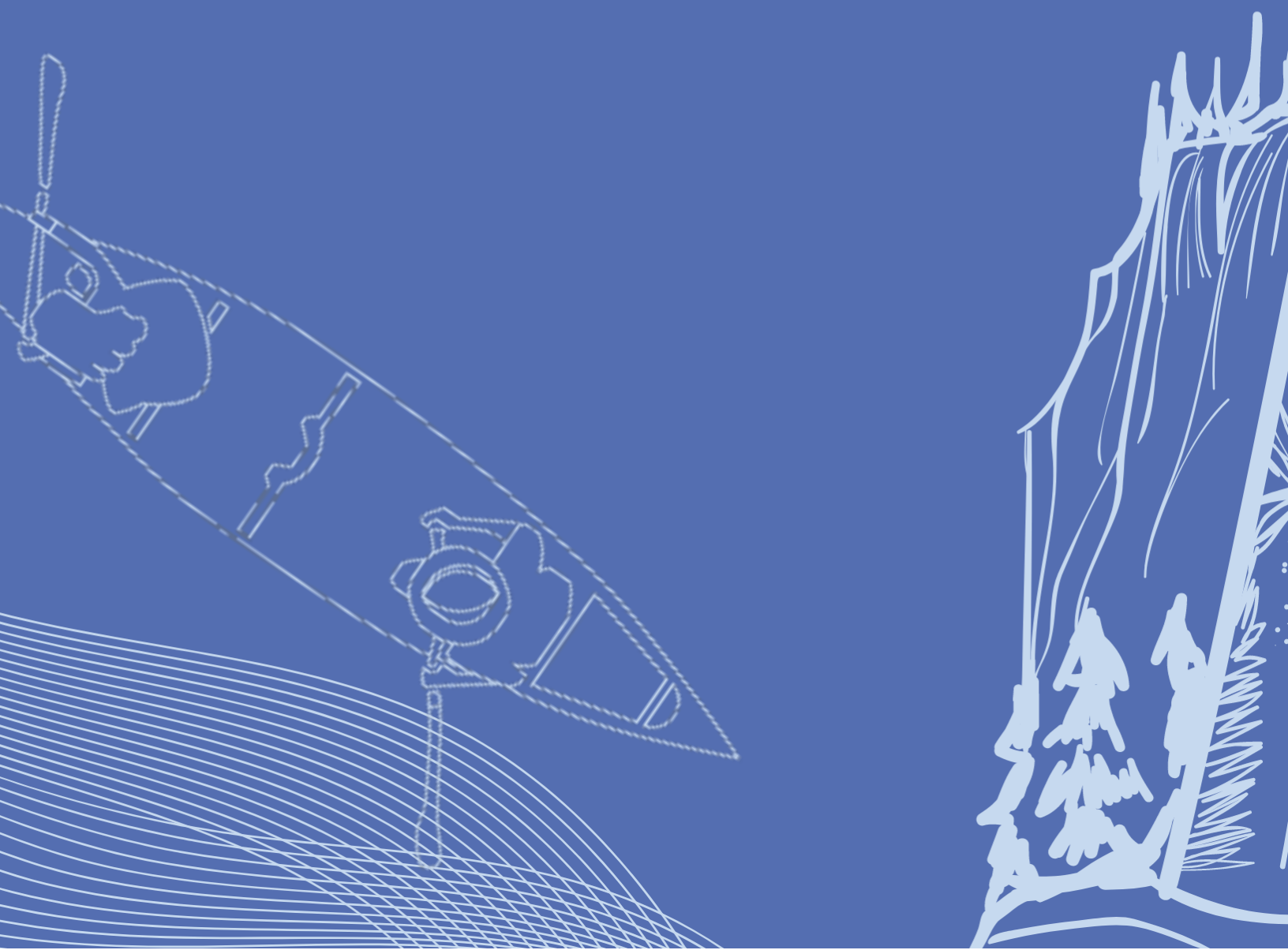


# Navigating the Law to Protect the Environment: Part 2

Final Report  
March 2024

By: Heather Fast



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## Contributors

This project would not have been possible with the following individuals and organizations who dedicated their time, effort, and knowledge.

### **Project Team:**

Heather Fast, Dr. Patricia Fitzpatrick, Glen Koroluk, Byron Williams, Katrine Dilay

### **Technical Support:**

Arielle Villarin, Dylan Armitage

### **Development of Exit-Surveys:**

Dr. Patricia Fitzpatrick

### **Survey Software Provider:**

Qualtrics

### **Webinar Speakers:**

Aimée Craft, Kaitlyn Mitchell, Ian Miron, Katrine Dilay, Dr. Patricia Fitzpatrick, Jamie Kneen

### **Facilitators and Note-takers:**

Dr. John Sinclair, Chris Klassen, Anna Evans-Boudreau, Emily Peterson, Alex Bastin, Lizzie Tough, and Heather Taylor.

Funding for this project was provided by The Manitoba Law Foundation.



## Introduction

This final report details the implementation of the Manitoba Law Foundation funded project: *Navigating the Law to Protect the Environment: Season 2 - Continuing the Conversation*. The project materialized as a 3-part public legal education series, titled *Navigating the Law to Protect the Environment: Part 2*. Delivered over the course of the 2023/2024 academic year, the project provided accessible public legal education on topics related to the field of environmental law.

The goal of the series was to increase Manitobans' awareness of and participation in the decision-making processes that impact the environment in Manitoba and Canada.

The response from participants was overwhelmingly positive and demonstrative of the need and desire for additional public legal education resources designed for and by Manitobans in the area of environmental law. In particular, there seems to be significant interest in more in-person events with workshop components.

## Project Inspiration

When seeking to address environmental concerns and access environmental justice, Manitobans face an increasing onslaught of legal and policy information that they must navigate to make their voices heard. It is especially challenging for citizens living in rural and northern areas to participate when most legal resources are concentrated in Winnipeg. Low-income individuals, who are often disproportionately affected by environmental damage, also face additional barriers to participation in legal processes.

Our 2020-2021 webinar series, *Navigating the Law to Protect the Environment: Part 1*, a collaboration between the Manitoba Eco-Network, the Public Interest Law Centre, and Dr. Fitzpatrick, sought to address this need for better access to legal information in order to improve the ability of Manitobans to participate in environmental legal processes at all levels of government. See the final report for more details.<sup>1</sup>

We were successful in providing content from trusted and authoritative sources and discussed a variety of important issues and legal tools including Reconciliation, environmental racism, participating in legislative processes, the rights of protesters, and class action lawsuits. Our team established a strong foundation of information that we can build on as we continue to engage with Manitobans and connect with Canadians from other jurisdictions.

Recognizing that our webinar series was just a small piece of a larger conversation about the need and public demand for better tools to participate in environmental decision making, the Manitoba Eco-Network (MbEN), the Public Interest Law Centre (PILC) applied for funding to assist with the next phase in our public legal education and advocacy project: *Navigating the Law to Protect the Environment: Season 2 - Continuing the Conversation*.

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<sup>1</sup> Final Report, <https://mbeconetwork.org/wp-content/uploads/2022/07/Concluding-Report-Navigating-the-Law-to-Protect-the-Environment.pdf>

This second part of the Navigating the Law Project focused on continuing to fill the gap that currently exists in public legal education and services relating to environmental law and policy. We received partial funding for our application, and with this money we hosted two webinars and one in-person workshop for interested environmental organizations, lawyers, and members of the public.

### Expected outcomes and Measuring Success

The expected outcomes of this project were:

- The development of environmental law resources and tools written in plain language and made available to the public.
- Delivery of a workshop on environmental legal processes in Manitoba and an increased awareness and understanding of environmental law issues among students and the general public.
- An increased capacity on the part of MbEN and PILC to provide public education on environmental law and policy processes.
- Increased connections and co-operation between environmental NGOs, legal practitioners, academics and students in relation to environmental legal and policy issues.
- Empowerment of members of Manitoba's environmental policy community to build stronger working relationships and advocacy coalitions.
- Improved opportunity for university students at the University of Manitoba and University of Winnipeg to participate in and facilitate public environmental education initiatives.

The success of this project will be measured by the quality of the education initiatives developed, the number of Manitobans reached through our environmental law programs and the extent to which the project achieves its expected outcomes. The success of this project will also be measured based on the feedback received, through surveys,<sup>2</sup> from participants of the webinars and the in-person workshop.

### Navigating the Law to Protect the Environment: Part 2

This free, public legal education series is a continuation of previous work undertaken in Part 1 of the Navigating the Law Project (2020-2021). The goal is to make expert insights and tools available to the public to improve Manitobans' understandings of environmental law. The series aims to foster increased public participation in environmental legal processes and reforms.

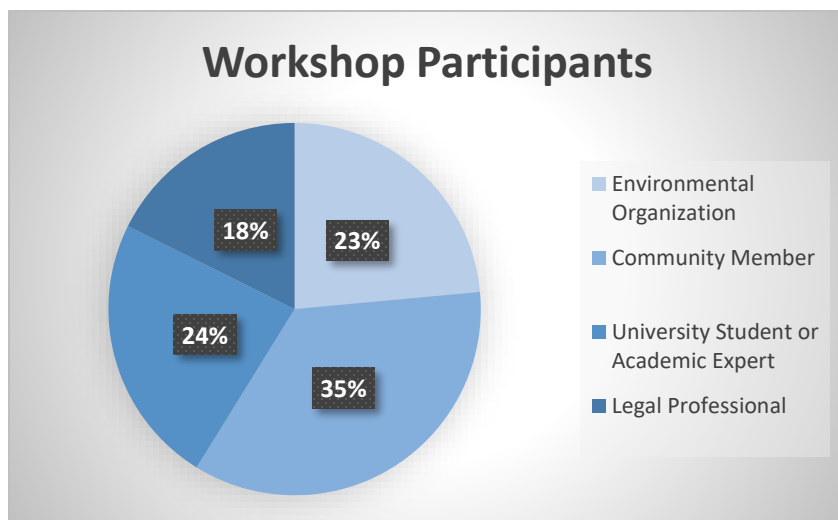
The webinars hosted were approximately one-hour in length and featured three speakers per topic. This allowed for a dynamic and engaging discussion that provides meaningful information to the intended audience without taking up too much time. Delivering the webinars through a digital platform (Zoom) presented an opportunity to improve accessibility of the project for

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<sup>2</sup> The two post-webinar participant feedback exit-surveys, as well as the post-event feedback survey were designed and programmed by Dr. Patricia Fitzpatrick.

members of the public. The webinar format allowed for a broad target audience and wider reach for the project. While the project is primarily targeted at Manitobans, the content created is now also freely available to anyone with expressed interest in the topics covered, regardless of where they live. The digital delivery of the webinars also allowed us to more easily attract experts in environmental law from other Canadian jurisdictions to share their insights with Manitobans. We were able to include speakers who shared a variety of perspectives, including lawyers, academic experts, and at least one Manitoban per webinar who could provide local context for the issue.

The in-person workshop held in November 2023 was four hours in length and included a mix of presentations and group discussions. This was our first in-person, post pandemic gathering, and it was fully subscribed. Participants indicated how much they appreciated the opportunity to reconnect in person, allowing for dialogue and interaction, as well as making new connections. We had a good mix of participants including representatives of environmental organizations (n=8), members of the environmental community (n=12), university students and academic experts (n=8), and legal professionals (n=6).



### Webinars (in chronological order)

1. **Environmental Rights and Beyond: Rights Based Approaches to Environmental Protection**

**Date: October 24, 2023.**

Rights based legal approaches to protection of the environment, human health, and animals have been receiving increasing recognition and adoption in Canada. This webinar explores current rights-based approaches, such as recognition of the right to a healthy environment and expansion of Indigenous rights, and their use as a legal tool to better protect the environment and empower Canadians to participate in environmental legal processes. Guest speakers Aimée Craft, Kaitlyn Mitchell, and Ian Miron share their insights.

**Aimée Craft:** is an award-winning teacher, lawyer, author, and researcher, recognized internationally as a leader in the area of Indigenous laws, treaties, and *nibi* (water). She is

an Associate Professor at the Faculty of Common Law, University of Ottawa and an Indigenous (Anishinaabe-Métis) lawyer from Treaty 1 territory in Manitoba.

**Kaitlyn Mitchell:** is Director of Legal Advocacy at Animal Justice, a national animal law advocacy organization. She has an extensive history of going to court to fight for environmental justice, as well as working to strengthen Canadian environmental laws, and uses this expertise to enforce and strengthen Canada's animal laws.

**Ian Miron:** has been legal counsel at Ecojustice, Canada's largest environmental law charity, since 2014. His practice focuses on environmental issues linked to air pollution and offshore oil and gas, as well as protecting the marine environment and advancing the recognition of environmental rights in Canada.

Link: <https://youtu.be/9WZVzyOW6g0>

## 2. **What's Next for Manitoba: Mining and Critical Minerals**

**Date:** February 22, 2024

There has been increasing interest from government and industry in the extraction and development of critical minerals and other mining projects in Manitoba. This webinar brings together legal and mining experts to talk about mining developments and the impacts from this sector on the environment and health of local communities. Learn about changes to law and policy in Manitoba that could strengthen protections for the public and vulnerable communities, and gain a better understanding of existing tools, like the National Pollutant Release Inventory (NPRI) database, that can be used by citizens to inform their engagement in regulatory processes associated with critical minerals and mining. Speakers are Katrine Dilay, Dr. Patricia Fitzpatrick, and Jamie Kneen.

**Katrine Dilay** is a graduate of Robson Hall, Faculty of Law at the University of Manitoba. She was called to the bar in 2016. She joined the Public Interest Law Centre (PILC) as an articling student in 2015 and has worked as a staff lawyer with PILC since 2016. In her work, she has represented consumer organizations, disability groups and equality seeking groups, as well as First Nations political organizations. Katrine practises mostly in the areas of consumer rights, human rights and environmental law. She has appeared before the Public Utilities Board, the National Energy Board, the Canadian Radio-Television and Telecommunications Commission, the Social Services Appeal Board and the Manitoba Court of Appeal.

**Dr. Patricia (Trish) Fitzpatrick** (she/her) is a Professor in the Department of Geography and an Instructor in the Master's of Development Practice – Indigenous Focus – at The University of Winnipeg. Dr. Fitzpatrick's research focuses on different aspects of environmental governance in Canada. Over the past 20 years, she has been actively involved in 15 regulatory hearings related to mining and/or energy developments.

**Jamie Kneen:** As the Canada Program Co-Lead and Outreach Coordinator, Jamie leads MiningWatch’s work on mining policy development and individual mining projects in western and northern Canada. He leads policy reform efforts and provides strategic and technical support to communities affected by mineral exploration and mining projects. He also leads the organization’s strategic research and communications, as well as research and advocacy in Africa (and previously, Latin America), as well as on mine waste management, mining and Indigenous rights, uranium mining, and environmental assessment policy and practice in Canada.

**Link:** <https://youtu.be/ZiCooHWTX3E>

## Fall 2023 Workshop:

Title: ***Navigating the Law: What’s Next for Manitoba?***

Date: November 18, 2023

In November 2023, a half-day workshop event was held at the St. Boniface Library in Winnipeg, Manitoba. The purpose of the event was to bring experts, legal professionals, and community members together to discuss the future of environmental law in Manitoba. The event focused on identifying legal tools Manitobans would like to see used more in our province and are interested to learn more about. This gathering was also intended to help identify priorities and establish a basis for future, more focused discussions about environmental law reform and advocacy in MB.

The event was attended by forty participants including interested citizens, academic experts, and representatives from a range of different environmental and legal organizations.

### **Event Agenda:**

10:00am-10:15am: Registration/Check-in

10:15am-11:00am: Presentations

- Public Interest Law Centre – Gaps in Legal Services
- Dr. Patricia Fitzpatrick – Potential Reform Opportunities
- Heather M. Fast – What have we heard from the Community?

11:00am-11:15am: Break

11:15am-12:00pm: Group Discussion #1 – Identifying Tools of Interest – Part 1

Table Topics: Environmental Rights, Impact Assessment, Indigenous Governance and Stewardship, Meaningful Public Engagement, Monitoring and Enforcement, Using the Courts.

12:00-12:15pm: Lunch is Served

Menu: Stew (vegan, bison), bannok, cookies, fruit.



12:15-1:00pm: Group Discussion #2 – Identifying Tools of Interest – Part 2  
(pick a different table topic than part 1)

1:00-1:40pm: Whole Group Discussion – Group Discussion Outcomes  
Event Wrap-up/Closing Remarks

An event report was produced to provide a summary of the input we heard from Manitobans at this event. Please see the MbEN website for the full report:

<https://mbeconetwork.org/what-we-do/navigating-the-law/>

## Project Budget

### **Budget Adjustment**

A significant budget adjustment was required prior to the start of this project. The project team originally applied for \$20,000 from the Manitoba Law Foundation, but received \$10,000. We were unsuccessful at securing additional funding. As a result, the scope of the project had to be significantly reduced and expenditures limited. Elements of the project budget that were cut include: translation services, purchase of new mode subscription, paid advertisements, travel to and hosting of a rural event, and honorariums. The number of events were also reduced.

### **Personnel expenditures – \$8,750**

Given the need for project management and tech support to plan and coordinate the webinar series, \$2,000 of the budget was allocated to the Manitoba Eco-Network who already had built-in capacity to carry out these aspects of the project. Manitoba Eco-Network staff (e.g., Arielle Villarin and Dylan Armitage) were tasked with doing outreach, project management, committee liaising, promotion as well as project webpage creation and hosting.

Heather Fast, Policy Advocacy Director at MbEN, was allocated \$5,750 to undertake a variety of duties including management of the project, outreach to speakers, scheduling and planning of events, background research, and related communications.

Glen Koroluk, Executive Director at MbEN, was allocated \$1,000 to assist with planning and coordination of the in-person event, advertising, and outreach to potential speakers.

### **Equipment & Supplies – \$1,359.31**

To cover the cost of equipment rentals and event costs (food, drinks, room rental, supplies, thank-you gifts) \$1000 was budgeted. Additionally, \$250 was budgeted for the purchase of necessary hardware to moderate the events, including Zoom upgrades. The budget was exceeded by \$109.31 due to higher food costs than anticipated.

## **In-Kind Support – \$18,859.31**

MbEN provided in-kind support of \$109.31 to cover project costs that exceeded the budget.

To support the project as a whole, PILC made an in-kind commitment of \$7,500 for PILC lawyer work (60 hours at \$125/hour). In addition, two PILC externship students from Robson Hall contributed 4 hours each by acting as note-takers during the in-person event.

Dr. Patricia Fitzpatrick and the University of Winnipeg also made in-kind contributions towards the project. Dr. Fitzpatrick has contributed \$11,250 of work (75 hours at \$150/hour). Through the University, the team has also benefited from access to the Qualtrics software which enabled post-event exit surveys to be included.

## **Budget table**

Expense	Service provider	Service description	Budgeted	Spent
Service Fee	Manitoba Eco-Network	Outreach, project management, branding, promotion, webinar organization, webpage creation and hosting	\$2,000	\$2,000
Salary	Heather Fast Glen Koroluk	Coordination, research, drafting of reports, planning of events.		
		115 hours x \$50/hr	\$5,750	\$5,750
		20 hours x \$50/hr	\$1,000	\$1,000
Supplies	Various	Workshop (Room rental, Refreshments, Supplies – e.g., markers, poster board, nametags, food – Feast Café Bistro)	\$1,000	\$1,147.31
Equipment	Various	Zoom account upgrade (Webinar).	\$250	\$212
<b>Total</b>			<b>\$10,000</b>	<b>\$10,109.31</b>

## **Community Response**

### **Participation Data**

Data on participation has been tracked for each of the webinars:

1. **Environmental Rights and Beyond: Rights-Based Approaches to Environmental Protection (webinar)**
  - a. Event held October 24, 2023
  - b. Event Registration: 85
  - c. Live participants: 55
  - d. YouTube video views: 80 (to date)
2. **Navigating the Law to Protect the Environment: What's Next for Manitoba? (workshop)**
  - a. Event held November 18, 2023
  - b. Registration: 48 (max registration was 40)
  - c. Participants: 40

3. What's Next for Manitoba: Mining and Critical Minerals (webinar)
  - a. Event held February 22, 2024
  - b. Registration: 67
  - c. Live participants: 39
  - d. YouTube video views: 37 (to date)

Due to the significant difference in budget for Part 2 of this project compared with Part 1, we were not able to undertake the same advertising approaches (e.g., paid advertisement on Facebook and Instagram). It is likely this difference in advertising strategy contributed to lower registrant and participant numbers than seen for past Navigating the Law webinars.

### Exit-Surveys

At the conclusion of the events, our participants were invited to respond to a survey, designed by Dr. Patricia Fitzpatrick, which helped the organizing team identify topics for future webinars and other environmental law activities. The responses provided also helped the organizing team understand the audience of our educational work, and how to improve on the format for subsequent activities.

The surveys reveal that participants attended the webinars and in-person workshop for a variety of reasons:

"I am interested in decolonizing management of natural resources."

"We are working on a similar project and I wanted learn more about other contexts."

"I am interested in advancing environmental law in Manitoba and Canada."

"I am interested in knowing how environmental organizations can benefit from legal perspectives to reach long term goals"

"I attended the webinar to learn as it relates to my work as a sustainability planner"

"I think the topic is very crucial right now with what could happen in Manitoba. It is a very complex, confusing topic for most citizens and this webinar helped to clarify what is going on in reality."

"Needed a primer on this area"

Overall, the feedback we received was positive. The majority of respondents would be interested in attending future webinar series - Yes (14) Maybe (5).

“In these times, most people feel helpless to stop further environmental damage from occurring. These webinars help to clarify what we, as individuals, can do to help stop further destruction of the natural environment.”

“The speakers were excellent, the participants were active and engaged, the moderators were efficient, and the materials were professionally designed and presented. The overall organization was of a high standard. Thank you for everything.”

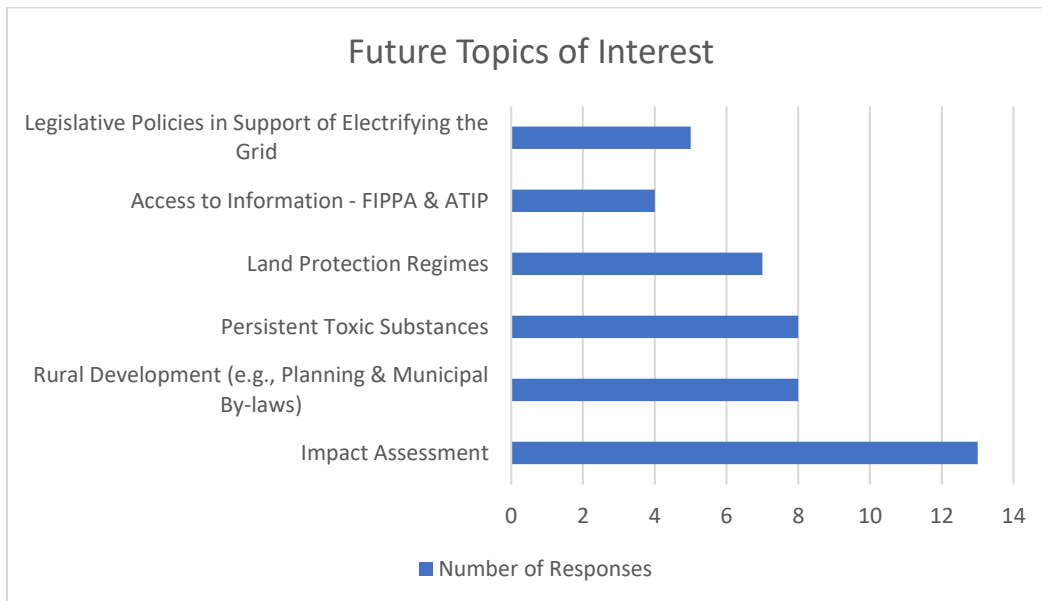
Suggestions for changes to future events largely focused on length of time and how much information was included in the presentations:

“One hour felt too rushed! Great resource folks but more engagement with questions, letting us see who is on the call promotes networking.”

“Last presentation was too dense — slides needed modifications; went too long, thus question period was truncated.”

“I am hoping to have some follow up in-depth workshop”

Respondents indicated interest in a range of different issues for future events, and ranked impact assessment as the #1 topic of interest.



Other topics suggested include:

- Climate change.
- Lawsuits against fossil fuel producers.
- Policies on the protection of the environment in all its forms: air, water, ground when any type of development is planned.

- Laws and policies related to a just transition.
- Indigenous rights and changes needed to create meaningful participation in impact assessments.
- Laws protecting wildlife, including pollinators, from exposure to wireless radiation (electromagnetic fields) - cell towers, high tension wires.
- How we can work with legal teams to create a roadmap to inclusive processes in the licensing of resource extraction industries on Indigenous Territory.
- Endocrine disruptors in consumer goods.

The community engagement we had through the webinars and in-person event, along with the positive feedback received through survey responses demonstrates that there is both a need and demand for publicly accessible information on environmental law from trustworthy sources.

### Conclusion

This series has continued to address the need for improved access to quality information to facilitate greater public participation and engagement in environmental legal processes and to bolster access to environmental justice.

In a time of significant webinar fatigue among the public, the consistent participant response to this project is demonstrative of the continued need for access to public legal initiatives in Manitoba in the area of environmental law. Public participation in regulatory and legislative processes is needed to foster the health and sustainability of our democratic society. In light of the current climate crisis, environmental laws have a significant impact on the material wellbeing of our society.

The *Navigating the Law to Protect the Environment* webinar series continues to be successful because it provides content from trusted and authoritative sources, and it works to fill Manitoba's existing gap in public legal education on the topic of environmental law. Through the efforts of the Manitoba Eco-Network, this content has been centralized and will continue to be accessible to the public into the future. The organizing team feels that this series represents a strong foundation upon which additional publicly accessible projects in the area of environmental law could be conceived and carried out in response to community needs.

The benefits of working on this project have also extended to the organizations represented on the project's organizing team. Capacity for public engagement has improved and bridges have been built with previously unlinked organizations. In doing so, this series has strengthened connections between NGOs, experts and legal actors from across Canada who share the goal of improving access to environmental justice.

The organizing team would like to thank the Manitoba Law Foundation for its support in making this project a success. The provided funding has allowed for the production of high-quality content that reflects the needs expressed by the community we serve.