
Manitoba Clean Environment Commission

Annual Report 2011-2012



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Manitoba Clean Environment Commission

Annual Report 2011-2012



MINISTER OF CONSERVATION

Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

His Honour
The Honourable Philip Lee, C. M., O. M.
Lieutenant-Governor of Manitoba
Room 235 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Your Honour:

The undersigned has the honour to present the Annual Report of the Clean Environment Commission detailing its activities for the fiscal year ending March 31, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Gord Mackintosh".

Gord Mackintosh
Minister



Manitoba
CLEAN · ENVIRONMENT™
C O M M I S S I O N

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The Honourable Gord Mackintosh
Minister of Conservation
Room 330 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Mr. Mackintosh:

Pursuant to the provisions of Section 6(10) of The Environment Act I am pleased to submit to you the Commission's annual report for the year ending March 31, 20012.

Submitted on behalf of the Commission.

A handwritten signature in black ink, appearing to read "Terry Sargeant".

Terry Sargeant
Chair

Table of Contents

The Manitoba Clean Environment Commission	3
Role and Responsibilities.....	4
Mandate	4
Public Hearings	4
Investigations	5
Mediation.....	5
Rôle et responsabilités.....	6
Mandat	6
Audiences publiques	6
Enquêtes	7
Médiation.....	7
Message from the Chairperson.....	8
Message du président.....	9
Hearings	10
Lake Winnipeg Regulation	11
Bipole III Transmission Project.....	11
Investigations	12
Other Activities.....	12
Administration.....	12
Professional Development and Training.....	12
Communications.....	13
Manitoba Clean Environment Commission Publications.....	14

The Manitoba Clean Environment Commission

The Ministers responsible for *The Environment Act* during the 2011-2012 fiscal year were the Honourable Bill Blaikie, the Honourable Dave Chomiak and the Honourable Gord Mackintosh. Commission membership consisted of a full-time Chairperson and citizen appointees. They were:

Terry Sargeant (Chairperson)

Margaret Allan (until June 2011)

Kenneth Gibbons

Ian Halket

Judy Head

John Hreno (until June 2011)

Brian Kaplan (from June 2011)

Gerard Lecuyer

Patricia MacKay

Aurelie Mogan

Wayne Motheral

Wayne Sato

Jim Shaw (from June 2011)

Muriel Smith (from August 2011)

Ken Wait

Edwin Yee

Frank Young (until June 2011)



Role and Responsibilities

Mandate

The Clean Environment Commission is established under *The Environment Act* (1988) to provide an avenue through which the public can participate in the decision making process regarding the environment in Manitoba. The Commission also provides advice and recommendations to the Minister and plays a role in the application of *The Contaminated Sites Remediation Act* and *The Drinking Water Safety Act*.

Commission membership includes a full-time Chairperson and part-time Commissioners appointed by Order-in-Council. Commissioners come from a wide variety of backgrounds and disciplines as well as different regions of the province.

The Commission may engage in the following activities to assist in environmental management.

Public Hearings

As part of the provincial environmental assessment process, the public is invited to submit comments and/or objections regarding a proposed project through the Public Registry. In response to valid concerns, the Minister of Conservation may request the Clean Environment Commission to convene a public hearing. During such a hearing the Commission receives representations from the project proponent, the general public-both supporters and opponents, and from various government departments. The Commission reviews the evidence and information presented at the hearing and prepares a report containing advice and recommendations for the Minister.

Upon receipt of the Commission's report, the Minister may choose to accept all or part of its recommendations but is under no legal obligation to do so. If, however the Commission's recommendations are not acted upon, or incorporated into the licence under review, written reasons must be provided by the Minister or the Department of Conservation and these must be filed in the Public Registry.

In addition to licensing matters, some environmental issues require public involvement before government policy can be developed. In these cases, the Minister of Conservation can request that the Commission convene a hearing to gather public opinion.

Manitoba Conservation has also signed onto a Canada-Manitoba Agreement on Environmental Assessment Cooperation with Environment Canada. As part of this agreement, regarding

projects where there is also federal jurisdiction, a process is set out respecting joint review. Commission hearings may be used as a source of information for the federal review or there may be a joint review panel formed for specific projects. Commission members would be part of these panels.

Investigations

The Environment Act allows the Commission to investigate any matter of environmental concern and to provide advice and recommendations to the Minister of Conservation.

Mediation

The Commission can provide mediation services to parties involved in an environmental management dispute. These activities are undertaken at the request of the Minister of Conservation. The Commission reports to the Minister regarding the outcome of any mediation exercises in which it becomes involved.



Rôle et responsabilités

Mandat

La Commission de protection de l'environnement a été établie en vertu de la *Loi sur l'environnement* (1988) afin d'offrir un moyen au public de participer au processus décisionnel en ce qui a trait à l'environnement au Manitoba. La Commission fournit aussi des conseils et des recommandations au ministre et joue un rôle dans l'application de la *Loi sur l'assainissement des lieux contaminés* et *Loi sur qualité de l'eau potable*.

La Commission est composée d'un président à plein temps et de commissaires à temps partiel nommés par décret. Les commissaires représentent des disciplines et des horizons différents et viennent aussi de différentes régions de la province.

La Commission peut entreprendre les activités suivantes afin d'aider à la gestion environnementale :

Audiences publiques

Dans le cadre du processus d'évaluation environnementale provinciale, on invite le public à présenter des commentaires ou des objections concernant un projet proposé par le truchement du registre public. En réponse à des préoccupations justifiées, le ministre de la Conservation peut demander à la Commission de protection de l'environnement d'organiser une audience publique. Pendant une telle audience, la Commission reçoit des observations du promoteur du projet, du grand public (partisans et opposants) et de divers ministères. La Commission examine les éléments de preuve et les renseignements présentés lors de l'audience et prépare un rapport contenant des conseils et des recommandations à l'intention du ministre.

Une fois qu'il a reçu le rapport de la Commission, le ministre peut choisir d'accepter une partie ou la totalité des recommandations, mais n'est nullement tenu de le faire en vertu de la loi. Cependant, si aucune mesure n'est prise suite aux recommandations de la Commission, ou si ces dernières ne sont pas incorporées dans la licence examinée, le ministre ou le ministère de la Conservation doit fournir des raisons écrites qui seront versées dans le registre public.

En plus des questions de licence, certaines considérations environnementales requièrent la participation du public avant qu'une politique gouvernementale puisse être élaborée. En pareil cas, le ministre de la Conservation peut demander à la Commission d'organiser une audience afin de recueillir l'opinion du public.

Conservation Manitoba a aussi signé une Entente Canada-Manitoba d'harmonisation de l'évaluation environnementale avec Environnement Canada. Dans le cadre de cette entente, lorsqu'un projet relève aussi du gouvernement fédéral, un processus est établi relativement à un examen conjoint. L'examen fédéral peut utiliser les audiences de la Commission comme source de renseignements, ou on peut créer un comité d'expertise conjoint pour des projets précis. Les membres de la Commission font alors partie de ces comités.

Enquêtes

La *Loi sur l'environnement* autorise la Commission à procéder à des enquêtes à l'égard de questions portant sur l'environnement et à fournir des conseils et des recommandations au ministre de la Conservation.

Médiation

La Commission peut fournir des services de médiation à des parties opposées dans un différend portant sur la gestion environnementale. Elle entreprend ces activités à la demande du ministre de la Conservation, puis lui rend compte des résultats de chaque médiation.



Message from the Chairperson

While the reporting year 2011-2012 was quiet on the hearing front, it marked the beginning of what promises to be a very busy period for the Commission.

As is noted elsewhere in this report, two matters, both relating to Manitoba Hydro, were referred to the Commission in the past year.

The first of these is in respect of Hydro's application for a Final Licence for its regulation of Lake Winnipeg. Since 1976, this program has been operating under an interim licence. The Commission has been asked to hold public hearings to gather public input and to report to the Minister of Conservation and Water Stewardship prior to the issuance of the final licence. Although a panel has been struck and preparatory work begun, we are unable to determine hearing dates until we have received further background information from Hydro. Hearings, when they do occur, will be held in a number of communities affected by the regulation of the lake. This will include those around both basins of the lake, as well as downstream of the outlet at the north end.

Later in the year, we received a second reference, this one in regard to the proposed Bipole III transmission project. Work is well under way in preparation for these hearings, which we anticipate will be held in the fall of 2012. Hearings will be held in a number of communities along the proposed path of the line.

In anticipation of these and other expected references, we have done extensive work in overhauling our procedural processes. This is described later in this report.

The Commission continues to monitor, and be pleased by, the ongoing implementation of recommendations from past reports. Late in the year, the government announced the implementation of one of the key recommendations of the 2007 report into *Environmental Sustainability and Hog Production in Manitoba*. This report contained a number of recommendations addressing environmental concerns, including the processes for reviewing and approving waste handling facilities. Many of these have been implemented, the most recent being a significantly revised process for approving permits for waste storage facilities.

In our 2009 report *An investigation into nutrient reduction and ammonia treatment at the City of Winnipeg's wastewater treatment facilities*, the Commission recommended that the province finalize the *Manitoba Water Quality Standards, Objectives and Guidelines*. This was also accomplished in 2011-2012.

There were a number of changes in Commission membership during this year. We welcomed new members: Brian Kaplan, Jim Shaw and Muriel Smith. And, said goodbye to some long-serving members: Margaret Allan, John Hreno, and Frank Young.

In the coming year, the Commission looks forward to continuing to play its role in ensuring the stewardship of Manitoba's environment.

Terry Sargeant

Message du président

L'exercice 2011-2012 a été calme sur le plan des audiences, mais il a marqué le début de ce qui promet d'être une période très chargée pour la Commission.

Comme il est indiqué ailleurs dans le présent rapport, la Commission a été saisie de deux dossiers au cours du dernier exercice, les deux se rapportant à Manitoba Hydro.

Le premier concernait la demande de licence définitive déposée par Manitoba Hydro pour la régularisation du lac Winnipeg. Depuis 1976, Manitoba Hydro exploite les installations liées à la régularisation du lac Winnipeg en vertu d'une licence provisoire. On a demandé à la Commission de tenir des audiences publiques afin de recueillir les commentaires du public, et de remettre un rapport au ministre de la Conservation et de la Gestion des ressources hydriques avant la délivrance de la licence définitive. La Commission a mis sur pied un comité et effectué des travaux préparatoires, mais nous ne serons pas en mesure de fixer les dates d'audience avant d'avoir reçu un complément d'information de la part de Manitoba Hydro. Lorsqu'elles se produiront, les audiences auront lieu dans un certain nombre de collectivités habitant les zones touchées par la régularisation du lac. Ces zones comprennent les deux bassins du lac ainsi que la partie en aval de l'ouvrage régulateur de sortie à l'extrémité nord du lac.

Plus tard au cours de l'exercice, la Commission a été saisie d'un deuxième dossier, relatif cette fois au projet de transport d'électricité Bipole III. Les travaux de préparation des audiences sur cette question progressent bien, et nous nous attendons à ce qu'elles aient lieu à l'automne 2012. Ces audiences se tiendront dans un certain nombre de collectivités situées le long de la ligne de transport proposée.

En prévision de ces renvois, et d'autres renvois attendus, nous avons profondément remanié nos procédures. Les modifications sont décrites plus loin dans le présent rapport.

La Commission continue de surveiller la mise en œuvre en cours de recommandations formulées dans des rapports antérieurs, et elle en est très satisfaite. À la fin de l'année, le gouvernement a annoncé la mise en œuvre d'une des recommandations clés du rapport de 2007 intitulé *Environmental Sustainability and Hog Production in Manitoba*. Ce rapport contenait un certain nombre de recommandations répondant à des préoccupations environnementales, y compris le processus d'examen et d'approbation des installations de manutention de déchets. Bon nombre de ces recommandations ont été mises en œuvre, le plus récemment à l'égard d'une révision approfondie du processus d'approbation de permis pour les installations d'entreposage de déchets.

Dans un rapport de 2009, intitulé *An investigation into nutrient reduction and ammonia treatment at the City of Winnipeg's wastewater treatment facilities*, la Commission recommandait à la province de mettre à jour les *Normes, objectifs et directives applicables à la qualité de l'eau au Manitoba*. Cela également a été réalisé au cours de l'exercice 2011-2012.

Il y a eu des changements au sein des membres de la Commission cette année. Nous avons souhaité la bienvenue à nos nouveaux membres: Brian Kaplan, Jim Shaw et Muriel Smith. Et nous avons fait nos adieux à quelques membres de longue date: Margaret Allan, John Hreno et Frank Young.

Au cours du prochain exercice, la Commission entend bien continuer à jouer son rôle, qui est de veiller à la gestion de l'environnement du Manitoba.

Terry Sargeant



Hearings

Lake Winnipeg Regulation

On July 5, 2011, the Minister of Conservation, at the request of the Minister of Water Stewardship, issued a reference to the Clean Environment Commission regarding the regulation of Lake Winnipeg under *The Water Power Act*. The Commission has been asked to review the application by Manitoba Hydro for a final licence for the project. The request included the following Terms of Reference:

1. Review the broader public policy rationale regarding the regulation of lake levels on Lake Winnipeg in effect at the time leading up to the issuance of the Interim Licence in 1970.
2. Hear evidence from Manitobans regarding the effects and impacts of Lake Winnipeg regulation since the project was put into commercial use by Manitoba Hydro on August 1, 1976.
3. Review the successes and failures of the implementation of those broader public policy goals that led up to the issuance of the Interim Licence and the construction and subsequent operation of the project.
4. Summarize and make comment on the concerns raised pertaining to the issuance of a final licence to Manitoba Hydro under *The Water Power Act* including but not limited to future monitoring and research that may be beneficial to the project and Lake Winnipeg.

Planning for this project began in 2011/12 and it was soon realized that additional information would be required to undertake a review that included the components set out in the Terms of Reference. The Commission has requested this additional information from Manitoba Hydro. Manitoba Hydro has indicated that it will take some time to compile the information in the format requested; any further activities regarding this hearing have been postponed until further information is available. The result will be reported on in a future annual report.

Bipole III Transmission Project

On December 5, 2011, the Minister of Conservation provided a reference to the Clean Environment Commission requesting that it conduct public hearings on the proposed Bipole III Transmission Project. The request included the following Terms of Reference:

1. To review and evaluate the Environmental Impact Statement (EIS) and proponent's public consultation summary;
2. To hold public hearings to provide an opportunity for the Commission to consider stakeholder and public input as part of their project assessment. The locations of hearings must include Winnipeg, but other locations also should be considered along the proposed route to allow easier access to those members of the public that do not live in Winnipeg but may be affected by the project; and
3. To prepare and file a report with the Minister of Conservation outlining the results of the Commission's review and providing recommendations for the Minister's consideration.

A panel has been appointed and preparatory work has begun. The results will be reported on in 2012/2013.

Investigations

No investigations took place in 2011-2012.

Other Activities

Administration

Commission staff spent time updating administrative and procedural practices. Some significant changes to administrative procedures included the preparation of a comprehensive Participant Assistance Package and an updating of Commission procedural documents. All documents are readily available to the public for use and review.

Professional Development and Training

Commission members and staff attended workshops and conferences that provided professional development in the area of tribunals and hearings, environmental assessments and current environmental topics and issues. Examples of the workshops and conferences included: 27th Annual Canadian Council on Administrative Tribunals Conference, Manitoba Council of Administrative Tribunals (MCAT) Sixth Annual Conference, Supreme Court Justice Rothstein

presentation, Manitoba Director Training and Board Development Program, Working with Aboriginal People, 29th Annual Red River Basin Land & Water International Summit Conference sponsored by the Red River Basin Commission and the 38th Aquatic Toxicity Workshop.

Communications

The previously updated website is a useful tool to the public, legislators and researchers. For those on the go, the Commission now has a mobile version of the website where current information and updates are readily available. Members of the public can also register to participate in a hearing directly from their mobile device. The Commission has a Facebook page where information updates are also provided.



Manitoba Clean Environment Commission Publications

Copies of all Commission reports are available from the Commission office upon request and are also available on the website www.cecmanitoba.ca.

Preliminary Report on Contamination of Underground Water Sources by Refined Petroleum Products (1975)

Report on the Investigation of the Pollution of Underground Water by Refined Petroleum Products (1975)

Report on the Investigation of Smoke Problems Encountered in Southern Manitoba in 1976 (1977)

Report on an Investigation of Intensive Livestock Production Operations in Manitoba (1979)

Report on a Proposal Concerning Surface Water Quality Objectives and Stream Classification for the Province of Manitoba (1979)

Report on a Proposal for the Classification of Manitoba's Surface Water Souris River Principal Watershed Division (1980)

Report on Red River Waters (Proposed Classification of Surface Water Quality In Manitoba's Red River Principal Watershed Division and Certain Red River Tributaries) (1980)

Report on Proposed Classification of Surface Water Quality in Manitoba's Grass-Burntwood Rivers Principal Watershed Division (1981)

Report on a Proposal for the Classification of Manitoba's Surface Water Red River Principal Watershed Division (1981)

Report on a Proposal for the Classification of Manitoba's Surface Water Grass-Burntwood Rivers Principal Watershed Division (1982)

Report on Mosquito Control Programs in Manitoba (1982)

Report on Environmental Land Use Conflict - Balmoral, Manitoba (1983)

Report on Hazardous and Special Wastes Stage 1 of Phase 1 of Program (1983 & 1984)

Report on the Review of the Plan for the Rehabilitation of the Site of the Domtar Inc. Former Wood Preserving Plant, Transcona, Manitoba (1984)

Report on Manitoba Hazardous Waste Management Program (Volume 1) (1987)

Report on Manitoba Hazardous Waste Management Program (Volume 2) (1987)

Report on the Draft Regulation Respecting Atmospheric Emissions of Sulphur Dioxide and Particulates From Inco Limited in Thompson and HBM & S Co. Limited in Flin Flon (1987)

Report on Investigation of Smoke Problems from Agricultural Crop Residue and Peatland Burning (1987)

Report on Netley Creek Golf Course Development Proposal (1988)

Report on Burns Rendering Plant, Brandon, Review of the Environment Department Licence Regulating the Operation of and Emissions from the Plant (1988)

Report on Village of Shoal Lake Sewage Lagoon Proposal (1988)

Report on Puffy Lake Gold Mine (1988)

Report on Bonne Homme Colony Farms, Rural Municipality of Westbourne (1988)

Report on Upland Colony Farms Sewage Lagoon System (1988)

Report on Precise-To-Form Castings Inc. Investment Casting Foundry Operation (1988)

Report on McCain Foods Limited, Portage la Prairie (1988)

Preliminary Report on a Proposal by Canamax Resources Inc. for the Development of a Potash Mine at Russell, Manitoba (1988)

Final Report on a Proposal by Canamax Resources Inc. for the Development of a Potash Mine at Russell, Manitoba (1989)

Report on Clearwater Lake Watershed Basin Surface Water Quality Classification (1989)

Report on Shell Prairie Inn and Gas Station Wastewater Treatment and Disposal System (1989)

Report on Westlake Regional Water Supply Proposal (1989)

Report on City of Portage la Prairie Sewage Sludge Disposal Project (1989)

Report on North Duck River Headwater Storage Project (1989)

Report on Town of Beausejour Sewage Lagoon Expansion (1989)

Report on COJEF Limited Burning Site (1989)

Report on Deago Properties Sewage Treatment Plant (1989)

Report on Rural Municipality of Rhineland/Town of Altona Liquid Waste Holding Ponds for C.S.P. Foods Ltd. (1989)

Report on Namew Lake Mine/Mill (1989)

Report on Provincial Road #340 Class 2 Highway Relocation Project (1989)

Report on Repap Manitoba Inc. Phase I Modification and Expansion of the Manfor Complex (1989)

Report on Norquay Holding Company Sewage Lagoon (1989)

Report on Airport Holding Co. Ltd. Domestic Wastewater Treatment Lagoon (1990)

Report on Rural Municipality of Portage la Prairie Liquid Waste Disposal Facility (1990)

Report on Highway Gardens Ltd. Variation to Licence #391 (1990)

Report on Whiteshell Colony Farms Ltd. Domestic Waste-water Treatment Lagoon (1990)

Report on Pelican Lake Enhancement Project (1990)

Report on Village of St. Claude Sewage Lagoon and Discharge Route (1990)

Report on Ducks Unlimited Canada Oak Hammock Marsh Conservation Centre/Office Proposal (1990)

Report on Meadow Materials (Dow Corning Silicon Energy Systems, Inc.) Pilot Plant (1990)

Report on Beausejour Auto Wrecking Continuing Operation (1991)

Report on Hudson Bay Mining & Smelting Co. Ltd. Namew Lake Mine/Mill - A Review (1991)

Report on Abitibi-Price Inc. FML #01 Forest Resource Management Plan 1991 - 1998 (1992)

Report on Application of Water Quality Objectives for the Watershed Classification of the Red and Assiniboine Rivers and Tributaries Within and Downstream of the City of Winnipeg (1992)

Report on General Scrap & Car Shredder Ltd. Review of Environment Act Licence 898VC (1992)

Report on Manitoba Hazardous Waste Management Corporation Central Hazardous Waste Management Facility Licence Application (1992)

Rapport Sur Les Audiences Publiques: Demande De Permis Relative À Un Centre de Gestion Des Déchets Dangereux Présentée Par La Corporation Manitobaine De Gestion Des Déchets Dangereux (1992)

Report on Good Hope Holding Company Ltd. Wastewater Treatment Lagoon, Rural Municipality of Portage la Prairie (1992)

Report on the Rural Municipality of Rhineland and The Town of Altona Regarding Ongoing Disposal Practices for Soap-stock and Bleaching Clay Generated by CanAmera Foods Ltd. (1992)

Report on Public Hearings: City of Winnipeg - Deacon Reservoir Expansion, Rural Municipality of Springfield (1993)

Report on Public Hearings: Village of Teulon - Wastewater Stabilization Pond and Pipeline, Rural Municipality of Rockwood (1994)

Report on Public Hearings: Pembina Valley Water Cooperative Inc. Regional Water Supply Proposal (1994)

Report on Public Hearings: Louisiana-Pacific Corporation Oriented Strand Board Plant, Rural Municipality of Minitonas (1994)

Report on Public Hearings: Asessippi Ski Hil Project, Rural Municipality of Shellmouth (1995)

Report on Public Hearings: Solid Waste Management - Capital Region (1995)

Rapport Sur Les Audiences Publiques: Concernant La Gestion Des Déchets Solides Dans La Région De La Capitale (1995)

Report on Public Hearings: Browning Ferris Industries (BFI) Waste Systems Inc. Integrated Waste Management Facility, Rural Municipality of Rosser (1995)

Report on Public Hearings: Louisiana-Pacific Canada Ltd. Ten Year Forest Management Plan 1996-2005 (1996)

Report on Public Hearings: Tolko Manitoba Inc. - Forest Management Plan 1997-2009 (1997)

Report on Public Hearings: Town of Carman Abatement Project – Linear Grain Inc. – Anhydrous Ammonia Storage Tank Relocation (1999)

Manitoba and Climate Change: A Primer (2001)

Workshop Report: Review of Electric and Magnetic Fields (EMFs) (2001)

Report on Public Hearings: Simplot Canada Ltd. Potato Processing Plant, Portage la Prairie/City of Portage la Prairie Water Pollution Control Facility (2002)

Report to the Government of Manitoba on Public Meetings: Flood Protection Options for the City of Winnipeg (2002)

Rapport au gouvernement du Manitoba sur les audiences publiques relatives aux solutions en matière de protection contre les inondations pour la ville de Winnipeg (2002)

Report to the Minister of Conservation on Public Meetings: Draft Environmental Impact Statement Guidelines for the Wuskwatim Generation and Transmission Projects (2002)

Interim Report on Public Hearings: City of Winnipeg Wastewater Collection and Treatment Systems – “Sewage Spill” (2003)

Better Treatment – “Taking Action to Improve Water Quality”. Report on Public Hearing: City of Winnipeg Wastewater Collection and Treatment System (2003)

Report on Public Hearings: City of Brandon Industrial Wastewater Treatment Facility Expansion and Maple Leaf Foods Inc. Hog Processing Plant Alteration (2003)

Report on Public Hearings: Rural Municipality of Brokenhead (Garson, Tyndall, and Henryville) Water/Sewer Infrastructure Project (2003)

Report on Public Hearings: Wuskwatim Generation and Transmission Projects (2004)

Summary of Public Hearing: Wuskwatim Generation and Transmission Projects (2004) (also available in Cree)

Report on Public Hearing: Red River Floodway Expansion (2005)

Participate in an Environmental Hearing. (2005) Brochure

Report on Public Hearing: Pembina Valley Water Cooperative, Supplemental Groundwater Supply System (2007)

Environmental Sustainability and Hog Production in Manitoba (2007)

An investigation into nutrient reduction and ammonia treatment at the City of Winnipeg’s wastewater treatment facilities (2009)

An investigation into changes requested to Louisiana-Pacific Environment Act Licence (2010)

Supplement to an investigation into nutrient reduction and ammonia treatment at the City of Winnipeg's wastewater treatment facilities (2011)

