

**Photos bolster Devils Lake foes
Adult minnows slipping through drainage filter**

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OTTAWA -- North Dakota's Health Department is facing new calls to shut the Devils Lake diversion after photographs were taken of fish that appear to have slipped through the outlet's protective filter.

A formal demand to cease the outlet's operation was filed Wednesday by the North Dakota lawyer who is not only representing the Manitoba government in its ongoing court battle against the controversial drainage system but also U.S.-based opponents to the diversion.

The photos taken since North Dakota raised the ire of Manitoba and Canada Monday by flowing water through the outlet show adult minnows in the channel downstream from the outlet, which would be an apparent violation of the diversion's operating permit. The surprise opening of the outlet marks the first time in nearly two years that the water has flowed.

"The intake must be fitted with a screen system of sufficient mesh and size to preclude the uptake or transfer of adult fish species," lawyer William Delmore wrote. "If, in fact, adult minnows are being transferred downstream, the outlet is not in compliance with its permit conditions. I urge you to take all the necessary measures to immediately halt operation of the outlet to prevent further transfer of adult fish and to immediately investigate the matter."

The latest concerns over shortcomings of the filter now in place to protect Manitoba's waterways came as the House of Commons held an emergency debate on Devils Lake last night.

"I think it's great that Parliament is debating it," Premier Gary Doer said. "I think it's awful the water is flowing without that filter."

During question period, St. Boniface Liberal MP Ray Simard put heat on the Harper government to ensure the Americans honour an August 2005 agreement designed to protect Canadian rivers and lakes from water from the outlet, which flows into the Sheyenne River and then northward across the border via the Red River.

"Two years after Canada and the United States reached an agreement to install an advanced filter to prevent invasive species and pollutants from entering our waterways, we are still waiting for the installation to be done," Simard said. "When I asked about this issue in the House last month, the minister of the environment laughed and brushed off my concerns. Why has the government not asked the United States to turn off the tap until it honours its agreement?"

Environment Minister John Baird said he acted immediately to raise Manitoba's concerns with the U.S. government.

"We take this issue of Devils Lake incredibly seriously," Baird said.

The photos taken at the outlet by opponents to the project on Wednesday night have been quickly passed around environmental circles and have come to the attention of not only the Foreign Affairs Department but also Baird's department.

Beatrice Olivastri, chief executive officer of the environmental group Friends of the Earth Canada, said the pictures of the fish are clear evidence of the threat the outlet poses to the Red River basin.

"The filter is useless," she said. "Even the most elementary thing they were supposed to be doing isn't happening."