

**CEC Hearing Submission – Crystal Springs Lagoon Project**  
**Rob Tkach, M.Sc (CE), P.Eng. (Retired)**

**Abstract**

I object to the development of the Crystal Springs Lagoon Project on the following basis.

1. A proper comprehensive environmental assessment not being undertaken.
2. Area is too environmentally sensitive and important for a project of this nature.
3. Federal environmental regulators have not been appropriately engaged.
4. Municipal Bylaws ignored.
5. First Nations not Properly Consulted With
6. Ineffective Public Consultation Process
7. “One Window” approach to Environmental Assessment not being Implemented
8. Improper Project Scoping
9. Inadequate Examination of Alternatives

**Supporting Information**

**1. Proper Environmental Assessment vs. Piecemeal**

I feel that a proper comprehensive environmental assessment process for this entire development is not being done, and a “piecemeal” approach is being undertaken, rather than looking at the overall project in its entirety. Individual project components are being looked at and assessed on an environmental perspective through separate independent processes. By doing so I believe that the overall impacts of the project to the environment are being underestimated.

In my experience as a former environmental regulator for the Federal Government a proper environmental assessment looks at all aspects of a project through all stages of its development from construction to full operation. This is validated in the wording from the Manitoba Environment Act (see reference below) as follows:

**The *Environment Act* states:**

1(1) The ***intent of this Act*** is to develop and maintain an environmental protection and management system in Manitoba which will ***ensure that the environment is protected*** and maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for this and future generations, and in this regard, this Act

- (a) Is complementary to, and support for, existing and future provincial planning and policy mechanisms;
- (b) Provides for the environmental assessment of projects which are likely to have significant effects on the environment;
- (c) Provides for the recognition and utilization of existing effective review process that adequately address environmental issues;

- (d) Provides for public consultation in environmental decision making while recognizing the responsibility of elected government including municipal governments as decision makers; and
- (e) Prohibits the unauthorized release of pollutants having a significant adverse effect on the environment.

Using the following definitions of:

**“assessment”** means an evaluation of a proposal to ensure that appropriate environmental management practices are incorporated into **ALL COMPONENTS OF THE LIFE CYCLE OF A DEVELOPMENT**.

Whereby **“development”** means any project, industry, operation or activity, or any alteration or expansion of any project, industry, operation or activity which causes or is likely to cause

- (a) The release of any pollutant into the environment, or
- (b) An effect on any unique, rare or endangered feature of the environment, or

(g) a significant effect on the environment or **will likely lead to a further development which is likely to have a significant effect on the environment**, or

(h) a **significant effect** on the social, economic, **environmental health** and cultural conditions that **influence the lives of people or a community in so far as they are caused by environmental effects**.

Whereby **“environment”** means

- (a) Air, land, and water, or
- (b) Plant and animal life, including humans

Whereby **“pollutant”** means any solid, liquid, gas, smoke, **waste, odour**, heat, **sound, vibration**, radiation, or a combination of any of them that is foreign to or in excess of the natural constituents of the environment, and

- (a) Affects the natural, physical, chemical, or biological quality of the environment, or
- (b) Is or is likely to be injurious to the health or safety of persons, or injurious or damaging to property or to plant or animal life, or
- (c) **Interferes with or is likely to interfere with the comfort, wellbeing, livelihood or enjoyment of life by a person**.

On the basis of the intent of the Act and its definitions **it’s clear that the environmental review should include all aspects of the development**. This includes the temporal aspect of construction impacts which have been substantial, damaging to the environment and a threat to public safety. I’ve seen no examination of environmental impacts due to construction of the lagoon project.

This also raises the question of “what are the components of the lagoon project” which is discussed further below in commentary pertaining to project scoping. Based on my experience as a former environmental regulator I feel that this development has been inappropriately scoped very narrowly.

It is understood that the Classes of Development Regulation (see reference below) identifies projects requiring environmental review under the Manitoba Environment Act. Under Class 2 developments from the Classes of Development Regulation we have the following items for consideration:

- Agricultural: Meat processing and slaughter plants.
  - o The proponent initially indicated their intent to construct an abattoir for their industrial livestock operation of 15,000 birds and potentially other animals. However, we have recently seen a new application on the part of this proponent expanding their livestock operation by another 140,000 birds.
- Manufacturing: Manufacturing and industrial plants.
  - o The proponent has indicated their intent for manufacturing of items for the industrial hog operation industry, but it appears they haven't applied for this portion of the development.
- Transportation and Transmission: Transmission Lines
  - o A transmission line for this development has already been constructed and caused widespread damage to the environment and to private property and no notice of these work activities were given.
- Transportation and Transmission: Pipelines which are great than 10 km in length which are located in areas sensitive to environmental disturbance and associated facilities.
  - o The pipeline for this development has already been constructed and I haven't seen an application for this portion of the project.
- Waste Treatment and Storage: Wastewater lagoons
  - o The proponent has submitted an application for a domestic wastewater lagoon. However the proponent has indicated that they will be generating industrial waste from their industrial livestock operation, industrial truck wash facility, manufacturing operation and abattoir and it is assumed this waste will be deposited into the lagoon. So it appears the proponent has applied for a facility to treat domestic waste but will be using it for industrial waste. If this industrial waste isn't being placed into the domestic waste lagoon, how else is it being treated?
- Water Development and Control: alterations to streams and channels which affect fish mobility and fish habitat.
  - o The proponent has already undertaken alterations to channels which affects fish mobility and fish habitat. DFO indicated no awareness of these activities or proper applications and I cannot see an application for this portion of the project under the Classes of Development. The proponent has indicated in their plans that additional channel alterations are planned, such as the construction of waterways crossings using culverts and other channelization activities.
  - o The application for the domestic wastewater lagoon, and supplemental engineering reports, indicate numerous concerns including that the lagoon proposed location is in a flood prone area and adjacent to flowing waterways which threaten its integrity. The engineering reports provided with the application make recommendations for flood proofing and channel alteration but it is unknown if these activities are being

undertaken as I haven't seen an application for this portion of the project. If the proposed flood proofing and channel alterations are made, there is a significant probability these activities will increase flood potential of the surrounding area and as such is a concern for local landowners like myself. Has there been an application for works of this nature?

- It is expected that the overall development which includes an industrial livestock operation, industrial truck wash, abattoir and the establishment of a new community will require a significant amount of water. There have been no applications that I can see to indicate the sources of water (i.e., surface water or ground water). Has there been an application of this nature, and if so what is the anticipated impact to the water supply of neighboring properties?

Clearly from the list above, there are numerous aspects of this overall development that are triggers for the Environment Act. Some of these project elements that are listed from the Classes of Development Regulation may or may not be specific triggers for the Environment Act on the basis of their project specific details (i.e., hydro line voltage). ***Even if they are not specific "triggers" per se, that doesn't mean their impacts can be ignored.*** Their impacts need to be considered as components of the overall lagoon project. The waste from the meat slaughtering/processing and industrial manufacturing plants is going into this lagoon, and as such are part of the lagoon "project".

According to the Environment Act, all of these project components and their impacts, through all stages of their development should be looked at together under the definition of "assessment" shown above.

When I was an environmental regulator for the Federal Government, I used to refer to this as "project splitting". Often a proponent will split a project up into many small pieces in order to minimize the overall impact of the entire project. This is completely inappropriate. All components of this project need to be considered in their entirety including the construction of a new community, clearing of all land purchased by the colony, a new hydro line, a new gas line, construction of intense agricultural processes, the abattoir, the lagoon and so forth. The impact of all these activities needs to be considered in their entirety, from construction to full operation. For example, the construction of the colony has been ongoing for some time now, causing a significant increase in large truck traffic to the detriment of nearby landowners.

It should be noted that the hydro and gas lines were constructed "specifically" for this development. In other words, had this development not been put forward, they would not have been otherwise constructed. The lagoon would not serve functional purpose if the hydro and gas lines were not constructed. As such they are part of the "project", and should be considered as such with regards to their impacts.

Please see following photos of damage to private property from hydro line construction. Note that these damages are on private land, as opposed to an easement, which was verified through a professional survey. More photos depicting damages to private land are available upon request.



**Damage to private property from new hydro line on NW 22-18-3**

This is just an example of one of the many impacts of this project that are being ignored by the regulatory processes. Why are all these impacts being ignored?

What the proponent is doing is analogous to looking at a mining development, one shovel of dirt at a time.

Had the proponent submitted this “lagoon portion” of this project to me as a former Federal Government environmental regulator, I wouldn’t have even looked at it and the review would have been “rejected” until such time as a complete project package was made available. I’ve consulted with the current DFO regulators and while I don’t speak on their behalf, they agree with my views on this. This is discussed further below under regulatory approvals.

On the basis of the countless projects I’ve conducted environmental review of, it appears the proponent has adopted the approach of “it’s easier to beg forgiveness than ask permission”.

## 2. Environmental Importance and Sensitivity to Impacts

Much of southern Manitoba waterways have been severely impacted by agricultural activities over the past several decades. This includes areas where the proposed lagoon project is located in. The tributaries on the West side of Lake Winnipeg have been substantially adversely impacted, in comparison to those on the east side from my own personal experience and observations as a former environmental regulator. Consequently this makes the maintenance and restoration of these tributaries on the West side of Lake Winnipeg to be of high importance for the health of the local ecosystems, as well as Lake Winnipeg itself.

Specifically the Willow Creek watershed has been targeted by the Manitoba Habitat Heritage Conservancy (see references below) as a priority landscape for habitat conservation as per the following quote:

“A further area of conservation potential in Manitoba, and the Willow Creek watershed specifically, is Tall Grass Prairie habitat. The government of Canada, through the Habitat Stewardship Program for Species at Risk, has identified the southern Interlake (defined as south of Ashern, between Lake Manitoba and Lake Winnipeg and north of Winnipeg) as a priority landscape in which habitat conservation and protection should occur. While MHHC does not have specific programs targeting tall-grass prairie in the Interlake, the Nature Conservancy of Canada may have more resources available”.

If you review the Integrated Watershed Plan for Willow Creek (see reference below) it indicates that the majority of the activities associated with the lagoon project are detrimental to the environment and specifically the “opposite” of what is recommended within this watershed. Reports for the lagoon project (and associated the livestock component) have resulted in the drainage of wetlands, important to the overall watershed ecosystem. ***Why bother developing these integrated watershed plans if their recommendations are ignored?***

As a landowner in the area and an environmental expert I can attest to the importance and environmental sensitivity of this area. There are numerous federally protected Species at Risk in the area such as the Redheaded Woodpecker and Golden-winged Warbler (reference at the end), which I have personally seen in the project area. While the lagoon itself will not be on crown land, the odour from the lagoon and its discharge will affect crown land (i.e., Willow Creek riparian area). Consequently these areas are protected under the Federal Species at Risk Act (see reference at end). Has the lagoon project been reviewed and approved by Environment Canada (SARA)? If so, what was their response? When I last spoke to SARA staff they indicated to me that they have not yet had the opportunity to conduct an environmental review of this development. How will odor impacts on federally protected SARA species be mitigated? The toxic odor may be very harmful to these federally protected species or drive them away from their limited habitat.

Odor from lagoons can be very substantial and have severe social and environmental impacts on people and wildlife, such as a respiratory health threat. What will be the magnitude and distance of the odor from the lagoon? What is the health, social and environmental impacts associated with the odor on people and wildlife? How will these be mitigated or compensated? Please note the technical reference

below (Sanderfoot and Holloway) showing the impacts on air pollution on avian species, which in this case are protected by the Federal SARA Act. The odor impacts also adversely affect human health.

Overall this area is fairly pristine with large forested areas full of wildlife. The odor impact will adversely affect wildlife habitat and has the potential to drive wildlife away. What will the impact of this development be on wildlife health and populations? How will these impacts be mitigated?

The technical reports on the Public Registry pertaining to lagoon odor state that there will be monitoring, and if the odor is deemed “excessive”, corrective action will be taken. What type of monitoring will be done? What locations? What equipment will be used? What specifically will be monitored? Who will do the monitoring? Will the monitoring results be publically available? At what monitoring “threshold” will corrective action be taken? What will that corrective action be? These are questions that were previously asked and ignored in the Public Consultation process.

It should be noted there is an important cultural heritage site very close to the project site, namely St. Michael’s Ukrainian Orthodox Church and Cemetery (see reference below). This heritage site is downwind from the proposed project, and the wastewater will discharge past it in close proximity. I feel this is both religiously and culturally disrespectful to Ukrainian settlers, at a time in our society where Ukrainians are facing great persecution. Our heritage and historic sites need to be protected and preserved.

Climate change is a significant concern globally and the production of greenhouse gases (GHG) is looked at closely with regards to environmental impacts. What is the expected increase in GHG resulting from the lagoon project, or from the entire Colony for all development stages? How will this be mitigated?

Construction of lagoon could decrease property values of neighboring and impacted properties. How will this be mitigate or compensated?

The geotechnical conditions in the area of the proposed lagoon are very inconsistent. This area is glacial till and soil conditions vary frequently from fine clay in one area to large boulders and gravel immediately adjacent. Because of this, any local contamination could spread very far very fast, without knowing it was happening until it was too late. This area isn’t like areas in southern Manitoba where developments like this proposed one are more prevalent, where there is a thick layer of consistent impervious “Red River” clay to prevent the spread of contaminants.

The area for the proposed lagoon is also very flood prone and adjacent to flowing waterways. This is a high risk scenario for potential failure of the lagoon earthen embankments and subsequent pollution of the area. The land drainage activities for this overall development (i.e., the entire colony) will likely make the area generally more flood prone, due to the drainage of wetlands and the hydrologic “hardening” of the general landscape with construction of roads and other drainage activities.

How will these impacts be mitigated?



**Location of proposed lagoon. Corner of 15E and 106N facing North on May 6, 2020**

I'd like to highlight that *many of these questions and concerns that I've raised were submitted during the Public Consultation process for this project and largely ignored. Why bother having a Public Consultation process if it doesn't address stakeholder concerns?* I've not repeated all my questions here as they are already listed on the Public Registry and were mostly not answered by the proponent in their responses. *If the CEC would like I can resubmit all my earlier questions and concerns for review.*

It should also be noted that the Proponent's own consultants have similarly issued cautionary statements in their reports to some of the issues that I've raised attention to herein.

*In closing of this section I'd like to say I feel that any proponent who proposes a development of this nature at a location like this clearly has no regard for "the environment". I feel that any environmental regulator that approves a project of this nature at a location like this, with the limited environmental assessment provided, likewise has no regard for the environment and is not upholding the environmental protection legislation they are entrusted to uphold.*

A project of this nature does not belong in an environmentally sensitive and ecologically important area like this.

### 3. Federal Environmental Regulators Not Appropriately Engaged

As previously declared, I'm a formal environmental regulator for the Department of Fisheries and Oceans, and when I was still working at that capacity I would have been responsible for conducting an environmental review of this project under the Federal Fisheries Act. As such I have viewed this development and its related environmental impacts on the basis of that expertise.

I'd like to state up front that if this project was submitted to the Department "as is", that we would not have even looked at it until such time as a "complete" project was available for review. Since I've been made aware of this project I have been in regular contact with my former employer to discuss this project and its impacts. To be clear, I obviously no longer speak on behalf of the Department. However I'm happy to say that in my discussions with current DFO staff that we are seeing things from a very similar perspective.

As I type this CEC submission, I cannot predict the future and thus don't know if DFO staff will be present at the hearing. However, I can offer the following email correspondence from the DFO Regional Director General, recognizing that "something might change" between the time this email was sent, to the timing of the CEC hearing. I can forward to the CEC the original email at your request.

Letter from DFO RDG

RDGO OP / OP BDGR (DFO/MPO) <DFO.RDGOOP-OPBDGR.MPO@dfo-mpo.gc.ca> Wed, Feb 11, 2026 at 7:45 AM

To: "rjtkach@gmail.com" <rjtkach@gmail.com>

Cc: "RDGO OP / OP BDGR (DFO/MPO)" <DFO.RDGOOP-OPBDGR.MPO@dfo-mpo.gc.ca>

Unclassified - Non-Classifié

Sent on behalf of Tricia Mitchell, Regional Director General, Ontario and Prairie Region.

Mr. Tkach,

Thank you for reaching out. You have indicated you would like an update on DFO activities in relation to the Crystal Springs lagoon project.

To date, DFO has not received a Request for Review for any proposed in-water works at the location that may impact fish or fish habitat subject to DFO's mandate. If there is in-water work proposed for the project, and a Code of Practice does not apply, we recommend the proponent submit their project for review. DFO is not planning on attending the Manitoba Clean Environment Commission hearing.

DFO completed site visits in April 2024 and October 2025 and is planning a follow-up site visit in spring 2026 to assess erosion and sediment control measures associated with the ditching and culverts that were installed along Road 106N.

Let me know if you have any further questions.

Thank you,

Tricia Mitchell

(she, her, elle)

Regional Director General

Ontario & Prairie Region

Fisheries and Oceans Canada/Government of Canada tricia.mitchell@dfo-mpo.gc.ca /Tel: (289) 442-0762

This is obviously very concerning to me for a variety of reasons. I feel a proper comprehensive CEC hearing should include all regulatory agencies with environmental legislation having jurisdiction over this project's environmental review and "approval". In the case of DFO it's not necessarily an environmental approval per se, but the Authorization of the destruction of Fish Habitat. Various DFO "approvals" may also be necessary depending on further project details which have yet to be revealed. The involvement of all regulatory agencies involved in the project simultaneously is also part of the "one window" approach, which I will discuss further in another section of this document.

During the Public Consultation process I raised various questions pertaining to ongoing construction activities that I felt should have been reviewed by DFO and possibly had an Authorization under the Fisheries Act issued. ***These questions were ignored through the Public Consultation process.***

To be clear, there is obviously ongoing "in water" works as per the photos shown below, which is just one of the "in water" activities that have been undertaken by the proponent in association with this project. There have been numerous channelization works done on various waterways as well as culvert replacements, with little or no proper sediment/erosion control. These activities have taken place on or near waterways that have been identified by DFO as having important sport and commercial fish species. Please see photo below showing construction activities on South Malonton Drain, which is a tributary to Willow Creek that contains sport/commercial fish species. As can be seen in the photo there are no sediment/erosion controls measures in place, making this area vulnerable to washing sediment downstream into Willow Creek during spring runoff and damaging fish spawning due to smothering eggs from sediment pollution. As noted in the email correspondence from the RDG, DFO plans site visits to the project site in 2026. It should be noted that these site visits aren't due to proper involvement of environmental regulators, but in response to "occurrences" under the Fisheries Act, causing potential harm to the environment.



**“In water” works at South Malonton Drain Road 106 N(photo taken October 13, 2025)**



**Culvert construction June 14 2024 South Malonton Drain – note lack of sediment/erosion control**

I have likewise consulted with Environment Canada staff (SARA) pertaining to this project and they have similarly indicated to me that they have not yet had the opportunity to conduct an environmental review of the lagoon project.

***Why hasn't DFO or Environment Canada staff been appropriately involved*** in a joint Federal/Provincial review of this project under the "one window" approach to regulatory approvals? I'm going to get into this "one window" discussion further on in this document.

When you go through the documents submitted on the Provincial Public Registry pertaining to this project, you will notice some responses from a DFO staff member. This raises the question as to whether or not the DFO RDG is fully aware of what's going on with regards to DFO's involvement in this project.

The DFO RDG directed me to senior staff within the Department to have discussions with regards to this project and DFO involvement. I can provide the CEC with the name of the DFO contact upon request. This senior DFO staff indicated to me that the person involved in the project from DFO, as per the Public Registry, was not in a position within the Department to be making any comment pertaining to the

lagoon project in terms of its “approval”. In other words, the correct people were not appropriately involved. Again, I’m repeating what I was told and do not speak on behalf of DFO.

How does something like this happen? Sadly I can convey from my own personal experience as a former DFO regulator that these instances are possible. The following is my speculation as to what “likely” happened.

Often when a proponent is very aggressively seeking environmental approval for a project, they will “call around” to the various environmental regulators until they get the response that they want. I found this was particularly true for projects that “shouldn’t” get approved as proposed. In other words, they would call all the various staff members until they found one person who would say that there were “no concerns pertaining to your project”.

Proponents will often start by contacting professionals within regulatory agencies that they “know” to be the appropriate contact persons. However, if they don’t get the response that they want, they will often keep calling alternative individuals, in pursuit of the response that they want to get. In some cases proponents will contact employees within a regulatory agency like DFO, who are not in a position of authority, nor responsibility to be granting environmental “approvals”. In other words they contact DFO employees, but in a different Sector within the overall agency that isn’t responsible for regulatory reviews and approvals. Unfortunately these people can unwittingly get drawn into various regulatory processes that they ultimately aren’t responsible for, just because they answered a telephone call when they shouldn’t have.

While this is pure speculation on my part, I suspect this is what happened with regards to this project. A very aggressive proponent likely called various different people, and was likely told what they “didn’t want to hear”. They were likely told that they needed to submit their entire project for review before any comment could be made on it. So the proponent likely just kept calling different people until they found someone who told them what they wanted to hear. While this is speculation, sadly I saw it numerous times in my career.

I can only emphasize that if DFO were part of the CEC hearing process we could have these discussions with them, and get to the bottom of what happened. If DFO actually had reviewed the project and were satisfied then why would they be going to inspect various occurrences pertaining to potential violations of the Fisheries Act on such a regular basis?

#### **4. Municipal Bylaws Violated**

There are numerous bylaws for the RM of Armstrong that are being ignored by this project. It raises the question as to ***why bother having municipal bylaws if they are being ignored?***

On the project Public Registry (see references below) there is a document entitled “proponent response 1”, which on page 17 has Q44 and A44 which raise a number of questions pertaining to municipal bylaws.

In this response the proponent indicates that their land is zoned “agricultural” and as such are permitted to undertake the works they are proposing. However, with the development of the entire new town site with industrial manufacturing, a school, gym, church, lagoon and so forth has the property not been rezoned to reflect these developments? I have not seen any advertising or notification to indicate this. Does their zoning permit these types of activities?

Further in A44 the proponent makes a quote from Armstrong Zoning Bylaw Section 12.2 Item 22) Public Utility (see reference below). The definition goes on to explain how a lagoon is permitted in Armstrong under the definition of Public Utility. But this development is not a Public Utility is it? This is a private development, as opposed to public so does this reference really apply? I cannot go freely onto this property, nor have children attend their proposed school, or get a membership to their proposed gym. I could do that if in fact this development was public, but it's not. So on the basis of this difference wouldn't you say that permission for a lagoon does not apply under this definition of a Public Utility, because it isn't one? According to Armstrong bylaws, a lagoon should only be permissible for public utilities, which disqualifies this proposal.

Also in A44 the proponent goes on to discuss Armstrong zoned lands and the region's objectives that include "legitimate rural uses associated with agricultural activities....that enhances the continued viability of the Planning District but also minimizes potential for land use conflicts". Given everything that I have described to you herein can you say that this developer and development are "minimizing" land use conflicts? Quite frankly on the basis of my experience it feels like the exact opposite, and while my property is technically in the RM of Gimli I am in regular contact with my neighbors in Armstrong and they feel the same way. How is putting a sewage lagoon next to someone's private land and residence considered to be “minimizing land use conflicts”? Surely with the public outcry against this lagoon development it's clear that this bylaw is being violated.

The RM of Armstrong has issued a permit to the Crystal Springs Colony for a “communal farm dwelling”, however the bylaws (see references below) state as follows:

“1) Communal Farm Dwelling”:

“means a cooperative settlement whose principal operation is agricultural in nature and contains a cluster of rural residential dwellings within one site, with the accessory uses intended to support the livelihood of its residents, and limited guest accommodation. A significant portion of the lands on the same site are to be preserved in an agricultural and/or natural state, through the use development agreements or other means acceptable to the Municipality. The ecovillage shall not be consider to constitute the beginning of a new settlement centre”

This development is clearly a new settlement centre, and thus violates the Armstrong bylaw.

Finally, this lagoon project would not be permissible within the RM of Gimli due to their bylaws prohibiting further developments of this type in order to protect Lake Winnipeg, and the environment in general. Knowing this, the proponent has proposed to construct the lagoon on the boundary between the RMs of Armstrong and Gimli, but is sending the pollution into the RM of Gimli. I feel that this is

inappropriate and against the intent of the Gimli bylaws, to the detriment of the environment. Where different municipalities disagree in principle in matters of this nature, we look to higher levels of government (i.e., Provincial and Federal) to be the voice of “common sense” and settle disputes between adjacent municipalities.

Environmental impacts do not follow geopolitical boundaries.

#### **5. First Nations not properly consulted with**

As a former environmental regulator for the federal government we wanted to see all proponents effectively engage First Nations of their own initiative. “Wanting” to engage and include First Nations as valued part of the environmental assessment and approval process is an important component to a “proper” environmental assessment.

As part of the stakeholder/public consultation process, it was noted that a First Nation community is only 40 km from the project and that First Nations should be consulted on projects that could adversely affect Lake Winnipeg. This is mentioned in the following document from the Public Registry associated with this project:

[https://www.gov.mb.ca/sd/eal/registries/6193/prop\\_res\\_1.pdf](https://www.gov.mb.ca/sd/eal/registries/6193/prop_res_1.pdf)

On page 9 of this document under A13 you will note the response of the proponent being “the Colony states it has no legal duty to consult First Nations in submitting the within application”. It went on to say “any First Nations is welcome to read the submissions and provide comment”. In my experience as an environmental expert and former environmental regulator for the Federal Government, this is not effective engagement of First Nations as part of the environmental assessment process.

The CEC has a responsibility to ensure proper and meaningful engagement of First Nations, which clearly has not happened for this project as indicated in the proponent’s response on the Public Registry.

#### **6. Ineffective Public Consultation Process**

An effective public consultation process is an essential component to a proper environmental assessment of any project. Unfortunately this project did not have an effective public consultation process.

The advertising for the public consultation process was done so narrowly that the majority of landowners in the area were not aware of this project. It was primarily through “word of mouth” and social media that people were made aware of the existence of this project, along with awareness of opportunities to voice concerns. Even as the adjacent landowner, I found out about this project through social media. Advertising for the public consultation was completely ineffective almost to the point where it appeared to be a deliberate act of secrecy on the part of the Province.

Ultimately the public was permitted to provide comment and ask questions pertaining to this project and review extremely limited project details. However, when reviewing the responses to the questions

posed by the public, as listed in the Public Registry, the majority of these questions and concerns were completely ignored or disregarded. This is easily observed by reading the questions as listed in the Public Registry (see reference below) and the responses from the proponent.

***Why bother with a public consultation process if the majority of the questions and concerns are completely ignored? There was neither reason nor justification provided as to why the public's questions were completely disregarded.***

It has already been mentioned that the public consultation process disregarded First Nations involvement in an earlier section of this report.

Ultimately we had a public meeting with regards to this project on June 4, 2025 in the community of Fraserwood. The public meeting was very well attended and many people asked very intelligent and important questions pertaining to environmental impacts associated with this project.

Unfortunately the response to the majority of the questions at this meeting from the Provincial Government was “we can’t answer that as its being handled by a separate process”. This response is problematic for at least three reasons including:

- a) It emphasizes the ineffectiveness of the public consultation process
- b) It shows that this project was scoped ineffectively for environmental assessment and;
- c) A “one window” approach to environmental approvals is not being adhered to.

With regards to the last bullet of “one window” environmental approvals, the presenters from the Provincial Government made a point of professing to use this approach as part of their environmental approval process. This is a complete falsehood which I’ll explain in a later section below.

Overall the public consultation process for this project was completely ineffective and I look forward to getting some actual answers to questions at the CEC hearing.

## **7. One Window Approach not being Implemented**

The Provincial environmental regulators used this term “one window” over and over again in their presentation in the Fraserwood meeting in 2025. But what does this term mean? As a former environmental regulator I know what it means, and why it’s used. But I doubt the general public does, and it’s abundantly clear that the Provincial environmental regulators involved in this project don’t know either. The following is a brief discussion on this. A “one window” approach should be used and is very important in the environmental approval process.

What is a one window approach to environmental approvals and why is it used?

Often when a proponent is developing a project there are a variety of “approvals” that are necessary from various forms of government (i.e., municipal, provincial, and federal). These “approvals” might be permits, licenses, authorizations and so forth with each different jurisdiction having their own distinct process. These “approvals” pertain to the various different aspects of the project, and to various pieces

of government legislation such as bylaws or environmental/regulatory “approvals”. In cases of very large project there are often a substantial number of approvals required, making it very difficult and confusing for a proponent. It can be similarly confusing to the people granting the “approvals” because in some cases the conditions of one approval may conflict with the conditions of a different approval from a different regulatory agency.

As a proponent navigates through all of these different approvals they may arrive in a scenario where they have the majority of their approvals in place, but one or two remain that are holding up their project. However in some of these instances, the final approvals that are being withheld will not get approved at all for various reasons without major project redesign or relocation, thus forcing the proponent to “start over”. As a result the proponent can often get frustrated with this process, as they indicate that they wouldn’t have started the process and obtained the initial approvals, if they would have known that the last few approvals were going to be withheld without major redesign or relocation.

Thus arose the “birth” of the notion of a “one window” approach to environmental approvals in order to improve the overall process.

In a proper “one window” approach, all of the different agencies requiring issuance of some sort of “approval” for the project work together simultaneously with one another and the proponent. All aspects of the overall project are managed simultaneously (as per definition of “assessment” in the Environment Act) as opposed to individual components on a piecemeal basis. No individual “approval” is given until the conditions of all of the various approvals are met from all agencies. ***It is vitally important in this process that the proponent refrains from starting construction of their project, until such time as all regulatory “approvals” are obtained through the “one window”.***

How can we detect that a “one window” approach isn’t being used?

If a person asks a question pertaining to the project, as we saw in the Fraserwood meeting, and the response given is “that’s being handled by a separate process”, then a “one window” approach is definitely not being used. ***In a “one window” process “that’s being handled by a separate process” is never an appropriate response. In a “one window” process that “window” IS the process.***

Furthermore as previously indicated we have noted that regulatory agencies like DFO and Environment Canada have not yet been appropriately consulted with nor involved in the lagoon project. The person responsible for managing the “one window” process for this project should be appropriately coordinating with these different agencies to ensure their appropriate involvement.

We have also seen that municipal bylaws are being violated, First Nations are not being appropriately engaged and stakeholder questions/concerns are largely being ignored. These are further indicators that a proper “one window” environmental assessment process is not being used by the Province.

Additionally, the proponent has been constructing their project for years now without properly obtaining necessary approvals, or effectively engaging regulatory agencies. While the lagoon itself isn’t constructed yet, many of the lagoon components have already been built (a further discussion on this

below in Scoping section). Now we are having CEC hearing to discuss the approval of the lagoon, with a substantial portion of the overall development being completed. As the old saying goes, it's like closing the barn doors after the horses have already run away.

It appears like the proponent is trying to pressure the regulatory agencies to approve their project, by already completing a substantial portion of their overall development. A proper "one window" approach to environmental approvals would have effectively managed this.

***A "one window" approach to environmental approvals is obviously not being used for the lagoon project.***

### **8. Improper Project Scoping and its Consequences**

I feel that the lagoon project has not been properly/effectively scoped, as per the definitions that I've previously outlined from the Environment Act, and the overall Intent of the Act. A proper environmental assessment looks at all aspects of a project through all stages of its development.

There have been many questions pertaining to the lagoon with regards to its impacts to surface and groundwater quality and quantity (amongst others). Few of these questions were answered during the public consultation process. When asked about during the Fraserwood meeting, the standard response was "that's being handled by a separate process". As a former environmental regulator, when I hear that type of response over and over again it tells me three things:

The public consultation was ineffective, the project was not scoped properly and, a "one window" approach to environmental approvals was not adhered to. The public consultation and "one window" aspects have been discussed previously, so let's now address the issue of project scoping.

Scoping a project for environmental review can be a very challenging process. In Section 1 of this report I quoted various parts of the Manitoba Environment Act which indicate that a proper environmental assessment looks at all components of a project through all aspects of its life-cycle.

What are the components of the lagoon project? Certainly the physical imprint of the lagoon structure itself is obviously a component. But the lagoon itself would not function properly if something wasn't going into it, nor coming out of it. The lagoon is being constructed for the purpose of treating waste, so it would make sense that these waste inputs would be considered part of the project. What does the lagoon need in order to function properly? It needs its own physical aspects such as the embankments, and liner. It needs waste, and the conduits that deliver that waste into it, as well as the effluent that comes out of it. The lagoon project would not function if it didn't have water as a source going into it and also requires electricity too in order to facilitate transportation of the waste to the lagoon, and possibly aeration. However when the Provincial government was asked about the water going into the lagoon (i.e., its quantity and source), they refused to answer any questions citing that "that's being handled by a separate process."

I feel that the lagoon project has not been scoped properly for the purposes of the environmental assessment.

In order to get an understanding of project scopes I'd like to discuss three examples. The first example is a fictional bridge crossing, the second is the Kelsey Rerunning Project (reference below) and lastly is the Red River Floodway Expansion project (reference below).

### ***Hypothetical Culvert/Bridge Crossing Environmental Approval***

If a proponent was to replace a culvert crossing on a waterway with a new bridge, what would the project scope look like? Would we just look at the finished product of the new bridge? Or would we look at the steps in the process of going from the current culvert crossing to the new bridge itself? Obviously the latter would be appropriate.

For a simple culvert to bridge project we would look at removing the old culverts, and any form of channel armoring or realignment necessary, and installation of the new bridge. Do we need to construct a temporary detour over the waterway during construction? If so, that would be in scope too. Do we need to withdraw water for utilization in a concrete batch plant to construct the bridge? That would be included too. There might be many other aspects related to this hypothetical project and they would need to be part of the overall project scope and environmental assessment. We wouldn't just look at the "finished new bridge" in isolation of all other activities. A proper environmental assessment would look at all aspects of the different project components through all stages of the project from construction to final operation.

With the current lagoon project, even as an experienced former environmental regulator I can't tell how the Province has defined or arrived at their project scope.

### ***Kelsey Rerunning Environmental Approval***

I'd like to briefly discuss the Kelsey rerunning project done by Manitoba Hydro as I feel it has merit to shed light on effective project scoping for environmental approval, in comparison to what's been done for the lagoon project. This is a project I was extensively involved in for many years.

The Kelsey rerunning project involved the replacement of turbines in the existing Kelsey Generating Station on the Nelson River in Manitoba, operated by Manitoba Hydro. This is a normal maintenance activity undertaken by hydro utilities as they replace the turbines, responsible for generating electricity, on a regular basis. So basically this entails the replacement of a "part" within an existing operating hydro dam, which is completely confined within the powerhouse.

At a glance one might think that there is no need for any sort of environmental assessment or approval, because all that's happening is replacement of an existing part, in an existing facility that has been operating for decades. HOWEVER, in working with Manitoba Hydro it was identified that replacing this part COULD result in changes in water levels and the frequency of water level changes both upstream and downstream of the existing generating station on the Nelson River. Thus when identifying the scope for the environmental approval for this project, it extended for many kilometers both upstream and downstream of Kelsey. To be clear Manitoba Hydro said that they weren't "intending" to change on how they operated this generating station, but the "potential" was there to change, which resulted in a

very large overall scope. The environmental impacts of these “potential changes” were evaluated for many kilometers upstream and downstream of Kelsey. A reference to the environmental assessment document is listed below.

So in the instance of the Kelsey rerunning project, one might think that no environmental assessment was needed at all for replacement of a part in an existing facility. However when the project was scoped properly the overall assessment area extended a great distance from where the replacement part was.

How does this compare and contrast to what we have seen thus far for the lagoon project? Very different by comparison isn't it? I'd like to highlight that the past decision-making in scoping this projects in this manner takes “precedent” in decision-making on current and future projects. The lagoon project scope should have included the hydro and gas lines, the road infrastructure, and many other aspects of the colony development that are already constructed, as well as those planned to be built in the future like the food processing plant and industrial manufacturing facility.

### ***Red River Floodway Expansion Environmental Approval***

I'd like to briefly talk about the Red River Floodway expansion project, as I feel it has relevance in explaining project scoping for the lagoon project.

The Red River Floodway expansion project was a very high profile and important project for the Province of Manitoba that underwent a very thorough environmental assessment. Ultimately it entailed the widening and deepening of the existing floodway in order to protect the City of Winnipeg from flood damages. References for the environmental assessment processes for this project are shown below. I was personally very involved in the design, evaluation of alternatives and environmental approval of the Floodway Expansion Project for many years.

If we were to scope the Floodway Expansion project in a similar manner to what's being done for the lagoon project, we would confine ourselves to observing the physical differences between the old Floodway and Floodway Expansion (i.e., difference in width and depth) without regard for the many other associated impacts.

However, the Floodway expansion project entailed the channel expansion itself, as well as modification to many other pieces of infrastructure such as hydro lines, gas lines, road bridges, railway bridges and so forth. These elements were all scoped as part of the Floodway expansion project, and the environmental impacts of these various elements were taken into consideration. When questions arose pertaining to changes to the road and railway bridges as well as the modifications to hydro and gas lines, the response from the environmental regulators **wasn't** “that's being handled by a separate process”.

One impact of the Floodway Expansion project in particular has relevance to the lagoon project, namely its impact to groundwater quantity and quality. Groundwater analyses showed that deepening of the Floodway channel in certain areas would impact groundwater aquifers potentially many miles away.

How does deepening the Floodway affect groundwater? Underground there are numerous different water aquifers, some of which are suitable for human consumption and some are not. Deepening the

Floodway channel would have caused drainage in a shallow groundwater aquifer on a continuous basis. To be clear, there was no intentional consumptive use for groundwater as part of the Floodway project. This was identified as an environmental impact to groundwater by groundwater analyses.

The groundwater analyses showed that the continuous drainage of a shallow aquifer would ultimately shift boundaries between different underground aquifers. As some of these adjacent aquifers were potable, and some were not, ultimately this would lead to contamination of aquifers that were currently considered “potable”. As such, hundreds of wells that were previously deemed suitable for human consumption would not be if these modifications were made to the Floodway channel.

Consequently, these channel deepening modifications were not allowed in certain areas because of their potential impacts to groundwater quality many kilometers away in some cases.

These types of shifts of groundwater aquifer boundaries and groundwater contamination can also occur when a large consumptive use is introduced to an aquifer. These large consumptive uses can entrain sediment and other contaminants into the groundwater, and also shift boundaries between different aquifers, some of which may be potable whereas others are not.

***I’m particularly concerned with regards to groundwater contamination because of the lagoon project. As the overall colony development is proposing to use a substantial quantity of water for the lagoon and other development components, there is potential for groundwater contamination of aquifers, possibly great distances away from the project site. All local communities and cottage developments on the West side of Lake Winnipeg that rely on groundwater could be adversely affected by this project.***

Many stakeholders have asked expressed concern about this, but unfortunately the response has been “that’s being handled by a separate process”. With the Floodway Expansion project, we looked at groundwater quantity/quality impacts many kilometers from the overall project site, because these impacts were associated with the project. Sadly it appears that isn’t being done for the lagoon project.

Are proper groundwater analyses being conducted to determine impacts associated with the project? We cannot get a proper response from the Provincial government.

## **9. Inadequate Examination of Alternatives**

Stakeholders have raised discussion to the proper examination of alternatives to the currently proposed lagoon project, and its selected location. Its current proposed location is less than ideal for a variety of reasons including:

- It’s in an environmentally sensitive and important area
- It’s in an area where it will impact federally protected SARA species
- It’s close to residences
- It’s in a low lying flood prone area
- The soil conditions in its proposed location are very inconsistent
- Its adjacent to flowing water threatening dam safety

- If a contaminant spill occurred the damages would be widespread quickly to environmentally important areas
- Many others

I have also been told by the RM of Gimli that they have offered to treat the waste from the new Colony development in the Gimli sewage treatment plant, if the waste is transported to that location.

Unfortunately the proponent has dismissed the notion of any alternatives to their project. A proper environmental assessment considers and evaluates different project alternatives.

I'd like to once again briefly discuss the aforementioned Red River Floodway Expansion Project, as yet another key aspect to the environmental approval of that project has important relevance in this proposed lagoon project. One very essential element to the Floodway Expansion Project environmental assessment process was the examination of alternatives for Winnipeg flood protection.

I personally was very involved in the analysis of different alternatives for the Floodway project which included widening/deepening the existing floodway, twinning it, and many other different combinations of ideas. One other key alternative that was examined was construction of the Ste. Agathe Dam.

From an engineering and economical perspective, construction of the Ste. Agate dam was far superior to any other alternative that was looked at in terms of its overall cost and performance to protect Winnipeg. Why wasn't the Ste. Agathe Dam selected then instead of the Floodway Expansion?

A proper environmental and socio-economic analysis was conducted of all the different flood protection alternatives for protection of Winnipeg and it was deemed that construction of the Ste. Agathe dam would be too harmful to communities upstream of Winnipeg.

Engineering analysis of the Ste. Agathe dam showed that communities upstream of Winnipeg would be flooded regularly in order to protect Winnipeg, and that social and environmental damages would potentially be substantial, which was deemed unacceptable. One area that ultimately would have been potentially flooded by this alternative included the Crystal Springs Colony, east of Ste. Agathe.

***A proper examination of the Winnipeg flood protection alternatives led to an appropriate decision with regards to selecting an option that minimized socio-environmental impacts overall, including those to the Crystal Springs Colony in southern Manitoba. We hope a similar process will be used in this instance for the Crystal Springs lagoon project.***

#### **10. Summary of Environmental Assessment Deficiencies and Project Concerns.**

On the basis of my very extensive experience in the realm of "environmental approvals" if I had to summarize the approach being taken by the proponent with regards to the environmental assessment and approval process for the lagoon project I feel it would be statements as follows:

"We the proponent will do what we want to do regardless of the impacts to others. We have been given permission to do so by the Municipal and Provincial governments, so we don't need to address

stakeholder concerns. We feel there will be zero environmental impacts if we design to meet minimum standards and as such we don't feel the need for environmental monitoring beyond the minimum required. If there are any adverse effects, stakeholders will simply be required to live with them because what we are doing falls within that which we have been granted permission to do."

The proponent has taken the approach that if they design to meet minimum standards for all of the various aspects of their development, that there will be "zero" environmental impacts. That is not the case. When you add up a lot of "minimums", through individually assessed project components, they have the potential to add up to very substantial overall impacts. "Minimum standards" for environmental design do not apply to all situations, and often site specific criteria are necessary in order to protect the environment.

Ultimately the concerns associated with this project can be broken down into the following broad categories

- Air quality (i.e., odour, Greenhouse gases, viruses, pathogens, etc.)
- Surface water (quality and quantity)
- Ground water (quality and quantity)
- Socio-economic (i.e., public safety, property value, mental health impacts, etc.)

Countless specific concerns regarding these broad categories of impacts were raised through the public consultation process for this project, and were unfortunately mostly ignored. I'm not going to repeat these questions here as they are listed on the project Public Registry.

Overall I feel the EA process for this project has been very ineffective as described in the numerous sections above. A piecemeal approach to environmental assessment is being taken as opposed to a comprehensive approach as defined by the Manitoba Environment Act. The environmental sensitivity and importance of key aspects of the project area as outlined in the watershed management plan are being ignored. Environmental regulators having jurisdiction in this project have not been appropriately engaged. Municipal bylaws are being ignored. First Nations have not been effectively consulted with as part of the environmental assessment process. The Public Consultation process was entirely ineffective. A proper "one window" approach to environmental assessment/approvals was not adhered to. The overall project was not scoped effectively in the context of the environmental assessment process. An effective examination of alternatives was not undertaken.

In closing I feel that any proponent who proposes a development of this nature at a location like this clearly has no regard for "the environment". I feel that the Manitoba Provincial Government is not properly upholding the Manitoba Environment Act, and as such is not fulfilling its responsibilities to protect the environment for current and future generations. A person only needs to look at the current environmental condition of Lake Winnipeg to know this to be true.

## **CLEAN ENVIRONMENT COMMISSION NOTE: A copy of the submitters professional resume was also submitted to show their credentials.**

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