Response to Regulation Under the Manitoba Water Protection Act

Respecting Water Quality Management Zones for Nutrients

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Contact:
#1-1313 Border Street
Winnipeg, Manitoba R3H 0X4
Telephone: 204-697-1140
Facsimile: 204-697-1109
Email: kap@kap.mb.ca

This response to the Regulation under the Manitoba Water Protection Act respecting Water Quality Management Zones for Nutrients is supported by the following groups:

Dairy Farmers of Manitoba
Keystone Agricultural Producers
Manitoba Bison Association
Manitoba Cattle Producers Association
Manitoba Chicken Producers
Manitoba Corn Growers Association
Manitoba Egg Producers
Manitoba Equine Ranching Association
Manitoba Pork Council
Manitoba Pulse Growers Association
Manitoba Sheep Producers Association
Manitoba Turkey Producers

Keystone Agricultural Producers (KAP) appreciates the opportunity to comment on the proposed regulations dealing with water quality management zones and nutrients as part of the Manitoba Water Protection Act. This proposal will have significant and long-term impacts on Manitoba's farm families as it continues the province's focus on environment and water quality issues.

In light of the wide-reaching nature of the proposed zoning, KAP established an ad-hoc committee, comprised of representatives from our organization and other provincial commodity groups, to fully evaluate the potential impacts on the agricultural community. Therefore, this proposal represents the combined position for all of agriculture in Manitoba, and it is from this partnership that we submit our response. However, we would like to state that, as an organization, the government timelines did not allow for broad consultation with our general membership. In light of this fact, we suggest that government postpone the deadline for consultation.

Water Management Zones & Mapping

KAP and its member organizations are gravely concerned about the reliability of the data used to establish the water management zones and the related maps. Reliance on soil classifications as the primary method of establishing water zones is not a sound method as there is limited application to water management issues. There is no direct correlation between soil maps and water quality zones. We strongly believe that the zones are too general and too variable making their use inappropriate and misleading. Government must make its case for why these soil classifications were utilized as the basis for the entire document. We request that government agree to delay implementation until a more relevant framework can be established in consultation with farmers. The use of these maps will lead to major administrative and enforcement problems for both levels of government (provincial and local), as well as producers to reconcile the misleading maps, zones and regulations to what actually exists in reality.

It is imperative that the province gets the regulation right the first time and not force producers into uncertainty. We do not want to hold up normally accepted and beneficial management practices to await an onerous, costly and time consuming appeal mechanism to disprove what we already know is inaccurate and not workable. We strongly suggest that government give consideration to a more viable framework for nutrient management in Manitoba; particularly, in light of the obvious limitations and problems with the current maps in the proposed regulation. There has been a precedent set by implementation of other regulations on a site specific basis. Looking at farm-based nutrients to agronomically balance nutrient inputs and reductions through crop yields and removal on an annual basis is a much more practical, responsible and scientifically sound basis for nutrient management. This streamlines the process and makes it easier for farmers to comply and it brings consistency to the overall process by basing regulations on the same data sources. While it is critical that there be an adequate and fair transition period, these data sources are already used for nutrient management and government is doing so without the basis of the maps. As well, in the implementation process, we should give consideration to levels of risk which could be

developed in consultation with farm organizations. Levels of risk should reflect both crop removal and building soils to sustainable levels.

We cannot overstate our concern with the publication of these maps, even as part of a proposed regulatory framework, without their accuracy and applicability being scientifically established. We question why there is little or no correlation between these maps and the previously developed ground water risks maps developed for irrigation purposes. Agriculture is concerned that these maps will provide an unscientific basis to end beneficial farm practices, like growing forages in the Red River Valley. No remarks are made in this proposal about the limits of using soil classification information, though the shortcomings of this classification system are clearly made in the initial soilbooks that were the original source.

The broad zoning and associated restrictions that have been established by this paper would have serious negative effects for producers who have a continuous parcel of land that is split into two or more water management zones. It is our understanding from this paper that all of the land would then be subject to more restrictive zoning. This would have a serious negative financial impact on individual producers and also require significant changes to practices that may already be environmentally sustainable. The current proposal also creates no mechanism that recognizes any mitigation techniques or soil management improvements that producers have already put in place that may allow for land to move to a less restrictive zoning classification. This is simply unacceptable and must be addressed prior to the adoption of any system. Government must understand that farmers do not increase their input costs unnecessarily by applying additional fertilizer. Farmers minimize their input costs whenever possible, especially in today's low return marketplace.

The Focus on Agriculture

These proposed regulations, in conjunction with the recently released report of the Phosphorus Expert Committee on manure application rates, continue to paint agriculture and Manitoba's farm families as primary contributors to nutrient loading and declining water quality, when the whole agricultural watershed, including Alberta and Saskatchewan portions, is in fact, responsible for a relatively small portion of these issues (specifically 14% as illustrated in the Lake Winnipeg Stewardship Report). While farmers continue to improve their practices to achieve ecological goals, we do feel unfairly targeted in the absence of similarly-stringent regulations as for other sectors and landowners.

The zoning requirements set out by this document require a significant adaptation on the part of many farm families, if adopted by government. As such, we believe it is imperative that agriculture is treated in a similar manner as compared to other sectors. The issue of parity must be addressed, and agriculture is not prepared to move forward with these proposed regulations until a plan is established with the same timeframes for other sectors.

Consider the City of Winnipeg as a basis of comparison. While agriculture, through innovative technologies and practices, has been able to voluntarily decrease its impact on the environment through soil management techniques, soil testing, and other related activities, little has been done on the municipal level, to date, to deal with this issue. The city has been given a

reasonable time frame to implement changes to its current dumping of municipal effluent into the Lake Winnipeg watershed. The city will also be able to source significant public dollars (federal and provincial) to deal with the issue, despite its own fundraising abilities via taxation.

Serious consideration must be given to the initiatives already undertaken by farmers, such as riparian management and feeding strategies in the hog sector. As well, current and upcoming producer initiated and integrated research to help balance nutrients is an environmental benefit. As we move forward with the environmental farm planning process more will be done on an incentive basis by farmers on an individual basis without a regulatory regime being enforced upon the industry.

In contrast, Manitoba's agricultural producers have already been given a water zoning template based on very questionable mapping and data, and will be expected to comply with these limits within an extremely short timeline. Farmers, who have no taxation power and no ability to pass on increasing costs to comply with the zoning requirements, should not be expected to meet them in an unreasonable and unrealistic timeframe. As farmers' collective contribution to nutrient levels is small compared to other sectors of society, it is our position that these thresholds and the related focus on agriculture must not be the only avenue that the provincial government uses to address the issue. Producers provide a public benefit and therefore the public must assume the cost for that benefit. Most recent, the Alternate Land Use Services proposal, which was developed by KAP, illustrates the actions taken on the land when public pays for ecological goods and services. The number one principle of ALUS: "A mix of public and private ownership of resources exists on private land, so the stewardship of natural capital and environmental resources must be a shared responsibility of governments and landowners".

The restrictions on agriculture set out by the maps also fail to recognize the contribution that natural sources make to nutrient loading and overall water health. For example, phosphorus movement in sediment from in-stream erosion during fast-moving water events is a major contributor. During these events, agriculture flooding occurs and the water slows on the landscape to drop sediment and nutrients. This raises the question as to whether agricultural land contributes to the stream sediment and nutrient load or lowers it. Rivers also tend to move large amounts of P in sediment from in stream sources, particularly when high water flows occur over long periods or in high frequency. Recent data collected relating to this issue on the Vermillion River suggests that these sources are more important than first thought, and additional research is needed to establish a valid scientific approach to deal with these and related issues. Government must also bear in mind that it will be impossible for agriculture, or any other sector, to reduce nutrient levels to zero. Meanwhile, farms are moving forward with nutrient management and the focus is a balance of nutrients on both land and water. How do we, society as a whole, achieve and maintain such a balance that allows for sustainability of land and water resources?

Impacts on Family Farms

Though we do not believe there is a strong enough correlation between soil classification maps and water management zones to justify the published maps, we must recommend measures to mitigate the impact on family farms if these regulations move forward. Therefore, we

recommend that government must also establish a list of mitigation and land management techniques for each zone that would allow for a producer to reclassify their land to a less restrictive classification. There must also be some type of direct process that would allow producers to apply to have their land moved up in zoning classifications. This process must be science-based and function at no additional cost to the individual producer. To avoid broad usage of this type of process, it is crucial that government ensure that any regulations enacted are workable for farmers.

We believe that the Province of Manitoba does not wish to put family farms out of business or inhibit new entrants through these regulations, and will recognize that this situation calls for significant additional assistance and future predictability on regulatory costs. KAP and its member organizations strongly believe that it is absolutely essential that the provincial government establish a means of sharing in the investment it is asking of producers, particularly as available research shows that these regulations will have little impact on the level of nutrients entering Lake Winnipeg but at a significant cost to the producer. To address this, we recommend that the province undertake an analysis of the on-farm costs prior to implementing these thresholds.

It is unrealistic to establish these recommendations and expect results if complementary assistance programming and incentive-based alternatives are not also created. These regulations may serve only to push smaller producers from the land as they are less likely to have the financial reserves in place to comply. Regulation is not the only tool available to governments and, in light of the far-reaching impacts of the proposed zoning, it should not be the only option utilized. KAP and its member organizations require a meeting with the Ministers of the Departments of Water Stewardship, Conservation and Agriculture to discuss complementary policy alternatives that will meet our shared environmental and nutrient management objectives while also respecting the needs of Manitoba's family farms.

Role of Government

We recommend that government step back to re-evaluate the reliance upon the water quality zoning maps as the basis of regulation for nutrient management. Farmers have a serious concern that there is no reliable correlation between soil data and water management issues. Considering the far-reaching impact that these zones will have on farm families, it is imperative that it is based on sound scientific information. Government must undertake Manitoba-specific research to ensure that the action taken under the auspices of the Water Protection Act are fair and realistically achievable, two criteria which we believe are not met by the current document. This issue is simply too important for government to rush into regulation.

Other required action by government includes:

- Ensure that the adoption and implementation of any new nutrient management regulations are phased in over a long period of time to allow family farms and producers the ability to adjust without major economic hardship;
- Conduct an economic analysis of the impact of this proposed regulation and future regulations on the affected farm families and rural communities; and

- Any public benefit, at present and in the future must be paid for by the public and not cause increased financial burden upon family farms.

We are cutting new ground and it is important that we are in concert with other sectors. We believe that agriculture has been unfairly targeted as the first sector to have to comply with these regulations. Our industry is concerned that this move by government may give the public an inaccurate perception that agriculture has the most significant negative impact on water quality, thus being the first to be regulated. Agriculture is the most visible on the landscape but we must not be targeted in an effort for the government to move forward in the publics' eyes.

Closing Comments

Manitoba's farm families take the long-term health of the land and water quality very seriously. Farmers are excellent land stewards that plan for and undertake land use on a generational scale; and given more tools and resources, we can do even more. Considering this fact, regulation and zoning restrictions must not be the only approach taken by government to address Manitoba's water management issues.

We must ensure that our actions are based on sound science, and that the province supports the efforts undertaken by individual farmers and farm organizations to research and implement beneficial activities. Farmers are already taking independent action and it is imperative that government and society as a whole recognizes, and financially contributes to these very important stewardship practices.