

MANITOBA CLEAN ENVIRONMENT COMMISSION

CRYSTAL SPRINGS COLONY LAGOON

HEARING

CRYSTAL SPRINGS/HARBOUR COLONY LAGOON

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Transcript of Proceedings
Held at Fraserwood Community Hall
10140 PR 231, Fraserwood, Manitoba
WEDNESDAY, APRIL 22, 2026
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CLEAN ENVIRONMENT COMMISSION

Aimée Craft - Chairman

Donald Labossiere - Commissioner

Lydia Carpenter - Commissioner

Peter Crocker - Executive Director/
Commission Secretary

Carson MacKenzie - Keewatin-Aski Ltd.
Commission Technical Advisor

HARBOUR (CRYSTAL SPRINGS) COLONY FARMS

Paul Kathler - Legal

Luke Bossuyt - Legal

Daniel Burns - Burns Maendel Consulting Engineers

RM OF GIMLI

Kevin Williams - Legal

Matthew Nordlund - Legal

Indra Kalinovich - Dillon Consulting

Kevin Chudd - Mayor

DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE,
PROVINCE OF MANITOBA

Siobhan Burland Ross - Engineering Manager

Barsha Sagan - Senior Environmental Engineer

Anges Wittman - Director

PUBLIC PARTICIPANTS

Chris Kristjanson

Robert Kristjanson

Garry Wasylowski (Reeve)

Sheri Flores

Gail Mastin

Vicki Burns

Glen Koroluk

Randy Webber

Kathleen Booth-Smith

Doug Smith

Fred Veldink

Lisa Shaw

Tanya Mishtak

Chris Milne

Rob Jantz

William Buckels

Alex MacKenzie
Glen Gulay
Jeff Yablonski
Judy Arnason
Rob Tkach

OTHER SPEAKERS
James Sephton

Reporters: Giselle Chen, Nathaniel Laxer

1 WEDNESDAY, APRIL 22, 2026

2 UPON COMMENCING AT 12:30 P.M.

3

4 THE CHAIRWOMAN: Good afternoon. Good
5 afternoon. Welcome back to those who were here yesterday,
6 and for those of you who are joining us today, welcome. My
7 name is Aimée Craft. I'm Chair of the Manitoba Clean
8 Environment Commission, and I'm joined by Commissioners Don
9 Labossiere and Lydia Carpenter.

10

11 I want to start by saying Happy Earth Day to
12 those of you who are here. Nice, sunny day. And also to
13 remind you to please turn your cell phones to silent for the
14 duration of the proceedings today. If you do need to have
15 any conversations or take a phone call, there is a lobby
16 that you are more than welcome to use for that purpose.

17

18 This afternoon, we're continuing with Mr.
19 MacKenzie, who presented some evidence yesterday, who is
20 still under oath, and we're now turning to questions from
21 Mr. Williams for the RM of Gimli.

22

23 MR. WILLIAMS: Afternoon, Mr.
24 MacKenzie. So, I've asked Mr. Crocker to have your report
25 available to you on that computer in front of you because
26 I'm going to ask you some questions regarding that.

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MR. C. MACKENZIE: Yes. Just bear with me here.

MR. WILLIAMS: Yeah. Perfect. Okay. We don't have to get there yet. So, I guess the first question I have for you, sir, is -- is, I looked through the report and, interestingly, the report is not signed by anyone, and it's -- it's -- it's unsigned. And so -- so, who authored that report?

MR. C. MACKENZIE: There's a subsequent submission that was made to the Commission authored by myself and Norm Lawrence.

MR. WILLIAMS: Sorry, I'm just having difficulty hearing. Sorry. Can you -- can you just repeat that answer? Go ahead.

MR. C. MACKENZIE: There was a subsequent submission later that day that included the final letterhead.

MR. WILLIAMS: Okay. And so, who authored the report is my question?

1 MR. C. MACKENZIE: It was myself and Norm
2 Lawrence from our firm.

3
4 MR. WILLIAMS: Okay. And sir, what is
5 your position within Keewatin-Aski?

6
7 MR. C. MACKENZIE: I'm a civil engineer. I
8 provide design services for civil -- civil engineering.

9
10 MR. WILLIAMS: Okay. Now -- and -- and
11 the other individual who you identified who co-authored the
12 report with you, his name was again?

13
14 MR. C. MACKENZIE: It's Norm Lawrence.
15 He's the president of our firm.

16
17 MR. WILLIAMS: Okay. Now, I want to
18 talk to you briefly about the scope of your engagement. You
19 -- you were retained to conduct a technical review of the
20 EAP and the responses. Do I have that correct?

21
22 MR. C. MACKENZIE: That is correct.

23
24 MR. WILLIAMS: And in the context of
25 that, you prepared the report, which we have up on the screen
26 there, dated April 7th, 2026. I have that correct?

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MR. C. MACKENZIE: Correct.

MR. WILLIAMS: I want to talk now briefly about what your engagement did not involve. You can confirm for me that your engagement did not have you design the project. Correct?

MR. C. MACKENZIE: Correct.

MR. WILLIAMS: The engagement did not have you determine whether the project should be approved. Correct?

MR. C. MACKENZIE: Correct.

MR. WILLIAMS: The engagement did not include you conducting any independent environmental modelling. Correct?

MR. C. MACKENZIE: Correct.

MR. WILLIAMS: The engagement did not include you performing any field investigations. Correct?

MR. C. MACKENZIE: Correct.

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MR. WILLIAMS: And in fact, you did not conduct any independent environmental modelling in relation to your engagement, did you?

MR. C. MACKENZIE: Correct.

MR. WILLIAMS: You did not gather any independent site data. Correct?

MR. C. MACKENZIE: We reviewed the record.

MR. WILLIAMS: But my question was, sir, you didn't gather any independent site data on your own account. Correct?

MR. C. MACKENZIE: Correct.

MR. WILLIAMS: You did no groundwater modelling. Correct?

MR. C. MACKENZIE: This is correct.

MR. WILLIAMS: And you did no nutrient transport modelling. Correct?

1 MR. C. MACKENZIE: Correct.

2

3 MR. WILLIAMS: So, your task, if I
4 could characterize it as such, was to assess whether the
5 issues raised have been addressed at a level appropriate for
6 the Environmental Act proposal stage. Is that fair?

7

8 MR. C. MACKENZIE: I would say that's
9 fair.

10

11 MR. WILLIAMS: Yeah. And in that
12 context, you're alive to the fact that there were numerous
13 issues raised with respect to the Proponent's Environmental
14 Act proposal. You were aware of that when you reviewed it,
15 right, sir?

16

17 MR. C. MACKENZIE: We reviewed the record.

18

19 MR. WILLIAMS: But you -- you were
20 aware of the fact, when you did your review, sir, that --
21 that there were a number of issues that were raised by the
22 proposal. Right?

23

24 MR. C. MACKENZIE: There were a number of
25 issues raised. However, the characterization as far as
26 whether those impact -- whether those issues impact the

1 technical assessment by the regulators is separate from our
2 -- our scope.

3

4 MR. WILLIAMS: Sorry, I -- could you
5 just repeat the answer, sir?

6

7 MR. C. MACKENZIE: Sorry, do you want to
8 repeat the question?

9

10 MR. WILLIAMS: Yeah. I said that in
11 the -- that -- that -- that you were alive to the fact that
12 there were numerous issues raised with respect to the
13 Proponent's Environmental Act proposal. It raised a number
14 of issues.

15

16 MR. C. MACKENZIE: It did raise a number of
17 issues. However, our role is to support the Commission in
18 their assessment, and we're supporting the Commission in
19 their review of those issues. We're not making a
20 determination ourselves on those issues.

21

22 MR. WILLIAMS: Yeah, that's fine, but
23 -- but my point, sir, is -- is that there are a number of
24 issues raised by the proposal and those issues that are
25 raised -- a number of them, I'm going to take you through
26 right now -- remain as unresolved at this moment. You'd

1 have to agree with that, would you not?

2

3 MR. C. MACKENZIE: We've -- I think, at
4 this point, you could say they're unresolved. There are
5 assignments that we've identified in our report as to who
6 and what pathways are required, and who would -- who would
7 be the ones resolving those issues, whether it be the
8 designer or the regulator.

9

10 MR. WILLIAMS: Right, but you agree
11 with me, sir, that the -- those issues are unresolved and
12 you need -- you need a pathway to get to the resolution.
13 Right?

14

15 MR. C. MACKENZIE: Right, but we haven't
16 identified any concerns that do not possess a pathway is
17 what we're at. So, if you're saying -- if you're
18 characterizing that unresolved issue means that there's no
19 pathway, we have not at this point identified an issue that
20 does not have a pathway.

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22 MR. WILLIAMS: Well, to resolution,
23 right?

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25 MR. C. MACKENZIE: To resolution.

26 Correct.

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MR. WILLIAMS: Yeah. So, they're currently unresolved. You'd have to agree with me on that?

MR. C. MACKENZIE: Some of the pathways include actions by the Proponent and others include actions by the regulators. So, as the regulators haven't taken action beyond the scope of this hearing, they would remain unresolved.

MR. WILLIAMS: Okay. So, if we could turn to page 10 of your report, please.

MR. C. MACKENZIE: Just bear with me. You can see a little bit better than I can right now.

MR. WILLIAMS: Yeah. No.

MR. C. MACKENZIE: Is that PDF page 10 or report?

MR. WILLIAMS: I was using the upper right-hand corner, sir. Sorry.

MR. C. MACKENZIE: Okay. Where am I at 12 already?

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MR. WILLIAMS: So, are you able to blow it up a bit? Just a bit.

MR. C. MACKENZIE: I'm just going to zoom in here. It's probably good enough.

MR. WILLIAMS: So, I want to talk to you about effluent monitoring and reporting framework issue 6.1. You see that?

MR. C. MACKENZIE: Yeah, I can read that on the screen, yeah.

MR. WILLIAMS: Yeah, okay. Well, you identified, for example, that concerns were raised surrounding how effluent quality would be monitored. I have that correct?

MR. C. MACKENZIE: I haven't read it live here but that appears to be the contents. Yeah.

MR. WILLIAMS: Yeah. And how compliance would be demonstrated. There were some concerns raised about that. Right?

1 MR. C. MACKENZIE: Concerns were raised
2 for that, yes.

3
4 MR. WILLIAMS: Yeah. And there were
5 concerns raised about how monitoring results will be
6 reported to regulators and the public. Correct?

7
8 MR. C. MACKENZIE: I'd say that yeah there
9 were concerns raised about that, yeah.

10
11 MR. WILLIAMS: Yeah, and you'd agree
12 with me, sir, that those were legitimate concerns? That's
13 why you wrote it, right?

14
15 MR. C. MACKENZIE: There -- there were
16 concerns that are identified, yes, and we've got a -- we've
17 got a pathway associated with resolving those.

18
19 MR. WILLIAMS: Right. But -- but you
20 don't, in your report, indicate that the concerns raised
21 were -- were improper or illegitimate or unfounded. You
22 don't -- you don't indicate that. Right?

23
24 MR. C. MACKENZIE: I don't think any
25 concern identified in the report would be ruled out as
26 unfounded. I mean, that would be for the regulators. It's

1 not -- that's outside of our scope in the technical review.

2

3 MR. WILLIAMS: Well, but -- but I mean,
4 sir, you prepared this report in order to provide guidance
5 to the Clean Environment Commission. And -- and my point
6 is, is that in here, these concerns that we've identified,
7 and there's a number of them I'm going to talk to you about,
8 nowhere here do you suggest that the concerns are
9 illegitimate or unfounded? And I'm not asking you to confirm
10 for me that there's a pathway to a resolution. I'm saying
11 at the stage right -- we're at right now, the concerns are
12 -- these concerns are here and they're unresolved as of this
13 date. You've identified ways they may be resolved, but
14 they're unresolved as at this date. Is that fair?

15

16 MR. C. MACKENZIE: I don't want to speak to
17 anything that hasn't been presented in the hearing yet.
18 There's several people that need to present still. So, at
19 this stage I would say you could consider them unresolved,
20 but it's not unclear as to who would need to resolve them.

21

22 MR. WILLIAMS: Okay. Now if we go to
23 page 19 of your report. That's perfect. Thank you. And
24 we see here as it relates to effluent monitoring and
25 reporting framework, you indicate under the notes on the
26 application, "Licence conditions typically specify

1 monitoring parameters, sampling frequency, reporting
2 requirements, and compliance verification obligations.
3 Operational procedures implement monitoring programs and
4 record keeping." That's what you wrote, right?

5

6 MR. C. MACKENZIE: That is what's on the
7 screen, yeah.

8

9 MR. WILLIAMS: Yeah, well, but I mean,
10 you would agree with me that currently those issues have not
11 been resolved.

12

13 MR. C. MACKENZIE: Well, it says restart,
14 "Licence conditions." We've not been asked to draft any
15 licence conditions, and the Commission hasn't drafted any
16 licence commission to my knowledge. And they haven't been
17 presented at this point.

18

19 MR. WILLIAMS: Right. So, but my point
20 is, is that none of those items that you've identified as a
21 pathway have currently been resolved. As we're sitting here
22 today, you're telling me and that those will be done in the
23 future. So, they're not done today, right?

24

25 MR. C. MACKENZIE: Correct.

26

1 MR. WILLIAMS: And you yourself are --
2 did not identify any specific monitoring parameters. Right?

3

4 MR. C. MACKENZIE: That's not in our
5 scope, no.

6

7 MR. WILLIAMS: Okay. And so, it wasn't
8 your scope to identify any sampling frequencies?

9

10 MR. C. MACKENZIE: Also not in our scope,
11 correct.

12

13 MR. WILLIAMS: Wasn't in your scope to
14 identify any reporting requirements?

15

16 MR. C. MACKENZIE: Correct.

17

18 MR. WILLIAMS: Wasn't in your scope to
19 report any compliance thresholds?

20

21 MR. C. MACKENZIE: Correct.

22

23 MR. WILLIAMS: And therefore, you're
24 not in a position today to assess whether those parameters
25 and conditions will be sufficient. You'd have to agree with
26 that, right?

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MR. C. MACKENZIE: It's not in our scope to
make that determination.

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MR. WILLIAMS: Well, it may not be in
your scope to do it, but seeing as they're not set yet,
you'd have to agree with me, sir, that you can't say whether
they're going to be adequate or not. You have to agree with
me on that, wouldn't you?

10

11

MR. C. MACKENZIE: It's the Proponent's
responsibility to design the lagoon in accordance with the
regulations, and it's the regulator's responsibility to
apply the licence conditions when they issue the licence.

15

16

MR. WILLIAMS: That's not a responsive
answer to my question, sir, with the greatest of respect.
What I'm confirming -- I'm trying to get you to confirm,
which I think is fairly axiomatic, is that because none of
these parameters and conditions have yet been set, you
aren't in a position today to say whether they will be
sufficient or not. You'd have to agree with that, wouldn't
you?

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MR. C. MACKENZIE: In order to proceed,
they would need to be sufficient, but we're not in a position

26

1 to make a determination that they would not be insufficient.

2

3 MR. WILLIAMS: How can you -- how can
4 you make it -- sir, let's -- let's take the first of those
5 items, the monitoring parameters. You haven't suggested any
6 because you said that was in your scope. Correct?

7

8 MR. C. MACKENZIE: Correct.

9

10 MR. WILLIAMS: So, you're not able to
11 tell us today whether whatever is ultimately decided on will
12 be sufficient. You can't tell us that because we don't know
13 what those are. Fair?

14

15 MR. C. MACKENZIE: I'd say that's fair.

16

17 MR. WILLIAMS: I take it, sir, that you
18 would agree with me that there's no defined framework in
19 your report for how monitoring would translate into -- into
20 action. Is that fair?

21

22 MR. C. MACKENZIE: The monitoring
23 requirements are in the EAP and they're -- they're a
24 responsibility of the Proponent.

25

26 MR. WILLIAMS: I don't know the -- that

1 I understand that to be an answer to my question. Let me
2 try that one again -- again, in case it wasn't clear. I
3 said there's no defined framework in your report for how the
4 monitoring would translate into -- into action and
5 protection of the watershed.

6

7 MR. C. MACKENZIE: The scope of our report
8 does not include the preparation of these frameworks, no.

9

10 MR. WILLIAMS: Yeah. So, the answer is
11 no defined framework in the report, right, sir?

12

13 MR. C. MACKENZIE: I believe I've answered
14 your question.

15

16 MR. WILLIAMS: And as this remains an
17 unresolved issue, you indicate that it's left to be
18 addressed at a later stage through the licensing process.
19 Is that fair?

20

21 MR. C. MACKENZIE: Under licensing
22 conditions, as noted in the table. Yeah.

23

24 MR. WILLIAMS: Sir, if we took -- now
25 take a look at discharge timing, you point out here that,
26 "Licence conditions typically establish permitted discharge

1 periods, notification requirements, and receiving
2 environment protection measures. Operational procedures
3 govern implementation of discharge timing and communication
4 protocols." So, once again, sir, we can go through it. But
5 because the licensing conditions have not yet been
6 established, you're not in a position to comment on whether
7 they will be appropriate as it relates to the protection of
8 the watershed, are you?

9

10 MR. C. MACKENZIE: At this point, I think
11 that's fair.

12

13 MR. WILLIAMS: And I take it that if I
14 was to put the same questions to you as it relates to
15 flooding, ice conditions, and wet weather operation, once
16 again, because you're referring to the licensing conditions
17 as -- as being the controlling mechanism, you're not in a
18 position today to indicate to the Panel that -- that whatever
19 may ultimately find its way into the licence is ultimately
20 going to protect the watershed. You can't say that today,
21 can you?

22

23 MR. C. MACKENZIE: Specifically around the
24 flooding conditions, I think the Proponent has also
25 addressed that pretty significantly. So, I don't think we
26 need to address that in addition. Like, that that is covered

1 in their scope.

2

3 MR. WILLIAMS: Well then -- well, but
4 you've indicated, "Licence conditions typically require
5 maintenance of freeboard and operational controls to manage
6 seasonal controls."

7

8 MR. C. MACKENZIE: That's not to say that
9 licensing condition could not also assist in the regulatory
10 enforcement as a pathway.

11

12 MR. WILLIAMS: My point is, sir, is I
13 thought this was going to be a little easier seeing as these
14 all relate to licensing conditions that have not yet been
15 established. You're not in a position to say whether the
16 licensing conditions which ultimately may be put in place,
17 will protect the watershed as it relates to maintenance of
18 the freeboard and operational controls to manage seasonal
19 conditions. You can't say that today, can you? Because we
20 don't know what the licence conditions are.

21

22 MR. C. MACKENZIE: That's correct.

23

24 MR. WILLIAMS: And you did not
25 independently identify or specify any discharge conditions.
26 Correct?

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MR. C. MACKENZIE: We didn't independently
prepare any conditions, no.

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MR. WILLIAMS: You did not
independently identify any permitted discharge periods.
Correct?

8

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MR. C. MACKENZIE: Correct.

11

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MR. WILLIAMS: You did not
independently identify any notification requirements.
Correct?

13

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MR. C. MACKENZIE: Correct.

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MR. WILLIAMS: You did not
independently set out any receiving environment protection
measures. Did you?

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MR. C. MACKENZIE: Correct.

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MR. WILLIAMS: Now, if we could look at
pages 10 through 12 of your report. So, I'm just going to
go down sir. So, we talked about effluent monitoring and
discharge timing. And so, your next section there 6.3 deals

25

26

1 with flooding and ice conditions and wet weather operation,
2 6.4 is inflow and infiltration, 6.5 is groundwater
3 protection and liner performance verification. 6.6 is
4 biosolids and sludge management, 6.7 is non-domestic or
5 process wastewater contributions, 6.8 is receiving
6 environmental protection, 6.9 is odour and nuisance effects,
7 and 6.10 is consultation, documentation, and transparency.
8 So -- so those are all issues that you also identified in
9 your report. Correct?

10

11 MR. C. MACKENZIE: The technical review
12 identified them in the record which is summarized in the
13 report. Yeah.

14

15 MR. WILLIAMS: Sir, you'd agree with
16 me that these aren't minor items. They're all aspects of
17 how the system functions and interacts with the environment.
18 You'd agree with that?

19

20 MR. C. MACKENZIE: There's a variety of --
21 I wouldn't categorize them generally. The table summarizes
22 the issues.

23

24 MR. WILLIAMS: Sorry, I just have to
25 repeat that answer. I didn't hear just the start of it.
26 Sorry.

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MR. C. MACKENZIE: We haven't categorized any of the items as far as major or minor status for the, like, the size of the issues.

MR. WILLIAMS: I'm going to suggest to you that they're all significant issues as it relates to the protection of the environment. Wouldn't you agree with that, sir?

MR. C. MACKENZIE: To say that, like, that's very broad language. I mean to say they're all significant is maybe unfair.

MR. WILLIAMS: Well, that's why -- if you want to tell me which ones are significant or insignificant, I'm prepared to hear you on that. Tell me about that. I'm going to suggest you they're all significant.

MR. C. MACKENZIE: You can suggest that.

MR. WILLIAMS: Wouldn't you agree with that?

MR. C. MACKENZIE: I'm not wholly as --

1 like I said, I wouldn't say they're all significant, but.

2

3 MR. WILLIAMS: Okay, well then we'll
4 just go through them one by one and figure out, you can tell
5 us which ones are not significant. So -- so, let's -- let's
6 start with the 6.3, flooding, ice conditions, and wet
7 weather operations. Significant or insignificant?

8

9 MR. C. MACKENZIE: On whether or not the -
10 - the issue has been resolved?

11

12 MR. WILLIAMS: No, is that a
13 significant issue as it relates to the protection of the
14 environment? All of these questions I'm asking you as it
15 relates to this, relate to the protection of the
16 environment. Is that a significant issue as it relates to
17 protection of the environment?

18

19 MR. C. MACKENZIE: The topic is
20 significant, but the contents raised were not. They've been
21 addressed.

22

23 MR. WILLIAMS: Well, addressed through
24 what?

25

26 MR. C. MACKENZIE: Through clarification

1 processes.

2

3 MR. WILLIAMS: And -- and pathways and
4 licensing conditions?

5

6 MR. C. MACKENZIE: Through pathways of
7 clarification, yes.

8

9 MR. WILLIAMS: Yeah. So, there's a --
10 we've already gone through this, sir. They're not addressed
11 yet because all you've identified is a way to get to the
12 solution. You haven't identified the solution. You'd agree
13 with that?

14

15 MR. C. MACKENZIE: Where a licensing
16 condition is required, which is not in all cases, but it's
17 not the only aspect that we're discussing here. In this
18 case, in this particular case, there's also clarification
19 pathways that were identified and that are in the record.
20 And the Proponent has spoken to those -- those topics.

21

22 MR. WILLIAMS: Sir, pathway to a
23 solution means the solution's not there yet, right?

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25 MR. C. MACKENZIE: I suppose the way
26 you're characterizing is fair.

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MR. WILLIAMS: Yeah. And so if -- if -- if that's the case, we'll now return to my question. So, 6.3, flooding, ice conditions, and wet weather operation, significant or insignificant as it relates to protection of the environment?

MR. C. MACKENZIE: If it were to be resolved or remain unresolved?

MR. WILLIAMS: Remain unresolved, sir.

MR. C. MACKENZIE: Okay. If it was to remain unresolved, then it could be significant.

MR. WILLIAMS: Okay. And I take it that if 6.4, inflow and infiltration, if it was to remain unresolved as it currently is, it could be significant? Agree?

MR. C. MACKENZIE: Could be.

MR. WILLIAMS: And I take it, if I take you through 6.5 all the way through -- through 6.10, if they remain unresolved, your answer is, is that they could be significant as it relates to the protection of the

1 environment? You'd agree with that?

2

3 MR. C. MACKENZIE: It's -- it's possible
4 if we were to go through them, that you might find that.

5

6 MR. WILLIAMS: Well, I -- I will. If
7 you want -- if you want me to go through them, I will because
8 --

9

10 MR. C. MACKENZIE: Well ---

11

12 MR. WILLIAMS: -- because if you're
13 not prepared to -- I mean, you wrote the report. Take --
14 take a look at those and -- and just confirm for me that
15 every one of those items, sir, if it remains unresolved,
16 it's a significant issue as it relates to the protection of
17 the environment. That's my question. And so, take a --
18 take a look through. I'm suggesting to you that all of them
19 are significant if they remain unresolved. You look through
20 your list and tell me if any of them are not significant.

21

22 MR. C. MACKENZIE: You can suggest that,
23 but, like, your team -- your -- your team hasn't made their
24 -- your presentation, so I don't want to speak to anything
25 that you're going to speak to later in the hearing process
26 here.

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MR. WILLIAMS: I'm asking you, sir, about your -- your opinion and your approach, which has nothing to do with what the RM of Gimli is about to present.

MR. C. MACKENZIE: Sure.

MR. WILLIAMS: And so, let's return to my question, which is essentially, if all of these issues remain unresolved, they're all significant as it relates to the protection of the environment. You'd agree with that?

MR. C. MACKENZIE: To a varying degree, yes.

MR. WILLIAMS: And I think you've confirmed there's no proposed licence conditions set out anywhere in your report because that wasn't part of your mandate. Right?

MR. C. MACKENZIE: That is not currently a part of our scope.

MR. WILLIAMS: If not in -- identified any potential conditions, which would be sufficient to address the issues because that wasn't part of your scope

1 either, right?

2

3 MR. C. MACKENZIE: Correct.

4

5 MR. WILLIAMS: You've not assessed
6 whether these conditions would adequately mitigate the risks
7 associated with those issues, because that wasn't part of
8 your scope either. Correct?

9

10 MR. C. MACKENZIE: Correct.

11

12 MR. WILLIAMS: And so, if I'm to try to
13 summarize the contents and conclusions of your report, you
14 identify a number of issues relating to the protection of
15 the environment. Correct? Sir?

16

17 MR. C. MACKENZIE: We've reviewed the
18 record.

19

20 MR. WILLIAMS: And identified a number
21 of issues that relate to protection of the environment.
22 Right?

23

24 MR. C. MACKENZIE: Yes.

25

26 MR. WILLIAMS: And you've indicated in

1 many occasions that those issues can be addressed through
2 licence conditions. Correct?

3

4 MR. C. MACKENZIE: Correct.

5

6 MR. WILLIAMS: But you don't identify
7 what those licence conditions would be. Correct?

8

9 MR. C. MACKENZIE: Correct.

10

11 MR. WILLIAMS: And you don't assess
12 whether those conditions would be sufficient?

13

14 MR. C. MACKENZIE: Not at this stage, no.

15

16 MR. WILLIAMS: So, your opinion
17 assumes that appropriate measures will be developed in the
18 future, but you've not identified, specified, or evaluated
19 those measures in your report. Correct?

20

21 MR. C. MACKENZIE: That was not a part of
22 our scope. Correct.

23

24 MR. WILLIAMS: Now, did you have an
25 opportunity to review Dr. Kalinovich's report?

26

1 MR. C. MACKENZIE: We had a brief period
2 after it was submitted.

3
4 MR. WILLIAMS: Did any of the content
5 of your report once you reviewed it, change any of your
6 findings, opinions, or conclusions you state in this report
7 we're looking at?

8
9 MR. C. MACKENZIE: We've not updated the
10 report. We do have follow up questions.

11
12 MR. WILLIAMS: Sorry, I'm not sure I'm
13 following you on that.

14
15 MR. C. MACKENZIE: We've not revised the
16 content of our report.

17
18 MR. WILLIAMS: I see.

19
20 MR. C. MACKENZIE: Or the two reports, if
21 I'm understanding the correct report that you're referring
22 to.

23
24 MR. WILLIAMS: Yeah.

25
26 MR. C. MACKENZIE: I believe the two

1 reports were submitted on the same day. Is that correct or
2 are we speaking about the right report?

3

4 MR. WILLIAMS: Well, my question was
5 had you reviewed Dr. Kalinovich's report? You said you had,
6 and I asked you whether it altered the findings, opinions,
7 and conclusions contained in your reports?

8

9 MR. C. MACKENZIE: Do you mind clarifying
10 which report you're referring to specifically?

11

12 MR. WILLIAMS: Either of your reports.

13

14 MR. C. MACKENZIE: Do you mind clarifying
15 which report you're referring to, please?

16

17 MR. WILLIAMS: How many reports did
18 you prepare, sir?

19

20 MR. C. MACKENZIE: We've prepared one
21 report.

22

23 MR. WILLIAMS: Okay. And -- and when
24 you review Dr. Kalinovich's report, did it change any of the
25 findings, opinions, or conclusions you expressed in that
26 report?

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MR. C. MACKENZIE: Are you referring to a report that was submitted on April 7th?

MR. WILLIAMS: Yes.

MR. C. MACKENZIE: Our report was finalized on April 7th according to the hearing requirements. Therefore, our report has not been updated to reflect the contents of a report that was also submitted on April 7th.

MR. WILLIAMS: That's -- but that's not the question. The question, sir, is they were filed on the same day, you reviewed it after. And my question is, I'm not asking you whether you did a new report, I'm saying did it change any of your findings, opinions, and conclusions in the report you had submitted? And I'm not being critical because you didn't submit another report. I'm just saying your reviewed her report, did it cause you to revisit any of your opinions expressed in your report?

MR. C. MACKENZIE: Not at this point, no.

MR. WILLIAMS: Thank you. Now, sir, I want you to take a look at the Trek report dated November

1 the 8th, 2021, which you reviewed as part of your review.
2 And I just want to ask you something very specific about it.

3

4 MR. C. MACKENZIE: Well, I'll just ask the
5 Commission, is there a copy of that available on this machine
6 or ---

7

8 MR. CROCKER: Yeah, it's Peter. We don't have
9 that one queued up. You didn't bring it up so we can pull
10 it up on the computer there. It'll just take a minute.

11

12 MR. WILLIAMS: Well, with the
13 Commission's -- I can just show my copy of the report. I
14 have just a couple of questions about a very specific
15 (inaudible) ---

16

17 THE CHAIRWOMAN: Sure, if you have a
18 copy, Mr. Williams, can you please share it with the witness?

19

20 MR. WILLIAMS: Yeah. Thank you. I
21 just want you to look at these two test logs. This one.

22

23 MR. C. MACKENZIE: Sure.

24

25 MR. WILLIAMS: Thanks. So, I've been
26 asked to look at subsurface log from the Trek geotechnical

1 report test tool TH21-16 and test tool 21-17. Is that
2 correct?

3

4 MR. WILLIAMS: Yes. So, sir, when you
5 take a look at those two test logs, when -- when was that
6 drilling done?

7

8 MR. C. MACKENZIE: The date on the -- the
9 date drilled identified on the log is August 20th, 2021,
10 August 20th, 2021.

11

12 MR. WILLIAMS: Okay. And so -- so sir,
13 my understanding is that -- is that 2021 was a year of a
14 fairly severe drought in Manitoba. Does that sort of accord
15 with your recollection?

16

17 MR. C. MACKENZIE: That's possible.

18

19 MR. WILLIAMS: Are you saying you
20 don't know? I guess anything's possible is my response to
21 that's possible. So -- so what I'm saying to you is I --
22 my understanding is it was a year of drought. Does that --
23 do you recall?

24

25 MR. C. MACKENZIE: Do you have evidence in
26 the record that that was a drought year?

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MR. WILLIAMS: Well, I'm just asking you whether you know if it was a drought year or not, sir?

MR. C. MACKENZIE: I would need to review the specifics of that.

MR. WILLIAMS: Okay.

MR. C. MACKENZIE: It's not identified in this --

MR. WILLIAMS: Okay.

MR. C. MACKENZIE: -- log -- test hole log as a --

MR. WILLIAMS: Yeah.

MR. C. MACKENZIE: -- as a drought year.

MR. WILLIAMS: Let me try it this way. If it was a drought year, sir, then we can agree that the grounds typically tend to be drier than they otherwise would?

1 MR. C. MACKENZIE: That's -- would be
2 consistent with the drought.

3
4 MR. WILLIAMS: Yeah. And in drought
5 years sir, I take it that typically shallow groundwater is
6 typically not present during drought years?

7
8 MR. C. MACKENZIE: That would be accurate,
9 typically.

10
11 MR. WILLIAMS: And my question is -- is
12 that -- is that how is it that the conclusion that
13 groundwater protection was adequately addressed when -- when
14 only -- when the only data that was used was that from a
15 year of a drought?

16
17 MR. KATHLER: Objection. Calls for
18 speculation. He hasn't agreed that there's a drought.

19
20 THE CHAIRWOMAN: If the witness would
21 like to revise subject to check on the drought status of
22 that particular year?

23
24 MR. WILLIAMS: (inaudible) ---

25
26 MR. C. MACKENZIE: Sorry, do you mind

1 repeating the question, please?

2

3 MR. WILLIAMS: Sure. How -- how can -
4 - can one conclude that groundwater protection was
5 adequately addressed when -- if the data that was used was
6 collected in the year of a drought?

7

8 MR. C. MACKENZIE: If it were in a year of
9 a drought, then you could ask that the -- the log be verified
10 in a year that's not in a drought to investigate further
11 conditions.

12

13 MR. WILLIAMS: Right. So -- so -- so,
14 essentially, if it's -- if it's difficult or not possible
15 to assess groundwater protection from the year of a -- of a
16 drought, then -- then your suggestion is, is that you do it
17 in a year when it's -- do testing in a year when there isn't
18 a drought. That's fair?

19

20 MR. C. MACKENZIE: It's possible to
21 request that, yeah.

22

23 MR. WILLIAMS: Well, that's how you
24 answer the question of what the groundwater protection would
25 be is you go to year where there wasn't a drought in order
26 to get a better sense of it. Is that fair?

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MR. C. MACKENZIE: That's fair.

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MR. WILLIAMS: Yeah. Sir, why do you think that the soils aren't permeable when most of the logs indicate that there's trace clay throughout the area?

MR. C. MACKENZIE: Why do we think that it's not permeable you said, sorry?

MR. WILLIAMS: Yeah, aren't -- aren't -- the soils aren't permeable, when most of the logs indicate that there's trace clay throughout the area.

MR. C. MACKENZIE: Well, the logs indicate there's silt and clay and silt and till in both logs. One also has peat. I believe the Proponent spoke to their assessment of whether or not the soils were permeable.

MR. WILLIAMS: Would you agree, sir, from your knowledge and your review, that there was the stratigraphy across the -- stratigraphy -- sorry about that -- across the across the site was -- was quite varied.

MR. C. MACKENZIE: I can't speak to the site of -- as a whole. I'm currently been asked to look at

1 two test pits without any indication as to where these test
2 pits are, other than coordinates. I'd have to look at a map
3 to see exactly where they are, but these two particular test
4 pits are 6.5 and 6.5 metres deep.

5

6 MR. WILLIAMS: Well, I mean, do you --
7 are you not able to tell us today from the -- the review
8 that you conducted that the stratigraphy of the -- of the
9 land that the --

10

11 MR. C. MACKENZIE: Well ---

12

13 MR. WILLIAMS: -- where the lagoon is
14 -- is varied?

15

16 MR. C. MACKENZIE: It's identified as
17 silty clay and silty till in the -- in the logs in front of
18 me.

19

20 MR. WILLIAMS: Yeah, but that wasn't
21 my question. The question was from you -- the review that
22 you did that resulted in this report, you're not in a
23 position today to tell us what I'm asking you, which is was
24 that there was varied soil stratigraphy across the lagoon
25 site?

26

1 MR. C. MACKENZIE: I wouldn't say that it
2 doesn't change. I typically -- soil would change across.
3 That's why we do a variety of boreholes.

4
5 MR. WILLIAMS: And of course, you have
6 all the boreholes there right in front of you, right?

7
8 MR. C. MACKENZIE: I've been asked to look
9 at two for the -- for this session. Do you want me to expand
10 and review all of the boreholes in front of me for the
11 hearing?

12
13 MR. WILLIAMS: Well, I'm just trying
14 to get a sense of whether you're prepared to concede that
15 the soil stratigraphy across the lagoon is -- is varied?
16 And if you need to look at a couple of other boreholes, or
17 all of them to reach that conclusion, or if you say you
18 can't do that today, just -- that's fine too.

19
20 MR. C. MACKENZIE: I would -- I would
21 concede that across a site, in general, a variety of
22 boreholes is required because the stratigraphy can change
23 across a site.

24
25 MR. WILLIAMS: I'm just nearing the
26 end, Madam Chair. Maybe I could have a few minutes to

1 consult here with my friend? And ---

2

3 THE CHAIRWOMAN: And how much time do you
4 need, Mr. Williams?

5

6 MR. WILLIAMS: Maybe ten minutes.

7

8 THE CHAIRWOMAN: Let's take a ten minute
9 break.

10

11 MR. WILLIAMS: Thanks.

12

13 (OFF RECORD)

14

15 THE CHAIRWOMAN: Okay, I'll ask everyone
16 to please take your seats.

17

18 We're returning from break. I'll ask members
19 of the audience to please take their seats so that Mr.
20 Williams can continue with his examination of this witness.

21

22 MR. WILLIAMS: Thank you, Mr.
23 MacKenzie. Those are my questions.

24

25 MR. C. MACKENZIE: Thank you.

26

1 THE CHAIRWOMAN: Thank you, Mr.
2 MacKenzie, for your presentation and also for answering
3 questions. We're now going to -- that is all for you, thank
4 you -- invite the arm of Gimli to present their first
5 witness. My understanding is that it will be Mayor Kevin
6 Chudd. Is that correct?

7

8 UNIDENTIFIED SPEAKER: Yes, That's correct.

9

10 THE CHAIRWOMAN: And is the Mayor
11 present?

12

13 UNIDENTIFIED SPEAKER: (inaudible) ---

14

15 THE CHAIRWOMAN: And is there a
16 presentation that needs to be brought up in slides? You're
17 -- you're now on, sir.

18

19 MR. CHUDD: No. No, there's no -- no
20 presentation.

21

22 MR. CROCKER: Peter Crocker. Can you state
23 and spell your name for the record, please?

24

25 MR. CHUDD: Kevin Chudd, K-E-V-I-N C-H-U-D-
26 D, Mayor of Gimli.

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MR. CROCKER: Kevin, do you swear that the evidence to be given by you shall be the truth, the whole truth and nothing but the truth, so help you God?

MR. CHUDD: Yes, I do, thank you. I swear.

MR. CROCKER: Thank you.

THE CHAIRWOMAN: Mr. Chudd, go ahead when you're ready. Good day Commissioners, members of the Panel, and participants. My name is Kevin Chudd, Mayor of the RM of Gimli. I am speaking today on behalf of the 2026 Council, but more importantly, I am here on behalf of the people who live downstream, who love this water, and who have entrusted us with its care.

Today is World Earth Day, a day recognized around the globe as a reminder that our relationship with land and water is not optional, incidental, or transactional, but essential. Earth Day asks us to pause and reflect, to remember that decisions involving water do not end with permits or boundaries. They carry forward, often for generations.

Before we talk about regulations,

1 infrastructure, or compliance, I want to talk about people.

2

3 And before we proceed, I respectfully ask
4 that we take a moment of silence in recognition of World
5 Earth Day and in honour of the land, the water, and all who
6 depend upon it past, present and future. Moment of silence
7 for 15 seconds. Thank you.

8

9 To ground today's discussion, I'd like to
10 share a short video that reflects on our shared relationship
11 with water and place.

12

13 (VIDEO PLAYING)

14

15 VIDEO: From the very beginning, Lake
16 Winnipeg has been a great provider for those who have always
17 been here and for the newcomers seeking a better life. Even
18 now, with all her troubles, the catch is still there. But
19 for how much longer? Human activity has changed lake's
20 chemistry? It's up to us to repair the damage and let her
21 heal. But fixing that problem is a huge task. Measured by
22 surface area, Lake Winnipeg is the tenth largest freshwater
23 lake in the world, covering almost 24,000 square kilometres,
24 with water flowing in from parts of four provinces and four
25 states, home to seven million people. So, how can we help
26 the lake heal? Every one of us has to do our part, but I

1 know it can be done. I grew up in Gimli and know there are
2 good people here with deep connections to the lake, and
3 we're determined people. And I know in this place, anything
4 is possible. The hard work has already begun. Cleanup of
5 this 144-acre lagoon is underway today where there was once
6 wastewater, there's wildlife and inspiration. We have a
7 dream: turn this site into a wetland with trails and a
8 striking new interpretive centre. A place that honours
9 Indigenous traditions, a gathering place for our community,
10 and a gateway for visitors from far and wide to learn and
11 experience nature. All the components for a natural wetland
12 are already here, along with one of the finest beaches on
13 the west shore of Lake Winnipeg. It's so much more than
14 just a place to play. There's a rare riparian zone here.
15 A thick strip of trees and brush on the lakeshore protects
16 the marsh and provides a natural filter for water flowing
17 into the lake. It's exactly what's needed to help our lake
18 heal. Our mayor and council have rezoned the beach and the
19 marsh. It's protected parks and recreation land now. But
20 there's a lot more work to do to continue the healing and
21 fulfill this site's potential. But we can't do it alone.
22 We need your support. Today we're drawing inspiration from
23 those who are here. First, they chose to live in harmony
24 with nature, taking only what they needed while protecting
25 the land and the water for future generations. We believe
26 that's the right path forward for our lake and for all of

1 us.

2 (VIDEO ENDS)

3

4 MR. CHUDD: This video tells a story, not
5 just of land and water, but of understanding passed down
6 through generations.

7

8 Long before municipal borders existed,
9 Indigenous people lived in relationship with these waters,
10 guided by respect, restraint, and responsibility. Water was
11 not something to control but something to protect because
12 life flowed from it.

13

14 Later, early settlers came to this place and
15 learned many of the same lessons. They relied on wetlands,
16 creeks and the lake, not only for survival but to -- for
17 identity and community. They earned -- or sorry -- they
18 learned often through hardship that. when water is harmed,
19 communities pay the price.

20

21 Those original wetlands were not accidental.
22 They were powerful natural systems that filtered water,
23 slowed runoff, protected Lake Winnipeg and sustained life,
24 human and non-human alike. Over time, we altered those
25 systems. We drained them, we redirected them, and in doing
26 so, we lost much of the natural protection they provided.

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Gimli's Wetland Initiative is our community's effort to acknowledge that history, to say that we have learned something and that we are willing to do better. It is about restoration, it is about humility, and it is about responsibility, and is all grounded in a truth that we all share.

What happens upstream does not stay upstream. This hearing is not just about a lagoon. It is about whether we have truly listened to the lessons of the past, and whether we are prepared to carry out that responsibility forward.

This is not about opposing development. Let me be clear, this is not about opposing development. Gimli supports development when it is responsible, coordinated, and rooted in respect for people and place. Our concern today is not whether development should happen, it is whether development of the scale is being asked to proceed before the foundation of trust, planning, and collaboration is in place. This hearing is not simply about technical compliance, it is about whether we are prepared to apply science and common sense together before approval, not after downstream impacts occur.

1 Guiding principles. Gimli is guided by both
2 common sense and science. We believe the two must operate
3 together. Science without collaboration is incomplete.
4 Process without common sense fails the public. Council's
5 approach is guided by three principles: protect Lake
6 Winnipeg not just as a resource but as a living system,
7 protect the present while planning responsibility for the
8 future generations, be guided by science, common sense, and
9 meaningful collaboration.

10

11 From our perspective, this process has not
12 been collaborative. When collaboration is missing, trust
13 erodes, and when trust erodes, decisions about water lose
14 their legitimacy.

15

16 Failure of meaningful consultation.
17 Meaningful collaboration should have included from the
18 outset: First Nations, Métis communities, the commercial
19 fishery and community, fishing habitat downstream, the
20 Willow Creek Watershed District, downstream municipalities
21 including Gimli. These are not peripheral stakeholders.
22 These are rights holders, knowledge holders, stewards and
23 people whose culture, health, and livelihood are all
24 directly tied to this watershed. Their absent is not a
25 procedural oversight. It is a substantive failure.

26

 Regional context water connects us all. The

1 RM of Gimli is both a downstream municipality and a direct
2 neighbour to the proposed project. This proposal has
3 advanced as though impacts end at a boundary. Anyone who
4 lives near water knows that is never true. Water moves,
5 nutrients move, impacts move.

6
7 Willow Creek flows into Lake Winnipeg and
8 into the lives of the people who depend upon it. By
9 extension, Siglavik, Husavik, and other downstream
10 communities are part of the same watershed and are already
11 experiencing accumulative pressures. These are not abstract
12 places on a map. They are where children learn to swim,
13 where families fish, where elders walk the shoreline, where
14 people find peace and belonging.

15
16 Gimli is simply a commenting municipality -
17 - and not simply a commenting municipality. We maintain
18 downstream roads, drainage systems, and regional wastewater
19 infrastructure. These systems are finite, publicly funded
20 and belong to the people we serve. They deserve protection
21 in this decision.

22
23 Responsible development means shared
24 responsibility. This is not about saying no. It is about
25 saying not without clarity, not without agreements, and not
26 without accountability. Responsible development requires

1 clear servicing capacity, defined responsibilities, cost
2 sharing agreements, accountability before impact occurs.
3 None of these and those are in place today.

4
5 Servicing capacity and uneven burden. The
6 RM of Armstrong has acknowledged it does not have the
7 capacity to service this industrial scale operation. As a
8 result, the burden shifts downstream onto Gimli, onto our
9 roads, onto our drainage systems, onto our wastewater
10 infrastructure, onto our ratepayers. There are no road
11 agreements, no drainage agreements, no cost sharing
12 agreements. That is not responsible planning.

13
14 Discharge criteria and operational risk.
15 Evidence before the Commission confirms that this lagoon
16 that has not been designed to meet the current Lake Winnipeg
17 ecological target adopted in 2024. Instead, the system is
18 designed to discharge at 1.0 milligrams per litre -- 1.0
19 milligrams per litre of phosphorus, reflecting an older
20 regulatory requirement -- reflecting an older regulatory
21 requirement, rather than the present day target for Lake
22 Winnipeg. The current Lake Winnipeg target is 0.05
23 milligrams per litre. Again, the lake the current Lake
24 Winnipeg target is 0.05 milligrams per litre. That means
25 this project is designed to operate at many times higher
26 than what is now considered to be ecologically protected for

1 the lake. Designing new infrastructure today to outdated
2 discharge criteria, particularly with an already stressed
3 watershed, is deeply concerning, to say the least.

4
5 This concern is compounded by the manner in
6 which discharge is controlled. It was acknowledged that
7 discharge rates are manually adjusted based on visual
8 checks, with valves opened, and revisited after the fact.
9 Discharge is not precisely controlled and over discharge is
10 possible. That is not a theoretical concern. That is an
11 acknowledged operational reality.

12
13 When outdated discharge criteria are
14 combined with the absence of any cumulative watershed impact
15 assessment, the implications are alarming. The cumulative
16 effects on Willow Creek and Lake Winnipeg watershed are
17 unacceptable. The RM of Gimli would not permit or support
18 a development of this nature within its own jurisdiction
19 under these conditions, and downstream communities should
20 not be expected to absorb risk that upstream approvals would
21 not tolerate locally.

22
23 Compliance is not the same as protection.
24 Evidence made clear that lagoon discharge compliance in Lake
25 Winnipeg basin targets are being treated as they are the
26 same. They're not. Regulatory limits assess performance

1 facility by facility. Lake Winnipeg targets exist to
2 address cumulative impacts across the entire watershed.
3 Relying solely on compliance with outdated discharge limits
4 ignores the real drivers of lake degradation. This approach
5 satisfies the permit, but it does nothing to protect a lake.
6 Our lake.

7
8 Cumulative impacts were not assessed. It
9 was acknowledged that provincial guidelines do not assess
10 cumulative watershed effects. Compliance is considered
11 lagoon by lagoon. No analysis was conducted to determine
12 how this discharge contributes to overall nutrient loading
13 in Lake Winnipeg. This is not because cumulative impacts
14 are important, it is because they were not requested.

15
16 Willow Creek is already stressed. Lake
17 Winnipeg is already impaired. Designing a new
18 infrastructure without assessing cumulative effects is not
19 precautionary, it is procedural. Closing a shared
20 responsibility and a future decision.

21
22 In closing, I return to first principles.
23 Development is not the issue. Responsibility is.
24 Responsibility to those who came before us, responsibility
25 to those who live here today, responsibility to the children
26 who will inherit the consequences of our decisions.

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Lake Winnipeg is not just a body of water.
It is our history, our livelihood, our shared future.

On World Earth Day, we are reminded that
stewardship is not about doing the minimum required today,
but about doing what is right for tomorrow. Ultimately, the
decision rests with the Minister. We respectfully submit
that the Minister has both the authority and the
responsibility to do the right thing for the environment and
for Lake Winnipeg, to look beyond narrow compliance, to
assess cumulative and downstream impacts, and to make a
decision guided by foresight and care.

The Minister has the ability to require
stronger analysis, meaningful collaboration and a better
alignment with current lake targets and to make the right
decision for future -- for the watershed, the lake and the
communities that depend upon them. This is not anti-
development. That is leadership. That is stewardship.

Thank you for listening. Thank you for
reflecting. And thank you for the weight you carry in making
this decision.

MR. WILLIAMS: Before you depart,

1 Mayor Chudd, I have a couple of questions for you.

2

3 MR. CHUDD: Yeah.

4

5 MR. WILLIAMS: The first is, is could
6 this development have taken place in the RM of Gimli?

7

8 MR. CHUDD: Well, I think today you've been
9 looking for straight answers. Getting right to the point.
10 No, the one thing I will add to it, it has never been
11 discussed at -- prior to us initiating by our council, by
12 the RM of Armstrong counsel, by the Planning District, or
13 the Watershed Conservation.

14

15 MR. WILLIAMS: Thank you. What can you
16 tell the Panel about the RM of Gimli's history with -- with
17 sewage lagoons and -- and ---

18

19 MR. CHUDD: Well, we're very proud, and I
20 was part of it. We didn't start on this last week, last
21 year. Many years back, there was a Town of Gimli and the
22 and the municipality. We worked together, ended at the end
23 of the day were the two Gimli's came back to together. And
24 I give a little bit of a longer answer because this just
25 shows the culture, heritage and the history what's at stake.

26

1 When the community was founded in 1875 to
2 1887, it was New Iceland. It was founded by the Icelandic
3 people that came, the Red River Métis, and First Nations.
4 Together, the importance of the water they developed what
5 we know today is probably the biggest and oldest industry
6 in Manitoba, is our fishery.

7
8 So, over the years we looked, and in 1908
9 the town separated from the municipality. Then moving
10 forward when the two Gimli's came back together -- and that's
11 why this is so important to answer this, because maybe for
12 the -- for the commissioners and for the people, the worst
13 kept secret is how we worked together, how we collaborated
14 when we built our sewage treatment plant as a regional plant.

15
16 If we shut down and closed -- I was involved
17 with probably six or eight lagoon sites closing. But you
18 know, you show the leadership, the decision is to protect
19 the environment. Nothing was circumvented.

20
21 The long-term plan for the treatment plant
22 as we envisioned, we went through hearings. Communities
23 around all supported the regional treatment plant.

24
25 So, to zero in, today we have an application
26 to something that Armstrong, as a municipality, if they did

1 or they didn't, they ought to have let the Proponents know
2 about what the long-term plan was done. Not by one
3 engineering firm, by the way, we had Cousins Engineering,
4 Stantec, Dillon and WPS. So, to go now and look at doing
5 changes and getting this in, we're very disappointed.

6
7 But to answer your question, that we have a
8 facility that by the end of -- of all of things that we were
9 doing, the end game is for all lagoons to be hooked into it
10 within our area because then you can control and that's --
11 and you have a treatment plant and standards. Thank you.

12
13 The standards are easy to do, but when you -
14 - it's totally unacceptable to -- to have someone say that
15 they're looking at 1.0 when the target coming up is 0.05.
16 That doesn't serve a useful purpose to anybody.

17
18 MR. WILLIAMS: Thank you. Those are my
19 questions.

20
21 THE CHAIRWOMAN: Thank you. I'll turn to
22 Mr. Kathler. Any are there any questions from the Proponent?

23
24 MR. KATHLER: Yeah, I'll have a few
25 questions. First of all, thank you for your presentation.
26 I appreciate it.

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Mayor Chudd is acceptable? I know some prefer Your Worship. Some don't prefer Your Worship.

MR. CHUDD: Kevin is good, too.

MR. KATHLER: Kevin, I appreciate that. I'll probably go with Sir, or Mayor Chudd, and that's my comfort level, not yours.

MR. CHUDD: Yeah.

MR. KATHLER: I appreciate it. Sir, you presented on a number of environmental concerns, fairly broadly speaking, in your speech. So, I just want to clarify a little bit of your background on that. You're not an engineer, correct?

MR. CHUDD: No.

MR. KATHLER: Not a chemist or a biologist, correct?

MR. CHUDD: No.

MR. KATHLER: Okay. You raised concern as

1 well with respect to a burden on ratepayers that -- that you
2 felt advancing this project. And I am talking narrowly just
3 about the lagoon itself at this point. I know there's
4 broader concerns that have been brought forward. But raised
5 concerns that ratepayers will bear that burden. You're
6 aware, certainly that the Proponent is also significant
7 ratepayer in the RM of Gimli. Correct?

8

9 MR. CHUDD: The -- doesn't matter what you
10 own for property. And significant or not, all ratepayers
11 are treated equal in our municipality.

12

13 MR. KATHLER: So, you'd agree ---

14

15 MR. CHUDD: But you asked the question that
16 I think you want to refer to, this business is located in
17 Armstrong, not the RM of Gimli.

18

19 MR. KATHLER: Not my question, sir.

20

21 MR. CHUDD: No, I (inaudible) ---

22

23 MR. KATHLER: They're -- they are ratepayer.
24 Correct? And therefore they will be paying their share
25 (inaudible) --

26

1 MR. CHUDD: Okay, they are a ratepayer.

2

3 MR. KATHLER: -- like all ratepayers.

4

5 MR. CHUDD: They are ratepayer with their
6 business located in Armstrong. Yes.

7

8 MR. KATHLER: Yes. Thank you. You also
9 mentioned that development couldn't have taken place in the
10 RM of Gimli. Of course this isn't in the RM of Gimli. It's
11 in the RM of Armstrong. Are you able to tell me how far
12 away from the RM of Gimli it therefore ought to be before
13 it's permissible?

14

15 MR. CHUDD: Okay. You know, I'm not going
16 to speculate on something like that because I don't think
17 you're a planner either, as I'm not.

18

19 MR. KATHLER: No, Sir.

20

21 MR. CHUDD: Or -- so on something like this,
22 the thing that alarms me that maybe you're trying to ask me
23 on, yes, what's the problem is, it's right on the border.
24 That's problematic. Then you have shared service agreements
25 and all things to look at.

26

1 So, when this had happened before -- like
2 things like this shouldn't be happening without
3 collaboration, engagement. And I think it was said by your
4 engineer, by others, and by the gentleman who was here,
5 water goes from the west to the east.

6
7 So, the first point of contact, if you're
8 not familiar, is right at the RM of Gimli, not in Armstrong.

9
10 MR. KATHLER: So, the concern is that it's
11 immediately adjacent principally?

12
13 MR. CHUDD: Yeah. I don't know if you've
14 been to the site or not?

15
16 MR. KATHLER: I have, sir.

17
18 MR. CHUDD: I don't know when you were last
19 there, but maybe you should go and take a look and take a
20 look around the whole area, if you haven't. I'd encourage
21 you to do that.

22
23 MR. KATHLER: You've raised the wastewater
24 treatment plant a couple of times. It's accurate that you
25 met with Mr. Burns and -- and representatives of the
26 Proponent to discuss that as an option. Correct?

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MR. CHUDD: What we did is we hosted meetings initiated by us. I want to make that clear. We hosted meetings initiated by us. We drafted an MOU -- Gimli, Armstrong, and Colony -- for a working group that was rejected by Armstrong, and that's why we're here today. So, I'm just cutting to the chase. That's your answer.

MR. KATHLER: Yes. So, there was a meeting.

One of the alternatives that, it's not with respect to the sewage treatment plant itself, it was an alternative raised by your council. So, speak on it if you -- if you wish. If not, you can -- you can tell me you have no knowledge. But trucking of waste, was that an alternative that was discussed with the Proponent?

MR. CHUDD: Okay. The thing that I -- you asked the first about the treatment plant.

MR. KATHLER: Well, I said I'll circle back to that, sir.

MR. CHUDD: Well no, you asked me -- you asked me on that. So, I'll gladly say that when I bumped into the Reeve of -- of the RM of Armstrong at a AMM meeting

1 and, "Hi, Kevin." We had a very cordial discussion. And I
2 mentioned our treatment plan. "Kevin, that was never been
3 discussed before." So, as I said to you, when these things
4 all came up between the two council, please.

5

6 MR. KATHLER: Yeah, so sir, A -- no, no, sir.

7

8 MR. CHUDD: I'm allowed ---

9

10 MR. KATHLER: A, that's not my question. B,
11 that's hearsay. So, I do ---

12

13 MR. CHUDD: No, that's not hearsay.

14

15 MR. KATHLER: Well, it is.

16

17 MR. CHUDD: You can call it what you want.

18

19 MR. KATHLER: I am. I have. Sir.

20

21 MR. CHUDD: But you weren't there so it's
22 hearsay to you.

23

24 MR. KATHLER: Yes, that's correct.

25

26 MR. CHUDD: And I -- and I ---

1

2

MR. KATHLER: And everybody else in this

3

room.

4

5

MR. CHUDD: And the Reeve of the RM of

6

Armstrong is the head of their council. So, you ---

7

8

MR. KATHLER: Sir, I don't -- I don't want to

9

argue with you, but I do have questions and we -- I'm trying

10

to get the answers to my questions out of you. You've had

11

the opportunity to make a presentation, and I thank you for

12

that presentation.

13

14

MR. CHUDD: Well ---

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16

MR. KATHLER: But ---

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18

MR. CHUDD: I'll appreciate when you ask me

19

a question. Let me answer it the way I have to. Don't try

20

to guide me through it. Thank you.

21

22

MR. KATHLER: So, you're not going to answer

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my questions?

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MR. CHUDD: You want to repeat your

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question, sir?

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MR. KATHLER: Yes. Was trucking of -- of waste from the Colony Site discussed at a meeting?

MR. CHUDD: Yes, it was.

MR. KATHLER: That you were present at. Yes. And did you think that that was a potential solution?

MR. CHUDD: Well, the potential solution was to have a working group. That never came to be. I couldn't -- as you said today, you're not an engineer, I'm not an engineer, but we were to put a working group together. That's why we're here today.

MR. KATHLER: Is one of the reasons that that consideration wasn't put forward due to the stress that it would add to the RM of Gimli's infrastructure in trucking of waste?

MR. CHUDD: I take -- yeah. I take exception to that comment. We have a regional sewage treatment plant, and please don't infer something like --

MR. KATHLER: No, I'm not.

1 MR. CHUDD: -- that about the stress to the
2 system.

3
4 MR. KATHLER: Not my -- it's not my question,
5 sir. You've ---

6
7 MR. CHUDD: No, you did say stress. So,
8 take stress and ask me -- re-ask me the question because I
9 -- what I --

10
11 MR. KATHLER: Sir.

12
13 MR. CHUDD: -- what you said, I found
14 offensive.

15
16 MR. KATHLER: That's fine, sir.

17
18 You would agree that hauling waste
19 continually to and from the Colony Site -- this was a
20 proposal that was put to Mr. Burns yesterday by your legal
21 counsel -- you would agree that hauling of waste
22 continuously to -- from, rather, the site to, for example,
23 the RM of Gimli's treatment site would add additional
24 infrastructure stress that would be borne by the RM of Gimli.
25 If that were a solution, you would agree?

26

1 MR. CHUDD: Okay. What I will agree is we
2 did a -- we've done a capacity study and we can handle waste
3 because we have a regional plan. And if stuff is going to
4 the regional plant, it's being used. I'm not an engineer
5 to go and say on stress.

6
7 MR. KATHLER: Okay, so you're not going to
8 answer the question that more trucks on roads in the RM of
9 Gimli, would stress that infrastructure?

10
11 MR. CHUDD: Well, we'd welcome more trucks
12 on road, and we'd welcome people paying for services, and
13 we'd welcome having shared agreements, yes.

14
15 MR. KATHLER: You know, you want to keep
16 coming back to the wastewater treatment plant so we can go
17 there. And it's a really simple point. You would agree
18 that the RM of Gimli's wastewater treatment plant has a
19 discharge criteria of one milligram per litre of phosphorus.
20 Correct? On a 30-day rolling average, if I'm to be more
21 precise, correct?

22
23 MR. CHUDD: I would leave that type of
24 answer to our engineer. But at the same time, when it comes
25 to the new standards and -- and the targets of the province,
26 we want to meet those. I want to make that clear. We're

1 not here for today. We're also here for tomorrow. So, if
2 there's changes required, that would be something that our
3 engineer and our operators would work towards. But with the
4 licence that we have, we're compliant, but we applaud the
5 0.05, and that's a goal for all of us. And that's something
6 that we all should and will work towards.

7
8 MR. KATHLER: So, you're going to work with
9 the RM of Gimli to meet a 0.05 milligrams of phosphorus per
10 litre concentration level from the Gimli wastewater
11 treatment plant?

12
13 MR. CHUDD: Absolutely. I'm going to
14 applaud the minister for coming up with a task force to look
15 at Lake Winnipeg to help it out, and I support that. And
16 the recommendations, they have to be followed, period.

17
18 MR. KATHLER: The RM of Gimli's treatment
19 plan, it's continuous discharge, correct?

20
21 MR. CHUDD: Correct.

22
23 MR. KATHLER: And it discharges into Lake
24 Winnipeg, correct?

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26 MR. CHUDD: Yes.

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MR. KATHLER: And per the current guidelines, I lodge your aspirations that there will be improvements. The discharge criteria are one milligram of phosphorus per litre, correct?

MR. CHUDD: The operators can ask that. But if that's what it is, that's what it is. But I'm not an operator. As you asked me before, I'm not an engineer. The only thing I can say to it, if it changes to 0.05, we'll be there for the environment.

MR. KATHLER: Sir, and the reason I'm asking this is because you actually raised it quite directly in your presentation, this, the one millilitre.

MR. CHUDD: Yeah.

MR. KATHLER: Yeah, so, you know, you're professing to have some knowledge and I'm just trying to understand.

MR. CHUDD: Okay, my knowledge is I was on council from 89 to 2006. So, I was on for 17 years, off for 17 years, and then I'm back on council now. I quarterbacked from the political side, the shutting down of lagoons and

1 worked -- my tie that I have on with me today is from the
2 late Bill Barlow, that I've taken for important meetings,
3 he was a a long-standing mayor of Gimli. Him and I worked
4 together collaboratively on our sewage treatment plant. So,
5 we had engineers, as I mentioned, but the decisions that
6 were made by council members, I was part of that when it
7 came up. And it has been an evolutionary process to this
8 day.

9

10 MR. KATHLER: And -- and you should be lauded
11 for that, sir. My simple question is the discharge criteria
12 currently in place for the RM of Gimli are identical to
13 those proposed by the Proponent, currently, correct? As it
14 stands today.

15

16 MR. CHUDD: Oh, absolutely. And one is
17 brand new and one's been carrying on. But the minute that
18 we do a change, and we're going to actually take it back --
19 I'll be taking it back to council to see how we can expedite
20 it. But you're talking about something new that your
21 engineer said yesterday, because I was here, that, "Oh,
22 you're building it for future generations." Well, let's
23 face it, one is not the number one milligram per litre.
24 Yeah, the 0.05, that's what we're going to be looking at,
25 and Gimli will be committed to that. I didn't hear anything
26 yesterday or here today, about a commitment to look after

1 the environment.

2

3 MR. KATHLER: Okay, so just as of today
4 though, it is not yet complete?

5

6 MR. CHUDD: Which?

7

8 MR. KATHLER: The -- the achievement of the -
9 - the aspirational target for phosphorus, it is not
10 complete. It is --

11

12 MR. CHUDD: What ---

13

14 MR. KATHLER: -- it is something you hope to
15 achieve.

16

17 MR. CHUDD: What we're here to talk about
18 today is a brand new lagoon using the old standards. So,
19 looking at what's coming up, that's what should be looked
20 at. And at our end, what we have with our licence, there's
21 a difference here today.

22

23 Like, please, you know, like even for the
24 people in the audience, we have a licence. Now there's a
25 new licence licence being issued. You're comparing apples
26 and oranges. But I see where you're coming from.

1

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MR. KATHLER: I appreciate your time. Thank

3

you, sir.

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MR. CHUDD: Thank you.

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7

MR. KATHLER: I have no further questions.

8

9

MR. CHUDD: Thank you for your questions.

10

11

THE CHAIRWOMAN: Thank you (inaudible) -

12

--

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14

MR. CHUDD: Again, thank you to the board.

15

16

THE CHAIRWOMAN: I'm going to turn to my

17

colleagues to see if they have any questions?

18

19

I have one question for you, Mayor. Is you

20

referred to Willow Creek being under stress.

21

22

MR. CHUDD: Yes.

23

24

THE CHAIRWOMAN: We don't have any

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information on the record on that point. Do you have a few

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examples that you might be able to share with us?

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MR. CHUDD: I think what you're going to hear later today from the fishing community when they're talking, it's the worst kept secret. We know, with the whole watershed, with the stuff and particulars that comes to Willow Creek, we want to look after it, because over the years there's other stuff that has gone. And there's even, I believe, a business west of this proposed, you know, large industrial farm that releases stuff into the watershed.

So, to have studies done, I would welcome because it's a provincial waterway. I'd welcome the Minister to do a comprehensive review of that watershed.

But the part of the watershed that I'm familiar with is, as mentioned from the video, the 144-acre site that we have totally decommissioned. There's one emergency cell, and in the big picture, even that cell is going to be relocated. So, we have a real commitment, but we need help, and I think with that to come right to the point of your question with the Willow Creek watershed, we need to get a proactive study as it is with Lake Winnipeg, with the research consortium and their data of -- to work towards getting things the way they need to be for the lake and for the Willow Creek watershed. Because when the stuff comes from the -- into it -- the nutrients, the phosphates,

1 et cetera, going through the lake, they end up in the
2 marshlands. They sit in the lake. They do get washed out
3 with the ebbs and flows. The lake is open, the marshlands
4 have -- with the marshlands they have the bulrushes, all
5 that stuff. So, when stuff comes into it, it stays. We're
6 extremely concerned about that.

7

8 THE CHAIRWOMAN: Thank you. I'll just
9 check in with Mr. Williams. Any redirect questions?

10

11 Okay. And so we'll ask this exhibit to be
12 marked your presentation as H004.

13

14 And given the time, I think we'll move on to
15 the RM of Gimli's next witness, but I'll ask you to remain
16 present, if possible.

17

18 MR. CHUDD: I ---

19

20 THE CHAIRWOMAN: If we do have time for
21 questions from the public, we'll see if that's possible
22 later today.

23

24 MR. CHUDD: Okay. With that, thank you for
25 your time and the opportunity to present in front of you.

26

1 THE CHAIRWOMAN: Thank you, Mr. Mayor.
2 Your next witness. Need a break? Sure. We can take --
3 let's take a short ten-minute break. Thank you.

4

5 (OFF RECORD)

6

7 THE CHAIRWOMAN: I'll ask everyone to
8 please take their seats. We're going to resume.

9

10 Okay. Let's please resume. I'll ask you to
11 take your seats.

12

13 The next presenter is Ms. Kalinovich, who
14 will be -- who is from Dillon Consulting and the witness for
15 the RM of Gimli. I turn it over to the RM of Gimli for this
16 witness's presentation. And could we have the witness
17 affirmed or sworn in?

18

19 MR. CROCKER: Good morning, or good
20 afternoon. Could you state and spell your name for the
21 record, please?

22

23 MS. KALINOVICH: Indra Kalinovich, I-N-
24 D-R-A K-A-L-I-N-O-V-I-C-H.

25

26 MR. CROCKER: Do you wish to swear or affirm?

1 Swear, okay. (inaudible). Indra, do you swear that the
2 evidence to be given by you shall be the truth, the whole
3 truth and nothing but the truth, so help you God?
4

5 MS. KALINOVICH: I do.
6

7 MR. CROCKER: Than you.
8

9 MS. KALINOVICH: Okay. Hello, everyone.
10 Thank you for having such a full house. Good to have so
11 many interested parties in this issue.
12

13 I'll start off with a quick introduction of
14 myself. I'm Indra Kalinovich. My educational background,
15 I did my undergraduate degree at Queen's University in
16 Environmental Chemistry in 2003. I did my PhD at Queen's
17 University in Civil Engineering, specializing in
18 geoenvironmental and geotechnical engineering, and that was
19 in 2008. I did post-doctoral studies at the University at
20 Buffalo, evaluating -- it was at the Department of Geology,
21 but it's evaluating the fate and transport of contaminants,
22 how physical and geochemical heterogeneity in the aquifer
23 can impact their fate in transport.
24

25 I've been at Dillon since 2012. I practice
26 as an environmental engineer and I'm a hydro geochemist. I

1 work largely on environmental projects, so, that's lagoons,
2 that's landfills, that's contaminated sites. The chemistry
3 and the hydrogeology together end up being applying to a
4 wide range of different types of projects across different
5 jurisdictions.

6
7 And at Dillon Consulting Limited, it's a
8 national firm, it's a multi-disciplinary firm. We do
9 engineering, planning, and environmental services. And I'm
10 a partner, I guess, at the firm. So, that's just about
11 myself and the firm I'm with.

12
13 And I've been retained on behalf of the RM
14 of Gimli to provide sort of an environmental technical
15 review on the environmental impacts that might be associated
16 with the lagoon development.

17
18 So, first, I know we talked a lot yesterday
19 about the regulatory framework for the lagoon. And it's
20 important to note that there's two distinct frameworks.
21 There's the Environmental Act, which we heard a lot about
22 yesterday. I know the Province presented on that, the
23 Proponent presented on that, and that refers to the lagoon
24 facility itself in terms of how it is to be designed, how
25 it is to be regulated, how it is to be licenced, how it is
26 to be operated.

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This lagoon discharges into a receiving environment that is ultimately sort of governed by the Water Protection Act. And that's also, when you've been hearing about the mix of the different numbers and the different regulations, that's just because there is a bit of -- the acts cover different parts of the process, if that's fair to say.

And I won't belabour that part. I think we've talked about the nutrient and target limits that are in for the Lake of Winnipeg. Have been discussed quite a bit.

So, under the Water Protection Act, the Watershed Districts, they did develop these Integrated Watershed Management Plans. There's a couple, I think -- I know that's been submitted as evidence, I think with the CEC. There's a couple of hard copies, I think also at the front desk, if anyone's interested to pick up a plan. And one of them was done for the Willow Creek watershed area. And so, this covered off areas of aquifer vulnerabilities, ecological sensitivities, how the land is used, how the land is purported to be used in the future. So, it's meant to cover off all of those planning scenarios for what can and should be developed and how that -- where areas might be

1 suitable for that.

2

3 The implementation, it is a shared
4 responsibility and it's a collective effort across all
5 levels of government, stakeholders, and residents.

6

7 This one. So, cumulative effects on
8 receiving water courses, that's one of the things that we've
9 been talking about, that can come from the incremental
10 impact of when an action is added to other past, present,
11 and reasonably foreseeable future actions. For the Willow
12 Creek watershed, it does have a relatively large drainage
13 area, just because there's all these different ordered
14 drains and other different sources that come into it. And
15 those are described pretty well, I think, in the Willow
16 Creek Integrated Watershed Management Plan.

17

18 The phosphorus contributions from lagoon
19 discharges, as we've talked about the relatively small, but
20 they're one of many point sources that can be controlled.
21 And so, while these individual charges, discharges might be
22 small, their additive effects do contribute to that nutrient
23 loading of the broader Lake Winnipeg drainage basin.

24

25 So, this is an aerial imagery that NASA, that
26 they took for the lake in, I think 2023, the south basin of
Lake -- you can see the algal blooms there, the green swirls

1 that are in the lake, the south basin of Lake Winnipeg, it's
2 currently considered to be phosphorus enriched and
3 hypertrophic. That means it's dying. That means it has
4 dissolved oxygen. It means it's getting more difficult for
5 fish and other things to -- to survive in there.

6
7 The long-term mean total phosphorus
8 concentrations in the south basin and the narrows are
9 currently 0.106 milligram litres, and that's about three
10 times higher right now than what's observed in the north.
11 And it's also, as you know from the target, the nutrient
12 targets that we've been talking about, they're still quite
13 a bit higher than that. So, when we're adding in
14 concentrations or mass discharges of phosphorus that exceed
15 what's currently there as the average, it's just going --
16 that number gets higher. That's just -- that's just math.

17
18 Consequently, managing point source
19 discharges at the watershed level is critical to achieving
20 the potential targets that are set out for the downstream
21 Lake Winnipeg ecosystem.

22
23 So, given the sensitivity to the nutrient
24 input in the local watershed system, the Willow Creek IWMP,
25 they identified following actions to be carried out to
26 protect the watershed against excessive levels of phosphorus

1 and nitrogen. So, for instance, for any wastewater lagoons
2 or sewage treatment plants, to establish site specific
3 effluent discharge targets or objectives.

4
5 So, while the Manitoba Water Quality
6 Standards, Objectives and Guidelines that that falls under
7 the Environment Act, they established the baseline province
8 wide thresholds for phosphorus, the introduction of that
9 2024 Nutrient Target Regulation, it does create a little bit
10 more of a rigorous compliance environment. Because these
11 new regulations were sort of more focused on the total
12 cumulative load reaching Lake Winnipeg, that standard "one
13 size fits all" discharge limits, it may be insufficient for
14 projects that are within sensitive or phosphorus-enriched
15 sub-watersheds such as Willow Creek, such as Lake Winnipeg.

16
17 So, consequently, the regulatory framework
18 now supports the implementation of site-specific effluent
19 discharge criteria that are more protective than general
20 provincial standards that -- to help maintain that alignment
21 with mandated discharge water quality goals.

22
23 So, this is these are slides, they're not in
24 my report, but this is something I just -- I put into my
25 slides from last night based on the conversations I heard
26 yesterday in the room, and just -- and I think it also

1 follows up on some of the conversations that were held this
2 morning. I just wanted to clarify a little bit of the
3 hydrogeological setting for the lagoon, because I think
4 that's really important for making decisions on whether this
5 type of development does require site-specific evaluations.

6
7 So, this is taken from the geotechnical
8 report that was provided by Trek in 2021. This shows you
9 where those test holes were put in throughout the lagoon.
10 There's five of them. And it also tells you, there's a
11 little summary blurb there of like what the types of soils
12 that they found within -- within that site.

13
14 So, as we were talking about earlier, it is
15 -- it is a mix. There's some clay, there's not too much
16 clay based on the borehole log set. I'll just flip through.
17 And this is just to say that the value that was used for
18 hydraulic conductivity in the EAP -- and they did note it
19 was for consolidated soils -- that's not representative of
20 the in situ soils that are there. The actual soils that are
21 there are likely to have, like, a little bit of a higher
22 permeability or higher hydro conductivity.

23
24 A gentleman had pointed out yesterday that
25 the IWMP had noted that no wastewater lagoons should be
26 constructed without that six metres of clay. That was a

1 recommendation that was made within that plan.

2

3 We also heard evidence yesterday about how
4 connected this area is between surface water and
5 groundwater, that if there was a drain that was having work
6 on it, someone's dug out a couple hundred metres down the
7 road, would drain out.

8

9 So, what I wanted to take you through were
10 these are boreholes, Test Hole 15 and 16. And so, this just
11 shows you that there's sand lenses through here. And that's
12 also -- it's -- they're silt till, there's peat. These
13 types of stratigraphic scenarios indicate that there might
14 be some conductivity. It doesn't mean it's universal. That
15 sometimes there's just these like sand lenses or these
16 different areas that have a little bit of a higher hydraulic
17 conductivity that can connect from one area to the other.

18

19 It's not the same geological setting as we
20 have in more southern Manitoba, that it's very -- it's very
21 a little more simple in some ways that we have sort of silt
22 and then we have clay. We don't have that situation
23 necessarily here.

24

25 So, when we're talking about effects that
26 we're seeing anecdotally for community members with changes

1 to their surface water, it's because the groundwater and
2 surface water here are very connected.

3

4 MR. WILLIAMS: So, what is the impact
5 of the higher hydraulic conductivity? Like, what does that
6 mean in simple terms?

7

8 MS. KALINOVICH: Oh, water flows through
9 it easier. So, if you think about it pushing through. So,
10 there's more air space in the soil. It's sort of like
11 there's larger particles, there's more air space between it.
12 So, groundwater flows through a little bit faster, which is
13 why that you'll see if you -- if you're digging something
14 out that's further away, the couple hundred metres and your
15 dugout drains, it means that there was probably a sand seam
16 that connected the two, and the water can just flow through
17 along that sand seam to reach that other area.

18

19 I'm not -- I should say we are -- that's
20 based on anecdotal evidence that was introduced yesterday.
21 I'm just looking at the borehole logs today and -- or I've
22 looked at them before, but this is just what I'm just noting
23 from here.

24

25 So, it is a small area for the lagoon and
26 you can see how heterogeneous this area is. There's also

1 limited clay in the area. I know that's one of the things
2 that was talked about yesterday a little bit. If you look
3 at the borehole logs, there's basically only a couple small
4 plugs, maybe one metres or two metres depth that show you
5 that clay. So, saying that this area has a lot of clay,
6 that's a bit of a -- it's a bit of a misnomer.

7
8 And I also want to point out one thing that
9 was brought up yesterday, silt till is not the same thing
10 as clay till. Silt till typically has a higher hydraulic
11 conductivity than clay till. It generally ranges from 10^{-6}
12 to 10^{-4} centimetres per second, which is a little bit
13 different than what is required under the lagoon design
14 objectives. While clay often acts much more like an aquitard
15 with much lower permeability, and that ranges from 10^{-9} to
16 10^{-7} centimetres per second, it can go beyond that, depending
17 on where you are. I just wanted to highlight that this is
18 a potential risk being presented.

19
20 So, while the Province and the Proponent are
21 likely correct that this is relatively low permeability
22 material, the migration downwards through groundwater to the
23 carbonate aquifer is unlikely given the 20 metre depth. It
24 hasn't necessarily addressed whether there might be lateral
25 flow connectivity between this site, the ditch, and
26 neighbouring properties. And we know that individuals on

1 neighbouring properties, they swim in Willow Creek, they
2 have dugouts. Whether they use them for swimming, whether
3 they use them for livestock watering, those are potential
4 risks that haven't necessarily been addressed.

5

6 So, I took this photo a week ago. It looks
7 very different than today, if you went there by today I'm
8 sure.

9

10 THE CHAIRWOMAN: So, Ms. Kalinovich, can
11 I interrupt you for a second?

12

13 MS. KALINOVICH: Yes.

14

15 THE CHAIRWOMAN: If you can just back
16 away from the microphone a little bit.

17

18 MS. KALINOVICH: Yes.

19

20 THE CHAIRWOMAN: We're getting a bit of
21 popping sound.

22

23 MS. KALINOVICH: Okay.

24

25 THE CHAIRWOMAN: And mic will adjust
26 your volume.

1

2

MS. KALINOVICH: Okay.

3

4

5

THE CHAIRWOMAN: But if -- if you can just take a little bit of a step back, that would be great.

6

7

MS. KALINOVICH: Yes.

8

9

THE CHAIRWOMAN: Thank you so much.

10

11

MS. KALINOVICH: Can do.

12

13

14

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22

So, I took this photo last week of the area just because I was curious. One of the things I like to do when I do my site assessments is I like to take a look at the vegetation that's there. Because groundwater, as we know when you're going to drill for it can be very expensive and difficult to know where it is, but the vegetation at a site can tell you a lot about at least where the groundwater might be. Because things like red osier, dogwood, and willow they don't like growing in areas where they don't have regular access to water.

23

24

25

26

So, this photo also shows that there is overland flooding in the area. That is not necessarily related to the drains overflowing onto the site, which is

1 one, I think the points that was made yesterday. So, the
2 site itself does show overland flooding.

3

4 And also that we do know that this site
5 likely has some level of shallow groundwater system here
6 because of the vegetation that are present. These are hardy
7 species. They're Manitoba species. They can survive
8 droughts, but they do prefer to be in somewhere where there
9 is water.

10

11 And so, that sort of brings into why the
12 engineers, when they did their drilling, assess
13 investigations, might not have seen as much groundwater as
14 residents would have expected to see in this area based on
15 their own properties and what they know, is because I think
16 2021 was a year of a drought in Manitoba. That is on public
17 record. I think it's now been shared with CEC. I think the
18 files for the Manitoba province records for that area.

19

20 We didn't have much rain in the Interlake.
21 And it's -- I'm not a climatologist, so I'm not going to
22 purport to say, and I also know weather stations are -- can
23 be far apart from each other, but there wasn't significant
24 precipitation in this area until late August, which wasn't
25 too far from when they drilled the drilling program. So,
26 some of the water that they may have been seeing might have

1 structured, some of these are manmade channels so it doesn't
2 flow out into the lake. How normally nutrients get managed
3 in a wetland, they get spread around. It's -- it's not that
4 alluvial fan deposition that you might normally see.
5 Because they are stopped in different areas by these
6 drainage channels, they get trapped. So, while there's the
7 nutrient target number that is for the sort of the Lake
8 Winnipeg south basin, this area might hold on to more of
9 that nutrient discharge ultimately. And this is where
10 you'll start to see the algal blooms before they spread out
11 to the rest of Lake Winnipeg.

12

13 And the other thing to note is that during
14 high flow or flood years, wetlands, they can't absorb
15 phosphorus, and so, they actively flush out the legacy
16 phosphorus.

17

18 Manitoba's climate is -- this was another
19 photo that I took along -- this is, I think, along Road 15.
20 Oh no, this (inaudible) photo that I took. This is one that
21 was submitted, I think, by written submission. Manitoba's
22 climate is defined by these extreme hydrological events.
23 So, even if there's some phosphorus that's temporarily
24 trapped in the weeds or in the muck of South Malonton Drain
25 during a dry August, that spring freshet or snowmelt that
26 comes up, it sort of acts as a flush, and that high volume

1 and the velocity of the spring runoff, that effectively will
2 scour the creek and beds, and it carries the previous year's
3 accumulated legacy phosphorus downstream.

4
5 I think we've heard a lot about how the
6 current 1.0 milligrams per litre total phosphorus effluent
7 limit for wastewater lagoon discharge in this location isn't
8 necessarily aligned with what the health target, the
9 ecological health target for Lake Winnipeg. As of 2020 --
10 I guess it's worth saying that in other areas, I have Ontario
11 up here as an example because they've been going under the
12 same sort of thing with Lake Erie. They have lagoons, they
13 have agricultural lands. Shifting nutrient-making sites
14 specific targets for a watershed isn't necessarily unknown
15 in Canada. It is something that can be requested through
16 the licence process. So, that is just why I have that up
17 here.

18
19 Just to note that Manitoba has not yet
20 created a similar policy, so we haven't yet created that
21 policy that might match the Water Protection Act.

22
23 So, that need for site specific criteria is
24 more stringent than the provincial baseline. That's further
25 supported by the chemical speciation of phosphorus. And I
26 know we're talking a lot about phosphorus and nitrogen, but

1 there are other contaminants that are parameters that are
2 in lagoon discharge.

3
4 So, effluent from municipal lagoons from a
5 facultative lagoon, there is a lot of type of phosphorus
6 that's considered soluble. It comes -- there's total
7 phosphorus that comes out, as well as soluble phosphorus
8 that comes out, and how they interact with their environment
9 is a little bit different. Soluble is already sort of
10 dissolved in the water. And unlike particle phosphorus,
11 that's usually -- it's usually bound to small, little
12 particles when it travels along. And that can get
13 geochemically sequestered in sediments.

14
15 The soluble phosphorus ends up being highly
16 bioavailable. So, that means when it's meeting bacteria,
17 when it's meeting plants like algae in the water, it's an
18 immediate source of food for them. It can be ingested
19 instantly. And so, this results in more acute impacts
20 related to lowering dissolved oxygen, creating those
21 proliferate algal blooms.

22
23 This is from the Proponent's responses back,
24 I think from one of their additional information requests.
25 And so, there was talk yesterday about whether mixing
26 calculations had been done in Willow Creek for the discharge

1 from the lagoon into Willow Creek. These are sort of, if
2 you pour orange juice from a small cup into a cup of water,
3 how diluted is that orange juice? Like, that's sort of the
4 type of calculation that they -- that they've done here.

5
6 So, one of the questions that came from the
7 province was whether if you're adding in at 1.0 milligram
8 per litre, what does that do for Willow Creek? How will
9 that change the concentrations? And the answer here is that
10 it will increase the concentrations to Willow Creek if
11 you're doing that.

12
13 There is a base load of phosphorus, we
14 already know, that is in Willow Creek.

15
16 One of the CCME's guidance for phosphorus in
17 surface water is that if you're altering the surface water
18 phosphorus concentration by more than 50 percent, you should
19 probably do site-specific risk assessment to evaluate
20 whether that discharge scenario or discharge -- whether that
21 site can handle that amount of phosphorus to -- whether the
22 system can handle that additional phosphorus. So, that is
23 just putting that out there, that that is something that
24 hasn't necessarily been observed. We know that Willow Creek
25 does have anecdotal concerns associated with the nutrient
26 loading in the creek, so adding this additional amount will

1 increase it further to a point that there are federal
2 guidelines that do say how you can deal with this scenario.

3

4 So, similar to phosphorus, Manitoba's
5 regulatory approach to both total nitrogen and ammonia
6 nitrogen has to do with these Manitoba Water Quality
7 Standards, Objectives, and Guidelines.

8

9 They -- the ammonia nitrogen is related to
10 acute toxicity to aquatic life, and total nitrogen sort of
11 deals more with the cumulative loading and eutrophication
12 that you might see in Lake Winnipeg.

13

14 So, similar to phosphorus, there are
15 Nutrient Target Regulations that are set for total nitrogen,
16 and those are a little bit different than what the discharge
17 requirements are for a lagoon into the receiving body.

18

19 So, the technical necessity for site
20 specific nitrogen criteria in the Willow Creek watershed is
21 driven by two factors, similar to phosphorus: speciation as
22 well as effluent dominance. Lagoon effluent is going to
23 have more dissolved inorganic nitrogen, which includes
24 ammonium and nitrates, and it -- that is also immediately
25 available for uptake by aquatic macrophytes and algae. So,
26 if you're considering it, it's more pre-digested, it's more

1 available.

2

3

4 Nitrogen is also going to be in that form
5 when it comes into Willow Creek. And this is a particular
6 concern I think, for any of the spawning areas because when
7 this type of nitrogen ends up being consumed, it really does
8 lower your dissolved oxygen in the creek. And we know that
9 fish need oxygen to breathe. So, in a trickle discharge
10 scenario where there might be effluent that's compromising
11 up to 90 percent of the creek flow during dry periods, this
12 can depress oxygen levels to a point that can be sublethal
13 or lethal for benthic invertebrates, or what other might be
14 living in the creek at the time if it's not fish. And that
15 is separate from the ammonia itself.

15

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So, we know that the facility will use a
trickle discharge methodology between June 15th and November
1st, they'll be releasing that treated effluent into a first
order drain that feeds into Willow Creek. The hydrological
environment is sort of defined by several critical factors.
We have a discharge point that's located 15 kilometres
following the creek. That's upstream from Lake Winnipeg.
Due to the drainage oriented landscape, that 15-kilometre
reach, it acts as a direct conduit for the discharge nutrient
load as it reaches the lake over an annual cycle.

1 Willow Creek is designated as a Class A
2 habitat for fish, so it does provide essential spawning and
3 nursery habitat for indicator species such as Northern Pike
4 and Walleye. This designation also requires the maintenance
5 of a high dissolved oxygen levels and also minimal nutrient
6 enrichment to protect that aquatic -- aquatic ecosystem.

7
8 And I'll also note, the surface water quality
9 sampling point that is currently in place for Willow Creek,
10 it is located about ten kilometres, I think, downgradient
11 from the point of discharge from the lagoon. So, that --
12 at that point we already know that the nutrient burden before
13 it's reaching Lake Winnipeg is already exceeding the
14 Nutrient Target Regulations.

15
16 I touched on this a little bit before, but I
17 think this image really showcases that if the lagoon
18 discharges into Willow Creek during a low-flow period, which
19 is done to prepare for storage for winter, that stream flow
20 becomes 100 percent effluent if there's nothing there.

21
22 There is no dilution capacity. Manitoba's
23 climate, as I said, is defined by these extreme hydrological
24 events. So, if there is an introduction of nutrients that,
25 if they're in particulate matter, for instance, or if they
26 are sitting on top of rocks when there is water, they will

1 move. And in the spring, because we have such high hydraulic
2 loading after spring freshet, that water can move anywhere
3 from 0.1 to 0.5 metres per second, sometimes faster. It can
4 travel nine kilometres in that creek in less than 24 hours.
5 So, unlike phosphorus, which is, you know, found in these
6 soil particles, which is heavy and sinks. Anything that is
7 soluble, it is just moving with that water.

8
9 And it's important to note, phosphorus isn't
10 degraded over time. It's -- it's a -- what we consider to
11 be somewhat conservative. The form of it may change, but
12 it's still going to stay. So, any phosphorus that is
13 discharged into this environment, given enough time, it will
14 make its way to Lake Winnipeg because that is the ultimate
15 sink and outcome for this.

16
17 This was another photo that I think I took
18 from the area. So, this is Willow Creek. This is just from
19 Road 15. This is just showing you -- I know there was a
20 hydraulic capacity study that was done for this area as part
21 of evaluating drainage and everything else with this site.
22 And one of the notes for that hydraulic capacity was that
23 there's steep faces, like steep banks. And so, hydraulic
24 capacity sometimes when we engineers do models, we don't
25 always go into the real world to take a look to see how
26 that's going to impact the environment.

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You can see from this, I have these yellow arrows on the photo, and that's showing sloughing. So, that's what happens. You can see there's no vegetation that has deep roots. You can see that it's a vertical bank. You can see that there's no real cover there. So, what happens when you have higher flow volumes coming through here is that you will have -- it chews away at the base of the slope, and then that sort of causes it to fall into the water. One of the issues with that too, is that that pushes sediment downstream, which will end up -- could end up smothering fish spawning areas.

So, bringing this back to the Willow Creek management plan, this area, the proposed development is in Zone 2 and they have highlighted, I think, a number of areas along here that that habitat is already impaired, so, whether that's through chemical, whether that's through physical. Doing anything further that aggravates these sites -- and that the star, the yellow star sorry, is is the lagoon site, doing anything further that aggravates these areas will contribute towards further impact in Willow Creek.

So, I will just close off with some findings following my technical review of EAP File 6193.00. So,

1 first is that the standard limits don't necessarily align
2 with what the Nutrient Target Regulations are for the
3 receiving water body. So, that is an area of concern that
4 I don't know that that potential risk has been adequately
5 addressed.

6
7 Any additional nutrients into Willow Creek,
8 into Lake Winnipeg, will result in aggravating algal bloom
9 growth in the lake, in the wetlands, as well as probably
10 Lake Winnipeg. And also probably within Willow Creek too.
11 If we're -- if we're discharging during low flow periods and
12 it has nowhere to go for that particular year, you will
13 probably see algae growing in the creek along those areas.

14
15 The effluent places, fish spawning and
16 nursery habitats at long-term potential risk. The risk
17 isn't going to be today. It's not going to be tomorrow. We
18 have heard from the Proponent that they're not likely going
19 to discharge from the lagoon, realistically, for the first
20 couple years. We're looking at what's going to -- what is
21 this going to environment going to look like 20 years down
22 the road, ten years down the road, and can we make a decision
23 now that helps mitigate potential risk for the future?

24
25 There's been a lot of commentary regarding
26 abattoir waste complexity. The Proponent did note that it

1 does add some additional nutrient loading on top of domestic
2 wastewater that we typically see. The faculty facultative
3 lagoons can struggle to handle this loading. One of the
4 options could be to make sure that there are appropriate
5 licence mitigations proposed for -- if -- if -- if it is
6 finding that it's not able to deal with that.

7

8 And again, this isn't going to show up
9 probably in five years down the road. This is us trying to
10 be proactive in anticipating what are the potential
11 environmental impacts five to ten years down the road?

12

13 There hasn't been any study on how building
14 a lagoon here or with the effluent or the structure itself,
15 how that's going to impact neighbouring surface water
16 properties or surface water on neighbouring properties.
17 That brings me back to that groundwater point from before,
18 that we don't really know how connected the groundwater and
19 surface water is in this area. We only know anecdotally
20 that if you make a difference, if you dig out part of a
21 drain that it does affect someone's dugout. And so that
22 tells me that the two are connected.

23

24 And we also know that if you're building a
25 large facility like this, you are still displacing water.
26 There is a water retention pond, but a lot of the drainage

1 modelling that's been done to date has been centred around
2 the property itself. It hasn't been done to take a look at
3 how neighbouring properties might be impacted.

4
5 Oh okay, this does this. Sorry, I didn't
6 realize. So, these are the recommendations. There's only
7 five of them so this won't be -- take too long. We are
8 recommending that the -- this site, given its proximity to
9 Lake Winnipeg, given its proximity to Willow Creek, there
10 should be site-specific phosphorus and total nitrogen limits
11 for this facility given the potential risks to downstream
12 receptors.

13

14 MR. WILLIAMS: When you say site
15 specific, is that at what point? At the discharge point or
16 where?

17

18 MS. KALINOVICH: That would be the
19 discharge point? So, it would be -- yeah, it would be --
20 like, the current, like, I think requirement for 1.0
21 milligram per litre, that number for total phosphorus, for
22 example that should be evaluated to see whether that is
23 appropriate given the site specific conditions. Given what
24 we don't know about the groundwater connectivity with the
25 surface water, given what we know about how hydraulically
26 connected this site discharge location is with Lake

1 Winnipeg.

2

3 Downstream monitoring program, I think
4 that's something that's been brought up a number of times.
5 It's pretty standard and sometimes how these are designed.
6 Lagoon discharge point of end-of-pipe is location. You want
7 to know what is being discharged at the point of discharge.
8 You want to take a look. I think the Proponent's engineer
9 mentioned this yesterday upstream from the creek. So, you
10 want to know that if you're discharging into the creek, how
11 are you actually impacting the creek?

12

13 You wanted to have it also at -- you want to
14 evaluate those cumulative impacts. So, either whether it's
15 the station that's at Highway 8, or whether it's at Husavik
16 Wetlands, or whether it's something closer, those are quite
17 far away. So, you are trying to evaluate impacts eight to
18 15 kilometres down the road, which at that point you are
19 taking on the potential risk of evaluating everybody else's
20 accumulation to that creek. So, you might want to pick a
21 site that's a little bit closer.

22

23 And some parameters that you might want to
24 take a look at, total phosphorus, soluble reactive
25 phosphorus, ammonia, and dissolved nitrogen, as well as your
26 total nitrogen.

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There should be an Adaptive Management Clause that states that if there is observed impacts downstream, such as an oxygen sag that has -- we know it's likely -- it's been noted to be likely related to the lagoon facility, that they must reduce their discharge volumes or implement tertiary phosphorus or nitrogen removal. And there's a couple of different ways that they can do that. They can either -- one of the suggestions was trucking. They can put a tertiary filter on the end. They can try alum, I think is one of the other points that was brought up. Alum doesn't necessarily work for nitrogen, but it does work for phosphorus.

And that annual reporting of that nutrient mass balance should explicitly show what the phosphorus and nitrogen contributions from the abattoir separate from the domestic waste, just because that's been noted as a -- as a concern for the community.

I think zero emergency discharge is a reasonably fair request given the receiving environment. We do know that when there is an emergency discharge, for the Commission's benefit, that is, they're not -- a lagoon facility isn't able to meet their target for release, but they have so much water it has to go somewhere. It has been

1 designed conservatively as said. That still shouldn't
2 preclude that we can't add in a licence requirement for zero
3 emergency discharge. There are other places that it can go,
4 whether it's trucked or whether there's some other solution
5 that their engineer would like to come up with. That is
6 something, I think, that aligns a little bit more closely
7 with what the RM of Gimli has been trying to do, just given
8 that they are the down gradient immediate receptor, both
9 (inaudible) ecological for any discharge that comes out of
10 that facility.

11

12 And lagoon relocation. Just because -- this
13 is on here because at 300-metre setback that's for
14 residential properties, that is usually for existing
15 residential properties, but that's also usually done within
16 one single rural municipality. In this case, that is a
17 development restriction that has been imposed on the Rural
18 Municipality of Gimli without having them -- engaging them
19 at the beginning of the process for consultation, for
20 whether that was something -- a risk that they were willing
21 to take on.

22

23 Another -- with this -- with the lagoon
24 relocation that might even be, considering after they do
25 further groundwater studies just to evaluate, is surface
26 water groundwater actually there? Since this was evaluated

1 in a drought year, whether that location is still
2 necessarily suitable.

3

4 MR. WILLIAMS: What's the impact of
5 the lagoon location on the RM of Gimli? Just so that we're
6 ---

7

8 MS. KALINOVICH: Currently?

9

10 MR. WILLIAMS: Yeah.

11

12 MS. KALINOVICH: The lagoon discharges
13 into the drain that's across the road from the Gimli -- or
14 from the RM of Gimli. Once it's in the drain, it's in an
15 uncontrolled environment, relatively speaking. that we know
16 the drains do connect with dugouts depending on how deep the
17 drains are dug. So, that can mean that you have surface
18 water that's discharged across the road that is suddenly
19 impacting groundwater and/or surface water in the RM of
20 Gimli immediately. and that's before it hits the Willow
21 Creek watershed.

22

23 As soon as it hits Willow Creek, it crosses
24 the road. It's into the RM of Gimli.

25

26 So, almost all downgradient impacts from

1 this are going to be borne by the Rural Municipality of
2 Gimli. Does that answer?

3

4 MR. WILLIAMS: Yes. Do you want to
5 finish? Go ahead.

6

7 MS. KALINOVICH: No, no, no. It's okay.

8

9 MR. WILLIAMS: Okay. What would a site
10 specific environmental assessment involve?

11

12 MS. KALINOVICH: So, a site-specific
13 environmental assessment does involve taking a closer look
14 at pathways. Sometimes it can be -- it can be physical
15 where they go in and they do a site investigation to do take
16 a closer look to confirm some hypotheses there. Right now
17 the hypothesis is that there's not shallow groundwater, that
18 there isn't connectivity with nearby surface water receptor
19 bodies that are across the road. You would do investigation,
20 a hydrogeological investigation that would call more
21 drilling, probably groundwater monitoring wells to take a
22 look to see if there's connectivity there.

23

24 You can also do it by taking a closer look
25 at the receptors that are there. That would be someone
26 going through doing habitat assessments, taking a look for

1 risk, potential risk, or the current status and health of
2 the Willow Creek, I guess drain, as well as the drain that
3 I think that's right along that road there, too. There's
4 lots of vegetation and things along there. We sometimes
5 ignore drains as having fish, but we have seen fish, you
6 know, in drains before, so there's no reason why they can't
7 swim up through there. It would be taking a look to see
8 what is actually living there and noting that, and then
9 figuring out what are the concentrations that would impair
10 whether who -- whether it's the vegetation, whether it's the
11 benthic invertebrates, whether it's the fish, whether it's
12 humans.

13

14 MR. WILLIAMS: And what about with
15 respect to Willow Creek? What greater assessment could be
16 done as it relates to hydrological issues and things like
17 that?

18

19 MS. KALINOVICH: The likely -- and I know
20 the hydraulic was trying to be separated from this, but if
21 there is additional changes to drainage to facilitate lagoon
22 development, whether -- whether the -- the creek in that
23 area is stable enough to be able to take it, whether there
24 needs to be geotechnical investigation along that slope? If
25 you're -- it's one thing to model and show this creek based
26 on topography can take this much water based on how high we

1 know the storm banks are. It's another thing to go to a
2 site and take a look at the actual geology to see what will
3 that do in this environment? So, that would be someone
4 visiting the site, logging the soils that are there, and
5 then doing an erosional assessment.

6

7 MR. WILLIAMS: Do you have anything
8 else you want to add?

9

10 MS. KALINOVICH: No, I don't. Thank you.
11 I'm done.

12

13 MR. WILLIAMS: Thank you.

14

15 THE CHAIRWOMAN: Thank you, Dr.
16 Kalinovich. And I'll just turn to the Counsel for Proponent
17 to see if you have questions, but suggest that we might want
18 to take a break before you proceed?

19

20 MR. KATHLER: Yeah, I think a short break
21 would be fine, ten, 15 minutes.

22

23 THE CHAIRWOMAN: Let's take a formal
24 afternoon break for 15 minutes --

25

26 MR. KATHLER: That's fine.

1

2

THE CHAIRWOMAN: -- and resume after
that with questions from the Proponent.

4

5

(OFF RECORD)

6

7

THE CHAIRWOMAN: We are about to resume.
I'll ask everyone to please take your seats.

9

10

MS. KALINOVICH: Yeah. No. Sorry.
Whoa.

11

12

13

THE CHAIRWOMAN: Okay, so welcome back
from your afternoon break. Dr. Kalinovich, we're going to
ask that your presentation today be recorded as Exhibit
H005.

17

18

And I'll turn it over to Counsel for the
Proponent for questions.

20

21

MR. KATHLER: Thank you, Madam Chairwoman.
And thank you for your presentation this afternoon. I'm
losing track of time here starting at noon.

24

25

You prepared the report, and I'll just call
it your report, the report. I may call it the Dillon report.

26

1 If I refer to a report, presume it's your report unless I
2 specify otherwise. You prepared your report, correct?

3

4 MS. KALINOVICH: Yes.

5

6 MR. KATHLER: Anybody else assist you in the
7 preparation of that report?

8

9 MS. KALINOVICH: No. And this was based
10 on your own investigations and review of the Environmental
11 Act proposal?

12

13 MS. KALINOVICH: Yes.

14

15 MR. KATHLER: And review of the entire record
16 as a part of the Environmental Act proposal? Effectively
17 the documents on registry, correct?

18

19 MS. KALINOVICH: Yes.

20

21 MR. KATHLER: You also mentioned you did a
22 site visit, is that correct?

23

24 MS. KALINOVICH: Drove past it on
25 Friday, yeah.

26

1 MR. KATHLER: Okay. So, not a site
2 assessment, a site visit.

3
4 MS. KALINOVICH: No, no, no, no, just a
5 drive by.

6
7 MR. KATHLER: Okay. And there was no
8 independent modelling that was done --

9
10 MS. KALINOVICH: No.

11
12 MR. KATHLER: -- as a part of your report?
13 And the report was prepared as you said, independently?

14
15 MS. KALINOVICH: Yes.

16
17 MR. KATHLER: You had the final say
18 ultimately on the contents of the report?

19
20 MS. KALINOVICH: Yes.

21
22 MR. KATHLER: You mentioned you've been at
23 Dillon in 2012, and I know that Mayor Chudd had mentioned
24 that the RM has -- has worked with Dillon previously. Have
25 you ever worked with the RM of Gimli previously?

26

1 MS. KALINOVICH: Yes, I prepared a
2 report for them on -- they wanted to evaluate a land
3 application of fertilizer. They wanted to compare chemical
4 versus organic.

5
6 MR. KATHLER: And that's the limit of your
7 your engagement with the RM?

8
9 MS. KALINOVICH: Yes.

10
11 MR. KATHLER: You mentioned qualifications in
12 chemistry and engineering. Do you have any qualifications
13 in land use planning specifically?

14
15 MS. KALINOVICH: No.

16
17 MR. KATHLER: So, in your plain language
18 summary and I'm -- I'll take you to your report. I'm not
19 sure, do you have a copy handy with you?

20
21 MS. KALINOVICH: I do here, yes.

22
23 MR. KATHLER: Okay. That'll be helpful. So,
24 I'll ask that you have that next to you. And that's --
25 that's going to be Roman numeral page two under your plain
26 language summary, just near the beginning of the report.

1 Just let me know when you have that.

2

3 MS. KALINOVICH: Yeah.

4

5 MR. KATHLER: So, I'm looking at the very
6 first sentence top of the page. This, "The report evaluates
7 the environmental impact of the proposed Harbour
8 Colony/Crystal Springs to self-facultative Lagoon treatment
9 lagoon located near the RM of Gimli." That is in a nutshell,
10 the purpose of your report, correct?

11

12 MS. KALINOVICH: Yes.

13

14 MR. KATHLER: At Roman numeral three, just a
15 page over. I'll take you to the -- the last paragraph.
16 It's just below the bulleted paragraphs. You touched on
17 this briefly in your presentation. It says, "Additionally,
18 the lagoon should be relocated to an area of property where
19 the setback distance from the wastewater lagoon's 300 metres
20 does not encroach on the RM of Gimli's land, limiting their
21 decision making potential for future development." Now, the
22 scope of your report does not include any land use planning,
23 correct?

24

25 MS. KALINOVICH: No.

26

1 MR. KATHLER: It does not address zoning,
2 correct?

3

4 MS. KALINOVICH: Correct.

5

6 MR. KATHLER: It does not address
7 restrictions under the development plan bylaw, correct?

8

9 MS. KALINOVICH: No.

10

11 MR. KATHLER: It does not, other than the
12 setback you mentioned address or engage with the issue of
13 setbacks and what is or is not permissible or appropriate?

14

15 MS. KALINOVICH: No.

16

17 MR. KATHLER: And it doesn't cite any zoning
18 bylaws or development plan bylaws, correct?

19

20 MS. KALINOVICH: I think it cited the
21 Planning Act.

22

23 MR. KATHLER: I believe it cites the
24 Municipal Act. Though it may cite -

25

26 MS. KALINOVICH: Yeah.

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MR. KATHLER: -- the Planning Act. I'll take a look. You do have the Planning Act. Thank you.

You've later prescribed that the lagoon should be relocated. That's included in your report. Correct? And your presentation as well?

MS. KALINOVICH: Yes.

MR. KATHLER: And the reason for this prescription given in -- in this paragraph that I've just read, that's not environmental concern, just to be clear, that's a planning concern?

MS. KALINOVICH: It would also pose potential risk. Part of the reason for that offset it is a planning thing, but I would also imagine it's related to impacts to the residents that would be nearby.

MR. KATHLER: Okay. So, another concern with respect to -- to setbacks effectively?

MS. KALINOVICH: Yeah,

MR. KATHLER: Okay. And I'm just asking this

1 because that's not what it says in your report. It says
2 that the concern is limiting land use for the RM of Gimli's
3 future development.

4
5 MS. KALINOVICH: It would be residential
6 development, that there could not be any residential --
7 because I think that's the specific setback is for
8 residential development. It would mean that they couldn't
9 do any residential development within 300 metres.

10

11 MR. KATHLER: Okay. And that's a -- that's a
12 land use issue, correct?

13

14 MS. KALINOVICH: It is.

15

16 MR. KATHLER: And the reason I'm asking about
17 this is it did stick out in your report as a land use --

18

19 MS. KALINOVICH: I know.

20

21 MR. KATHLER: -- planning issue, in an
22 otherwise completely environmental report. Were you told
23 to put that in your report by anyone?

24

25 MS. KALINOVICH: No, it was -- I put that
26 in because it is one of the -- it's a setback that's listed

1 under the Manitoba Design Objectives for Lagoons. It is a
2 setback that is imposed upon the Rural Municipality of
3 Gimli, which is not within the Rural Municipality of
4 Armstrong. So, that's partially why that's there, that the
5 setback crosses a municipal border. And I think that brings
6 back to Mayor Chudd's earlier comment that there likely
7 should have been consultation at the beginning if the
8 setback was being imposed on the neighbouring municipality.

9

10 MR. KATHLER: And my question is just why it's
11 in an otherwise environmental focused report, if it's a land
12 use planning issue?

13

14 MS. KALINOVICH: Because it is related
15 to the design objectives within the -- for the lagoon. It's
16 one of the requirements for where a lagoon can be placed.

17

18 MR. KATHLER: I'll change gears here and I've
19 got a few just fairly discrete points I'll run through.

20

21 MS. KALINOVICH: Mm-hmm.

22

23 MR. KATHLER: As well as some larger issues.
24 You mentioned oxygen content, and oxygen sag, is a term that
25 comes up in your presentation --

26

1 MS. KALINOVICH: Mm-hmm.

2

3 MR. KATHLER: -- as well as in your report.
4 The concern, I take it, is that low oxygen water flows down
5 the creek, eventually to the mouth of the creek. Being low
6 oxygen, it potentially becomes harmful to local aquatic
7 life. Is that -- have I summarized that concern accurately?

8

9 MS. KALINOVICH: Yes.

10

11 MR. KATHLER: Okay. Would it be fair to say
12 that water that is low oxygen content would increase in
13 oxygen content as it flows down nine kilometres of -- of
14 rocky creek bed?

15

16 MS. KALINOVICH: Depends how turbulent
17 it is. I mean, it's likely. Like, there would be water air
18 diffusion into it, but how much it improves would ---

19

20 MR. KATHLER: You're not able to quantify
21 that here and now?

22

23 MS. KALINOVICH: Yeah.

24

25 MR. KATHLER: Okay. But you would -- you
26 agree that, assuming it's not laminar flow and there is some

1 turbulence --

2

3 MS. KALINOVICH: Yes.

4

5 MR. KATHLER: -- it would increase = --

6

7 MS. KALINOVICH: Yeah.

8

9 MR. KATHLER: -- oxygen content?

10

11 MS. KALINOVICH: Yeah, yeah.

12

13 MR. KATHLER: Another topic that comes up in
14 your report -- it's fairly central -- is soluble reactive
15 phosphorus. You've raised that as a concern in your report,
16 in your presentation. Just to confirm, this is -- this is
17 a scientific term? This is not your shorthand for anything?

18

19 MS. KALINOVICH: No, it's more of a
20 testing term. It sort of usually incorporates
21 orthophosphate phosphorus into it. So, the technical --
22 like -- but it also -- it also includes other types of
23 phosphorus that would be dissolved, rather than -- total
24 phosphorus, for example, takes a look at everything. It
25 takes a look at the particulates, as well as what soluble,
26 as well as what's soluble and reactive, because there's

1 different forms of phosphorus that get released. So, the
2 soluble reactive phosphorus, it is -- it's more of a -- it's
3 a type of testing term that, like, the analytical
4 laboratories do when they're taking a look at it.

5

6 MR. KATHLER: So, if -- if you're looking for
7 that term, you know, in literature, for example, is soluble
8 reactive phosphorus the term that I would look for?

9

10 MS. KALINOVICH: It is. Some people use
11 it interchangeably with orthophosphate phosphorus, but
12 they're not quite ---

13

14 MR. KATHLER: You mentioned alum as well. You
15 would agree that alum, as a tertiary treatment option, would
16 have the effect of lowering SRP?

17

18 MS. KALINOVICH: Should if enough
19 phosphorus is taken out, yes.

20

21 MR. KATHLER: Compared ---

22

23 MS. KALINOVICH: Because you get ---

24

25 MR. KATHLER: Compared to baseline. I mean,
26 if I add alum to -- prior to discharge, it will precipitate

1 out phosphorus?

2

3 MS. KALINOVICH: Yes.

4

5 MR. KATHLER: Including SRP, specifically.

6

7 MS. KALINOVICH: It should, yes.

8

9 MR. KATHLER: And would you consider the
10 addition of alum a tertiary treatment option? Which is a
11 term that comes up in your report?

12

13 MS. KALINOVICH: Yes, it works for
14 phosphorus. It doesn't necessarily work for all of the
15 parameters.

16

17 MR. KATHLER: I'm going to take you to page 6
18 of your report, in the second to last paragraph. And I just
19 want to make sure is the -- is the Commission able to follow
20 along with these acceptably? Just let me know if you need
21 me to slow down. Okay? Thank you very much.

22

23 Page 6, second to last paragraph. About in
24 the middle.

25

26 THE CHAIRWOMAN: Mr. Kather, I'll just

1 ask, if you're referring to extensive paragraphs, maybe we
2 can put this up on the screen?

3

4 MR. KATHLER: It's not going to be terribly
5 extensive. I -- generally one sentence at a time. I'll try
6 ---

7

8 THE CHAIRWOMAN: If you can read it out,
9 that would be very helpful.

10

11 MR. KATHLER: Yeah, absolutely.

12

13 THE CHAIRWOMAN: Thank you.

14

15 MR. KATHLER: So, page 6, second to last
16 paragraph beginning -- it's the third sentence, "Effluent
17 from municipal lagoons consists primarily of soluble
18 reactive phosphorus (SRP)."

19

20 MS. KALINOVICH: Yeah.

21

22 MR. KATHLER: And then it goes on to say,
23 "Unlike particulate phosphorus bound to the soil which may
24 remain geochemically sequestered in sediments, SRP is highly
25 bioavailable." You covered that in your presentation.

26

1 MS. KALINOVICH: Mm-hmm.

2

3 MR. KATHLER: And it's immediately accessible
4 to primary producers.

5

6 MS. KALINOVICH: Mm-hmm.

7

8 MR. KATHLER: Now, the reason I ask this is,
9 your citation there, Schindler et al., 2016, I took a look,
10 and I'm going to suggest to you that the term soluble
11 reactive phosphorus doesn't actually appear in that
12 authority anywhere. Would you disagree with that?

13

14 MS. KALINOVICH: That's possible. Yeah.

15

16 MR. KATHLER: Would you -- you mentioned an
17 alternative name and --

18

19 MS. KALINOVICH: Soluble ---

20

21 MR. KATHLER: -- orthophosphate, that -- that
22 could come up?

23

24 MS. KALINOVICH: Orthophosphate soluble,
25 bioavailable.

26

1 MR. KATHLER: If I suggested that the term
2 orthophosphate doesn't -- isn't contained in that report
3 anywhere either, would that surprise you?

4
5 MS. KALINOVICH: It's possible, yeah.

6
7 MR. KATHLER: It's possible that it's not
8 contained in that --

9
10 MS. KALINOVICH: Yeah.

11
12 MR. KATHLER: -- in that report? Would you
13 like a copy of the report just to review?

14
15 MS. KALINOVICH: Oh, no, no, no, that's
16 okay.

17
18 MR. KATHLER: Okay. So, you accept that it's
19 -- if I say it's not in there, you would agree that it's not
20 in there?

21
22 MS. KALINOVICH: Yeah.

23
24 MR. KATHLER: So, I'm asking this because
25 you're making a conclusion about soluble reactive
26 phosphorus, and you've cited an authority, and the -- the

1 key issue is not even -- the term doesn't even come up in
2 the authority. Did -- is this potentially a mistaken
3 citation?

4
5 MS. KALINOVICH: No. I think from that
6 respect, like, they're looking at phosphorus in general,
7 right? For how curbing phosphorus from wastewater effluent
8 just for -- they're taking a look at it from that. I'm
9 taking a look at soluble phosphorus is from -- it is a form
10 that is discharged from municipal lagoons, and it's tying
11 in with that it can -- that transport mechanism is harmful
12 downstream.

13
14 MR. KATHLER: Okay. So, your -- your position
15 doesn't necessarily rely on the citation in Schindler et al.
16 That's -- it's just your (inaudible) ---

17
18 MS. KALINOVICH: Other than they are
19 taking a look at it from a total phosphorus position, which
20 is still applicable.

21
22 MR. KATHLER: Another term that's fairly
23 central in your report is -- is total nitrogen. Again, came
24 up in your presentation. And I'll take you to page 11, that
25 is in your conclusions section, I believe. Bullet no. 1,
26 implementation of a site specific phosphorus and total

1 nitrogen limit. Just let me know when you have that.

2

3 MS. KALINOVICH: Yeah.

4

5 MR. KATHLER: So, you -- you mentioned total
6 nitrogen in the context of eutrophication. Is that -- is
7 that fair?

8

9 MS. KALINOVICH: Yes.

10

11 MR. KATHLER: As a contributor to algal
12 blooms?

13

14 MS. KALINOVICH: Yes.

15

16 MR. KATHLER: So, reduction of total
17 nitrogen, in your opinion, would be a reducer of
18 eutrophication? It's effectively mitigation strategy,
19 correct?

20

21 MS. KALINOVICH: It is.

22

23 MR. KATHLER: I will take you -- apologies for
24 jumping around --

25

26 MS. KALINOVICH: Oh, no.

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MR. KATHLER: -- to page 7 of your report. Second to last paragraph again. "By 2026, the focus has shifted towards total nitrogen as a driver of cumulative impact. While phosphorus is the primary limiting nutrient in many freshwater systems, nitrogen plays a critical role in determining algal community composition effectively." Just confirmed that a moment ago, correct?

MS. KALINOVICH: Yes.

MR. KATHLER: "Specifically favouring" -- I'm continuing the quote, "Specifically favouring the growth of non-nitrogen fixing cyanobacteria in Lake Winnipeg's southern basin." Now you've cited Schindler et al. again, and I promise you I haven't reviewed all your citations --

MS. KALINOVICH: Yeah.

MR. KATHLER: -- but I have reviewed this one.

MS. KALINOVICH: Okay.

MR. KATHLER: And again, I haven't been able to find the conclusion that you've come to. And in fact, when I look at the abstract in Schindler et al., it's -- it

1 states, and this is on page 1. Again, I have -- I have six
2 copies and I can circulate this if need be.

3

4 MS. KALINOVICH: Yeah.

5

6 MR. KATHLER: It is -- it is referenced in her
7 report. The abstract states, "Here we review evidence
8 finding that numerous long-term studies of lake ecosystems
9 in Europe and North America show that controlling algal
10 blooms and other symptoms of eutrophication depend on
11 reducing inputs of a single nutrient phosphorus."

12

13 MS. KALINOVICH: Ah, yes. Okay, no,
14 that's fair.

15

16 MR. KATHLER: The conclusion effectively
17 echoes that, and that's at page 8928. The article is not
18 that long. This is from --

19

20 MS. KALINOVICH: Yeah.

21

22 MR. KATHLER: -- a review journal. And that
23 conclusion states, "There is no evidence that eutrophication
24 can be managed by controlling N --" You would take that to
25 be nitrogen?

26

1 MS. KALINOVICH: Yes.

2

3 MS. KALINOVICH: "-- inputs. In
4 contrast, multiple lines of evidence at the whole lake scale
5 of management show that P", phosphorus, "control works to
6 mitigate eutrophication." So, I'm going to suggest to you
7 that there -- the conclusion of Schindler et al. is not with
8 respect to the effects of limiting total nitrogen. Do you
9 agree?

10

11 MS. KALINOVICH: I'll agree.

12

13 MR. KATHLER: Page 11 of your report. bullet
14 no. four. This is a fairly brief question, but I do need
15 some clarification. Second to last paragraph again, under
16 for operational transparency. Let me know when you have
17 that.

18

19 MS. KALINOVICH: Yeah.

20

21 MR. KATHLER: States, "In accordance with the
22 2026 CEC hearing recommendations, the Colony should provide
23 annual public reporting of their nutrient mass balance."
24 I'm not really concerned about the conclusion that you're
25 drawing here. I am very curious about what authority you're
26 referring to in terms of the 2026 CEC hearing

1 recommendations?

2

3 MS. KALINOVICH: No, that's fair.

4 That's from the public record.

5

6 MR. KATHLER: When you say that's from the
7 public record, can you clarify that?

8

9 MS. KALINOVICH: That was -- from what's
10 filed with the CEC, I think, to -- to date for this. That
11 was one of the recommendations, I think that was asked for.

12

13 MR. KATHLER: Oh, it was a -- it was a
14 request?

15

16 MS. KALINOVICH: Yes.

17

18 MR. KATHLER: Okay. Of whom? Who was
19 requesting that, to your recollection? A member of the
20 public?

21

22 MS. KALINOVICH: A member of the public.

23

24 MR. KATHLER: So, there's a member of the
25 public making that recommendation? It's not the CEC, to be
26 clear?

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MS. KALINOVICH: Yeah.

MR. KATHLER: Thank you.

Emergency discharge. You -- you were quite forceful in your recommendation that -- that emergency discharge should be -- should not be permitted. Correct?

MS. KALINOVICH: Yes.

MR. KATHLER: What potential emergency discharge circumstances did you consider?

MS. KALINOVICH: It would be -- realistically, it would be if there's too much water flooding. I think that was the biggest concern is that if there's too much infiltration. I know there's design controls that have been put in for -- to increase the capacity for the lagoon. I think, from a licensing perspective, that if it is included within the licence that there is zero emergency discharge, that there will be other paths that we followed. I think that is where the -- the request comes in for.

MR. KATHLER: Okay, so you ---

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MS. KALINOVICH: But it's related to hydraulic loading I think, and then discharge -- having to discharge the lagoon without it, effectively being able to treat what's in there.

MR. KATHLER: So, flooding? You -- you -- you brought up flooding. So, in the event that there's a flood event -- overland flood has come up a number of times --

MS. KALINOVICH: Yeah.

MR. KATHLER: -- excuse me -- in the event that there's a flood event, you would say no emergency discharge, perhaps truck it out?

MS. KALINOVICH: Yes. Or like, not -- not necessarily just flooding. It can also just be rain. If there's been so much rain that if the drainage controls on the site itself, it's not flooding, but there's so much infiltration that's coming in, that that's another -- any source of water.

MR. KATHLER: And then I'll pick trucking, because it's the example that you gave.

1 MS. KALINOVICH: Yeah.

2

3 MR. KATHLER: If there's flooding conditions,
4 you know, weather preventing trucking, you know, does that
5 not limit severely the scope of -- of what emergencies could
6 arise hypothetically? Just saying no -- no emergency
7 discharge, period, are you confident that there's not a
8 scenario in which an emergency discharge might be
9 appropriate, notwithstanding other options, perhaps
10 pursuant to emergency discharge plan, have been exhausted?

11

12 MR. WILLIAMS: I don't understand that
13 question. I apologize, but ---

14

15 MR. KATHLER: I can rephrase.

16

17 MR. WILLIAMS: Thanks.

18

19 MR. KATHLER: If -- is it your position that
20 it should be a total prohibition on emergency discharges
21 under any circumstances?

22

23 MS. KALINOVICH: I think that would be
24 preferable for the receiving environment at this stage. I
25 mean, there's -- it's not just trucking. Like,, that was
26 just one example. There's -- I think this is where the

1 engineers can work together to -- with the community to
2 figure out what that might look like. There's tertiary
3 treatment that can be done. There's end-of-pipe treatments
4 that can be put on. There's a number of -- and it doesn't
5 mean trucking the entire contents of the lagoon should that
6 happen. Right? It's just enough -- moving enough or
7 treating enough water so that there's no risk to emergency
8 discharge.

9

10 MR. KATHLER: But isn't it fair that that
11 could be addressed through an emergency discharge plan, with
12 perhaps rigorous conditions, rather than a total
13 prohibition?

14

15 MS. KALINOVICH: Oh, it can if it's -- if
16 it's in the licence. If that's required in the licence,
17 yes.

18

19 MR. KATHLER: Now, I asked Mr. Crocker to
20 reload the -- the 2024 Nutrient Targets Regulation. That's
21 come up a number of times. So, I do want to ask a few
22 questions with respect to that. If you're able to pull that
23 up, it might be just easiest to have that on screen rather
24 than read what, unfortunately, is a fairly dry regulation
25 to the Panel.

26

1 MS. KALINOVICH: Yeah. Okay, so I need
2 to close that out?

3

4 MR. CROCKER: Yeah. Sorry, now which?

5

6 MS. KALINOVICH: Just close all of this?

7

8 MR. CROCKER: Yeah.

9

10 MS. KALINOVICH: And then ---

11

12 MR. CROCKER: Then you can just throw that one
13 on to the screen.

14

15 MS. KALINOVICH: Oh. Oh, they're all up
16 here.

17

18 MR. CROCKER: Yeah. So, it's the Chrome
19 browser there.

20

21 MS. KALINOVICH: Yeah.

22

23 MR. CROCKER: Just want to -- you just want
24 to -- you can throw that on the screen.

25

26 MS. KALINOVICH: Yeah.

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MR. CROCKER: Just so now you can look at it over there.

MS. KALINOVICH: Oh, yeah. Perfect. Thank you.

MR. KATHLER: Thank you Mr. Crocker. So, we have here the Nutrient Targets Regulation. Just to be clear, I see the registration date of August 23rd, 2024. You'd agree?

MS. KALINOVICH: Yes.

MR. KATHLER: And you would agree, as Mr. Burns stated yesterday, that was after the Environmental Act proposal had been submitted?

MS. KALINOVICH: Yes.

MR. KATHLER: Now, with respect to the contents of the Nutrient Target Regulation -- and just -- if I could ask you to just quickly scroll down, I just want to give the Panel a sense of how long this is. It's a very short regulation. That's really it.

1 MS. KALINOVICH: Yeah.

2

3 MR. KATHLER: So, we've got a couple of tables
4 and it's -- there's three sections. It's quite brief. You
5 would agree that the Nutrient Target Regulation itself does
6 not prescribe any discharge criteria. Correct?

7

8 MS. KALINOVICH: They are governed under
9 two different acts.

10

11 MR. KATHLER: Okay, so ---

12

13 MS. KALINOVICH: So, yes.

14

15 MR. KATHLER: So, my -- so, the answer is yes.
16 Correct? This -- this does not prescribe any discharge
17 criteria?

18

19 MS. KALINOVICH: It doesn't prescribe
20 discharge criteria.

21

22 MR. KATHLER: In fact, it doesn't even
23 mention discharge criteria, likely for the reason --

24

25 MS. KALINOVICH: Right.

26

1 MR. KATHLER: -- you've just stated?

2

3 MS. KALINOVICH: Yeah.

4

5 MR. KATHLER: And isn't it in fact true that
6 there's really nothing prescriptive about the Nutrient
7 Target Regulation at all? It's not telling anybody to do
8 actively anything?

9

10 MS. KALINOVICH: No.

11

12 MR. KATHLER: So, the regulation doesn't
13 prescribe what, for example, an individual proponent ought
14 to do in a particular situation such as this? Correct?

15

16 MS. KALINOVICH: The act does not.

17

18 MR. KATHLER: The Regulation ---

19

20 MS. KALINOVICH: The Regulation, rather,
21 does not.

22

23 MR. KATHLER: So, the purpose of the
24 Regulation is to provide a target only?

25

26 MS. KALINOVICH: Yes.

1

2

MR. KATHLER: And that's for the purpose of monitoring at basin wide level. Correct?

4

5

MS. KALINOVICH: Monitoring, but there was a document that went in behind this to develop that target. So, the -- I understand that this is the regulation that came out of it, but that was under sort of a management plan sort of, I think that came out to govern this.

10

11

MR. KATHLER: I can put a finer point on it because it is actually spelled out in the --

13

14

MS. KALINOVICH: Yeah.

15

16

MR. KATHLER: -- enabling legislation, the Water Protection Act.

18

19

MS. KALINOVICH: Yeah.

20

21

MR. KATHLER: And it states, this is 4.0.1(2), you cite this in your report, I believe, that "They're intended" -- nutrient targets, excuse me -- "are intended to provide a means for water management authorities in Manitoba and other jurisdictions that share a trans boundary River with Manitoba to measure water quality and

25

26

1 track progress on reducing nutrient levels in water bodies."

2 You would agree that that's the --

3

4 MS. KALINOVICH: Yes.

5

6 MR. KATHLER: -- the stated legislative
7 purpose?

8

9 MS. KALINOVICH: Yeah.

10

11 MR. KATHLER: So, you'd agree that it -- and
12 when I say it, I mean the Nutrient Target Regulation, doesn't
13 set a compliance threshold for any given point source
14 discharge, correct?

15

16 MS. KALINOVICH: No. Oh, that's
17 correct. Yes. Sorry.

18

19 MR. KATHLER: Now the target in the
20 Regulation, we can see they're under Section 2, nutrient
21 concentration targets Lake Winnipeg, north basin and the
22 south basin have the same target 0.05, and that's milligrams
23 of phosphorus per litre. Correct?

24

25 MS. KALINOVICH: Correct.

26

1 MR. KATHLER: That target describes a
2 concentration of the entire body of water. If you were to
3 sample at any given point in the lake, appreciating that
4 they're going to be different, the target is no matter where
5 you sample. and in this case the north or south basin, that
6 sample will be 0.05 milligrams of phosphorus concentration
7 target. That's what meeting the target means, correct?

8

9 MS. KALINOVICH: Yes.

10

11 MR. KATHLER: It's an -- it's effectively an
12 ambient level of phosphorus targeted in the entire basin,
13 north and south in this case?

14

15 MS. KALINOVICH: Yes.

16

17 MR. KATHLER: So, ultimately, it's really the
18 -- it's the total phosphorus load entering into Lake
19 Winnipeg that drives that figure. Correct?

20

21 MS. KALINOVICH: Yes.

22

23 MR. KATHLER: And it's less the individual
24 discharge amount from an individual point source
25 contributor. Is that fair to say?

26

1 MS. KALINOVICH: I don't know if ---

2

3 MR. KATHLER: You can disagree with me if
4 you'd like.

5

6 MS. KALINOVICH: Yeah, I don't know if I
7 agree with that entirely because it's each individual
8 licensed facility that contribute to that mass, right? So,
9 if each one is contributing an amount of phosphorus above
10 that number, it's not going to go -- it can't go down.

11

12 MR. KATHLER: So, let me -- let me give you
13 an example. For example, we'll take Winnipeg. Winnipeg
14 would be a significant -- the City of Winnipeg North End
15 Treatment Plant that would be --

16

17 MS. KALINOVICH: Yes.

18

19 MR. KATHLER: -- a significant contributor of
20 phosphorus to Lake Winnipeg. Correct?

21

22 MS. KALINOVICH: Correct.

23

24 MR. KATHLER: That would be a significant
25 driver of that number there, 0.05, or as you've stated in
26 your presentation, the numbers that are unfortunately above

1 that. Correct?

2

3 MS. KALINOVICH: Correct.

4

5 MR. KATHLER: So, if Winnipeg were
6 discharging at say 0.5 --

7

8 MS. KALINOVICH: Mm-hmm.

9

10 MR. KATHLER: -- similar to your Lake Erie
11 example, notwithstanding the fact that it is a significant
12 contributor, it -- I'll back up. It is a larger net
13 contributor than, for example, if I fill this cup up with
14 pure phosphorus and throw it in the lake, notwithstanding
15 the concentration is far greater in my discharge.

16

17 MS. KALINOVICH: Yes. No, that's
18 correct.

19

20 MR. KATHLER: So, we -- we've gone through the
21 purpose of this and you said -- I think you said it at the
22 beginning of your presentation, that there are two separate
23 regimes.

24

25 MS. KALINOVICH: Correct.

26

1 MR. KATHLER: There's discharge and there's
2 target.

3

4 MS. KALINOVICH: Yeah.

5

6 MR. KATHLER: So, is it your position that
7 anyone discharging into the lake ought to be meeting that
8 as a discharge criteria? When I say 'that' -- this is being
9 recorded -- 0.05 milligrams per litre of phosphorus.

10

11 MS. KALINOVICH: I believe that what can
12 be -- there can be more done to lower the amount of -- that
13 we're doing. That is -- reaching 0.05 milligrams per litre,
14 as I'm sure your engineer know, that's -- it's a challenging
15 number to meet for wastewater treatment plants as well as
16 for lagoons. That isn't accounting for other sources of
17 water that contribute to diluting. Right? So, I do think
18 that if we're taking a look at a cumulative effect on Lake
19 Winnipeg, if everyone is discharging at one milligram per
20 litre, if there are emergency discharges that are occurring,
21 that is not going to move us towards or closer to that
22 target. And ---

23

24 MR. KATHLER: Yeah, I take your point.

25

26 MS. KALINOVICH: Yeah.

1

2

MR. KATHLER: Unfortunately, we do have to
address through forums such as this --

4

5

MS. KALINOVICH: Yeah.

6

7

MR. KATHLER: -- individual projects.

8

9

MS. KALINOVICH: Yeah.

10

11

MR. KATHLER: The RM of Gimli --

12

13

MS. KALINOVICH: Yeah.

14

15

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MR. KATHLER: -- which I'll suggest to you,
has, currently has a one milligram per litre of phosphorus
discharge limit, you can disagree with me if you want this
-- this still needs to be addressed on a individual
contributor basis when it comes to licensing. Do you agree?

21

22

MS. KALINOVICH: When it comes to
licensing, yes.

23

24

25

26

MR. KATHLER: I'm going to suggest to you that
it's -- it's not really even realistic for most wastewater
treatment lagoons or plants to achieve 0.05 milligrams per

1 litre of phosphorus as a discharge target.

2

3 MS. KALINOVICH: I -- yeah, I -- it's
4 difficult, yeah.

5

6 MR. KATHLER: So, what you're saying is that
7 Mayor Chudd is going to have a bit of an uphill battle with
8 the promise he made while he was on the stand.

9

10 MR. WILLIAMS: That's just -- yeah,
11 that's just an argument. It's a ---

12

13 THE CHAIRWOMAN: The question is
14 withdrawn.

15

16 MR. WILLIAMS: Yeah.

17

18 UNIDENTIFIED SPEAKER: You're not (inaudible)

19 ---

20

21 THE CHAIRWOMAN: Oh, your microphone
22 isn't on.

23

24 MR. KATHLER: Your report does not contain
25 any specific analysis or conclusion suggesting that a
26 properly designed lagoon is incapable of meeting a one

1 milligram per litre phosphorus target? That -- there's no
2 conclusion in your report to that effect, correct?

3

4 MS. KALINOVICH: If it's properly
5 designed and operated and maintained, then -- and conditions
6 are right and optimal, then yes, it should be able to do
7 that.

8

9 MR. KATHLER: And I didn't note in your report
10 any specific concerns with the design as prepared by Mr.
11 Burns in terms of compliance with that discharge limit at
12 the point of discharge.

13

14 MS. KALINOVICH: Correct.

15

16 MR. KATHLER: So, when Mr. Williams suggested
17 yesterday to Mr. Burns that one milligram per litre of
18 phosphorus would be non-compliant, do you agree with that
19 under the current regime?

20

21 MR. WILLIAMS: I don't know -- I don't
22 know that -- that would -- I don't know that that was the
23 complete question that I would -- that I put to the witness.
24 I think I related it to the target. That's what I think I
25 did.

26

1 MR. KATHLER: You were asking him about
2 discharge criteria and compliance. The suggestion in the
3 question was that his proposal would be non-compliant.

4
5 MR. WILLIAMS: With the target, is
6 what the question was.

7
8 MS. KALINOVICH: If I -- if I may, I
9 think it was that if it's discharged at 1.0 milligrams per
10 litre, is it going to help or worsen Lake Winnipeg's ability
11 to meet that target? And we can treat lower. The 1.0
12 milligrams per litre has the potential risk to not
13 contribute towards meeting that target.

14
15 MR. KATHLER: Is it fair that every
16 contributor that's above the target is contributing to that
17 risk?

18
19 MS. KALINOVICH: I haven't done -- there
20 hasn't been a full cumulative impact assessment that I have
21 done. There's been some take a look at what different
22 inputs, I think are, to help what this number is. I think
23 it's intended to work with regulators, work with operators
24 to improve practices and tighten licences where they're able
25 to. I can't necessarily comment on whether if everyone
26 meets that 1.0 milligrams per litre target, if everything

1 is functioning perfectly all the time, whether that will be
2 reached? Because there's other sources too, right? There's
3 agricultural runoff and everything else. So, I -- I -- I
4 couldn't comment on that.

5

6 MR. KATHLER: No, that's fair.

7

8 You hold out as an example -- as an example
9 that you think should be emulated, Lake Erie, you mentioned
10 this before at 0.5 milligrams, effectively half of the
11 standard discharge limits in Manitoba. Correct?

12

13 MS. KALINOVICH: That's what they've
14 done, I think, within their immediate watershed, yeah.

15

16 MR. KATHLER: And you characterize those as
17 ultra low phosphorus limits in your report. Correct?

18

19 MS. KALINOVICH: Compared to what we
20 would do in Manitoba, yes.

21

22 MR. KATHLER: Are you able to say that even
23 those would be compliant necessarily in and of themselves,
24 those criteria in Manitoba?

25

26 MS. KALINOVICH: If that's going to be

1 similar to the first one, I wouldn't -- I wouldn't
2 necessarily know. It helps. It doesn't worsen.

3

4 MR. KATHLER: If I might have five minutes
5 just to do a quick review and see if I have any further
6 questions?

7

8 THE CHAIRWOMAN: Yeah. Let's take five
9 minutes.

10

11 (OFF RECORD)

12

13 THE CHAIRWOMAN: All right. Let's carry
14 on with questions from the Proponent. Ask everyone to take
15 their seats, please.

16

17 And I will remind counsel that objections
18 are to be directed to the chairperson. And the discussion
19 amongst counsel on the record can be limited to objections
20 that are on the record. Thank you.

21

22 MR. KATHLER: Thank you, Madam Chairwoman.

23

24 Ms. Kalinovich, in the more ad hoc portion
25 of your slideshow, with respect to the geotechnical
26 boreholes --

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MS. KALINOVICH: Mm-hmm.

MR. KATHLER: -- soil permeability, you would agree, though, that many of those concerns would be mitigated by this being a lined system, correct?

MS. KALINOVICH: What do you mean by land system?

MR. KATHLER: This is a line -- excuse me, line.

MS. KALINOVICH: Oh, the line.

MR. KATHLER: With a liner as opposed to ---

MS. KALINOVICH: Sorry, I thought you said land.

MR. KATHLER: Yeah, my apologies.

MS. KALINOVICH: Yeah. No, no, no. I think, yes. One of the things I didn't note in my presentation that I do think I saw in the design drawings is it says in situ soil. And so, I wasn't -- normally with

1 when you're installing liners, there is a little bit of
2 digging out of soil and re-compacting and putting it down.
3 And I assume that will be done for part of the liner. Yeah,
4 you're shaking your head. Okay, good. As part of the liner.
5 Please that -- it just -- it wasn't in the design part and
6 I didn't speak on that, but yes.

7
8 MR. KATHLER: Yeah. Thank you. I just want
9 to make sure that it's understood that this is not going to
10 be leaching into the soil actively, provided the liner is
11 performing as designed. Correct?

12
13 MS. KALINOVICH: Correct.

14
15 MR. KATHLER: Those are my questions. Thank
16 you, Madam Chairwoman.

17
18 THE CHAIRWOMAN: Thank you, Mr. Kathler.
19 I'll turn to my colleagues, beginning with Mr. Labossiere.

20
21 MR. LABOSSIERE: Thank you. My question
22 is just simply one of clarification. Thank you for listing
23 your references at the end of the presentation document. In
24 the slide pertaining to total phosphorus, you referenced
25 that Ontario has more stringent watershed specific
26 standards. Would you be able -- or would you recall which

1 of the three documents registered, or referenced regarding
2 the Ontario ministry that specifically came from?

3

4 MS. KALINOVICH: Oh. I'm not sure if
5 that's one of the ones from that -- because I think I have
6 the Design Effluent Guidelines From Municipal Sewage
7 Treatment Facilities. I'm not sure if that's one of the
8 ones that has it for the Lake Erie, because that was a
9 collaborative ---

10

11 MR. WILLIAMS: Councillor Labossiere,
12 it's the middle site of the three.

13

14 MR. LABOSSIERE: The middle -- okay,
15 thank you very much.

16

17 MS. KALINOVICH: Okay.

18

19 MR. WILLIAMS: Yeah.

20

21 MR. LABOSSIERE: Thank you.

22

23 MS. KALINOVICH: Oh, I thought.

24

25 MS. CARPENTER: Okay. Thank you very
26 much for your presentation. Again, this is more of a

1 clarifying question. It was brought up and confirmed
2 already that there was not a site assessment done, that
3 there was a site visit as well as no independent modelling
4 for this report. Can you talk just a little bit more about
5 some of the quantitative or qualitative analysis that was
6 done in order to kind of establish some of these findings,
7 particularly just around the nutrient targets, the wetland,
8 and the spawning and nursery habitat?

9

10 MS. KALINOVICH: So, there hasn't been
11 any modelling done, I think for -- from our end, I think,
12 or the Proponents, and in terms of like meeting the nutrient
13 targets and where the Lake Winnipeg basin begins in terms
14 of what volume of water, or what volume of effluent
15 discharged goes into Willow Creek, how far it travels down
16 the reach before it potentially meets the target through
17 dilution and other processes. That level of mixing model
18 hasn't been completed yet.

19

20 The Proponent's engineer, as I think I
21 presented, they did do a mixing model quickly just based on
22 volumes in terms of if they discharged at one milligram per
23 litre, how does that affect the current average phosphorus
24 concentrations in Willow Creek? And so, they did do, like,
25 a concentration volume calculation for that. But there
26 hasn't been any other further assessment, I think, towards

1 that end.

2

3 MS. CARPENTER: Thank you.

4

5 THE CHAIRWOMAN: So, again on -- on
6 phosphorus in Willow Creek you have a slide on the effluent
7 discharge elevating phosphorus in Willow Creek. And you do
8 cite -- and it's in a column. Maybe you want to pull up
9 that slide.

10

11 MS. KALINOVICH: Yeah.

12

13 THE CHAIRWOMAN: Unfortunately the
14 slides are not numbered so I can't give you a number, but
15 it's sort of halfway through your slide deck. "Effluent
16 discharge will elevate phosphorus in Willow Creek" is the
17 title of your slide.

18

19 MS. KALINOVICH: Yeah.

20

21 THE CHAIRWOMAN: That's the one.

22

23 MS. KALINOVICH: Yeah.

24

25 THE CHAIRWOMAN: Okay. So, in the first
26 box on the left upper left there are quotation marks. And

1 this is in a column that says The Proponent. So, I'm just
2 wondering if you can tell us a little bit more about where
3 this information comes from?
4

5 MS. KALINOVICH: Oh.

6
7 THE CHAIRWOMAN: And also, the average
8 total phosphorus concentration of Willow Creek based on
9 which forms of data? And you can imagine, I'll ask you a
10 question about the second affirmation, the second box below
11 it as well. But let's maybe start with the first because
12 it is in quotation marks.
13

14 MS. KALINOVICH: No, and that's right,
15 because this isn't my work. This is a -- I think it's under
16 additional info, what information -- whether that's filed
17 with the CEC or whether that's with the EAP licence files.
18 And so, this was a request, I think from, Barsha Sagan with
19 the Province that made to the Proponent's engineer. And so
20 they just showed a quick calculation. And so, this is just
21 citing the email response back to the Province.
22

23 THE CHAIRWOMAN: This is in whose
24 response to what?
25

26 MS. KALINOVICH: Burns Maendel

1 Consulting Engineers Limited.

2

3 THE CHAIRWOMAN: So, Burns Maendel has
4 said the average total phosphorus concentration of Willow
5 Creek is 0.06?

6

7 MS. KALINOVICH: I think the Province --

8

9 THE CHAIRWOMAN: And the ---

10

11 MS. KALINOVICH: -- came with that
12 number, that -- I think -- number they averaged from -- and
13 I didn't take a look at the data set to see what years they
14 averaged, but there is the Willow Creek monitoring station
15 that's at Highway 8, which is about 10, 11 kilometres, I
16 think, downstream. And so, they used that average
17 concentration, I think, just to represent what the base load
18 of phosphorus are -- is in the creek. And just wanted to
19 know if they discharged at the one milligram per litre, what
20 would that look like for changing the concentration?

21

22 THE CHAIRWOMAN: And then on -- in the
23 second box, mixing model calculations for total phosphorus
24 in Willow Creek were carried out for the June and September
25 discharges at one milligram per litre from the lagoon. Can
26 you provide more detail on what exactly this means? I'm not

1 sure I understand the meaning of ---

2

3 MS. KALINOVICH: Yeah, and I -- and I'm
4 sure the engineer from BMCI, because it was their engineer
5 that did this. They combined concentrations in Willow Creek
6 with lagoon discharge taking account for the difference in
7 volumes, and how that would change the concentration in
8 Willow Creek. So, the mixing model is just it was my orange
9 juice pouring into a water cup scenario where it's -- you
10 have -- you're seeing how much orange juice is in that
11 diluted system.

12

13 So, the -- in this case, the creek already
14 carries a concentration of phosphorus with it. If the volume
15 of discharge was coming into the creek, how would it change
16 that concentration in the creek? Those were the
17 calculations that they had provided.

18

19 THE CHAIRWOMAN: Okay. So, what you're
20 saying is this is modelling done by Burns Maendel and you're
21 citing this from the record?

22

23 MS. KALINOVICH: It's a calculation.
24 It's not -- it's -- it's a mixing model. It's sort of like
25 two beakers pulling into each other. These are moving
26 systems, so it's not necessarily the same thing as a dynamic

1 model that would show a moving water system and water coming
2 into it over time. So, it -- it's -- it's static. It would
3 be, like, a snapshot in time type of calculation.

4
5 THE CHAIRWOMAN: Okay. That's helpful.
6 And just one other question for clarification. Are you
7 aware of any water treatment plants or wastewater lagoons
8 that discharge at a rate of 0.05 milligrams per litre --

9
10 MS. KALINOVICH: No.

11
12 THE CHAIRWOMAN: -- total phosphorus?

13
14 MS. KALINOVICH: I -- I didn't look, but
15 not in Manitoba that I've -- that I've seen.

16
17 THE CHAIRWOMAN: Okay. Or elsewhere?

18
19 MS. KALINOVICH: I haven't looked much
20 beyond to be -- yeah.

21
22 THE CHAIRWOMAN: Okay. Good. Thank you
23 for that.

24
25 Looking at the time, we do have possibly some
26 time for questions from the public, but I will ask Mr.

1 Williams if he intends to redirect, and if you would like
2 to do that before questions from the public or after? So,
3 I'm asking both timing, and also timing in terms of how much
4 time you anticipate for redirect?

5

6 MR. WILLIAMS: I have just two -- two
7 areas, so like, I literally will be five minutes tops. Yeah.

8

9 THE CHAIRWOMAN: Okay. And would you
10 like to do that in advance of ---

11

12 MR. WILLIAMS: Yeah, I can do that.

13

14 THE CHAIRWOMAN: You'd like to proceed
15 now?

16

17 MR. WILLIAMS: Sure, yeah.

18

19 THE CHAIRWOMAN: Please go ahead.

20

21 MR. WILLIAMS: Thank you. Could you
22 turn to slide 17, please, of your report? Perfect. So, the
23 -- my learned friend there took you to this Schindler cite
24 in -- I think he took you to the cite in your report, but
25 it's the same cite, you'll recall that? And so -- and then
26 the point that he was trying to make was that -- that soluble

1 reactive phosphorus was not cited in Schindler. Are you
2 able to tell me why it is that you cited Schindler in
3 relation to this slide?

4
5 MS. KALINOVICH: Yeah. So, the
6 Schindler paper sort of covers off algae blooms and sources
7 that contributed to it, and with them some whole lake --
8 whole lake examples of -- for where eutrophication has
9 decreased following control of phosphorus inputs. So,
10 soluble phosphorus in this, and -- is taking a look at --
11 so, soluble phosphorus is just a part of total phosphorus.
12 It's just soluble phosphorus is realistically that is the
13 part that is contributing the most towards cyanoalgae
14 blooms.

15
16 MR. WILLIAMS: But my note of his
17 reference was to page 8925.

18
19 MS. KALINOVICH: 8925.

20
21 MR. WILLIAMS: Maybe that's wrong.
22 That I (inaudible) ---

23
24 MS. KALINOVICH: Yeah, so, from here
25 it's when they're adding precipitation to remove total
26 phosphorus. That declines for algae blooms, is one of the

1 things that they found. It's just that the soluble
2 phosphorus, I think in this end is -- sometimes is what
3 still escapes because it's not captured and brought down.
4

5 MR. WILLIAMS: And if you look at the
6 last paragraph on page 8925, on the right hand column under
7 the section "Evidence for the Success of Phosphorus Control"
8 can you read that? Tell me how that relates, if at all, to
9 your slide?

10

11 MS. KALINOVICH: The last paragraph.

12

13 MR. WILLIAMS: On the right hand side,
14 yeah.

15

16 MS. KALINOVICH: Yeah. "None of the
17 above cases provide evidence that dual nutrient control
18 reduces -- reduced eutrophication lakes either more
19 effectively or rapidly than controlling" ---

20

21 MR. WILLIAMS: Sorry.

22

23 MS. KALINOVICH: Oh.

24

25 MR. WILLIAMS: You don't have to read
26 into the record.

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26

MS. KALINOVICH: Oh.

MR. WILLIAMS: You're on 8925?

MS. KALINOVICH: Oh, no, I was on 8926.
Yeah, okay. "Remaining eutrophication problem in Lake Erie has been shown to be the result of lack of control of non-point sources of phosphorus, which is due -- largely due to increasing intensification of agriculture and other land use changes as well as high runoff. Increased bioavailability of the incoming phosphorus has been noted and is also believed to be caused by intense agriculture. Has been noted in other lakes."

MR. WILLIAMS: Okay, so how, if at all, does that relate to the slide we have up on the screen there?

MS. KALINOVICH: Well, the bioavailability is typically the soluble phosphorus.

MR. WILLIAMS: Okay.

UNIDENTIFIED SPEAKER: (inaudible) ---

MR. WILLIAMS: Madam Commissioner,

1 would you like us to mark this article because we do have
2 it with us as a ---

3

4 THE CHAIRWOMAN: Certainly. If you want
5 to produce it, we'll consider it. It is referenced in the
6 report -

7

8 MR. WILLIAMS: Exactly.

9

10 THE CHAIRWOMAN: -- and it is available
11 to us. So, we're fine to work with electronic copies of
12 material that has already been referenced on the record.

13

14 MR. WILLIAMS: Okay. So, then you
15 don't -- you don't need. Okay.

16

17 And so, then if you could now turn to the
18 recommendations slide of your report that my learned friend
19 took you to.

20

21 MS. KALINOVICH: Sure.

22

23 MR. WILLIAMS: And so, the first thing
24 I note here is that -- is that there is no reference to the
25 Schindler article on -- on this slide, is there?

26

1 MS. KALINOVICH: That's -- no.

2

3 MR. WILLIAMS: Because he asked you
4 some -- some questions around the first bulb saying site-
5 specific phosphorus and total nitrogen limit. And so, what
6 -- what are the reasons that you would want to limit the
7 nitrogen discharge into Willow Creek?

8

9 MS. KALINOVICH: So, there's been more
10 research -- recent research, I think that's -- because
11 interplay between nitrogen and phosphorus is complex in
12 terms of algal blooms and how much it contributes and
13 everything else. And so, this is still ongoing research and
14 what that looks like.

15

16 We know that nitrogen does dissolve oxygen,
17 or sorry, it does decrease dissolved oxygen. We know that
18 nitrogen and phosphorus can work together for increasing
19 algal blooms. So, both of these together are parameters
20 that do require tighter control.

21

22 MR. WILLIAMS: What's -- what's the
23 effect of having a reduction in the dissolved oxygen in the
24 water?

25

26 MS. KALINOVICH: It's mostly associated

1 with fish kills. So, there's -- if you reduce dissolved
2 oxygen in water, it will impair aquatic habitat. It will -
3 - it makes it anoxic. It makes it easier for different
4 types of bacteria and different types of algae to grow that
5 can be harmful to ecological receptors.

6
7 MR. WILLIAMS: You were also asked a
8 number of questions about this target of 0.05. Nowhere in
9 your report do you recommend that this lagoon discharge at
10 that rate. Do you?

11
12 MS. KALINOVICH: No.

13
14 MR. WILLIAMS: Thanks. Those are my
15 questions.

16
17 THE CHAIRWOMAN: Thank you. At this
18 point, we're going to take a very short break, five minutes,
19 to make a plan about what we'll do with the remainder of our
20 afternoon time. And so, let's just take five. Please don't
21 go too far away.

22
23 (OFF RECORD)

24
25 THE CHAIRWOMAN: Minutes. I will ask
26 Mayor Chudd and Dr. Kalinovich to both come back up and

1 we'll have an opportunity from -- for some questions from
2 the public. And I'll remind members of the public that the
3 purpose of this is to ask the two witnesses specific
4 questions about their presentations and not to make your
5 presentations. That will be an opportunity that comes a
6 little bit later today.

7
8 We also may have an opportunity to start with
9 some of the public presentations today. So, if you're on
10 the list of public presenters and you feel like you might
11 want to do that before the dinner break, you can speak with
12 Peter. So, Peter, I'm going to ask you to raise your hand,
13 just -- can you just -- yes. To that gentleman -- and let
14 him know that you would be prepared to present before the
15 supper break, if you are. There's no obligation to, and
16 we'll certainly have that space after the dinner break.
17 Although, I will say there are a lot of you who have
18 registered to present and we have limited time, so I want
19 to try and find a way to accommodate as many voices as
20 possible today.

21

22 That being said, are there any questions for
23 either of these two witnesses? From members of the public?
24 Okay.

25

26 And Mr. Tkach, just ask you to direct your

1 question to either of the two witnesses and indicate that.

2

3 MR. TKACH: Thank you, Your Honour.

4

5 Question for Dr. Kalinovich. So, Dr.
6 Kalinovich, as I've mentioned before, I'm the landowner
7 across the road and a retired water engineer. We've talked
8 about the drought of 2021 and the wet cycle of -- of 2022.
9 You mentioned in your presentation there that sometimes we
10 see a very fast reaction of groundwater pathways. Is it
11 safe to say that there would be benefit in looking at these
12 drought and wet cycles over a long period of time to get a
13 really good understanding as to what's going on?

14

15 I mean, as the landowner across the road,
16 I'm -- you know, I go out there in a wet cycle and I'm like,
17 I never know what I'm going to find. You think it's going
18 to be wet, but sometimes it's been dry before, so it soaks
19 up all the water. And then sometimes you think it's going
20 to be dry, and it's not. Would there be benefit to -- to
21 study this maybe a little bit longer?

22

23 MS. KALINOVICH: The hydro geochemist in
24 me loves data. So, having additional data for different
25 cycles, it does give you more certainty in whether the design
26 you're proposing is appropriate for where you're building.

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I know sometimes there are restrictions with that just in terms of like, needing to get something built, but more data is helpful. It doesn't hurt.

MR. TKACH: Okay. Thank you. And last question for Dr. Kalinovich, as well. You had in your one slide there where you talked about some, you know, accumulation of -- of effluent downstream of lagoons.

I know in my former role as a -- as a federal regulator, we would often get calls about fish kills in waterways after a prolonged drought period. And then you get a heavy rain, especially in areas like say, Netley Creek where we know --

MS. KALINOVICH: Mm-hmm.

MR. TKACH: -- is impacted by lagoons. Is that something that we can expect to see here at Willow Creek with the addition of another lagoon?

MS. KALINOVICH: I can't speculate. There's a potential for that.

MR. TKACH: Okay.

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MS. KALINOVICH: Because of just the -- the fate and transport of the nutrients, Willow Creek how the hydrology of it, it dries out, things will stick to the bed. If you have a flush of water, depending on how much water that comes through, you can have that scenario.

MR. TKACH: Okay. Thank you very much.

MS. KALINOVICH: And downstream. It wouldn't -- it doesn't necessarily need to be right close. It can happen further downstream as things move along.

MR. TKACH: Okay. Thank you, Doctor.

THE CHAIRWOMAN: Thank you for your questions. Were there any other questions from the public? Yes. And please remind me of your name.

MR. SEPHTON: Yeah. James Sephton.

THE CHAIRWOMAN: Thank you (inaudible) -

--

MR. SEPHTON: I'm a resident of Siglavik. Actually president of the condo corp there representing

1 about 83 residents for the record.

2

3 So, to -- to Mr. Tkach's comment about the -
4 - the slug of effluent going down the stream and coming out
5 all of a sudden, where exactly does the south basin begin
6 and Willow Creek end? And if you sampled at the mouth in
7 the outlet of Willow Creek during one of these slugs of
8 effluent coming through after a storm, would it not fail to
9 meet the 0.05 target at that point in the basin?

10

11 MS. KALINOVICH: Yeah. No, I'm not --
12 I'm not sure of exactly where the demarcation point is. But
13 in that scenario, Siglavik Wetlands is probably considered
14 part of lake -- because it's the water body for Lake Winnipeg
15 at that point. It would fail to meet. I don't know how far
16 up Willow Creek that would extend.

17

18 MR. SEPHTON: So, I don't understand how we
19 can separate discharge criteria from the 0.05 target when
20 there's no clear delineation between the south basin and the
21 creek itself.

22

23 MS. KALINOVICH: No, that's fair. I --
24 I can't answer that either. I think that's part of what
25 goes into a site-specific risk assessment for when something
26 is being transported down that creek. How far is it going

1 to go? How much of an impact it's going to have into that
2 receiving water body?

3

4 MR. SEPHTON: Yes, I agree. Thank you.

5

6 THE CHAIRWOMAN: Thank you, Mr. Sephton.

7 Yes, Mr. MacKenzie?

8

9 MR. A. MACKENZIE: Yes, it's Alex
10 MacKenzie and I'm a resident of Siglavik.

11

12 I'm -- I understand that regulations require
13 that discharges from the lagoon not take place before June
14 the 15th or something like that. And -- and that that's
15 basically during a period where it's expected that water
16 will move slowly and not go quickly. It's just going to be
17 a trickle down the creek bed. And -- and as you cross
18 Highway 9 from -- from where Willow Creek has a bridge,
19 there's a -- a pool there. And I think there's a property
20 owner, I think his name is Sigfusson (ph), but I may be
21 mistaken. There's really quite a large pool there with a
22 dock and so on, and a home, and -- and the water sits quietly
23 there in the -- when there's not a lot of water movement.

24

25 And so what I'm wondering is -- is you've
26 mentioned two types of phosphorus, one that is completely

1 dissolved and others that -- that have they sort of
2 particulate quality?

3

4 MS. KALINOVICH: Yeah. They tend to bind
5 more to particulate matter. It's -- yeah.

6

7 MR. A. MACKENZIE: Okay. And then so -- so
8 and I understand that this Commission, nor can you, nor can
9 the Proponents change the existing regulation, but it just
10 seems odd to me that this phosphorus material would be
11 discharged in such a way that it would trickle along the
12 creek, end up in a -- in a quiet pool where it would sit,
13 presumably sink to the bottom, become part of the sludge,
14 until -- until it became a wetter period. And then there'd
15 be a rush of water that might clear out much of what had
16 accumulated in the pool.

17

18 How is it better for the creek to drain the
19 lagoon in slow moving water periods than it is to drain the
20 creek when there's a rush of water? That's my question.

21

22 MS. KALINOVICH: Part of that is done, I
23 think for attenuation over time. Part of it is done for --
24 that it's the idea is that it's not going to reach a water
25 body in a particular amount of time. That it's not fast
26 moving flow. So, if there is soluble phosphorus, it's not

1 transported quickly.

2

3 But it's also done at a slow discharge at
4 that time when the creek isn't necessarily as biologically
5 active, I guess, is part of it. Like, they try and avoid
6 fish spawning periods and everything else.

7

8 And it's also a function of when -- when the
9 lagoons are full, right? Like, after winter, they're
10 basically needing to discharge as soon as possible. And so,
11 they do normally have to wait for a bit of spring time so
12 some more activity can happen in the lagoon. As well as
13 waiting for when is -- when it's okay to discharge based on,
14 like, what activities are happening in the creek at that
15 time.

16

17 It's sort of similar to when -- when is the
18 best time to cut down trees, you know, in a forest, and do
19 clear cutting of the land? And like, it's not anyone wants
20 all the trees to be gone, but we usually wait for the nesting
21 birds to go first before it's sort of deemed okay. So, it's
22 not necessarily that it's the best outcome, but it's a better
23 discharge scenario overall.

24

25 MR. A. MACKENZIE: So, it would be more
26 likely to preserve the fish and the lake, but I would suggest

1 -- I mean, it just seems apparent that it would be worse for
2 the creek and that little pool at the end to have phosphorus
3 sit there for a month or so before it gets washed out.

4
5 MS. KALINOVICH: And that's related to
6 more of the fate and transport of these types of parameters.
7 They do -- they'll stick in pools, they'll move along, and
8 I think that's part of it, is that it's not the concentration
9 coming out necessarily that matters as much to the lake as
10 how much mass is going to move and when it's going to move.
11 So, that is tied back to what the discharge criteria limits
12 should be, because you -- overall you want to limit how much
13 mass is going into the system, because it will end up in
14 those locations like pools and -- and pooling regions and
15 slow-moving areas. And when there is high-moving water,
16 that re-energizes the environment and pushes it along again.

17
18 MR. A. MACKENZIE: Thank you. And I have
19 one more question, if I may, and that relates to the Trek
20 report. You had mentioned, you had actually shown slides
21 of their -- of their subsurface logs relating to each of the
22 drilling locations that was a part of the effluent pond, the
23 -- the lagoon. And reading the -- the report for the
24 watershed, the suggestion is that there be no sensitive --
25 or no construction of things that would be sensitive in
26 areas where there is less than six metres of clay between

1 the surface and the aquifers. Is that correct? You -- you
2 recall that six metres?

3

4 MS. KALINOVICH: That is what the --
5 yeah, that is what the Willow Creek Integrated Watershed
6 Management Plan calls for.

7

8 MR. A. MACKENZIE: Okay, and ---

9

10 MS. KALINOVICH: Or requests, yeah.

11

12 MR. A. MACKENZIE: And -- and I would just
13 -- having looked at those subsurface logs, I see that of the
14 five of them, and there were five for the lagoon area --

15

16 MS. KALINOVICH: Yeah.

17

18 MR. A. MACKENZIE: -- which is bigger now,
19 of course, the lagoon area that was described in the Trek
20 geotechnical stuff is not located quite where the lagoon is
21 now, and it's much smaller than the lagoon is now. But in
22 the five holes that were drilled, looking at them, there
23 were only two that showed any clay at all.

24

25 MS. KALINOVICH: Yes.

26

1 MR. A. MACKENZIE: And one of them was Test
2 Hole TH21-15 that showed approximately half a metre of clay,
3 as opposed to six metres. And in Test Hole ---

4
5 MS. KALINOVICH: It's 16 and 17, I think
6 that both have silt clay.

7
8 MR. A. MACKENZIE: -- 21-19 --

9
10 MS. KALINOVICH: Oh, 19. Okay, yeah,
11 that one.

12
13 MR. A. MACKENZIE: -- showed a whole metre
14 of clay.

15
16 MS. KALINOVICH: Yeah.

17
18 MR. A. MACKENZIE: Just what would you --
19 could you provide any comment on the dearth of clay?

20
21 MS. KALINOVICH: Not much beyond what
22 the borehole logs show. It doesn't match with the -- the
23 Willow Creek Integrated Watershed Management Plan
24 recommendation. That, we know.

25
26 I will note the Proponent has -- that is

1 partially why they've moved towards a HDPE liner. It's not
2 the same as the recommendation, but that is -- it is one of
3 -- I think the considerations that force them to move towards
4 that design.

5

6 MR. A. MACKENZIE: Thank you very much.

7

8 THE CHAIRWOMAN: Thank you, Mr.
9 MacKenzie. Are there any other questions from the public?

10

11 MR. KOROLUK: Good afternoon. Glen Koroluk,
12 here. I'm from Winnipeg. This is a question for Dr.
13 Kalinovich. In your expert opinion, would you say that the
14 water quality in Lake Winnipeg over the last 20 years is
15 improving, about the same, or kind of getting worse, if
16 we're looking specifically at nutrients?

17

18 MS. KALINOVICH: So, yes, this is on.
19 Okay, good. I -- in full disclosure, I haven't looked
20 specifically at the last 20 years for the concentrations in
21 Lake Winnipeg to see how much they have changed. I know
22 anecdotally, based on when I've looked at numbers, they're
23 going up, but I wouldn't -- for the record, I wouldn't rely
24 on that as that's my expert opinion just because I haven't
25 actually gone through the data myself. If that's -- yeah.

26

1 MR. KOROLUK: Yeah, no, that's good. And it's
2 good that we have the -- the regulation up here right now.
3 So, the Nutrient Target Regulation was introduced recently,
4 I think a couple of years ago.

5

6 MS. KALINOVICH: Yeah.

7

8 MR. KOROLUK: And we -- yeah, there was some
9 discussion about it this afternoon. In your opinion, do you
10 think this -- this regulation will help Lake Winnipeg for
11 its nutrients? I read it and I -- personally I don't think
12 it's going to do anything, so.

13

14 MS. KALINOVICH: I think if there's
15 collaboration between agencies, that's the intention behind
16 this, that that will -- that they'll move towards that, it
17 will improve the ecological health moving towards this
18 number. Sorry, could -- what was your specific question
19 again on that?

20

21 MR. KOROLUK: Well, I guess as a follow-up,
22 what other measures can we take from a regulatory
23 perspective on top of this target regulation to improve the
24 quality of Lake Winnipeg?

25

26 MS. KALINOVICH: That's a really big

1 ask. I don't -- I'm not prepared necessarily to comment on
2 that now, but I think that's a great starter for a
3 conversation that -- to put forward to your ministers, to
4 reach out to Manitoba Environment, Climate Conversation, to
5 have conversations with Water Stewardship Board for what
6 that might look like.

7
8 It's not one as -- I'm not a regulator, it's
9 not one that I'm prepared to comment on. What are all the
10 tools at my disposal to create that framework to move towards
11 that? I have, same as you as a citizen, as a resident in
12 Manitoba, I have opinions, and I have thoughts, but I don't
13 know -- but it's not the same as someone who's very well
14 versed in the area.

15
16 MR. KOROLUK: Okay. Thank you. Oh, go ahead.

17
18 MR. CHUDD: Things that probably could be
19 done, and I'll just -- I guess going on Indra's comments,
20 is when you look at -- when you're asking how you get
21 nutrient -- nutrient levels down, when you go to spraying
22 close to waterways, aerial spraying in particular, I know
23 we have a lot of concerns raised in our municipality
24 regulating aerial spraying. I know it's outside for this
25 lagoon, but he asked to get it down. That's an open
26 question. Potentially reviewing and regulating aerial

1 spraying close to the lake and waterways would tremendously
2 help out.

3

4 MR. KOROLUK: Okay, and one last question. It
5 was mentioned that there's a task force for Lake Winnipeg.
6 Could -- could you tell me a bit more about that task force
7 and what it's doing? I think the mayor may have suggested
8 that.

9

10 MR. CHUDD: The which? Oh, I mentioned
11 enough to applaud Minister Moyes on putting together a task
12 force for Lake Winnipeg to look at things just like, you
13 know, what we mentioned here with the -- you know, having
14 the research consortium studies done, action plan,
15 involvement to what we can do. You know, you look at the
16 North End Treatment Plant, you know, farming, especially in
17 in areas close to waterways in our municipality, restricting
18 stuff like that, those are things we can do. But the task
19 force I mentioned is what the Minister has put out to look
20 at what we can do for Lake Winnipeg, and I applaud him for
21 it. That was just my comment was, he's -- he's got a task
22 force that he's put together to look at addressing
23 standards, protocols for Lake Winnipeg. Because a lot of
24 people don't realize you have the Great Lake Act and why
25 things are lax for Lake Winnipeg, it's not under that
26 jurisdiction. So, the standards aren't where they should

1 be. And I applaud him for looking at modernizing the
2 standards for Lake Winnipeg. So, when you have hearings
3 such as this going forward in the future, that things can
4 be looked at and addressed in a more meaningful way.

5

6 MR. KOROLUK: Okay, thanks. And this task
7 force has been meeting on a regular basis?

8

9 MR. CHUDD: I would -- I don't know and I
10 won't comment on that. I just I read about it, you know,
11 read on and heard on that. And I just think it's a -- it's
12 a great opportunity to get on top of stuff.

13

14 Just like they did in the Great Lakes,
15 through the Great Lake Act, that even with the federal
16 government looking with the Freshwater Administration
17 offices, you know, in Winnipeg, it's all a step forward.
18 And over time I think we will get to where we will.

19

20 But my comment was solely that when I heard
21 about that, you have to give recognition where it's deserved
22 in something like this, and that's where hats off to the
23 Minister for what he's looking at doing for our lake.

24

25 MR. KOROLUK: Okay, great. Thank you.

26

1 THE CHAIRWOMAN: Thank you, Mr. Koroluk.

2 Do I see one more -- it's a question?

3

4 MR. GULAY: Yeah.

5

6 THE CHAIRWOMAN: Just please introduce
7 yourself and ask your question.

8

9 MR. GULAY: Hello everybody. My name is
10 Glen Gulay. It's your lucky day because I'm an aerial
11 spraying applicator. Yeah, I did it for 40 years, and
12 there's a strict law against spraying by waterways. When
13 we write an aerial applicator's licence, we got to stay from
14 the waterways. And ground sprayers are more -- they do more
15 acres than the aircraft (inaudible). and the aircraft are
16 only allowed to spray chemicals on the target area, not off
17 the target area. So, if you have any questions about aerial
18 spraying, you ask me. I've been --

19

20 MR. CHUDD: Yeah, (inaudible) --

21

22 MR. GULAY: -- I had --

23

24 MR. CHUDD: -- (inaudible) forward -- and
25 I've met you. I've known you for a number of years.

26

1 MR. GULAY: Yeah, I know, and I --

2

3 MR. CHUDD: Yeah.

4

5 MR. GULAY: -- (inaudible) --

6

7 MR. CHUDD: But ---

8

9 MR. GULAY: -- you guys supported me --

10

11 MR. CHUDD: Yeah.

12

13 MR. GULAY: -- when I started --

14

15 MR. CHUDD: Oh, very much so.

16

17 MR. GULAY: -- (inaudible). Absolutely.

18

19 MR. CHUDD: But -- yeah. No, the comment

20 was that's one component. I'm not ---

21

22 MR. GULAY: Yes.

23

24 MR. CHUDD: -- saying --

25

26 MR. GULAY: Yeah.

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MR. CHUDD: -- he --

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MR. GULAY: one --

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6

MR. CHUDD: -- he does a tremendous job.

7

8

MR. GULAY: Yeah.

9

10

MR. CHUDD: But it also comes to even just

11

regular spraying close to --

12

13

MR. GULAY: Yeah.

14

15

MR. CHUDD: -- waterways.

16

17

MR. GULAY: I agree.

18

19

MR. CHUDD: That's -- especially in

20

southern, you know -- it's -- it's gone on all over.

21

22

MR. GULAY: Yeah, yeah.

23

24

MR. CHUDD: But that's something that needs

25

to be addressed by waterways. I can only speak on the

26

municipality of what we represent.

1

2

MR. GULAY: Okay.

3

4

5

MR. CHUDD: We're close to the water. We
have to look at things to make sure --

6

7

MR. GULAY: Absolutely.

8

9

MR. CHUDD: -- people operate the way they
need to -- to protect.

11

12

13

THE CHAIRWOMAN: I'm going to call us to
order. We are way off topic.

14

15

MR. GULAY: Yes.

16

17

MR. CHUDD: Oh, we are, but ---

18

19

THE CHAIRWOMAN: It's the end of the day.

20

21

MR. GULAY: Yeah (inaudible) ---

22

23

MR. CHUDD: Yeah.

24

25

THE CHAIRWOMAN: Did you have a question

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MR. CHUDD: Thank you.

THE CHAIRWOMAN: -- Mr. Gulay, for these
-- these presenters?

MR. GULAY: Well, I just had to put my
little point. Thank you. Good to see you guys.

MR. CHUDD: Okay. Thank you.

MS. KALINOVICH: Can I -- is it possible
if I go back to the previous question? I have belatedly
thought of a good answer. Okay. Sorry.

THE CHAIRWOMAN: You can provide a
supplemental answer to that question. Yeah.

MS. KALINOVICH: Thank you. Thank you.
A little slow on the draw. Yeah, so, in terms of what are
tools that could be done. It's not necessarily regulatory
but riparian buffer systems are actually pretty good for
working for dealing with nutrient runoff from agricultural
fields, from drains, from ditches, from everything else.

I think the East Interlake Conservation

1 District has a really good riparian, sort of, buffer
2 planting program that it's not a regulatory framework tool,
3 but it is something that individuals can actually implement
4 on their properties if this is something that they're
5 passionate about.

6
7 THE CHAIRWOMAN: Thank you both for your
8 evidence, for your presentations and for answering
9 questions. We'll now let you go. But if you don't mind
10 just sitting, we'll talk about what's going to happen next.

11
12 My read of the room is that everybody could
13 use a break, and we will do that until 6:30 p.m. when the
14 public presentations will start.

15
16 There are 17 people registered to make public
17 presentations and there's a maximum. I'm hoping that
18 everyone can limit their remarks to about eight minutes,
19 with an absolute maximum time of ten. I'll have a card to
20 indicate to you when you're about halfway through the time
21 that's allotted to you. But if we do take up that time,
22 that means running through with one break. We are using the
23 full three hours that are allocated for the public
24 presentation.

25
26 So, first I want to commend you, those who

1 have registered for -- for bringing your views to -- into
2 this proceeding. And I'd like to ask you if you can be here
3 between 6:00 and 6:30 to register, indicate that you're
4 here. We are going to have a particular order in which
5 presenters will be presenting, and we're going to
6 reconfigure the room a little bit, but we'll have to run
7 things pretty efficiently, I think, as we have been to date.
8 So, we'll resume at 6:30. Have a good break.

9

10 If there are some of you who have not yet
11 registered but would like to present, you can see Mr. Crocker
12 here before you head out for your break time.

13

14 Is there anything that I have missed?

15

16 MR. CROCKER: I'll just add -- oops, sorry -
17 - if you do have a copy of a presentation, you can give that
18 to me now so we have it ready for circulation to everybody.
19 It would just make the process, get some of the admin stuff
20 out of the way now as opposed to delaying it when we're
21 actually getting into the presentation. So, if you've got
22 -- if you are registered to present and have something for
23 us that we can get ready to give to the commissioners when
24 you're ready to go, then that would save some time. Thank
25 you.

26

1 (OFF RECORD)

2

3 MR. CROCKER: Good evening everybody. My
4 name is Peter Crocker. I'm the Executive Director of the
5 Clean Environment Commission. We're to get started on the
6 public presentation portion of this hearing shortly. So,
7 we've got a list of the presenters that we've gotten set up.

8

9 Sorry. This is the order that we're going
10 to proceed. So, as we go forward, the Chair will sort of
11 say Hey, Chris is on -- Chris is up next, Gary's on deck,
12 and Sherry's in the hole, for lack of a better term so --
13 just so we can try and keep the process going.

14

15 If you've provided something to us in writing
16 that's going to be shared with the commissioners so they can
17 keep notes, kind of, as you're going if they feel they need
18 something to write down. If you've got a presentation that
19 you've shared with us, I've uploaded onto this computer.
20 The presenters are going to be working from that desk at the
21 front, so, facing the Commission We've got a clicker there
22 so you can advance your own slides. That way you don't need
23 to be near this computer. So, if you've -- we'll get going
24 in a minute or two here. Thank you.

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26 (OFF RECORD)

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THE CHAIRWOMAN: Good evening everyone. Thank you for being here. I recall that we were here in June. I see many familiar faces, and I want to thank you for taking the time to come and express your views and hear about this very important subject matter -- subject matter to many of you.

My name is Aimée Craft. I'm Chair of the Manitoba Clean Environment Commission, and I'm joined by Don Labossiere and Lydia Carpenter, who are also Commissioners with our Commission.

I want to acknowledge that we're in Treaty 1 Territory, on the borders of Treaty 2 Territory, homeland of Red River Métis, and that we're in close proximity to the western shores of Lake Winnipeg. I, myself, am a resident of the east side of the same lake, so, we all have this -- this territory in common.

As I said, thank you for being here today. In terms of background, we've been asked by the Minister to hold public hearings into the review of an application by Crystal Springs Colony, now known as Harbour Colony, for a domestic wastewater treatment lagoon for a property located in the RM of Armstrong. Our mandate is set out in a Terms

1 of Reference that was provided by the Minister in September
2 and includes a review of the potential environmental effects
3 of the proposed wastewater treatment lagoon to hold these
4 public hearings, and to provide an opportunity for the
5 public, that's you, to provide input into the proposal. And
6 then we will be filing a report with the Minister outlining
7 the results of our review, what we heard, and we'll provide
8 advice and recommendation, including proposed licensing
9 conditions for the Minister's consideration.

10

11 So, we have a lot of you who have registered
12 to speak. We have 18 of you. The list is up on the screen.
13 We've allocated -- we've done the math. I've had people
14 double check my math. We have about eight minutes per person
15 and that will take up our three-hour block today. So, if
16 you can keep your presentations to eight minutes or less.
17 I'll be sharing some prompts to help you with timing. And
18 we will proceed.

19

20 And if you see your name as coming up
21 shortly, if you can make your way sort of towards the front
22 of the room so we can be efficient in the changeover, that
23 would be much appreciated.

24

25 If you can speak also directly into the
26 microphone and introduce yourself by your first and last

1 name and spell that out -- spell that out for us. Yeah.
2 Good.

3

4 Okay, so we'll start with our first
5 presentation. We have two people that will be co-
6 presenting, Chris and Robert Kristjanson, and I'll ask you
7 to go ahead.

8

9 MR. R. KRISTJANSON: Okay. Can you hear me?

10

11 THE CHAIRWOMAN: Yes, we can.

12

13 MR. R. KRISTJANSON: There we go. Welcome to
14 the -- to this. I have other words what it's called but I'm
15 not allowed to use it.

16

17 Here we are all meeting together to discuss
18 something that should have never come this far. There is
19 people that just went around the moon, and I seen them splash
20 down in the ocean. And do you know, they went around the
21 other side of the moon and they couldn't find any water.
22 Then they went to other places and couldn't find any water.
23 And here we are on a star floating through the space and
24 we're killing ourselves by not looking after our water.

25

26 I am from Icelandic descent, and so us in

1 the fishing business for 135 years. I'm not being facetious.
2 I am trying to put forward that these people who are here
3 must realize that we must get a hold of what we have here
4 in Manitoba, with a million and a half people, that is all.
5 The same size as where most of you were, down in Texas this
6 winter, the same size, but they have 69 million. And they're
7 not fighting this to stop one place so we can have clean
8 water.

9

10 Isn't this ridiculous that we have to sit
11 and decide our body is three-quarters water, and we are
12 completely destroying ourselves by not standing up and
13 saying for our children and our grandchildren, which I have,
14 water -- to have clean water to drink.

15

16 I am so ashamed of people in Manitoba with
17 all the education that they think they have, in the
18 universities that pay them millions of dollars a year, to
19 come and tell us how we should run the Province of Manitoba.
20 And here we are arguing about a small chicken ranch because
21 it goes right into my son's property and to what we trying
22 here, the commercial fishermen, who are heavily regulated
23 on everything that you can say -- that you want to say about
24 them. And -- and we have to fight with not only with
25 regulations, which is probably right in the long way, but
26 water. To have clean, clean, black drinking water, which I

1 used to put my rear end up and spent in the spring and put
2 my head in the water and have a drink of water.

3

4 This is all gone and we have to take the
5 educated people, so-called educated, that didn't take it out
6 of a book, and took -- and read it that we must have clean
7 water so that we can live.

8

9 When in God's name, whatever you want to call
10 it, are we going to wake up and decide what is our faith in
11 Manitoba? Is it clean water or do we build another something
12 on top of something else to pollute this little bit of water
13 we've got?

14

15 People here, you have to stand up and be
16 something sometimes someplace and decide on what you want.
17 I have given the mic to my son right now. I still got a
18 minute left, what I, so I'm not going to waste it. I want
19 here to stand up and say it is time that we took control of
20 our water.

21

22 MR. C. KRISTJANSON: How do I follow that?
23 My name is Chris Kristjanson. I'm a commercial fisherman.
24 Oh. Oh, I'm already being told what I'm doing wrong.

25

26 I'm encouraged very much by all the people

1 that showed up here tonight. I hope it's a full house.
2 It's encouraging to see people with a passion for water
3 because I grew up with it. You can imagine with the man
4 sitting beside me, I -- I listened to a lot of conversations
5 about water going back to the Garrison Diversion days. And
6 if you're -- some of you may be old enough to remember
7 Garrison Diversion. And if you're not, ask your parents.

8
9 So, two little stories that affected me
10 greatly as a younger man. We went to a consortium at the
11 convention centre just before Gary Doerr became the premier
12 and created the Water Stewardship Counsel. At that meeting
13 there was a presentation from people from the Hudson River
14 Water Stewardship Shed, which was supplying water to 10
15 million people in New York City, from the Hudson River,
16 north through the Catskills, all the way north to the border
17 of Canada. And I thought, wow, these people -- this is in
18 the 90s and this is what they were doing. And this is how
19 important water was to our neighbours and how they were
20 treating it.

21
22 They had monitoring stations along every
23 path and every route. They kept repair -- they took care
24 of the water by reducing the amount of livestock and farming
25 that was done in any given area and monitored the water from
26 where it came from, not where it ended up. And this is the

1 mistake I think we're making over and over again, is we're
2 monitoring the water where it ends up and not being proactive
3 -- the big, beautiful word we use these days -- and to check
4 where our water is coming from.

5

6 I was very impressed. There was 10 million
7 people there now and it's now serving 13 million, almost
8 half the population of Canada being, protected by a
9 watershed of Americans.

10

11 Oh, I got two minutes left. Second quick
12 story then. I sit down as one of the board members at the
13 Gimli Harbour Authority. Now I got to talk faster. And we
14 are stewards for the harbour of our 300 to 325 customers.
15 We provide a safe haven harbour, a seasonal harbour for
16 people to come and keep their boats. We provide a service,
17 power, fuel, and sewer. Every single person who comes with
18 their boat can use their sewer on their boat with our pump-
19 out system, where they come and pump their boats out, which
20 is connected to the town sewer. Thanks to the town. Shout
21 out to the town. And we pay a fee for sewer fee. And we -
22 - do it properly at the -- at the head of the lake. Not
23 from the back, but the head.

24

25 We are under the Small Craft Harbours
26 Program, which means if we move a rock from over here to

1 over here, there's 25 emails and three visits from the
2 federal government. And if if anything, anything is spilled
3 anywhere, there's -- everything is dropped in the water to
4 protect that area. Everything is stopped, the harbour is
5 closed, and we clean up everything that we did. And if we
6 don't, we find out who was responsible for doing it. And
7 we work backwards and solve the problem by finding out where
8 it came from and finding out who's responsible. We can
9 control everything that's happening at the water, but we
10 can't control everything that's coming into the lake from
11 the rivers, the streams and the creeks, because we don't
12 have control of the land.

13

14 So, that's what we are doing to try to manage
15 our lake and it's kind of disgusting that we can't control
16 what's coming in.

17

18 Thirty seconds. I guess I should wrap it up
19 there. What else do you want me to say? I'll give somebody
20 else my 30 seconds. Anybody wants my 30 seconds, they can
21 have it. Thank you very much. And like I said, I really
22 appreciate the interest and passion in water. For me, it's
23 encouraging that we can move forward because when I grew up
24 with Lake Winnipeg, no one talked about eutrophication. No
25 one talked about too much nutrients. Nobody knew these
26 words. Now these are words we use every day when we're

1 talking about blue-green algae and not swimming and banning
2 people from swimming. This is not how I grew up and this
3 is what we have, so we have to smarten up.

4

5 THE CHAIRWOMAN: Thank you (inaudible) -
6 - Mr. Wasyłowski, yeah. Just get you to introduce yourself
7 and also spell out your name for the record.

8

9 MR. G. WASYŁOWSKI: Garry, G-A-R-R-Y,
10 Wasyłowski, W-A-S-Y-L-O-W-S-K-I. I'm the Reeve of the RM
11 of Armstrong, not Gimli.

12

13 THE CHAIRWOMAN: Did I say that?

14

15 MR. G. WASYŁOWSKI: No, that's (inaudible)

16 ---

17

18 THE CHAIRWOMAN: Oh.

19

20 MR. G. WASYŁOWSKI: Change that right now.

21

22 THE CHAIRWOMAN: Thank you for the
23 clarification. And please go ahead.

24

25 MR. G. WASYŁOWSKI: Sorry. My name is Garry
26 Wasyłowski. I'm the reeve of the RM of Armstrong. I am

1 also the former chair of the Manitoba Association of
2 Watersheds. I am a founding member of the East Interlake
3 Watershed District and a former chair of that organization.
4 I was also a member of the Lakewood (inaudible) ---

5

6 This presentation is made on behalf of the
7 RM of Armstrong and endorsed by all members of Council.

8

9 Council believes and functions under the
10 premise of sending clean water to our lakes and streams.
11 The RM of Armstrong already holds large bodies of water to
12 help with water retention, and we are probably one of the
13 municipalities that has the most water retention in the --
14 in this province. We certainly want to do our part to make
15 sure that the water that we are sending down the creeks and
16 streams has been cleaned, flood mitigation, those types of
17 things with the projects that we've done.

18

19 Dennis Lake is at the top end of this
20 watershed. It is -- it is controlled water at this point
21 in time, is going into that lake, being stored, and when the
22 drainage systems are capable, it is -- it is being released
23 through the summer months, which -- which we can talk about
24 later with some of the low-flow situations.

25

26 We are a former local government district

1 that became a rural municipality in 1997. At that time, we
2 were charged by the provincial government to grow our -- our
3 assessment and our population.

4

5 We are an agricultural municipality, mainly
6 livestock, with a population of approximately 668 -- or
7 sorry, with a geographic area covering approximately 668
8 kilometres, and a sparse population of 1,967. That's
9 according to 2021 census.

10

11 I just want to say that I remember the words
12 of Steve Ashton when he was Minister of Environment, and he
13 always said, in this province we've got a million point
14 sources, and we all have to do our job to make sure that we
15 keep our water clean. Everybody is responsible.

16

17 I also grew up with the fact that you don't
18 ask somebody to do something that you haven't already done
19 yourself. I think we've -- we've just got to be -- there's
20 got to be some fairness here.

21

22 Big question is why are we here today?
23 Wastewater lagoons are a accepted standard in the province
24 of Manitoba. I am unaware of the province of Manitoba
25 introducing any new standards for wastewater lagoons.
26 Wastewater lagoons have been approved by the province of

1 Manitoba without going through CEC hearings. In fact, I am
2 unaware again of CEC hearings ever being held on other lagoon
3 projects in -- in the province.

4
5 Minister of Environment and Climate Change
6 said that his reason for calling the hearing is because of
7 the proximity of this project to the lake and that it is in
8 the Lake Winnipeg watershed. There are numerous lagoons
9 closer to the lake. In fact, and -- and as -- and as far
10 as Lake Winnipeg watershed, it runs from the Rocky Mountains
11 to Iowa to northern Ontario and virtually all lagoons in the
12 province of Manitoba, (inaudible) Manitoba are in the Lake
13 Winnipeg watershed.

14
15 The recommendation of the Manitoba
16 Environment was not to hold a CEC hearing, rather to -- to
17 approve the project. The Minister went against the
18 recommendations of his own department. These are the people
19 with the knowledge in this area and paid to do this job.
20 The information meeting that was held in Fraserwood was
21 clear to explain the functions of lagoons, how they work.
22 I believe you chaired that meeting, too. And -- and yet the
23 minister decided to -- to call this along with the Premier.

24
25 I just wanted to bring up one other issue,
26 and this isn't in your written submission. Norwood Colony

1 applied for a licence May 16th, 2025 for a lagoon. I read
2 through the -- the licence application. It's a 200-person
3 lagoon, abattoir, truck wash. Sounds very familiar. This
4 was approved on March 23rd, 2026. So, just about a month
5 ago today. I figured, okay, there must be a different design
6 on -- on this lagoon. There's got to be a different
7 engineer. Same engineer, Burns Maendel that designed this
8 project.

9

10 It is closer to the lake. It is between
11 Highway 8, Highway, 9, 17 Highway, in the RM of Saint
12 Andrews.

13

14 And -- and it's just, why are there different
15 standards in different areas? Why is this this project
16 being scrutinized whereas others aren't? Why aren't we
17 looking at the whole impact on the lake with -- with sewage
18 lagoons, rather than just one lagoon for -- for 250 people
19 and -- and those standards have to be the same.

20

21 We -- the only reason -- the only difference
22 between these two projects was political pressure. Other
23 than that, everything's the same. And politics is not going
24 to solve our lake problems.

25

26 I'll go on to say that harm done by Lakeshore

1 Development and the destruction of coastal wetlands is
2 reducing the lake's ability to clean itself. To go -- you
3 know where the sewage from those developments goes, it all
4 goes back into the lake. So, we've got people that are
5 opposed to this, yet at the same time their sewage is -- is
6 going into the lake. This is where I say, we've all got to
7 deal with -- with this issue and we all have to be treated
8 properly.

9

10 The RM of Armstrong Council is not aware of
11 any design flaws in this project. We are concerned about
12 the length of time that this whole process has taken, and
13 we are also genuinely concerned about the precedent that
14 turning down project would set for Manitoba and how it would
15 affect growth in our province and the RM of Armstrong.

16

17 Every time you're adding people to an area
18 you are -- you are adding to the cumulative effect that
19 we've talked about so much. It is all adding to the process.
20 All of it, not just this one. When you cross Road 15, things
21 don't change. They all -- they all stay the same. We all
22 have a role to play, not just the RM of Armstrong.

23

24 In closing, this is more about stopping a
25 colony from developing and stopping agriculture than it is
26 about environment. These decisions must be made on best

1 practices and sound science and not rhetoric and innuendo.

2 Thank you very much.

3

4 THE CHAIRWOMAN: Thank you, sir. Our
5 next registered speaker is Sheri Flores, Aspen Park
6 Condominiums.

7

8 MS. FLORES: Good evening. I'm here as a
9 resident of Aspen Park to provide the site specific context
10 currently missing from the technical record. I speak
11 tonight on behalf of 350 residents.

12

13 To begin, I must address a significant gap
14 in the Technical Review Committee Report regarding the
15 identification of neighbouring residential settlements. I
16 have already submitted exhibits, but I'm not going to
17 present them as I go, just for time restraints. I draw your
18 attention to Exhibit 1, the composite map which joins the
19 Proponent's maps S2.2 and S2.3. When these sections are
20 reassembled, the area between the industrial sectors appears
21 de-emphasized and remains unnamed. Despite the spatial data
22 being available, it was not fully utilized to identify the
23 Aspen Park residential enclave. This omission effectively
24 separates the industrial zone on paper, making it difficult
25 to appreciate the true proximity of our village scale
26 settlement to the proposed activity.

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To demonstrate the Proponent was aware of our location. I'm introducing Exhibit 2, the Burns Maendal map. In this technical document from the Proponent's engineers, you will find a small inset map in the top corner that explicitly identifies Aspen Park. This confirms the Proponent had the data to label us correctly, yet our 350 residents were de-emphasized in the primary record. This discrepancy is critical, as a residential enclave of this scale represents a sensitive receptor that must be factored into any impact assessment. Only by resembling the Proponent's own mapping can you see the residential reality that requires protection.

The reason this mapping omission is so critical is found in the documented environmental vulnerability of the ground directly bordering our homes. There were three major environmental studies conducted between 1995 and 2001 that found hydrocarbon contamination in the soil and the groundwater. Specifically, 2000 and 2001 KGS Group Phase 3 assessments confirmed that petroleum hydrocarbons were migrating through the aquifer toward the southern boundary of the industrial park. These findings ultimately led to the closure of a local golf course in September 2007 due to pollutants migrating through the aquifer, a site located immediately behind Aspen Park

1 community. It appears the Proponent's environmental scan,
2 primarily a desktop review, did not capture the site
3 specific studies. If studies in 1995, 2000, 2001 already
4 identified migration risks that closed a low-impact golf
5 course, we must conclude that this aquifer is too sensitive
6 to support intensive earthen manure storage without
7 specialized modelling and further intrusive study.

8

9 Furthermore, we must address the fact that
10 this report fundamentally bypasses Manitoba Provincial Land
11 Use Policy 3.2. This policy was enacted specifically to
12 minimize land use conflicts by ensuring that livestock
13 operations are compatible with existing settlement areas.

14

15 I want to be proactive in addressing our
16 community's land use designation. While our our area is
17 technically zoned AD, or Airport District, within the RM of
18 Gimli, this is a historical label reflecting our military
19 legacy. It is a -- it is vital that the Commission does not
20 mistake the zoning label for a lack of residential density.
21 Regardless of the label on a map, the physical reality is a
22 village scale settlement of 194 units. Policy 3.2 was
23 enacted to protect the actual use and safety of people, not
24 to provide a loophole for Proponents to bypass setbacks by
25 using historical zoning titles to treat 350 residents as a
26 generic rural area based on a legacy zoning tag is

1 fundamental -- a fundamental misapplication of the
2 provincial planning principles.

3

4 Aspen Park is a community built on a
5 foundation of service and permanence. Our streets have a
6 continuous residential history dating back to 1943, housing
7 Royal Canadian Air Force members until the province
8 sanctioned its transition to a civilian community in 1972.

9

10 To clarify the scale of the current
11 settlement, I am submitting Exhibit 3, Aspen Park Site Plan.
12 This plan illustrates the structured town site of 194 units
13 receiving weekly municipal garbage collection, snow removal,
14 and daily school bus transportation by category. By
15 categorizing us as a generic zone, the report overlooks 80
16 years of established residency and our collective
17 responsibility to keep this environment viable.

18

19 The responsibility includes the protection
20 also of the Gimli Airport Reservoir, a critical municipal
21 asset serving 1,200 connections. In 2018, the RM of Gimli
22 invested \$7,000,000 to upgrade this infrastructure, which
23 is legally protected by the Crown. Any potential leaching
24 from the proposed project poses a direct risk to this multi-
25 million dollar public investment and the shared drinking
26 water of our residents. Safeguarding this reservoir is a

1 fundamental act of protecting regional health.

2

3 Regarding public safety, I present Exhibit
4 4, photo of Aspen Park entrance. Our community is accessed
5 via one single entrance and exit off Highway 231. This
6 creates a sole access vulnerability where any road blockage,
7 including heavy industrial trucks, could severely restrict
8 mobility for our 350 residents, or impede emergency
9 services. This entrance is the lifeline to our daily
10 municipal services, town dispatch snow removal, and our
11 school bus routes.

12

13 A formal traffic impact study is essential
14 to determine how industrial schedules will interact with
15 these vital services and the needs of our seniors residents
16 who require reliable medical access.

17

18 Our reliance on these services confirms that
19 Aspen Park is a village scale settlement that requires
20 appropriate safety consideration.

21

22 In conclusion -- thank you. In conclusion,
23 our community is steadfast in these concerns. On April
24 10th, 2026, I submitted a formal petition signed by 64
25 households nearly one-third of our community, to the RM of
26 Gimli. That's Exhibit 5. Because the current proposal

1 omits the 1995 and -- to 2001 studies, the 2018 reservoir
2 investment, and our vulnerable single access infrastructure,
3 and because it bypasses Policy 3.2, it cannot be considered
4 a complete basis for a decision.

5

6 I ask the Commission to stay the application
7 until a supplemental environmental study, a formal traffic
8 impact study, and a socioeconomic assessment are conducted.

9

10 Finally, I respectfully recommend the
11 Commission conduct an on site visit to Aspen Park. Only by
12 standing at our single entrance and seeing the proximity of
13 the old golf course to our community, can you truly
14 understand the risks that have been de-emphasized. We must
15 ensure that private development does not come at the expense
16 of established public health and the safety of our
17 generation to come. Thank you.

18

19 THE CHAIRWOMAN: (inaudible) --can we
20 also fix the mic? Because it's (inaudible) sideways.

21

22 MR. CROCKER: Of course. Yeah.

23

24 THE CHAIRWOMAN: Perfect. Thank you.

25

26 MS. MASTIN: Thank you.

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THE CHAIRWOMAN: Okay. Thank you, Ms. Flores. I didn't get to thank you. And you are all very efficient. So, thank you for being ready to go, Ms. Mastin.

MS. MASTIN: We try our best. I'm Gail Mastin, I'm the chairperson for the Gimli Environmental Advisory Committee. And I proudly wear this T-shirt that you'll see that says, "Promote, preserve, protect our Gimli." And you'll see that we've got fish, trees, wind, birds on our logo, you know, to kind of coordinate everything of what we believe in.

And I have to say Happy Earth Day. This is a wonderful day. And I think it's quite appropriate that maybe -- this is why we're having the hearing around this time for citizens to be able to talk to you.

And, you know, I have to say, though, it's a sad day for the environment when we have to fight for the health of Lake Winnipeg, the tenth largest freshwater lake in the world. We must protect Lake Winnipeg. We must protect the environment.

Now we understand the RM of Gimli had no consultations or discussions with the RM of Armstrong about

1 the development of Boundary Colony, formerly known as
2 Crystal Springs Colony, with property owned as a total of
3 5,000 acres in the RM of Armstrong and the RM of Gimli. No
4 opportunity to discuss planning or shared services. And we
5 question, why not? The colony is built on the boundary of
6 the RM of Armstrong and the RM of Gimli.

7
8 Now, the proposed lagoon is the cheapest way
9 to handle the wastewater, but at what cost to the
10 environment? The RM of Gimli has a wastewater treatment
11 plant only four miles away that could easily handle all the
12 wastewater from the Boundary Colony -- Boundary Colony, with
13 no environmental damage. Why was this not considered?

14
15 And we are asking that the colony have an
16 emergency plan that would not allow any emergency discharge,
17 if they get permission to do their lagoon. No community
18 lives in a vacuum. We are -- we all must be caretakers of
19 the earth.

20
21 Now there are five stages in the development
22 of Boundary Colony, and they have 250 residents, 140,000
23 poultry operation, a commercial truck operation, and an
24 abattoir. What are the other stages that will affect that
25 -- what other stages and what effect will that have on the
26 environment?

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The proposed lagoon is a low lying, flood prone area. And even in 2020 in the Interlake, we had severe drought conditions, and yet Road 105 that divides, that is in RM of Armstrong and Gimli, flooded. Now that's proximity where the colony is building their buildings.

Now, at dry times during the low flow periods, the lagoon discharge may comprise up to 90 percent of Willow Creek volume, a potential risk to fish spawning and the habitat.

Now, we all know about the -- the Willow Creek Integrated Water Management Plan and this booklet, and they identified five -- five priorities: the drinking water quality, surface water management, surface water quality, soil and shoreline management, wildlife and fish habitat.

Now -- now what I have done to help with the Commission so I'm not taking too much time, I've attached some experts -- excerpts from the IWMP that could pertain to the Harbour Colony for the wastewater treatment lagoon, and thoughts and questions are italicized.

One has to look at the whole picture. Now, we have many concerns: odours and property value impacts on

1 local quality of life, risk of nutrient leakage of
2 phosphorus and nitrogen will increase Lake Winnipeg's algae
3 blooms, potential contamination of groundwater aquifers,
4 destruction of wetlands, cumulative impact on water quality
5 on low flow areas in Willow Creek.

6

7 Now, we have concerns about the spreading of
8 poultry manure from 140,000 chickens on farmlands in the RM
9 of Gimli.

10

11 Effects on the fish? We ask, has the
12 Department of Fisheries and Oceans asked to do a study on
13 for Willow Creek? No. Why not?

14

15 And I looked that the CEC March 26th hearing
16 directives, Appendix 1, List of issues, environmental
17 effects assessment potential on the environment. Now there
18 are many as listed, as you well know, I'm sure. Now, have
19 all the studies been done? Have all the concerns be
20 addressed?

21

22 And I wanted to note that there is the CEC
23 Cumulative Impact Study Lagoon Wastewater Discharge
24 presented by Dillon Consulting and also Rob Tkach written
25 commission. We have really looked at that and thought that
26 it says it all.

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So, we would like to thank Mike Morris, the Minister of the Environment and Climate Control, for the hearing so the CEC could hear our concerns, voices from the community. And also, we would like to thank you, the CEC panel members, Aimée Craft, Chair, Lydia Carpenter, Commissioner, and Donald Labossiere, Commissioner. And this is respectfully submitted for the Gimli Environment Advisory Committee.

And I think you have all the five points that we had put down that you can look into our -- our -- our book -- the booklet that was addressed. Thank you so much.

THE CHAIRWOMAN: Thank you, Ms. Mastin. We'll now hear from Vicki Burns from Hog Watch.

MS. BURNS: Okay. Great. Okay. Thank you so much for the opportunity to speak to you. And I'll just clarify that actually, tonight I have my Save Lake Winnipeg Project hat on, not Hog Watch.

THE CHAIRWOMAN: Thank you.

MS. BURNS: So, the main -- I'm going to be making two points. The first one is just really going over

1 the -- the serious decline in the health of Lake Winnipeg
2 over the last three decades and the need for really decisive
3 action to be taken now, not sometime in the future. We
4 really need to show that we're doing more than paying lip
5 service to trying to restore the health of the lake.

6
7 The other point I'm going to be making is
8 there are options. I'm not actually supporting this
9 proposal going ahead, but if it does go ahead, I think there
10 are options that could really make a difference regarding
11 the quality of the effluent that ends up getting into Lake
12 Winnipeg.

13
14 So, I'll just quickly give you a bit of a -
15 - I'm sure you sort of know the history, but I'll remind
16 everybody that it was 30 years ago almost, in the late 1990s,
17 that we really started to hear about and see -- oh, I guess
18 I'm going the wrong way. Anyway, I just not sure where to
19 press. Is this it? Sorry. Okay. Sorry guys.

20
21 Anyway, we really started to hear about, and
22 there were lots more media reports about, the extent of
23 blue-green algae in Lake Winnipeg. And I hope that lots of
24 you are aware that we're lucky enough to be able to get
25 satellite images of Lake Winnipeg courtesy of NASA. And on
26 this one, that's from September of 2015, the -- the dark

1 green in both the south basin of the lake and the north
2 basin, that's all blue-green algae. So, the point of showing
3 this is just to show you the extent of -- of the blooms and
4 how serious it is. The result of those blooms is the blue-
5 green algae that we see.

6
7 And here's just a couple of samples. There's
8 been, you know, dozens and dozens of pictures. The first
9 one is blue-green algae up on the beach at Victoria Beach,
10 and the other one is from Silver Harbour, that kind of looks
11 like a paint can has been spread over the water. So, just
12 by looking at that, you can tell that this is not a healthy,
13 natural situation.

14
15 Back in 2013, the Global Nature Fund, which
16 is an international organization, actually designated Lake
17 Winnipeg as the Threatened Lake of the -- of the Year. Now,
18 that didn't mean it was the most threatened in the whole
19 world, but they picked it because it was so significant.
20 So, that's 13 years ago.

21
22 In 2011, the -- the government of the day
23 decided that in order to move from having a very hyper
24 eutrophic south basin, which is well recognized to be
25 unhealthy, we needed to cut down on the amount of phosphorus
26 getting into the lake every year by a huge amount.

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The reason I'm showing you this graph is I always find it fascinating that going back to 1920, scientists have been able to determine how much phosphorus is getting into the sediments of the lake. So, that graph shows from 1920 up until about the mid 1990s. And what it shows you is from 1920 up until about 1970, the amount of phosphorus getting in the lake remained pretty stable. From 1970 to 1990, it started to move up. From 1990 to 1995, it just really parachuted. So, now, the lake, on average, has actually at least twice, if not more like three times -- I'm talking about the south basin of the lake, not the north basin, it has that much more phosphorus in it.

This graph is a little bit hard to understand, but the phosphorus target line about two-thirds of the way down, that's 0.05 milligrams per litre. And the blue line on the top is the amount going into the south basin every year. And it varies tremendously based on, you know, the flow of water and so on, and whether we've had floods. But what you can see is it never gets anywhere near what the target is supposed to be. It's way, way higher.

So, the reason I'm saying this is we have got to start cutting back on the amount of phosphorus getting into the lake, and approving a new source of phosphorus,

1 even though it may be small compared to everything, this is
2 a cumulative problem. You know, all the inputs from across
3 the watershed, we've got to start somewhere.

4
5 And so, I'll just also make the point that
6 blue-green algae is not just a nuisance. A lot of it
7 contains very, very dangerous toxins that can actually kill
8 animals, kill dogs within a few hours. There's no treatment
9 for it. Humans are usually smart enough not to go in that
10 water. But it's really serious toxins that we've got to pay
11 attention to. It's not just the yucky pea soup that I used
12 to swim in 60 years ago when I was a kid.

13
14 One of the big differences, for those of you
15 who've been around Lake Winnipeg a lot, is we always have
16 experienced a lot of algae on Lake Winnipeg, but up until
17 about the 1990s it was a huge variety of algae species.
18 What's happened is, with the amount of phosphorus and
19 actually nitrogen getting into the lake, it has allowed
20 blue-green algae, which the official term is cyanobacteria,
21 it has allowed that algae to take over.

22
23 So, now if -- I have a pie chart, I'm sorry
24 I didn't show it to you, but at least 95 percent of the
25 algae in the lake now is blue-green algae. It's not that
26 other -- those other varieties that are annoying, but

1 they're not dangerous.

2

3 Now, to get to the second of my points, I'll
4 just make the point that if this is going to be approved, I
5 think there should be a condition that alternative -- that
6 -- that more treatment should be applied to the -- the --
7 the contents of the lagoon before it's released.

8

9 A really good example is the passive
10 filtration project in Dunnottar, the Village of Dunnottar,
11 which is also very, very close to the lake. It's been going
12 for over ten years now. It's financially very reasonable.
13 In the first few years of that project, they were cutting
14 down on the amount of phosphorus from the effluent 75 to 80
15 percent. Now, I'm told that now after more than ten years
16 of operating, they need to renew that -- whatever medium
17 they're using in that filtration. So, but I mean, they also
18 have a UV treatment that is put on the effluent before its
19 released. That's one example of a really reasonable
20 financial thing that can be done to cut back tremendously
21 on the negative impacts of -- of this effluent going into
22 the lake.

23

24 The other example has already been brought
25 up, perhaps used the Gimli wastewater treatment.

26

1 To conclude, I just want to say, we've got
2 to start somewhere. And it may seem punitive to this colony
3 that it starts with them, but if it starts with them, maybe
4 the government will decide, okay, we're going to have to
5 give every lagoon, you know, a certain number of years to
6 start adding on some treatment. We cannot carry on the way
7 we are and expect to cut back on the amount of phosphorus
8 getting into the lake by -- by over 50 percent. It's got
9 to start somewhere and perhaps this is the place that it
10 should start.

11

12 So, thank you very much for -- for allowing
13 me to speak.

14

15 THE CHAIRWOMAN: Thank you so much, Ms.
16 Burns and -- for your presentation. Mr. Koroluk, Action
17 Centre. Is Mr. Koroluk here? I've not seen him.

18

19 UNIDENTIFIED SPEAKER: (inaudible) ---

20

21 THE CHAIRWOMAN: Okay, so we'll carry on
22 with Mr. Webber.

23

24 MR. WEBBER: (inaudible) ---

25

26 MR. CROCKER: Sure, it's just that one.

1 (inaudible) ---

2

3 MR. WEBBER: Thanks very much for -- for
4 hosting this event and having me. My name is Randy Webber,
5 R-A-N-D-Y W-E-B-B-E-R.

6

7 My wife and I live about two miles straight
8 line from this proposed development, three miles by Section
9 Road. I'd also like to note that I've spent about 38 years
10 working in the environment industry in Manitoba, including
11 17 with the Province of Manitoba, where I was an environment
12 officer. And -- and -- and I also developed and taught a
13 one day course on behalf of Manitoba Environmental
14 Industries Association called the Introduction to
15 Environmental Law in Manitoba. I also taught as a sessional
16 instructor with University of Manitoba Environmental Studies
17 and Sciences Faculty, and I touched on impact assessment
18 through those years teaching. And that's going to inform
19 some of my comments today.

20

21 I got in -- really interested in this project
22 last June when the department did a -- the learning session.
23 And -- and I went through the -- I wasn't able to attend
24 that, but I -- I did review the -- the slide deck. And this
25 particular slide caught my attention, and in particular, the
26 third and fifth bullets where we have a one window which

1 identifies all regulatory needs and it was supposed to be
2 transparent. And it took me about a half a minute to come
3 up with this list of stuff that's not covered in this
4 proposal. And -- and I know we're not supposed to talk
5 about it, but I wanted to identify that.

6
7 And -- and I just -- I was interested
8 yesterday in Mr. Burns's proposal, or presentation, I should
9 say. And he had similar approvals, other than this
10 Environment Act licence application, that I did. And I know
11 it's -- this is a timeline, but it struck me metaphorically
12 that the Environment Act proposal submitted comes after all
13 that other stuff.

14
15 And -- and my sort of conclusion is we have
16 many windows, not one. They're not always transparent.
17 There's limited opportunity for public participation, this
18 this being an exception. And the environment is considered
19 after the development permit is issued. Environment seems
20 to come last.

21
22 And -- and this is facts on the ground. This
23 is from Google Earth. I obtained this screenshot last week.
24 And you can see there's all kinds of development happening
25 on this. And one of the things that Google Earth allows you
26 to do is take pictures to your -- to your site. And some

1 folks at the Colony are quite proud of their work and -- and
2 good for them, they've been busy building up and putting all
3 kinds of buildings up and doing other work at -- at the site
4 in advance of the approval of this project. And -- and to
5 me, what this does is it puts the CEC and the Minister and
6 the Department in a really challenging position because
7 millions of dollars have been spent, tons of effort has been
8 spent, and how is any of -- of you, the CEC, the Minister,
9 or the Department going to now say, no, you can't go forward.

10

11 And especially after sitting through the
12 presentations for the last two days, it's hard for me not
13 to conclude this project is going to proceed. I know that
14 might upset some of the people in this room, that might make
15 other people really happy, but at best we're going to proceed
16 and there'll be recommendations around the margins. And --
17 and I don't want to take away from your power and -- and
18 influence as a commission, but that has to be my -- my
19 conclusion here.

20

21 And it seems to me that -- that it's not the
22 proposal that is the problem, but it's the process. The
23 Environment Act is not working. And -- and don't take my
24 word for it. Eleven years ago, Manitoba Environment
25 Assessment and Licensing Regime under the Environment Act
26 was looked at by the Manitoba Law Reform Commission. And

1 they had a whole pile of recommendations, some of which
2 would address or begin to address the issues that have been
3 raised through the TAC process, through the -- through this
4 hearing process, and through the public process that's gone
5 on through this whole project.

6
7 And -- and I'm not going to read this whole
8 quote from the -- from the report right now, but the one
9 thing that stands out to me is this stronger connection
10 between environmental assessment and licensing and things
11 like land use planning. And better opportunities for
12 meaningful public participation at all stages of the
13 process. And this has been the real first opportunity for
14 the public to sit down and -- and talk to the regulator, to
15 the -- to the Commission. And -- and all kinds of other
16 stuff has been done, all kinds of other stuff has been
17 approved, and the public has not had an opportunity for
18 meaningful public participation in that.

19
20 And -- and again, as I said, don't take just
21 my word for it. These are headlines from the free press
22 over the last five, six months. Including Manitoba in
23 project -- Manitobans in project descriptions from Dr. John
24 Sinclair. He was on the Commission, the Law Reform
25 Commission and contributed to it. Norm Branson, regulatory
26 regression in Canada. He was our Deputy Minister of -- of

1 the Department of Environment and the Water Stewardship.
2 Heather Fast, who was the lead council for the Law Reform
3 Commission, wrote an interesting article just about a month
4 ago. And then consultation process is certainly lacking on
5 mine proposals.

6
7 This is more than -- to me this is more than
8 just this project. This is all the other stuff that's coming
9 down the pipe for us in Manitoba. Our politicians have said
10 that we are going to be having -- generational projects are
11 going to be proposed and approved in the coming -- in the
12 coming days. And we're working with a piece of legislation
13 that is our grandfather's legislation, and -- and it's
14 supposed to protect for our grandchildren. And I just don't
15 think that the act is up to the job.

16
17 And -- and so where I'll end is -- is my hope
18 that the panel will show courage and include in its report
19 to the Minister a recommendation to resurrect this Law
20 Reform Commission report, put it in front of the Minister
21 and -- and have him review it and -- and hopefully take some
22 action to do something with this Act, which is clearly not
23 up for the task. That's it. Thank you.

24
25 THE CHAIRWOMAN: Thank you, Mr. Webber.
26 You actually get the prize for coming in with the most amount

1 of time left in your eight minutes. Thank you for that.
2 And I want to note that my appreciation for everyone who's
3 being very succinct and -- and well prepared in their
4 comments and, and very insightful. So, thank you for that.

5

6 Our next presenters are Kathleen Booth-Smith
7 and Doug Smith. Welcome.

8

9 MS. BOOTH-SMITH: Good evening. My name
10 is Kathleen Booth Smith and I'm here with my husband Douglas
11 Smith, and we're speaking on behalf of, hopefully you've
12 heard about it, the famous Sandy Hook Pier Committee, and
13 also partially the Sandy Hook community in regards to our
14 petition.

15

16 So, we are tasked as a committee to ensure
17 that our iconic community pier is safe and thriving and a
18 gathering space for every season. We strongly oppose this
19 proposal as it is, in its entirety, for the following
20 reasons. And I think I've attached where we got our research
21 from. A lot of this has been mentioned in the past, but
22 that we feel that the -- the nutrient overload is going to
23 be quite impactful for the lake. It's already a very sick
24 and unhealthy. And right now, from what I saw for the
25 International Joint Commission that was done, I believe the
26 annual report was September 2025, we're already 50 percent

1 above the targets set by this joint commission.

2

3 And to add even more manure anywhere in the
4 RM of Gimli where the soil saturation is already a concern,
5 it -- this would be very detrimental to the health of Lake
6 Winnipeg. The watershed simply cannot absorb additional
7 nutrients from a huge number of birds in such a large --
8 large farm.

9

10 The cumulative impact, of course, would be
11 huge. We -- we mentioned about the toxic blue-green algae
12 blooms, which are already threaten public health and local
13 environment greatly. My husband was unfortunately one of
14 those swimmers in one of those years of the blue-green algae,
15 and was hospitalized and it was quite serious.

16

17 We're also concerned with the destruction of
18 wetlands because in order to construct industrial barns and
19 other buildings, you know, would take away from the -- the
20 natural kidneys of the lake, which we desperately need to
21 improve the overall health of the lake by filtering out
22 toxins naturally.

23

24 We are most concerned about the proximity to
25 Sandy Hook in particular, and what would happen with the
26 spring runoff, especially, you know, in -- in years of --

1 of flooding. So, we feel that it's just too close to our
2 public swimming area. And so, proposing a lagoon would --
3 would not be enough to protect our community.
4

5 We also come here with the petition that just
6 earlier tonight was 913 verified signatures opposing the
7 proposal as it is. It doesn't mean that it -- it cannot be
8 approved for a farm, but it needs to be done better. It --
9 this was posted only on local area platforms like Sandy
10 Hookers, What's Up Gimli, and that kind of thing. So, in
11 the local area.
12

13 In conclusion, we feel that as a community
14 and a government that we have to do better and we have to
15 start now in protecting and improving the health of our
16 beautiful lake. So, thank you so much.
17

18 THE CHAIRWOMAN: Thank you very much for
19 your presentation. That is a new record. And just to be
20 clear, there isn't an actual physical prize for coming in
21 under time. It's just my great appreciation to you.
22

23 We now have Mr. Hill presenting, Mr. Warren
24 Hill. Is there a Mr. Hill? And if not, we'll proceed to
25 Mr. Veldink.
26

1 MR. VELDINK: Well, good evening, Chair and
2 Commissioners. Thank you very much for the opportunity to
3 speak on the issue. My name is Fred Veldink, spelled V-E-
4 L-D-I-N-K. I live within about 50 metres of Lake Winnipeg
5 in Silver Harbour in the RM of Gimli. I'm also the
6 chairperson of the Silver Harbour Environment Committee. As
7 well, I'm a board member of the Coalition to Save Lake
8 Winnipeg.

9

10 Our main purpose for being here is to oppose
11 the proposed lagoon. So, I want to say that right off the
12 bat, we are opposed to the lagoon.

13

14 Before I start, we want to express our
15 appreciation to Mayor -- Mayor Chudd from Gimli and his
16 council. They have been very, very supportive. They have
17 carried the ball, and without their support, we would never
18 have been able to kind of get the -- this kind of turnout
19 here at the hearing. So, thank you very much.

20

21 In addition, I'd like to thank Dave Curry
22 for notifying and rallying all the various resident
23 associations in the RM of Gimli, because the issue is
24 absolutely fundamental to the entire RM of Gimli, and even
25 further south and further north because we talk about Lake
26 Winnipeg.

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Okay, before I get into any more details, just a little note. It was about -- around 2019 when there was a public meeting at the RM of Armstrong Town Hall, where we first heard of the new colony. At the time, we heard that there were supposed to be about 80 residences. The colony would do a lot of manufacturing and raise 15,000 chickens. It was all we heard. There was no mention of a car or truck wash or even of a slaughterhouse. Meanwhile, we heard that up to 140,000 chickens are being raised. So, we have a big question as to why this wasn't announced earlier and why the changes?

So, fast forward to the hearing today. We heard that the -- the proposed lagoon will contain sewage of eventually up to 200 -- from up to 250 residents. It will contain wastewater from a truck and car wash and waste from a slaughterhouse. Now we have a difficulty with that because one unknown fact, and we don't have clear info as to what's going to happen with the 60,000 broilers that will be raised on site? Will they eventually be slaughtered at the facility or are they going to be processed elsewhere? But that's a key question because any kind of waste going into lagoon will affect the -- the functioning of lagoon.

Okay. Very quickly, problems with the

1 lagoon. First of all, there's always the possibility of
2 incomplete decomposition of our organic compounds. The
3 accidental or purposeful release of nutrients such as
4 phosphorus, nitrogen, and there's also a chance of
5 accidental spillage, overland flooding, heavy runoff. And
6 the -- we are concerned about the release of solids as well
7 as salts and other particles, even heavy metals, because the
8 new colony will have some manufacturing, so there is a
9 possibility of metals, heavy metals, entering into the
10 lagoon.

11

12 Okay. So, the effluent of lagoon, without
13 any question, will affect Willow Creek and Lake Winnipeg.

14

15 So, just one note about Lake Winnipeg. Lake
16 Winnipeg is very, very sick. And it suffers from nutrient
17 overload. And we are way beyond the natural ability of the
18 lake to renew and to cleanse itself. Us cleaning up the
19 lake is impossible. No lake can be cleaned because it would
20 involve filtering, sanitizing every drop of water. So, the
21 only way the lake can renew itself is by using its own
22 natural processes.

23

24 We can help the lake by preventing any more
25 nutrients, any more effluent from entering the lake. That's
26 the only way Lake Winnipeg can become healthier and -- and

1 better. Okay. Because once the nutrient enters the lake,
2 the lake has to deal with it. And as I said, we are way
3 past the point where the lake can do that.

4
5 Okay, so lagoon is a no-no. Instead, we like
6 to propose an alternative. First of all, construction of a
7 leak-proof holding facility. And from that holding
8 facility, the effluent can be either trucked by pumper truck
9 to the Gimli treatment plant or be pumped via pipeline to
10 the Gimli treatment plant. Early -- an earlier presenter,
11 I think it was Gail, mentioned that it's only about four
12 miles and there's already a precedent of a pipeline, I think
13 -- I believe there was a gas pipeline constructed to supply
14 gas to the colony. So, a pipeline would be a very, very
15 smart way of getting the effluent to the Gimli treatment
16 plant.

17
18 Well, another possibility would be the
19 construction of an on-site miniature type of treatment
20 plant. I've seen them in the States, I've seen them in
21 Europe. And in fact at the present time, there's a Cyclor
22 Turbo system being used and it comes from Nexom. It's a
23 French company but licenced by -- here in Manitoba, and it's
24 currently being used in East Saint Paul.

25
26 Okay. The cost of these alternatives are

1 simply the cost of doing business. But I think the benefits
2 are immense and -- and super important for every user of the
3 lake, every resident of lake, so that means all of the RM
4 of Gimli. So, there is absolutely no need for any effluent
5 to be released into Willow Creek.

6
7 The wetlands on the shores of Lake Winnipeg
8 and Lake Winnipeg, they do not make any more -- they do not
9 need any more effluent. And if you consider that the City
10 of Winnipeg is spending \$3,000,000,000 cleaning their
11 sewage, we cannot possibly add sewage from this area to the
12 lake.

13
14 Okay. Very quickly, Premier Wab Kinew a few
15 days ago stated that we must consider the Indigenous view
16 of our relationship with the land and the water. Real
17 progress and economic development must ensure that there are
18 safeguards for the land and the water. So, I urge you to
19 recommend to the Minister an environmentally friendly
20 solution that safeguards Lake Winnipeg. Thank you very
21 much.

22
23 THE CHAIRWOMAN: And now we'll hear from
24 Ms. Lisa Shaw.

25
26 MS. SHAW: Yes. Good evening. Lisa Shaw,

1 L-I-S-A S-H-A-W. It's an honour to be here. And thank you
2 for coming out and listening to us.

3

4 I'm a business owner and I also have the
5 incredible -- I'm incredibly, incredibly grateful to wake
6 up to Lake Winnipeg. It's never the same sunrise as a
7 business owner. The lake is super important to us.

8

9 I'm also here as the president of the Spruce
10 Sands Property Owners Association, and as Fred talked about,
11 there's about 15 plus associations that have been getting
12 together thanks to Dave Curry, and these are just some of
13 them that were that I'm representing: Silver Harbour, Spruce
14 Bay, Bayshore Heights, Spruce Sands, where I live, Lake
15 Forest, Lockwood, Odin Green, and more importantly, Husavik,
16 Miklavik, and Siglavik that are part of the Husavik Marsh
17 that -- the wetlands that we will be really impacted by
18 this.

19

20 I encourage everyone behind me to just, how
21 do I say this politely? It's such a no-brainer. You just
22 have to go and see Willow Creek. It's hard to get there
23 right now, especially where the lagoon's going because
24 there's -- of the overland flooding. It's not one in a 200
25 year flood. It's happening right now. And I encourage you
26 to follow Willow Creek and see where it enters into Miklavik

1 and that area, and then ultimately into Lake Winnipeg. Right
2 now, that area, you can't get out of the outlet because it's
3 low.

4
5 So, I'm really concerned when we talk about
6 counts of phosphate in that. That's Lake Winnipeg. But
7 never mind what's going to happen in that immediate area of
8 Miklavik, Siglavik, and Husavik.

9
10 I also want to say to my Colony friends here,
11 we're not against the colony. Okay? This is a great area.
12 This is not against the colony. What we are against, due
13 to environmental reasons and protecting Lake Winnipeg, is
14 the discharge of the lagoon. It's like building your house
15 in the RM of Armstrong and putting your outhouse in the RM
16 of Gimli.

17
18 Lake Winnipeg cannot take another drop of
19 Molotov cocktail effluent. It can't. And again, 250 people
20 in the colony, it's not versus the 7,000 people in the RM
21 of Gimli, it's about doing the right thing. It's not
22 political. I take offence to my friend from the RM of
23 Armstrong. It's not about politics. It's about common
24 sense and doing the right thing for Lake Winnipeg.

25
26 And I just want to conclude by saying -- I

1 just want to conclude by saying that I do have hope. I've
2 been here since Tuesday and I've heard lots of great
3 discussions. I've heard presentations. I appreciate the
4 new information. And I do have hope that the right thing
5 will happen for the sake of Lake Winnipeg.

6

7 I will now give my time up to Tanya, who has
8 a personal impact on this. And I will give my time to Tanya.
9 Thank you for listening.

10

11 THE CHAIRWOMAN: Thank you, Ms. Shaw.
12 We'll now hear from Tanya Mishtak. It's right in front of
13 you there. Yes. And if you can introduce yourself and
14 state your name for the record.

15

16 MS. MISHTAK: Tanya, T-A-N-Y-A, Mishtak, M-I-
17 S-H-T-A-K.

18

19 Good evening. Thank you for the opportunity
20 to speak. For the last 14 years I reside at West (inaudible)
21 Northeast, 21183 East Road 106 in the RM of Armstrong. My
22 home is located in close proximity to the proposed grain
23 farm, poultry operation, housing, and lagoon. I am here
24 because this proposal raises serious concerns about public
25 safety, environmental protection, and fairness in the
26 decision making process.

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I formally object to the proposed lagoon and location. This isn't just a development on paper to me. It's my home, our safety, our health, my yard, and my children's everyday life. These developments will have permanent, irreversible impacts on my family, our property, our drinking water, the Willow Creek watershed, and Lake Winnipeg.

Once constructed, this infrastructure will remain and expand for generations. The decisions made here will define the future of this area.

My household is uniquely and disproportionately affected. My home is the closest non-associated residence, within the two RMs, to this development. My family will be among the most directly and permanently affected. We will carry the full cumulative burden of the impacts. We are directly exposed every day to what this project will bring: health and safety risk, odour, dust, and airborne contaminants, noise from ventilation systems and operations, include -- increased traffic, heavy traffic, environmental risks.

Once a quiet, clean, rural area, we are being forced into a situation where our health, safety, water,

1 property value and quality of life are at risk without our
2 consent. We do not smell anything. We should not be
3 expected to start, especially at the scale being proposed
4 with room for expansion.

5
6 I want to be very clear about something that
7 is often overlooked in these decisions. This area is not
8 empty space to us. It is part of our daily life. My family
9 regularly uses the area surrounding our home, including the
10 stretch of ditch from our house on 106 to the culverts on
11 Road 15.

12
13 THE CHAIRWOMAN: I'm sorry, I'm just
14 going to interrupt you for one second. I think you have
15 slides that you want to share with us.

16
17 MS. MISHTAK: Yes (inaudible) sorry. Keep
18 going.

19
20 THE CHAIRWOMAN: And so, I want to make
21 sure that we're seeing --

22
23 MS. MISHTAK: (inaudible) ---

24
25 THE CHAIRWOMAN: -- the information.

26

1 MS. MISHTAK: Yes. I'm sorry. I didn't
2 realize he wasn't ---

3

4 UNIDENTIFIED SPEAKER: I don't know which
5 page (inaudible) ---

6

7 MS. MISHTAK: Read (inaudible) ---

8

9 UNIDENTIFIED SPEAKER: Take a second
10 (inaudible) ---

11

12 THE CHAIRWOMAN: Yeah. Just take the
13 time that you need to find the -- the slide that you're on.

14

15 MS. MISHTAK: Sorry I misplaced where -- oh.

16

17 This is where we chose to raise a family.
18 Chose to stay within the RM we grew up in. Chose -- close
19 to family and friends. Chose to become active members of
20 the community. Look up the Frasierwood picnic. Spend time
21 outdoors as a family year round. Enjoy various water sports,
22 walk, ride, learn, and play with our children. Enjoy our
23 yard and surrounding space. Experience the quiet and clean
24 environment that rural living is supposed to provide.
25 Because of health, odour, dust, traffic, potential
26 contamination, and effluent expulsion, we would no longer

1 be able to safely, comfortably use the ditch immediately
2 around our home leading to the culverts.

3
4 June 15th happens to be my birthday. The
5 kids always end up playing in the ditch. Under this
6 proposal, that entire area affected becomes off limits.

7
8 I am mortified as a mother having to tell my
9 children, no, stay out of the ditch from now on and forever.

10
11 Sorry. You cannot stay close to home and
12 build a house east of the house on the hill there's a lagoon
13 across the road. I feel I failed as a mother, as no one
14 from here to Ottawa cares enough to listen.

15
16 Why did their government not let this happen?
17 This is incredibly difficult to accept when the impacts fall
18 directly on our family. This is a direct loss of use of
19 property and our way of life. We are being asked to give
20 up the very reason we live here.

21
22 This is not a small operation. This is phase
23 one. Large-scale operations are intensive industrial
24 facilities. They concentrate thousands of animals in
25 confined spaces, generating significant volumes of manure,
26 ammonia, dust, and bioaerosols.

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Barns rely on continuous mechanical ventilation systems that release emissions directly into the surrounding environment. That means consistent odour, not occasionally, like, consistent lighting in my yard inside my home, airborne particles that can travel beyond property lines, increased risk of respiratory irritation and health concerns. Noise from fans operating day and night. Increased traffic. I was told that traffic will slow down after construction completes. This is phase one. How will it slow down while the colony continues to grow?

This changes the -- the nature of our rural community from agricultural to industrial. That shift has real consequences for the people who already live here.

The most critical issue is the lagoon location. Why is it closer to my house than theirs? The lagoon is proposed in a flood prone area. Lagoons fail over time. That is not speculation. That is documented reality. Not if, but when.

This proposal introduces risks that currently do not exist. Potential disease health related issues. Where is the management plan?

1 Groundwater contamination, seepage into
2 surrounding land and water systems, unpleasant view as brush
3 was removed, potential financial loss, potential asset loss,
4 minimal shelter belt. How long will this take for -- how
5 long will it take for a second just -- before a second
6 discharge is required.

7
8 It was clearly stated during the public
9 presentation that odour would be an issue. Write a letter?
10 That is unacceptable. Period. I do not smell anything now.
11 I should not be exposed or be expected to tolerate odour in
12 the future. I can write letters. I can call people. Then
13 what? Nothing.

14
15 Continuous removal of tree lines eliminated
16 natural protection from wind, dust, odour and noise. More
17 snow drifts are on the road. This has increased my exposure
18 to all impacts from this development.

19
20 Clear tree lines then build a lagoon.
21 Really? Keep going? Where?

22
23 UNIDENTIFIED SPEAKER: Oh.

24
25 MS. MISHTAK: How can we not keep going?

26

1 UNIDENTIFIED SPEAKER: Not working.

2

3 MS. MISHTAK: Land has not been properly
4 restored in multiple locations and it remains unsafe. I've
5 personally experienced flooded roads in both directions on
6 106, 15, 14, 12, and 107. During extreme conditions, roads
7 have washed out and we had to evacuate our children. All
8 spring runoff and fall water -- and rainfall water on the
9 south side of 106 drains through my driveway to the only
10 culverts east of my house along the field. Every year we
11 clean it out to flow.

12

13 The culvert was damaged installing -- with
14 the installation of the gas line. The only reason there's
15 -- and that's the only reason why there's the one-way flow.
16 Until then, the north drain water backed into my field. How
17 much water will the new drain bring?

18

19 Placing a water waste lagoon in the
20 environment induced -- introduces a real and foreseeable
21 risk of overflow, leakage, or contamination entering local
22 drainage systems and ultimately Willow Creek and Lake
23 Winnipeg. A colony of approximately 250 people is
24 comparable in size to a small town. Which -- which town
25 within the RM can we compare it to?

26

1 The colony will significantly increase water
2 demand. My family relies on a private well for our water.
3 I need clear answers to what happens if there's a natural
4 disaster. What is the management plan? Where do I get a
5 copy? What happens if the hydro goes out for days? What
6 happens if and when our ground and well become contaminated?
7 What happens if water quality declines? What happens if the
8 water is not flowing and the effluent pools? My wells have
9 never been tested or data collected by the establishment to
10 establish a baseline. How often should testing take place?

11

12 Are you keeping -- keeping up? You should
13 be under I need clear answers to this. Sorry, can we just
14 catch up here? I don't think we've gone there yet.

15

16 My -- what happens if and well our -- if and
17 when our well is affected? Our well runs dry? Who pays to
18 deepen or replace a well if it's impacted? How will all the
19 displaced water from the lagoon location affect the drain
20 with higher water levels? Is this -- is there a long-term
21 -- is there long-term supporting evidence that local
22 groundwater can support the scale of this development with
23 expansion?

24

25 How will local farmers be affected by
26 everything short term and long term? What happens should

1 one of us get sick? My well has never been tested to -- or
2 sorry, am I on this page again? What -- I'm so sorry. Am
3 I rereading this?

4

5 UNIDENTIFIED SPEAKER: Yeah (inaudible) ---

6

7 MS. MISHTAK: What happens when conditions
8 become irreversible at that point -- at what point do I get
9 notified? What protections are in place before damages
10 occur, not after? Why has no compensation plan been sent
11 to me?

12

13 No. You're going too fast. Stay on the page
14 where I'm reading, please.

15

16 UNIDENTIFIED SPEAKER: You read the
17 (inaudible) ---

18

19 MS. MISHTAK: Okay. Why should I bear the
20 financial and emotional burden of these risks?

21

22 Right now, without clear, enforceable
23 safeguards, the significant responsibility appears to fall
24 on families like mine. There's not enough cumulative
25 evidence to show residents the environment, groundwater and
26 wells are protected. That is not acceptable.

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Willow Creek is not just a ditch. It is part of the largest ecological sensitive watershed that leads to Lake Winnipeg. It supports fishing, spawning Walleye, Northern Pike, sucker species, turtles and a wide range of wildlife. Any contamination -- just stay there -- or nutrient loading has downstream consequences, including impacts to Lake Winnipeg, which is already under environmental stress.

I have already observed environmental changes, including fish mortality during the 2025 spawning.

I ask what long-term independent studies prove this project will not make everything worse? Where's the baseline data? What is the monitoring plan? What happens when there are dissatisfied results? What happens when there is a consistent decline in the health of the creek? How will wildlife health be monitored? What steps will be implemented if the wildlife health declines? Where is the transparency? The long-term impacts have not been properly studied.

This project will fundamentally change how we live our lives daily. We are being asked to accept mental, emotional, and physical exhaustion, mental,

1 emotional, physical abuse, breathing in dust, ammonia,
2 airborne particles, persistent odours from operations and
3 lagoon, consistent mechanical noise, insects and pests,
4 heavy traffic, and dust, the inability to enjoy our yard,
5 our property and our surroundings, safely play in waters in
6 or around the effluent discharge site, accept health risks
7 for our animals and what they are exposed to, potential
8 financial loss.

9

10 We are already experiencing dust lingering
11 so severe it affects our breathing and prevents basic
12 outdoor living. Dust residue is so thick I cannot maintain
13 a healthy garden in my yard. We cannot open windows to
14 enjoy fresh air.

15

16 Right now my children play in the ditch and
17 creek area. We spend time outside without worrying about
18 odour, contamination, or health risks. That will change if
19 this project goes ahead as proposed.

20

21 What exactly will they be exposed to long
22 term? Days missed from work due to high levels of stress,
23 fear for anxiety -- fear for safety, anxiety attacks,
24 sleepless nights, headaches, throwing up, consistent dust
25 allergies, less than pleasant interactions, and endless
26 tears. Put in a hard spot in fear of retaliation.

1

2

Imagine Robert getting a fire call to respond to an accident if occurred.

4

5

6

Morel mushrooms no longer grow where they have. This is not a minor inconvenience. It is a daily exposure that is not reasonable or acceptable as a permanent condition.

9

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12

No family should be forced to give up their quality of life because of nearby lagoons or industrial scale agriculture.

13

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Next one. Safety is already a serious issue. Traffic has already increased significantly. Council is aware we are dealing with heavy truck traffic, damaged roads, lack of maintenance, reduced visibility, dust so thick it lingers in the air, bush lines removed, more exposure, dangerous driving conditions, damaged shoulders, blocked or closed roads flying debris, fear, garbage left, excessive noise, loss of three pets. Fear of retaliation.

23

24

25

26

Again, there are times I cannot safely leave my driveway. Not all contractors are courteous. Several times the kids and I almost got T-boned at Road 15. Several times the roads were blocked, once during a medical

1 emergency. My children ride a school bus on this road. The
2 roads were closed with no notice. This is not a hypothetical
3 risk. This is already happening. This proposal will
4 significantly increase that risk, especially with manure
5 hauling and supply transport tied to -- tied to the large
6 scale operation and the 250 expected residents travelling
7 down Road 106. What corrective measures can we take?

8

9 Salt was dumped in front of my driveway
10 September 2024 to act as dust control. Twenty-twenty-five,
11 calcium was applied. I am against poor planning and -- and
12 setting harmful precedents. Where is the evaluation of
13 better lagoon locations utilizing Road 107 from my house to
14 the culverts on 15? There is to be no discharge pipe.

15

16 Increased setbacks from homes, minimizing
17 risks. Modern closed or advanced waterways treatment
18 systems. Use of existing regional infrastructure. Gimli
19 Regional Plant. Smaller scale or less intensive
20 agricultural models mandate third party monitoring. Why is
21 outdated lagoon technology with large-scale operation
22 expansion being -- being proposed when we all know better,
23 safer options exist?

24

25 There is no meaningful consultation, no in-
26 person engagement at my -- at the site or my home to

1 understand the impact. Concerns have gone unanswered. Who
2 actually cares about anything?

3
4 This raises serious concerns on all levels
5 of government from here to Ottawa about transparency,
6 procedural fairness, and accountability. This is not proper
7 process, especially for a project of this size, scale and
8 performance.

9
10 Two hours for the public to speak. As I
11 rushed through this. This has resulted in a loss of trust
12 in the process. My local council has misrepresented their
13 lifelong constituents by their support for this location.
14 I feel let down. I am deeply disappointed.

15
16 Thank you Gimli RM for your attention to this
17 proposal.

18
19 Fun fact. No, I have more. Sorry. I just
20 want -- yeah, I want him to get to it. No, keep going.

21
22 THE CHAIRWOMAN: (inaudible) ---

23
24 MS. MISHTAK: Why are we having an issue here?
25 There we go.

26

1 A current Armstrong councillor told me I have
2 been misinformed about effluent water. He stated, "It's
3 practically clean enough to drink." That's especially
4 interesting considering he knows my kids swim and play in
5 that ditch all the time. So maybe he would be willing to
6 put a mom's mind at ease and take the first step -- first
7 test -- first sip test to prove to the rest of us he truly
8 has no concerns. He chose to vote in support. That makes
9 it clear it is okay for my children. In reality, he needs
10 to sail with my sister to get some scientific facts on
11 current water qualities. I strongly feel the lack of action
12 and responsibility enables the entire process.

13

14 Can't change things once they're done, deal
15 with it. This project puts my financial assets at risk.
16 Property values may decline. Real world conditions. Buy
17 my house. Selling features include beautiful views once the
18 dust settles. At times, lakefront. Smell of manure. And
19 take a refreshing swim in effluent. Property may be
20 impacted. Unforeseen costs may fall on us, testing,
21 mitigation, well deepening, and/or replacement, legal costs.
22 There are no clear compensation mechanisms. So, again I ask
23 why are residents expected to carry this burden?

24

25 Developments must be compatible with
26 surrounding land uses and must not create significant

1 adverse effects on neighbouring properties. Given the
2 proximity and expected impacts, compatibility has not been
3 demonstrated.

4
5 Farming is in my blood. I support
6 responsible agriculture. I do not support development that
7 transfers risk onto to families and compromises the health
8 and environment. Together, lagoon, poultry operations,
9 traffic infrastructure changes with long-term expansion
10 create a compounded impact that is unacceptable for nearby
11 residents.

12
13 Threats of serious or irreversible
14 environmental harm. What worries -- what worries me most
15 is the unknown. There is no clear answers, no solutions,
16 no guarantees. We are not okay with the solution to
17 pollution being dilution. At the end of the day, this comes
18 down to one simple point we should not be forced to accept
19 permanent environmental and health risks in our home.

20
21 The colony has not proven that the lagoon
22 for the -- that this lagoon for the first step, large-scale
23 operation will remain safe and they have not proven that
24 residents like myself will be indefinitely protected.

25
26 Respectfully, I am asking the Commission, do

1 not approve this project in its current form. At minimum a
2 serious evaluation of safer, modern alternatives -- a full
3 alternatives review, including relocation away from the
4 residence or upgraded treatment options. Proof that impacts
5 from operational -- or operations or lagoons can be
6 contained. Hook up to Gimli Regional Treatment Plant or
7 modify existing plants to replace lagoon with water
8 treatment plant. Relocate location to the north side of the
9 culverts on 15 not to be seen from Road 106. Satisfactory
10 consultation with affected residents, concerned -- concerns
11 addressed, issues solved. Independent groundwater and well
12 impacts assessed -- well impact assessment sent to all
13 landowners for -- to -- for all to feel secure.

14

15 Flood protection EMO procedures sent to
16 residents.

17

18 Raised/higher environmental procedures
19 standards. Twenty eleven is outdated. Changes need to
20 reflect the current times. Enforceable protections for
21 setbacks and buffers, zero off-site odour conditions, dust,
22 noise.

23

24 Compensation mechanisms, financial
25 protections for flood and property damage, contamination,
26 cleanup and well impacts, replacement or deepening at no

1 cost to residents.

2

3 Protection and monitoring of local wells,
4 the Willow Creek watershed, and Lake Winnipeg.

5

6 Insects and pest management exceed minimal
7 expectations.

8

9 Full transparency. Permits posted.

10

11 Traffic management. All farm operations,
12 manure hauling, et cetera, will be done using Road 107.
13 Stop signs installed at the driveways on 106 and 107. And
14 provide dust control yearly on 106. And I'd like the roads
15 to be maintained.

16

17 Once again -- once anything is built, there's
18 no going back. We are the only ones who will live with the
19 permanent consequences every day. We are not okay with the
20 potential level of pollution in our already -- already
21 fragile environment being accepted as a normal part of life.

22

23 I ask the Commission to apply the
24 precautionary principle and ensure no approval is granted.
25 It is clearly proven that no harm -- until it is clearly
26 proven that no harm to my family in any way will be resulted,

1 will be the result of economic development. How would you
2 feel if this was you? This is the beginning of my story.
3 Thank you.

4

5 THE CHAIRWOMAN: Thank you for your
6 presentation. We'll now pass to presentation by Mr. Milne.

7

8 MR. MILNE: Yeah. Good evening. My name
9 is Chris Milne, C-H-R-I-S M-I-L-N-E.

10

11 About 12 years ago I moved to -- or moved
12 from Brandon to Siglavik. The attraction to move here was
13 to be able to kayak and swim without having to drive
14 anywhere. Willow Creek and the wetland is -- is a major
15 attraction for this area, and the fact that you can find me
16 -- well, you can find me kayaking and swimming almost every
17 day throughout the summer months from -- from June through
18 till September.

19

20 Most days -- let's see. Sorry. I often head
21 up Willow Creek as far as far as I can go, usually close to
22 Number 8 Highway. On good paddling days, the parking lot
23 at Willow Creek and Highway 9 can be full from visitors from
24 the city and surrounding area using the boat launch that is
25 put in for kayaks and canoes for accessing Willow Creek.

26

1 I've capsized a number of times on Willow
2 Creek and waded during low-flow times to get past shallow
3 areas, carrying the boat. Swimming by my place or out on
4 the islands, or near the islands is quite popular as well.

5
6 Between Miklavik and Siglavik, there are
7 about 120 families, not people, but families living around
8 the bay, the different bays directly connected to Willow
9 Creek. Many of these bays have families that are out in the
10 water all the time. Kids of all ages, swimming and adults
11 as well.

12
13 Yesterday I heard nothing from the
14 Proponents addressing possible impacts to swimmers,
15 wildlife, aquatic species like turtles, fish, river otter,
16 et cetera, that you find in Willow Creek.

17
18 Yesterday I heard nothing from the Proponent
19 on the protection -- or the projected effluent concentration
20 levels in Willow Creek, nor the projected concentration of
21 effluent in the wetland as well. There seemed to be just
22 details relating to the whole water body of the lake, which
23 is pretty flawed considering we need to look at the details
24 of the wetland and Willow Creek where the people are. This
25 detail alone should signal the need for this development to
26 be stopped before any further construction.

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Anyone who has -- who is familiar with the Lake Winnipeg will also understand the how the north and south wind affects water levels greatly. The south basin is -- is affected by the winds from the north basin pushing or pulling the water levels up or down. Quite often when I'm out in my kayak, I'm experiencing on the two channels, there's a constructed channel and -- or a manufactured channel, as well as the natural flow of -- where Willow Creek goes to the lake. Both those channels you can experience reverse flow where the water is actually coming in from the lake back towards all the bays where the -- the housing is. What happens with this is you can have days, if not weeks, of water sitting in the wetland area and -- and if that has concentration of effluent in there, it -- it doesn't work well for -- for swimmers and people out in the water, not to mention the wildlife and aquatic species in this area.

I have to question why DFO is not involved since Willow Creek is a navigable waterway.

There's a problem with the current government permitting and licensing process when infrastructure and dollars can be put in from a Proponent in place before any of -- before all the info and the data

1 is -- and assessments are put together and completed.
2 There's so many -- so many questions that we're still asking
3 even tonight, and that's why I think we're all here to
4 express our concern. Thank you.

5

6 THE CHAIRWOMAN: Thank you, Mr. Milne.

7 Mr. Jantz?

8

9 MR. JANTZ: Yeah, it's Rob Jantz, R-O-B J-
10 A-N-T-Z.

11

12 My name is Rob Jones of -- resident of RM of
13 Gimli. I also have a -- a kayaking guiding business that I
14 operate in the summer months, many times on Willow Creek.

15

16 I spend a lot of time there taking folks
17 slowly up and down the meandering river in kayaks. And most
18 folks, when they arrive, cross a small bridge. And for
19 many, that is the extent of their experience, the extent of
20 their relationship with the creek of Willow. It is something
21 to pass over. None of these people, I'll say a good chunk
22 of these people, don't want to pass over this creek.

23

24 What I've seen is that participants who come
25 paddling often leave with something else. It is what Wendell
26 Berry, a well-known activist, farmer, poet, refers to as

1 'affection'. It's what you just heard in the passionate
2 plea from Tanya. That is affection. He describes affection
3 as what we give to things that are true and just and
4 beautiful. It is the value of love, care, sympathy, mercy,
5 respect, and reverence that we give to these things. And I
6 would add awe to the list.

7
8 I've heard many folks ask the various experts
9 at this public hearing what the baseline health of Willow
10 Creek presently is? And no one seems to be able to produce
11 those numbers. The perspective that I can bring is, as a
12 guest of the creek some 200 times over the last nine years,
13 hundreds of hours at a time, hundreds of hours cumulative.
14 And the more time you spend with someone, which the creek
15 is a someone, the more affection can grow. And the more you
16 notice changes.

17
18 I don't have numbers, but I have
19 observations. First, the creek is never the same, as you've
20 heard from Chris. It's not once the same. What is happening
21 above a pond and in the water is often a mystery. The ebb
22 and flow of the water levels, the animals that are present,
23 the places that specific plants grow at specific times, the
24 insects in the air, where the turtles might be sunning, what
25 birds are where, whether the fish have spawned, the amount
26 of affection it is experiencing from us, these are all

1 unpredictable from day to day.

2

3 There are trends, however, and this is what
4 I've observed. The creek, I believe, is deep into the
5 process of eutrophication, the process where a water body
6 becomes excessively enriched with nutrients, primarily
7 phosphorus and nitrogen, and the resulting plant overgrowth
8 degrades the water quality and depletes the dissolved
9 oxygen.

10

11 I've also noticed that there are fewer
12 varieties of fish in the creek, and I think due to the lack
13 of dissolved oxygen. Some fish require less, but these
14 number only a few varieties. Less oxygen, as we learned in
15 Grade 7 science class impacts the number of fish and frogs
16 in the water, and then the number of herons, pelicans, and
17 osprey that feed on them, and so on and so on and so on.

18

19 I've also noticed that the nutrient rich
20 shallow water has resulted in significant plant growth, but
21 not the plants that contribute health to the creek. The
22 invasive European milfoil, algae that Vicki Burns was
23 talking about are among those plants that create oxygen dead
24 zones in the water and block the sunlight from penetrating.

25

26 The zebra mussel population continues to

1 work its way up the creek, attaching to cattail roots. The
2 cattails are growing, but they are reaching their nutrient
3 saturation point, where they can no longer remove nutrients
4 from the water, like we're seeing right now in Netley Creek
5 and they're having to harvest those cattails because as they
6 die, if not harvested, they just release the phosphorus and
7 nitrogen back into the water. And off it flows into the
8 lake.

9

10 I've also noticed, and this isn't a surprise
11 to anyone here, that the summers are getting hotter and
12 drier. This means more growth, shallower water, and added
13 stress on the fauna supported by the wetland.

14

15 There is a solution here. You've heard many
16 of them. The RM is willing -- ready and willing to extend
17 their line to include effluent from the colony. We do not
18 need and cannot afford to put Willow Creek and Lake Winnipeg
19 at further risk. This project cannot be allowed to move any
20 further forward.

21

22 Wendell Berry describes the people, many of
23 the people behind me, as stickers. Those people who settle
24 in a place and over time love the life that they have made
25 in that place, and they are full of affection for their
26 place and for this creek. The people are speaking.

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These observations, which can be confirmed by many residents here who live along Willow Creek, suggest to me that the affectionate thing to do is to not add one ounce of nutrient to this already unhealthy creek. We should be moving the other direction, considering what we can do to reverse the trouble that the creek, the lake, and its tributaries are in. Thank you for your time.

THE CHAIRWOMAN: Thank you, Mr. Jantz.
Next up, we have Mr. Buckels.

I will -- while you're making your way up, remind everyone to please turn your cell phones to silent.

MR. BUCKELS: Good evening.

THE CHAIRWOMAN: Good evening.

MR. BUCKELS: I could speak on what Vicki Burns spoke on, but I -- I've been covered from head to toe in what -- what is 40 percent feces, working on Lake Winnipeg. Lake Winnipeg is dead, basically.

I go back over my -- my notes here when -- for when I first got involved with Tanya who spoke earlier.

1 That was what 2020 or 2021? It wasn't 2022 or 2023 when we
2 first learned of this, or when we first -- after talking to
3 Tanya, asked to have the project completely shut down.

4

5 And I -- I do -- I take offence to the farmer
6 who has cows and stuff and, you know, sits there on the
7 watershed board, which is just a bunch of farmers who want
8 to pollute the land. That's all they are.

9

10 But I'd like to read something that I wrote
11 a little earlier today, and I call it a mandate for survival,
12 a call for a moratorium on intensive livestock operations
13 in the Interlake watershed. And the first part of this --
14 and I'm going to turn this into the -- the Committee at the
15 end of my -- at the end of my time here.

16

17 I start with the crisis of a reversibility.
18 For decades, Lake Winnipeg has served as the ultimate basin
19 for the runoff of the prairie provinces. However, we have
20 reached a tipping point where mitigation is no longer a
21 viable strategy. The damage to the lake, characterized by
22 massive toxic blue-green algae blooms and the degradation
23 of critical fish spawning grounds, is rapidly becoming
24 irreversible. To continue permitting intensive agricultural
25 operations, specifically industrial scale poultry and
26 livestock facilities within the sensitive Interlake

1 watershed is to ignore the fundamental physics of our
2 landscape.

3
4 Part 2, the Interlake anomaly, poor drainage
5 and overland flow. The Interlake region possesses unique
6 geological and topographical characteristics that make it
7 uniquely unsuitable for intensive nutrient loading. Unlike
8 regions with deep absorbent soil profiles, the Interlake is
9 characterized by low relief and poor drainage. The flat
10 topography leads -- leads to ponding and slow moving water,
11 which during high-flow events does not filter through the
12 still -- the soil, but instead moves laterally.

13
14 And does anybody know what the Anthropocene
15 is? Good, because we've talked about it here in Gimli.
16 It's when -- it's the geological epoch where -- where man
17 is suddenly -- the important factor here is the epoch when
18 atmospheric rivers come down, and with a second's notice and
19 flood this whole area. And it goes over land. We can't
20 predict how that's -- how that's going to work. I don't
21 want to get too far into that because I'd like to get through
22 this. But I wanted to make sure the Committee knew what the
23 Anthropocene was.

24
25 Okay, so we have overland flow dynamics.
26 During the spring freshet or heavy rain events, nutrients,

1 specifically phosphorus and nitrogen from manure, are not
2 sequestered. Instead, they flow overland directly into
3 order three and four drains, eventually reaching the shores
4 of Lake Winnipeg with minimal biological uptake. But
5 shallow bedrock in many areas, the limestone bedrock is near
6 the surface, providing a direct conduit for leachate to
7 enter the groundwater and emerge in lakeside springs and
8 spawning beds.

9
10 That's where our industry comes in. Now,
11 there's my -- my father-in-law, Robert T. Kristjanson, and
12 my brother-in-law, Chris Kristjanson, are, I think, the only
13 two commercial fishers besides myself here. But in Gimli
14 we have 140 in our area, 140 commercial fishers, and we all
15 make our living off that lake. We all have something called
16 quotas and those are deeds. Those are deeds to the fish.
17 Those -- that's -- that's property. We own property in Lake
18 Winnipeg and we're adjacent to this proposal, this -- this
19 open water lagoon that's going to damage. It's not -- it's
20 already probably damaging right now, because I think is
21 there's somebody living up there? It looks like there's
22 people staying up there. What are they doing with the sewage
23 right now?

24
25 Anyways, I want to get through this. We are
26 essentially operating an industrial waste system on a

1 landscape that looks like a natural filter. The result is
2 a direct injection of pollutants into the heart of our
3 commercial and recreational fishery.

4
5 The threat to fish spawning and shoreline
6 integrity. The shores of Lake Winnipeg are not just the
7 border. They are the nursery of the lake. Industrial runoff
8 introduces high levels of ammonia and phosphorus precisely
9 when the ecosystem is most vulnerable. High nutrient levels
10 facilitate the growth of algae that -- that the rocky
11 substrates required for spawning, effectively suffocating
12 fish eggs and altering the benthic community.

13
14 Now Vicki spoke about the types of algae.
15 She wasn't specific. But we used to have algae in this lake
16 called *Aulacoseira islandica* and *Aulocosiera arctica*. And
17 Al Kristoffersen, when he was still alive, taught me about
18 those things. And -- and what has happened now is the
19 benthic algae comes up from the bottom and it comes in long
20 chains all the way up. And it -- it is right through the
21 entire water column and that's what we call the winter dirt.
22 But what it's doing, it's -- it's leaching into -- into the
23 blue-green algae, into the -- into the cyanobacteria. And,
24 and so, now we have winter cyanobacteria suffocating our
25 fish as well as the other kind of cyanobacteria.

26

1 Now the previous government, you know, which
2 I -- I have no use for whatsoever, I don't mind telling
3 everybody, back in 2021, I wrote Blaine Pedersen when they
4 were introducing the nutrient targets for Lake Winnipeg.
5 And I got together with Eva Pepin (ph) a bunch -- a bunch
6 of, you know, real scientists, because I'm a computer
7 scientist, I'm not a real scientist. And -- and so they
8 taught me what I needed to know. And I did some calculations
9 and I saw what Nicole Armstrong prepared for the
10 International Joint Commission. Bobby and I went up to the
11 International Joint Commission. They practically threw us
12 out of there. They don't want to hear that the Americans
13 are already sending massive pollution up our -- up our pipe
14 here.

15

16 And the City of Winnipeg, I've got -- I've
17 got what I -- what I wrote to them when they dumped all that
18 sewage. Shit bombing of Lake Winnipeg doesn't go down well
19 after the city flushes 60,000,000 litres of waste. I don't
20 want to hear how things are improving. They aren't
21 improving.

22

23 We've got -- we've got a target, at least
24 our historical target was Mesotrophic and it was between
25 0.010 and 0.015 in phosphorus. We've got the proposed at
26 triple that amount, up to what Nicole tried to sell to us

1 after -- after we did the calculations. I did the
2 calculations with a bunch of water scientists.

3
4 Yeah, I'm probably going to run over, but
5 let me say this. I'll go right back to this because you can
6 -- you can review all this. And and to me, it's -- it's
7 really pointless because we've been after you to shut this
8 thing down for five years, for five years already, and
9 nothing's happened. It just keeps going further and
10 further.

11
12 So, what I'm doing is I'm doing a formal call
13 for a total moratorium. Therefore, be it resolved that the
14 Manitoba Clean Environment Commission must recommend an
15 immediate and total moratorium on the establishment of
16 expansion of all intensive livestock operations, ILOs,
17 that's what they call them, within the Interlake region.
18 This ban must remain in place until a comprehensive,
19 independent watershed audit is conducted to determine the
20 actual nutrient carrying capacity of the Interlake specific
21 soil and drainage classes, real time water quality
22 monitoring is established.

23
24 And by the way, I've talked to Armand
25 Belanger about doing this and that, and he says it's not his
26 job. So, whose job is it?

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And -- and people are writing and asking why isn't the federal government involved here? Well, this is navigable waterways and that's true, but the federal government doesn't seem to be too interested in Lake Winnipeg recently.

So, my conclusion here is we must stop treating Lake Winnipeg as a convenient disposal site. The weather and climate realities of our region dictate that what we put on the land today will be in the water tomorrow. And for -- for doing a project like this, we shouldn't be looking at what the regulations are today, we should be looking at what the regulations need to be five years from now, ten years from now, 20 years from now.

We should -- and your regulations, by the way, are meaningless to me. They're not adequate because they're based on old-fashioned statistics. Even -- even what we had under the conservatives, under -- under Pedersen was half.

Thirty seconds. Wow. Okay. So, when I when I wrote to you the last time, I said with prejudice and I said, this project is not in the public interest. It is a threat to the health of Lake Winnipeg, fish habitat, and to

1 our drinking water and surrounding land. And I said that
2 this project should be suspended indefinitely or it should
3 be cancelled altogether, which would be preferable. Today
4 I'm saying it should be cancelled.

5

6 Thank you very much for your time.

7

8 I'm not going to say respectfully because I
9 have absolutely no respect for the system. (inaudible) ---
10

11 THE CHAIRWOMAN: Thank you, sir. Mr.
12 MacKenzie.

13

14 MR. A. MACKENZIE: Madam Chair.
15 Commissioners. First, I'll -- although I introduced myself
16 earlier when I asked questions, my name is Alex MacKenzie.
17 I live in Siglavik. I am where the Willow Creek flows past
18 my -- very close to my door, past Miklavik who Miklavikians
19 are my neighbours.

20

21 We were all, in that area, forced to hook up
22 about five years ago or maybe more now, to Gimli's low
23 pressure sewage system. We had a perfectly functional
24 single chamber tank that required pump outs, no leaks, no
25 problems, but we had to spend roughly \$20,000 in order to
26 hook up to the low pressure system because it was conceived

1 of as safer for the environment. Our effluent now gets
2 pumped back to the Gimli low -- the Gimli processing place.

3
4 And everyone likes to save money. I didn't
5 want to spend the 20,000. My neighbours didn't want to
6 spend their 20,000. But the fact of the matter is we spent
7 money and I'm pleased that we did, because I do see now that
8 it is probably the best thing for Lake Winnipeg.

9
10 Most of my comments are going to be of a
11 procedural nature, if you will. When evidence was being
12 given the other day, there were a number of shouts of 'That's
13 not relevant' and things of that sort, and I just want to
14 clear -- make clear my understanding of the terms of
15 reference for this Commission.

16
17 And I'm very grateful to the Honorable Mike
18 Moyes for having ordered this. The -- the request for a
19 review by the CEC was originally rejected. It was appealed
20 by, I understand, 14 people, from Mr. Moyes' letter and it
21 came out with a requirement that this hearing be conducted.

22
23 This hearing, and I'll just read a couple of
24 the things from your terms of reference, "Public hearings
25 provide an opportunity for citizens to exercise influence
26 over the quality of their living environment, which aligns

1 with overarching intent of the Environment Act to protect
2 and maintain the environment in a manner which sustains a
3 high quality of life for present and future generations."
4 And that's the function here of this commission. It's not
5 to decide whether or not some particular application has
6 checked all the boxes. It is to decide whether or not this
7 proposal is good for the people.

8
9 I attended all both days of hearings, as you
10 know. I'm really quite confused actually as to the size of
11 the project. I've read both the original application and
12 the things upon which the Trek and the original Burns Maendel
13 proposals were presented. They were for 6,000 chickens.
14 The most recent thing that I've seen projected on the screen
15 here the other day was the Victor Klein December 5th, 2025
16 application for establishment of a 60,000 bird facility. I
17 realize that some of them are going to go to the abattoir,
18 and some of them are not going to go to the abattoir and so
19 on. They all produce what, I think has in the past, been
20 called guano, and it gets pumped ultimately into a lagoon
21 that ultimately finds its way downstream.

22
23 It's difficult at the very, very least.
24 First of all, I do oppose the project entirely in its
25 entirety. However, at the very, very least it should be
26 limited to what it started out as, 6,000 chickens. Nothing

1 bigger. A small community, no one's going to object. Why,
2 that's how it got its approval. But then it's incremental.
3 It gets the approval. Another step, another step. And I'm
4 told the 60,000 is only phase one of five phases. I don't
5 know if that's true, but I am confused as to the size of the
6 project. It seems to be growing faster than the pollutants
7 in Lake Winnipeg.

8
9 I'd like to review the Willow Creek
10 Integrated Watershed Management Plan, which is now complete.
11 You know, I'm a taxpayer. We pay a lot of money for these
12 things. They're -- they're supposed to provide guidance and
13 they would provide guidance to this commission.

14
15 Also, I have just in hand here, the exciting
16 new project, the Manitoba Watershed District's Nutrient
17 Reduction Plan. So -- so it provides guidance.

18
19 But I'm not going to dwell on the second one,
20 I'm going to dwell for a moment on the first one. And what
21 it says is that, "The plan is a tool to assist residents,
22 stakeholders, and all levels of government in making
23 responsible decisions how to manage water." It says,
24 "Watershed residents are the single most important group in
25 the creation and implementation of a watershed plan. The
26 Willow Creek document is intended to be a reflection of the

1 collective values of watershed residents." And I thought
2 that this was very appropriate. It said, "The Willow Creek"
3 -- again -- "Integrated Watershed Management plan will only
4 succeed if you" -- and speaking to me and the other people
5 in the room here, and to commissioners yourselves -- "it
6 will only succeed if you and the rest of the watershed
7 community embrace the plan, become active and involved in
8 its implementation."

9

10 So -- so, what does it say throughout? And
11 again, I'm hurrying and I will I will be through. It says,
12 "Surface water management decisions made on a watershed
13 basis." That means not just individual projects. It says,
14 "Using a watershed based approach to manage surface water
15 is necessary as there is connectivity between upstream and
16 downstream portions."

17

18 It says that, "The measure of success" --
19 this is page 28, by the way -- "there will be a ten percent
20 reduction in nitrogen and phosphorus concentrations and/or
21 loading of the Willow Creek and Fish Lake drain." That's
22 success. Ten percent reduction. There will be a reduction
23 in the number of bacteria. I can't imagine that happening
24 with swell. There will be a reduction in the number of
25 bacteria exceeding recreational water quality. It says
26 that, "Land uses that pose a high risk of contributing excess

1 nutrients include the application of fertilizer or manure
2 to agricultural or urban land discharge from fresh
3 wastewater lagoons and sewage treatment plants." It says
4 that, "Reducing nutrient loading in the Willow Creek
5 watershed is a challenge that will require the participation
6 and cooperation of all levels of government, stakeholders,
7 and watershed residents."

8
9 It talks about the fact that on -- this is
10 page 31, that ten percent of E.coli is from humans, 70
11 percent is from animal sources such as birds and livestock.

12
13 It goes on page after page talking about the
14 need to reduce nutrients in the lake. This project does not
15 reduce nutrients in the lake. This project increases
16 nutrients in the lake. It -- it is completely contrary to
17 everything in this very expensive report. And it is also
18 contrary to everything in the new -- exciting new project,
19 Manitoba Watershed District's Nutrient Reduction Plan.

20
21 UNIDENTIFIED SPEAKER: Sorry.

22
23 MR. A. MACKENZIE: Thank you very much,
24 Madam Chair and Commissioners.

25
26 THE CHAIRWOMAN: Thank you, Mr.

1 MacKenzie. We now have Mr. Gulay slated to make comments.

2

3 MR. GULAY: Hello, everybody. My name is
4 Glen Gulay. I had Gimli Air Service. I was in the aerial
5 spraying business out of Gimli, thanks to Gimli council and
6 I got approved for my charter. I'm sitting in the back
7 there and I listen to all this negativity.

8

9 Here, you've got an environment that's going
10 to hopefully approve it. You got good farmers, the colonies,
11 all the people are back there that want to farm.

12

13 No small farming operation will survive. No,
14 you cannot farm with 1,000 chickens, 3,000 chickens, five,
15 ten. You got to increase it.

16

17 Any colony that I work for by aerial
18 spraying, spraying across pesticide, they were very clean
19 operators anywhere in Manitoba, Saskatchewan, Alberta.
20 Anybody drives past a colony can see they're efficient,
21 they're clean, and they will follow the rules and the
22 regulations. I don't think they're going to waver off of
23 anything like that.

24

25 And for the I -- flew over Lake Winnipeg. I
26 know Lake Winnipeg very well. The algae comes and goes.

1 It's when the calm weather is, the sun shines, it grows.
2 Long snakes and stuff like that. It's true what they say,
3 the algae is there. It's in lake north basin and south
4 basin. I can see from 2,000 feet miles out and stuff like
5 that. So, the algae has been before our time and will be
6 after our time.

7
8 And it's a good idea to stop the pollution.
9 Not only here in Gimli. There's all the lake, there's
10 eastern side, there's all the -- with respect to First
11 Nation, they're sending their pollution. Winnipeg River,
12 Burns River, Pigeon River, all those rivers are bringing the
13 pollution from the east. In springtime it rushes down.
14 Lake goes down and it starts to ferment.

15
16 So, I believe the Hutterites are good people.
17 They will help the community, support, buy their food here,
18 buy their vehicles and stuff like that. So, that is my --
19 I hope it goes through and they will help the community and
20 people and the taxpayer. Thank you.

21
22 UNIDENTIFIED SPEAKER: Spray your poison
23 (inaudible) ---

24
25 THE CHAIRWOMAN: Okay, thank you for
26 your comments, Mr. Gulay. Mr. Yablonski.

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MR. YABLONSKI: Good evening everyone and lucky for you all, I'm the last one. Thank you for this chance to speak. My name is Jeff Yablonski. I am a geological engineer, professional engineer. I have a background in environmental engineering and hydrology, so I know a little bit about this, but there's always more to learn. I also own land right on the lake in Gimli. I own a few lots there as well, so I -- I definitely want to see the best thing for Lake Winnipeg.

People around the lake are very upset and -- and it's because of what the state the lake is in right now. The Hutterite colonies didn't put it in the state that it's in, but it's in this state, and you can hear from all the negativity in the room today, there's a lot of people that are very upset. They don't -- they don't know what to do. They just don't want anymore. And I guess the Hutterites are getting the first ones on the chopping list is what it -- what this approach is. And there is a lot of emotion that you can hear in people's voices about it. But there's some facts that we need to be made clear.

Standards. So, the province comes up with the standards. The standards that the Hutterite colony or the Town of Teulon or the RM Gimli use are all the same

1 standard. So, if Mr. Roberts or Robert Kristjanson had an
2 interesting part of his conversation where he talked about
3 how they were picking up the raw sewage from the boats,
4 taking it to the RM of Gimli, it was being treated. But it
5 was being treated to the same standards, and it was pumped
6 into the lake in the south side of Gimli based on the exact
7 same standards. And my point is, it's -- it's not like
8 there was some magic that it was better because a different
9 person treated it. It's the same standard. That needs to
10 be very clear.

11

12 And every time there's an expansion at the
13 RM of Gimli or any other RM is -- you never see this kind
14 of uproar or -- or response from the community. So -- so
15 why is that? Now that's a whole -- could be a political
16 thing. And that's -- that's nothing that I care about or
17 want to even comment on. But so, we need to approach this
18 as a problem, but from a common sense point of view.

19

20 This is not the first colony in the Province
21 of Manitoba, not by far. We all -- we all know that.

22

23 You know, and I guess the other thing is most
24 anybody that lives in the Town of Gimli, the RM of Gimli,
25 who has a -- they all have a toilet, and they all flush that
26 toilet, and it all gets treated by those exact same

1 standards. So, it's important to be -- we need to approach
2 this with a very common sense, intelligent approach if we
3 want to start to save the lake.

4
5 Just there's a little bit of negativity that
6 I could hear about the colony sitting in the back there.
7 So, an interesting fact about Crystal Spring Colony that
8 none of you would really know, is that in two places on the
9 other side of the globe, they run schools that help protect
10 young women. And it's got nothing to do with wastewater
11 treatment, but I guess my point is that these are hard
12 working, honest, religious-oriented people. They are not
13 bad people. And they've definitely been painted negative
14 today. And I just wanted to make that point.

15
16 So, from what I heard today, there's a large
17 assumption that the colony will not meet or maintain the
18 standard. And a few of the people that spoke hinted that
19 that will be the way it is. What's interesting is if a non-
20 government organization runs a wastewater lagoon and they
21 don't meet the standards, they're fine. It's interesting,
22 I'd like to know if the North Central Wastewater Treatment
23 Plant has ever been fined? And I got a feeling the answer
24 is no. So, it's -- right off the bat, it's who -- who should
25 we be really looking at, right, when it comes to who's --
26 like, who's really polluting the lake?

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So -- so the big question is what should we do? The lake, and especially the fresh drinking water, the aquifer, is an extremely important resource. And -- and all over the world there's less and less good quality drinking water. And we're lucky in Manitoba to have what we have.

So, one question, one fellow touched on it quite a bit is, are the standards acceptable? And maybe that is something that needs to be reviewed. But I feel that the big polluters are the ones that have to be eyeballed on. Now, of course, it's -- there are some colonies and some privately owned lagoons in the province, but the majority of the sewage treatment in Manitoba is, by some level of government, a town or the city of. Right? So, it's -- this is the big problem. It's because it's a level of government, it's -- they're somewhat protected, right?

Every time the North Central Wastewater Treatment Plant has to put on the news that they dumped all the sewage in the thing, but nothing -- it happens over and over again and it ends up in Lake Winnipeg. And it's -- you know, it's not right, but it happens.

But now, a new colony wants to start and there's this uproar against it, right? It's like we're

1 focused on the wrong part of the problem. We need to focus
2 on where the real problems coming from.

3
4 And the real problem is the overall health
5 of the lake is dying because of high amounts of phosphorus
6 that, because of the acceptable levels, it's still too much.
7 It's the volume is too much.

8
9 In the pre-1970, like I looked in that chart,
10 it was okay, but pre-1970 volumes could have handled those
11 standards.

12
13 One of my ideas has always been, and it
14 should be, based off volume. So, the large, large volume
15 producers like the City of Winnipeg -- and of course, the
16 Assiniboine River and the Red River are bringing
17 contaminants with them from out of province. There's no
18 question about that. But we have to do the best that we can
19 in our province.

20
21 Is that effluent should be treated the way
22 it is. But we live in Manitoba. It's -- there's a lot of
23 rule in Manitoba. Pull it out. Don't dump it into the
24 creek or the river or the lake, and haul it on an ag field.
25 We don't live in New York State. We have lots of rural
26 area. It can be pastured on, it could be anything. Farmers

1 will take it. If we started doing that, we could really
2 start to move in the right direction what this lake needs
3 to start doing.

4
5 This isn't a one-year fix or stop the
6 Hutterites from having a lagoon. That will not fix Lake
7 Winnipeg. This is attacking the real contaminators and the
8 real problem. It's not 300 toilets. It's the hundreds of
9 thousands and tens of thousands from the towns and cities.
10 That's what I want to say. Thank you.

11
12 THE CHAIRWOMAN: Thank you, Mr.
13 Yablonski. Judy Arneson?

14
15 MS. ARNASON: I hope you can hear me. Can you
16 hear me? Okay.

17
18 THE CHAIRWOMAN: Yes, we can hear you.

19
20 MS. ARNASON: Because I couldn't hear you
21 most of the time. So, I just thought ---

22
23 I didn't come expecting to talk. But after
24 listening to everybody, I have to say I am totally against
25 this project from top to bottom. I have been a real estate
26 broker for 50 years. If I'm going to go out and sell

1 properties in the area, I'm going to have one hell of a
2 time. That if they know this is happening to the lake, then
3 we can just forget it. That's all. Just forget it because
4 I personally would look for a place to sell or get rid of
5 my own place.

6
7 I've lived there -- I'm 82 years old. I was
8 born in Gimli, I got married in Gimli, had kids in Gimli,
9 moved all across Canada, came back to Gimli because it was
10 a wonderful place to be. And then we're hit with something
11 like this. It's ridiculous. Your lake will go to hell. It
12 will. That's it. I don't care. That's what's going to
13 happen.

14
15 And we had a hard enough time even with the
16 Gimli sewage lagoon. The fumes that would come from there
17 were horrible. And I talked to one of our councillors who
18 was Danny Luprypa, and he said, "Oh, Judy, you could drink
19 that water." So, I said, "Okay, Danny, you come here, I'll
20 give you the glass. You drink it." Then -- then it was
21 looked into by the Department of the Environment. Something
22 was done about it.

23
24 But I think that nobody seems to be looking
25 to the ordinary, everyday person who has to live there.
26 It's just -- I'm not going to -- I know you guys are getting

1 sick of listening to people, but I just want you to know
2 this is going to affect not only the lake. You'd destroy
3 the lake. You could destroy Miklavik, and Siglavik, and
4 Pelican Island. Are you going to destroy all the existing
5 little communities that there are right now? And I don't
6 know why anybody would consider doing that without talking
7 to the people who live there? Like, I really don't.

8
9 We have all got members that are elected and
10 the persons -- I just came here and listened to this. I
11 couldn't believe what I hear. And that there's a committee.
12 maybe it's all you guys, I don't know, who, for some reason,
13 want to push this ahead. For what reason? Do you think
14 you're going to make some more money? Like, I don't -- I
15 don't -- for everything there's a reason, and I don't know
16 why there's this sudden push. We're going to put more
17 poisonous things into the lake.

18
19 Like, I hear stories, oh, there's going to
20 be 14,000 chickens. There's going to be 340 animals. And
21 what are you going to do the waste of all these -- those
22 animals? Unless I'm misunderstanding it? Has anybody got
23 an answer? What's going to happen to it? Is -- we're going
24 to put it in a big pile and push it into the lake? Or --
25 and we will just -- we will finish. Just one thing -- and
26 I won't take your time because I know you're busy -- but if

1 you come down -- like, I've lived there all my life -- if
2 you come down Willow Creek and you come right out, 'Oh where
3 do I come out to Lake Winnipeg?' 'Oh, well, here's Miklavik,
4 and Siglavik, and Odin Green, and -- oh, here's Judy's house
5 on Willow Island, who was inundated by the water.' I had
6 the water come from the lake and the water come from behind.
7 They met under my house. So, you can see that I -- I --
8 I've been through it all, but at least it wasn't poisonous
9 with animal waste in it, it was just -- just the lake. But
10 that's what happens to people who live along the lake. And
11 now, you're going to have to deal with -- with viruses and
12 all kinds of things, and algae -- I mean, they call it algae,
13 but God knows what it is.

14

15 I -- I just want to say that I'm totally
16 against it, and -- and I know from dealing with people all
17 of my life that there are not -- ordinarily -- in fact, I
18 would like to go to the street and gather up all the people
19 who don't know that this hearing is on. There's a lot of -
20 - I don't know, where did you guys publish it? I only heard
21 it through the RM. Is it in newspapers? How come there's
22 never any newspaper stuff?

23

24 And it's I just wonder, you know, I'm not
25 going to take up more time. I know everybody wants to go
26 home and I'd like to go home, too. But when I heard what's

1 going on, I thought, do people think -- the people who are
2 already here and are already making use of it, leave them
3 alone. Let them have a life. If I come out and I see your
4 house and you say, 'Oh, Judy, I need this much money.' And
5 I said, 'Well, sorry, you've got a poisonous lake there.
6 You're not going to get that.' Well, they say, 'Well, it
7 wasn't poisoned.' I say, 'Yeah, but go to see the guys who
8 let it get poisoned.'

9

10 That's -- I'm just going to end on that and
11 say, I agree with all those people that were here. I
12 listened to their stories and they're all true. That is the
13 big problem. They're all true. There's all of these.
14 (inaudible) ---

15

16 THE CHAIRWOMAN: Thank you, Ms. Arnason.
17 We have one presenter left, Mr. Tkach.

18

19 MR. CROCKER: Yes? Yeah.

20

21 MR. TKACH: Thank you. Apologies. This is
22 just something I doodled up while listening. Name, Rob
23 Tkoch, R-O-B T-K-A-C-H.

24

25 As I was sitting listening to the
26 presentations for the last couple of days, I just had a

1 couple of thoughts about guidelines that I wanted to share
2 with everybody here. And I've repeatedly heard the
3 Proponents state they have followed the guidelines with
4 regards to the lagoons, and they should thus have their
5 project approved. I feel that this somewhat misinterprets
6 environmental regulatory guidelines in general, and thus
7 wanted to share my perspective on guidelines and their role
8 as a former environmental regulator.

9

10 The regulatory process -- regulatory process
11 can be very intimidating, complex, and expensive for a
12 proponent and can add substantial project delays. The
13 regulatory process for an environmental regulator is also
14 overwhelming, as there are far too few regulators and too
15 many projects to review.

16

17 In an ideal world, the environmental
18 regulator would conduct a site specific review on absolutely
19 every project in order to protect the environment. In
20 another ideal world, there would be absolutely no
21 environmental regulators and proponents would automatically
22 design their projects in order to protect the environment.
23 Neither of those two options are practically realistic.

24

25 Two guidelines, amongst others that have
26 been referenced as part of the CEC process include the

1 Manitoba Stream Crossing Guidelines and the Manitoba
2 Agricultural Drain Maintenance Guidelines. I was one of the
3 many people who contributed to the development of the
4 agricultural Drain Maintenance Guides -- Guidelines and
5 having worked on them for nearly a decade. I was also very
6 influential on how the Manitoba Stream Crossing Guidelines
7 are applied practically in Manitoba, which differs somewhat
8 with how they were actually first written in 1996.

9

10 There are tens of thousands of stream
11 crossings in the province of Manitoba, as well as tens of
12 thousands of kilometres of agricultural drains. It's not
13 practicable for environmental regulators to conduct a site
14 specific review for all the ongoing maintenance and/or
15 reconstruction of these existing project types, let alone
16 the creation of new ones. Thus, environmental regulators
17 created guidelines as well as fact sheets, operational
18 position statements, and a few other things that they're
19 called.

20

21 So, what do these guidelines do? Guidelines
22 are meant to guide. Guidelines are meant to guide.
23 Environmental guidelines are used by proponents as a
24 regulatory tool to help them guide them with their project
25 design, with the intent of reducing potential delays in
26 project reviews, project redesigns, and approvals. Without

1 these guidelines, the initial design produced by a proponent
2 for a given project type may be extremely far from the design
3 parameters that would ever be accepted by an environmental
4 regulator for approval.

5
6 So, if we want a proponent to design a
7 project that's here in the middle, protecting the
8 environment, without a guideline to guide that proponent,
9 they may first come way over here without that guidance.
10 And then you go through iteration and iteration and
11 iteration and iteration, and that takes time and money, and
12 time and money, and time and money. And so, we put these
13 guidelines out to try and help the proponents start to closer
14 to where we want them to be.

15
16 Guidelines are also used by environmental
17 regulators as a tool to help streamline the regulatory
18 process and prevent unnecessarily -- unnecessary timely
19 environmental review of those projects that are deemed to
20 be very common and present low risk and low impact to the
21 environment. The overall goal is to provide the best
22 practicable solution to protect the environment.

23
24 Guidelines aren't necessarily meant to be a
25 100 percent prescriptive black and white means or recipe for
26 obtaining environmental approvals for all instances of all

1 projects and all project types. This is because there's
2 just often too many variables and variations to consider for
3 all possible scenarios out there. As such, environmental
4 regulators have often reserved the option of a site-specific
5 review on projects. These site-specific reviews can lead
6 to different design parameters than those specified in these
7 guidelines, or could result in a project being denied.

8
9 So, when would an environmental regulator
10 typically ask for site-specific review and parameters? In
11 my experience, this is often done for very large projects,
12 unique or less common projects, projects with large
13 environmental impacts, and projects that are located in
14 areas that are environmentally important and/or sensitive.

15
16 In closing, in my former career as an
17 environmental regulator for the Department of Fisheries and
18 Oceans, we often deviated from guidelines and the parameters
19 specified within them and asked for site-specific parameters
20 to be met. Thank you.

21
22 THE CHAIRWOMAN: Thank you, Mr. Tkach. I
23 believe those are all the public presentations for tonight.
24 I want to thank you all for your attention, your respectful
25 participation, your thoughtful comments. We will be
26 resuming tomorrow morning with Proponent's rebuttal and

1 closing arguments from the Proponent and the RM of Gimli at
2 9:30 tomorrow morning. So, thank you and have a good
3 evening.

4

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April 24, 2026