9TH **ANNUAL** INTERNATIONAL LEGISLATORS **FORUM**

MANITOBA | MINNESOTA | NORTH DAKOTA | SOUTH DAKOTA

GIMLI MANITOBA • **JUNE** 24-26 **2009**

FRONT ROW (left to right): Representative Val Rausch-SD, Representative Lois Delmore-ND, Ms. Mavis Taillieu-MB, Ms. Jennifer Howard-MB, Honourable RosannWowchuk-MB

SECOND ROW: Representative Paul Dennert-SD, Senator Tom Hanson-SD, Senator Jim Peterson-SD, Senator Rich Wardner-ND, Mr. Ralph Eichler-MB

THIRD ROW: Senator Rod Skoe-MN, Mr. Larry Maguire-MB, Representative Morrie Lanning-MN, Senator Gary Hanson-SD, Senator Arden Anderson-ND, Senator Dan Skogen-MN, Representative Dennis Johnson-ND

FOURTH ROW: Senator Tom Fiebiger-ND, Senator Tom Saxhaug-MN, Mr. Greg Dewar-MB, Mr. Peter Bjornson-MB, Representative David Monson-ND

LEGISLATORS FORUM STEERING COMMITTEE

The Steering Committee, appointed to continue activity between annual meetings, is composed of legislators from each of the four jurisdictions. Members are:

- **Manitoba:** Honourable Rosann Wowchuk and Ms. Mavis Taillieu
- **Minnesota:** Senator Tom Saxhaug and Representative Morrie Lanning
- **North Dakota:** Senator Tom Fischer and Representative Lois Delmore
- **South Dakota:** Senator Gary Hanson and Representative Carol Pitts.

2009 LEGISLATORS FORUM ATTENDEES

MANITOBA
- Honourable Rosann Wowchuk
- Ms. Mavis Taillieu
- Mr. Larry Maguire
- Mr. Rob Altemeyer
- Mr. Ralph Eichler
- Ms. Jennifer Howard
- The Honourable Bill Blaikie
- Mr. Peter Bjornson
- Mr. Greg Dewar

MINNESOTA
- Representative Morrie Lanning
- Senator Tom Saxhaug
- Representative Lyle Koenen
- Representative Mary Ellen Otremba
- Senator Dan Skogen
- Senator Rod Skoe

NORTH DAKOTA
- Representative Lois Delmore
- Senator Arden Anderson
- Senator Tom Fiebiger
- Representative Dennis Johnson
- Representative David Monson
- Senator Rich Wardner
- Representative Tracy Boe
- Representative Dennis Johnson

SOUTH DAKOTA
- Senator Gary Hanson
- Representative Paul Dennert
- Representative Val Rausch
- Senator Tom Hanson
- Senator Jim Peterson

The ninth annual meeting of the Legislators Forum began with a reception at the Lakeview Resort in Gimli Manitoba on Wednesday, June 24, 2009. There to greet delegates, presenters, spouses, and staff were co-hosts of this year's meeting, Manitoba Deputy Premier Rosann Wowchuk and Ms. Mavis Taillieu. They also introduced Gimli Mayor, Her Worship Tammy Axelsson. The formal portion of the meeting began on Thursday, June 25. Following self-introductions of delegates, each of the panelists gave presentations and engaged in a question and answer period with the delegates. After their sessions on Thursday, delegates and presenters had the opportunity to board the research vessel Namao, which demonstrated the kind of research the ship is doing on water quality issues on Lake Winnipeg.

SPECIAL GUEST SPEAKERS INCLUDED:
- Martin Loken, Canadian Consul General in Minneapolis
- Mary Speer, US Consul, and Principal Officer, Manitoba
- George Sinner, Former Governor of North Dakota,
- Roger Moe, Former Minnesota Senate Majority Leader
- Jim Eldridge, Special Advisor to the Manitoba Government
- Honourable Stan Strothers, Manitoba Minister of Conservation

THE DELEGATES TO THE NINTH ANNUAL INTERNATIONAL LEGISLATORS FORUM GRATEFULLY ACKNOWLEDGE THE SUPPORT OF THE FOLLOWING SPONSORS:
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9TH **ANNUAL** INTERNATIONAL LEGISLATORS **FORUM**

GIMLI MANITOBA • JUNE 24-26 2009

Theme: Working Together to Make This Region Self-Sufficient and a Model to the World of Clean and Abundant Water and Energy

THURSDAY, **JUNE 25**

SESSION 1: The Red River Basin: The Big Picture and a Flood Update

Dr. Rhonda McDougal (rhonda.mcdougal@gov.mb.ca)**, Director, Manitoba Water Stewardship**, moderated the panel.

Dr. Harvey Thorleifson (thorleif@umn.edu)**, Director, Minnesota Geological Survey**, gave the first presentation on "The Red River Valley and the Lake Winnipeg Basin: The Regional and Long-term View." He noted that the ultimate goal should be to optimize the quality of life in this region. Water issues impact all of us. In addition to affecting our health and wealth—e.g., hydropower, agriculture, tourism — water is also significant to our heritage and essential for our security. There are interconnections throughout the region, including between the Mississippi River, the Red River, Lake Winnipeg and Hudson Bay. We need to understand that we are all interconnected and all have a role in the future of our water supply.

There are hydrological cycles, climate change and economic issues at play. While it is easier to study surface water on a map, now that the Light Detection And Ranging (LIDAR) project in the Red River Valley has been completed, groundwater research is more of a challenge, and we need to protect areas that recharge groundwater. We also need ongoing research, like that done by the Namao, or we are blind to water quality issues. The Namao has added to our geological database and continues to add to our understanding of the chemistry of the water, its flow and its levels. Through such observations, we can make predictions.

We need to do better job of forecasting. It is critical to all phases of life and our economy to be able to forecast future scenarios. For example, they have done some of that in the Fargo-Moorhead area, where 3D mapping of the Buffalo aquifer has been used to protect drinking water. In Minnesota, we are creating the County Geological Atlas Program, which will also have impressive capabilities.

Obviously, we need enough water, and sometimes we have too little, other times too much. We need to forecast better so that we can better control water. Lake Winnipeg has significant shoreline erosion. It is naturally expanding as the result of previous ice ages. The ground is naturally expanding, springing back from the weight of glaciers over a 20,000-year period. Landowners want proof of these changes, so we need a massive expansion of data sites. Dr. Thorliefson noted that the father of Martin Loken, Canadian Consul General in Minneapolis, gave us the story of the Ice Age, and that has helped in our understanding. We do not know what the impact of human activities has been and will be. Is Red River flooding simply natural or due to wetland drainage and other human activities? Every century has seen its silt spikes. We know that flooding can be mitigated, but floods are natural events as well. So, we all need to work together, with the best data possible, to optimize the quality of life for all people in our jurisdictions.

The present Namao study, which deals with Lake Winnipeg sediment cores, is one part of the geosciences flood research program that includes research on effluvial processes, landscape modification, uplift, climate, and stratography of alluvial and floodplain lake cores. Examination of Lake Winnipeg cores and floodplain lake cores lead to spinoff research that has provided information on 20th century change—for example, eutrophication of the Lake.

Don Brennan (don.brennan@gov.mb.ca)**, Executive Director, MB Emergency Measures Organization**, gave a "Brief Summary of the 2009 Spring Flood and Lessons Learned." He said that the Red River Valley landscape is the enemy, with its flatness and lack of topographical features. Because the landscape is so flat, the Red River has actually expanded as far as 20 kilometers in Manitoba. Current concerns began with the flooding in 1950, when 10,000 homes were flooded and 100,000 people were evacuated. The water stayed at flood level for 51 days, and damages were estimated at $125 million ($1 billion in today's dollars). By reviewing past floods, we can address future flooding in many ways. We have learned to coordinate what we can control of the Red and Assiniboine Rivers so that the floodwaters do not meet at The Forks at the same time.

The floodway, which cost $63 million to build around Winnipeg, was built from 1962 to 1968. An astronomical amount of work has been done since the 1997 flood, which nearly swamped Winnipeg and cost an estimated $40 million in damages. Canada and Manitoba disaster financial assistance was provided for flood damage restoration, and Canada and Manitoba provided $110 million to mitigate against future floods in the Red River Valley, including building 14 community ring dikes and assistance to over 1,700 homes. Floodway expansion was begun in 2005 and consisted of widening, not deepening. It increased the flow capacity from 1,700 to 4,000 cms. Because of that work, done without any major life disruptions, there was no significant flooding of homes or other buildings and no loss of life during the 2009 flooding, and only 2 communities were evacuated.

"Mitigation" shouts at us, and needs to be done everywhere. All municipalities in Manitoba are required by law to have emergency plans, including flooding. Manitoba is the first jurisdiction in North America with separate statutory authority for the pre-disaster period. Its Emergency Measures Act enables municipalities to issue an emergency prevention order to allow measures to be taken to prevent an emergency from occurring or to reduce the impact of an emergency. As a result, there were few calls for assistance from communities along the Red during the 2009 flooding. Key elements, in addition to the floodway expansion, were the purchase of additional equipment, planning exercises, communications and teamwork. Manitoba has the support of all levels of government to combat floods.

Delegates commented and asked the panelists questions, and they responded *(Throughout this meeting summary, questions and comments of delegates are italicized, and comments and answers of presenters are in standard type.)*

What is the best estimate of long-term flooding in the Valley?

When the floodway needs to be used, it should be fine, but there are some concerns for the areas south of Winnipeg. No mater what we do, nature can make it more complicated. Complacency is the enemy. All communities need to be alert and revved up every spring. The past is prologue, and we can now recognize the past in greater detail. We have affected many aspects of our landscape to combat floods, but what impact will climate change have on future floods and drought? We need to continue to learn from our experiences and prepare with additional protection.

We need to emphasize the need for better forecasting and scientific efforts. Canadians relied on the US for accurate flood forecasts, but this year, those

forecasts were off the mark and were amended several times. Given the importance of accurate forecasting, to what extent is there coordination and cooperation between the various individuals, agencies and groups? Can forecasting improve with coordination?

We need the best possible capability, and there is always room for improvement. Those at this meeting should examine how to improve forecasting. Manitoba works closely with US forecasters, but MB picked up on the errors in the US and did better this year. We rely on the US to provide the snow depth information, and that involves a great team approach.

Policy makers need to encourage and direct cooperation on forecasting. I am greatly concerned about the issues related to the last flood. I was in Morris during this last event ("flood of inconvenience" or "high water event") and ones we have almost every other year. This year's flood was first forecast as a "nuisance," and the Mayor of Morris decided just the night before the water rose to close the dike. How do we adequately forecast? The early-on signs were that it would not be too bad, and then, suddenly, it was a major event.

There actually was not a sudden change. The water literally "swarmed" the Red River basin, and most communities knew 36 hours in advance of when they should close the dikes.

Perhaps they did know, but 36 hours is still a very short time compared to days or even weeks. Weeks before the flood, people felt it was not going to be significant. Then, it became a much bigger event.

We need to keep working on coordination and cooperation, but forecasting is often a guess, and Mother Nature can always "screw us up." In 36 hours, the weather can change enough to throw things off. Then, the ice jams happened as well. Climate change will bring about larger and more rapid shifts in weather and will make forecasting even more difficult.

What are we doing with regard to coordinating all the efforts on the Red River? I am not sure it can be left to the Army Corps of Engineers. Are we coordinating efforts, and do we have long-term plans?

That is the focus. We work together, learn from our experiences and move ahead. We built on '50, '97 and now '09 floods. What do we need to do? How can we work better together? It is essential. Research is critical. We now have sufficient research relative to Fargo-Moorhead and know what can happen. Research helps to explain it. But the public gets bad information and develops ideas based on that information, and positions can become polarized. Having accurate science helps keep things on a firmer footing. More can be done, but we have enough data and research right now to realize what we need to work on. The importance of teamwork has been recognized in the past. We need to work together, support each other, share data, equipment, information and technology.

I am interested in knowing more about the ground "bouncing" or "springing" back from the glaciers.

In Canada, we had more ice and ice jams this past year. Will that contribute to future flooding, and, if Lake Winnipeg is rising, why is it not draining south?

A glacier is like a giant pancake that shrinks slowly and the land "springs back" slowly. And ice spreads across the area up to 5 kilometers thick during the winter. Hudson Bay is rising, and the uplift is greatest in the north because of the amount of ice, but there is zero uplift in the south. When there is an excess of water, the north portion of the Lake rises, and the south Lake lowers. Hudson Bay is rising about 1 meter per century. The uplift has made flooding more significant in the full context, but it would be worse in the Red River Valley if the uplift were occurring in the south end of Lake Winnipeg. It is central to have such a long-term understanding so that we know the likely future impacts.

A lot of work in our area paid off, and the forecasting was helpful. When looking at solutions in the Red River Valley, we need to include related ideas and options and the potential of diversion to other areas. We may need to look at other structures that can be used on the west side of the Red River, for example. There are lessons to be learned on how to hold water at particular times on the James and Sheyenne Rivers, etc. Holdback efforts have helped. And what about the ring dike at Winnipeg?

The "Zed" ring dike is a miracle. It is covering the backdoor into Winnipeg, but it is all the mitigation efforts that need to fit together. I am talking about the entire Province of Manitoba. We need to protect flood-prone areas and protect other communities and people. It is a major and long-term project.

Engineering is a lot of it, and the public focus seems to be on a Red River floodway. But, we must remember that flooding is natural and will happen. We need to recognize that and not be looking for whom to blame. I stress natural and nature, but we also do not want people to think that we cannot engineer to mitigate the impact of flooding—look at Winnipeg. We need to maintain the balance.

You noted that 24% of Manitobans depend on groundwater. Salt is moving closer to Lake Manitoba. Why? Can it be stopped and groundwater quality improved?

We need to focus on a full range of issues. Groundwater quality needs to be maintained. Water is recharged in Montana and South Dakota, interacts with oil and minerals, rises and moves over to Lake Winnipeg. The Red River Valley seals the ground water with Lake Agassiz clay, but it rises north to Lake Winnipeg. The current salt-water situation is basically stable. The slide I showed was a scenario of the saltier water moving closer to Lake Manitoba and is an illustration of what might happen with a long drought due to a climate change situation. We could engineer for it, but if we shift to a drying climate, the water could move laterally. The slide shows what could happen, and we need to think about what to do if that does take place. Most ground water management takes place on the local scale. A lot of water is down there, but the groundwater level is critical to protecting wetlands. We can only draw a little before it affects wetlands.

I see many realities that are counter-intuitive. The rising land issue has helped clear that up. I do not know how much of the floodway was being used in this year's flood. Was it being saved for a worse flood situation? It did not meet the expectations of many people.

The floodway was used, but we did not need to use the expansion for this year's flood. The previously existing floodway could have handled this year's flood. Expansion is intended to handle even bigger floods. It will keep things constant so the effect will not be noticeable. Ice caused more problems than anything this year.

The southern part of the Red River Valley is not doing much rising, but how soon before Gimli's feet are wet? Will Lake Winnipeg and Lake Manitoba meet up?

Gimli will be all right as a result of engineering. Lake Winnipeg will expand to the south, as is Lake Manitoba. In 10,000 years, Lake Winnipeg may drain to the Mississippi River, and Hudson Bay may disappear. A few centuries from now, the Nelson River may have to be dredged to protect Gimli and the areas around the Lake.

You noted that ice was a problem this year. Isn't ice a problem all the time?

It was very extreme this year. It was so deep and in so many places. We simply could not keep up with it. It tore houses to pieces and gouged the banks. There were life-threatening situations. It happened because of the convergence of water and weather. We need to keep working on new ways to break it up.

We also need to be aware of the Devils Lake situation. The Lake has risen 30 feet in 15 years. It is 8 feet from a natural spillway. It has risen 3.5 feet since March. It has moved from covering 44,000 acres to covering 150,000 acres. What should we be doing?

It is an extremely difficult situation, especially for people who live near the Lake. Devils Lake is right on the line where lakes to the east overflow and lakes to the west are governed by evaporation. It was built during a period when the water levels were low. It has no natural outlets now and fluctuates in response to climate changes. In the past, it has drained naturally into the Sheyenne, then the Red River. These interconnections cause the risk of biota transfer, like zebra mussels, fish diseases and other unanticipated transfers. These are difficult situations that pit the benefits of water level reduction against the risk of biota transfer. And what are the Fargo-Moorhead plans relative to the Missouri River water?

But, have any biota of concern been identified?

Most concerns are about potential transfers of which we are not aware. How do we weigh those risks?

However, the water may simply go uncontrolled into the Red River if the lake rises much more.

With natural processes as a backdrop, if we focus on human issues, what have we done to the landscape? What has been done that has helped, and what should be addressed to make improvements? Ditches, roads, modifications of land cover have had positive and negative impacts. A lot has been trial and error, trying to determine what works and what does not. LIDAR technology will help a great deal. We will be able to model local flooding. We need to have a broad focus to determine what balances between natural actions and the effect of human activities. Manitoba was ahead of the curve relative to the development of LIDAR, but now, the Red River Valley on the US side is done.

MN and ND have a major decision to make with regard to the Fargo-Moorhead area. We know what engineers can do, but the concern is long range. How high might the river get? At what point do flood mitigation alternatives become impractical? Do you have any advice?

I have great faith in engineers, although forecasts may not be correct all the time.The Fargo-Moorhead area is high in the watershed, and, although there will always be uncertainty, engineers should be able to establish predictions and plan on that basis. We need to plan logically for the absolute worst-case scenarios, for most floods, to address heavy snow packs and ice. We must have ways to protect urban areas that can sustain more damage than rural areas. The Grand Forks model seems to be effective. There are many mitigating factors, so we cannot even predict worst-case scenarios, but can get a good idea. We must anticipate what can happen, because the weather is changing. There will always be risks. We have to balance between permanent and temporary solutions and the disruptions that they cause.

SESSION 2: The Red River Basin: Research, Programs and Policy for Water

Dr. Rhonda McDougal again moderated this session and presented as well.

Dr. Al Kristofferson (coordinator@lakewinnipegresearch.org)**, Managing Director, Lake Winnipeg Research Consortium, Inc.**, working with Robert Christenson, a fisherman of 60 years, presented on the nutrient load on Lake Winnipeg and evidence of ecosystem impairment. He noted that, in 2006, Lake Winnipeg experienced the largest algal bloom ever seen on the Lake. He noted that algae clogged fishermen's nets and that the blooms occurred under the ice as well. Algal blooms were not a problem in the past, but they are common now. The Namao is tracking the growth and doing research on the causes and potential prevention.

The Lake Winnipeg Research Consortium is a collaborative effort at researching the Lake. Its mission is to facilitate multi-disciplinary, scientific research (field work/science workshops) and educational/outreach opportunities on Lake Winnipeg; to expedite information exchange and foster cooperation among all stakeholders; and to provide a dedicated and capable research vessel, the Namao. It has an extensive science team and an extensive system in place to track and gather data, including sampling by helicopters and snowmobiles, as well as the Namao. They monitor 65 stations in the spring, summer and fall for physical parameters, chemical parameters and biological communities. Manitoba Water Stewardship and Environment Canada are doing research on many different variables. They see algae die and sink to the bottom of the Lake and decompose, covering the bottom of the Lake and blocking other organisms from securing food. The surface water is oxygen saturated, but water at depth does not allow the oxygen to mix and, therefore, it becomes hypoxic.

While commercial fisheries are doing well now, with eutrophication of the Lake due to increasing phosphorus, chlorophyll-a, nitrogen, nutrients, turbidity and carbon deposition, that will change. Currently, Lake Winnipeg is the largest walleye fishery in North America. However, the biodiversity of the Lake since 1969 has declined precipitously, and that is likely to decimate the fishing industry unless something is done to prevent it. There are generally different responses by different fish to eutrophication. We suspect that white fish numbers are now decreasing, but some species are doing wonderfully right now. Initially, all respond positively to increase in nutrients, but that changes as eutrophication increases. The research being done allows for predicting, developing a model for what is likely to happen unless changes are made and for planning.

Bill Barlow (wilbar@mts.net) **Chair of the Lake Winnipeg Stewardship Board**, presented on "Reducing Nutrient Loading to Lake Winnipeg and its Watershed." He reported that 26% of the water flowing into Lake Winnipeg comes from the Saskatchewan River Basin, a regulated source of higher quality water; 45% comes from the Winnipeg River Basin, also higher quality. However, 11% of the water flows from the Red River Basin, an unregulated source of poor quality water. He noted that the message Lake Winnipeg is sending us (through the existence of its algae blooms) is that we need to move quickly to address the primarily human-caused sources of pollution. The theme is that there are 4 states and 4 provinces and about 6.5 million people contributing to the pollution problem from many small sources, not just a number of large sources. There is broad consensus on the Lake Winnipeg Stewardship Board about the need for action. It produced a report in 2006, and, since that time, other reports and updates have been produced, all indicating the need for action.

The Executive Summary of that report concludes: "Timely action is needed for all of the recommendations in this report. A broad-ranged, collective movement toward achieving our common goal is essential. The public must be made aware of the issues facing Lake Winnipeg and the watershed, and be provided with information so it may make informed choices concerning its actions. Gaps in scientific knowledge must be filled, but this must not delay the implementation of the plan, since there is enough information and experience at hand to begin the task. Upstream jurisdictions in the watershed must be brought into the effort, and Manitoba must lead by example."

Ms. Julie Klocker (julie.klocker@state.mn.us)**, Assistant Director, Minnesota Board of Water and Soil Resources,** presented on "Minnesota's Approach to Integrating Watershed Management." She noted that local, state and federal levels of government are involved in water resource management and protection and, because of that, it is difficult to develop a unified watershed approach; but that, at the local level, planning is done on a watershed basis. She also noted the significant levels of pollution contributed to Lake Winnipeg from US sources into the Red River. She explained the Red River Management Mediation Agreement, which resulted from concerns about cumulative water quality impacts. The Agreement established targets for flood reduction and water resource enhancements, provided for hydrologic models and established a project team approach.

Citizens Advisory Committees, consisting of local decision makers, landowners and special interests, identify issues, set priorities and bring a social reality perspective. Technical Advisory Committees, consisting of local, state and federal agency personnel quantify and support issues and help address environmental concerns. The comprehensive watershed approach improves efficiency of the Project Team process that identifies "desired future conditions" and project alternatives that are socially, economically, and environmentally acceptable (achieve a balance). Participating parties have a continued dedication to implementation. They build a common understanding about the nature, extent, and severity of the problem and the desired future

condition and provide guidance as to how to get there. They identify who is willing to do what. They lead or support. The plan provides a description of the watershed, its topography, land use, economy, and unique features. It identifies issue and need areas, with public input, and is data- supported. The plan identifies causes of problem area(s) (if possible), prioritizes those areas, sets goals, develops a balanced list of alternatives, and develops an evaluation process.

The outcome is not only a document but also a process that builds an understanding of and appreciation for all perspectives, builds ownership by those involved, and develops a guidebook of acceptable alternatives in the various priority areas for consideration by the local project team. There is also coordination with other Red River planning efforts through: comprehensive local water planning, soil and water conservation district comprehensive plans; county land use planning and zoning; and state, regional and federal agency planning.

A Watershed District's decision to use the Project Team Process often depends on whether it is a large, complex, or controversial issue. Team members are brought on by invitation only, and the team is advisory to the Watershed District. Julie gave examples of several projects and summarized that the process results in planning and community engagement on targeted projects, provides natural resource enhancement and flood control, broad scale, multi-layered implementation and opportunity-driven funding support. Funding comes from a variety of sources, including tax levies, grants, clean water funding and federal programs. This sets up a comprehensive water management process, including a citizens' advisory committee and a technical advisory committee and requires mediation, which is a "really cool" process. The planning is extensive, but implementation on the ground is "where it's at."

Dr. Rhonda McDougal (rhonda.mcdougal@gov.mb.ca)**, Director, Manitoba Water Stewardship (also on behalf of Leloni Scott, Director, Agri-Environment Services, Manitoba Agriculture, Food and Rural Initiatives and Mr. Craig Brumbaugh, Riparian Project Coordinator, North Dakota)** presented "Integrated Watershed Management Approaches in Manitoba and North Dakota."

Rhonda began by noting that what happens upstream affects what happens downstream, so it is essential to use a watershed management approach, including integrated watershed management planning, groundwater and aquifer management planning, wetland restoration and agri-environmental programs. There is a clear connectivity between: water quality and quantity, human activity, agricultural land-use practices and urban and rural development plans. Therefore, what is necessary is a planning process to facilitate a better understanding of the impacts of human activity on the watershed and to outline a framework to make decisions about water and land use within the watershed.

In Manitoba, there is shared watershed governance**.** The stakeholders are: the Provincial Government and Manitoba Conservation Districts, Municipal Councils and First Nations' governments, federal departments, non-governmental organizations and other basin and watershed groups, local watershed stakeholders and communities. They want to coordinate their actions because there are similar needs to prepare for climate change and increasingly complex environmental challenges. They need to avoid competing adverse-effect policies, and they need to pool resources and expertise because they all have capacity issues, and create synergies from bringing differing perspectives to the same table. By working together, they streamline and coordinate research, monitoring and program delivery. Communication reduces redundancy and duplication. It provides an integrated context for land-use, drainage, irrigation, and water allocation decisions; identifies and supports practices to counteract impacts of drought, flooding and variable water supply; prioritizes limited resources for focused program delivery; provides a baseline on the health of the watershed, and improves watershed health and community capacity, providing resilience to address climate change issues.Ground water management planning is done to monitor, evaluate and manage groundwater and aquifer resources to ensure sustainable development, allocation and protection.

The Wetland Restoration Incentive Program (WRIP) works with landowners to permanently restore drained wetlands. Landowners receive a one-time payment for a perpetual conservation agreement and a one-time ecological goods and services payment for wetland restoration on those lands. They utilize a three-pronged approach:

- Producer incentives for wetland restoration,
- Research on the carbon sequestration capabilities of restored wetlands, and
- Ecological goods and services price discovery.

It is a $2.3 million program until 2012. Delivery partners are Manitoba Habitat Heritage Corporation and Ducks Unlimited Canada working with Manitoba Water Stewardship.

There are several agri-environmental issues of concern in Manitoba, with water quality and climate change identified as priorities. A three-pronged approach assists agriculture producers to improve environmental performance:

- Assessing environmental risks on farms through Environmental Farm Planning (EFP),
- Taking action on farms through Beneficial Management Practices (BMPs) and incentives, and
- Investment in environmental information to assist decision-making.

Beneficial management practices (BMPs) provide multiple benefits to air, water, soil, and biodiversity. Such practices include:

- Improved manure storage and handling,
- Manure and wastewater treatment,
- Farmyard runoff control,
- Relocation of livestock confinement and horticultural facilities,
- Wintering site management,
- Enhancing riparian and agro-ecosystem health, and
- Improved cropping systems.

Nutrient management planning also utilizes a three-pronged approach:

- Producer incentives for beneficial management practices (BMPs) to reduce greenhouse gas emission;
- Strategic investment in research and development; and
- Extension activities.

This is a $9.2 million program until 2012, with a short list of BMPs currently being finalized.

Environmental health and sustainability is emerging as a key driver of economic competitiveness. Long-term economic stability requires a long-term, comprehensive approach to sustainability. Climate change is our single greatest sustainability challenge. Adopting a sustainable approach requires shared governance, and all citizens need to engage.

THE NORTH DAKOTA EXPERIENCE

Recent studies have indicated that up to 80% of sediment and phosphorus loading into the river comes from riverbank erosion. Riparian forests in the Red River basin have been hit hard by a combination of Dutch elm disease and over 15 years of extensive spring and summer floods. Consequently, there is a lack of adequate riparian vegetation protecting stream-banks from severe flood events, resulting in severe erosion and water quality issues.

The Red River Basin Riparian Project, led by the North Dakota Forest Service and the Red River Resource Conservation and Development Council, was created to restore degraded riparian areas throughout the Red River basin. Five Watershed Committees have been established to direct riparian restoration planning in targeted watersheds and river reaches. Committees represent Water Resource Districts, Soil Conservation Districts, County Commissions, the North Dakota Forest Service, the Natural Resources Conservation Service and Extension. The primary goal of the project is to provide technical and financial assistance for riparian restoration to landowners, communities, water resource districts and soil conservation districts within targeted, high priority watersheds in North Dakota. They are developing 90 riparian plans outlining restoration recommendations, coordinating approval of cost-sharing practices and implementing riparian restoration on 75 miles of river, as

well as developing new riparian range/forest management recommendations. Through this project, landowners are provided with effective riparian forest management planning to protect and sustain proper functioning condition and long-term measurable improvements in river system health. In addition, there are significant benefits to the health of downstream watersheds, including Lake Winnipeg, through the reduction in sediment and phosphorus loading to the river.

In summary, in all four jurisdictions, interagency teams with forestry, conservation, hydrology, water, range, and engineering expertise are needed for complex restoration practices. Resources, in the form of time and funding, are necessary to support progress. Appropriate legislative policies are also needed. Data and geospatial capacity are needed, as is planning and coordinating between jurisdictions. Implementation of these team efforts will also depend on resources, community participation, and sustained actions.

How has the multi-organization approach worked in Minnesota?

It depends. Locally, we find good attendance and participation on everything. That may be based on rapport and relationships. And the state agencies do well. The federal level is more difficult.

Has the Project Team process helped to move things forward—e.g., have there been fewer lawsuits?

The Water Districts have to set priorities very carefully since only the most complicated projects identify Project Teams, and they must evaluate alternatives and have a tremendous responsibility relative to permitting. The teams make final recommendations to watershed boards and continue their work to help provide oversight and input through implementation. There has been a lot of involvement and commitment at the local level.

Instead of open inlets, are covered inlets a better filtering system relative to farm fertilizer and land erosion?

That is being studied at this time. It relates a great deal to the ease of the system. Controlled drains are being used in places, but what they have found is that it depends more on the intake. Gravel does not do much. If an inlet can be raised by adding filtering media, it improves significantly, as does the amount of time the water is filtered underground. These are all voluntary programs, so it must be easy for farmers to do them—convenience is key.

Are Watershed District mandates tied together and are there consistencies throughout?

In Manitoba, the overarching mandate is water protection, and all plans focus on where the water eventually ends up—e.g., Lake Winnipeg. Also, the process is designed to help local watersheds realize that they have equal impacts. Watershed plans are different based on local needs and differences. Plans are tailored to address water quality issues in the local district with impact on downstream situation.

Minnesota "mandates" are set by the State, but, essentially, they are voluntary. In order to get funding, water quality goals must be developed. Although the focus is primarily on floods, there have been positive impacts on water quality, even though the efforts have been directed to other areas. "Alternative intake controls," for example, were developed to control drainage, but they provide water quality benefits as well.

Are any of you aware of a pilot project to address Lake Winnipeg issues—e.g., to recapture excess nutrients? Do any of you have advice on phosphates, as in phosphate oil? I understand there is limited availability worldwide.

There are studies about biofuels based on algae. Algae appear to be an efficient source of biofuels. Algae in the water body, for example, are charging some monitoring equipment. There is also research on harvesting of cattails and their use for biomass. It is common in Europe. But cattails serve as good filtering material, so removing them can affect the wetlands. Commercial harvesting could have seriously negative impacts. Ciano-bacteria in algae can be converted into biofuels, but I am not convinced that it could be economically feasible. Harvesting enough to make the venture economically viable in Lake Winnipeg is unlikely because the lake is too large. Also, phosphates come from rocks. By allowing phosphates to flow into Lake Winnipeg, we have put them in a position where they really cannot be recovered again. Again, it would be technically and economically difficult to do this in large lakes like Lake Winnipeg.

Whether we are talking flooding, quality, or quantity, the issue is integrated water management planning. Many players in all jurisdictions need to be involved. Another key is that we need venues for local participation in whatever the issues must be. We need to focus planning on a watersheds and basins approach. Only 1 of 9 basins is partially organized in Minnesota, which has 81 major watersheds, with only 1/3 of them organized. As policymakers, we need to focus on watersheds and basins, with all the players at the table.

The "planning" part of integrated watershed management is a relatively new phenomenon. We are coming to the time to implement these local plans, and all Manitoba watersheds have identified their priorities. They require all kinds of government and other agency involvement, and those agencies are not used to being directed by the locals. We need to re-educate people at the state, provincial and federal levels to integrate and recognize the focus and validity of the locals' work plans.

I do not agree with all that has been said. 45% of Lake Winnipeg water comes out of northern Minnesota, and that water has a low percentage of problem pollutants. Northern Minnesota is doing pretty well, and we do not have to do more. "Not Lake of the Woods!"

We have worked with many different groups and jurisdictions on issues that cause the greatest difficulty. Now, we need to focus on what has to be done to address the issues. It is hard to get people thinking differently than in terms of political boundaries about how we need to draw water jurisdictional lines.

There are different ways to find solutions to problems. When we look at how we define the problem areas, there are different ways to address the issues. Prevention might be better than other options. This group should recommend some joint processes and groups on a jurisdictional and international basis. Holding the water seems like a good approach.

Holding water, reducing its "flashiness," is the best way to address channel erosion. More people in Minnesota voted for or against the tax increase for funding (which passed) than voted in the presidential election. Soil erosion and clean water are related. Soil erosion is a huge contributor to water pollution—80% of the phosphorus load comes from sediment, including erosion. So we need to repair stream banks. Education is needed on stream bank protection, on vegetation, reforestation, and riparian forests. We need to emphasize that we have to take care of the soil to take care of the water. Slowing the water and repairing streambeds will have positive effects. Supporting efforts to maintain and replace trees will also help. We have to think about all aspects of the process because they are all interrelated.

We all need and want clean water. We all need to be part of the solution. Many things have to be considered. When we mitigate floods through diversion, we do an incredible amount of damage. Land for agricultural use is major. We need food, and we have floods. We all need to work together, using the best science, and coordinate efforts because the issues are interrelated. We do not need to point fingers or blame. We need to address the many small sources.

It is my impression that people generally want to be good stewards. They need information to address personal practices. The first recommendation in the Lake Winnipeg Stewardship Board report is the goal of reaching every Manitoban (public education) about the situations and the options. The key is public education. Eco-system impairment in Lake Winnipeg should be the "canary in the mine" that galvanizes solutions. The real issue and solutions relate to the behavior of 6.6 million people in the watershed. "What can each of us do?" Solutions must be cost-effective. We can do best practices that are economically attractive. We can work together to do the right thing.

In Minnesota, Watershed Districts have the power to tax. Where do Soil and Water Conservation Districts get their funding?

State funding for Soil and Water Conservation Districts averages about

$19,000/year for each district. That is not enough to get much done. So, about 1/3 of their funding is state funding; 1/3 is county funding, and 1/3 is revenue they raise on their own by seeking grants and other funding. The tax increase approved by Minnesota voters is 3/8 of 1 cent to Soil and Water Conservation Districts. It will provide 25 years of dedicated funding for habitat, clean water, trails, parks and other projects.

When rocks go into rivers, what are short and long-term effects, and should more be done?

Rocks decrease erosion and increase sedimentation. The primary purpose is to re-direct the flow away from the channel, so that should be included as one of multiple efforts, and we would like to see more of it.

LUNCHEON WITH CONSULS

Mary Speer (SpeerMF@state.gov)**, US Consul and Principal Officer in Winnipeg.**

The former US Ambassador to Canada focused on what was going well in the US-Canada relationship, looking for points of commonality. He felt we needed to look at the forest, instead of just the trees. We have run into a lot of trees here that have been relatively limited but contentious issues. We need to focus on what we can do together. We have a shared political culture. We have our heroes and other leaders who fell short. Some day, all of us will also walk off the stage and leave our legacies. What do we want those legacies to be?

We have this basket of issues/trees. Some issues have been rocky. Over time, perspectives and adjustments will occur. The new administration appears to have a more environmentally focused agenda, which will probably be more in line with that of Canada. The "buy America only" provisions of the stimulus package in the US will impact economic policies. Canada may do the same thing—"buy Canadian only." We will need to tread carefully.

I have very much enjoyed these sessions. I am honored to have served in Manitoba, and I have gained a very different and positive perspective on the states involved in the Legislators Forum. These are all wonderful people. I am grateful to have had this experience and wish you well.

Martin Loken (martin.loken@international.gc.ca)**, Consul General, Canadian Consulate General in Minneapolis**.

The relationship between the US and Canada is truly unique. We're neighbours, friends and allies. The relationship is marked by huge commercial exchanges and deep linkages on energy and environment issues. As our countries deal with the challenges facing the global economy, it's important that we work together to build on the strengths of the integrated North American economy and keep our markets open to one another.

The two countries have a very significant trade relationship. Close to $2 million worth of goods and services cross our shared border every minute. In 2008, two-way trade between Canada and the three states represented at the Forum amounted to greater than $26 billion. Canada is the largest trading partner for all three states.

Canada is the largest supplier of oil, gas, uranium and electricity to the US, with each of the three states represented playing a big part in the integrated North American energy economy. Our countries co-operate closely in meeting the challenges of climate change and on water issues, with this year marking the 100th anniversary of the important Boundary Waters Treaty.

There is a need to work together to rebuild the North American economy so that together we can be more competitive in the world economy. In this context, the "Buy American" provisions of the US federal stimulus package are having unintended consequences, disrupting long-established cross-border supply chains and limiting the choices of state and municipal officials. Canada passed its own stimulus package but did not include a "buy Canadian only"

Agreements on Addressing Big Picture Basin Water Quantity and Quality Issues

The delegates agreed that there needs to be a basin-wide approach to the management of the Red River to advance solutions to water quality and quantity (flooding and drought) issues. A basin-wide organization, crossing state, provincial and international boundaries and consisting of top-level policy makers with authority to act to address these issues in a coordinated, cooperative and fully integrated (not piecemeal) approach is essential. In this context, the "basin" includes the tributaries and ending point of the Red River in Lake Winnipeg. Legislative initiatives may be needed to develop and/or fill-in gaps in such a Red River basin management structure and to help get more watersheds and water districts within the basin organized.

Such an effort will require bringing together water users, scientists, historians and policy makers in order to develop and utilize the best data possible to develop solutions to these issues. It will need good, reliable and quality data (such as that being done by the Namao) to establish the "big picture" on which to base its approach. Initially, the effort will require a significant exchange of information. The effort should establish broad-based mission and goals statements for the entire basin that are clear and achievable. It must utilize and build on information and agreements developed since the 1997 flood, such as the work of the International Flood Mitigation Initiative (IFMI), the Red River Basin Commission (RRBC), the International Joint Commission (IJC), the Lake Winnipeg Stewardship Board, the Lake Winnipeg Implementation Committee and other relevant studies and entities. The effort must engage in long-range planning relative to water capacity and quality in and with communities that have the resources to implement and maintain projects. The effort needs to develop consensus on and prioritize water quantity and quality issues for the region while focusing on methods of water retention to assist in flood mitigation and release to assist in drought mitigation as key approaches.

Agreements on Actions Required to Address Water Quality and Quantity Issues:

Steps that should be taken, under the auspices of such an organization, to address water quality and quantity issues, include:

- Undertake a basin-wide debriefing among all flood forecasters to assess what happened during the 2009 flooding, the successes and failures and improvements needed and report to the respective Governors and Premier;
- Educate the public about the "demand-side" of water use in order to encourage greater conservation;
- Learn more about adjacent watersheds that may impact the Red River basin watersheds;
- Identify likely future demands for water in all sectors and all four jurisdictions and develop methodologies to meet those demands;
- Gain a more thorough understanding of the impact of drainage (surface and ground water);
- Offer programs to learn about and teach best management practices – partner with other groups – broad based to cover many groups;
- Develop comprehensive outreach programs that reach everyone in the basin and which emphasize what everyone can do to address water quality and quantity issues—the easier, small ways to get people involved and understanding that even little contributions that individuals make count;
- Develop and support getting information and technologies to consumers who can use them;
- Ensure the development and maintenance of state-of-the-art wastewater infrastructure, including separation of sewer systems from other systems;
- Hold scientific and research symposiums to share knowledge and initiatives designed to slow the water down;
- Determine and accomplish what is possible to slow water "flashiness" in order to allow sediments and nutrients to settle;
- Develop zoning and permitting approaches that include storm and discharge requirements;
- Develop programs and approaches that are easy and convenient, that provide incentives for people to act—e.g., carbon credits for establishing buffers around riparian areas; and
- Develop, disseminate and incentivize soil, soil management, cover management and conservation best practices.

requirement. However, there is a risk of some Canadian municipalities responding to the buy American provision by adopting their own trade resolutions that call for discrimination against goods and suppliers from countries, such as the United States, that have closed their previously open markets to Canadian goods. Martin called on participants to support efforts to mitigate the negative impacts of the US federal stimulus package and to avoid including "Buy American" in forthcoming legislation, in recognition of our integrated economies.

Martin noted that the Consulate General was proud to support the Legislators Forum and efforts like it and hoped that such efforts would help to keep trade and other relationships between the two countries strong.

SESSION 3: Energy Development in the Region

Dan McInnis (Dan.mcinnis@gov.mb.ca), **Assistant Deputy Minister, Energy, Climate Change and Green Strategy Initiatives** was Moderator for the session. He introduced the topic and the presenters.

David Cormie (adcormie@hydro.mb.ca) **Division Manager, Power Sales & Operations, Manitoba Hydro**, presented on "Manitoba Hydro operations and plans for hydroelectricity development in Manitoba, past, current and future—New Hydro, Part of the Solution."

He noted that Manitoba Hydro is a "Crown Corporation" with 522,000 electric customers and 261,000 natural gas customers. It has $2.3 billion in annual revenues, and $12 billion in assets. Manitoba Hydro has 5,475 megawatts of generating capacity. Its peak load in the winter is 4,300 megawatts, and, in summer, is 3,300 megawatts. It is a "coordinating member" of the Midwest Independent Transmission System Operator (MISO). Manitoba Hydro's drainage area is 400,000 square miles, and it utilizes dams on the Winnipeg, Saskatchewan, Churchill and Nelson Rivers. Its hydroelectric capacity is 5,000 megawatts from 14 plants; 365 megawatts from gas; 105 MW from coal; 100 MW from wind. So, 98% of its capacity is from hydro, and the coal plants are being phased out. Three new hydro plants are being proposed, with the one at Wuskwatim currently under construction (200 MW), and two others, at Conawapa (1495 MW) and Keeyask (695 MW) on the drawing boards.

David noted that now is the time for renewables with global concerns about climate change. The world is responding by adopting renewable portfolio standards that require new, non-emitting sources of generation. For additional hydro and wind generation, in particular, significant new transmission lines will be required to bring the electricity to market. He noted that hydro and wind are "perfect partners" with hydro complementing wind. Both are clean and, in addition, hydro is flexible, can respond quickly, is dispatchable and can be stored. An additional effect of storage is that prices are stabilized. The new Manitoba-US interconnection that is being proposed would ensure greater access to markets for new hydro, and would also provide greater environmental benefits, grid reliability, grid operability, price stability and storage service.

Mark McKeown (mark.mckeown@xenuclear.com)**, Director of Nuclear Project Services for Xcel**, presented on "Nuclear Energy Basics and Update." While he noted the Pathfinder Nuclear Plant in Sioux Falls, operated by Northern States Power, it is a relatively small power producer. Mark presented primarily on the Monticello Nuclear Generating Station in Monticello, Minnesota, a boiling water reactor manufactured by General Electric, also operated by Northern States Power and producing 600 MW of energy; and the Prairie Island Nuclear Generating Station in Red Wing, Minnesota, with 2 pressurized water reactors manufactured by Westinghouse Electric, producing 1100 MW of energy, operated by Northern States Power.

Mark gave a brief description of the nuclear fission process, which produces heat through the use of enriched Uranium 235. He described the pellet stacking and sealing process in Zircaloy tubes to form a fuel rod, which are then placed in a matrix to form a fuel assembly. The containment vessel was described with all of the safety features—significant amounts of steel and reinforced concrete. Mark noted that, since 1980, the nuclear industry has increased its capacity factor from approximately 58% to 91.8%, higher by nearly 20% than the next heat source (coal powered steam turbines at 73%).

Nationally, 104 plants are currently licensed for an initial 40-year period and are eligible for 20-year renewals. Their continuous maintenance keeps them safe and reliable. Fifty-three of the 104 licenses have been renewed; 16 are under review and 20 more applications for renewal are being planned. In Minnesota, the Monticello plant has been approved through 2030, both through the Nuclear Regulatory Commission (NRC) and for the state's certificate of need (CON). The Prairie Island plant has applied for renewal for both the NRC and CON licenses. Through the renewals of these 2 plants, Xcel estimates savings of approximately $1 billion and avoided CO_2 emissions of 87 million tons versus production of that energy by other traditional energy sources. Key features of the 2005 Energy Policy Act provided $18.5 billion of federal loan guarantees for nuclear energy development, providing up to 80% of total project costs. Four projects have been selected for consideration. Production tax credits comparable to those provided to wind energy (1.8 cents per kilowatt-hour) on the first 6,000 MW of electricity from new, advanced reactors are also part of the Act.

The obstacles to development of more nuclear energy fall into the following categories: regulatory (licensing/permitting), political (largely public concerns about safety), spent nuclear fuel issues (where to store and for how long, especially in light of recent decisions against storage in the Yucca Mountains), financial (availability of funding) and significant costs of construction and management/maintenance.

Dennis Cunningham (dcunningham@iisd.ca)**, Project Manager of the International Institute for Sustainable Development**, presented on "Climate Change Regulatory Frameworks—An Update on Federal and Regional Systems in North America."

Dennis noted that international negotiations have taken an increased intensity in 2009. It is anticipated that the Copenhagen process will result in a broad framework, with details to be worked out over the next 2-3 years. There is an accelerated meeting schedule, with additional sessions added during the recent Bonn session. Countries are moving toward a package agreement that would include commitments for developed countries and a financial framework to support developing country actions because there is recognition that the reductions from developed countries alone will not provide enough to meet global emission reduction targets. Other issues being considered at the international level include: adaptation, technology transfer, mechanisms for compensating emission reductions, monitoring, reporting and verification, and capacity building.

International negotiations need to be guided by economic and political realities, including the global financial crisis. In addition, more information is needed about the direction that the US and China may take.

What do recent US actions mean for international negotiations?

- There are no longer issues around the science.
- We can use all available tools/sources to reduce emissions.
- Economic stimulus can occur from green investments.
- Developing countries must also act for solutions to work.
- There will likely be developed a sustainable reductions path for the US.
- There needs to be public-private sector partnerships.
- The US is committed to a Copenhagen agreement.

In the US, the Waxman-Markey "American Clean Energy Security Act" would call for green house gas (GHG) emissions reductions of 17% below 2005 levels by 2020 and to 80% reductions by 2050 through a cap and trade system. It would also move towards California-developed low carbon standards for fuels and automobiles, which would result in 40% more pollution reductions than the minimum federal

standards. It would require an investment of $150 billion over 10 years to develop 5 million "green" jobs and require that 10% of electricity come from renewable sources by 2012 and 25% by 2020.

The US EPA has unveiled a proposed rule to require industries to report GHG emissions that would:

- Cover upstream suppliers and direct emitters,
- Cover 85 – 90% of U.S. emissions,
- Include a reporting threshold of 25,000 tons CO_2 emissions per year,
- Require first reports to be submitted in 2011 for 2010 calendar year,
- Cost $160 million the first year, $127 million/year after, and
- Have the US Environmental Protection Agency declare CO_2 a "threat to public health."

In Canada, there have been ambiguous messages regarding "turning the corner" with the US on dealing with CO_2 emissions. Initially, it looked as if Canada were "turning the page," but now the future is uncertain. There are initial signs in the US that there is no interest in developing a "continental" cap and trade system. The US is focused on getting a domestic system up and running. If that is the case, the only option for a continental system would be for Canada to mirror what the US develops. That represents a lost opportunity in that Canada had a framework in place prior to the US and may have been able to garner some interest and some influence.

There are various regional groups in Canada, which vary in the intensity of their approaches. Several provinces are developing complementary measures to assist with reaching targets. The rationales for legislated renewable energy targets include:

- The science calls for it: limiting climate warming to 2 degrees can only work with major developing economies reducing their emissions;
- The economics call for it: once a certain carbon price threshold has been reached, the ability of Kyoto Protocol industrialized signers, known as "Annex 1 Parties," to significantly strengthen their targets will only be possible with commensurate actions by developing countries;
- The politics call for it: the previous Bush "counter message," characterizing the Kyoto Protocol as a "patchwork" agreement, with significant disadvantages for Organization for Economic Development (OECD) countries played well with the local electorate; and
- None of this will be feasible without strong Annex 1 Party leadership.

Large, regional approaches, which can serve as models, include:

- Midwest Greenhouse Gas Reduction Accord (MGGRA): Nine states and two provinces participate or observe. The major focus is on offsets. The MGGRA Website states: "Realizing the unique and major impact that the Midwestern states play in the emissions

of carbon, these governors wanted to institute Midwestern practicality in the debate on global warming." They are finalizing cap-and-trade design recommendations for May of 2010, which will likely serve as a position document for the Midwest in the US federal system development.
- The Regional Greenhouse Gas Initiative (RGGI): Ten participating states in the Northeast and Mid-Atlantic US have moved the farthest among the three regional organizations with regard to allowance auctions. Three auctions have been held to date, with two more scheduled, and auction prices are climbing slowly over the respective auctions from $3.07 to $3.51.

The current economic crisis has heightened concerns regarding investment in addressing climate change. The concern is that taking measures to cut emissions will both consume large financial resources and restrict the economy at a time when it is already under immense pressure. We must look at ways to address these concerns and turn the current economic climate into a driver for the development of a new climate change regime, recognizing the current tools available and required commitment from global partners. Climate change action cannot wait for an economic recovery. It has to happen now. We have to seize the opportunities presented by the economic downturn to take action.

The kinds of solutions that need to be sought include:

- Border carbon adjustment mechanisms
  - Some border adjustments will be necessary: either a tax to be applied to fossil fuel imports or a requirement that energy intensive imports surrender permits corresponding to the carbon emissions embodied in them.
- Sectoral approaches
  - International agreement on relevant sectoral emissions targets with, in many proposals, contingency for rewards to those firms that beat the target. These will be difficult to implement, and it will be particularly difficult to establish differential baselines.
- Carve-outs to vulnerable industries
  - Under cap and trade schemes, this would likely provide free allocation of permits to vulnerable industries and sectors. Under carbon tax schemes it would likely see tax exemptions to vulnerable industries, with a downside potential loss of environmental effectiveness.
- Multilateral agreement
  - A post-2012 agreement that involves some sort of commitments from all major economies would remove the justification for addressing competitiveness concerns. It would be hard to argue that any country had an "unfair" advantage if its targets were dictated by international agreement.

Does Manitoba Hydro have problems with fish migrations?

Manitoba Hydro has no problems with fish migrations on the main streams. There are some tributaries where brook trout have been affected, but Manitoba Hydro has worked to develop replacement habitats so there is no net loss of fish.

When Manitoba Hydro describes the needed transmission through Minnesota, what is the status of that?

It is still going through the study process. Manitoba Hydro has not been directly involved in the CapX process in Minnesota. Manitoba Hydro recognizes that process and will build on the capability developed through it. CapX involves Minnesota utilities developing a transmission path for renewable energy. It has been going on for some time and is making some progress.

Relative to CO_2 reductions, China and India need to come to the table. What if they do not?

There are concerns relative to "leakages in competitiveness" if India and China are not involved. Will even more manufacturers move there? We are all trying to get China and India involved because we need a global approach. But most industries will not leave their jurisdictions in any case unless they are very emissions-intensive. There will be winners and losers, but coal plants, for example, cannot leave and build elsewhere. China's involvement should have little effect upon the US efforts. Long-term, we need a global cap and trade system.

How can we have a cap and trade system in the current economy? Who is going to pay for it?

We are learning that the cost of not acting will be much more expensive in the long-term. Getting a better understanding of the costs is not easy. Science suggests that a 2 degree Celsius rise in temperature is the maximum we can stand. We are at 1.6 degrees Celsius increase now. The US Government Accountability Office (GAO) will have a report out soon. The fact is that we will pay now or have to pay a lot more later. Even slight additional temperature rises will cause the need to reduce emissions significantly.

Where will we be in carbon cap and trade as it relates to agriculture?

There are significant opportunities for agriculture if the proposed system is put in place. Canada has released its program, and it may not have the same requirements as those in the US. It comes down to the system design. The right mix of approaches and use of best management practices can provide environmental and economic benefits across the board, with or without specific incentives.

But can we make sure that individual farmers, not only their jurisdictions, get those credits?

Again, it all depends on the system design. It can be done that way. Alberta already has a system in place, and this has a relationship to the producers and creates a level of trust. But a single farmer will not find it economical to track all of the CO_2 sequestration, so there will need to be aggregators of projects.

With hydro and wind power, transmission and battery storage are major issues. For nuclear, a major issue is the waste. Is there a lot of progress that can be made in getting more energy out of the material so there is less waste?

If it was just a volume problem, the volume can be reduced; however, the fact of there being any waste/spent fuel component is the issue. Some countries—e.g., France and Britain—are trying to develop reprocessing facilities. The US policy has been that the waste stays in its existing form and will get handled by the Department of the Energy (DOE) in a permanent repository. Other pilots are moving toward a "closed loop cycle." Either way, there is a potential for real economic value in spent fuel. Whether we reprocess now or store, there is great economic value to that spent fuel in the future, and that is why research dollars are being awarded by DOE to study and develop this. Currently, 29 states continue to store spent fuel and there are related safety and cost issues. But there have been 3,300 shipments of spent nuclear fuel since the 1980s. It takes place all the time, and there have been no accidents.

While the safety of nuclear energy and spent fuel is important, if you are looking at it as it relates to global warming, will the economics of cap and trade, for example, impact the development of additional nuclear energy?

Right now, the potential for (or reality of) cap and trade has not really been an influence. As things are now, nuclear energy is pretty economical. It depends on power upgrades, the renewal processes, and addressing the uncertainty of new plants being built. But the costs of nuclear energy will show even more promise as the economics change.

New hydro generating projects are coming on line in Manitoba, which will make more power available to Manitoba and Canada and also for the states. Minnesota is looking at more nuclear power. How will this affect the export of hydropower to areas where they turn to nuclear?

No one technology will solve all the energy needs and requirements of the region. A multiple energy source approach seems to be the best option. We should not rely on any single energy technology. We need back-ups to all the systems. During droughts, for example, Manitoba Hydro needs back up systems. All non-emitting sources of energy are the wave of the future.

Relative to the safety issues/transportation of nuclear wastes, are they still radioactive and how long will you need to store them?

Nuclear wastes have a very long half-life, are radioactive and must be contained. Shipping tests ensure that there is adequate protection and container integrity. Even in reprocessing the fuel, there is a byproduct that would still need to be segregated from the environment.There are other storage options, but there will still need to be containment. So we need to be certain of the integrity of the containers.

Is new nuclear energy facility design much more efficient than the old design, and would new nuclear have less waste? How does it compare to hydro?

These are not comparable products. It is like comparing apples and oranges. Hydro competes with other types of intermediate energy production. As of now, hydro cannot compete with nuclear relative to use as base load energy, and scenarios depend on the costs of carbon in the future. Five years from now, the economics of energy production could be completely different. Both hydro and nuclear are offering competitive prices at this time. Xcel provides a wide variety of energy options that include nuclear. Relative to efficiencies of new nuclear plants, they really are not that much more efficient, but you get more passive safety features than before, reduced risks though the new designs.

The questions we have here are, "How are we going to keep the lights on, and how are we going to provide affordable energy?" The public does not generally support that CO_2 emissions affect climate. How much additional base load do we need annually, and what is the cost of producing energy from coal versus that of renewable sources. Take tax credits and government interference out, and what is the real cost?

Different studies will give you different numbers. The piece to look at initially is the cost to the user. Nuclear energy costs are in the range of coal with carbon capture requirements. When we file our resource plans every two years, we need to consider the "least cost alternatives." There are lots of questions. "Carbon free" does not necessarily mean "coal free." Can we reduce or eliminate emissions and still provide needed energy at low cost? If effective and efficient carbon capture technology is developed, the costs can be vey low. The challenge is to figure out how to keep using coal, clean coal.

There are concerns about building dams. From a storage perspective, do you see dams in those flood-affected areas being of value as well as having hydro benefits?

During the last flood, the hydro projects resulted in 50% more water being released down the Nelson River. This helped reduce the level of Lake Winnipeg. In the '60s and '70s (prior to the building of the hydro projects) during flood years, lake levels were significantly higher than experienced today under similar flood conditions. Part of the northern hydro projects included the construction of significant canals (as significant as the floodway around Winnipeg), which act to minimize flooding.

Agreements on Regional Energy Issues

The jurisdictions within this region need to work together to eliminate barriers to the development of new, advanced energy sources—including a mix of hydro, biofuels, clean coal, nuclear—based on the diversity of need for base load and intermediate energy sources. Delegates support and encourage support for the development of new energy sources with significant emissions reduction/elimination to replace the "aging fleet" of less efficient energy sources.

The citizens and governments of the region need to assist in the development and provision of resources for greater energy transmission within this region and to other jurisdictions. We need to understand that developing new energy sources is not as much about the size as about ensuring that all sources are well planned, well defined, well managed and sustainable. A common definition of what constitutes "renewable" energy needs to be developed so that there is a common understanding when developing "renewable energy portfolios."

Assuming that a common "price of carbon" is developed through international cap and trade and/or other mechanisms, a common price will help drive the technology changes and energy mixes by creating greater market certainty. Therefore, the sooner that can happen, the better. Aggregators of CO_2 and other potential environmental "credits" will be essential for farmers, and any system established needs to be kept as simple as possible, eliminating roadblocks. However, following best practices in farming has economic and environmental benefits, aside from such incentives as credits—e.g., prevention of soil erosion, enhancing air and water quality and greater consumer acceptance of products.

The delegates need to assist in the development of policies that encourage synergies between such energy sources as wind and hydro. The federal and state roles in permitting new energy projects needs to be non-duplicative, complementary, streamlined and predictable both for the construction and continued operation of energy facilities. The delegates understand and fully agree that the most efficient and effective "new energy source" is that produced by additional conservation actions.

Dinner with Special Guests former North Dakota Governor George Sinner and former Minnesota Senate Majority Leader Roger Moe

The Honourable Stan Struthers was first elected to the Manitoba Legislature in 1995 as the Member for Dauphin and was re-elected as the MLA for Dauphin-Roblin in 1999, 2003 and again in 2007. After the election of 1999, he served as the Legislative Assistant to the Minister of Health and, on November 3, 2003, was appointed the new Minister of Conservation by Premier Gary Doer. Minister Struthers brought welcoming remarks on behalf of the Province of Manitoba to the Legislators' Forum and introduced Jim Eldridge, a long-time friend of the Legislators Forum while he served as Clerk of the Executive Council and Secretary to the Cabinet (1999-2005) and Deputy Minister of Intergovernmental Relations (1986-2005.). He is now Special Advisor to the Premier on Intergovernmental Relations.

Jim introduced former North Dakota Governor George Sinner and former Minnesota Senate Majority Leader Roger Moe: He noted that these distinguished speakers "are two of the most important 'founding fathers' of this Legislators' Forum." Those who live in the center of North America—what has often called "the heartland"—have been very lucky to have had, with relatively few exceptions, some outstanding elected officials over the years.

Senator Moe and Governor Sinner are two of the best examples of that kind of visionary, outward-looking leadership. They have contributed a legacy of achievement to our region. They both exemplify the populist heritage of politics in Minnesota, North Dakota, South Dakota and Manitoba. Both are consensus-builders. Both believe in bipartisan—or non-partisan, as we call it in Canada—approaches to the major challenges we share.

And both have worked very hard to promote better cross-border relations and dialogue between neighbors, recognizing that it's in all our interests. Along with Dick Gross, North Dakota Governors Allen Olson, Ed Schafer and, most recently, John Hoeven, and Minnesota's Governors Ventura and Pawlenty, and South Dakota's Bill Janklow and Mike Rounds, as well as Premiers Gary Filmon and Gary Doer, plus original Forum members and staff, who are here tonight, Senator Moe and Governor Sinner conceived, lobbied hard for, and oversaw the establishment of this organization as one of the most important ongoing legacies of the International Flood Mitigation Initiative (IFMI), which they will speak about tonight.

Senator Moe was first elected to the Minnesota Senate in 1970 and served for 33 years, until 2003. In 22 of those years, he was the DFL majority leader, the longest serving in state history and among the longest serving in the history of the United States. With Premier Gary Doer, Senator Moe co-chaired the first Legislators Forum in Winnipeg in 2001 and continues to take a strong interest in its activities and in cross-border relations in general. Almost 25 years ago, Governor Sinner proposed a bilateral cooperation agreement between North Dakota and Manitoba, which he signed with then-Premier Howard Pawley. That was Manitoba's first comprehensive cooperation agreement with a US state, and it was followed by several more in later years. That wasn't the only door Governor Sinner opened for Manitoba and the other Canadian provinces. In 1990, he invited Premier Gary Filmon to attend the annual Western Governors' Association meeting, which he chaired, in Fargo, and Governor Sinner, in turn attended the Western Premiers' Conference in Portage la Prairie, Manitoba. Now, after almost 20 years, the Western Premiers are welcomed as virtually full participants at the WGA's annual meetings every summer. This has been extremely helpful to the Western Provinces and to Canada itself, and it would not have happened without the vision of Governor Sinner, who opened the door to a new era of cooperative relations, because he saw clearly that it was good for North Dakota, the Upper Midwest, and the USA too.

Governor Sinner served in North Dakota's highest office for two terms, from 1985 to 1993, but he did not slow down afterwards, working on a wide range of initiatives benefitting his home state and region. He was also, with Senator Moe, one of the most influential leaders of the IFMI process after the 1997 flood in the Red River Valley, and this year, he had to deal directly with the 2009 flood in Fargo, where he lives.

Roger Moe's comments related primarily to the IFMI between 1998 and 2000. One of the agreements that came from that initiative was to establish the Legislators Forum, which has been in existence since the IFMI process. Senator Moe thanked the delegates for the invitation and noted that Governor Sinner and he know, since they were both legislators, how difficult it is to be a legislator these days. The issues are complex, and few citizens are satisfied with the decisions they make.

Following the 1997 RRV flood, the U.S. Federal Emergency Management Agency (FEMA) and the Province of Manitoba sponsored IFMI. The process lasted from 1998-2000. Participants included representatives from federal, state, provincial, and local organizations in the Red River Valley. The IFMI process produced 12 recommendations, many of which have been partially or fully implemented, including the creation of the Legislators Forum.

"Now it's 2009, and we have had another major flood in Red River Valley. It's the same game in a different venue! Instead of Grand Forks, East Grand Forks and Ada, it's Fargo, Moorhead and Valley City. After each flood come more proposals (for diversions, higher dikes, etc.)," the Senator said.

He continued, "But, before the cities of Fargo and Moorhead make their decisions about what to do in the future for flood mitigation, they need to examine the big picture. It's like a jigsaw puzzle. You need to look at the big, complete picture before you try to put the pieces in place. The present management of water in the Red River basin is operating like putting together a jigsaw puzzle without looking at the box top cover."

The Senator noted that, before Fargo-Moorhead makes its decisions about future flood mitigation, there needs to be a process that examines the big picture, the impacts of various options on the whole basin, including that portion in Manitoba. "The time has come for an IFMI 2," he noted. "We need to review which agreements arrived at during the IFMI process have worked and which have not and why. In that way, we can get the big picture, and then learn what needs to be done at the local levels."

The Senator said that he believes that such a process will lead to agreement on the need for the highest level "Commission" accountable to the Governors and Premier to coordinate Basin planning, something like the Great Lakes Commission. "I realize that would be difficult, because it would mean that every political jurisdiction would have to give up something. But, unless that happens, during the next major flood, there will be continuous finger pointing and blame. . .and no solutions that apply basin wide."

Governor Sinner also thanked the delegates for the opportunity to present some of his thoughts. He said he believes that, with regard to flooding issues, local solutions to basin wide issues are suspect. Those who prepare those kinds of solutions have no need to study the effects on others and often do not want to know those effects because arriving at the local solution then becomes more complicated. "We clearly must have a basin-wide solution, and every jurisdiction involved must participate in creating such a solution, or no one will be happy with the result," the Governor stated. "What history has shown is that local diking will have to be part of the solution in certain areas, but dikes can be vehicles for diverting flooding to someone else, as is Canada's 'road-dam/dike' (Pembina Highway) at the border. And diversions are very often simply the means to push water faster onto the people and their farms and cities in the lower basin."

He noted that, "Water retention is, without a doubt, one method that brings permanent assistance to everyone below the retention area. There are sites, such as the valley above Baldhill Dam and below Lake Traverse and in many areas in the upper reaches of the basin, which could be used to retain water to help prevent floods during high water periods and release that water to address drought issues."

"There is no question that there would be a hardship on those in the water retention areas, and they must be compensated for losses they may suffer. Off-stream dams may be preferable but not always possible, and dry dams may be a workable possibility. Research on these possibilities should be started as soon as engineers can define their general potential in helping reduce the threat. Minnesota already has several facilities in place. Priority should be given to projects that assist the whole basin to address both flooding and drought issues, and the costs will be very significant and must be shared by all who are benefitted."

FRIDAY, **JUNE 25**

Session 4: Update on the Western Hemisphere Travel Initiative (WHTI), Enhanced Identification Card and 2 Nation Tours

Marianne Rude (rudecamp@verizon.net)**, Washington, DC representative for the Province of Manitoba**, presented on updates on the WHTI. She noted that a lot has happened since last year—most important, the relationship between Canadian and US citizens has been permanently changed (perhaps damaged) as of June 1, 2009. "While President Obama has said the US cannot take Canada for granted, the Secretary of the Department of Homeland Security (DHS) has said that there is a border between the two countries, and it will be treated as such. The clear message is that, with the full implementation of the WHTI, a culture change has occurred—the days of easily going back and forth across the border to go to the local K-Mart or post office have ended."

"Even though many groups, including the Legislators Forum, have urged longer delays in implementation—and some of those messages have been heard because delays in implementation have occurred—longer delays have not happened. As a result, travel between the 2 countries is down dramatically. The same-day travel of Americans to Canada has dropped by 70%. There have been fluctuations in the value of the respective dollars, but the patterns of cross-border travel have not followed these trends in a way one would expect. The lack of clarity in identification documents has been a large contributor to the decline in cross-border traffic," Marianne concluded.

A study of US tour operators revealed that there has been a significant drop of American tours to Canada but an increase in tours within the US. So, one may conclude that the current economic downturn is not a significant factor in the decline of cross-border traffic. Individual Americans are still travelling. They are simply choosing not to enter Canada, presumably because of the new document requirements. "What has happened is exactly what many feared—the relationship has changed," Marianne remarked. "While all recognize the need for greater security, further delay in implementation of the WHTI would have helped all of our citizens to be better prepared."

Marianne noted that passport applications are up by 30% in Canada and by 34% in the US and that the issuing capacity has increased by 95% to deal with the backlog of applications. However, the fact is that travel is down significantly. DHS is pleased that 80% of travelers are in compliance with WHTI requirements; however, one must remember that this is 80% of a total that is 70% fewer than in the past.

At a recent hearing on Capitol Hill, customs and border patrol officials said they were prepared, that the card readers (RFID) have been installed at the 39 busiest ports of entry. DHS has launched a public relations campaign to inform cross-border travelers about what they need to cross the border. It has launched a website, www.getyouhome.gov, to give citizens the information they need.

Some communities in Canada have considered launching a website, www.keepyouhome.gov, to encourage Canadian citizens to stay in Canada. In Canada, 54% of its citizens already have passports, which is a 50% increase during the last 3 years. In Manitoba, 45% of the citizens have passports, and that is up 7% from last year. In the US, 34% of its citizens have passports. There are 240,000 NEXUS cardholders, which represent an 85% increase since October of 2007. This is all happening gradually as people are learning what the identification requirements are.

New York Congresswoman, Louise Slaughter (see: www.louise.house.gov), was initially going to try to get the Administration to delay WHTI implementation for another year. She wrote to the committee that we cannot simply flip a switch from having the world's largest open border to having extensive documentation requirements without causing extensive economic damage. She noted the need for massive infrastructure improvements at border crossings and that these are only beginning. She did not have time to introduce legislation because the Secretary of DHS had already certified that implementation of the WHTI would proceed. However, Congresswoman Slaughter and others have been extremely effective in pressing DHS to use its discretionary powers to ensure that the WHTI is implemented in a broadly flexible and an informed manner. DHS has been willing to be flexible as it realizes it is not ready—and citizens are not fully prepared—to be fully compliant with WHTI requirements. Representative Slaughter has introduced HR 2670, oversight legislation designed to put in place monitoring requirements to identify problems and progress in WHTI implementation. It would require reports by December 1, 2009, and June 1, 2010, on specific components of the implementation and an overall analysis, including economic impacts, of the WHTI.

Marianne had requested, from DHS, state-by-state breakdowns relative to who had applied for or held valid passports or NEXUS cards. She received broad statistics, but they are tabulated by zip code, and DHS had data sorting difficulties. It appears that of the 77 million US citizens who hold valid passports or NEXUS cards, 40 million are held in border states. But Marianne has no sense as to how that applies to the local jurisdictions, for example, of those involved in the Legislators Forum.

Four states now offer enhanced drivers licenses—Washington, Vermont, New York and Michigan. British Columbia ran a pilot project with Washington and has since introduced its full program. Quebec, Ontario and Manitoba have initiated enhanced identification card and/or driver license programs as well.

Moving ahead with the Real ID in the US has been problematic because of resistance from states who view the program as an unfunded mandate and because of privacy concerns with respect to the creation of a national database. DHS Secretary Janet Napolitano recognizes the challenges of implementing REAL ID in its current form and has introduced S1261, the Pass Act that would create a less-onerous "Pass ID," and would remove the requirement that database information be shared nationally.

The challenge in all of this is to ensure easy access across the border for citizens of both countries. It is something we all value, and the Legislators Forum is a microcosm of all of our citizens and the relationships they value.

Dan Guimond (DGuimond@mpi.mb.ca)**, Vice-President of Innovation and Insurance Operations for Manitoba Public Insurance (MPI)**, presented on "The MB Experience of Developing its Enhanced Identification Card (EIC) in the spring of 2009 (and Enhanced Driver's License (EDL) in the Fall 2009)" He noted that MPI is a Crown Corporation, owned by the government, which administers various programs on behalf of the government, and the enhanced identification card and enhanced drivers license program is one of them. MPI

has worked with many stakeholders and organizations since the fall of 2007 when the Premier announced his intention to develop Manitoba's EIC/EDL program.

Dan noted that MPI began in "uncharted waters" given that this is a new program for both US and Canadian governments. While the program design was dictated by mutually agreed upon standards developed by both national governments ("Recommended Standards for Secure Proof of Status and Nationality Documents to Facilitate Cross-Border Travel Security and Prosperity Partnership") and by the Canadian Driver's Licence Agreement (CDLA), there were no clear guidelines, interpretations or precedents on which to rely.

MPI realized that it had to design a program which meets the needs of policy makers to provide choices to citizens yet meets program guidelines and standards and that it needed to be approved by the US DHS. Considerations involved in developing the enhanced drivers license and identification cards included:

- Preventing identity theft,
- Identifying duplicate identities,
- Identifying fraudulent applications,
- Aligning all customer information, and
- Not confusing customers.

The program execution challenges included:

1. Developing the business case to ensure necessary approval at the end,
2. Undertaking a gap analysis, designing the program to meet minimum requirements,
3. Ensuring the security of the cards to prevent tampering,
4. Addressing the technical challenges of facial recognition,
5. Developing new legislation and regulations
6. Meeting legal and other requirements, such as developing memorandums of understanding, appropriate contracts and agreements,
7. Ensuring secure electronic information exchange between various governmental agencies in the US and Canada,
8. Making sure the cards were secure through use of protective sleeves or other methods,
9. Making certain privacy concerns are addressed,
10. Designing the program to meet cost targets,
11. Developing a broadly representative but effective team and consultations with interested parties who may not be team members,
12. Ensuring necessary training was made available,
13. Preventing fraudulent document and imposter training and certification, and
14. Obtaining necessary union agreements as to hours of work, security clearances, and job descriptions.

Manitoba currently has a two-part drivers license (Photo Card and Driver Licence Certificate). The EIC/EDL program provided the opportunity to piggyback onto the previously planned move to a one-piece drivers license, by offering an enhanced driver's licence and identification card program, which would meet WHTI requirements. Manitoba now has one of the most secure cards in North America and has a program, which is compliant with national and international standards.

Developing the EIC was the first phase of developing a high quality, high security card for citizens that meets WHTI requirements by June 1, 2009. Customers with the EIC can convert to EDL at no cost when the EDL becomes available in the fall of 2009. The two-phased approach provides a "key risk mitigation feature" that will allow MPI to address any changes in policy which may occur after the EIC has been implemented. Again, any changes would be at no additional cost to customers.

The EDL will achieve one of the primary goals of the Canadian Drivers License Association (CDLA), including the implementation of the principle of "one driver; one driver license, one driver control record" to ascertain the true identity of a person to whom a driver license is issued and to secure the license document itself.

The overall objective of the program from the beginning was to keep incremental costs low in order to make the card affordable to Manitobans. It has been designed to provide an EIC/EDL for $30 (for Manitobans who already have a regular Manitoba driver's licence) and $50 for non-drivers. Approximately 90% of the EIC card applicants to date are Manitoba driver's licence holders. In comparison, a Canadian passport costs $87 (CDN) plus the photo cost of $15 (CDN) on average, for a total cost of $102. A US passport costs $100 (US). A NEXUS Card is $50 (CDN).

In conclusion, MPI learned that:

- Political support was critical to success;
- Government administrative support was also critical to overcome obstacles;
- A strong delivery team was essential; and
- Inter-jurisdictional dialogue was invaluable.

Dan noted that the EIC program is working well and that EICs/EDLs have proven very popular in many jurisdictions. He indicated that Manitoba Card volumes are high—currently selling approximately 100 cards per day and that the EIC/EDL infrastructure will serve Manitoba well in the future. He noted that the most difficult work of establishing the program has now been done. There is clarity in the business process of implementing a program. US DHS has clear expectations and requirements. There are now designated officials to facilitate the process with experience and clear direction. Jurisdictions that have implemented the program have learned many lessons and are willing to share and discuss with others. There are many "components" of the program which have been developed, which can now be used to develop programs in other jurisdictions. The Manitoba program has been called a "platinum" program by the US DHS.

Minnesota Senator Tom Saxhaug reported on the "Status of Minnesota Enhanced Drivers Licenses." He noted that Minnesota has to get going in order to catch up to Manitoba. Minnesota legislators have been intimidated, but the Manitoba experience will help them move forward. Having an EIC/EDL is a needed convenience for many Minnesota citizens. He offered a bill, which would have added $15 to the cost of drivers' licenses. It did not pass this last session, but he believes he is winning over the Transportation Committee Chair and that the bill will be successful during the next session. The information from Manitoba will be very helpful in achieving success in Minnesota.

Other delegates observed that there has been no similar legislation or action in North Dakota or South Dakota. North Dakota concerns are primarily about privacy. The voluntary nature of the Manitoba program is key. Those who have privacy concerns do not need to purchase the EIC or EDL. It was suggested that legislators in the states might want to check with officials in the states of Washington and Vermont, where there are different models that are broadly accepted.

Dené Sinclair (DeSinclair@travelmanitoba.com)**, Coordinator, Planning and Marketing Development of Travel Manitoba,** presented an "Update on 2 Nation Tours." She noted that this program grew out of the first meeting of the Legislators Forum in 2001. She has counterparts in each of the other 3 jurisdictions. They jointly market the 4 regions and discuss with each other and develop cross-border itineraries. They have moved from the binder which delegates have seen in prior meetings to a "lure piece," which provides a stronger brand identity and points to the website: www.2nationstours.com. Right now, there are 8 itineraries between the jurisdictions, and they are continuing to see increased traffic from tour operators. Dené also noted the award the program had received from the Binational Tourism Alliance and that the award was an "Honourable Mention" because they had no category for this kind of joint effort. For the future, they see an updated website in 2010-11, addressing changes to the group tour market and developing niche itineraries for unique groups who want different kinds of experiences.

We are stuck with the reality of the WHTI. I am concerned about the ways that these requirements can be handled. We have had experiences coming to Gimli—2 of our delegates were delayed for 2 hours in getting through. If that becomes a common experience, there will be further negative effects upon the travel numbers. The way people are treated when they go through the border crossing is important. We need to share the negative experience with people who can do something about it. We need to pay close attention to this.

There are similar problems with Canada, even

though they are not responsible for the WHTI requirements. They include infrastructure and attitude issues at the borders. But the Canadian border officials want to demonstrate to the US that they are serious about security, so the delays and attitudes occur both ways. [Marianne Rude offered to convey personal experiences to Representative Slaughter, so delegates are encouraged to email Marianne at her email address (rudecamp@verizon.net) to share their experiences and those of their constituents in crossing the border.]

If you travel to different countries in Europe, it is a completely different standard. We need to be part of the whole world. Is something else going on to decrease the number of crossings from the US to Canada?

Some have tried to link it to the economic situation, but there has been a consistent drop in crossings since 2001, even when the economies were doing well. It is more a psychological barrier due to the increased hassle of crossing the border. Some people tell tour providers, for example, that they "don't even like to go there any more." It is profoundly sad.

All the players and stakeholders are what go into making it work. What is the cost, both financially and in terms of peoples' lives? How do we judge if it is actually making things safer?

Estimates for starting the Manitoba program are around $13.7 million. Post start up, it should be break even based on the fees generated through the sale of cards. Success will be determined based on achieving compliance with the policies. Preventing something bad from happening will be difficult to measure. You just never know what may be prevented. You can quantify in terms of the economics, but measuring societal costs is difficult to do. We do know that the WHTI makes peoples' lives more difficult.

We can fight against certain things for so long, then it happens anyway. Many limitations are real, but some are mental. We can do something about the mental limitations people feel, their fears of crossing the border. People will need information and assistance. We just have to say, "It's not so bad, so let's get it done."

EDL is really different from passports. People do not want to carry their passports around both because of their size and fear of losing them. EDL is easier to carry, and there is less fear of loss. Statistics are fine, but, of the 45% who have passports, how many actually need to have them?

The panelists only had the percentages of those who have them and no information about whether they really need them for other purposes than crossing into the US.

I now do fewer border crossings because it is not convenient to handle a passport. But I do not think it is as big a deal as we make it out to be.

Some states have simply taken the approach, "Let's make it practical." Washington has a great marketing campaign and has been very successful.

Tourism brochures indicate border crossings are down overall. It seems like trade continues to rise though. It would be more of a concern to me if fewer border crossings correlated to reduced trade. Do you have any information on that?

The panelists did not have that data, but indicated that this is being watched very closely. Is the WHTI a complicating factor? Perhaps this will be clearer next year.

I want to feel like going into Canada is as easy as going from state-to-state. It is a comfort level thing with me.

It is sad that we have reached the point we have. WHTI and US DHS goals are to identify who we are and where we are going – that is supposed to translate into safety, post-9/11. There is a perception that there are people coming from Canada that are causing problems. We have to spend a lot of time, money and effort and give up a lot of privacy, and are we that much safer? What are we trying to achieve? We know we have to deal with it. It is now more difficult at the border. How people are treated makes a big difference. I wish there was another way. We are where we are, and we must move forward. Knowing where we are, where we've come from and where we are going is also important. The first question is now who are you, and soon it will be where are you going and why? Why would a Canadian ever be asked (when returning to Canada) where they are going? RFID is a tracking device and some time in the future it may be used in ways we will not like.

There was a real feeling in the US that they had to do everything to legislate away every risk, and that is not possible. The flip side is are we giving away some rights and privacy? We have risks everyday, but it's about calculated risks. We need to recognize that we are making choices to give up rights and privacy.

I am concerned about the bigger picture, the broader view. It is unfortunate we are where we are, but we have to deal with it. The investment to accomplish this is great, but are we achieving what the original goal was? That's my point. In the end, did we achieve our goal and how can we measure it?

Homeland Security has been a travesty on many levels. Events like Folk Fest may not happen for long. This group can be doing things to mitigate, soften or at least express our displeasure about the requirements and what happens at the border. These requirements have not made us safer.

Agreements Relative to the Western Hemisphere Travel Initiative (WHTI)

While delegates, again, expressed frustration with the way and the time frame in which the WHTI has been implemented, they understand it has been implemented. Nevertheless, they also believe that the habits of a lifetime of spontaneous border crossings have come to an end and question the necessity and whether it has increased security. The delegates expressed strong support for the efforts of New York Representative Slaughter to evaluate whether the WHTI requirements have increased security and to ensure monitoring and improvements in the WHTI implementation on the Canada-US border. They agree that if "undue harm" is occurring to lives, tourism and trade due to the new requirements, those requirements need to be revisited and corrected to minimize or eliminate such harm. At the least, the border crossing experience needs to become more friendly, through appropriate hiring and training of customs officials on both sides of the border, evaluation as to appropriateness of questions being asked of travelers at the border crossings, and through improved infrastructure to allow more efficient crossing. It will be essential to maintain and enhance border crossings in the more rural areas of our jurisdictions so as to lessen the inconvenience to rural citizens.

A great deal more needs to be done by the US DHS and other appropriate state, provincial and federal officials to educate and to ease fears of our citizens about the reality of border crossing identification requirements. The delegates support such efforts as those Manitoba has taken to develop an EIC and an EDL and agree that such programs have reduced the fear of citizens. The US Homeland Security and the State Departments should make more funding available to states to undertake similar programs. The experiences in Washington and Vermont will be valuable pilots for other states to consider in order to learn what has worked best and what has not.

The delegates support such approaches as the "trusted traveler," preclearance of bus tours, and additional options for border identification, including EIC, EDL, Pass ID and NEXUS, but continue to express concerns about violations of privacy rights and who has and will have access to the information supplied by citizens at border crossings (see, for example, contact information for Marianne Rude above).

NEXT YEAR'S TENTH ANNIVERSARY MEETING

On behalf of the delegates, Morrie Lanning thanked the Manitoba delegates and staff for their fine work in hosting this annual meeting in Gimli. He invited the delegates to come to Moorhead, Minnesota for next year's meeting. In addition to being a Minnesota representative, Morrie is the former Mayor of Moorhead and ensured the delegates they would have an enjoyable time at the tenth annual Legislators Forum. The delegates discussed potential dates and, tentatively agreed on Monday-Wednesday, June 21-23, 2010 for the tenth anniversary meeting of the Legislators Forum.

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