planet.

This is from "Our Common Future: The World Commission on Environment and Development, 1987," page 157. If the Premier (Mr. Filmon) and his government are truly committed to the principles of sustainable development, amendments to The Wildlife Act should restrict further development activities in wildlife areas, not facilitate them.

I urge you to reconsider the amendments in Bill 38 with a view to the long-term sustainability of wildlife populations and ecosystems, as recommended by the Brundtland Commission. A Wildlife Policy for Canada could provide an excellent framework for amending the existing Wildlife Act in a manner such to encourage the sustainability. Some aspects of Bill 38, such as the increased protection for polar bears are positive. However, more should be done to broaden the definition of wildlife and to take an ecosystem approach to wildlife.

Other aspects of this bill are leading in exactly the wrong direction. Those clauses which weaken the legislative controls over development in wildlife areas must not be passed into law. To do so would jeopardize the sustainability of wildlife populations. It would contradict both the Wildlife Policy for Canada and the stated positions on Endangered

Spaces and sustainable development of the Premier (Mr. Filmon) and of this government. Thank you.

**Ms. CerlIII:** Mr. Shearer, this Wildlife Policy for Canada, is that something that is legislated in an act?

**Mr. Shearer:** It was, I believe, passed out by Miss Alison Elliott the first evening. It is, I believe, available through the Wildlife branch, I know it is available through the Canadian Wildlife Service as well and it is policy that was developed for the Wildlife Ministers Council of Canada. It is a small booklet and I think it was put into the record earlier in the proceedings.

**Ms. CerlIII:** I guess what I am trying to understand is if it is a general policy or if it is actually part of legislation. It does not sound like it is legislation.

**Mr. Shearer:** No, I believe it is a policy.

**Ms. CerlIII:** Nonetheless, it sounds like the proposal, both this bill and the proposal at Oak Hammock Marsh which motivates this bill, would be in direct conflict with the policy.

**Mr. Shearer:** Certainly I think many aspects of this bill and of the Oak Hammock Marsh proposal would be in direct opposition to the policy. There are certain components of both that might fall within the ground rules of the policy.

**Ms. CerlIII:** You mentioned research being done in wildlife management areas and endangered spaces in Manitoba and I am wondering if you are aware of what kind of research has been done in the Oak Hammock Marsh area by either the department or DU?

\* (2120)

**Mr. Shearer:** I am not an expert on what research has been done in Manitoba, but of what I am aware with regard to Oak Hammock Marsh, and this comes from following the issue for approximately a year and a half now, attending a number of meetings, sitting on the citizens advisory committee to the Department of Environment that is involved with the implementation of the environment licence.

I guess I am rather surprised how little seems to have been done over the years. If enough had been done we would not presumably require this last-minute or even after-last-minute monitoring program to get background information before the building actually begins. From what I have seen in

the case of Oak Hammock Marsh, it seems like there are species lists of birds, species lists of mammals and plants, but there seems to be very little known about many other parts of the ecosystem, and certainly I am not aware of any studies that have really been done sort of on an ecosystem basis. It seems like it is more just developing species lists.

**Ms. CerlIII:** So Ducks Unlimited or the department have not done that kind of research?

**Mr. Shearer:** I am certainly not aware, as I say, of any detailed research, certainly not on an ecosystem scale.

**Mr. Enns:** Mr. Shearer, I believe you are appearing here as a private citizen.

**Mr. Shearer:** That is correct.

**Mr. Enns:** May I ask you, are you still associated with the Canadian Wildlife Service?

**Mr. Shearer:** No, I have never been associated with the Canadian Wildlife Service.

**Mr. Enns:** Are you aware that the Canadian Wildlife Service—the reason why I ask, it was a pretty decided concern that you express on page 2 of your brief, that this will never—that the authorization of any kind of a building or in its maintenance cannot be viewed in any positive light in a wildlife management area. Are you aware that the Canadian Wildlife Service has and maintains buildings in the Alaksen wildlife refuge in British Columbia, also a Ramsar site, I might add? I would ask you to comment on that.

**Mr. Shearer:** Mr. Minister, I am not sure which statement you are referring to on page 2 where I say that no buildings should ever be in a wildlife management area. I do not believe I said that.

**Mr. Enns:** On page 2 of your brief, at the bottom, you indicate: this will never be achieved by authorizing the construction, operation and maintenance of any building, structure or thing, in a wildlife management area. I take it from that that you have a very fixed opinion with respect to any buildings within a wildlife management area.

**Mr. Shearer:** I believe what I am referring to there is that if we wish to minimize stress, reduce stress on ecosystems, then buildings are not normally appropriate to that. There may be special circumstances where a certain type of building is necessary to do that but, as a general principle,

buildings will increase stress rather than decrease stress in ecosystems.

**Mr. Enns:** I certainly do not disagree with that statement, Mr. Shearer, and I think that we have a situation here as is being presented, a situation of special circumstance.

**Mr. Edwards:** I want to thank you, Mr. Shearer, for coming forward. You are obviously knowledgeable in the area and have spent some considerable time and effort on your brief.

Just by way of starting, I read that section, that sentence very differently than the minister. I read you to be saying that moving toward that type of wording, which you have put in quotation marks as the actual wording of the sections, will not achieve the stated goal. That is what I read your statements to take, and perhaps that clarifies it for the minister. That is certainly how they appeared to me.

My question is, and I just have a few. You talk about Section 3(1), and I assume you would obviously have us delete it as an unfortunate part of this bill but, in terms of controls on what can and cannot be done in these areas, you speak of the need for greater controls generally rather than less controls. You may be aware that Section 2, as it was in the old act, used these words: "For the better management, conservation and enhancement of the wildlife resource of the province."

It went on from there, and as long as you were within that framework, the minister could make regulations, just as this minister is seeking the power to make exceptions and the NDP put in their regulations, the power of the minister to make exceptions to the regulations, but there was always that statement of intent. Everything had to come within that statement of intent. That does not seem like shackles to me, given that it is The Wildlife Act.

Is that what you are suggesting we do, is simply go back to that, or do you have a stronger set of principles you would have us put all activity within the act into?

**Mr. Shearer:** I am not sure I am prepared to go into great detail in terms of trying to draft a new act or amendments to the act at this time. I think, again, as I stated in my brief, what I would like to see, if we are entertaining amendments to the existing act, is to do a more thorough job and define wildlife more broadly to begin with so that we take an ecosystem approach. I think that is the first and perhaps, in many ways, the most critical step.

I think as has been agreed or discussed by a number of people, there are inevitably, in the real world, situations which come up where certain special cases have to be dealt with, but I think we need some kind of clear guidelines as to when situations fall into that particular category. These amendments, as I see them, that are proposed in Bill 38, do not give any guidelines. It seems to me as though it is wide open, and I certainly do not like that.

**Mr. Edwards:** I think you are correct, and you spoke about Section 3. The only thing I draw to your attention is that in fact this bill deletes Section 2, as well, of the existing Wildlife Act. It replaces even that, what seems to me fairly sensible, fairly obvious guideline, that is, whatever is done under this act should be for the better management conservation enhancement of wildlife. I mean, this is The Wildlife Act after all.

This bill, you may be interested to know, deletes that as well and changes it, and says: when the Lieutenant-Governor-in-Council is satisfied that the wildlife resource of the province will be better managed or conserved. It changes the thrust. The Lieutenant-Governor-in-Council does not have to stay within the framework of better management any more. He decides, and he alone, what is better management, and that to me is a regressive move as well. I would just point that out.

By way of question: You have mentioned the new definition. I do not want to put you to the task of you supplying us with your advice as to what that definition of wildlife would be, but if you had one in mind I would be very pleased to look at it. Do you have a suggestion for us as to defining a new definition for wildlife to be put in Section 1 of this act?

**Mr. Shearer:** I think, as I believe I have mentioned in the brief, that the definition or the recommendation from the Wildlife Policy for Canada is a good starting place. Again, my experience says, over the last 20-some years as an ecologist—not as a lawyer, so I certainly bow to you in terms of interpreting the wording of how these acts are written—but my understanding of English certainly leads me to believe that this is far too wide open. I think we need to have a definition of wildlife to begin with, as I say, that is more broad spectrum, that has an ecosystem approach, rather than a very narrow portion of that ecosystem under the definition.



**Mr. Edwards:** One further question, and I see that reflected on page 4 as well on your brief, is that you suggest an ecosystem framework or approach to guide any actions under this act.

One of the suggestions made in an earlier presentation was that we incorporate a preamble into this act, some form of statement of principle, statement of object, into the act which might lead one to talk about that ecosystem approach.

\* (2130)

Would that be something that you would advocate to us as an opening statement for the general interpretation of the act? It may take the form of a preamble or indeed in some acts it is put in at special sections so that it has interpretive power. This just talks about the mandate of the act, the theory behind the act. Is that something you would like to see in The Wildlife Act?

**Mr. Shearer:** Again, I certainly do not have a lot of experience or any experience in terms of drafting legislation, but it seems to me that might be a reasonable suggestion.

**Mr. Chairman:** Thank you, Mr. Shearer. One more question here. Mr. Rose. -(interjection)- Three or four. I am sorry.

**Mr. Bob Rose (Turtle Mountain):** Perhaps we can take you back to your area of expertise and away from legal matters. I wanted to follow up on a question that Ms. Cerilli posed a few moments ago, when she was inquiring if Ducks Unlimited or anyone else had done a study of the ecosystem in the Oak Hammock Marsh. Is this not a relatively new ecosystem, if we want to refer to it that way, as I understand it. It is only for the last two or three decades that that type of system has been there, is that correct?

**Mr. Shearer:** Yes, the work was started on the rehabilitation, I believe, in the 1960s. However, it might interest you to know that the longest detailed ecosystem studies in the world are probably no longer than that. I guess I was surprised to find that although Ducks Unlimited and the Department of Natural Resources had been intimately involved with the rehabilitation and management of this ecosystem for 20-plus years, that there was so little known about it as an ecosystem. I think this would have been an excellent opportunity to study these ecosystem processes under somewhat controlled conditions which is often very difficult to do.

For whatever reason, lack of interest, lack of money, I do not know, it appears that not much of this kind of work has been done, and it is unfortunate now.

**Mr. Rose:** Mr. Chairman, it seems to me that it is difficult to study something—perhaps I have the wrong concept, but when we are talking about wildlife management areas and ecosystems in my mind it is something that is developed over a long period of time, and in this particular instance that is not the case, it is an ecosystem that is relatively new.

I guess, in another part of Manitoba that I come from, the southwest corner of the province, where a hundred years ago there were no trees because the prairie fires there started by lightning ran for miles and miles and there just was not the kind of wooded areas that we consider to be natural there now, some of the wildlife management areas that we have in southwestern Manitoba really are not natural at all if you go back a couple of centuries. The ecosystem in those areas now is totally different than it was before civilization, if I can use that term, arrived and broke up the land and changed the entire pattern.

I guess what I am trying to get at is the only thing really constant in nature is that it is constantly changing, albeit influenced by man or civilization but also by nature itself. The question is, if you are studying something, you are also studying an ecosystem that is constantly evolving and changing and that would be a continuous study, would it not? You could not at any point in time say, here, we know everything about this particular system.

**Mr. Shearer:** I think that is very true. That is one thing we always have to remember about ecosystems, that it does not matter whether they are relatively new ecosystems, as you say Oak Hammock is, or whether they are ecosystems that seem to be old ecosystems, they are constantly in a change of flux. That is part of the thing, they are living systems, and therefore they are always changing. They are responding to various influences and stresses, internal and sometimes external.

But that does not stop us from studying them. I think that is even more reason to study them, and it is one of the reasons why we need to study them over a number of years, to detect what those changes are. In the case of a so-called natural ecosystem that has been apparently reasonably

stable and has not changed dramatically over many years, it is interesting to study them and important to study them so that we can learn the magnitude of the so-called natural variation in the system, because we do not even know with any confidence what the magnitude of natural variation is within ecosystems.

That is why it is so difficult for us to measure with certainty or to predict with certainty the effects of human-induced stress on an ecosystem, because we may see changes that are difficult to interpret, particularly if we do not have good background data. Those changes may be caused by human activities; they may be partly caused by human activities and partly caused by some change in climate over a period of a few years or something. There are so many possibilities.

**Mr. Chairman:** Thank you, Mr. Shearer, for your presentation. Would Mr. Bob Gooding come forward, please. The presentations have been circulated already. Mr. Gooding, welcome and please proceed.

**Mr. Bob Gooding (Private Citizen):** Mr. Chairman, ladies and gentlemen, honourable members of the committee, I suppose the most important thing to observe is right now at Oak Hammock in the tall grass area the prairie lily is in bloom. It happens to be the provincial flower of Saskatchewan, and it is likely worth everybody's time to go out and see it.

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

I came to talk about the cost of this project with respect to some of the spinoffs, and what I have done is I have prepared an estimate of what it would cost to upgrade the roads into Oak Hammock and along the east side and the north side and into the mound, mostly because this information simply was not available, and it should be part of the public record.

So, if you would like to look at the estimate report, the first page, and in the document there are four estimates and the name of the estimate is in a square block. The first one is labelled 91-Oak1. What this is: assuming you only upgraded the road into the Ducks Unlimited site with dust abatement, the cost to compact the existing roadway would be \$4,900. Two graders to prepare the surface for A-base would be another \$6,947. Maintenance

crews for temporary signs and that type of thing would be another \$500.

I am not going to go through the whole thing and use up all your time. What we are going to do, though, is that we are going to turn to the next page and discover that just to upgrade that 2.4 miles with dust abatement would cost \$96,000. But that is not the only solution. Dust abatement has to be regenerated year after year, and it may become economically desirable to actually pave that road. It may become desirable just for social reasons to pave that road. This is supposed to be a tourist attraction. So, if you page forward to 91-Oak3, this one in the remarks reads: Install asphalt surfacing complete with base on Highway 220 from Highway 67 north to the site for a distance of 2.4 miles, and this is a totally independent one. The cost of the dust abatement is a separate estimate. If we were to do all this work, it would cost almost half a million dollars—\$489,000. Now that is only to get into the site.

There are a lot of other important aspects. All along the east side there, if you page back to Oak2, it is one page back, where a very large number of people are going to go, it happens to be the tall grass area. It happens to be where the prairie lilies are right now. It happens to be where the lure crops are. It happens to be where the nesting area is, the nesting cover area. It is going to attract people, let me tell you.

\* (2140)

Just to do that 6.1 miles of road is \$112,000. Now, nobody has talked about these expenses. Nobody has talked about who is going to pick them up. If you page to the last page, there is a picture at the top of it. Unfortunately, the contrast is very dark on it, the road is not as bad as the picture would lead you to believe, although it is a dirt road. This is actually just a short road into the mound. It is .8 miles, or 1.35 kilometres. The cost to upgrade that is \$18,000. Again, somebody is going to have to pick up these costs. If we were to add up even the cheapest of the solutions here, this would probably be three times the summer works budget of the municipality of Rockwood.

If you take out their snow removal and you take out all the things that you might bring it up to a million dollars with, but the actual money that they have is discretionary expenditures. This is really—I took this as something I could estimate and almost

absolute numbers and not have too much challenge with.

There are a number of other things. If you take a business plan and you look at this project, there is a lot of documentation missing with it. I have only taken one aspect of it. With that, I would like to turn this back to the Chairman and stand any questions that might come forward.

**The Acting Chairman (Mr. Laurendeau):** Thank you, Mr. Gooding. Any questions?

**Ms. Cerilli:** Can you put on record then the grand total?

**Mr. Gooding:** Actually, no. I broke this down into individual pieces -(interjection)- Probably, but I do not know. It was not important to me. I looked at this in sections. To be very honest, I had to estimate each one of it in sections, because the requirements for each section of this road are different.

**Ms. Cerilli:** Mr. Gooding, we did raise this issue. I think it was the first night of the committee hearings, and one of the councillors I think from Rockwood municipality assured us that Mr. Enns would be taking care of this.

**Mr. Gooding:** To be very honest, that buttonholing, or what you might call it, is really what prompted me to do, one of the things that prompted me to do this particular estimate. It seemed to indicate to me that there had been no communications between the municipality and the province with respect to this project. So it was a natural to follow up on.

**Ms. Cerilli:** I appreciate the effort that you have put into doing this, and we will add this to the grand total for the project. I am concerned, though, did you check with the Department of Transportation to see if there were any plans or proposals for—

**Mr. Gooding:** Actually, yes, I did. In the last two years the province for the initial 2.4 miles has a proposal in to purchase the land, and also a proposal in to do survey work. This estimate does not count either the acquiring of the land or the cost of survey work.

**The Acting Chairman (Mr. Laurendeau):** Any further questions?

**Mr. Enns:** Mr. Acting Chairman, it is not so much a question, I suppose, but simply because it is important to keep the record straight wherever possible. I speak from the vantage of having had the privilege of being Highways minister for this

province on two occasions. Highways makes the determinations to improve roads based on such things, primarily traffic counts. It does not surprise me at all, therefore, that when the Department of Highways in their traffic monitoring of the 85,000 visitors to the marsh last summer programmed that sometime ago, three years ago as a matter of fact, for improvement to be done in the years '93-94. I would assume that my colleague, the Minister of Highways (Mr. Driedger), would be doing these things in terms of making travelling more convenient for Manitobans and our visitors when traffic counts call for it.

That is for the record, Ms. Cerilli. If somebody wants to attribute to it that Harry will do it, my constituents love to hear those kinds of statements on the record too.

**Mr. Edwards:** Just so I am clear, are any of these, the four roads you say will have to be done, which ones of these are actually new roads and which are upgrades of existing roads?

**Mr. Gooding:** All of these are upgrades of existing roads. The last 1.35 kilometres into the mound is presently a dirt road and it is in a community pasture-type area.

**Mr. Edwards:** So when you were talking about certain land having to be purchased, what were you talking about?

**Mr. Gooding:** To be very honest, I do not know what land is owned and what land is not. I simply know from the documentation of the contractors that the province has set aside monies for the purchase of the initial 2.4 miles into the site.

**Mr. Edwards:** I just want to thank you for coming forward with this information. The minister has been the Minister of Highways a couple of times he says. I have not, and he had not shared this information with us or put it forward as part of the project, and I think it is important to know. So thank you for coming forward with it. I think the breakdown of cost is interesting to all of us, probably most so to the minister himself, who when it was suggested that he was going to be picking up the tab did not dispute that at the time, as I recall, and that is indeed the cost that should be considered. So thank you for coming forward.

**Mr. Gooding:** Okay. Thank you.

**Mr. Chairman:** Any further questions? If not, thank you very much, Mr. Gooding.

**Mr. Gooding:** Thank you.

**The Acting Chairman (Mr. Laurendeau):** Mr. Harvey Williams, representing TREE. Mr. Harvey Williams?

Mr. Kenneth Emberley. If you will just wait one moment, Mr. Emberley, we are just going to distribute your presentation. You will notice that there are two separate copies. I would like to let the committee know, there are two separate copies. Mr. Emberley will be referring to the two. Go ahead, Mr. Emberley.

**Mr. Kenneth Emberley (Crossroads Resource Group):** Thank you, Mr. Acting Chairman. Ladies and gentlemen, I appreciate the opportunity to appear before you, and I appreciate your understanding and helping me to be able to appear tonight, because I am going out of town during the weekend to a conference in Brandon on sustainable development, which has been the theme of my work for almost nine years now.

I will make a brief introduction and then I will go to the section on Oral Presentation.

You wonder why I take the holistic view. In 1978, I was funded to attend one of a series of annual conferences of the Future Society of Canada, and I was greatly privileged to share supper with the president and his wife of the Future Society of Canada, the president and his wife of the Future Society of the U.S.A., and the editor and his wife who co-edited a high-class journal on futures.

\* (2150)

By the time I had finished supper with seven of the brightest people in the land and listened to their discussion of a giant theme: Where are we now, and how do we get from here to there, and where do we want to be there, when we get there?—I came to the conclusion that they were irrelevant to the future of well-being of our society, and when they sponsored Herman Kahn's book two years later, which came out and recommended every city have a plastic bubble over the top of it to protect it and little helicopters flying around inside, I knew that they were of no value to the future of our society.

Watching projects in the last 15 years—in 1982, I got a list of 84 megaprojects, which was the only industrial strategy of the federal Government of Canada, and two years later, there was only one that was possibly going to be completed, out of the 84, when the recession, economic crisis and the energy

crisis disappeared because people could make energy cheaper through energy conservation than through megaprojects.

It is thrilling to see now, eight years later, that we have learned nothing, and we have \$500 million in the budget for Conawapa to pay for more excess energy so we can waste energy and they take all the money away from all the programs that nurture and sustain the people in the country.

When I was down in Minneapolis recently, I picked up a paper on a university professor who wants to create a marsh just a quarter of a mile from the university. He thinks for \$400,000 he can build a real genuine, imitation marsh which will be very handy to do research on, because there are no marshes within three miles of the university that he can study. So you must not be surprised when we instantly recognize Ducks Unlimited's megaproject.

They talk about the decline of habitat, and this is their big concern, the decline of habitat, but they do not talk about the one thing that is a key to it: that 22 million people in Los Angeles County consume as much as the 880 million people in India, with our giant shopping centres, our giant hydro dams, our highways and our megaprojects.

Sustainable development is to talk about living thriftily—these are new words, you may find them in a dictionary that your mother or father had—but thriftily, prudently, economically, frugally, in harmony with nature and in harmony with people, these are words that you do not hear today. You never hear those words come out of Lloyd McGinnis's sustainable development society, but that is what we want to talk about.

Ducks Unlimited's project is wrongheaded, just like Conawapa. It is a megaproject to create—I think I put the words down here. The theme is to create for the viewer in the St. Andrews bog a massive concrete high-technology picture of a marsh as attractive as Dallas or Disneyland, so that on TV you can see the real world of TV and pretend it is the real world of nature. That is the whole farce of our society.

(Mr. Chairman in the Chair)

I cried when David Suzuki dressed us down here at The Forks for one hour and seven minutes on Monday night. There were 200 people there. That is the intellectual scholarship of our nation. Most of the people are illiterate. He listed the 100 things that are destroying our nation. Not one of the projects

of government or business is trying to correct any of those problems. And this Ducks Unlimited thing will not create it.

Now, I would like to please go to the Oral Presentation. This is a report, the title explains it very clearly to you: Ducks for hunters, prairie wetland expansion, corporate headquarters in the marsh, world-class tourist education. Now I wrote this before we heard the presentation, before we found the secret documents that Ducks Unlimited and the Natural Resources department of the government tried to keep from the people of Manitoba, just the same way the City of Winnipeg keeps secret plans on our roads.

The corporate headquarters in this special unique marsh is a zoning precedent which is 100 percent wrong. Generous corporate donors will make up the shortage of government funds to create the one world-class education centre in the province. Tax-deductible gifts mean it will be 100 percent funded by mostly middle class and lower class income taxpayers' taxes. The money will not come out of the wallets of the prosperous donors that donate to Ducks Unlimited. They take a tax deduction. They do not pay any extra. They just reduce their tax bill. The lower class taxpayers pay for all the donations that are going to go into Oak Hammock's things.

This is called privatization of the Natural Resources department of Manitoba. The shortage of government funding is the result of a 35-year trend of major corporations led by the U.S.A. multinationals refusing to pay taxes to federal governments. On \$60 billion of profits in 1987 the corporations only paid \$3 billion net in taxes to the federal government of Canada, while private citizens paid \$57 billion.

Will they teach in this education centre balanced programs so that each year two percent of duck hunters' children become camera-hunters? That is a nice idea to save ducks. Will they teach balanced education that large-scale, long-distance tourism like from Japan is an environment problem caused by 15 years of steady transfer of more excess income to the rich from the lower classes in North America and elsewhere?

I am not going to read the rest of this because it is taking too long. Next paragraph: Will the library and teaching include *The Endangered Kingdom* book by DiSilvestro; *The Environmental Effects of*

*Large Dams* by Goldsmith; *America, God and the Bomb*, and a book about the danger of war by Melman; *Zero Energy Growth for Winnipeg* by David Brooks; *A Parcel of Rogues* by Maude Barlow, with whom I just had supper tonight? Will it talk about *Recolonization or Liberation*, a new book on debt and structural adjustment, how the International Monetary Fund and the World Bank are applying identically the same policies for the poor and the rich countries? They are now applied in Canada and the U.S.A. under Free Trade and GATT, and the structural adjustment that cuts all our social programs.

Page 2: Local people control of sustainable development education centre. Now, what about these people who are left out? The aboriginal people, the peace movement people, the social justice people, trade union people, the feminist movement, the organic farming movement, the selective cutting, nonchemical forestry movement, the innovative ecologists' environment movement, the movement for a civilized, humane industrial system? I cross off the United Nations now, because they are no positive asset on the world at the present time. Will they all have an equal share and prominence in educating our young and old on the real challenges and the needs for drastic change? Will the overwhelming need to reduce the impact of conspicuous overconsumption of the land, of the forests, of the minerals, of the trashy frills and luxury goods that are advertised on chlorine-bleached glossy direct mail and oversold in what the United Church Observer described one time as idolatrous temples. The new temples of the modern civilized age are shopping malls.

Will any of these items be discussed in the one expensive education centre completely funded by taxpayers money in the province? Certainly Lloyd McGinnis will not talk about any of these topics. Will the urgent need for self-restraint, modesty, compassion, companionship, co-operation, sharing, population reduction in every country, will these be included as first economic, military environment priorities? Skip the next paragraph please.

Thoughts I had the day after this conference. For eight years the efforts of an increasing percentage of environment leaders to address an overall perspective, a holistic approach, sustainable development was completely ignored by most officials. This is typical. The narrow focus of the

education and the artificial technology emphasis of the education was completely, clearly, apparent in the demonstration we received.

Ducks Unlimited has done excellent work on wetlands, preservation for duck hunters and simultaneously for Canada. Ducks and wetlands are only 5 percent, a vital, important 5 percent of the solutions to the problems plaguing western Canada and the world. To devote literally millions of dollars to a private group to run the only high-profile environment education centre is further proof that government and business are determined not to solve problems or let the people solve problems. Skip a paragraph.

\* (2200)

Almost every government initiative on the environment in recent years has been mostly proven to be a PR effort with many laws weakened deliberately, as we notice tonight. The same as the clean environment act, Manitoba Environment Act, Canadian and Manitoba acts, all weakened deliberately to create, to cater to business demands for maximum profit. Skip a paragraph, please.

Almost all revisions in environment acts and the new FEARO legislation will weaken environment protection. The deceit and lying and involving the public in public hearings, pretending major improvements has vastly accelerated for 10 years with little improvement to show for the effort.

There are oil spills just as bad as ever; dioxins from pulp mills flow in the river just like mercury 20 years ago. We have even ministers that say you cannot amend the act, but you can come and talk about it. It makes me think of Meech Lake three and a half.

Most large irrigation projects from flood control dams have cost more than their benefits, and most have had a net long-term harmful effect, all lied about and hidden.

The reason I give you these little details—I will run over to page 4 quickly. The top of page 4: buying wetlands a few acres at a time and buying up remaining natural prairie and endangered heritage sites is a vital necessary program deserving high praise and support. It is not a solution, completing the national park system and completing Mr. Shearer's desire to have 12 percent of our land or 6 percent of it saved as virgin territory while the other 94 percent is raped by business and government. That is a plain, simple way to call it what it is.

The public, business and government must be educated on the need for both co-operation and competition in a natural balance acceptable to nature, measuring up to nature's natural level of high, free productivity proven over 10 million years, just as we need a balance between a marketing-managed economy and a partly government- and business- and citizen-managed economy. Short-range, sloppy scientific analysis has wrongly indicated that many high input systems are efficient, but only because all costs were not accurately counted over 20, 50 or 100 years. I will skip a couple of paragraphs.

We need a program to take 1 percent a year of the land being farmed, 1 percent of the money being given to federal Agriculture departments, 1 percent of the money being given to Agriculture departments to university, and transfer that 1 percent to the environmental needs of promoting organic farming, organic forestry and to promoting zones of industrial activity in harmony with nature and humans. I am going to skip a part here, please.

I want to speak verbally, with your permission. To imagine \$9 million going to a high-tech Disneyland place to compete with the Winnipeg Convention Centre, which is an ideal location, a peaceful, quiet, serene place, with no traffic around it until next year. Ducks Unlimited will look good after they put the arena in here next to the Convention Centre.

To think of that \$9 million being devoted to this one education centre, under private control, all using taxpayers' money, no taxpayer control on the programs, and the same amount of money, \$9 million, given over nine years, and you could quadruple the size of the facilities out there in human scale, natural harmony surroundings.

You could have the provincial Conservation Strategy Association, the eco-network, the naturalists and the green and all the other environment groups putting on small scale demonstrations. With the wonderful teachers we have had, actually having children come in on a gravel road and see, oh, these people live modestly and frugally like my teacher told me we should live in a sustainable society.

We are not going to try and build a place that looks like Seattle, Washington or Los Angeles, to handle education on the environment, we will make a small scale thing. We might even go up to the marsh at The Pas or the marshes around Riding Mountain

Park where they feed bears and then shoot them for brave sport. We might invent a little marsh over there and educate the people way out in the hinterland in the west part of Manitoba.

For the same \$9 million you could have a nine year program, a dollar a year for each citizen in Manitoba and educate Manitoban children. The Japanese do not have to fly here on a 747 to make money for us as commercial tourists and pollute the world and pollute the atmosphere and wreck our Oak Hammock Marsh. The Japanese job is to learn to live frugally and some of them stay at home and spend some of the money fixing up their own marshes.

I just received an issue recently of Elizabeth May and Heather Henderson's Cultural Survival quarterly. It is part of a worldwide organization helping Native people survive the programs that their governments are launching against them. This Cultural Survival Institute has one whole issue devoted to the disaster that is inflicted on country after country and people over people and on the environment by world-class world-scale tourism.

We have not reached, after what?—14 years of the Environment Council underfunded, pushed and bullied and threatened and cheated of their ability to do their work. We have not reached the kindergarten level of thinking about the environment. These nice people in Ducks Unlimited have no knowledge or no concept of what it means to live in harmony with nature.

They are part of the problem of the 22 million people in Los Angeles county who are overbuilding and overbuilding. We are in the overdeveloped part of the world. Fifteen years ago our power dams were wasting 40 percent of all the energy they produced.

I want to go on quickly to another thing. We need to demonstrate natural farming which produces purer food without destroying the land, without destroying the smaller scale family farmer and without destroying quality communities of rural living vital to a thriving democracy.

For one 40-year period, one million farmers in North America have been driven off the land every single year by carefully designed programs of government and business. Buster Knean, an editor of Rams Horn, is coming out to Brandon tomorrow to give us a lecture on the stuff he studied for 30 years.

We take the farmers, drive them off the farm land, destroy rural communities, put them into the city to provide low-wage employees for the factories, keep the union wages down, union numbers down. We destroy rural communities, democratic rural communities where the people are slightly self-reliant and independent.

Democracy is a key to sustainable development. Where is the democracy in this project—government, Natural Resources, Ducks Unlimited? They go into a secret room and they spend two years developing a secret program. They keep some of the papers secret, and they tell us come on down and talk. I wasted last Tuesday night. I wasted Thursday night. I had to leave a reception tonight to get down here to talk. It is going to do no good, because they told us, we ain't going to amend it. Now, in the world's greatest democracy that is not good enough and I am very sorry, but I have written in papers, none of us is as good as we should be, including me, including you. I could not dare include you, I could not dare include most of you.

That is what we have to think about. We need to demonstrate natural forestry which takes trees selectively out of a living forest and leaves a living forest. Where there are 1,000-year-old trees we can take one-thousandth of the trees each year. Will that be taught at the Oak Hammock education centre?

Page 5: It is necessary to place the megaproject monoculture chemical farming and the clear-cut chemical forestry, an environment-destroying human fruitful industrial system. This is the real competition of local people-controlled sustainable development.

Now, with your permission, I want to read to you and give to you, with kind thoughts, from Elizabeth May and Heather Henderson of Cultural Survival, Canada, a brief:

The Oak Hammock swamp is a unique treasure to Manitoba. Visitors to the swamp can watch the seasons unfold, and during migration here witness to the incredible drama of millions of waterfowl. Oak Hammock has always been this special refuge and rest stop, unique, belonging to these travellers. It is also home and a critical habitat for hundreds of other species of birds, mammals, amphibians. Human beings are only privileged visitors—except to the

corporate headquarters—I add that—with the responsibility that that brings.

Now intruding on this unique habitat is the headquarters of Ducks Unlimited. It appears that Ducks Unlimited has taken a very egocentric view, akin to what is good for us will have to be good for the marsh. Building a major structure right in the marsh, attracting thousands more tourists to the area will all have the side effects it imposes on the area, garbage, noise, disruption and so on. Yes, people should be exposed to marsh life, but not if that means the marsh life will be even moderately disrupted.

Oak Hammock Marsh must not become a zoo or a Disneyland extravaganza, complete with miniature golf. The bottom line must always be the well-being of the original habitants and their habitat. We must honour the ancient rhythms before our own egocentric demands. With Ducks Unlimited's present plans, it is clear that this cannot be accomplished. We strongly recommend that Ducks Unlimited not be allowed to build its headquarters in the marsh. The marsh is designed as a wildlife refuge with minimal human disturbance. If Ducks Unlimited really cared about waterfowl and marshes they would agree. Signed, Heather Henderson and Elizabeth May.

\* (2210)

Now, a quick rundown of page 1—and I think will be pretty well the time I have—1 or 2—of Manitoba legislation, Bill 38.

To amend The Wildlife Act and allow Ducks Unlimited to place in Oak Hammock Marsh a corporate headquarters with a miniature golf course on the roof and an education centre and a tourist centre is wrong.

I first met Ducks Unlimited personally while an employee was chairman of our land use committee in the mid-1980s. He used his position to write a report favouring zero tillage with Roundup pesticides, which went to the senate committee on soil conservation. He was promoting use of the pesticide Roundup with zero tillage as the best method of soil conservation in rivalry to what I was trying to promote on organic farming or advanced ecological agriculture. The supposedly benign biocide Roundup has now been discovered to contain 59% POEA, listed as an inert ingredient, but more acutely toxic than the listed ingredient in Roundup, which is glyphosate.

Will they be storing Roundup at Oak Hammock Marsh, and does this organization still use and promote this pesticide? For many years most environmentalists recognized that pesticides were one of the worst pollutants whose production and use must be drastically reduced worldwide.

As an education centre: Ducks Unlimited plans its major facility with a slant at attracting foreign, especially prosperous, tourists, including Japanese. Again, this is a commercial-oriented operation that should be environmentally-oriented. Like The Pines retirement home on Portage Avenue, with its large commercial component, the emphasis and majority of the project is wrong. What should be researched and taught in the country and province that talks so much about sustainable development?

Environment: the aboriginal lifestyle of hunters and gatherers existed for about 500,000 years and left the world to us free and clean in 8,000 B.C. in its original state full of forests. In less than 10,000 years of modern city growth, modern agriculture, modern industrial activity and 400 years of worship of Newton and those other scientists' dream of making nature efficient like scientists and physicists and economists can do—they thought.

Is it not interesting to know that just 400 years later we found out that the whole emphasis of our 400-hundred-year scientific community is all a fraud. We have destroyed every place we have worked in, all the farm lands, all the forest lands, all the civilized lands. This continent has been destroyed faster than any continent in history.

Now I gave you a couple or a few extra papers there for each of you. I do not know whether you care to read them or you want to throw them in the basket, but it is there for you if you wish. Because you care, you might want to read some of the things that Dr. David Suzuki talked about Monday night. Our land, the land that you think your children are going to live on—I included for two of you a dreadful little paper which compares the prime minister of a country who sold his country to the United States to the great Vickund Quisling, the head of the Nazi party in Norway, who sold his country to Adolf Hitler.

We must consider how your children and your grandchildren are going to look at you and look at the records of these proceedings and look at the records of the activities of government and business when they do not have a country that they control, when they do not have adequate farm land to live



on. We are destroying our farm land every year, more acres of it. The population is growing.

None of these issues are going to be addressed in this education centre. It is wrongheaded. What I said, just as a guess, months ago, it is a megaproject. It turns out—who is this angel back here? A Stonewall farmer with white hair. He got his name in the paper, I think, on the first day of these hearings: Disneyland. He has more intellectual wisdom than most of the combined staff of your department. That is obvious. That is obvious.

Almost any two or three of the people in this room who spent the last 10 years studying sustainable development, they have their heads focused differently, a different attitude. It is not to be an insult to the people. It is no personal insult. Their technical qualifications are proven by record, that is all. Go by the record.

I thank you very much for your courtesy and your patience in dealing with me. I happen to have been at a meeting just a week ago, and a dreadful man, a lawyer, got up and said almost the same things I said tonight to a group of top government officials, and the people just smiled and grinned: Is he not right on? When I got up and said things almost as bad as I said here tonight, 30 of my environmental colleagues, every one who is more intelligent than I am, gave us a round of applause, not because we are smart, but because we tried to tell the truth based on the records. That is all I come to you tonight is to bring to you information that you are not getting from other sources, and I respectfully thank you for allowing me to make my presentation.

**Mr. Chairman:** Thank you, Mr. Emberley. Are there any questions?

**Mr. Edwards:** It is always a pleasure, Ken. I just want to pick up on one of your comments—it is particularly depressing to me—and that is that you have been here these last two nights, you are here again tonight, and you have given a presentation. Many have given presentations, and you have heard them, many which took a lot of work, including yours.

It is true, as you know and I know, in the last election, that the Conservatives got a majority, but they did not get a dictatorship, Ken. That is something that I think you told us tonight, and it is something that I want to reiterate. Surely, the other 27 members from around this province have

something to add to this process. Surely, we have something to contribute to this public hearing process, not to mention the public, Ken. You are here tonight, you have given us your thoughts, and it is our duty to take those comments into account and think about amendments to this act.

Unfortunately, as you point out, we have been told by the minister that he will not consider amendments. Now, I did not ask him to pass those amendments, but surely he would consider them, Ken. You would think that he would consider them. You would think that he would have enough respect for the other 27 constituencies in this province that elected people to come and think in this Legislature and think about amending legislation.

Ken, it is depressing to me that we have sat here, and we will sit here, and at the end of the day not one amendment will be considered, according to this minister. Thank you, Ken, for raising that point again.

**Ms. Cerilli:** I just want to thank you as well, Ken. I have enjoyed learning from you lately, and I appreciate your clear vision with respect to showing the relationship between the environment and the other problems in society that we face in terms of the economy and social problems.

I also appreciate the article that you attached to your brief which talks about political cynicism, and I think that this is the kind of project and this bill represents the kind of legislation that is making people really cynical. I want to assure you that there are some of us in the room who are open to hearing what you have to say. We are not cynical, and we are going to do our best to try and do what we can.

**Mr. Emberley:** Mr. Chairman, may I respond?

**Mr. Chairman:** To the question.

**Mr. Emberley:** It is very difficult to come here and say things that are not appreciated. I only want to say—

**Mr. Chairman:** Mr. Emberley.

Is this a point of order?

\* (2220)

### Point of Order

**Mr. Gulzar Cheema (The Maples):** Mr. Chairperson, when the presenter wants to make comments, he should be allowed, and you should not be pointing fingers at me. Mr. Emberley has come to make a presentation.

**Mr. Chairman:** Mr. Cheema, just for clarification for the rest of the committee, you were in fact out of order by trying to interject, and all I was trying to do was just to keep the committee going. That is all. It was not a thing of pointing a finger. If anybody can see, I have a pen in my hand, and if it looks like I am pointing a finger at you, Mr. Cheema, I apologize.

\* \* \*

**Mr. Emberley:** Thank you, sir. It is so difficult to talk about citizen participation. I look on this process as the government getting a free environment impact statement, an environment impact statement more comprehensive than you could ever imagine. I think some people have been surprised at some of the information that has come out tonight, some of the ideas that have come out.

We have been doing this for 15 years, and the wisdom and intelligence and the contribution of each individual person—several people have commented on the fact that a lot of it is irrelevant, it does not interest us. It may not be legally applicable, but it is a comprehensive environment impact statement, and it does no good.

That is why, when we talk among ourselves, we talk about how the generals run the country. We read. Just tonight we were talking about Alex Carey's manuscript and Manufacturing Consent by Chomsky and Herman and whether this is a managed and controlled democracy, but the environmentalists, the people who do not want to have a war, who want to save your country for your children, we do not get paid for this.

I go into debt to come to these hearings. I go into debt; I do not get paid for this. I am driving a 1979 car that I cannot afford to get overhauled. I went \$5,000 in debt in the last three years doing my environment work. I am not making a profit. I am not the special interest group. The special interest group is the one that has powerfully, beautifully dressed people, scientists making big incomes coming down and promoting their own thing, which is so oversized and so destructive.

I beg of you to consider that we should all have been paid for our environment impact statements. That is what you would be doing if you were empowering the people. The environmentalists should not be kept powerless while Ducks Unlimited gets \$9 million.

The environmentalists in this province hardly have even chicken feed. The recycling people

hardly have even chicken feed. We got \$500 million for a megaproject, \$9 million for Ducks Unlimited, but the environmentalists, the people who want to save your country, who have the knowledge and the wisdom to do it, they are kept powerless, and to me that is not a democracy, and thank you kindly.

**Mr. Chairman:** Thank you, Mr. Emberley. There is one more question.

**Mr. Jack Penner (Emerson):** Mr. Chairman, I think I would be remiss in not responding to some of the things implied by Mr. Emberley here tonight. I happen to have a great love for the land, for the very land that he speaks of, for I was born and raised on that land. My grandfather made his living on that land; he homesteaded that land. My dad made his living and raised a family on that land. I have raised a family on that land, and so is my family continuing to farm the very land that you speak of.

What you implied, Mr. Emberley, was that farmers in general—you made a very generalized statement—had very little respect for the very resource that they used to make a living, not only to make a living, but to provide in essence the very basis of survival for all of humankind. You indicated clearly to this committee, to this room, that those farmers could care less—

**Floor Comment:** That is not true.

**Mr. Penner:** —about the environment and the land that they used to farm. -(interjection)- I said he implied.

**Floor Comment:** I take exception to that. Those of us—

**Mr. Chairman:** Order, please.

#### Point of Order

**Mr. Chairman:** Ms. Cerilli, you have a point of order?

**Ms. Cerilli:** On a point of order, I would—

**Mr. Emberley:** Please, madam, I do not object at all to what the man—

**Ms. Cerilli:** I would like to check the Hansard. If Mr. Penner would check the Hansard to show me, after the committee hearings are over, when Mr. Emberley implied that.

**Mr. Chairman:** Ms. Cerilli, do you have a point of order?

**Ms. Cerilli:** That is my point of order.

**Mr. Chairman:** Ms. Cerilli does not have a point of order.

\* \* \*

**Mr. Penner:** That the very people who make their living and in fact are very much closer to the land than most are, are in fact destroying the environment, is something I simply cannot accept, because those very farm people, that farm community, has done more in the last decade to change what their forefathers started to practise and change their practices and how they care for that land. The environment, the agricultural environment, I would suggest to you, sir, today, is in much, much better hands. The soil degradation that did go on has seen a tremendous reversal during the last decade and will continue to see a tremendous reversal.

For instance, in the Red River Valley, I say to you that when you grew up as a boy you would have to search for a tree except in those areas that were close to a river or a waterway, because there were none. Today there are rows upon miles and miles of rows of trees that were planted by human hands to protect that environment and to ensure that future generations would in fact have use of that very soil that you talk about.

Similarly, I believe that organizations, be they environmental, be they agriculture, be they the eco-organizations that you speak of, are in fact all in harmony working towards a better environment.

I believe that the farm community has done more to change its ways in the past decade than virtually any other group of people in society have. Would they not have, in fact, used the technology available to them during the '60s and early '70s I believe that we in fact would have seen come to life the predictions that were made about the huge starvations that were predicted during the early '80s? That did not come about because of the technology that was brought forward and used by that farm community to sustain the population of this earth.

Therefore, sir, I would beg of you and suggest to you that you in fact encourage and work with that farm community to keep on track the very programs that are being implemented today by our government and many other governments of many other nations to ensure that that soil base, the water base, that we have to have will be maintained. I believe, I firmly believe, that it will only be through

education, through good and proper education, that we can over the long term convince society that we can live harmoniously with nature including our waterfowl, our wildlife and human beings.

I believe that this project that we are talking about here today, the legislation that we are discussing here today, is designed to allow for the development of educational centres that will allow our young people, our very young people, to come much closer to reality, to take them out of these cities and bring them close to nature, to demonstrate and show to them how real our environment really is and how dependent we are upon that environment and to teach them how closely we are tied to the rest of the world.

\* (2230)

**Mr. Emberly:** I thank you, sir, for your very sincere, passionate statement. There is very much wisdom in it for which I admire and for which I appreciate.

I trained as a farmer 45 years ago. My father was a farmer, all my relatives and family are farmers. I have lived in the city all my life and I am going out for my fifth organic farming conference in two years this year and we have a different vision.

David Suzuki just confirmed on Monday night that the destruction of our soils is going on at an unprecedented pace. I have papers which talk about the people who destroy the environment through poverty. In primitive Third World countries, people are short of water, short of trees, short of food. They chop down the forest and destroy the land to try and make a living. Maude Barlow talked about it tonight, this third world country, this rich third world country under the market system that has been progressively developed under Reagan and Trudeau and Mulroney, the absolute harsh brutality of a market system that takes no consideration for family values.

It is my firm belief that farmers, maybe a generation ago, quite a few of them were family farmers raising food on a family farm in a rural community. Now, almost all of our people who are left on the land are in brutal stress and hardship, financially abused. They are producing raw materials for the international agri-business synthetic food industry. They had nothing to do with producing food. We send our wheat to Toronto and Vancouver and Mrs. Williams makes it into cookies and cakes and sends it back 2,000 miles in a diesel

truck for efficiency. That is the export market on which our whole world is oriented.

If we ever talk about sustainable development, we will talk about Canada which imports almost exactly as much food, different foods, imports as much as it exports. We are contributing little to the world's net balance, but our multinational corporations are making a giant profit on the traffic on foods.

The last 20 years of major adjustments in the Third World have been to increase agricultural production to the fact where there are large surpluses in a huge number of commodities. Many of the farmers in Third World countries and their governments are now receiving half per unit of production which they did 10 years ago, as organized by the multinational corporations, the World Bank and the International Monetary Fund.

Our poor farmers, the ones who are still family farmers, are still being driven off the land every year in North America, a million driven off the land by a brutal industrial economy that wants to promote excessive use of chemicals, excessive use of fertilizers—to the extent that 10 percent of the farmers as well as in Ohio—are so poisoned they cannot use them. I agree with you, sir, that many of the people are trying. A very small fraction, hardly a hundred farmers in Manitoba have switched to ecological organic farming in the last five or seven years as a defence mechanism to save themselves from financial bankruptcy, from destroying the health of their families, from destroying the health of their land, from destroying the health of their animals. They have cut the use of chemicals and fertilizer.

Wes Jackson is working on producing a perennial grain to cut cultivation, to achieve the goal of zero tillage. He has been up here twice in the last few years. I went to Regina for a weekend once to hear him. I agree with much of what you are saying, sir, but I beg to disagree that the rate of destruction is incredible. It is still going on undiminished. It is escalating both in our forests and farm lands.

Thank you kindly.

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

Would Mr. Norman Binkley please come forward. Mr. Ray Marquette, could you please come forward. Is Mr. Roger Turenne here, please? Mr. Turenne, go ahead and proceed.

**Mr. Roger Turenne (Canadian Parks and Wilderness Society):** After more than two decades of viewing government operations from the inside rather than from where I am now, it feels a bit strange to be here, especially so soon after leaving my former premises elsewhere in this building.

I had expected the organization with which I am now involved would eventually appear before this committee but at a later time and on another issue. Circumstances have dictated otherwise however and our membership has felt it important to make its views known with regard to the proposed amendments to Bill 38.

Before going into the specifics of our presentation on the bill, however, I thought it might be useful to explain a bit who we are and what our objectives are, so that you will know where we are coming from.

The Canadian Parks and Wilderness Society, or CPAWS for short, was established in 1963 under the name, the National and Provincial Parks Association of Canada. It is Canada's only national nonprofit charitable organization dedicated to the preservation of our parks. Its objectives are to preserve existing parks and to protect wilderness areas by expanding park lands.

It seeks to accomplish this through co-operation with various levels of government, through public education and through research. CPAWS played a major role in the establishment of national parks such as South Morris Bay Grasslands and Illsmere.

It played a significant role in the revisions to the national parks act. More recently, it is co-managing with the World Wildlife Fund, the national Endangered Spaces campaign. CPAWS has over 6,000 individual members, including 125 Manitobans. There are local chapters in several provinces where parks issues are of prime importance including as of last month, Manitoba.

Manitoba members are in the process of structuring an active group and our presence here today constitutes our first of what I hope will be many public manifestations of support for parks and wilderness. I hasten to add that our advocacy function will always be exercised in a constructive and co-operative fashion.

I would now like to deal with the substance of Bill 38. I should note at the outset, however, that CPAWS Manitoba has not taken a formal position on the Ducks Unlimited Oak Hammock Marsh project. This probably sets us apart from the

majority who have used Bill 38 as a proxy for continuing debate on the desirability of this project.

As far as I am aware, up to this point, all interveners who favour the project have supported the bill, while all those opposed, reject the bill. That should not necessarily follow. It is quite conceivable that one could be against the establishment of an office complex in a wildlife management area, while still favouring greater ministerial discretion in the administration of The Wildlife Act.

Conversely, one could support Ducks Unlimited while at the same time being opposed to serious weakening of The Wildlife Act. For our part, we would want to concentrate strictly on the merits of the bill without being distracted by the Ducks Unlimited controversy.

In presenting the bill for second reading, the minister referred to it as merely housekeeping changes. There are, indeed, certain elements of housekeeping in this bill and to that extent we would support it. However, the proposed changes to Sections 2 to 5 of The Wildlife Act have implications far beyond housekeeping.

We have several areas of concern. The first relates to the degree of protection afforded wildlife management areas. Granted, such areas are usually not wilderness zones, and a number of activities have traditionally been allowed and are still allowed in them.

Realizing that many of these areas could not have been created if the cost of designation resulted in the exclusion of other activities, we have no difficulty with that. We do believe, however, that once wildlife management areas or game bird refuges or other areas referred to in the act are established, some degree of protection beyond that exercised by ministerial discretion should be afforded the wildlife which was the object of concern in the first place.

The act should do more than just allow the government to establish levels of protection. It should establish a threshold of difficulty for reversing decisions regarding protection. To use an admittedly dubious analogy, if it is legally more difficult to get a divorce than to get married, it should be more difficult to reduce levels of protection for wildlife than it is to establish them. In both cases, between the first and second events, commitments are made and responsibilities are assumed.

\* (2240)

We would argue that ministerial discretion should be broad to establish areas of protection for wildlife but fairly narrow when it comes to reducing them. The current act is no shining example of this principle. Indeed, some will argue that the act already provides for full ministerial discretion and that the proposed amendments are merely clarifications. However, there is another body of legal opinion which holds that, as currently worded, the act does provide for some degree of protection for wildlife management areas, once established, and does place limitations on the kind of regulations which could be adopted under the act.

Indeed, the government itself must have had some advice to this effect; otherwise it would not have felt the need to introduce Bill 38 at this particular time. There is no question that the proposed amendments do bring clarification to the existing legislation, but they clarify it in the wrong direction by emphasizing the absence of legislative protection instead of by strengthening it.

We would also submit that giving total discretion to the minister to dispose of designated areas at will is the wrong direction to go. I do not doubt that ministers will seek to exercise these powers responsibly. However, politics is the art of compromise amongst conflicting pressures, and in our consumption-oriented society, wildlife all too often finds itself getting the short end of the stick. Short-term economic advantage is too often the prime mover in the political process.

The case for legislative protection rests on the premise that society places certain values on a higher plane to make them less subject to those compromises. With natural areas and wildlife threatened to the extent that they are today, I would submit that they are deserving of greater legislative protection than is contemplated in the proposed amendments.

The argument has been made that in years past, previous ministers have, through regulation using language similar to that contained in Bill 38, permitted various practices in wildlife management areas which detracted from the intended purpose of those areas. That can either be evoked to justify similar action today or to say that past practice was unsatisfactory and we should do better.

We would like to encourage the government to better the previous administration's record, as it has done, for example, with regard to environmental

impact studies. The question has been asked several times at these hearings as to why the current minister is being singled out for doing exactly the same thing as his predecessors who were not subject to the same criticism.

There are several answers to this: One is that society progresses in its understanding of environmental questions, and what was deemed acceptable in a certain period no longer is.

Another is that when the regulations in question were passed, there was no opportunity for public discussion, the issue was given no publicity, and the regulations passed unnoticed. I would argue that, had their existence been known, there would indeed have been some degree of public opposition.

The third answer is that proceeding by regulation is substantially different from modifying the act. When the regulations in question were passed, one of two situations prevailed: either the regulations were compatible with the relevant sections of the act, in which case we would have no problem with their adoption, or they were incompatible, in which case they could be successfully challenged in court on grounds of such incompatibility. The elements of protection contained in the act remained unaffected and would have played their role.

Bill 38 proposes to change all that by stripping away whatever protective elements may be contained in the act and making future regulations unappealable. What is being done now is materially different from what was done before.

La deuxième chose qui nous préoccupe concernant le projet de loi 38 touche aux principes mêmes qui sous-tendent la loi. Les articles 2 et 3 décrivent clairement les objectifs de cette loi et les moyens pour les atteindre. Les interdictions et les restrictions sont là pour appuyer le but premier qui est d'améliorer la gestion, la conservation et le développement des ressources fauniques de la province. Il va de soi que toute activité qui entre en conflit avec l'objectif premier doit lui être subordonnée.

Ce principe se trouve complètement renversé par l'article 3(1) du nouveau projet de loi. Celui-ci déclare que l'amélioration de la gestion, la conservation et la mise en valeur des ressources fauniques n'a aucune incidence sur les utilisations et les activités qui peuvent avoir lieu dans la zone. En autres mots, on établit une hiérarchie où la faune se trouve au bas de l'échelle et toute autre chose ou

activité peut avoir la priorité à la discrétion du ministre. Quelles que soient les implications juridiques de ce changement proposé, nous préférons de loin la loi actuelle.

**(Translation)**

The second consideration I would like to raise with regard to the proposed amendments deals with the philosophy inherent in the act. The unamended Sections 2 and 3 simply state the objectives of the act and the means to achieve them. The prohibitions and restrictions are clearly there in support of the primary goal which is the better management, conservation and enhancement of the wildlife resource of the province. The clear implication is that activities which are in conflict with the primary goal would be subordinate to it.

Proposed Section 3(1) completely turns that around. It is stated that the better management, conservation and enhancement of wildlife does not limit or affect the uses and activities that may be undertaken in the area. In other words, a hierarchy is established with wildlife at the bottom and any conflicting activity having priority at the minister's discretion. Whatever the legal implications of this change in drafting, we like the sound of the unamended act much better.

**(English)**

The final consideration I would like to raise regarding these amendments relates to the implicit message being sent to environmental groups by their introduction. In introducing Bill 38, the minister stated that he did not wish to cause nonprofit, well-intentioned organizations to expend their time and energy and money unnecessarily in court cases and court challenges. I am sure this was sincerely meant, but I would ask the minister to reflect a moment on how this can be perceived from this end of the table.

There are relatively few legislative instruments available to environmental groups to challenge actions which they see as detrimental to the environment and to wildlife in particular. As was rightly pointed out, this is an expensive process. When you lose a case, you lose and you pay. With the timing of these amendments, the message being received is: Even if you win, you still lose, because we will change the rules as we go. It says you cannot fight City Hall and you should not even try. Is this really the message you want to send out? I do not think so, but something is amiss here.

Perhaps that is what needs clarifying rather than The Wildlife Act.

Other parts of Bill 38 make provision for dealing with certain kinds of hunting derbies, allow regulation of the sale of animal parts, and add the polar bear and spadefoot toad to the list of protected species. These are the real housekeeping amendments and we support them.

I want to thank you for the opportunity provided to us to present our views. As I mentioned earlier, it had not been our intention to make CPAWS Manitoba's first sortie on this particular issue. We would have preferred to introduce ourselves personally to the minister before engaging in debate in a context such as this one. It is something we hope to do in the very near future, with a view to establishing a fruitful co-operative relationship geared towards the enhancement of parks and wilderness.

We particularly look forward to working constructively on revamping the parks act in the coming year. However, Bill 38 hit too close to areas of concern to CPAWS for us not to make a statement, and I trust that our representations will be taken in the constructive spirit in which they are offered. Thank you.

**Mr. Chairman:** Mr. Turenne, there will be a few questions.

**Mr. Enns:** Mr. Chairman, I want to assure Mr. Turenne that I look forward to taking up his offer in meeting with his organization and himself in the manner and way which he has suggested. I appreciate, however, that timing is not always left in our own hands, and that brings forward your presentation here today.

I will follow your admonition or suggestion that this is probably not the appropriate time to get into a debate, nor is it your desire to do so, particularly with me, other than presenting your association's positions on Bill 38.

**Mr. Turenne:** Well, we can debate, but not Ducks Unlimited.

**Mr. Enns:** I would have to, particularly with the addition to the committee of my colleague the Minister of Environment (Mr. Cummings), question your closing paragraph on page 6, which suggests that the action on the part of myself and my government in this instance is, you know, "when you

lose a case, you lose, and you pay." You are suggesting that this is not being carried out.

I remind you that the proponents of this project, including my department, have expended and gone through considerable process as dictated by law for the protection of our environment. It had full and formal extensive Clean Environment Commission hearings. The Clean Environment Commission ruled on the situation. The minister whose responsibility it is to, in the final analysis, grant a licence, addressed concerns of considerable appeals as is provided in the law.

It seems to me in this instance that the rules of the game are indeed being followed, that due process, including fairly stringent environmental protection laws that we have in this province, among the most stringent in the country, I may add, were followed. So I draw that to your attention.

\* (2250)

I have one particular question to Mr. Turenne, particularly in view of his now association with the Canadian Parks and Wilderness Society, and it may not be entirely unfair in view of your recent association with this organization. The subject of Canada's national wildlife policy has come up several times this evening. I am wondering whether or not the Canadian Parks and Wilderness Society has had an opportunity to examine them and indeed take a position on them, or do they endorse them in terms of being applicable to the Canadian parks system.

**Mr. Turenne:** I am not aware of the extent or the details of the national organization's participation. I do know they were involved and they were consulted, but I could not tell you at this time what the nature of that participation was. I can forward to you the material from the national organization to you for your readership.

I would like to comment, if I may, on your first point with regard to the due process being followed and so on. I think there were two aspects here, those related to the environment legislation where, indeed, the minister is quite correct in saying that it was followed. As far as I am aware, the environment commission did not produce a legal opinion as to whether the proposal in question was compatible with The Wildlife Act.

They looked at it from the perspective of their responsibilities and their mandate. If they had done so and if they had been in a position to give a legal

opinion to the effect that this was compatible with The Wildlife Act, there would have been no necessity for Bill 38. If it is felt by the government that there is a necessity for Bill 38 in order for the Ducks Unlimited project to go ahead, then it must be, logically, because there is some sense that it might not go through otherwise. Indeed, that argument has been made by representatives of Ducks Unlimited.

The point that I am making here is that some environmental groups had intended to challenge the compatibility of this project on the basis of The Wildlife Act, and, in a kind of pre-emptive mood, the government changes The Wildlife Act so that environmental groups no longer have a peg to hang any challenge on.

There are two separate things here. There is the environmental aspect of it, and there is the wildlife protection aspect. As far as I am knowledgeable, the point of The Environment Act is not specifically to protect wildlife. That is the function of The Wildlife Act. This is the area which I am addressing.

**Mr. Enns:** Mr. Turenne, you have been around this building too long not to appreciate that it is indeed the regulations not just of this bill, but of any statute of Manitoba that carries the full weight of law. It is regulations that are appropriately attached and produced after a statute is appropriately passed through the Legislature that carry the weight of law, that carry out the principles and the meaning of any particular piece of legislation.

I would suggest to you, sir, with that knowledge, that when you say, and it is not you saying it, you point out that on page 3, fourth paragraph: "Indeed some will argue that the Act already provides for full ministerial discretion, and the proposed amendments are merely clarifications."

Mr. Turenne, that is, of course, precisely what Bill 38 is about—a bit more, but on this particular issue. It is, as you have—

**Mr. Chairman:** Order, please.

### Point of Order

**Ms. Cerilli:** I have to correct the minister. I have only been here for some nine months, and the minister has been in this House for 25 years, but even I know that the real weight of law is in the act and not in the regulations.

**Mr. Chairman:** Order, please.

**Ms. Cerilli:** It is not a dispute over the facts.

**Mr. Chairman:** The member does not have a point of order. It is a dispute over the facts.

\* \* \*

**Mr. Enns:** Mr. Chairman, I will try to carry on.

The point that I was making with Mr. Turenne is that there is some question of clarity and ambiguity as to whether the regulations—and you, sir, were in the audience when I put that on the record and you are aware of it—that the proposed amendment does not extend any greater discretionary authority under The Wildlife Act to this minister than to my predecessors.

You suggested in your brief that may be so, but times change and we progress and we move on to different levels and different concerns within the law, and I suggest to you that is the case. Of course, that is also the case in terms of persons wishing to oppose a given law that they find new, innovative ways of challenging the law. That is not changing the purpose of the law. Mr. Evans, Mr. Mackling, Mr. Plohman as late as 1988, felt that they required the discretionary authority that they gave themselves by regulation, the same regulation that I am asking for. The difference is that they were never challenged. The difference is they were never publicly put on notice that the regulation would be challenged.

**Mr. Turenne:** If I may respond to that. If you were to proceed this time, as they did by regulation, then environmental groups could challenge the regulations in court. That is the difference between the statute and the regulation. The regulation has to be compatible with the aims and objectives and the authority given to the minister to pass a regulation. Bill 38 reverses the order of priority by putting other items above the wildlife values which were included in the act. So had environmental groups, or had people objected to those regulations, they would have had the opportunity to challenge them on the basis of incompatibility with the act.

What is being done here is to remove that possibility, because once amended through Bill 38, that option of saying the regulations to do such and such a thing in a wildlife management area will either be extremely weakened or nonexistent because the terminology proposed in the act in effect gives the minister the discretion to place conflicting uses, conflicting objects or activities in a priority, so you



cannot challenge it. The minister will have this authority.

Now perhaps another area of The Wildlife Act—or challenging it through The Environment Act might be an option. In any event, it is reducing the possibilities. It is reducing them sort of in the middle of a debate over a particular issue.

**Ms. Cerlill:** On page 3, the second paragraph, you say there should be established a threshold of difficulty for reversing decisions regarding protection of wildlife. I am wondering if you could propose any kind of amendment or suggestion of how that would be done?

**Mr. Turenne:** Well, we have not gone into those details, but two thoughts come to mind.

First of all, the current act has a small threshold. We believe that is greater than what would exist if the act were amended as proposed. So the existing threshold of difficulty is in those sections which state the purpose and objective of the act. I believe it is Section 2.

The opinion of some lawyers is to the effect that a regulation must be compatible with that. So already you are establishing a threshold of difficulty. The minister has discretion, at the moment, to establish a wildlife management area. That is all to the good and we are not questioning that. Once it is established, then the existing act does give some degree of protection to the wildlife or to the objectives for which the WMA was established. Hence the need to introduce Bill 38 in order to provide certain discretionary authority. That is the first thing.

Others have looked at the question of how The Wildlife Act could be improved. We have not had the time yet to look into that, but I think some very constructive proposals were made by the spokesmen for the Environmental Council. Mr. Shearer also made some proposals, as well as the president of the Manitoba Naturalists Society. I think we could find considerable wisdom in those areas to do just that.

\* (2300)

**Ms. Cerlill:** You also mentioned one area of the amendment that I know we have had some discussion about in our caucus and I am wondering if you can tell me if your organization has taken a position on the sale of animal parts as allowed in this bill?

(Mr. Jack Penner, Acting Chairman, in the Chair)

**Mr. Turenne:** Not specifically on this bill. We support the intention. There is not much in this bill. What it does is grant the minister the authority to establish regulations in order to control that activity. As far as I am aware, there has been no explicit intention to ban the sale of parts outright. At the moment, it is unregulated and the minister is moving forward to establish some degree of control and we think that is to the good. Of course, we will be looking at the subsequent regulations very closely to ensure that they are regulated as closely as possible. We find this a positive element in the bill.

**Ms. Cerlill:** Maybe to take it one step further then, do you have recommendations on this issue with respect to the sale of animal parts?

**Mr. Turenne:** No, we have not studied that issue to any great extent.

**Mr. Edwards:** I want to thank the presenter for his own presentation, but really more importantly for me, for provoking the minister to tell us tonight what he views this act to be about. I think it has come to light that he fundamentally misconceives what he thinks he is doing.

It strikes me that he said, and we will review it later, that he thinks he is clarifying an existing power. I think you have pointed out, and I certainly agree with you, he is absolutely wrong if he thinks that is all he is doing in this act. Perhaps, just perhaps, and I accept him at his word that this is all he wants to do with this act, he may want to change his mind and perhaps even consider an amendment.

I say that optimistically, but perhaps he does not completely grasp what Bill 38 in fact does, and he may not want to do it when he realizes that. I suggest to you, you have already said it in part, but I suggest to you that, in fact, the minister's powers are dramatically increased, and you are a man of great experience and knowledge, obviously.

Specifically, I look to Section 2, and that is something which you may want to take a closer look at and the minister may want to take a closer look at. It used to be that Section 2 of the act said, that for the better management, conservation and enhancement of the wildlife resource of the province the Lieutenant-Government-in-Council could designate areas and could prescribe use or uses. That exists today. That power exists today.

Therefore, if you need an amendment for a use or uses it can only be because it is not for the better management, conservation and enhancement of the wildlife resource. That would be the only reason you would need an amendment, because it did not fit that criteria.

Mr. Acting Chairman, it is very, very important that the minister understand that is what he is doing. He is discarding that standard. I want to thank this speaker for bringing that to light, because this minister should know that before he says he will not consider amendments. He is not just clarifying an existing power. Believe me, I am not an apologist for the NDP. They had provisions in there, as this speaker and the minister knows, which allowed them to put an oil company onto a wildlife resource area. Believe me, this goes further, and anyone who takes a look at it knows it. This speaker should be thanked by all members, including the minister, for perhaps bringing to light what, in fact, he is doing.

**The Acting Chairman (Mr. Penner):** Are there any other responses? Thank you, Mr. Turenne.

The hour being eleven o'clock, what is the will of the committee?

**Some Honourable Members:** Continue sitting.

**The Acting Chairman (Mr. Penner):** Continue? Agreed.

**Mr. Edwards:** Mr. Acting Chairman, I wonder if we might follow the—we have sittings, as I understood your comments at the beginning for tomorrow afternoon starting at 1 p.m., and I believe we have another sitting scheduled for Monday morning, if I am not mistaken. The minister may correct me. Tuesday evening we have set aside. If need be, Thursday evening we have set aside.

We have in the past canvassed at this point in the evening those presenters who may not be able to attend any of those future dates. I suggest we do the same. We have established, if you will, a certain routine in this committee which is at eleven o'clock to ask that question of presenters. I think it would be fair to those who have participated in the hearings thus far that this routine continue. It makes eminent good sense. I hope members will not be seeking to put the public through arduous, all-night sittings, showing further disrespect for the democratic process and the hearing process. I simply suggest that we continue the pattern we have already established.

**The Acting Chairman (Mr. Penner):** I would wonder whether it would be the will of the committee to hear those who might not be able to attend at some future date and whether we could have an indication from those presenters present as to whether they in fact could appear at some later date or whether they would want to continue the hearings and, with the will of the committee, hear those presenters who would not be able to attend at a later date?

Are there any presenters who would not—would you raise your hand? There are two, three, four, five, six, seven. Is it agreed by the committee that we would hear those? Agreed.

Could we have the next presenter? Would the lady who raised her hand, please come forward? Yes, you in the front here. We will hear you. Could you state your name, please.

**Ms. Mila Oh (University of Manitoba Recycling and Environmental Group):** I am on the list as No. 5.

**The Acting Chairman (Mr. Penner):** Could you hang on for just a wee minute here? Have you a written presentation?

**Ms. Oh:** No, I do not.

**The Acting Chairman (Mr. Penner):** Okay, thank you. Proceed.

**Ms. Oh:** Thank you, Mr. Acting Chairperson and members of the committee. As I said before, my name is Mila Oh and I am here on behalf of UMREG which is the U of M Recycling and Environmental Group.

We have over 200 members at the moment, most of whom are students, myself included. As a result, since we are students and still part of the education process, I assume that I could be included in the group termed "youth of today" which needs education about the importance of conservation.

I certainly do appreciate the concern and applaud the concern of people such as the representative from the Rockwood Municipality, the Ducks Unlimited representative, Dr. Baldwin and members of the committee who have all vocally expressed concern about our education and our need to understand the importance of conservation.

I applaud this because I agree completely education is needed and it is something which the government should be supporting, which groups like Ducks Unlimited all should be supporting. I

completely agree with this. This is why I must stand here today and oppose Bill 38, The Wildlife Amendment Act because I feel there is a bit of discrepancy between what kind of education the youth of today require.

Yes, I will have to agree with previous arguments that there are projects which are beneficial, projects which the Minister of Natural Resources (Mr. Enns) might need the power to allow, buildings which help preserve wetlands, perhaps, such as conservation centres, educational centres. Projects which would help increase the amount of wetlands are certainly all important. These powers perhaps should be put into The Wildlife Act.

However what I object to, as other people before me have objected to, is the fact that there are no limitations placed within this act upon the ministerial powers. We must be more specific. We cannot assume that all ministers from here on in will be as responsible as Minister Enns. We cannot assume that somehow, if we put it in legislation, it will be okay because people are fundamentally progressing, starting to realize the importance of environmentalism, et cetera, and we must be willing to accept that perhaps we should define in our legislation exactly what kind of powers are allowed so that there will be no possibility of some despotic minister coming in and wrecking the entire environment.

\* (2310)

(Mr. Chairman in the Chair)

Unlimited power to authorize building of any "thing" leaves no protection at all for the ecosphere, no protection at all for the wildlife, the waterfowl which we are so intent on protecting. So although I do not say I am here giving you the truth—I do not suggest that I know all the answers, I would like to speak as a member of UMREG and also as a youth of today on what I feel are the lessons I am learning in these sessions. Let me assure you, they have definitely been educational. I admit I am new to all of this, and perhaps sometimes I have not completely understood the issues, but I really enjoyed being here for the last three weeks because it has taught me a lot. I will just quickly go through the lessons that I have been taught.

Lesson No. 1, fairness. I thought I learned this in kindergarten. Basically, if three kids have lollipops, the fourth kid should have a lollipop, too, and it should be the same colour. That is fair. Now what

I am hearing is that previous ministers have had the power to authorize building in their own discretion, legislations, within the regulation, that is. Now, what I suggest here is, this does not quite work for me. Just because previous ministers have had this kind of power does not necessarily mean that - (interruption)- I am getting a sense of *deja vu*—that is wonderful, wow! I am also learning about technology, obviously, and just how foolproof it is.

**Mr. Chairman:** Order, please. Could you just wait for one minute, Ms. Oh.

**Ms. Oh:** Certainly.

**Mr. Chairman:** Go ahead, Ms. Oh.

**Ms. Oh:** Just because previous ministers have had such power, it does not necessarily mean that this is the right thing to do.

Take, for example, the ludicrous example of the minister who is going for re-election, and there is a regulation in a certain act of legislation that says that he or she is allowed to slap any child that unknowingly urinates in his lap while he or she is holding it as a sort of publicity thing. Now this is a ludicrous example, I admit, but the point is this: Just because past ministers perhaps have had this power to slap kids at will, it does not mean that they should continue to have this power.

I would suggest that The Wildlife Amendment Act, Bill 38, perhaps does need a bit of re-examination. Perhaps we should seriously think about further protecting wildlife management areas not opening up to more possible development, regardless of what that development is. Certainly, if there is a need to allow, to authorize construction of a building or thing on a wildlife management area, we could at least consider putting some sort of limitations within Bill 38 that would ensure that this would be done with the environment's best interests in mind.

In other words, what I am suggesting is that Bill 38, as it stands, cannot pass. It needs to be re-examined. It needs to be reconsidered. Certainly, certain vaguenesses and ambiguities need to be cleared up.

Lesson No. 2 that I have learned is the lesson of economics. Oak Hammock Marsh, I am told, is Crown land and belongs to all Manitobans. I question the use of the word "belongs." I do not think land belongs to anybody or should not, perhaps, because we have mismanaged it so badly.

However, let us use that term. It is Crown land. It belongs to Manitobans.

I would suggest that Bill 38 effectively takes Crown land and allows it to potentially become real estate where the person who is in charge of the sale is the minister, because he or she is allowed to authorize any building that they want. I hate to bring up the example, once again, of Ducks Unlimited, but it is a useful example.

The way I see it is this. Granted I am not an expert, but a pro-DU argument seems to be that Ducks Unlimited has brought money into the province and saved Oak Hammock Marsh from sure developments, and I do not disagree with that at all. In some ways, Ducks Unlimited has done some really great things for the environment and for conservation efforts, and I applaud them for that as well.

Until now, until these last few months, I had always thought that Ducks Unlimited was an okay organization. So let us go on with this argument, shall we, that they given many benefits to the citizens of Manitoba and also to conservation efforts. Because they brought this money in, because they have given the money to save Oak Hammock, suddenly, we are informed—and I am paraphrasing the representative from Ducks Unlimited here—that Ducks Unlimited deserves to use a small portion of the land for their complex. I will not call it an office. They seem to object to it being called an office.

In other words, it seems to me what is happening is Ducks Unlimited gives money. Ducks Unlimited gives service and, therefore, Ducks Unlimited has the right to land. That sounds like a sales transaction to me. I am not saying at all that this is what is going on. What I am suggesting is that the analogy is there. We are essentially selling our Crown land if we allow people who have given or organizations who have given a lot of money to our province to suddenly be able to demand a portion of that land for their own specific use. I do not want to seem like I am completely, totally anti-DU. As I said before, Ducks Unlimited has done some good things. I certainly hope they will continue to do good things.

Let us go on to lesson No. 3, which I have learned, which is the lesson of logic. Let us assume that Ducks Unlimited is truly altruistic, and I can believe it. I bet there are a lot of people who are in Ducks

Unlimited who honestly do believe that this is for the best of all Manitobans, for Oak Hammock Marsh, et cetera. I do not deny that at all. Let us assume also that the building is completely environmentally friendly, does not take up too much space, has passed all forms of rigorous environmental committees and controls, and that it really is a worthy project. I am willing to go along with that.

Ducks Unlimited has spent millions of dollars in the last 20, 30 years on preserving wildlife habitats, on preserving Oak Hammock Marsh and making sure that development cannot happen on it. They have spent millions of dollars educating people on why conservation is so important. What I cannot understand is why they are insisting that they have to put their development right on top of the marsh. Even if it is a small area, why are they insisting on taking this area that they have spent so much time, effort and money to reclaim and then suddenly developing on it? It seems to me that there is a contradiction occurring here. They are going against their mandate which is to promote conservation. Instead, they are doing the opposite. They are developing it. They are putting a building on it.

I will go along with you once again that Ducks Unlimited has passed stringent environmental controls, perhaps. However, on a fundamentally logical basis here, something is wrong. There is a contradiction that is happening, and perhaps there are other alternatives which can be explored. Various members have brought up that cost is a problem. The cost of maintaining two buildings, I admit, is inefficient and there are better ways of doing it.

\* (2320)

The first thing I would say is this. We all realize that saving the environment is not something which can be done on a for-profit basis. It is something that requires the commitment of monies, of time, of effort, of people. It is something which perhaps we cannot get anything tangible like \$100,000, \$1 million profit every year. It takes money, as Ducks Unlimited knows, to try to preserve, to try to conserve wetland areas. That is why they put millions of dollars into it.

So, in other words, what I am saying is, environmentalism costs money. I do not understand why Ducks Unlimited are insisting that they have to cut costs when they have already spent

millions of dollars for a very, very worthy project. Why can they not see that perhaps this is also another place where they cannot cut costs? Certainly, if cost is a problem—and I am not totally uninformed, I realize that we are in the middle of a recession and money is tight—then, I have a new concept here.

This is lesson No. 4. It is called advertising. I have talked to a few people about it, and they have told me what the basis of it is, so I present it now for you all.

I am suggesting that you take the entire project, unchanged, alligator pits and all, because there was a good point brought up that, certainly, having displays such as an alligator pit could be useful in education, and I will not argue with that at this point in time. In fact, I tend to agree in some ways with that. However, take the entire project, the building exactly the way it has been proposed, expand on it if you like and just move it about a mile, perhaps, to the west to a place which is not considered Oak Hammock Marsh. Now you may ask, what is the point of this?

First of all, you are keeping the entire project intact. The entire project is still there. Nothing has changed. Maybe you will need to spend a few, couple extra thousand dollars to resurvey, things like that, but surely if we are spending this much money to ensure that this Bill 38 should go through, if Ducks Unlimited have already spent millions of dollars to preserve Oak Hammock Marsh; surely this is worth the time and effort. You do not need to change the project at all. It can go on as planned. You do not need to change The Wildlife Act with regards to Ducks Unlimited. In fact, you do not have to include any kind of section such as Section 3.(1) which would give a potential possibility for developments that might be detrimental to the environment.

You could focus on other issues that are just as important in terms of amending The Wildlife Act. It keeps the project in the area. You still have the buildings. You still have the money. You still are bringing the economy—you are revitalizing the economy in that area, in the rural area. I agree completely with that. That is definitely a priority that needs to be addressed. Another thing that is great about this idea is that you are keeping the marsh close enough to the complex, so if you do have increased people going to this place, and they are there to learn about the environment, the option of

taking perhaps a seven-minute, ten-minute walk, or perhaps even having a shuttle bus to take people into the marsh, is there.

In other words, you are not removing the potential people who are going to be educated from the area of education by that much. In fact, this could be used as a very positive PR thing. This is where the advertising comes in. Ducks Unlimited in their little preamble to their tours could say something like this: You may be wondering why Ducks Unlimited decided not to build within Oak Hammock Marsh itself. The reason is this. We have spent millions of dollars conserving. We have spent millions of dollars preserving wildlife habitats for the use of all Manitobans and all the people in the world. We felt that if we built right in the marsh, developing a building right on the marsh, that this would be detrimental to our mandate, to our cause, and would completely undermine everything that we have been trying to do for the last 30, 40, whatever years.

This sounds like a fairly reasonable approach. There are problems with it. I have not gone and estimated how much it is going to take to move the entire project a mile. I have not done those kinds of things. This is merely a suggestion that perhaps there is an alternative that we have not looked at enough.

Which leads us to lesson No. 5, philosophy. I would suggest that the idea of not building on land which is set aside for conservation is an important part of the education of the youth today. It is a philosophical lesson, as it were. Take, for example, the idea of surgery. When you train a young doctor to become a surgeon, you do not just simply say, cut here, cut here, cut here, sew, sew, sew, there you are. You have to give a why. Why are you doing this? Well, the reason you are cutting into this part of the body is because you want to unclog that artery, so that this person does not have a heart attack ten years from now. That is the reason you are doing this surgery.

The philosophical lesson which needs to be taught within Bill 38 and which needs to be taught within Ducks Unlimited's plans for Oak Hammock Marsh is this: You do not need to build on a marsh. On the contrary, if your purpose is to preserve marshland, if your purpose is to educate people on the preservation of wetlands, then surely you must do what your purpose is. In other words, do not go and build in the marsh if that is what you are trying to preserve.

Education is not just statistics. It is not just individual instances. It is not just showing kids, look, this is an alligator; look, this is a bird; this is marsh. Education is also telling them about the philosophical reason behind these things. Namely, we feel that the preservation of wetlands and the preservation of natural habitats is very important, and that is why we did not choose to build in the marsh.

People learn by seeing. In other words, you cannot tell someone, in another example, to stop smoking or to not take up smoking if you yourself are chain smoking two packs a day. Ducks Unlimited should take this opportunity to teach by example. None of their plans need to be changed here. Bill 38 does not have to include overriding powers for the minister to decide what can and cannot be built on a marsh. This is certainly the lesson that I hope is being passed on in terms of our concerns about the environment to our young children.

Lesson No. 6, law. Since Bill 38 does allow for the disintegration of the protection of wildlife management areas, it cannot be passed without amendment. I mean, the fact is, yes, there are projects which deserve consideration, which perhaps are beneficial to the environment and need to be built. Certainly, the minister should have power to authorize buildings which he or she feels are important towards the conservation of our natural resources. It is not also unreasonable, therefore, to propose that perhaps such limitations could be put into the bill as well.

Right now, as member Paul Edwards has been saying, it would seem that the minister has *carte blanche* in this affair. I am afraid that I cannot stand by and see that being pushed through in Bill 38. Ducks Unlimited is a good example of a very worthy cause that, perhaps, is slightly off the mark in this instance. This is not even that huge a project. What happens if later on, because we are not protected in the legislation, that we get someone who is not as concerned about the environment as Minister Enns is? What do we do then? Then it is in the legislation, and then what can we do about it? Not a whole heck of a lot.

In other words, my lesson in law that I have learned is ambiguity has no place in the legislation. We have to define limits. We have to know that Bill 38 protects wildlife areas, protects conservation

efforts, as well as giving the minister a little bit more freedom with what is and is not appropriate.

Although this is not at all an educated opinion—I admit I am still in the process of education—my recommendation is this. Perhaps it might be an idea to accept amendments in Bill 38, to look at other ways of giving the minister the powers that he or she needs but, at the same time, making sure that we are not eroding the protection that currently exists for wildlife management areas. We cannot continue to teach the youth of today that the environment is there for our use. We cannot continue to say we can build whatever we want as long as we can justify it.

You have to teach us by example and, frankly, I do not want to have to say 20 years from now, that I learned to value wildlife habitats because my elders made the mistake of overdeveloping it and nearly destroyed it all. If you really care about the education of your people, if you really care about the education of your children, then you will reconsider this bill. You will reconsider it and think about the possible amendments that can be put into it. Thank you.

**Mr. Chairman:** Thank you, Ms. Oh. We have a few questions.

**Mr. Enns:** Thank you, Mr. Chairman. Ms. Oh, I appreciate your presentation. I want you to believe that I want to sincerely further your education, this time about politicians.

Politicians never slap babies when they are sitting on their laps, particularly during election time. In fact, they seem to have a genetic compelling reason to want to kiss them instead. Thank you.

**Ms. Oh:** Is it just during election time, sir? Just joking. Sorry, I could not resist.

\* (2330)

**Ms. Cerilli:** Oh, Mila, thank you for bringing some energy and sanity to this debate.

I particularly appreciated some lessons in fairness, PR and philosophy. I guess I wanted to just add a comment, because you have raised the issue of the philosophical reasons why we can have opposition to the project. My background is education. I have training in experiential education, and I would say that we have a choice. Do we want people to go to a wildlife management area and have a commercial experience or to have a natural experience? I would think that the kind of learning that would take place in a museum-like facility would

detract from the kind of experiential learning we want people to have in an interpretive centre.

**Ms. Oh:** May I respond to that, Mr. Chairman?

I would have to agree with you for my own personal sake. I prefer the natural form of education. However, I do not want to ever downplay the importance of projects such as the one that Ducks Unlimited is proposing. I would suggest that there is a place for them, a very important place. Some people prefer to learn in that kind of an environment. The use of TVs, videos, different displays, even live displays, perhaps, can be justified as a worthy project.

I want to stress that I do not think I disagree with all of the points that Ducks Unlimited have brought up in their proposal. I guess my main objection is simply that, yes, their proposal is worthy, but why do they have to insist upon building in the very marsh that they have tried to protect for so long? That seems to me a lesson in contradiction.

**Mr. Edwards:** I want to thank you, Ms. Oh, for coming before us tonight. It has been a very educational as well as entertaining presentation.

There is just one more lesson which—the minister talked about lessons about politicians. On a more, I think, depressing note, there is another lesson, and maybe it has been left out. I do not know if you have picked it up here. It is one I keep harping on, and that is that we have gone through these committee hearings and you have found them educational, as you have said. I have found them very educational, too, listening to the people who have come before us. It is very depressing to me to think that we cannot use what we have learned and, at the end of the day, after how many dozens of hours we have listened to people and learned something, we might be considering this bill, and we might want to make amendments. You have suggested some, and others have and, at the end of the day, we have been told that amendments will not be considered.

I would never ask any minister to commit to pass them. That is the nature of government, but to not consider them is of great concern to me. I hope that is a lesson that you, as well, may take, and I hope it is not indicative of the way things should be and, hopefully, the way things are in the future. To me it is not a particularly happy time, to have a government that takes a majority, in a sense, to mean that they do not even have to listen. Thank you.

**Ms. Oh:** I would have to agree with all the comments that you have brought up regarding this issue. My only comment is this: I could be accused of naiveté or I could be accused of ignorance. I would like to think that we do live in a democracy. I also look to the positive examples, for example, in the eastern European countries where people are starting to have their opinions heard. I also look to the example of South Africa where finally, perhaps, a change is being made.

I do not know what the minister meant or had intended when he gave that quote, but I would certainly hope that he is as reasonable as he claims he is and would definitely consider amendments in light of all the facts that have been brought forward, or all the opinions that have been brought forward. I guess my only hope is that that will be carried through.

**Hon. Glen Cummings (Minister of Environment):** I would like to compliment you on your presentation, but a couple of things troubled me in the light that you made your presentation.

One was that you appear to believe that Ducks Unlimited is going to go ahead with the project along the line that was talked about in some of the early proposals, and I wonder if you have in fact looked at what the present proposal is.

**Ms. Oh:** Well, Minister Cummings, I have to admit, like I say, I am new to this. I am not completely informed on every last detail.

I do not believe that Ducks Unlimited will go ahead with the alligator idea. They may, they may not. That is not what concerns me right now. Whatever Ducks Unlimited does with their project I am sure will be gone through with as much intensity as we are tonight with Bill 38. I am sure that if Ducks Unlimited were to come up with a project what was environmentally unsound, there would be a great deal of outcry about it, and I am not worried about that.

My point is simply that, once again, regardless of what kinds of projects Ducks Unlimited decides to go through with, why do they have to have a building with offices, amongst other things, in the middle of the marsh?

**Mr. Cummings:** I respect your concerns in that matter except that I wanted to know if, when you were referencing the alligator pits earlier on, you assumed that was part of the development.

The other question I had was do you support the fact that Ducks Unlimited is proposing to add additional land to the marsh to in fact expand the marsh that is there?

**Ms. Oh:** I certainly support that decision, and my question is this: If they are so willing to buy more lands to add to the marsh, why can they not buy more land just outside the marsh to build their office on?

**Mr. Cummings:** Well, that was my point, Mr. Chairman. They could be, as you say, only a few feet outside of the marsh and still be on land that can be added to the marsh.

**Ms. Oh:** I completely agree with you, Minister Cummings. My point is this, however: We are after all talking about Bill 38, not specifically about Ducks Unlimited. Ducks Unlimited is an example that I used, and which many people have been using.

I guess what the problem is is the fact that we have to be here to discuss these amendments to The Wildlife Act, that we have to discuss Bill 38, when we can see from different examples that perhaps we have to reconsider it. There are things in Bill 38 which are unclear, and that is my argument.

I agree with you completely. If they buy land just outside the marsh, this is land which could potentially become more marshland. This is true, but if they did that at least there would not be this attempt to take away protection from wildlife management areas, which is what Bill 38 seems to me to be about.

**Mr. Rose:** Just a comment, and I am sure, knowing your education, that we spend a lot of time around this table and in other parts of this building discussing many different aspects of government, and we very often talk about education, both primary, secondary and post-secondary.

I just wanted to tell you that you have given me considerable confidence tonight in the things we have done in the past to develop the education system in our province. You are a shining example of what happens when you get an enthusiastic and intelligent person in a good education system. I appreciate the comments that you have made, even though I did not necessarily agree with them all.

In your continuing education, you may wish to come back after all the hearings have been held and after the audience has left and see whether, in fact, the committee does consider amendments or not.

That appears to be of very great concern to Mr. Edwards. He continues to bring it forth. I would hope that you would come back and see the democratic process in action.

**Ms. Oh:** I thank you for your compliments and for your comments. I certainly will be following this fairly closely, and I am sure that you will not disappoint us.

**Mr. Penner:** Let me add my appreciation for the way you made your presentation. I think it has been a surprisingly refreshing approach that you took to making your points and making them very well.

Seldom have I ever seen a person, I think, impact a committee as you have by your different approach. I think that is very refreshing in this room. Many of us have sat here many times and listened to suggestions and/or amendments to bills, and yet you did it with class and with flavour, and I appreciate that.

You mention specific parts of Bill 38 that you could not agree with. Could you spell out for us which parts of Bill 38 you would like amended and how you would like them amended, that we have that on record?

\* (2340)

**Ms. Oh:** My primary concern is, of course, with Section 3(1). I feel that there does need to be some kind of limitation placed within the bill that does give protection to the wildlife habitat areas. That is my main bone of contention.

Of course, too, Bill 38 is not just what is in it written on paper. It is also what is left out. I would agree with previous presenters that, perhaps, we need to expand the idea of wildlife. We need to start considering that it is not just animals we are talking about, that it is an entire ecosystem, and that although a building which is 54,000 square feet is not a lot, we do not know how this impacts on the entire ecosystem there.

I would suggest stronger protection for wildlife. Those are some of the ones I can think of offhand.

**Mr. Penner:** You also made reference to the fact that there might be consideration made to move the building outside of the area by about a mile. Have you been out to that area?

**Ms. Oh:** No, I have not.

**Mr. Penner:** I would think you would find that it is probably agricultural area that you would be moving



the building onto. Agricultural area being what it is, it very often also presents habitat area for other species of wildlife other than birds and the kind of animals that would live in the marsh. I wonder whether you would care to share with us your views about taking agricultural land, No. 1, out of production to build a building such as this, how you feel about that and also how you feel about taking away some of the habitat that you might in fact be taking away by developing an area that would be specifically used for this kind of building in that area.

**Ms. Oh:** Those are all very, very wise things to mention. I certainly do not disregard the fact that this is also ecosystem.

My response to it would be this: First of all, although taking agricultural land out of "useful production" may be a problem, once again it becomes a question of priorities. For a very long time, we have had certain priorities but, as we progress and as we learn more about the world that we live in, we start to realize that the environment also has to start becoming a priority. I guess what I would say to that is, you know, yes, right now it is being used for agriculture, but is it so bad to turn it into something which will continue to educate people about conservation. That certainly seems like a worthy purpose of the Ducks Unlimited program, and it becomes a question of what you would place as most important.

In response to your second question, I guess what I would suggest is, once again, I agree it is part of the ecosystem and it is intricately linked to Oak Hammock Marsh, but once again we are discussing Bill 38 here, and my problem with this project is the fact that Crown land and supposedly a wildlife management area, which we have fought to reclaim, is suddenly becoming developed once again. It is a small development but nevertheless it is developed, and that is exactly what we have been fighting against.

Although I agree with you, moving it over a mile, it is still going to affect the ecosystem. Well, supposedly this project has been passed by various environmental committees. If this is the case, then I can assume that it is environmentally friendly, in which case, if it has been approved, why not build it, but why build it on the marsh? Why sit here and have to amend Bill 38 without enough time to consider the consequences of leaving out important sections. That is my problem with it.

**Mr. Penner:** If you had your choice, if it was up to you, would you rather—would it be your choice to take agricultural land out of production to build a building such as this instead of building it at the edge of the marsh?

**Ms. Oh:** I have to admit it is my personal opinion that I would take agricultural land out of use, and the reason is this: It is actually a fairly small building; it is only 54,000 square feet. Now if it is so small and if it has such little impact, then surely taking out 54,000 square feet of agriculture is not going to be a lot. So why do we have to take it out of the marsh?

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

**Ms. Oh:** Thank you.

**Mr. Chairman:** We have five more presenters who would like to present tonight, because in fact they cannot come back.

Is Ms. Heather Henderson still here? Would you please come forward? I will name off the other names here. Could you just raise your hand if you are still here?

Mr. Brian Pannell, Ms. Linh Vu, Ms. Laura Reeves, Mr. Billy Jo Delaronde. Okay, thank you. That will be all the presentations we will hear tonight.

**An Honourable Member:** No, not necessarily.

**Mr. Chairman:** Pardon me, the committee wishes to—they might wish to continue after that.

Miss Henderson, would you continue? First of all, do you have a written presentation?

**Ms. Heather Henderson (Private Citizen):** No, I do not.

**Mr. Chairman:** Okay, just continue. Thank you.

**Ms. Henderson:** My name is Heather Henderson, not Hazel Henderson, although I am just delighted that Ken Emberley—I consider it a compliment that he mixes up my name with Hazel Henderson's. It is delightful.

You have seen me at hearings before. I feel that I would like to reassure other people who have sat here through the last few days and who feel that really this is—there is a very strong feeling amongst a large number of people that I have sat next to in the last few days that there is no point in us being here. There is a real sense of discouragement that I feel, and I just would like to reassure that you can

go ahead and ignore me, because I have had 45 years of being ignored.

One of my very best being-ignored stories is, I used to belong to a group called Damn the Dams. Now, some of you may have been in opposition at that time, and it must have just made you delighted to see the NDP government getting yelled at for the very same thing that the Tories previously got yelled at and defeated for doing, protesting the flooding of South Indian Lake.

\* (2350)

For me, the lesson in all of that was spending a lot of time not being listened to, of being humiliated when I attended public meetings, of being laughed at, of being called names, and at the end of it all, there was a headline in the Winnipeg Free Press in April of 1990 which I cut out and put in my scrapbook. The headline on page 2 was: Fish full of mercury, ducks all but gone. Heading: South Indian Lake.

You know, what had happened to South Indian Lake was about a thousand times worse than any of us in our worst scenarios had predicted.

I just cannot help turning up and saying, you know, some of these steps that we take, we are not trying to scare you, we are trying to be cautious here, and we have to be careful, because I think our ecosystem is in a lot more fragile state than it was 20 years ago.

My own background includes working at Assiniboine Park Zoo from 1965 to 1970 as a Zookeeper 2, and I have some really serious concerns about the educational aspects of the relationship between people and other species. This is my concern, and I am going to address specifically the Oak Hammock Marsh issue and not the bill.

I came away after last Thursday—I was at a school on the Friday with a group of students who had been spending some time studying the whole issue of Oak Hammock Marsh. One of the students pointed out to me that their parents had reminded them of the song, Big Yellow Taxi, by Joni Mitchell. Now 20 years ago when the song came out there was a chorus that really was just sort of humorous whimsy and a wonderful metaphor, but it is becoming so true it scares me, and it is this: They cut down all the trees and they put 'em in the tree museum and they charged the people a dollar and a half just to see 'em.

I guess the most important educational issue for me with this educational centre is that the best education that we receive comes directly from nature and is not channelled through technology.

Kids can tell the difference between looking at a video of a duck, or looking at a duck on a close-circuit TV screen, and meeting one in the flesh, so to speak. In fact, the following Monday morning I was at the school again and a student rushed up to me and he said: We were at Assiniboine Park this weekend and we saw a duck! I said: A duck, that is great. There are lots of ducks at the zoo. He said: Yes, and it was not in a cage, and it was not in the duck pond! It was right there under a bush, and if I had wanted to, I could have touched it! It was sitting on a nest! I said: Why are you telling me this? He was so excited. He said: Well, because you know what you were talking about seeing ducks on a TV screen and listening to them through the microphones. He said, it was different, it is different. I said, I know it is different. Is that not exciting? There is a kind of a joy and exuberance and exhilaration. It is like a blessing.

I can remember being at summer camp with my daughter and coming in from having seen a moose on the road. Finally, someone said, would you shut up? You sound like you are going to burst into the Sound of Music in a minute. It was quite true. It gives you an exhilaration to actually meet the animals that no number of videos or anything else can possibly give you.

My most exciting experience was when I was living in Britain. I was sitting under a tree one day, and I had an English robin land on my bare foot and walk across my toes. I consider this probably the closest thing to a blessing I have ever received. I think the relationships we have and we establish between the natural world that are chosen freely on both sides are the only relationships worth developing and can teach us a thousand times more than Dr. David Suzuki and all the videos in the world. The way you achieve that is not by shipping in thousands of people to one small area.

My real concern is the idea that Oak Hammock Marsh is an attraction. Just the numbers of people are such that in order to have a proper freely chosen relationship between nature and people, you need a much better ratio than we presently have in our natural and wild areas. In other words, we need less people and more natural area. That is the only way it works, because when you get more people and

you get less wildlife, you end up having to do something that I have learned to really hate and despise, and that is you have to put them in cages. You have to hold them down. You have to pin them.

Once you start to pinion their wings, then you have to trap all the small mammals in the area, so they will not come and eat the eggs or kill the birds on the nests and so on. Then you are into a whole system of screwing up nature, and then what are you teaching the kids, because they see that. I had a lot of kids say to me, why should we get in cars and drive all the way to Oak Hammock Marsh to see something on TV that we could see—why do they not have a closed-circuit TV and pump it right into Winnipeg? That can be done. I mean, if you want technology—technology is okay for at home, but if they want to see nature, they want to meet it. The only way you can do that is with small numbers.

You bring in large numbers of people, and the first thing that happens is you get stress on the area. That traffic is what really concerns me. I gave up my car five years ago, and every day I try and find ways that I can have a relationship with nature without getting in my car and having my car consume oxygen and pollute the environment to get to nature. I am doing the planet a disservice every time I have to drive miles to learn about nature.

I have a lot of problems with what this teaches children. Education is just an excuse. There are a lot of ways to educate kids, but what you are teaching kids is not what you want to teach them, if you say that the No. 1 cause of duck population declines in the world is habitat destruction, so we are going to destroy a little habitat, so we can study and teach you about declining duck populations.

I also like to point out that there is an area that has not been talked about, that everyone has very tastefully avoided discussing in this whole conversation, and that is, basically, the ultimate fate of the duck in all this. I mean, what we are talking about is recreational killers funding an education centre. I call it recreational killing; some people call it duck hunting. The ultimate fate of the duck in all this is to land on somebody's table. I have a lot of problems with that.

What are we teaching kids about that? Well, I do not know. I do not think they are learning the things we want them to learn. We need kids to understand nature, because if we do not understand nature, we do not understand how natural systems work, we

are in a heck of a lot of trouble, because the natural system is something that we are a part of.

I cannot imagine why this resort would go ahead. I see it as a resort. I see it as a place where very rich people can be brought and shown the little ducks on the porch overlooking the marsh and where money is milked out of them. It is a fundraising ploy. Ultimately, the pressure put on that marsh is not going to benefit the ducks, and are we not supposedly looking at trying to improve what are presently declining duck populations?

It bothers me seriously that there are so many different environmental groups being represented here at these hearings that are here with no financial motivation. In fact, most of us I think hate being here, hate getting the feeling that our thoughts and our wisdom and our understanding of nature, as we have developed over the years, is not being valued. What it is going to come down to is somebody with a whole lot more money than me is going to have a chance to use some of the natural resources of this province in a private and profitable way for themselves.

My solution to the problem of the bill is to say, why do we not just get rid of wildlife management areas altogether. Let us get rid of the hypocrisy of the people of Manitoba thinking that there are parts of this province that are protected. I think what is happening now is that there are many people out there who think we have a government that is protecting that, and I do not think that is the case. I think we are about to turn the hen house over to the fox.

I think that is all I have to say. Thank you for listening.

**Mr. Enns:** Mr. Chairman, just a moment. Also, just again to put on the record, it has been put on the record before that the proposal that you are expressing concern about is not taking any land out of the current Oak Hammock Marsh confirmation. In fact, it has been well publicized that additional lands have been purchased, I believe a half-section, to more than replace the actual site for the proposed development. In fact, the marsh gains in land mass as a result of this proposal.

I am disappointed that, somebody with a very deep feeling for our natural environment and somebody who watches governments, obviously, that you would not have noted that in the short time this present government has been in office, this

minister has created four additional wildlife management areas. The suggestion that, because you take exception to this particular bill, that we simply do away with wildlife management areas—I simply want to assure you that is a long way from what, in fact, is happening.

The issue that I do want to ask you a question about is that you express considerable concern. I think it will surprise you that it is the same concern that I have. In fact, it is one of the reasons that motivates me to support and move ahead with this development. That concern is about, if I understood you correctly, large numbers of people coming out into the natural environment, in this case the marsh, and the difficulties associated with large numbers of people.

My question is: What do you consider large numbers of people, 50,000 people, 75,000 people or the 85,000 people that are now visiting the marsh? With or without this project—we can kill the project today and never see it back again, but in five years there will be 100,000 people visiting Oak Hammock Marsh. I seek your advice. Do you want me to put barriers up and stop the school children and other visitors and keep persons, perhaps like yourself, from visiting the marsh? What kind of advice do you have to my department in terms of, first of all, determining what is an acceptable number of people coming to enjoy a few hours, maybe half a day, at the marsh and what is not acceptable? Do you have a figure in mind?

\* (0000)

**Ms. Henderson:** I think your question also relates to the statement you made at the beginning about habitat destruction, because my concern about habitat destruction has to do with bringing in, particularly bringing in more automobile traffic into the area. I think it has a serious effect on the surrounding area and it is destructive.

As far as numbers are concerned, I would like it—I do not want to say a number so much as I want to say you should have a direction in mind, that the promotion of the marsh to increase the numbers of people should possibly move in the other direction. You should be looking at ways that that area is seriously protected from numbers of people, do things like, for instance, taking roads that are presently around the area and restricting the hours of use or restricting the vehicle load, so that the numbers of people who come, first of all, will have

to come in by foot, which would mean you could probably bring in more numbers with less destruction, for example.

I do not think there is a number that works, but I think at the point that you have too many, it is too late. I think that the idea that wildlife areas are places people should flock to in large numbers, is a serious problem. Perhaps the answer is to create ten times as many wildlife management areas. I do not think we feel very secure about those wildlife management areas after seeing what might just happen to Oak Hammock Marsh. Those other areas that are under protection may just get sold off to other gangs who want to set up whatever they want to set up on the edge of them.

**Ms. Cerilli:** A couple of things—first of all, I really appreciate a lot of the issues you have raised in your presentation. I share your frustration as I have come to be more familiar with these kinds of hearings. One of the things that I am concerned about is that we are going to be dealing with amendments, when we get to them, in a very rushed way, possibly in the wee hours of the morning. I do not think that is the best way to develop legislation. I understand, though, that is traditional.

One of the things I want to ask you about is one of the things that proponents of the development at Oak Hammock Marsh and for the centre are saying, is that they want to bring people there in the winter. This centre will allow people to learn about wildlife in the winter. I am wondering if you have any comments about that?

**Ms. Henderson:** The environmental problems that are brought about by automobiles are exacerbated in the wintertime and all that pollution affects—runs off in the spring, so you have the same problem. In fact, most cars are putting out more in the winter and spewing more. It is a problem.

I really think we have to re-examine the notion that wildlife areas are places that are miles away from the city and that it is totally incompatible for people and humans to live in large numbers together—people and other species. I think this city, through the centre of the city in the wintertime, should have so much of that activity around the rivers that we should not need to pile people into cars to teach them about what nature looks like and drive them 100 or 50 or 25 miles out of the city.

**Mr. Chalrman:** Do we have any other questions?

**Ms. Cerilli:** Yes, I just want to make some comments about the whole idea of commercialization of wildlife management areas. I wanted to ask you to make some comments about the whole concept of commercializing wildlife management areas. We are going to have a private corporation that is going to have—there is a debate on this, whether they will have total control of management of Oak Hammock Marsh after 1995. What would you say about that approach to wildlife management areas?

**Ms. Henderson:** Well, I just do not like it. I just am not comfortable with it. I think having an intermediary between you and nature just slows down the process of understanding. If there is a financial impediment as well standing between you and nature, I resent that. I seriously resent that, that I have to afford a car so that I can breath clean air. I resent that.

**Mr. Chairman:** Do we have any other questions?

Ms. Henderson, I thank you for your presentation.

Mr. Brian Pannell, please. Mr. Pannell, do you have a written presentation?

**Mr. Brian Pannell (Private Citizen):** No, I do not.

**Mr. Chairman:** Proceed, Mr. Pannell.

**Mr. Pannell:** I would like to thank the committee for having the stamina that it has had so far to listen to the number of presenters and has shown its intention to hear the remaining presenters.

I have quite a number of things to say. I have not organized my thoughts on paper. I have been doing my best to think of things as time has gone on in these hearings, because a lot of thoughtful discussions occurred.

I guess the thing I have had most concern with has been the degree of sophistry involved in this discussion, which I find has always been a personal irritant when you are discussing issues. I would like to deal with some of those issues and also deal with some of the underlying issues at law which seem to be confusing to some people and go on from there.

My sense is that this is a very straightforward development project which has little concern with education and every concern with this corporation's, Ducks Unlimited's, corporate intent. There really is no justification for putting a relatively large building in the middle of or on the edge or on the side or just inside a wildlife preserve, and I think the thing that is most galling to people is that it just does have no

justification. It is a galling, symbolic decision in two ways: one, in that it permits large-scale development in areas where we have said we should set these areas aside from development, and two, that we are prepared now to go and set new precedents, in this case legislative precedents, that really debunk the whole notion of setting aside areas free of people and the damage that they can cause.

I would agree with the last speaker. The Wildlife Act, in the sense of its ability to preserve wildlife areas, will not exist after this amendment occurs, and there should not be any question about that. The minister will have complete discretion to treat it as an industrial site, should they choose. That means that the basic premise of the act has been lost and done away with.

I heard representatives of Ducks Unlimited say that they were concerned with an opponent who had been speaking to this committee about the parochialism that they felt was contained in the presentations. I guess my sense is, it is quite the reverse. This is very much a parochial political project which will create economic benefit in the area that it will be placed in or close to, and that is one of the major motivating factors for doing it.

It is being done for an organization which is a hunting organization. Here is another aspect of sophistry, in my view, Ducks Unlimited having the gall to say that they are not connected to hunting. Their whole point is only to preserve areas for hunted waterfowl species. They have no other mandate. They do not go out and try and protect species of wildlife that are not hunted by duck hunters and goose hunters. That is all they do.

\* (0010)

Now, there is an incidental protection of those wildlife species that tend to come together where ducks and geese come together, but that is all this organization does. At their annual general meeting, they auction off shotguns, and the women's auxiliary of Ducks Unlimited are called waterhens. You cannot refute the connection between duck hunting and Ducks Unlimited, and the effort to do that is disappointing and essentially not worth paying attention to. We have an organization that has an interest in hunting ducks, and I note that with interest, at a time when they themselves admit that duck populations and waterfowl populations are declining North America-wide over the last decade,

in fact, a 20 percent drop in the last year in Manitoba. I would wonder why this organization is so committed to things such as putting its headquarters in this marsh and never speaks up on the limitations of hunting as a method of increasing the waterfowl population.

**Floor Answer:** That is not right. Not at all. No, no.

**Mr. Pannell:** Well, I think it is—

**Mr. Chairman:** Order, please. Let the gentleman finish his presentation.

**Mr. Pannell:** The basic premise that I will conclude on here is, this organization has a very direct tie to waterfowl hunting, and one would hope it had larger goals, but I do not think it does.

There has been much mention of the thorough evaluation by the Clean Environment Commission, and this I find most galling. I was opposed to The Environment Act when it was brought in by Gerard Lecuyer in 1988. At that time it was a piece of sophistry itself. It has no balance to it. It is not a document that protects the environment in any significant fashion. It has multiple flaws, some of which I will enumerate.

Environmental assessment requires a certain number of things to make it work. It requires a so-called balanced playing field or even playing field so that both parties can present the evidence so there is something to be heard and discussed on both sides of the issue. That does not occur in Manitoba, because we have the proponent that is usually funded and the opponents that are not. This is true of the hearing that occurred with Ducks Unlimited. It is true of all hearings except those major projects which will now receive intervenor funding, possibly, under the new regulation that has just come out, but it is quite a limited application that is proposed for intervenor funding.

The notion of environmental assessment assumes that the decision maker or the adviser is somehow independent of the decision they are making, and yet our panel under the Clean Environment Commission are generally political appointments and, for the most part, have no background or knowledge in environmental issues whatsoever. I ask you to go through the individual members who make up our Clean Environment Commission, and I think you may find that only Barrie Webster has any inkling of an environmental background.

Environmental assessment also requires, I think, that—let me stop there. Let me simply say that Manitoba's environmental assessment procedures fall very far short of anything that you could reasonably describe as a reasonable environmental assessment process. This is the process that was applied in the case of Ducks Unlimited.

I do not think anyone can reasonably say that any serious hearing took place, any credible hearing took place with respect to Ducks Unlimited. There were no experts for the opponents that were able to present evidence. All the experts presenting were either governmental or from the proponent, and the people on the commission, as I say, had no particular expertise. Frankly, the history of the commission is one where on major projects they have sided with the government's policy on the issue, and I invite you to look at the record of the Clean Environment Commission to validate that statement. So I wish people would stop saying that there has been a credible environmental assessment occurring, because it is simply not true.

On this particular piece of legislation there has been some discussion about, you know, what the difference between the legislation and regulations are, and I think that this is also an area of confusion. There has been some suggestion by the minister that regulations are really where the law is found and does everyone not accept that.

The primary law that is created by Legislatures is legislation itself. Regulations only have whatever power comes to the regulations through the legislation, and there has been a tendency to stick more and more of the meat of law into the regulations, not for any other reason than that is the simplest way to amend those sections, because the law in the form of legislation requires amendment by the Legislature and bringing it back through first, second and third reading with the opposition present to possibly embarrass the government of the day on issues that may arise, whereas changing regulations only requires the decision of cabinet. That is why people put more and more and more stuff in regulations, and that is simply the only reason.

If you want protective legislation, it is better to put it in the legislation where it will be harder to change than in the regulation. I think that there should be no confusion about that. There is no merit to saying that the law should be in regulation or that somehow it is more law because it is in regulation. Those are

errors. In this case I have not done an in-depth study of the existing act or the proposed regulation, but I have a sense of the interpretation that the government is trying to avoid, and I am prepared to risk presenting that sense in public.

I have reviewed, you know, in a cursory way the legislation, and you simply cannot find anywhere in this legislation an empowering section that permits a regulation to authorize the minister to let things go on in an area which he designates as a wildlife area, contrary to the prohibition.

If you look at the sections that empower, the Lieutenant-Governor-in-Council can make regulations. You find out why the government would be concerned at this point in time.

\* (0020)

Section 89, for example, which provides some empowering for the making of regulations, reads: For the purposes of carrying out the provisions of this act according to their intent, the Lieutenant-Governor-in-Council will make such regulations and orders as are ancillary thereto and are not inconsistent therewith and every regulation or order made under and in accordance with the authority granted by this section has the force of law, et cetera. You go down farther in that regulation, and one of the things that they are empowered to do is to designate areas of land for the purposes of Part 1, and that is the part that permits the designation of these wildlife sanctuaries, and prescribing prohibition and restrictions for each designated area—prohibition and restrictions—not things that can be done, things that cannot be done.

The regulation which the minister has referred to from time to time as being one he has brought in and similar to the previous government's regulation delegates the minister to not make restrictions but to go beyond those restrictions. That is what is sometimes called subdelegation. These regulations do not say that the minister can be given powers to do things. Nevertheless, the regulation is trying to subdelegate to the minister and give the minister certain powers.

All of this simply lends credibility to some elements that suggest that if you wanted to build an office building in Oak Hammock Marsh today, you might be successfully challenged as being contrary to this act, and that is what we are here about.

We are here about an office building that a corporation wants to build for its own corporate

purposes in a wildlife sanctuary that the government wants to see happen too and is prepared to try and smooth the way for it. I guess I would have preferred if people stuck to that agenda, because that is what we are here for, and all these things about past government's regulations and, you know, what regulations and legislation are and how good the Clean Environment Commission decision-making process is are not accurate and I think misleading from the general decision.

I too have emotional feelings about this. I do not like the idea of putting this building in this marsh, and I think that what we are going to see and what we have seen already is that this project will expand. In fact, the project has not even been built yet and we have already seen Ducks Unlimited prepare expansion proposals for the eventual expansion of the fixed facilities.

Ducks Unlimited is generally a growing organization and, so long as ducks are not completely eliminated and other waterfowl from North America, one can anticipate the possibility it will continue to be a growing organization, and with it will grow its fixed structures.

This issue will come up again in the future when they want to add new buildings and new things, and I think that is not, of course, the way it was presented to the Clean Environment Commission. It was presented as a single building of so many square feet and of such and such characteristics. This should instead be seen, like most developments, as the beginning of a growing organism which will compete over time with the area that is reserved for wildlife. That is one of the big problems that most people have when you talk about putting developments in wildlife sanctuaries and what should be considered here.

The notion that wildlife sanctuaries can be made into Disneyland, which, whether or not they change nuances of their plan or not I think is unimportant, but the thought process behind considering that and putting it forward as sort of one of the ideals of the development is a very unfortunate one and one very much in competition with the ethics behind pushing for the establishment of wildlife sanctuaries. Bringing more people into wildlife sanctuaries and giving them all these services and shows is essentially in conflict with the idea of wildlife sanctuaries. It is in conflict as well with the emerging ethic that people are not the most important thing in this world altogether, that other life

systems have an importance of their own as well. You do not have to visit an area for there to be a value in preserving it. Yet here in Manitoba we have amongst the lowest areas preserved in the country; some 1.4 percent of the province is designated for nondestructive, nonconsumptive uses.

Notwithstanding the minister's pride in establishing four new areas, the general thrust is for more development and a pressure on what areas we have already designated for nondestructive, nonconsumptive uses. We see pressure in the parks northwest of the province, where there is talk from time to time of new condominiums in the Whiteshell and new cottage developments in the Whiteshell and now a breaching of the previous ban on subdivision of private lands in the Whiteshell.

We see consideration of a power line and access road down the eastern side of the province, which would open up the Agassiz Provincial Park to the possibility of development there. Agassiz is available for mining still under Manitoba law. You have the possibility of—you have ongoing timber cutting in the provincial parks. On the western side of the province you have ongoing timber cutting by Repap going on in the provincial parks, significantly augmented over past practices.

The reality is, notwithstanding all the things you can tell yourselves to the contrary, we continue to put significant pressures on those areas that we should really be reserving for some protection of ongoing species and life systems other than our own. This is the most horrible example of all those practices, because it takes the one site in the province that we have rehabilitated, the only Ramsar-designated site in the province, and says, in a conflict between a development ethic and a preservation ethic, we will go the development way. It just is symbolic of the general trend and the consistent approach being taken in the province.

I think this is one of the reasons why you have so many presenters here keeping you up late at night telling you that your decision is a wrong one and you should reconsider it. You should reconsider what you are doing to this act, because it will speed this process up and not in the way of preservation. It will speed this process up by permitting more ministerial discretion to put more pressures on wildlife areas. What happens to a minister who has this discretion is that people start coming forward and saying, Mr. Minister, I have a piece of land here, or, I have a project here. Will you consider it?

The present minister is presently under this kind of pressure already. He has people coming to him saying, we want to develop in the Whiteshell Park. We want to put this and that in the Falcon Lake area. With this kind of legislated discretion, those pressures will increase. Private developers and others who think they have an opportunity of convincing government of their schemes will come forward. This is a very direct kind of pressure that changing this act to accommodate this parochial project will have for the present minister and all those who follow him and all governments who follow him.

This government has made a commitment to set aside representative areas constituting 12 percent of all the land mass of the province for nondestructive, nonconsumptive uses under the suggestion made by the Brundtland Commission. Yet there has been no designation of any area; so far, in furtherance of that commitment. These kinds of decisions that are being taken today call into question the nature of that commitment and also make it more difficult for you to fulfill that commitment when the time comes, if you decide to take direct action.

I do not have tremendous hopes that you will change your minds on these issues. I have noted the minister's comments that many people have repeated to him before me, that he is not anticipating making any changes, notwithstanding the presentations to him. I would expect that may very well be what happens.

I think you should be cautioned, though, that the ethic of the public is changing much faster than the ethic represented in these decisions and this kind of process, and I do not believe the public will stand for these kinds of decisions in a long term. I think you should be prepared to have this decision brought up very forcefully when election time comes. It will be one of those things that people will remind the electorate of, and I might say on environmental issues, it is getting to be a very long list for this government, and this is the most symbolic of all of the things, notwithstanding that in actual merit it ranks well behind many others.

\* (0030)

I certainly will do my very best to remind the electorate of these matters when the time comes, and I might say I would no matter who the government was. I think that is something that



others present here will do as well, and I hope that is something you take into account in your deliberations, because I think that is a very meaningful part of the decision-making process.

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

I saw Mr. Cummings look askance in my direction when I said that, but I think that most of the people here are motivated primarily by their concern about environmental issues, and not by concern about favouritism for political parties. This was true when the environmental act was first going through, but I do not know if Mr. Cummings was there for those public hearings where members of the existing cabinet were very critical of my presentation, but I think it nevertheless is a truism which you may forsake at your peril.

**The Acting Chairman (Mr. Laurendeau):** Thank you, Mr. Pannell. If you will just wait for a couple of questions.

**Mr. Enns:** Mr. Pannell raises a number of issues, and they are all legitimate issues for public debate, whether hunting is ethical or not, but that is not what we are here for. I regret that Mr. Pannell, who I know is a keen observer on these matters in the province and has been for some time—I believe he chaired a task force on matters relative to the natural environment not so long ago. I regret that he takes such a pessimistic attitude towards this. I hate even to get into this, because it certainly does not suggest complacency on my part, nor on my government, but I believe that in some instances, spokespersons for the kind of organizations that you represent, do not adequately acknowledge what governments over the past have, in fact, done.

We have set aside 7.5 million acres in wildlife management areas. We have set aside an additional 4 million acres in provincial parks, 1 million acres of which is a wilderness park. That is not counting the national park at Riding Mountain.

We are in serious negotiations for a major additional—Manitoba's second national park up in the Churchill area which would include some important additional ecosystems into the park systems, hopefully even a marina, a portion of it that would provide important protection for the beluga whales and the polar bear. We have set aside an additional 2 million acres as forest reserves. That totals up to some 14, 15 or 16 millions of acres that have been designated in some way. I do not put

them before you in the manner and way you prefer them but, to use your terminology, some measure of protection is placed in those lands. In fact, that is what a great deal of the debate in front of this committee has been about, the protection of those 7.5 million acres of wildlife management currently enjoy and that is being suggested is being placed in jeopardy by this amendment.

That compares to some 12 or 13 million acres that are in agriculture. I suggest to you, Mr. Pannell, that all things being considered, this moderate-sized province of a million people with the resources at hand, has not really done all that badly. We are the first province, first jurisdiction to commit ourselves to the Endangered Spaces program and we intend to keep that commitment. We have another approaching-a-million acres in ecological reserves. It was my pleasure to introduce that legislation back in the late '70s and I am pleased to see how that has progressed. Those, as you know, are very restricted reserve lands.

It is my hope to declare some of our important riverways as heritage rivers, safeguarded from all future development. So I would encourage you to help, from time to time, encourage governments of whatever stripe to help us or to acknowledge that it is within the realm of possibility to effect the kinds of changes that you speak so passionately for with respect to our environment.

One specific question to you, and I ask that of you as a person trained in law, I do not suggest or hide from you that it is important to this government and my department, in a sense, particularly as we are co-partners in the development proposal at Oak Hammock, that the amendment contained in The Wildlife Act in Bill 38 is important to that development. As you suggested, regulations—a previous presenter said things change and progress—used by previous ministers to grant certain exemptions within wildlife management areas, if that regulation is struck down in a court of law, then surely the cattle producers, as represented last night, who enjoy certain grazing and haying privileges with that ministerial discretion accorded to previous ministers, are in jeopardy.

If a citizen decides that he does not really think it is appropriate for Mr. Jones' cattle to be grazing in a wildlife management area, he can surely have ample precedent that permission was given illegally if the regulation that empowered Mr. Plohman, Mr. Enns, Mr. Evans or Mr. Mackling to give that

cattleman a permit to graze his cattle, is struck down for some other reason. In law—I am not a lawyer, I am a rancher—I believe that would jeopardize all the existing exemptions or circumstances that different ministers since the inception of The Wildlife Management Act back in 1971—by a conservative government, I might add—that are in existence in the 72 wildlife management areas that we have in the province covering some 7.5 million acres of land.

**Mr. Pannell:** I very much appreciate your asking those questions. First of all, just to set the record straight, I am appearing as an individual this evening representing no particular environmental organization.

On your last point first, I guess I find it an unreasonable argument to say there may be certain things that we wish to actually do in these areas for their enhancement, that may be something that is not a prohibition but is something affirmative that we would like to be able to do and therefore we need some power to do that. I guess I do not accept the premise that if you decide you do want to do certain things, the most appropriate way of doing that is to give yourself the power to do everything and anything. You not only can do the simplest things to preserve the marsh but you can also build a Boeing plant there. I think there is a basic integrity of this act that is being breached by the proposed amendments.

(Mr. Chairman in the Chair)

On the question of what will happen if it stays the same—you have a regulation which perhaps goes beyond the power that the act contains so that it ultra vires the legislation, that somehow, like Chicken Little, you know the acorn falls and we say the world is falling, the world is falling. I think the reality is that in practice you are not going to get anyone challenging you for things that are consistent with the preservation of a wildlife area because no one has an ax to grind to go around looking for cases they might lose, to spend money to try and cause trouble with useful policy in the furtherance of a wildlife area. You will not get those cases. You have not had those cases in the past, which is proof that you probably will not get those cases in the future.

I do not have a Chicken Little syndrome that because you cannot get this building through under the regulation, because you have someone who is prepared to challenge an office building with a staff

of 120, that you would have trouble getting a culvert through and that someone would challenge you for it. I do not think that is a reasonable assumption at all.

\* (0040)

The example that you have used, which is cattle, is one of the areas that might very well get challenged, and maybe very properly so, because I know of no ministerial discretion that has actually taken the time to inquire as to whether those cattle are usefully grazing in the area for the benefit of the wildlife preserve or not. It might be appropriate to apply the environmental assessment provisions, hopefully augmented significantly so that there is intervenor funding and other things, to decide whether it is appropriate to have cattle grazing in a wildlife preserve. At this point, it is mere speculation and opinion by cattle owners and the minister of the day, primarily that these things are beneficial to the wildlife sanctuary and therefore worth doing.

No zoologist has been asked, so far as I am aware; no botanist has been asked, so far as I am aware. I do not think that the Manitoba Environmental Council has ever been asked for their opinion on this point. I would say, sure, let us just leave it and if someone wants to challenge cattle grazing, then cattle grazing will have to prove its mettle as a beneficial use to these wildlife preserves. Then bring in an incremental amendment if it does prove it. Mr. Chairman, if we find that cattle grazing somehow benefits wildlife preserves, bring in an incremental amendment that says that the Lieutenant-Governor-in-Council can designate certain areas of wildlife preserves for cattle grazing after an appropriate review to determine whether in that instance it is beneficial.

This is not what you are doing. You are not making inquiries as to whether these things are beneficial. You are simply giving this discretion that can be used at any and all times, not by cabinet but by the minister, to build factories. The problem why you have this one being challenged is because this one is closer to a factory than closer to a beneficial improvement of a wildlife sanctuary. No one can see how this building improves Oak Hammock Marsh.

In fact, I guess you have me going a bit, I remember reading the original submission of Ducks Unlimited on this building. Remember this figure of 85,000 people or thereabouts who go to Oak

Hammock Marsh is only an estimate, and a pretty wishy-washy estimate at that. Yet they will be taking about 100 employees or maybe 80 or something like that and driving them 90 kilometres round trip to Winnipeg until enough employees locate into local communities to make a difference. If you take that number of trips and multiply it by the number of working days per year in individual passenger cars, or in those cases where they car pool in car-pool cars, I think they will come close to about half that number again of the estimate just in employees' travel.

Here you had Ducks Unlimited saying, in their original application, we are going to put in a demonstration energy-efficiency backup system for this building. It will not be the primary energy system; it will be the backup system. Because we are really concerned about energy conservation, we are going to put this in as a demonstration educational project. Meanwhile, they are going to make something like 40,000 round trips in vehicles just to get their employees back and forth from Winnipeg.

They also talked about a recycling initiative for the centre, so that they could recycle paper and other products. This is in a place 90 miles from the nearest markets and transportation centres. I can tell you, as a person who has spent some years now in the recycling business, that there will be no net ecological benefit at all from any recyclables that are driven and transported that distance. So it is only there for what ethic it produces in the people who deposit the waste into the recycling program.

These are things that bothered me again, because they are sort of tactics to create a pretence of beneficial environmental use which sort of reflects on the whole building, because I think it is just a pretence for beneficial environmental use. It really is a corporate initiative to enhance a corporate image. They can bring potential donors and they can see the ducks and geese in the background, and potential donors and others can be very impressed with the effort; but the net environmental benefit of having this office building there is a negative one, and that is where you will get challenges and pretty much nowhere else.

**Mr. Chairman:** Are there any other questions for Mr. Pannell?

**Mr. Edwards:** I just have one. Thank you, Brian, for your presentation. You cited Section 89 and

Section—I do not know if you cited Section 90—you cited Section 89. If you look at those, at the very end there is a catchall. They can prescribe regulations for anything which fits with the purposes of the act—I read that back to an earlier section, and I have cited this before in discussions tonight—which sets as a guideline and a parameter whatever is for the better management, conservation and enhancement of the wildlife resource of the province. That is the guiding principle of Section 2. That is it, but that does appear to be something, at least, that this has to fit within.

Is that sufficient, or what would you have us do? You, I presume, would not argue with the regulation sections themselves. There have to be certain regulation sections in place. Things happen, as you have said. It may come up that we have to deal with specific cases on a case-by-case basis. What limitations would you have us put on it in addition to the ones that are there, or would you have us leave the ones that are there in place?

**Mr. Pannell:** Let us put it this way. This whole exercise is being done to get an office building built in Oak Hammock Marsh. So for the purposes of this limited review, which is fairly skimming the surface in terms of analysis of how to put the best procedures in place, I would say that if the government wants to do this, then the way they should amend the act is to say we shall permit an office building to be built by Ducks Unlimited in Oak Hammock Marsh.

What that would do is avoid the complications for other projects and make the government have to stand up and take responsibility for what is essentially the decision they are making. Now this is a chronic thing in environmental law. All environmental assessments never permit panels or clean environment commissions to stop projects. They simply never do that. What they do is they make the government know what the environmental consequences are and take responsibility for that if they want to make a decision that will negatively impact on the environment.

If you look at all the cases on environmental law, what you see is the government attempting to avoid taking responsibility for the negative environmental impacts of their decision. The government wants to build Rafferty-Alameda, but they do not want anyone to know that they are messing up the environment. They want to build the Al-Pac plant,

but they do not want anyone to know that dioxin is bad. They want to build the Repap mill, as occurred in the first case of environmental hearings, but by restricting intervener funding, witnesses, who makes the decision, you get a candy-coated licence coming out at the end that says, yes, sure, it is okay to put 7,500 tons of dioxins, fluorines and other chlorinated organics into the Saskatchewan River each and every day, that is okay.

What that does is it permits the government to pretend that the decision is benign, has no environmental impacts, but has all the positive things that the government claims for the project. This is what is happening here. You have a project which Ducks Unlimited wants to go ahead with and which the government is a co-proponent for. You know, I would say that the right thing to do is if you really want it as government, you simply say, we permit Ducks Unlimited to build an office building in Oak Hammock Marsh, and not hide it behind an omnibus amendment which permits abuse of the acts to continue for other projects in the future.

\* (0050)

Let other governments take responsibility for their favourite projects that infringe on wildlife values. Let them do that, do not make it easy for them, and you stand up and take full credit for the decision you are making with respect to putting an office building in Oak Hammock Marsh, and then let people judge whether you have made the right one or not.

**Ms. Cerilli:** I wanted to raise the issue of commercialization of wildlife management areas. Maybe you could start off by telling me if this is a unique situation in Manitoba, if there ever has been before a situation where a wildlife management area is going to be jointly managed or managed by a private corporation, or have a building managed by a private corporation.

**Mr. Pannell:** I think there are actually a number of agreements in place, usually with such organizations as Ducks Unlimited, the Naturalists Society and others on setting up some of these preserves, but none that has an office building in them and certainly not an office building of these characteristics. That was information that I would rely upon from the department itself.

**Ms. Cerilli:** This is one of the things that I take issue with. We have heard comments about what kind of an organization Ducks Unlimited is and the symbolic way that this bill has been handled and the building

going into the marsh has been handled, and it is that slash and burn corporate development kind of approach, sort of the idea that if you have the money and the political influence or people in high places, then you can go ahead and do this. The idea that because it is not government money, it is not going to be taxpayers' money that is going to be managing this complex, then we should turn it over to them so it is not being done by the taxpayers. Do you have any comments or do you agree with that kind of approach in dealing with wildlife management areas?

**Mr. Pannell:** I guess the answer I will give you may or may not be directly to your question, but what we see is that certain kinds of species get attention, and these tend to be the kinds of species that are used by us in a variety of ways. If they are hunted, if they are fished, if we have some resource use for them, then they are high priorities for programs of some sort. If we do not hunt them, if we do not fish them, if we consider them to be nuisances or simply of no value to us, we do not make efforts to protect them.

It is unfortunate in this sense that a corporation such as Ducks Unlimited, which wants to preserve those species that it has a resource interest in, is given so much attention and there is so much willingness to infringe those preserve areas that we have established and so little attention is given to those species which we have no resource use for—(interjection)—I think it is. It is my opinion.

**Mr. Rose:** Mr. Chairman, just to pick up on that, do you know of any other corporations that are going to spend—any other nonprofit organizations that are willing to spend—the kind of money that Ducks Unlimited spends in preservation of waterfowl habitat?

**Mr. Pannell:** I do not begrudge Ducks Unlimited spending money on habitat. I am here because I begrudge them putting an office building in a habitat preserve. That office building can go anywhere. Right now it is in Winnipeg quite comfortably. It could go in Stonewall; it could go anywhere. It is being attached to this conservation centre that is being proposed without any other good reason than the corporation has corporate objectives that it wants to fulfill and it sees some benefit in attaching it, economic and otherwise, to the educational centre and has made this as a requirement of their arrangements with government. Consequently, government has acceded to that request and you

have them both together there. There is no good reason to have that office building there except for the wishes and desires of Ducks Unlimited.

**Mr. Rose:** Mr. Chairman, we have been over that many times with other presenters, and I do not want to argue that particular point with you, but what I do want to argue with you is that there seems to be continually a stigma attached to Ducks Unlimited because they do have a special interest and that they are a corporation.

**Mr. Pannell:** Not because they are a corporation.

**Mr. Rose:** We keep hearing the word over and over and over again—slash and burn, the corporate approach.

**Mr. Pannell:** They were not my words.

**Mr. Chairman:** Order, please.

**Mr. Rose:** In your opening remarks, you did comment that they were primarily an organization that wanted to promote the development, the continuing supply or development of ducks, so they could shoot them. I guess I ask you, is there anything really wrong with that, and I will say to you that I personally used to hunt and I hung up my shotgun and my rifle 25, 30 years ago, because I found I was not getting much fun out of shooting a live bird for sport. I do not feel that because I feel that way, that I should automatically assume that anyone else who gets some pleasure out of that and is prepared to work towards the development of the tremendous spinoff for wildlife, generally—and I think you have suggested that while a good part of the development is for the benefit of ducks, there is also a spinoff for many other species—I really do not see anything terribly wrong with that.

**Mr. Pannell:** On your first point as to the description of Ducks Unlimited as a corporation, that is actually the way that they are an entity. You will have to forgive me, I am a lawyer, and that seems a fair way of describing them. Every organization that I am affiliated to is also a corporation, and I have no hangup with the fact that they are an organization connected to my presentation.

With respect to the ethics of hunting, we all eat; we all consume; life feeds on life. That is the way the world works. I do not have any problems with that. What I have problems with is that if we want to sustain life, if we like to continue the pleasures of existence and have other species continue the

pleasures of existence, then peoplekind have to become more inhibited and more restrained.

I am afraid that my view is that the hunting practices existing today are not sustainable, and that they are one of the major pressures on the populations of these species presently. Yes, there is going to have to be a review of whether people who feel like pulling triggers for pleasure can, in fact, continue to do so to the extent that goes on today, if we want to have species to enjoy in the future.

It is very much a question of conservation and what is sustainable. In my view, the present circumstances are not. Present laws are not sustainable in a sense that I do not think they will preserve the species into the indefinite future. It is a question of coming to grips with it now or coming to grips with it later. The earlier we come to grips with it, the more likely we will put into place a sustainable situation.

**Mr. Rose:** Mr. Chairman, just a couple of points. In the area that I live in I have—incidentally a number of the panel members here are rural people who are very close to nature and work along with it. In the area that I live, it is quite common during winter when there is deep snow or otherwise some reason that there is no source of outfeed for the deer population, for example, for local farmers to go to great effort and expense to keep the deer from starving through the winter. Admittedly, those very same people may go out next fall with a rifle and shoot them.

\* (0100)

I guess I ask, is it in your mind better to have the deer starve in the winter, or have them carried through and be part of the hunting season next fall? My second point, while I have the floor, is with what you are saying. Are you suggesting then that if hunting was outlawed totally—and I am not saying that would be good or bad. If it was, do you think there would be a Ducks Unlimited organization? Do you think there would have been an organization that would have spent \$40 million or \$80 million, or whatever the figure is that we have been hearing, on developing waterfowl habitat areas, if there was not that incentive for people to preserve if they were declined the opportunity? Do you really think that they would be spending that kind of money and have that kind of spinoff for the many other species that they are indirectly promoting and preserving?

**Mr. Pannell:** You have raised quite a few issues there. On the matter of people doing things of good

faith for other creatures, I have no qualms. Most people are well motivated and follow their conscience as best they can, and that is true of all parts of the community.

What is different is some people have a different sense of the level of crisis, and they need to make decisions earlier rather than later, and that is dependent on their thought about a variety of issues and all sorts of other things, including competitions on their time for such things as just plain ordinary employment and maintaining their own existence. So it does not—you know I am not criticizing the fact that we have a diverse society and people have different values and do different things in different ways.

On the matter of whether it is better to shoot deer or let them starve, I am not sure that—well, this is a very common argument, which I must say I have trouble dealing with, because these are not comparable approaches. The decline of deer population through natural mechanisms usually means that the weakest are either caught by wolves or other forms of predators, or it is the weak that essentially are lost from the herd, but hunting does not cull the weak; hunting culls the strong frequently and these are not analogous ways of dealing with population control.

So I cannot sympathize and say that yes, you know, if a few deer are going to be starved or culled by wolves or other predators, you might as well shoot bucks. That is not a reasonable argument for me to accept.

You had another last point. Could you repeat it briefly?

**Mr. Rose:** I might have to look in Hansard to remember what it was. Of what I recall, and I did not just quite hear whether you answered it or not, was if in fact hunting of ducks, for example, was outlawed, do you really think there would be an organization that would spend \$40 million annually for the development of a habitat for ducks, and again with the spinoff of all the other species that are caught in that net and promoted and enhanced?

**Mr. Pannell:** I think what your question is, is to say if the world was different would it be better, and yes, I think if the world was different it very much could be better. I do not assume that the only difference could be that there might be very significant limitations on hunting.

There might also be a variety of changes and practices in all sorts of approaches. The kinds of farming regimes that have been praised at this meeting might very much begin to replace the kinds of farming regimes that have been criticized at this meeting, and those things which include the establishment of tree lines and the establishment—some who advocate the establishment on every quarter of land of a certain amount of bush.

Those things too would enhance wildlife habitat and make it more likely that the wildlife survived, and if these things were done in unison, yes, I think it would not matter that the money was lost. I think that if you had a sharp decline in the mortality of wildlife because of declining hunting and support for habitat through a variety of other mechanisms, it may very well mean that it would not matter an iota that there was not \$40 million to spend on creation of these things.

**Mr. Rose:** Just one quick final point. What you are suggesting is that these things should be accomplished through taxes and through laws and not through the voluntary approach of organizations like Ducks Unlimited.

**Mr. Pannell:** No, I am sorry, I have not suggested that at all. You asked me the question, could it be a different world if the money was not there? My answer was, yes, it could be a different world.

So long as Ducks Unlimited wishes to be a player and make contributions to wildlife habitat, I do not think they should be turned away.

**Mr. Enns:** I probably should not, but I am going to try one more time to get back to the wildlife management areas—and it is not a perfect world—and see if I cannot get some acknowledgment on the part of Mr. Pannell as to some of the situations that we face.

I refer to a specific wildlife management area that has just recently been created, the Mars Hill Wildlife Management Area, in the eastern part of the province. How do they get created in the first place? It is by the advice that professional staff provides to the government of the day, very often with the encouragement of local governments, local interest groups, local wildlife interest groups, who believe there is good cause that we should designate X number of thousand acres in a given area as a wildlife management area. That is precisely what

happened at Mars Hill just east of Beausejour. I believe it is in that general area.

Everybody agreed, including our professional people. Wildlife managers said it would be in the interest of better managing to enhance wildlife if we proceeded, if we convinced the government of the day to create a wildlife management area. However, there is a stickler, as there often is in this imperfect world. We still have somebody quarrying some gravel in the proposed designated new wildlife management area. Quarrying gravel is not what you would say, when you are reading the prelude to the previous sections of the act, consistent with better management or enhancing wildlife in the area, but common sense prevails.

The minister of the day permits that activity to finish, because he is informed that it may be another three or four years or five years at the most. The commercial gravel is taken out of the pit and is maybe required by the local municipality or town for road improvement. He further conditionalizes the permit that calls upon the operator of the gravel pit to perhaps do some reclamation and leave the area in an environmentally more friendly way. In the meantime, the wildlife in that four or five thousand acres or seven thousand acres are being managed better than they were before, and that is consistent with the act.

\* (0110)

Surely, it is better to provide some measure of management if it is deemed desirable by professionals and by local people than none at all. Very often, in order to do that, a permit has to be provided of the kind that we have been speaking of. I would suggest to you that the very substantial designation in bringing together a wildlife management area in the Interlake during the '70s could not, would not, have happened had there not been some willingness on the part of the government, the Schreyer government at that time to permit local ranchers and farmers some access to hay and grazing of cattle.

With that permission being granted, the wildlife management areas were created. I believe wildlife interests in the province have been advanced as a result of that. I believe the intent of the act to better manage, to better enhance wildlife opportunities in the province—that mandate of the act has been met. That is why I come back, if that permission, that capability on the part of the minister to make those

exemptions is challenged and another case in court is struck down, it is as you yourself suggested just in your earlier reply. That is a legitimate concern. I do not take issue with it.

If we want to make the issue of whether or not there is any compatibility between cattle and other forms of wildlife, fine. You know, that is for governments to debate. It would be irresponsible for any minister of Natural Resources to put in jeopardy hundreds of agreements, hundreds of contracts, on law that is less than clear, ambiguous, and open to challenge. The intent is clear, and the government is not hiding behind anything. We are making the intent very clear.

I come back to that situation of Mars Hill. Do you think it is advantageous to the enhancement and better management of wildlife to have that Mars Hill Wildlife Management Area created now, or do we wait five years until the last of the gravel is taken out of the pit, if that is the only condition that prevents us from creating a wildlife management area?

**Mr. Pannell:** I took two themes from your question, and I will try and answer them both. One theme is, sort of, has government never done anything right? The government has done many useful things, and this government is included. The pride that you take in the announcement of being the first province to have the Premier (Mr. Filmon) commit to setting aside 12 percent of the land mass under the Endangered Spaces Program is to be lauded. I might say, I have done so in the past and do so now.

There are quite a number of initiatives that are worth having compliments and laurels offered by government, this and the previous administrations. Putting restrictions on land is a useful direction to go in, but the question becomes, compared to what status quo? The status quo, notwithstanding all of your descriptions you have given me tonight, is that more than 98 percent of the province is available for some kind of significant development. Most parkland is available for mining, forestry, for hydro-electric development, for just about anything. That means that the status quo is a very difficult one. We have a long way to go. Most people who are seeking strong environmental protection will not be comfortable without some further steps being taken.

In this case, the step is not in the right direction, which takes me to the example you have offered. Let us assume your facts. I do not know the quarry situation, so we will assume for the moment your

facts—a quarry on a new wildlife preserve, where it will run out its operational life in five years, otherwise we would have to spend, who knows, X number of dollars to expropriate. I might very well agree with you that is a useful time to make some exception, particularly since you want to create the park. You may not have a lot of resources to do it with, so why not make an exception in this case.

Assuming that I agree then with your premise, why should I want the method that you have chosen, which is to give you carte-blanche power to do anything you want? Why would I not say, well, I will agree to those things that the Clean Environment Commission, once it is restructured to give it intervenor funding and an unbiased panel—on those things that it recommends to you, I will agree as exceptions; or, alternatively, I will agree that you can make a legislative change to the legislation to permit this, which means going before the Legislature and convincing them; or, alternatively, I will permit you to put in a clause that says, for the purpose of establishing new preserves where it is economical, et cetera, et cetera, in other words, limiting your discretion as much as possible; because the question is really, where do I want to err? Do I want to err in favour of development or in favour of restrictions?

Remember, we are not dealing here with the Winnipeg planning act. We are not dealing here with the economic development act for Manitoba. This is The Wildlife Act. One assumes that its basic tenet is preservation of areas for wildlife and therefore, one assumes that you should err in favour of preservation. If you want to do a development initiative, then maybe it should be reasonably tough. Or maybe, the provisions that go in might not cover every conceivable useful decision you want to make, but maybe that is okay because of the ethic that you want to carry through the act.

What you are saying is, that this changes from being a wildlife preservation act to an act that essentially can permit any development because a ministerial—you know, it is limited by personality, now. The personality of the minister determines what development can go on. That means that if the minister has no environmental values, an awful lot can go on. I do not think that is the way to err for these exceptions that you speak to. I think that there are many more creative ways of dealing with exceptions than by giving carte blanche power to the minister.

I am afraid none of the examples you have offered me this evening are ones that would shake me in my view on that.

**Mr. Penner:** Very briefly, Mr. Pannell, you have sort of left the impression with me that Ducks Unlimited projects have their value, although you questioned the intent of Ducks Unlimited and what their final intent is and/or what the spin-off is in other areas of wildlife production of Ducks Unlimited projects. I know that in The Pas area, for instance, since the Ducks Unlimited project was initiated, the muskrat harvest in the area that is now controlled by structures, where water levels are controlled by structures constructed by Ducks Unlimited, raise a substantial—I believe up to 80 percent of the muskrats harvested in that area.

I also am aware that the moose population has a definite advantage in the shallow water areas created by the Ducks Unlimited ponds. There are other benefactors, such as beaver, wolves and whatever other wildlife. It has been demonstrated clearly by Ducks Unlimited and organizations such as that, that those spin-offs are actually a product of the development of the efforts of Ducks Unlimited to raise, simply, waterfowl. I raise that only as a point because I think that point needs to be made.

\* (0120)

In your remarks, you have questioned whether we, in fact, should allow forestry industries to use our parks areas to cut wood in our parks area. Let me say to you that—or I should ask you whether you are aware that there is an area or a number of areas in this province that have had at least some parts of the forestry planted some 40 or 50 years ago and that some of those areas are now nearing harvestable size. I wonder whether you are aware that one of the communities that is close to one of these areas is now suggesting to government that government should set aside that area as a special forest area and call it a forest preserve and not allow harvesting in that replanted area because it is such a beautiful forest. The wood there, the area is much, much more productive in wildlife and many other things because we could consider it man-made, to such an extent that the community does not want to see harvesting there in that man-made forest.

To me, it clearly demonstrates that the forestry industry in this province and the minister of forestry in this province, and the previous minister of forestry



are in fact and have been, on the right path to encourage, when the contract was drawn with Repap, to encourage not only through the contract that was signed with them, to replant and leave a tree for every tree they cut.

It demonstrates clearly to me, and not by our actions but by our forefathers' actions, that you can, in fact, create an environment or leave behind an environment even after harvesting some of our resource, be it wildlife, be it waterfowl, be it forest products or other, and that future generations can probably even benefit by those actions. I would like to hear you respond to that.

**Mr. Pannell:** I suspect everything you have said is true in some fashion. However, let us take the first issue which is that there are ancillary benefits. Your first issue was that in The Pas, when you preserve wetland, there are -(interjection)- Excuse me, I am answering a question. When you develop wetland, you have ancillary benefits which will be localized. Depending on the species and the other terrain surrounding the wetlands, you may get benefits in the way you have described, or other kinds of benefits.

The difference is that those benefits are unplanned and are in some ways happenstance. The focus of Ducks Unlimited is on wetlands preservation. Other species, for example burrowing owls which have become one focus of Dr. Nero and I think he is pursuing successfully—I doubt very seriously that burrowing owls would be successfully targeted by any wetlands project by Ducks Unlimited.

**Mr. Penner:** I am sure they would not. You would drown them.

**Mr. Chairman:** Order, please.

**Mr. Pannell:** Exactly. Which goes back to my point, which is that we tend to follow the leader, that is government tends to follow the leader in these kinds of projects, and we tend to protect resource-use species. We do not tend to protect species that are not used in some fashion. We do not generally look around and say to ourselves, what species do we really have to go out there and pay attention to today? That is not a particularly ongoing inquiry that is made in Manitoba, and it is an inquiry that should be made and more effort should be made to preserve species which are not important to us because of their resource use. So I

think that those things, my comments and your comments, can both have a ring of truth to them.

Can you refresh my memory as to your second point?

**Mr. Penner:** Basically, Mr. Pannell, what I was wanting your response to was the harvesting of the wood supply in this province, be it in the parks and/or otherwise. If, in fact, you ensure that there be replanting, and ensure that there will be a future generation of forest created where these original stands—be they sometimes original or secondary stands—are taken.

**Mr. Pannell:** This is a little bit off topic of the issue at hand, but probably worth mentioning.

**Mr. Penner:** The only reason I raise it is because you, on at least three different occasions in your presentation, touched on that aspect.

**Mr. Pannell:** No, I do not challenge the question. The way that we are moving in forestry is highly questionable. What we are doing is we are saying that the agricultural practices that we are questioning now and we are considering abandoning are going to be the normative standards for forestry.

In other words, we are going to select dominant seed species from dominant trees, we are going to plant that same family of seedlings from a small variety of trees, we are going to plant them in rows, we are going to herbicide the area to get rid of broad-leaf species that are competing, and we are going to go in and do whatever we think necessary, fertilize, et cetera, to grow these trees. That is the monoculture practice of farming, which is common to wheat and other species presently in Manitoba.

There are questions arising about what happens to diversity of genetic material, the impact of fertilizers and herbicides and other pesticides on soils. What happens to those other species that you are considering as weeds? Do they disappear?

Well, all those questions are now open to us in forestry because that is the direction we are going in forestry. I might add that, until a year, two, three years ago, none of the wider implications were being considered by the Forestry branch. They will be considered at environmental assessments, I can assure you. The challenge will be that these are not reasonable forestry practices to institute. That goes along, in addition, with the notion of clear-cut cutting which has dramatic effects on the wildlife

population. There is no doubt that at certain stages of growth in the forest you get favourable conditions for some species, but there is very serious question about whether it is a favourable practice for ongoing soil conditions, for genetic diversity and for a variety of other factors. I suggest to you that our forestry practices are very much open to question.

The notion that there might be some forests that were planted that have matured, I do not doubt. I think you will find that Mr. Rannard, who is head of the forestry branch, will admit that essentially it is happenchance on whether they have had success or not. For every area that you can point to where you have had a forest regenerate, there are many areas where you have had problems in regeneration. Let us point out what you are regenerating as well. The practice of the forestry branch and these forest cutters is to remove the species they find on the forest lands and replace them with the dominant species. So you can have a diverse forest and it will be cut down, and whatever the dominant species was will be replaced over the whole area, whatever the unit size is that they use. Some people may find line trees of the same species attractive. I can assure you others think it is a questionable esthetic.

The final comments you made were sort of an impression that the agreement signed with Repap is somehow an improvement benefiting forest practices. I have read the licence for Repap and I have read the licence for Manfor, and I can assure you that there is no material divergence between the two. Both corporations were and are under the obligation of planting one tree for every tree that is cut—up for grabs is a definition of what a tree is—and to replant trees at the end of seven years. It is highly questionable that that is a sufficient replacement number to replace a forest, even assuming that you accept trees planted in lines and all the same species replacing diverse forests and a same-age group forest replacing a multi-age group forest, et cetera. In essence, we are creating a different kind of forest. We are creating a tree farm in place of forests with different ages of stands which support a very multilevel kind of wildlife.

**Mr. Chairman:** Thank you, Mr. Pannell, for your presentation and your time.

**Mr. Pannell:** Thank you.

**Mr. Chairman:** Mr. Bill Delaronde, would you please come forward? Mr. Delaronde, do you have a written presentation?

**Mr. Billy Jo Delaronde (Private Citizen):** No, I do not.

**Mr. Chairman:** Okay, go ahead, proceed.

\* (0130)

**Mr. Delaronde:** First, I guess I would like to thank the committee for allowing me to address you, and on the whole issue of hearings I would like to give you an opposite point of view from others I have heard tonight, that I do not think it is a waste of time.

I have learned a lot from a lot of the people who spoke tonight, and I think it is because the type of system that we choose to govern ourselves in this country allows for people to come and speak with you and put their views forward as persuasively as some I heard tonight.

Some people say that with this amendment we give absolute power to the minister. I choose not to agree with that statement. I choose to say that this minister is given powers that he can exercise until the next election. I think the previous speaker before me said that he would make this an election issue, and I hope he does. I see a different point of view from why he should make it an issue, because I think that there are benefits to be gained by this amendment.

I think that I could have come here not as a private citizen, but I could have chosen to speak on behalf of many organizations, speak on behalf of my own people. I chose not to do that; I chose to come and speak and exercise my rights as a private citizen of this province, and I thank the committee for allowing me to do that.

If the only reason that the regulations are changed, as some suggest, is because there is supposed to be a building at Oak Hammock, then that seems to be okay with me, but I also see that there are other areas that especially affect the people who I deal with every day, that these regulations, these changes, this amendment would address.

Talk about taxes. A lot of people, I think, in this province would like to pay taxes, but they just do not have the jobs to pay those taxes, so we start burdening ourselves with more taxes on the people who pay those taxes. We have people running the border here, creating criminal acts, buying tobacco,

buying booze, buying items in the States because they are being so taxed here.

I work; I have a job. I like paying my taxes, but sometimes it gets pretty heavy. So if individuals, corporations who want to help the Manitoba community, want to invest their resources to create jobs so more people can work, so that our taxes can come down, then I do not find that wrong.

I will tell you a personal thing that has been bothering me. I have never hunted ducks in my life, but since this spring I have wanted to eat duck. It is not that I would not hunt them, it is just I do not think I am adept at it. I think they would get away on me, but I would enjoy duck soup. I hunt moose. I am a moose hunter, all within the rules and regulations. I get my licence. I hunt deer. A lot of people I know hunt duck, and ducks create jobs, create guiding services for people. People can rent out their outfits, canoes, boats, motors, cabins, so there is a certain economy out there that is created by ducks. I think that should be encouraged, and if we are going to spend a lot of money fighting over whether the regulation gives the minister the right to do what he wants to do, or whether it does not, I think we can better spend that money in other areas.

I can appreciate the concern people have about putting a building at the marsh, but even I, included in a lot of speakers I think that spoke tonight, did not even know there was a marsh there for the longest time, until organizations like Ducks Unlimited and the government decided to join things together and start cleaning up that mess that was there from the practice runs of the planes, the oil drums and some of them are still there, started buying land, then creating more of a better environment which we know as Oak Hammock Marsh today.

I would like to see that kind of development happen in other areas. There is Lake Francis that used to be full of ducks, full of muskrats, full of fish, and now it is kind of dead today. You look at Winnipegosis and the south shores of that lake. My ancestors used to make a living out of that area, but not anymore. The problem here is that the minister may be taken to court because he wants a building

there. Oh, that is fine but I think we can spend our resources better, and I am prepared to stand by the decision that a minister makes. I am prepared to campaign in the next election for that minister, if he was right, or against that minister, if he is wrong. I do not think we are giving him absolute power. Besides, he has a very small majority.

Regardless of that fact, I think that individuals, as far as my experiences, will get involved whether by themselves or whether by government. I will give you two examples. One, we were going to make coffins in one community and we had an appointed board from the community to run the affairs of making coffins. It did not work because pretty soon people were volunteering and they were being abused. They were being accused of lining their pockets, of looking after themselves. These were nice people but they did not appreciate the fact that they were being singled out so they just left that project and it fell down.

On the other hand, there was an individual who started a laundromat and he made it into a family operation. That laundromat works today, because that individual knows if he does not look after his business he is not going to eat.

I just wanted to share those thoughts with you, and I am happy that you have heard me out. I said I have heard some strong arguments here today, they have not convinced me that I am wrong. I do not see how a building beside a marsh is going to change the world like some of the people I heard say. Thank you.

**Mr. Chairman:** Are there any questions for Mr. Delaronde? Mr. Delaronde, thank you for your time and your presentation.

Are there any other people who were listed that in fact would like to present tonight?

I would like to thank everybody for showing up tonight and to remind you that we will be here tomorrow at one o'clock.

The time being 1:42, this committee will rise.

**COMMITTEE ROSE AT:** 1:42 a.m.