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State of Environmental Governance in Manitoba



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We also reflect on the reality that the consumer electronics we take for granted to assist all aspects of our work contain minerals and precious metals that have likely been mined from all over the world. We recognize that the lands that are mined and the people who do that labour may be facing environmental injustice as well. We acknowledge this common thread. Through this work, we envision a brighter, healthier future for the land and its people and an end to environmental injustice everywhere.

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Contents

Executive Summary.....	iii
Definitions/Acronyms.....	vi
Introduction	1
Environmental Governance in Manitoba	6
<i>How are Laws and Policies Made in Manitoba?</i>	8
<i>Provincial Government Structure and Function of the Legal System</i>	11
<i>Ministerial Responsibilities</i>	12
<i>Administrative Tribunals and Commissions</i>	16
<i>Public Engagement</i>	17
<i>Enforcement of Provincial Laws and Policies</i>	17
<i>Role of the Courts</i>	18
<i>Government Oversight</i>	19
<i>Government Funds</i>	20
The Role of the ENGO Community.....	23
ENG0 Engagement in Governance Processes	23
The Role of the Manitoba Eco-Network	25
What Does Environmental Governance Look Like in Manitoba?.....	27
Governance Case Study 1: Energy (Net-Zero by 2050).....	27
Governance Case Study 2: Meaningful Public Participation.....	32
Governance Case Study 3: Environmental Rights.....	38
Analysis and Recommendations	43
Part 1: What are some of the strengths and weaknesses (including gaps) that exist in Manitoba?..	43
Part 2: What regulatory and legislative changes might better address effective environmental policy and enable more meaningful public engagement?.....	48
<i>Modernization of Manitoba’s Governance Framework</i>	49
<i>Holistic and Inclusive Approach to Environmental Governance</i>	49
<i>Transparent and Accountable Decision-Making</i>	50
<i>Meaningful Public Participation</i>	51
<i>Building Stronger Relationships with ENG0s</i>	52
The Future of Environmental Governance in Manitoba	53
References.....	54
Appendix 1 - Manitoba Eco-Network Activities	61
Appendix 2: Community Requests Received by the Manitoba Eco-Network.....	65

Executive Summary

Project Background

This project was inspired by the State of Environment (SOE) reports published by the Government of Manitoba from 1991-1997 and the Provincial Sustainability Reports (2005, 2009). The SOE reports were available until the law was reformed in 1997 and the respective provision was repealed (SM 1997, c 61, s 21). Although some of the information typically included in the SOE reports subsequently made to the Legislative Assembly from provincial departments, overall, Manitobans have been without a fulsome analysis of the state of the environment from provincial sources or comprehensive data sets since 1997. Since this time, there has been significant change and increasing uncertainty surrounding environmental governance in Manitoba.

Project Approach

Due to significant gaps in data, we were unable to replicate the approach taken in the original SOE reports. Through this project, we instead sought to better understand the state of Manitoba's environmental governance framework and use this information to develop a grassroots guide to environmental governance. Specific objectives included:

- Map the legal and policy framework in Manitoba.
- Provide plain language information about environmental governance processes.
- Offer preliminary answers to important research such as:
 - What are some of the key reporting and information strengths and weaknesses (including gaps) that exist?
 - What regulatory and legislative changes might better address effective environmental policy and enable more meaningful public engagement?

This Report relied on the collaborative efforts of many contributors in Manitoba's environmental community. Our vision of governance involves meaningful grassroots participation with citizens and the public interest NGOs doing work on behalf of their constituencies (i.e., bottom-up governance). When undertaking this project, the Manitoba Eco-Network engaged with experts and grassroots members of the environmental sector who have years of experience in participating in the environmental decision-making process. We also met with key decision-makers and public officials. The analysis and recommendations in this Report reflect the Eco-Network's own experiences participating in numerous provincial consultation and legislative processes that influence environmental decisions. Our learning was also augmented through two key capacity building projects that we undertook during this project timeline (i.e., the [Healthy Environment, Healthy Neighbourhood Project](#) and the [Navigating the Law Project](#)).

Results

Overall, we find that the Manitoba Government has not prioritized environmental governance in the last eight years. Some modest improvements were seen prior to this, but most major laws and policies remain significantly outdated and require modernization to better align with best

practices. The most significant weaknesses of Manitoba's framework that emerged from our analysis include:

- Outdated and complicated governance framework,
- Lack of Coordination with other Governments,
- Lack of Information and Data,
- Barriers Preventing Meaningful Public Participation, and
- Barriers Preventing Successful ENGO Engagement.

However, the mandates of new government officials and public statements made by the new Government of Manitoba indicate there is potential for positive reforms and increased focus on environmental issues at the provincial level.

Manitoba is also lucky to have a dynamic, diverse, and capable ENGO sector that provides a range of positive contributions to environmental governance in our province. However, there continue to be many barriers to meaningful ENGO engagement, the biggest being a lack of financial support. Both the private and public sector need to offer more support for the ENGOs they increasingly rely upon to facilitate public participation. There is clearly a need for more recognition of this valuable role and reliable funding for public engagement and policy advocacy activities.

Recommendations

The Manitoba Eco-Network has identified reform recommendations with the potential to strengthen Manitoba's environmental governance framework, enable more meaningful public engagement, and build better relationships with ENGOs.

Recommendation 1: The Government of Manitoba should undertake a comprehensive review of Manitoba's environmental laws and policies and introduce reforms that align with UNDRIP, reflect best practices, and coordinate Manitoba's governance approaches with those used in other Canadian jurisdictions, when appropriate. This modernization of the environmental governance framework should be undertaken in partnership with Indigenous rights holders and include opportunities for meaningful public participation, with funding, throughout the entire process.

Recommendation 2: The Government of Manitoba should adopt a more coordinated and comprehensive approach to environmental governance. This requires, but is not limited to:

- Adopting a new focus on the interconnectedness of environmental systems (e.g., cumulative impacts) and linkages between different regulatory requirements.
- More transparency about how the shared environmental responsibilities of different elected officials, regulatory tribunals, and Crown corporations fit together.
- Collaboration with other levels of government and Indigenous rights holders to coordinate legal and policy approaches.

Recommendation 3: The Government of Manitoba should formally recognize the citizens of Manitoba as important stakeholders in provincial environmental governance processes through the adoption of an Environmental Bill of Rights (EBR). An EBR for Manitoba should include:

- Recognition of substantive rights (e.g., the right to a healthy environment),
- The creation of a specialized independent oversight position (e.g., Environmental Commissioner), with adequate funding to oversee and implement the EBR framework,
- Procedural rights that establish legal standing to initiate court proceedings against those who cause harm to the environment and violate citizens' environmental rights.

Recommendation 4: The Government of Manitoba should reform environmental regulatory requirements to improve the transparency and accountability of decision-making processes. This should include the adoption of new legal mechanisms that require decision-makers to regularly (e.g., annually) publish more comprehensive data about environmental governance processes (e.g., environmental investigation and enforcement data).

Recommendation 5: The Government of Manitoba should develop stronger mechanisms that create opportunities for independent public reviews and coordinate oversight of the provincial environmental governance framework. This could include:

- Expanding the mandate of the Ombudsperson or Auditor General to include specific environmental responsibilities.
- Creation of a new independent oversight position, e.g., an Environmental Commissioner

Recommendation 6: The Government of Manitoba should reform environmental governance processes to include best practice mechanisms that facilitate meaningful public engagement. This should include legal mechanisms that require funding and other resources be made available to public participants to support their engagement.

Recommendation 7: The Government of Manitoba should offer more training and resources for public officials, administrative tribunals, and Crown corporations so they can more meaningfully engage with the public about environmental governance issues. This should include specific resources for tribunals to facilitate public outreach, education, and support of public participants.

Recommendation 8: The Government of Manitoba should make more funding available to support the meaningful engagement of ENGOs in environmental governance processes. This should include, but is not limited to:

- Core funding,
- Resources to support ENGO capacity building,
- Specific funding to support policy advocacy activities, regulatory reform research, and the delivery of environmental legal services.

Definitions/Acronyms

These definitions are intended to provide clarity when acronyms are used, and important decision-makers are mentioned.

Auditor General of Manitoba: This is an independent office of the Legislative Assembly of Manitoba that undertakes financial and project audits, and reports on how well the government accounts for the resources entrusted to it, and how well it manages its operations.

Cabinet (Executive Council of Manitoba): Government Ministers/Premier.

Clean Environment Commission (CEC): The Manitoba Clean Environment Commission is an arms-length provincial government agency tasked with providing advice and recommendations to the Minister, developing and maintaining public participation in environmental matters, and carrying out other functions related to contaminated sites and drinking water.

Environmental Non-Governmental Organizations (ENGOS): Organizations (often charitable or non-profit) focused on environmental issues and actions that are not run by government and receive funding from private donors, corporations, and other institutions.

Lieutenant Governor in Council: A figure-head representative of the King and heads the Executive Council.

Manitoba Legislative Assembly: Comprised of 57 people elected from 57 constituencies, the body that makes provincial laws in Manitoba.

Member of the Legislative Assembly (MLA): A person elected by the public within their constituency as a representative of the Legislative Assembly.

Manitoba Municipal Board: A quasi-judicial administrative tribunal, whose members are appointed by the government-of-the-day, with the mandate to adjudicate on property assessment appeals and planning appeals and referrals.

Public Utilities Board (PUB): A quasi-judicial administrative tribunal, whose members are appointed by the government-of-the-day, with the mandate to adjudicate over public utilities and their financial impact to customers from rate increases.

Provincial Ombudsperson: In Manitoba, the Ombudsperson (or Ombudsman) is an independent office of the Legislative Assembly of Manitoba that conducts independent, impartial, and non-partisan investigations about access to information and privacy matters, the fairness of government actions or decisions, or serious 'wrongdoings' identified through public complaints.

Sustainable Development Commissioner: The federal Commissioner of the Environment and Sustainable Development is a member of the Office of the Auditor General of Canada who provides parliamentarians and Canadians with objective, independent analysis and recommendations on the federal government's efforts to protect the environment, mitigate the effects of climate change, and foster sustainable development.

Technical Advisory Committee (TAC): An internal group of government officials, from the natural resources, environment and health departments, who are tasked to provide technical comments and advice to a proponent who is seeking an environmental license for a new (or altered) development undergoing an impact assessment.

Introduction

By Heather Fast and Glen Koroluk

As an ENGO, the Eco-Network fights for environmental justice by pushing for changes to policy and governance that will result in more meaningful opportunities for public involvement, supports for vulnerable populations, and sustainable environmental outcomes. Since 2019, the Manitoba Eco-Network's work focuses on gathering environmental information and data to support the advocacy efforts of local environmental non-governmental organizations (ENGOS), grassroots community groups and our Eco-Network members. Through this work, we realize that there is considerable confusion about the current governance processes that are supposed to protect the environment and human health and move Manitoba in a more sustainable direction.

Environmental policy decisions have numerous effects on everyday residents, particularly when undertaken without consideration for the health, safety, and stewardship of humans and the environment. The Eco-Network dedicates its expertise to grassroots causes and prioritizes local community knowledge to inform our work. Our approach to research seeks to change the way power is structured, which inevitably leads to confronting the disempowerment experienced by affected people, natural ecosystems, and the land itself. Starting at the local level, we build public consciousness about these issues by seeking ways to learn from those who may not have access to the power and resources needed to make substantive change.

Objectives

The purpose of this project is to provide a grassroots guide for environmental governance in Manitoba. Specific objectives include:

- Map the legal and policy framework in Manitoba.
- Provide plain language information about environmental governance processes.
- Offer preliminary answers to important research such as:
 - What are some of the key reporting and information strengths and weaknesses (including gaps) that exist?
 - What regulatory and legislative changes might better address effective environmental policy and enable more meaningful public engagement?

Project Approach

This project was inspired by the State of Environment (SOE) reports published by the Government of Manitoba from 1991-1997 and the Provincial Sustainability Reports (2005, 2009). The SOE reports were required every two years under *The Environment Act* (SM 1987-88, c26, s 4). Historically, the SOE reports required collaboration amongst government departments, was reviewed by a technical advisory committee, and involved a range of other stakeholders including grassroots members of the environmental community. Each report identified a specific focus (e.g., 1995 – agriculture, 1997 – sustainable development). Standard numerical data included components of baseline ecological information about environmental conditions,

statistical analysis of government programs (e.g., waste diversion rates), and a broad set of environmental performance indicators.

The SOE reports were available until *The Environment Act* was reformed in 1997 and the respective provision was repealed (SM 1997, c 61, s 21). Some of the information typically included in the SOE reports has subsequently still been reported to the Legislative Assembly from provincial departments. However, Manitobans have been without a fulsome analysis of the state of the environment from provincial sources, or comprehensive data sets since 1997. Ironically, the statistical information about provincial environmental performance that is available from federal sources is limited (see side bar).

There has also been significant change and uncertainty surrounding environmental governance in Manitoba. This includes incomplete information about Ministerial duties (e.g., a lack of mandate letters), inefficient information request processes (e.g., Environmental File Search), and significant modification of government departments and reshuffling of duties. For example, in the last eight years alone, there have been six Directors of the Environmental Approvals Branch (an important official with the power to issue licences under *The Environment Act*). In that same period, there have been seven Ministers responsible for the environmental portfolio and the Department has been restructured and re-named six times (e.g., Department of Conservation and Water Stewardship; Department of Sustainable Development; Department of Conservation and Climate; Department of Environment, Climate and Parks; Department of Environment and Climate; Department of Environment and Climate Change).

In the absence of a comprehensive government review, some ENGOs have taken on the work of documenting governance practices. These reports are focused on a single issue or small piece of Manitoba's overall governance structure. For example, see the following reports:

- Wilderness Committee, "Manitoba Duck Mountain Region Audit" (2023), <https://www.wildernesscommittee.org/sites/default/files/2023-05/Duck-Mountain-Audit-Report-Web.pdf>
- Manitoba Eco-Network, "The Burden of Concern: The Healthy Environment, Healthy Neighbourhood Project" (2023), <https://mbeconetwork.org/wp-content/uploads/2023/03/HEHN-v6.pdf>

Federal Environmental Report Cards

The Conference Board of Canada (2013 & 2016) produced *Environmental Report Cards* in 2013 and 2016 that measured "how well Canada and its provinces and territories are meeting the goal of creating a high and sustainable quality of life for all Canadians". The purpose of the reports was to "benchmark the provinces in an international context". Much of the data (80%) used for these reports was sourced from the Organization for Economic Cooperation and Development (OECD). The provincial and territorial data used in the 2016 report was acquired from Statistics Canada.

- CPAWS, “The Grades are In: A Report Card on Canada’s Progress in Protecting Its Land and Ocean” (2021), <https://cpaws.org/wp-content/uploads/2021/06/cpaws-reportcard2021-web.pdf>
- Climate Action Team, “Manitoba’s Road to Resilience”, <https://climateactionmb.ca/road2resilience/>
- Efficiency Canada, “2022 Canadian Energy Efficiency Scorecard: Provinces and Territories”, <https://www.scorecard.efficiencycanada.org/>

For this project, data gaps and governance changes resulted in a need to take a different approach than previous state of environment and report card publications. Consequently, we pivoted to focus on understanding the state of Manitoba’s environmental governance framework, including:

- which departments have responsibility for key elements involved in decision-making;
- what opportunities exist for all stakeholders, particularly non-government and non-industry actors, in decision-making processes; and,
- the barriers and opportunities for meaningful involvement moving forward.

To help compensate for existing information gaps, the Manitoba Eco-Network engaged with experts and grassroots members of the environmental sector who have years of experience in participating in the environmental decision-making process. Unstructured conversations were held with five key community members who have decades of experience in the Manitoba ENGO sector. Questions focused on opinions on environmental decision-making and prioritizing areas that needed attention. We also met with key decision-makers, both at the elected and public service levels (see Appendix 1 for complete list).

This Report is also informed by our own experience through direct participation in numerous consultation and legislative processes that influence environmental decisions, such as:

- Public Utilities Board review of Efficiency Manitoba’s 3-year Plan,
- Clean Environment Commission hearing on Sio Silica Sand Extraction project,
- Legislative amendments to Provincial Acts (Bill 22, Bill 36) and Federal Acts (Bill S-5),
- Environmental assessment and licensing process (numerous developments),
- Provincial consultations on environmental matters, (e.g. Manitoba Energy Strategy, Manitoba Water Strategy and Action Plan, Manitoba Contaminated Sites Act; Waste and Recycling Program), which may or may not lead to legislative or regulatory change.
- See Appendix 1 for a complete list of activities.

Our learning was also augmented through two key capacity building projects that we implemented. The Healthy Environment, Healthy Neighbourhood (HEHN) project documented first-hand experiences of Winnipeg residents in inner city and mature neighbourhoods who live near industrial activities and contaminated sites (Manitoba Eco-Network, 2023). The project’s community-based research approach also involved examination of government policy and law, with a focus on identifying opportunities that empower citizens seeking environmental justice and better protection of human health and the environment.

The second project, Navigating the Law to Protect the Environment is a two-part series of webinars designed to improve Manitoban’s legal knowledge and help increase public engagement in legal processes and reforms related to environmental law and policy development. An in-person event to discuss legal challenges and potential reforms for environmental governance processes in Manitoba was held in November 2023. (Manitoba Eco-Network, Public Interest Law Centre, & University of Winnipeg, 2024).

Research Limitation

The content in this Report reflects a Euro-Canadian (i.e., Western) perspective of environmental governance. This is not because the Manitoba Eco-Network supports the colonial attitudes reflected in current Canadian laws and policies. Instead, we are merely describing the current reality of Manitoba’s environmental governance processes.

The Eco-Network acknowledges there is still much work to be done to address systemic environmental racism that has resulted in Indigenous Nations bearing a higher burden of negative environmental consequences, such as those communities in Manitoba that continue to be impacted by large scale hydroelectric developments. This work should be done in partnership with Rights Holders, using processes which acknowledge Indigenous Legal Orders and Traditional Knowledge on the same level as western legal traditions and science.

Adopting a Grassroots Environmental Justice Lens

This Report relies on the collaborative efforts of many contributors in Manitoba’s environmental community. Our vision of governance involves meaningful grassroots participation with citizens and the public interest NGOs doing work on behalf of their constituencies (i.e., bottom-up governance).

The Manitoba Eco-Network typically adopts a community-based research approach. This focuses on partnership with community members, built on engagement by impacted organizations, advocating for actionable findings, and building meaningful relationships.

We approach our work through the lens of environmental justice. Environmental justice is a broad term that means different things to different peoples. In Canada, environmental justice is not well defined in a policy or legal context, although there have been recent legal developments at the federal and territorial level that use this terminology (e.g., *Environmental Rights Act*, SNWT 2019, c 19, s 17(1.1); the *National Strategy Respecting Environmental Racism and Environmental Justice Act*, SC 2024, c 11).

Most discussions of environmental justice, although often focused on the experiences of Indigenous communities, do not capture Indigenous perceptions of justice and environmental well-being (McGregor 2018). This involves considering the well-being of non-human elements of nature and the interconnected relationships that exist, “whether past, present or future as well our natural environment, plants, animals, trees, mountains, water, birds, rocks, etc. As all life is inter-related we are encouraged to strive for peace, balance and harmony” (McGregor 2018; Victor 2007).

For the purposes of this Report, Manitoba Eco-Network has taken a broad approach to environmental justice. In the context of environmental governance, our understanding of environmental justice is focused on ensuring the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. This involves addressing systemic racism and ensuring no group of people bears a disproportionate share of the negative environmental consequences resulting from the developments approved and decisions made in Canadian environmental governance processes.

Our vision of environmental justice also includes animals and other natural entities. Although not discussed in detail in this Report, the Manitoba Eco-Network recognizes the important role that legal recognition of rights for animals and nature can and should play in environmental governance structures.

Report Structure

The remainder of this Report is organized into five sections. In Section 1, an overview of Manitoba's environmental governance framework is provided, with a focus on the role of the government and public engagement opportunities. This includes discussion of:

- Provincial Government Structure and Function of the Legal System
- Ministerial Responsibilities
- Administrative Tribunals and Commissions
- Public Engagement
- Enforcement of Provincial Laws and Policies
- Role of the Courts
- Government Oversight
- Government Funds

Section 2 discusses the Role of ENGOs in environmental governance and explores the different types of activities undertaken by ENGOs in Manitoba.

Section 3 focuses on three governance case studies that provide examples of governance challenges being faced by Canadian governments, and the response to these challenges from the Government of Manitoba so far. This is intended to provide insight into the complex reality of the environmental governance framework and help highlight gaps and weaknesses in current governance approaches.

Section 4 provides further analysis of Manitoba's environmental governance framework and identifies potential regulatory changes that could strengthen Manitoba's current approach and enable more meaningful public engagement.

Section 5 concludes with the Manitoba Eco-Network's thoughts on the future of environmental governance in Manitoba.

Environmental Governance in Manitoba

By: Heather Fast and Glen Koroluk

In Canada, environmental governance is complicated due to the layers of government involved (e.g., federal, provincial, municipal, Indigenous) and their varying legal powers associated with land-use planning, environmental protection, and natural resource management. Indigenous governments and communities have vested interest as decision-makers, rights holders, advocates, knowledge keepers, and many other important positions in Canadian governance processes. For more information on the role of Indigenous peoples in environmental governance processes, please see the work of Indigenous governments and other organizations providing insight in these areas (e.g., the Lake Winnipeg Indigenous Collective, Centre for Indigenous Environmental Research, Camp Morning Star). There are also a broad range of stakeholders involved in environmental governance, including private industry and environmental non-governmental organizations (ENGOS), who influence environmental actions and outcomes in Canada.

The Canadian Constitution, which breaks down the different areas of legal jurisdiction allocated to the federal, provincial, and territorial governments, does not specifically assign responsibility for environmental protection or restoration (*Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.). Although constitutional interpretation case law has helped clarify some areas of legal responsibility related to the environment, there continues to be significant overlap of jurisdiction and recognition that all levels of government have a role to play in Canadian environmental governance. For example, the Supreme Court of Canada recently recognized that “no one province, territory or country can address the issue of climate change on its own. Addressing climate change requires collective national and international action.” (*Reference re Greenhouse Gas Pollution Pricing Act*, 2021 SCC 11, para 12). The complex reality of environmental governance in Canada means that decision-making processes at all levels (federal, provincial, municipal) overlap even if one level of government is assigned main responsibility for aspects of environmental governance. The inset below illustrates how decision-making is multi-leveled, complex, and nuanced, relying on the recent case of the Sio Silica Project in Manitoba.

Sio Silica’s Vivian Sand Extraction Project in Manitoba

In 2021, Sio Silica Inc. proposed a silica sand extraction project be constructed in the Rural Municipality (RM) of Springfield, Manitoba. (Government of Manitoba registry; IAAC registry). In this case, the Government of Canada via the Impact Assessment Agency of Canada determined the proposal did not trigger the federal impact assessment process, however, federal departments were still involved in the provincial level, and must discharge their statutory obligations through the provincial process.

Provincially the environmental assessment process for this project was led by the Government of Manitoba. Following a review by the provincial Technical Advisory Committee (TAC), numerous public comments from concerned citizens and local residents, the Minister of Environment and Climate required a public hearing be convened by the

Clean Environmental Commission (CEC) in 2023. In an announcement made in February 2024, the Minister of Environment and Climate Change ultimately declined to approve a licence for the proposed project.

The RM of Springfield also played a role in reviewing and approving the development at the municipal level (e.g., conditional use, development permit, etc.). There was an appeal of the RM's decision to the Municipal Board, a provincial government appointed tribunal in which local citizens participated.

The public and ENGOs therefore had multiple levels of government to engage with and several different public hearings to participate in to ensure the grassroots/community perspective on the project was considered.

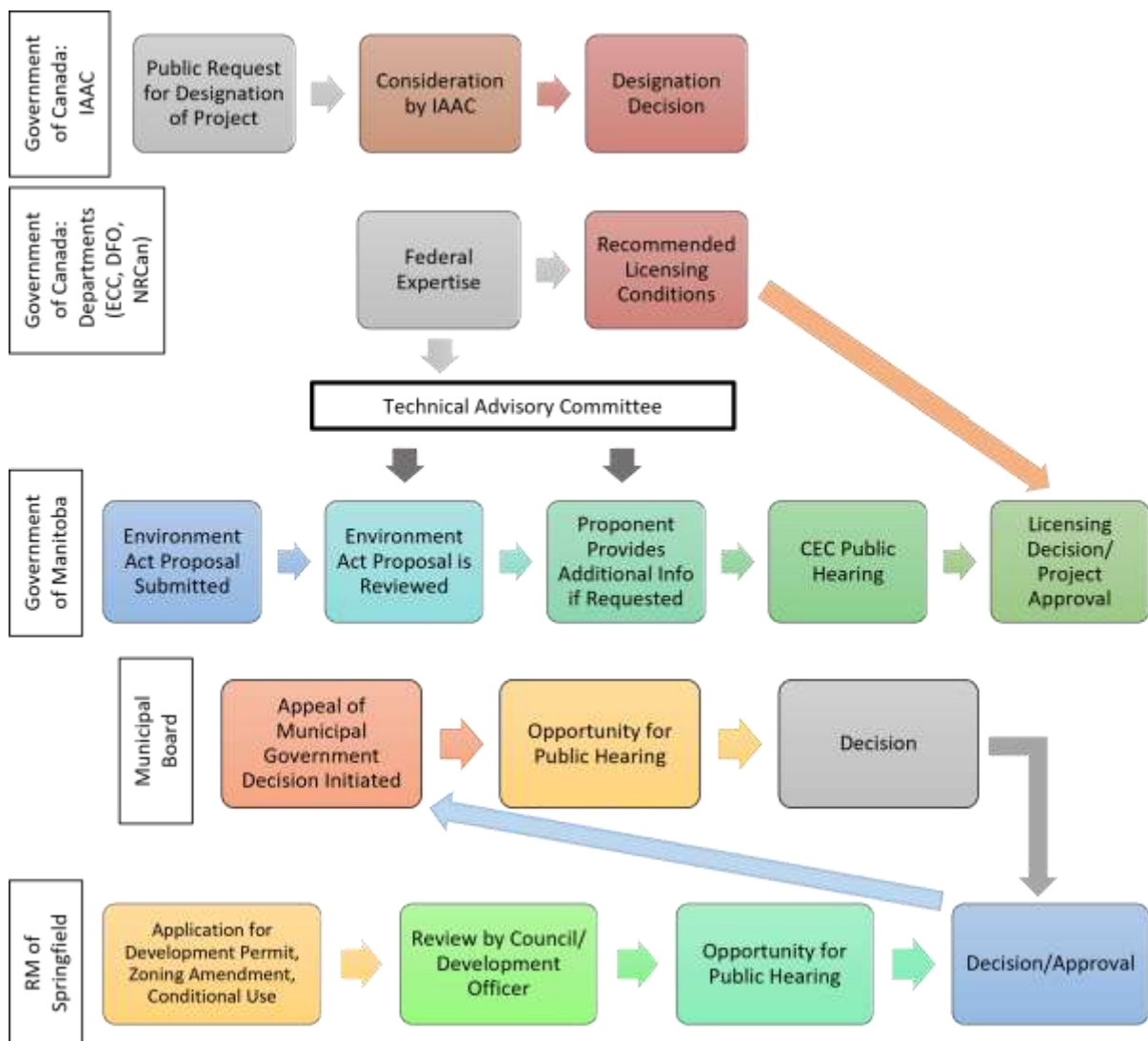


Figure 1: Environmental Review and Approvals for Sio Silica Inc.'s Vivian Sand Extraction Project (Fitzpatrick and Fast, 2024)

The Role of Government

The Government of Manitoba is responsible for administration of the provincial environmental governance processes. The Canadian Constitution grants the Government of Manitoba jurisdiction over a range of matters that are associated with environmental governance. Thus, government actors bear responsibility for the oversight, implementation, and enforcement of laws and policies in Manitoba that assign legal responsibility for aspects of environmental governance and set out the regulatory framework that guides decision-making processes at the provincial level. The Government of Manitoba is also responsible for managing the provincial economy and determining how taxpayer funds are to be used, including allocating funds to government programs, funding public engagement opportunities, and supporting ENGOs and other orgs who contribute to governance.

How are Laws and Policies Made in Manitoba? (By Heather Fast)

Laws and policies in Manitoba are developed in a variety of different ways. Elected officials (e.g., MLAs, Cabinet Ministers, the Premier) have legal and political power to make the final decision about the scope and content of laws and policies, but there are still many ways for other stakeholders, including the public and ENGOs, to influence legal and policy development. For example, a grassroots organization can approach an elected official (e.g., their MLA or a relevant Cabinet Minister) and suggest an idea for a legal or policy change. Ideas for legal and policy approaches are also derived from the political platforms of the parties in power and developed internally by the civil service and elected officials. Legal changes can also occur based on legal challenges and court interpretation of existing law, and as a result of investigations and hearings held by administrative tribunals (e.g., Public Utilities Board, Municipal Board) and independent oversight bodies (e.g., Auditor General, Ombudsperson).

Provincial laws are formally created and reformed through the legislative process facilitated by the Legislative Assembly of Manitoba. The Legislative Assembly is an independent entity and is separate from the Government of Manitoba. The fifty-seven Members of the Legislative Assembly (MLAs) are democratically elected in their constituencies. The political party with the most elected MLAs is the party that forms the Government of Manitoba.



Figure 2: Basic Steps of Legislative Process in Manitoba

The legislative process is one of the most significant responsibilities of MLAs. There are a number of steps in the process of approving a proposed law (i.e. a Bill). Once a Bill is approved and part of provincial law, it becomes known as an Act, Statute, or piece of Legislation (see Figure 2, above). Two main types of Bills are introduced into Manitoba's legislative process during the first reading stage: Government Bills and Private Member Bills. Government Bills are

sponsored by an MLA that is part of the governing party (usually a Cabinet member). Private Member Bills are introduced and sponsored by an MLA that is usually not a member of Cabinet and/or the governing party.

After the second reading, a Bill can be referred to a Standing or Special Committee (comprised of MLAs selected from both sides of the House) or to a Committee of the Whole House (comprised of all MLAs). Members of the public and ENGOs only have the opportunity to participate in the legislative process if a Bill is sent for Committee review. Most environmental Bills are reviewed by the Social and Economic Development Standing Committee. Bills considered by the Agriculture and Food Standing Committee are also often of interest to the environmental community. After the public submissions, the Committee reviews the Bill section by section (i.e., “clause-by-clause”). At this point, amendments to the Bill, including those suggested by the public, are proposed and considered. The committee votes on each section of the Bill and decides whether to approve it as is, or if proposed amendments should be adopted to change the Bill. The Committee then presents the results of their review to the Legislature, who votes on whether to adopt, or not adopt, any amendments proposed by the Committee. The Bill then moves to the final stages of the process: Third Reading and Royal Assent. Information about past and present Bills can be found on the Manitoba Legislative Assembly website. For information about current Manitoba laws see the Manitoba Laws website.

Regulation Making Process

Most provincial statutes have accompanying regulations, including the majority of laws involved in Manitoba’s environmental governance framework. Unlike legislation (which comes from Bills passed in the Legislative Assembly), regulations are developed and approved by the Government of Manitoba (e.g., Cabinet). Although the Lieutenant Governor in Council is often granted regulation making powers in provincial statutes, this is not an independently exercised power, and any resulting regulations are still developed and approved by Cabinet via an Order in Council.

The process for developing Regulations in Manitoba does not include the opportunity for public feedback via a public meeting or hearing. Instead, the public is only given the opportunity to provide written comments on a completed Regulation once it has been published in the Manitoba Gazette and in the Manitoba Regulatory Consultation Portal. Enacted statutes and regulations are available online on the Manitoba Laws website.

Other Procedural Tools

Another option for bringing publicity and political attention to an environmental issue is to utilize the petition process in the Legislative Assembly of Manitoba. A general petition, if it meets the right format and content requirements, can be read in the Legislative Assembly by an MLA. Only residents of Manitoba can submit a petition. Petitions are a tool for bringing attention to an issue in the Legislature, but do not create a legal obligation on the part of the Legislature or the Government of Manitoba to address the identified problem.

Public Participation Information

There is a specific format that must be followed for a petition to be considered in the Legislature. (General Petition Guidelines 2021, Appendix A) A petition may be handwritten, typewritten, or printed, and must have three basic components:

1. The Address: This indicates who the petition is directed at. Petitions must be addressed, “To the Legislative Assembly of Manitoba” in the first line of the petition.
2. The Body: This consists of paragraphs worded in third person that briefly summarize the problem being discussed in the petition, and any necessary background information.
3. The Request: This is the remedy or action being sought by the petitioners. This request cannot call for the direct spending of money by the Legislature or Government.

Petitions must be signed by a minimum of fifteen people. This includes the signatory’s name, address, and signature (General Petition Guidelines 2021).

Policy Development:

A policy is essentially a decision by government to act, or to not take action, to address a public problem through rules and the allocation of public resources. In Manitoba, there is no formal process the Government of Manitoba must follow to create new government policies (often labeled as a “Plan” or “Strategy”). Policy making processes are often described as a “policy cycle”, but public policy rarely travels through this cycle in an orderly fashion.

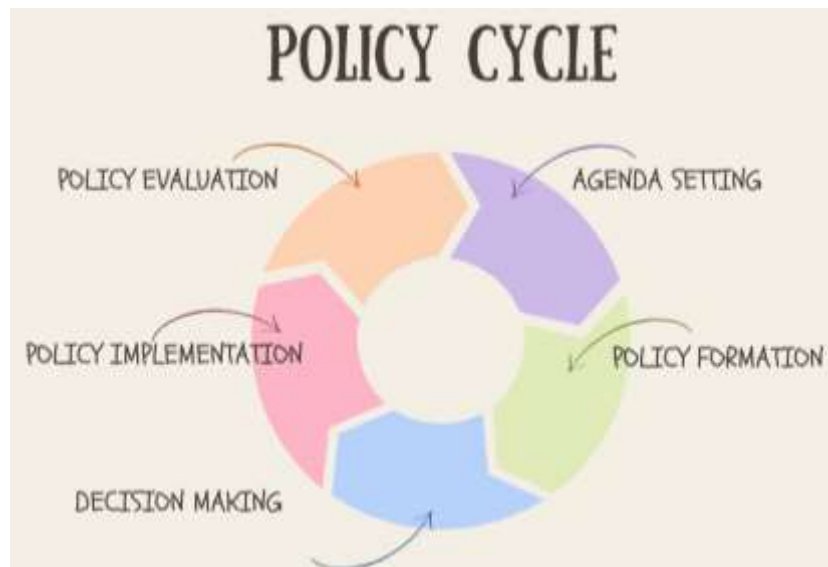


Figure 3: The Policy Cycle (Source: Howlett et. al. 2009)

In reality, the cycle can start at any point and policy-making can skip steps or move backwards in response to external factors and government decisions. The agenda setting part of the policy cycle is when problems and solutions are brought to the attention of government officials and added to the list of planned government actions and priorities. The agenda is formalized through formal government communications such as throne speeches, ministerial mandate

letters, and the budget approval process. Once the agenda is formalized, policy formation takes place when policy actions are identified, the public and other stakeholders may be consulted, and information is gathered to assist with implementation of proposed actions. After the potential policy options are identified and the plan formulated, elected officials, often a Cabinet Minister, have decision-making authority to finalize the policy actions to be taken. Sometimes the approval of Cabinet is required if the policy action will involve multiple departments and coordinated ministerial oversight. The formalized policy then moves into the implementation phase, when government resources are deployed to undertake the actions and proprieties approved by the decision-maker(s). The implementation of policies can also include a range of stakeholders, such as non-governmental organizations, to help actualize the goals of the policy. The outcomes of government policies are monitored during the policy evaluation stage, the timing of which varies depending on the lifecycle of the policy. If problems or gaps in implementation are identified, this information is used by decision-makers and other government officials to determine if policy revisions are needed, and a new policy agenda should be developed.

In an environmental context, Manitoba's provincial policies usually set out the plans of government to introduce new programs, legal reforms, and otherwise discuss the strategy of the government to address specific environmental problems. For example, recent government policies related to the environment include:

- *Manitoba's Water Management Strategy* (2022) and *Water Action Plan* (2023),
- *Manitoba's Energy Roadmap* (2023), and
- *The Manitoba Critical Minerals Strategy* (2023).

There is no formal requirement for public participation in the development of provincial policy in Manitoba, but some form of public engagement may be used in policy development. This can include online or in-person engagement opportunities through public registries, the EngageMB platform, group workshops, online consultation meetings, and town halls. Written feedback may also be requested. However, some recent policy developments, such as the *Manitoba Critical Minerals Strategy* (2023) were published without any engagement with the public or the environmental community.

Provincial Government Structure and Function of the Legal System (By Heather Fast)

There are a broad range of laws and legal responsibilities that create the basic governance structure for laws and policies in Manitoba, including processes related to the environment. This includes legislation establishing the rules for the provincial court system, creating government departments and assigning them legal powers, recognizing human rights, and clarifying responsibilities of administrative tribunals such as the Public Utilities Board, and oversight offices such as the Ombudsman and the Auditor General.

The Department of Justice has primary responsibility for overseeing the legal system, including establishment of court rules (i.e., the Court of Kings' Bench and the Provincial Court). The Department of Justice also oversees registration of lobbyists under *The Lobbyists Registration Act* and security measures under *The Legislative Security Act* and *The Trespass Act*. The

Department of Economic Development, Investment, Trade and Natural Resources is responsible for oversight of the Conservation Officers that play an important role in the enforcement of provincial environmental and natural resource laws. Transportation and Infrastructure and Municipal and Northern Relations share responsibility for emergency response measures, including fire prevention, under *The Emergency Measures Act* and *The Fires Prevention and Emergency Response Act*.

A variety of Departments (e.g., Environment and Climate Change, Finance, Municipal and Northern Relations) share responsibility for oversight of administrative tribunals such as the Public Utilities Board, Clean Environment Commission, and Municipal Board. Oversight of other accountability and transparency mechanisms is also shared and some entities report directly to the Manitoba Legislature, such as the Manitoba Ombudsman and Auditor General, to maintain their independence from government. Government employees who disclose information about government actions that may violate the law or endanger the life, health or safety of persons or the environment are protected from reprisal under *The Public Interest Disclosure (Whistleblower Protection) Act*. The Minister of Finance is responsible for a range of laws that establish requirements for government employees (e.g., *The Public Service Act*).

See the companion document to this Report, *SOEG: Overview of Relevant Statutes in MB*, for more information about current Manitoba provincial statutes with relevance to environmental governance processes. The legislation is organized into categories based on the main focus or environmental element of the identified statutes (as of June 2024). This includes:

- Land Use and Environmental Assessment
- Water and Health
- Energy and Climate
- Mines, Minerals, Oil, and Gas
- Forestry
- Fish
- Biodiversity
- Toxic Substances and Waste Management
- Parks and Recreation
- Agriculture
- Animals
- Reconciliation and Indigenous Governance
- Government Structure and Function of Legal System

Ministerial Responsibilities (By Heather Fast)

Within Manitoba's overall governance framework, there are many departments of the provincial government that play a role in protecting the environment and human health, determine how natural resources are used, and bear responsibility for processes that have potential to cause significant environmental harm. This includes the Departments of:

- Environment and Climate Change
- Economic Development, Investment, Trade and Natural Resources
- Agriculture
- Indigenous Economic Development
- Finance
- Transportation and Infrastructure
- Consumer Protection and Government Services
- Health, Seniors and Long-Term Care

- Municipal and Northern Relations
- Labour and Immigration
- Justice

Each of these departments are run by elected officials (i.e. Cabinet Ministers) and a hierarchy of public service individuals. The Ministers responsible for leading the various departments are appointed by the Premier through an Order in Council. The table below indicates the range of environmental responsibilities currently assigned to different provincial Cabinet Ministers in Manitoba.

	Land Use and EA	Water and Health	Energy and Climate	Mines, Minerals, Oil and Gas	Forestry	Fish	Biodiversity	Toxic Substances and Waste	Parks and Recreation	Agriculture	Animals	Reconciliation and Indigenous Gov.	Government and Legal Structure
Environment and Climate Change	X	X	X				X	X	X				
Economic Development, Investment, Trade and Natural Resources	X			X	X	X	X				X		X
Agriculture	X						X	X		X	X		X
Municipal and Northern Relations	X	X											X
Finance			X	X									
Transportation and Infrastructure	X	X	X						X				
Health		X						X					
Consumer Protection and Government Services	X												X
Justice	X			X				X		X	X		X
Indigenous Economic Development												X	X
Labour and Immigration		X	X	X									

Table 1: Environmental Responsibilities of MB Ministers (Fast, 2024)

Ministers are not required to have specific experience or expertise in the subject matter their department is responsible for. There is no set timeline for cabinet appointments, changes can

be made at any time during the political cycle. The number of people working in a specific department, and the portion of the total government budget assigned to that department varies significantly, depending on the scope of department responsibilities.

Administrative Tribunals and Commissions (By Heather Fast)

Environmental governance processes may also include a variety of tribunals, boards, and commissions to assist with the implementation of legal requirements. Such tribunals have a broad spectrum of purposes and powers. In Canada, administrative tribunals play an important role in a range of environmental governance processes. This type of tribunal generally does not have the power to make legally binding decisions and instead focuses on providing advice and recommendations to the public official (often a cabinet minister) responsible for making final decisions (Fitzpatrick and Fast, 2024). However, administrative tribunals play an important role in facilitating public engagement in government decision-making processes. For example, the work by administrative tribunals is sometimes the only opportunity for direct engagement with the public and with the data being used to make decisions, to question the process, and provide independent evidence to decision-makers. In this way, the work of administrative tribunals may have a profound impact on citizens' daily lives and the environment (Fitzpatrick and Fast, 2024).

In Manitoba, three administrative tribunals are responsible for holding public hearings associated with various environmental decision-making processes, including environmental impact assessment and licensing, the setting of gas and electricity utility rates, and review of planning decisions made by municipal elected officials. The members of these tribunals are appointed by Cabinet through an Order in Council, and their terms and responsibilities vary.

- *Clean Environment Commission (CEC)*: The CEC is an arms-length provincial government agency established under *The Environment Act*. The CEC may engage in public hearings, investigations, and mediation to assist in environmental management processes, including the provincial environmental assessment and licensing process. Reports released by the CEC often contain environmental law and governance reform recommendations.
- *The Public Utilities Board (PUB)*: The PUB is a rate setting tribunal for various public utilities, including electricity, natural gas, propane, water and wastewater, and vehicle insurance. The PUB also regulates private natural gas brokers and monitors the construction and operation of gas pipelines. Established under *The Public Utilities Board Act*, the PUB fulfills its mandate through public hearings, paper reviews and when required direct intervention.
- *Municipal Board*: The Municipal Board was established under *The Municipal Board Act* to play an oversight role and facilitate public hearings for a variety of matters. Environmental responsibilities include holding review hearings for municipal planning decisions made under *The Planning Act*, *The Municipal Act*, and *The City of Winnipeg Charter*. The Municipal Board also has responsibilities under *The Water Rights Act*, *The Heritage Resources Act*, and *The Water Resources Administration Act*, among others.

Public Engagement (By Heather Fast)

When developing laws, regulations, policies and making decisions that could negatively affect the environment and the lives of their citizens, government should seek advice from the public and ensure that a broad range of interests are considered. Public engagement and the role of the public is especially important at the local/regional level, where community residents and knowledge keepers often have a vast wealth of information to share about their local area and how certain plans and actions may impact their community and surrounding environment.

Currently, there are few formal requirements for public engagement in environmental governance processes in Manitoba. There are some procedural rights established under land use, environmental, and natural resource laws (e.g., *The Environment Act*, *The Planning Act*, *The Water Rights Act*), usually an opportunity to provide written comments or in some cases, a public hearing. There is very limited opportunity for the public to engage in court proceedings (i.e., a lack of legal standing) or initiate public hearings (e.g., such as those held by the Clean Environment Commission or Public Utilities Board). There is no consistent government or independent authority tasked with coordinating public opportunities to participate in environmental governance processes or providing public education. There is also no legal recognition of environmental human rights in Manitoba, such as the right to a healthy environment or the right to water, which limits public participation in comparison to other jurisdictions where rights have been recognized (e.g., Ontario) (Fast and Fitzpatrick 2017; Boyd 2019). There are also no existing legal protections for environmental advocates or protesters to protect them from frivolous lawsuits (e.g. Anti-SLAPP legislation).

An online consultation platform, EngageMB, was recently developed to solicit public feedback. Citizens can register on the site to provide comments and complete surveys on proposed policies and other government actions. Information about town hall meetings (in person, online, and via telephone) and other participatory opportunities is also included, if applicable. While this platform has improved opportunity for citizens to provide electronic feedback, there are concerns with the utility of the feedback collected through this approach. Surveys, one of the key tools used on this platform to solicit feedback, have typically been narrow in scope and frequently do not address the normative or strategic issues that could help address regulatory problems. Overall, while existing legal and policy processes in Manitoba usually include some opportunity for public and ENGO engagement, these participatory options are not consistent, are often ineffective, and are not always guaranteed to occur.

Enforcement of Provincial Laws and Policies (By Heather Fast)

If an individual or corporation breaks a provincial law or does not meet a regulatory requirement, the Government of Manitoba can take a range of different enforcement actions. Various Departments share responsibility for enforcement of environmental regulatory requirements. Environment Officers are empowered to assist with this enforcement of provincial legislation (e.g., *The Environment Act*, *The Conservation Officers Act*). Provincial legislation usually has an “offences and penalties” section that indicates the statutory penalties that can be applied. For example, individuals who violate *The Environment Act* face a fine of at least \$50,000 or a jail term of six months. Corporations face a fine of at least \$500,000. Thus,

the punishment for violating a provision of an environmental or natural resource law varies depending on the specific legislation. Additional enforcement actions may also apply. For example, if the conditions of an issued license or permit have been violated, the Government of Manitoba can suspend or revoke all or part of the license or permit, which could mean that all previously approved activities must stop until the legal requirements are once again fulfilled.

In 2024, *The Environment Act* was amended by Schedule B (*The Environment Amendment Act*) of *The Budget Implementation and Tax Statutes Amendment Act, 2024* to add an administrative monetary penalty regime as an additional environmental enforcement mechanism. Based on these changes, the Director (Environmental Approvals Branch, Department of Environment and Climate Change) can now impose a maximum penalty of \$25,000 per violation for individuals, and \$125,000 per violation for corporations when there has been a failure to comply with an environmental protection order.

Role of the Courts (By Heather Fast)

In Canada, there are a variety of roles for the Courts in environmental governance processes. For example, the courts play a role in the enforcement of environmental legislation and adjudicate environment prosecutions at both the federal and provincial levels. Negatively impacted individuals or corporations may also use common law mechanisms, such as a civil tort lawsuit or a class action lawsuit, to seek legal remedies in situations where the actions of another private party have caused damage to personal property or human health (Benidickson & McLeod Kilmurray, 2009). The interpretation of the Canadian Constitution and significant environmental statutes by the Canadian courts has also played a primary role in clarifying the jurisdiction of different levels of government over the environment. For example, two recent Supreme Court of Canada decisions considered the role of the Federal Government and Provincial Governments in the context of climate change (carbon pricing) and impact assessment (*References re Greenhouse Gas Pollution Pricing Act*, 2021 SCC 11; *Reference re Impact Assessment Act*, 2023 SCC 23).

In Manitoba, the role of the courts has been limited in the context of environmental governance. Court interpretation in these cases has largely addressed procedural matters such as public participation requirements, the scope of legal powers assigned to the Minister and Director, and the procedure that must be followed to pursue a judicial review of a licensing decision made under the Act.

There is no specialized environmental court at the provincial level, and there are considerable barriers in terms of legal standing and funding. Legislative restrictions under *The Nuisance Act* and *The Farm Practice Protection Act* also limit the ability of individuals from pursuing a legal claim of nuisance against certain businesses and agricultural operations. The minimal caselaw that does exist at the provincial level is largely focused on the provincial environmental assessment process under *The Environment Act*. There are, however, a few cases of importance, for example:

- *Campbell Soup Co. Ltd. v. Manitoba et al.*, 1991 CanLII 12079 (MB KB)

- *Swampy Cree Tribunal Council et al. v. Clean Environment Commission (Man.) et al.*, 1994 CanLII 16746 (MB KB)
- *Caddy Lake Cottagers Association v. Florence-Nora Access Road Inc.*, 1998 CanLII 14094 (MB CA)
- *Sagkeeng v Government of Manitoba et al*, 2021 MBCA 88 (CanLII)

In recent years, there has been an increasing number of lawsuits at the provincial level brought by First Nation Governments against the Government of Manitoba for violating constitutionally protected treaty rights, failing to enforce legal requirements (e.g., licensing conditions), and inadequate consultation with First Nation Governments when making decisions about natural resource developments. For example, Minegoziibe Anishinabe (formerly Pine Creek First Nation), Wuskwi Sipiik First Nation, and Sapotaweyak Cree Nation filed lawsuits in the Court of Kings Bench in 2022 against the Government of Manitoba for failing to comply with the terms of *The Forest Act*, violating constitutionally protected treaty rights, failing to enforce legal requirements (e.g., licensing conditions), and inadequate consultation with the three First Nation Governments when making decisions about Louisiana Pacific's 20-Year Forest Management Plan. (Annable 2024) The lawsuits were ended by the First Nations in November 2022, likely due to renewed discussions with the Government of Manitoba and/or Louisiana Pacific about the situation. In June 2024, The Government of Manitoba and the three First Nations announced the signing of a memorandum of understanding (MOU) that will extend Louisiana Pacific's operating licence by five years. During this time, Louisiana Pacific, local First Nations and the Manitoba government will work together to create a 20-year forest management plan (Government of Manitoba 2024; Bernhardt 2024).

Another example is the lawsuit filed in December 2023 by Mathias Colomb Cree Nation against the Government of Manitoba (Kings Bench, CI23-01-44135). The First Nation Government is suing the provincial government and Manitoba Hydro for violation of constitutionally protected treaty rights and damage to the First Nation's lands, waters, plants, wildlife and their habitats, caused by the Laurie River generating stations (Shebahkeget 2023). This lawsuit is ongoing.

Government Oversight (By: Glen Koroluk and Heather Fast)

In Manitoba, there are few legal mechanisms that facilitate oversight of government actions that could impact the environment and human health. There is currently no specialized office focused on oversight of environmental matters, such as the Commissioner of the Environment and Sustainable Development at the federal level or the former Environmental Commissioner of Ontario (a position which was abolished by the provincial government in 2019 and responsibilities transferred to the Auditor General of Ontario). However, there are two mechanisms that provide independent oversight of government actions generally – the Office of the Auditor General and the Office of the Ombudsman. While their roles are not specifically focused on environmental governance, both offices can play a role in the oversight and review of environmental matters. There is no Minister responsible for overseeing the Auditor General or the Ombudsperson, both offices report directly to the Legislative Assembly to maintain their independence.

The Office of the Manitoba Ombudsman was established in 1970 under *The Ombudsman Act*, which gives the Ombudsperson the authority to investigate complaints about the administration of government bodies (i.e., provincial government departments and agencies, Crown corporations, boards and commissions, local government districts, planning districts, and conservation districts, regional health authorities, and municipalities). Specifically, the ombudsperson can investigate complaints about access to information and privacy matters, the fairness of government actions or decisions, or serious 'wrongdoings' that you believe may have occurred. Recent ombudsperson reports related to the environment include:

- *Report under The Ombudsman Act: Case 2020-0658* (2020)
- *Report under The Freedom of Information and Protection of Privacy Act: Case 2020-0184* (2020)
- *Report under The Ombudsman Act: Case 2018-0338* (2018)
- *2018 Special Report: 10 Year Review of the Public Disclosure (Whistleblower Protection) Act* (2018)

The office of the Auditor General (AG) of Manitoba may also play a role in the oversight of environmental matters. The AG can provide independent information in the form of an audit of government operations and management of public funds. Most audits are self-initiated by the Auditor General, however the public has the ability to contribute information to the Office on any ongoing audit in progress and suggest a new topic for an audit. Over the last 20 years, the AG has performed six audits that are directly related to programs that protect Manitoba's environment and another six that are related to specific natural resource management issues. (see sidebar)

Government Funds (By: Glen Koroluk)

An important function of the provincial government is to manage government funds and build a healthy economy. A growing economy will increase government revenues coming from income taxes on individuals and corporations or royalties on resources extraction (CCPA MB Alternative Budget 2020). Thus, the provincial Budget cycle can directly influence environmental governance processes and often determines the availability of funding opportunities, and the range of environmental services and supports provided by provincial Departments, among other things. Depending on

**Auditor General Reports
of Interest**

Provincial Oversight of Drinking Water Safety, September 2020

Prospectives on Climate Change Action in Canada, March 2018

Managing Climate Change (A follow-up to our December 2010 Audit), October 2017

Audit of the Province's Management of Contaminated Sites and Landfills, October 2007

Audit of the Department of Conservation's Management of the Environmental Livestock Program, October 2007

Environmental Audits (Contaminated Sites, Protection of Well Water Quality), November 2005

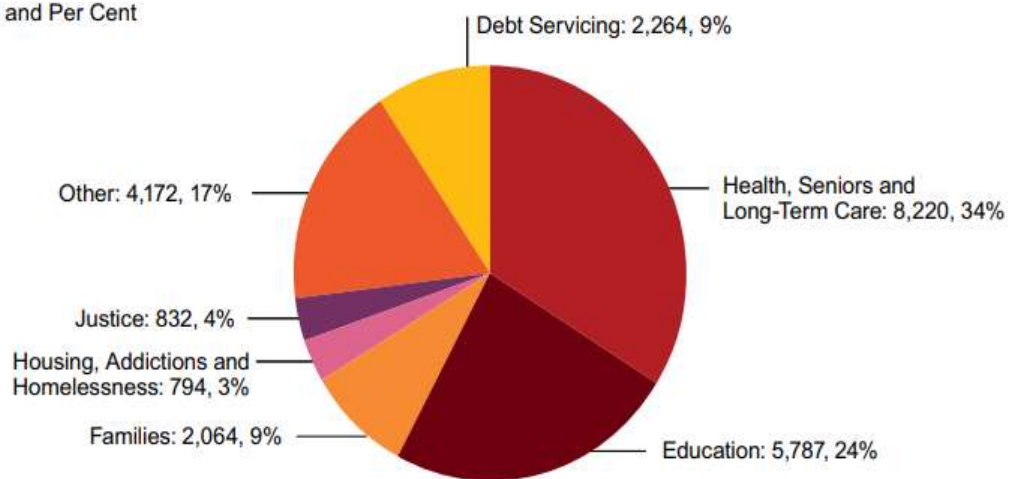
the political party that forms government, the scope of government taxation and expenditures related to the environment tends to vary.

The Government of Manitoba is responsible for the development of an annual Budget which is vetted through the estimates process of the Committee of Supply and approved with the passage of a Budget Bill in the Legislative Assembly of Manitoba (e.g., Bill 37, *The Budget Implementation and Tax Statutes Amendment Act, 2024*). During the estimates process, each Department puts forth their estimates for budgetary spending, and the opposition is provided the time to question these estimates in the committee. The public does not have a formal role in the Budget review or approval process, however, most governments will hold budgetary public consultation sessions a few months prior to the estimates process to collect public feedback on spending priorities (See for example: EngageMB, Budget 2024).

Over the years last 30 years, different governments have developed different environmental spending budget line items for allocating funds and grants to the private sector (including ENGOs) and to individuals and households to implement environmental stewardship and sustainable development projects, as well as promote awareness, public education, research and provision of core funding. In the 2024/25 Manitoba budget, expenditures were estimated to be just over \$24 billion. Of that, \$183 million (0.8%) was allocated to spending in the Environment and Climate Department, while \$313 million (1.3%) was budgeted for the natural resources and economic development portfolio. In comparison, the Department of Agriculture was allocated \$597 million (2.5%), more than both the environment and natural resources portfolios combined.

Expense, 2024/25

Millions of Dollars and Per Cent



Total Expenses: \$24,133

Source: Manitoba Finance (2024) *One Future. One People. One Manitoba.: Budget 2024*
https://www.gov.mb.ca/asset_library/en/budget2024/budget2024.pdf

Funding Sources Available to the Public

Current provincial environmental government funding sources available to the public include:

- Conservation and Climate Fund (\$1.5 million on a yearly basis)
- Manitoba Merit-based Low Carbon Economy Fund (\$31.25 million available through Canada's Low Carbon Fund)
- Urban/Hometown Green Team Program, summer student work subsidy program
- Efficiency Manitoba - a range of rebates offered by this Crown corporation to reduce energy use and support energy efficiency initiatives.
- Lead Mitigation Grant Program, administered by the Manitoba Environmental Industries Association. (\$1.6 million fund that ends March 2024) Designed for schools and daycares to test for lead in drinking water and alleviate high levels of lead.

There are also trust funds held by the Winnipeg Foundation and managed by third parties. The third parties utilize the annual interest generated by these trust funds on an annual basis to disburse grants to the public.

Manitoba Habitat Conservancy (MHC) (formerly the Manitoba Habitat Heritage Corporation) – responsible for three trusts – approx. \$9 to \$10 million is generated per year as interest from these trusts to fund projects in the form of grants to conservation-based organizations and watershed associations.

- Conservation Trust (\$102 million investment in 2018)
- Growing Outcomes in Watersheds (GROW) Trust (\$52 million investment in 2019)
- Wetlands Trust (\$50 million investment in 2020)

Trails Manitoba administers three funds:

- the Trails Grant for Manitoba, created by an endowment of \$4 million into a trust fund at the Winnipeg Foundation. Generates approximately \$200,000 in interest per year for grant making purposes.
- Trails Grant for Winnipeg, created by a one-time grant of \$2.5 million by the province, which provides funding to trail associations of approximately \$500,000 per year.
- Trails Manitoba Operating Endowment Fund of \$1 million, which provides \$50,000 interest per year for core operating funding of Trails Manitoba.

Manitoba Parks administers the Provincial Parks Endowment Fund, created by an endowment of \$20 million into a trust fund held by the Winnipeg Foundation. The fund generates approximately \$1 million per year in interest, which is used to maintain and repair park infrastructure.

The Role of the ENGO Community

By: Glen Koroluk

This section discusses the role of non-governmental organizations in environmental governance processes in Manitoba. Although often understaffed and underfunded, ENGOs play an important role in Canada. Involved in all stages of the development and implementation of environmental laws and policies, ENGOs help communicate community concerns to government decision-makers, identify potential problems and solutions that will prevent negative impacts to the environment and human health, undertake direct actions to protect and restore the natural environment, and help with the delivery of government services and implementation of government actions. However, the landscape affecting the non-profit sector is undergoing significant change. Reduced volunteerism, an aging population, shifts in giving patterns, fiscal pressures on governments, income inequality, and service duplication all present increasing challenges that impede the effective participation of ENGOs in environmental governance processes (Imagine Canada, 2016).

The Role of ENGOs in Environmental Governance

There are a variety of different roles that ENGOs can play in environmental governance processes. Often ENGOs will act as a bridge between the concerned public and the government institutions that need to be navigated. Different ENGOs have different objectives and mandates (e.g. many ENGOs operating in Manitoba focus on a specific issue), so they engage accordingly. Some ENGOs assist community grassroots groups in preventing unsustainable development, while others help citizens protect a valuable eco-system (a river, a lake, a prairie grassland, etc.) or focus their efforts on education, awareness, and/or encouraging members of the public to engage in specific campaigns.

In Manitoba, we have ENGOs undertaking work in a range of thematic areas, with many organizations undertaking work in more than one of these areas:

- Biodiversity, Species and Land Preservation
- Climate and Atmosphere
- Energy
- Environmental Health and Toxins
- Environment and Social Justice
- Indigenous Legal Traditions
- Marine and Freshwater Ecosystems
- Sustainable Consumption, Production, and Mining
- Sustainable Agriculture and Food Systems
- Trade, Finance, and Green Tech
- Transportation

ENGO Engagement in Governance Processes

Different strategies are used by the many ENGOs working in Manitoba to achieve and sustain the well-being of the environment for current and future generations. This includes a spectrum of different actions such as making physical improvements to the environment (e.g., waste cleanup, tree planting), organizing protests, educating the public, undertaking scientific research, going to court, lobbying the government, and many more. Based on the framework developed by the Canadian Environmental Grant Network (CEGN), the various engagement

strategies used by ENGOs in Manitoba can be roughly grouped by area of focus (CEGN, 2018). This includes:

- **Direct Action** - This category covers work that has a direct impact on the physical environment, such as tree planting, shore restoration, and wetland rehabilitation. Examples of organizations doing this type of work include Save Our Seine, Trees Winnipeg, Winnipeg Trails Association, Trails Manitoba, and the 14 watershed organizations that are part of the Manitoba Association of Watersheds.
- **Education and Youth Organizing** - Work in this area typically involves environmental education for children inside and outside the classroom. This category is also for coaching or training services for educators, and includes informational services and experiences for the public and youth specifically, such as science or environmental camps. Examples of groups doing this type of activity include Climate Change Connection, Canadian Parks and Wilderness Society, Green Action Centre, Green Kids, Nature Manitoba, and Fort Whyte Alive!.
- **Research** (scientific/environmental) - This category refers to engagement strategies that build a knowledge base or develop a device. This includes conducting a study, assessment or investigation, or improving technology. Groups that do this sort of activity include Centre for Indigenous Environmental Resources, Institute for Sustainable Development, Oceans North, and Churchill Northern Studies Centre.
- **Public Education and Awareness** - This category refers to strategies that build a broader understanding of environmental issues and the value of nature within the general public. This category is similar to the “Education and Youth Organizing” category but is specific to educating adults. Groups using this strategy include Sustainable Building Manitoba, Lake Winnipeg Foundation, and Climate West.
- **Advocacy and Campaigns** - This is a broad category that combines related strategies that promote public support, strengthen networking and outreach, build or enhance constituency, generate momentum, build effective leadership, or increase collaboration amongst parties. Many organizations use this type of strategy, ranging from the larger financially established ENGOs (Canadian Parks and Wilderness Society, Wilderness Committee, Lake Winnipeg Foundation, Green Action Centre) to grassroots ones with limited financial capacity (Bike Winnipeg, Camp Morning Star, Campaign for Pesticide Reduction Manitoba, Hog Watch Manitoba, Manitoba Energy Justice Coalition, OURS Winnipeg, Sustainable Building Manitoba, Trees Please Winnipeg, Our Line in the Sand).
- **Stewardship and Land Acquisition** - This category relates to the purchase of space (land, estuaries, etc.) or rights of use to protect land, improve management, restore ecosystems, or eradicate invasive species. Land protection may also be achieved through mechanisms such as conservation easements. The Conservation Agreement Act and specifically the Eligible Conservation Agencies Regulation stipulates the organizations in Manitoba who are eligible to enter conservations agreements. These include Ducks Unlimited, Delta Waterfowl Foundation, Wildlife Habitat Canada, Manitoba Naturalists Society, Rocky Mountain Elk Foundation, Nature Conservancy of Canada, and Manitoba Habitat Heritage Corporation.

- **Litigation** – Work related to this category focuses on legal support and assistance for expert legal counsel relating to environmental protection. There are no ENGOs in Manitoba who do this type of activity on an ongoing dedicated basis. The Public Interest Law Centre, an arm of Legal Aid Manitoba, may take on a legal case in the interest of the public advocating for the protection of the environment. The Wilderness Committee has also initiated Court cases in the past (e.g., *Western Canada Wilderness Committee v Government of Manitoba*, 2012 MBKB 54). Organizations that do this activity across other parts of Canada, include, West Coast Environmental Law, Environmental Law Centre (Alberta), Canadian Environmental Law Association, Ecojustice, and East Coast Environmental Law.
- **Market Transformation** - This category involves work that supports the transformation of goods/services in a way that lessens their impact on the environment. Market transformation includes designing new innovative products, developing sustainable technologies, building channels to market environmentally friendly products, and changing consumer behaviour. Manitoba has a strong social enterprise movement, with several social enterprises being located at the Social Enterprise Centre at 765 Main Street. This includes AKI Energy Inc. a First Nations social enterprise that works to delivery geothermal energy, healthy local food, employment opportunities and economic development for First Nations. Compost Winnipeg is a social enterprise that provides residential composting services (which is not provided by the municipal government at present) with its profits flowing to help fund the non-profit Green Action Centre.
- **Public Policy/Analysis** - This category is primarily aimed at the development of standards, improving policy management practices, reforming policy at any level, supporting international agreements, and/or participating in regulatory processes. The few groups in Manitoba employing this strategy include international think tanks and conservation groups, like IISD and Ducks Unlimited. Some of the smaller local groups who do this type of activity include Lake Winnipeg Foundation, Sustainable Building Manitoba, Manitoba Eco-Network, and the Climate Action Team (consisting of CCPA – MB, Wilderness Committee, Climate Change Connection, Green Action Centre and MEJC).

The Role of the Manitoba Eco-Network

The Manitoba Eco-Network is nearing it's 40th anniversary. Starting off as a grassroots organization of concerned environmentalists in the mid-80s, the Manitoba Eco-Network obtained charitable status in 1991 and became a formal affiliate member of the Canadian Environmental Network (RCEN). RCEN was established in 1977 with the objective to support and strengthen the participation of ENGOs in their consultations with Environment Canada. At its peak, RCEN consisted of 11 provincial/regional networks and provided coordination, communication, research, and networking services to more than 800 Canadian environmental groups. RCEN lost their core funding from the federal government in 2011, becoming a volunteer organization without staff, and has only recently increased its capacity through specific contracts with ECCC on policy issues (i.e., impact assessment, toxics).

In 2001 the Manitoba Eco-Network was able to secure funding from Environment Canada and Natural Resources Canada to establish a regional climate hub pilot project for 2 years, which

then became the Climate Change Connection project, operating from 2003 onwards, securing ongoing yearly funding from the Manitoba government and Manitoba Hydro. The Manitoba Eco-Network also established a Water Caucus in 2005, which received core funding from the Manitoba government, in addition to the Manitoba Eco-Network's core operations (starting in 2010). Core funding was provided until March 2019.

Over its existence, the Manitoba Eco-Network has developed projects and partnerships that focus on many of the issues identified in the EFC chart above (e.g., energy, climate, transportation, health, toxics, water, sustainable cities) and using strategies largely focusing on public education and awareness, youth organizing, capacity building, and direct activity. In 2019, with support from a Winnipeg Foundation Organizational Development Grant, the Manitoba Eco-Network reached out to the community and its members, to develop a new strategic priorities plan, which was finalized in 2020. In the Spring of 2023, the Manitoba Eco-Network started a further in-depth strategic planning process. Through this process the Manitoba Eco-Network (MbEN) has identified five broad areas of activity that will be focused on during the life of the strategic plan. These priority areas are:

- Government influence – Government policy, legislation and programs are consistent with environmental sustainability and are current and evolving.
- Collaborative strength – MbEN members and other environmental organizations have access to supports which increase their capacity. MbEN, along with other capable and complementary voices, collaborates on significant environmental issues.
- Community-based research – MbEN is making measurable contributions to understanding of the environment and significant factors impacting it.
- Awareness and engagement – A knowledgeable and vigilant public who cares for the environment and acts to preserve, protect and restore nature.
- Organizational health – MbEN is governed and managed in a clear, accountable manner. Is administratively effective and efficient. Membership is growing. Funding is diverse and stable.

The first four relate to the substantive outputs of MbEN efforts. The fifth is a means to the ends. That is, the organization must, itself, be healthy to perform and deliver the substantive elements of its mandate.

As a public interest community resource, the Eco-Network spends a significant amount of time responding to requests from members of the public and grassroots organizations who are seeking advice on how to prevent an environmental injustice from happening. Many of these requests require some initial legal research and often involve the untangling of layers of government jurisdiction. See Appendix 2 for a list of recent requests we have received.

Three of these requests, have turned into longer-term engagements for MbEN: the Healthy Environment, Healthy Neighbourhood project; Save Our Water Campaign; and our partnership with Camp Morning Star. The collaborations and partnerships we were (and still are) involved in, have taught us a lot. It is uplifting to see and experience democracy work at the community and grassroots level and be part of those movements.

What Does Environmental Governance Look Like in Manitoba?

Since there has been minimal data collected about the state of environmental governance in Manitoba since the last State of Environment report was published in 1997, it is difficult to provide a meaningful assessment of how environmental governance processes have changed in Manitoba (for better or worse) over time. Instead, this section focuses on discussing environmental governance challenges that the Government of Manitoba is currently facing and how these challenges have been addressed.

Governance Case Study 1: Energy (Net-Zero by 2050)

By Patricia Fitzpatrick and Heather Fast

In recent years, the push towards achieving net-zero emissions across the economy has gained momentum due to increased public awareness and concern about the negative impacts of climate change. For example, the Manitoba Eco-Network and many other ENGOs in Manitoba (e.g., Climate Change Connections, Canadian Centre for Policy Analysis MB, Wilderness Committee, Citizens Climate Lobby, Manitoba Energy Justice Coalition, Sustainable Building Manitoba) support this goal and regularly advocate for policy and legal approaches that would help Manitoba succeed. As a policy objective, the goal of “net-zero” serves to provide tangible targets for greenhouse gas (GHG) reduction within each sector, and in doing so, provides specific pathways for reducing the on-going release of GHGs which, when introduced to the atmosphere, work through positive feedback loops to absorb more solar radiation, and in turn, increase the overall global temperature.

Energy, including electricity, heating and transportation, is used across all sectors of the economy. And the technologies we have used for large-scale generation, transmission and distribution of energy, can have significant GHG implications (among other impacts). As such, planning for net zero energy – by 2050 or sooner – has been deemed a necessity by experts and environmental organizations around the world (Net Zero Tracker 2023). However, the pathway forward is complex, fraught with various challenges, including (but not limited to):

- Rapidly emerging technologies, with different price points, technical specifications and operating restrictions;
- Important considerations about the lifecycle costs associated with various “renewable” options sometimes presented as “green options”;
- Recognition that economies of scale, which historically inform access to technology and pricing, have created a racialized energy landscape in Manitoba; and,
- Other questions related to energy justice, including which customer class should shoulder the burden for the electrification of various user-sectors (such as transportation, industrial, agricultural, residential, etc.), and the past and ongoing negative consequences of Manitoba’s hydroelectricity infrastructure on Indigenous communities.

A Snapshot of Energy in Manitoba

Manitoba uses roughly 323.33 petajoules of energy (see Figure 4). The largest fuel usage is refined petroleum, used primarily in transportation. This is followed by natural gas (important for heating), and electricity (which is used both for electricity and for heating). From a sector perspective (see Figure 5), Industry has the highest use of power, followed by transportation. Residential customers have the smallest relative share of the energy pie.

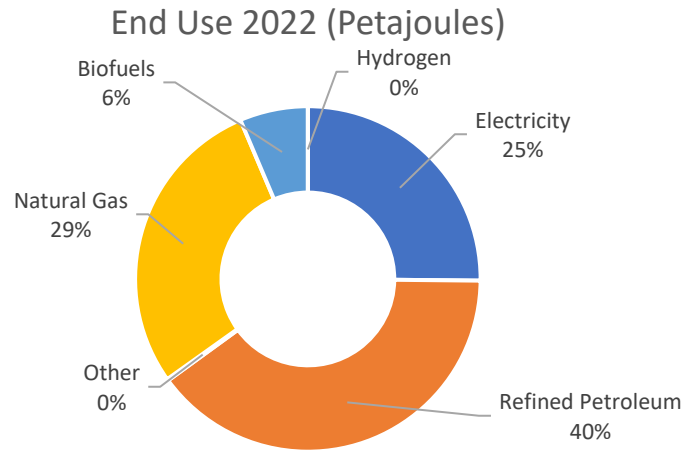


Figure 4: Manitoba used approximately 323.33 petajoules of energy (Canada Energy Regulator). [Canada's Energy Future Data Appendices](https://doi.org/10.35002/zjr8-8x75). DOI: <https://doi.org/10.35002/zjr8-8x75>

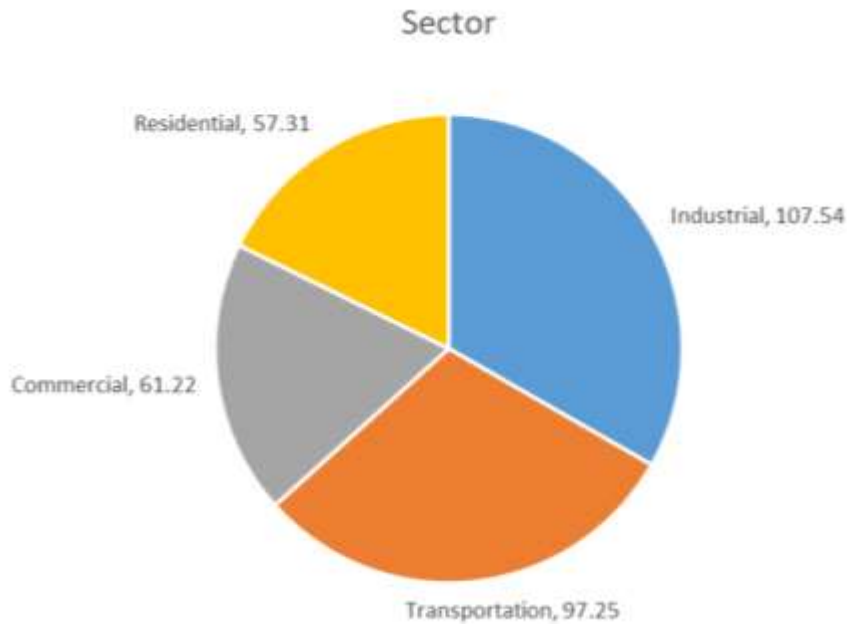


Figure 5: Use by Sector (Canada Energy Regulator. [Canada's Energy Future Data Appendices](https://doi.org/10.35002/zjr8-8x75). DOI: <https://doi.org/10.35002/zjr8-8x75>)

Considering these figures, in Manitoba, our challenge (broadly) is to reduce, or even eliminate 220 petajoules of natural gas and refined petroleum through a combination of alternative fuels sources and energy efficiency. This requires more than switching the source of 220 petajoules of power. There is a need to address energy demand and consumption which, at present, peaks during the coldest months in Manitoba. Energy planning must take place to ensure there is sufficient supply to meet the periods of highest demand and address any changes to that demand curve as the climate changes. This will require a complex suite of efficiency programs, design changes, behavioural shifts and alternative energy sources.

Governance Tools

A suite of contemporary governance initiatives designed to address the net zero challenge have been implemented at all levels. For example, the Government of Canada has committed to the goal of achieving net-zero emissions by 2050 using a range of different legal and policy mechanisms including the *Canadian Net-Zero Emissions Accountability Act* (2021), the *2030 Emissions Reduction Plan* (2022), the *Clean Electricity Regulations* (2024), and the *Electric Vehicle Availability Standard* (2023).

In Manitoba, *The Climate and Green Plan Act* (2018) sets out legal requirements for greenhouse gas (GhG) emissions reductions and establishes the Made-in-Manitoba Climate and Green Fund to support projects, studies and activities that address climate change, among other things. Under *The Environment Act* decision-makers are required to consider the amount of greenhouse gases to be generated by a proposed development and the energy efficiency of the proposed development when making impact assessment and licensing decisions. Efficiency Manitoba, a Crown corporation established in 2017 under *The Efficiency Manitoba Act*, bears responsibility for implementing and supporting demand-side energy management initiatives and achieving additional reductions in the consumption of electrical energy or natural gas. While the Minister of Environment and Climate Change is responsible for the implementation of some of these governance mechanisms, a number of other Ministers have a role to play in achieving net-zero in Manitoba. This includes the Minister of Finance (responsible for Manitoba Hydro), the Minister of Economic Development, Investment, Trade, and Natural Resources, and the Minister of Transportation and Infrastructure. Recent provincial governance initiatives include development and implementation of an:

- Energy Strategy (*Manitoba's Energy Roadmap: Invest in Manitoba, Open for Business*, 2023);
- Integrated Resource Plan (Manitoba Hydro, 2023); and
- Efficiency Manitoba Plan (Efficiency Manitoba, 2020).

Energy Strategy: An energy strategy details the broad approach the province intends to take to ensure the adequate supply of energy for its citizens. Typically, an energy strategy is developed in consultation with the public. This type of document normally includes:

- a range of considerations related to the forecasted supply/demand opportunities and challenges within the regional energy system. In Manitoba's case, this system is run by the Midcontinent Independent System Operator (MISO);
- policies and programs which promote environmental responsible production;

- issues of energy security, including reliability, affordability and justice; and,
- social acceptance for the system. (Gattinger 2015)

In July 2023, Manitoba's previous energy strategy (Government of Manitoba 2012) was replaced with *Manitoba's Energy Roadmap: Invest in Manitoba, Open for Business* (Government of Manitoba 2023). There were some early opportunities for public consultation (e.g., a survey on the EngageMB website), but no opportunity for public review of the draft strategy prior to its publication. The Roadmap sets high levels goals, with few specific details about achieving net-zero by 2050. Applicable commitments include:

- Updating the mandates and legislations of Crown Corporations Manitoba Hydro and Efficiency Manitoba, the PUB, and other government permitting authorities to align with energy demand and climate goals.
- Reducing and shifting electricity demand to match generating capacity.
- Exploring the role and potential for emerging technologies to meet future flexibility needs.

The Roadmap was criticized by a range of different stakeholders, including ENGOs, after its publication and deemed inadequate to address the energy challenges currently being faced in Manitoba (Sanders 2023).

Integrated Resource Plan (IRP): In the energy sector, an IRP is a detailed planning tool designed to identify expected supply/demand requirements, risks to said projections, and plans to achieve the demands (including efficiency measures. In June 2023, Manitoba Hydro released its first integrated plan (Manitoba Hydro 2023). As part of the planning process, Manitoba Hydro sought input through a variety of information-in techniques, including a survey on Engage Manitoba, 15 workshops with invited participants, and 20 targeted conversations. The IRP also notes there were more than 28, 000 unique visitors to its website, and 4927 subscribers to the newsletter.

The Eco-Network participated in several aspects of the IRP development, including the survey, the workshops and targeted conversations. As noted in our [policy advocacy submission](#), we had concerns throughout the process. Since the IRP's release, we have heard from the community about a range of problems with the IRP process, including: there was no debate about using cost as the chosen factor for the best path forward; the decision to have strategic natural gas as component of electrification, and limited consideration of efficiency options. There is an on-going campaign to have the PUB review the IRP.

Efficiency Manitoba Plan: Efficiency Manitoba is a crown corporation with the legislated requirement of achieving an annual electricity savings of 1.5%, and an annual natural gas savings of 0.75%. As part of its process, Efficiency Manitoba is required to submit three-year plans for review by the Public Utilities Board (PUB). The first plan published by Efficiency Manitoba has been in effect since 2020. So far, Efficiency Manitoba has failed to meet its legislated targets. There have also been ongoing concerns that the legislated mandate of Efficiency Manitoba is too limited in scope, the threshold for receiving efficiency subsidies from the corporation are too high, and the geographic scope is not comprehensive (with respect to

natural gas). Efficiency Manitoba's second three-year plan should have been reviewed by the PUB in 2022. However, this public process has been delayed twice, and the second plan is now expected to be reviewed in the fall of 2024.

Observations

As may be evident in previous sections, the current approach to achieving net zero in Manitoba is very siloed in nature with key decision-makers acting and releasing plans in apparent isolation. There is little, if any, evidence that the outputs of one department or agency are considered by others when developing and implementing policy and legal mechanisms addressing current energy challenges. There is also little documentation of provincial governance approaches being developed in consultation with (or in partnership with) First Nations and Métis governments. This is problematic as energy decisions in Manitoba often impact the constitutionally protected rights of Indigenous communities, so all policies and laws with the potential to impact Indigenous rights should be developed in partnership with such communities. Indigenous communities, especially in northern Manitoba, also bear a disproportionate burden of environmental and health impacts associated with the generation of hydroelectricity. However, across the available provincial governance tools, there is little discussion related to equity. Moving forward, it is imperative to consider which segment of the population bears the burden of tripling the energy portfolio. For example, is it possible to create a new customer class for electrified transportation, with prices that will support the developments needed create and sustain this segment of energy growth?

Moving Forward

Since the change in government in October 2023, there have been no new legal or policy mechanisms introduced at the provincial level to address the governance challenge of achieving net-zero by 2050. Some policy decisions actually seem to conflict with provincial GhG emissions reductions goals, such as a temporary pause on the provincial tax on fossil fuels. However, there are several references to achieving net zero in provincial Minister mandate and crown corporation framework letters (Manitoba Hydro, Efficiency Manitoba) issued by the new government in Fall 2023. For example, the Minister of Environment and Climate Change has been mandated to "Create a roadmap to meet net-zero targets by 2050" and "Work toward making our energy grid net-zero by 2035 and attract new low-carbon industries".

Premier Wab Kinew has also announced the Government's intention to publish an updated Energy Strategy in September 2024.¹ The Premier stated that, "[o]ur team is pretty excited about this energy plan... I think it will have a nice mix of meeting our future needs, taking care of the existing infrastructure and delivering that all in an affordable way for the average person." (Rollason 2024). Based on these mandates and public statements made by the new government, we anticipate the release of updated regulatory requirements, energy-related policies, and plans in the near future that will further address the challenge of achieving net-zero by 2050.

¹ The writing of this report was concluded before the release of Manitoba's Affordable Energy Plan on September 18, 2024.

Governance Case Study 2: Meaningful Public Participation

By Heather Fast and Patricia Fitzpatrick

Countries like Canada with democratic political systems have long been struggling to figure out how to involve citizens, and the public interest organizations that represent public interests, in governance processes. In an environmental context, mechanisms to improve public participation have been recognized as a core element of best practice since modern approaches to environmental governance began emerging at the international level in the 1970s and working their way into domestic law and policy around the globe. In recent decades, the increasingly complicated nature of environmental governance frameworks and the unique challenges of environmental problems (e.g., transboundary impacts, cumulative impacts, shared jurisdiction) have made it clear that involvement from all members of society, not just government, is needed to ensure governance approaches are effectively implemented and enforced.

There are many benefits associated with the meaningful inclusion of public participants in environmental governance processes including: broadening the range of solutions considered; improved access to local and traditional knowledge from diverse sources; more public support for governance outcomes; and enhanced capacity. (e.g., Sinclair and Burdett 2024; MLRC 2015) Other benefits can include improved relationships between stakeholders; greater trust in government and institutions; stronger democracy; and improved transparency and accountability (e.g., Sinclair and Burdett 2024; Bryson et al., 2013; Reed 2008; Gramberger, 2001). Opportunities for public participation also create more opportunities for ENGOs and Indigenous participants to get meaningfully involved in environmental governance processes.

Meaningful Public Participation

There are a range of different approaches and mechanisms that can be used to include the public in environmental governance processes. The level of public involvement often varies depending on the subject matter and potential impact of the process on citizens and the environment. In the context of environmental impact assessment, “essential elements” of meaningful public participation have been identified by experts (see Table 1 below). These elements provide a useful framework that could also be applied to other types of environmental governance processes in Canada to facilitate meaningful public participation. A range of different policy and legal mechanisms can be used to ensure these elements are reflected in environmental governance practices.

Essential elements of meaningful participation	Specific requirement for public participation
Adequate notice	Direct notice to affected individuals and organizations
	Use of phone, email or social media
	Notice about assessment, where further information is located and where comments can be directed

Access to information	Transparent, ongoing and timely exchange of information among all parties
	Easy access through a public registry or other means
Participant assistance	Need for assistance because of complex issues
Opportunities for public comment	Open to all interested parties and individuals
	Allows for consideration of “need for” and “alternatives to”
	Interactive modes of participation beyond open houses and website submissions
Access to public hearings/ADR	Frequent and creative use of the hearing process
	Transparency, and timely written decision
	Inclusive, informal venues for deliberation
	Negotiation and mediation
Early and ongoing participation	Public engaged in the design of the participatory programme to be followed
	Extension of participation to the follow-up stage
	Reasonable timelines established
	Stakeholder involvement in assessment process choices
Deliberative forums	Emphasis on knowledge integration
	Face-to-face decision-making
	Open dialogue in a non-judgmental environment
	Establishing sustainability as a concept and a goal
	Include forms of alternative dispute resolution
	Incorporate future methods such as visioning and scenario development
Decision impact	Input can impact and change the course of the decision at hand – not treated as advisory only
Learning oriented	Promotes learning “about” and “through” IA for all participants
	Fosters mutual learning among all participants
	Feedback to participants about how their input has, or has not, been used, and why
	Ensures lessons from past assessments as well as process experiences are considered in future assessments and assessment reform
Fair and open	Public participation processes follow principles of natural justice and procedural fairness
	Transparent
	Open to all interested parties and individuals

Table 1: Essential Elements for Meaningful Public Engagement in Impact Assessment (IA).
Source: Sinclair and Burdett (2024)

Governance Tools

Meaningful public participation in environmental governance processes can be facilitated through a variety of different governance tools. For example, environmental laws often include provisions aimed at facilitating public participation, such as requirements for public notice, legal standing to participate in public hearings, and the creation of public registries to improve access to information. The participation of the public can be encouraged through legal mechanisms (e.g., Anti-SLAPP and whistleblower protection laws/provisions) that shield citizens and public

interest organizations from frivolous lawsuits, retribution from employers, and other approaches used to intimidate environmental advocates into silence. The public can also have a meaningful role in the enforcement of environmental laws and policies when given legal standing to initiate lawsuits against those who violate public environmental rights and harm the environment.

In Manitoba, although environmental governance processes often include some type of public engagement, provincial laws contain few provisions that guarantee consistent participation opportunities for the public or reflect the elements of meaningful public participation outlined in Table 1, above. There have been some recent governance changes focused on improving public engagement, but the use of new governance tools remains largely discretionary. For example, since its creation, the EngageMB platform has been used by government to distribute public surveys about specific governance issues, including a number of environmental topics. However, to use this engagement tool, the public must regularly check the EngageMB site to find out about new surveys and other engagement options, and are required to create a free account and login to be able to respond through the platform. The use of EngageMB is discretionary, there are no legal requirements in Manitoba that require elected officials to use the platform or impose any standards on public consultations undertaken using the platform (e.g., length of consultation period, requirement for a “what we heard” report, etc.).

There have also been recent improvements made to several online environmental public registries in Manitoba. For example, a “Recently Updated” tab was added to the Environment Act public registry to make it easier to identify changes to existing registry files. An online public registry under *The Contaminated Sites Remediation Act* was also recently launched to make documents associated with contaminated sites decisions and the remediation process publicly available online. While these recent changes are a positive move forward, the practical value for citizens is more about public online access to information. The development of EngageMB and the improvement of environmental public registries has done little to ensure that the Government of Manitoba is required to provide the public with opportunities for meaningful public engagement in environmental governance processes.

Environmental Assessment: Manitoba’s environmental assessment and licensing process under *The Environment Act*, includes some of the strongest legal measures in the province aimed at facilitating public participation. Under the Act, the Government is required to notify the public about new projects and decisions through a variety of mechanisms, including a public registry. Before making most environmental assessment and licensing decisions, the Government is required to collect and consider feedback from the public. The Clean Environment Commission (CEC) is the administrative tribunal responsible for holding public hearings during the environmental assessment process, if requested by the Minister of Environment and Climate Change. There are a number of supports available to participants in CEC hearings, including funding to support engagement as an intervenor. However, a number of these supports, including funding, are discretionary and must be ordered by the Minister of Environment and Climate Change. For example, during the most recent Clean Environment Commission hearing held in 2022-23, the Minister declined to order the creating of a participant fund under the

Participant Funding Regulation. This limited the involvement of some intervenors, such as the Manitoba Eco-Network and Our Line In The Sand in the recent Sio Silica public hearings (see above).

Although the environmental assessment and licensing process in Manitoba includes a range of public participation opportunities, there is widespread recognition that The Environment Act is outdated and in need of updates. For example, the Manitoba Law Reform Commission released a report recommending a number of reforms that could improve public participation in the environmental assessment and licensing process (MLRC 2015). The CEC has also made a number of recommendations during public hearings for improvements that should be made to *The Environment Act* and other provincial legislation to improve public participation in environmental approval processes and modernize our governance framework. To date, none of the major recommendations made by the Manitoba Law Reform Commission or the CEC have been implemented.

Public Utilities: The Public Utilities Board (PUB) also plays an important role in ensuring members of the public and public interest organizations have the opportunity to contribute to decisions made about public utilities (e.g., electricity, natural gas, waste management). The rules for PUB hearings are robust and allow for a broad range of evidence to be collected and reviewed by participants. However, since the PUB is a quasi-judicial tribunal, meaning that it has some legal powers similar to a court, the public hearing process is very formal and difficult for the public to fully engage in without some type of professional assistance (e.g., legal representation, technical experts) and financial support to hire such assistance. For participants without capacity to engage as a full intervenor in a public hearing, the PUB opens up at least one day to hear 10-15min public presentations from anyone who registers to speak. Members of the public also have the ability to provide public comments on applications before the PUB or file a complaint about their utility account through the PUB website.

Overall, public hearings held by the PUB have resulted in lots of valuable analysis and recommendations and have influenced changes to environmental governance processes that have resulted in more opportunities for the public to engage (e.g., creation of Efficiency Manitoba, Manitoba Hydro's Integrated Resource Planning process). However, recent changes made to *The Public Utilities Board Act* and *The Manitoba Hydro Act* as a result of Bill 36, *The Manitoba Hydro Amendment and Public Utilities Board Amendment Act*, have reduced requirements for public hearings, and limited the review of Crown corporation plans and strategies (i.e., Manitoba Hydro, Efficiency MB). These changes will likely reduce the number of public hearings held by the PUB, thus reducing opportunities for the public to participate in environmental governance processes associated with energy efficiency, the development of hydroelectric infrastructure by Manitoba Hydro, and other important subject matter. Despite making public statements about reversing changes made to PUB processes by the previous government under Bill 36, the omnibus reform Bill that was passed by the new provincial government in 2024 did not address the previous changes made to public hearing provisions or the provisions requiring review of Crown corporation plans and activities by the PUB (see Bill 37, *The Budget Implementation and Tax Statutes Amendment Act, 2024*).

Other Natural Resource Approvals:

Beyond the environmental assessment and licensing process under *The Environment Act*, there are usually limited opportunities for public participation in most environmental and natural resource decisions made by the Government of Manitoba. For example, the water power licensing process under *The Water Power Act* and the *Water Power Regulations* does not require the Government to engage with the public beyond providing them notice of a licensing decision, despite this being the only form of regulatory approval that most hydroelectric generating stations in Manitoba are operating under. There are no specific requirements in the Act in terms of how notice should be given to the public, so there is no way to guarantee adequate notice will be provided (see Table 1 for the requirements associated with the “adequate notice” element of meaningful public participation). Due to the historic and ongoing negative consequences of hydroelectric generation in northern Manitoba on local communities and Indigenous Nations, significant reforms to the water power licensing process have been recommended by the CEC to improve public participation and the involvement of Indigenous Nations in the process, among other improvements. Although most water power licences are currently overdue for renewal, there have been no reforms to *The Water Power Act* introduced and the past recommendations of the CEC have not yet been implemented.

Mining is also another area of natural resource development in Manitoba that requires little to no public engagement. For example, under *The Mines and Minerals Act*, there are no legal requirements for public involvement in permitting and licensing processes. Despite an increasing political focus on mining developments and the encouragement of new developments, particularly if they involve extraction or processing of “critical minerals”, there has been no corresponding improvement of public engagement in the mining sector at the provincial level. However, there have been recent policy commitments made to improving consultation and engagement with Indigenous Governments and community members, and encouraging Indigenous led resource developments (e.g., *Manitoba Critical Minerals Strategy*, 2023).

Manitoba’s newest natural resource approval framework focused on carbon capture developments, was established in 2024 under *The Captured Carbon Storage Act* (SM 2024, c 20). There are minimal requirements for public engagement, although the Surface Rights Compensation Board is required to hold hearings that are open to the public. The Director (a new public official appointed by the Minister to administer and enforce the Act) is also required to establish and maintain an online public registry containing basic information about reservations, licences or permits issued under the Act. This includes the name of the holder and the type of the reservation, licence or permit, a description of the area or site included, a summary of the terms or conditions, and the date of issue and date of expiration.

Observations

Most recommendations about improving opportunities for meaningful public engagement at the provincial level made by the Manitoba Law Reform Commission, Clean Environment Commission, Public Utilities Board, and experts engaged in environmental governance

processes have not been implemented by government. Public engagement is environmental governance in Manitoba is limited primarily to the environmental assessment and licensing process and public hearings held by the PUB to review matters associated with Crown Corporations and utilities. There are little to no opportunities for the public to engage in approvals associated with forestry, mining, and water resources unless a new development or major amendment triggers the assessment and licensing process under *The Environment Act*.

There is a need to modernize environmental governance processes in Manitoba and strengthen public participation requirements. There are many benefits of public participation, as discussed above. There are also an increasing number of downsides when participation opportunities are not meaningful. For example, there have been an increasing number of lawsuits filed in Canada in the last five years seeking to hold Government at all levels responsible for failing to meaningfully consider the impacts of policy decisions on the public, and Indigenous communities. There is a large body of expert analysis, and many law reform recommendations focused on meaningful public engagement that the Government of Manitoba could draw from (e.g., Diduck, Fitzpatrick, and Sinclair 2001; Fitzpatrick 2006; MLRC 2015; Fast and Fitzpatrick 2017; Caporale and Fast 2023; Robb, et. al. 2024; John and Burdett 2024).

Provincial reforms should draw from these many resources and better align our regulatory framework with best practices, such as the elements of meaningful public participation identified in Table 1. There should be a particular focus on reforms that increase public access to support services and participant funding. Opportunities for engagement should be expanded so the public is included at all stages of governance, including enforcement (Caporale and Fast 2023). When improving participatory opportunities in Manitoba, reforms should also be designed to align environmental governance processes with the *United Nations Declaration on the Rights of Indigenous Peoples* and empower Indigenous peoples to be more meaningfully involved in decision-making processes. This includes equitable inclusion of Indigenous traditional knowledge and participant funding.

Moving Forward

There are many available opportunities for the Government of Manitoba to improve public participation in environmental governance processes. Ongoing initiatives within government Departments to improve public registries and increase access to information are a good start, but there is a need for new mechanisms to be introduced. There appears to be some interest from the new Provincial Government in engaging more with the public and ENGOs (e.g., Department of Environment and Climate Change). However, there are still a considerable lack of meaningful public participation opportunities in natural resource approval processes, including the new carbon capture approval process under the responsibility of the Minister of Economic Development, Investment, Trade and Natural Resources.

Moving forward, one of the best ways the Government of Manitoba can ensure the public has a meaningful role in environmental governance is to use a variety of tools (i.e., not just EngageMB) to regularly ask the public how things are working, and what, if any, improvements are needed. The Manitoba Eco-Network and the environmental community are ready and

willing to start this dialogue. If given a meaningful opportunity to participate, we all have a role to play in ensuring a sustainable future for Manitoba.

Governance Case Study 3: Environmental Rights

By Heather Fast

In the past decade, a legal approach that has been gaining momentum as a best practice environmental governance approach for improving public participation in environmental governance processes, among other benefits, is the recognition of environmental human rights. Globally, most countries have recognized that human rights and protection of the environment are directly related by legally recognizing environmental human rights.

In Canada, some provinces and territories have recognized the environmental rights of their citizens, and in 2023, the right to a healthy environment was recognized at the federal level for the first time under the *Canadian Environmental Protection Act*. Canada was also a supporter of the 2022 UNGA Resolution that recognized the right to a clean, healthy, and sustainable environment at the international level. Manitobans, unfortunately, do not yet have legally recognized environmental rights at the provincial level (Fast and Fitzpatrick 2017). This means that we have less access to environmental legal tools and government supports than Canadians in other jurisdictions, and most other countries in the world. This includes legal mechanisms that grant citizens legal standing to initiate lawsuits, trigger government investigations, access to information requirements, and independent oversight (Caporale and Fast 2023).

Governance Tools

The most effective way to ensure all citizens have legally protected environmental rights is recognition in the national Constitution of a country. Globally, over a hundred countries have recognized some form of environmental rights in their constitutional laws. However, the recognition of environmental rights through other methods, such as the adoption of environmental rights legislation (e.g., an Environmental Bill of Rights) can also create a comprehensive legal regime with many public benefits (Boyd 2015).

An Environmental Bill of Rights (EBR) can contain a range of different legal mechanisms and important legal principles and should be tailored to the specific needs of local citizens. This includes:

- Substantive rights (e.g., the right to a healthy environment), which sets a legal standard of protection that must be upheld by all Manitobans, including government. This standard can be defined in different ways, including the recognition of the different environmental indicators of a healthy environment. For example, the UN has identified six elements of the right: clean air; a safe and stable climate; access to safe water and adequate sanitation; healthy and sustainably produced food; non-toxic environments in which to live, work, study and play; and healthy biodiversity and ecosystems.
- Procedural rights, which indicate the range of legal tools and supports available to the public to protect their environmental rights. This includes mechanisms that support: access to

information, public participation in decision-making processes, and access to legal remedies (e.g., the ability to initiate a lawsuit).

- Legal Principles, such as Environmental Justice, Intergenerational Equity, the Precautionary Principle, and Non-Regression, that can help increase the scope of available environmental protections and ensure legal standards cannot be weakened in the future.

In Canada, several provincial and territorial governments (Ontario, Yukon, Northwest Territories, Nunavut, P.E.I.) have adopted an EBR. Although only a few Canadian jurisdictions have taken this approach, the recognition of a range of different substantive and procedural rights in environmental rights legislation has contributed to a better articulation of environmental obligations and responsibilities, created legal processes that have facilitated public participation in environmental decision making, have improved access to environmental justice, and have provided stronger protection from malicious proceedings and undue punishment (Fast and Fitzpatrick 2017).

In Manitoba, despite numerous attempts since the 1970s, there is no legal recognition of environmental rights for Manitobans (Fast and Fitzpatrick 2017). Most of these attempts in the Manitoba legislature have been private member bills introduced without support from the governing party, including the most recent introduction of an EBR (Bill 220, *The Environmental Rights Act*, 2017). However, with the change in government that occurred in October 2023, there seems to be renewed potential for the introduction of a government supported EBR, such as the one that was introduced in 2016.

Bill 20: The Environmental Rights Act

On March 1, 2016, Bill 20: *The Environmental Rights Act* was introduced and read a first time in the Manitoba Legislature (Manitoba Legislative Assembly, 2016). Bill 20 would have established stand-alone legislation that explicitly recognized the substantive “right to a healthy and ecologically balanced environment.” The Bill also acknowledged the Government of Manitoba’s legal responsibility to protect the environment and the environmental rights of Manitoba residents. Bill 20 required that the Act be applied in compliance with important environmental principles including the principle of intergenerational equity and principle of environmental justice. A number of procedural rights that would have improved public participation were recognized in the Bill including: the right to environmental information; the right of participation; the right to request a review; and the right to request an investigation. Bill 20 addressed the enforcement of environment rights and would have given residents of Manitoba the ability to initiate a lawsuit against anyone who violates the recognized rights of citizens or causes significant environmental harm. The Bill also provided residents with the ability to commence initiate a lawsuit against the government for failing to enforce an Act or regulation if that failure causes or could cause significant environmental harm.

Bill 20 established the new independent oversight position of “Environmental Commissioner”. Duties of the Commissioner would have included: mediating environmental disputes; overseeing implementation of the Act; reviewing government compliance with the Act; providing educational programs about the Act to departments and the public; and, providing

advice and assistance to members of the public who want to participate in decision-making or to enforce environmental rights as provided in the Act. In addition, the Bill contained miscellaneous provisions which addressed a range of issues such as whistleblower protection (Fast and Fitzpatrick 2017).

Bill 20 would have strengthened Manitoba's environmental governance framework and very likely inspired the adoption of similar legislation in other jurisdictions. Most existing environmental rights provisions in Canada are outdated and do not create a comprehensive environmental rights regime in any Canadian jurisdiction. In comparison, Bill 20 represented a more modern focus on a comprehensive framework containing both substantive and procedural rights. The proposed legislative framework would have established a new substantive right to a "healthy and ecologically balanced environment", creating a standard of living that all Manitobans would have a recognized legal right to experience and protect. Bill 20 would have also formally recognized the Government of Manitoba's responsibility to protect public natural resources for the benefit of current and future generations and ensure environmental rights are not violated. Bill 20 would have increased opportunities for meaningful public participation in environmental governance processes, created a new independent Office of the Environmental Commissioner to provide oversight and facilitate investigations, and establish legal standing for citizens so they can initiate lawsuits against anyone who has caused or will imminently cause significant environmental harm, or against the provincial government for failing to enforce provincial laws and regulations (Fast and Fitzpatrick 2017).

Despite these potential benefits, there were several recognized flaws associated with Bill 20, such as the likelihood that if a citizen had commenced a legal proceeding under this rights framework, the costs would likely have fallen entirely on the individual because there was no mechanism for participant funding (Fast and Fitzpatrick 2017). However, Bill 20 still had significant potential. With some updates, a new EBR for Manitoba would help modernize our provincial environmental governance framework and ensure citizens can play a meaningful role in protecting the environment and human health. Recommended improvements for the next iteration include:

- clearly articulated and defined substantive rights and responsibilities;
- a range of interpretive principles beyond those already contemplated in Bill 20;
- stronger support for procedural rights such as access to information;
- independent oversight with clear financial support and independent investigative powers; and
- improved access to justice through a broader range of legal remedies and protections and the removal of unnecessary procedural hurdles for members of the public. (Fast and Fitzpatrick 2017)

Ultimately, Bill 20 did not progress beyond a first reading before the Legislative Assembly of Manitoba was dissolved for the 2017 Provincial Election. There appeared to be little to no government support for an environmental bill of rights after the change in governing party from NDP to Conservative that occurred after the 2017 Election. Beyond the private member bill

introduced by in 2017, there have been no further attempts to introduce an environmental bill of rights in the Manitoba Legislature since this time.

However, there has been innovative research being undertaken in Manitoba to explore Indigenous legal traditions and the potential recognition of legal rights for water (or “*nibe*” in Anishinaabe) (Craft 2023; Manitoba Eco-Network 2023). Unlike western rights-based approaches that focus on the rights of humans to access a “healthy environment”, an Indigenous approach to the rights of water requires recognition of water as an autonomous entity with which humans have an ongoing relationship (Craft 2023). Instead of stopping at the recognition of humans as the main stakeholders in governance processes, a rights for nature approach goes further and also recognizes the role of nature itself. This work is ongoing and continues to develop in exciting directions, such as exploring the potential for the recognition of legal rights for Lake Winnipeg.

Observations

The Government of Manitoba has a range of additional legal tools that could be utilized to improve meaningful public participation in environmental governance processes. Of these, the most comprehensive approach to increase public opportunities for meaningful engagement would be to adopt an EBR. A well designed EBR could create opportunities for public participation well beyond the usual opportunities to submit comments prior to certain decision-making points (Boyd 2015). For example, a key feature of Bill 20 was the establishment of legal standing so citizens could participate in court processes to protect their rights.

There are many other benefits associated with the adoption of an EBR that go beyond standard opportunities to participate in environmental governance processes (e.g. submitting written comments, participating in hearings). The includes the creation of new independent oversight positions (e.g., Environmental Commissioner) and increasing legal protections for environmental advocates (e.g., Anti-SLAPP provisions) (Boyd 2015). Taking a rights-based approach to improve environmental protection and public participation is also more aligned with Indigenous legal traditions than other regulatory approaches used in western legal systems. At the federal level, the development of an implementation framework for the newly recognized right to a healthy environment under CEPA has also created an opportunity for the government to engage directly with Indigenous communities and public stakeholders about environmental racism and how to design a rights framework that upholds the principles of UNDRIP and is compatible with the legal rights of the Inuit, Métis, and First Nations.

Formalizing rights-based mechanisms can also create opportunities for legal recognition of other types of rights, such as personhood rights for nature. As discussed above, this approach better aligns with Indigenous legal approaches and recognizes the inherent value of nature and its legal right to exist for its own sake, not just for the benefit of humans. The recognition of rights for nature has occurred in an increasing number of countries around the world, including Canada (e.g., Magpie River in Quebec), and there are ongoing efforts to explore the application of this rights-based approach in Manitoba (Craft 2023).

Moving Forward

Although there appears to have been limited interest from the provincial government in the recognition of environmental rights since 2017, there seems to have been a recent shift in the political discourse around environmental rights at the provincial level. For example, during the *Environment and Climate Change Forum* held in August 2023 during the lead up to the provincial election, Candidates from all participating parties (PC, NDP, MLP, GPM) indicated their support for the recognition of environmental rights, such as through the adoption of an EBR.

The Eco-Network has long been advocating for the legal recognition of environmental human rights at both the provincial and federal levels. We hope to see the adoption of a robust EBR prioritized by the Government of Manitoba in the near future. However, we need to move beyond existing Canadian environmental rights approaches and develop, in consultation with the public and Indigenous rights holders, a Manitoba specific EBR that establishes our province as a leader in environmental protection and access to environmental justice.

Analysis and Recommendations

By: Heather Fast, Patricia Fitzpatrick, Glen Koroluk, and James Beddome

This section presents the observations of the Eco-Network on the current state of environmental governance in Manitoba based on the above information, our experiences engaging directly in environmental governance processes at the provincial, municipal, and federal levels, and insights provided by members of Manitoba's environmental community. In Part 1 of this section, the strengths and weaknesses of Manitoba's environmental governance framework are discussed. In Part 2, regulatory and legislative changes are identified that have potential to create more effective environmental policy and enable more meaningful public engagement.

Overall, we find that the Manitoba Government does not tend to prioritize environmental governance. Some modest improvements were seen under previous governments, but most key laws and policies are significantly outdated and require modernization to better align with best practices. However, the mandates of new government officials and public statements made by the new Government of Manitoba indicate there is potential for positive reforms and increased focus on environmental issues at the provincial level.

Part 1: What are some of the strengths and weaknesses that exist in Manitoba?

This section identifies strengths and weaknesses of Manitoba's environmental governance framework that impact the public's ability to meaningfully participate. This analysis is based on the Eco-Network's past experiences, projects, and engagement with others in the environmental community. Overall, Manitoba's current environmental governance regime appears to have more weaknesses than strengths. The provincial government regularly prioritizes the economic development arm of resource development (e.g., agriculture, mining and forestry) over the state of the environment. The statutory frameworks are by and large outdated. Ongoing internal efforts to modernize environmental laws and policies (e.g., environmental assessment process), have not yet resulted in changes that significantly improve opportunities for meaningful public engagement. However, with the recent change in government in Manitoba, there appears to be the potential for a renewed provincial focus on environmental governance issues, resulting in more resources and regulatory improvements.

Strengths of Governance Framework

Although Manitoba's environmental governance framework is growing increasingly outdated, there continue to be some positive elements of the overall regulatory regime. For example, Manitoba is one of the few Canadian jurisdictions that offers participant funding to support intervenors in Clean Environment Commission and Public Utilities Board hearings. Manitoba's governance framework also includes useful tools that support meaningful public participation, and there have been improvements made in recent years. This includes upgrades to the Government of Manitoba website and public registries that have significantly improved access to online information in some areas (e.g., contaminated sites).

Although this Report largely focuses on the role of government and the laws and policies they are responsible for, the success of an environmental governance system is based on more than just the regulatory requirements and the actions of government. Manitoba is lucky to have a dynamic, diverse, and capable ENGO sector that provides a range of positive contributions to environmental governance in our province. For example, the CEGN has recognized that “making progress in areas such as public policy and new governance arrangements requires constituencies of citizen support that are heard by elected representatives and participate in decision-making processes” (CEGN 2018). ENGOs are often the most effective means of coordinating and educating citizens, so they are increasingly relied upon to provide public comments, prep the public to participate in public meetings and consultations, develop well researched policy options, rally citizens to support important political decisions, and provide a range of different public education opportunities. ENGOs also play a valuable role in the implementation of government plans and programs. In Manitoba, there are currently ENGOs that regularly contribute to environmental governance processes, as discussed above in this Report. Thus, another strength of Manitoba’s environmental governance system is that despite many barriers, there continues to be a strong network of ENGOs ready to engage in governance processes as best they can.

The current regulatory framework has worked to protect the environment and human health in many ways and plays an important role in the day to day lives of Manitobans. Despite a breakdown in the relationship between government and the environmental community over the past eight years, there also continues to be a range of committed stakeholders (e.g., community groups, ENGOs, Indigenous organizations) who regularly contribute valuable insights and expert evidence to environmental governance processes. If the new Government of Manitoba can live up to the commitments made since being elected in October 2023, we may see the strengths of the current system amplified and new tools added to the regulatory toolbox to ensure the public and ENGOs are able to meaningfully contribute to environmental governance in Manitoba.

Weaknesses of Governance Framework

When reviewing expert and academic analysis of Manitoba’s environmental governance framework, there seems to be significantly more criticisms of the policy and legal framework than identified best practices. This includes commentary from Manitoba’s Attorney General, the Office of the Ombudsperson, and the Manitoba Law Reform Commission. Over the last five years, the Eco-Network has also identified many gaps and weaknesses in Manitoba’s environmental governance framework and made suggestions for improvements in our policy advocacy submissions, and other Project Reports (e.g., Caporale and Fast 2023).

In this Report we have focused on analyzing current governance tools and approaches that facilitate meaningful public engagement and create opportunities for ENGO engagement. In this context, the most significant weaknesses of Manitoba’s framework that emerged are:

- Outdated and Complicated Governance Framework
- Lack of Coordination with other Governments
- Lack of Information and Data

- Barriers Preventing Meaningful Public Participation
- Barriers Preventing Successful ENGO Engagement

Weakness: Outdated and Complicated Governance Framework

Manitoba's core environmental and natural resources laws, from which most regulatory requirements originate, have not undergone major reforms since the 1990s or before (e.g. *The Environment Act*, *The Mines and Minerals Act*, *The Forest Act*, *The Water Power Act*). There is also a lack of current and comprehensive provincial environmental policies. The plans and policies that do exist are often outdated and contain limited details about important topics (e.g., opportunities for public participation). See Case Study 1 for a discussion of the limitations of recent energy policies.

Manitoba's environmental governance framework is also very complicated, with few available resources that provide a complete picture of the overall regulatory system, and all stakeholders involved. This makes it very difficult for the public, ENGOs, and other stakeholders to easily identify which public officials, tribunals, Crown corporations, and regulatory requirements they must comply with for different environmental matters. There is no central government authority to coordinate or oversee environmental governance processes, although some Departments, e.g., Environment and Climate Change, do take the lead more so than others. The legal powers of decision-makers, such as the Director and Minister of Environment and Climate Change under *The Environment Act*, are also often discretionary, especially when it comes to opportunities for public participation. This means that there is often no certainty whether engagement opportunity will be available, or not.

Weakness: Lack of Coordination with other Governments

There appears to be little effort from the Government of Manitoba in recent years to coordinate provincial environmental governance processes with corresponding approaches undertaken by other levels of government (e.g., federal, municipal). Provincial statutes and policies rarely reference policy commitments or legal requirements at other levels government. For example, Manitoba is a signatory to the *Pan Canadian Framework on Clean Growth and Climate Change* (February 2018) but has done little to implement commitments from this framework or form meaningful partnerships with other governments in Canada. The previous government even actively opposed the federal government's carbon pricing scheme in the Federal Court (*Manitoba v. Canada (Attorney General)* 2021 FC 1115).

Weakness: Lack of Information and Data

In Manitoba, there is currently minimal publicly accessible data about environmental governance processes published by the provincial government. Most commentary about environmental governance is produced by academic experts and ENGOs. The last comprehensive SOE Report was published in 1997, and there have been no significant updates to information requirements in environmental statutes and policies since to maintain a similar level of reporting. Thus, there is no comprehensive public source of environmental governance information, or data about environmental conditions. Some information continues to be published in the annual reports of responsible Departments; however, this information is

limited (e.g. information about enforcement). The amount and quality of information in Department reports has declined in the past few decades. Despite some improvements regarding access to public information (e.g., online registries) there continues to be lack of coordination between differing public databases and registries.

Weakness: Barriers Preventing Meaningful Public Participation

Much of this Report has focused on analyzing public participation opportunities in provincial environmental governance processes. What has emerged are a number of identified barriers and regulatory weaknesses that reduce or prevent opportunities for meaningful public engagement. Despite Manitoba being one of the few Canadian jurisdictions that makes participant funding available for public tribunal hearings (e.g., CEC, PUB), these funding opportunities are not always guaranteed. For example, during the only CEC public hearing held in the last nine years, the Minister at the time declined to make participatory funding available, limiting the participation of some intervenors, including the Eco-Network.

When analyzing Manitoba's environmental governance framework based on the elements of meaningful public engagement identified in Case Study 2 (see Table 1), few governance processes appear to reflect these best practice principles. Manitobans also have little to no legal standing to initiate court processes against those who cause harm to the environment and human health. For example, as highlighted in the Eco-Network's report, *The Burden of Concern*, there are few, if any, legal and policy mechanisms that enable residents to hold government or industry accountable for toxic contamination caused by industrial activities (Caporale and Fast 2023). There also appears to be a lack of political will to engage with the public, particularly during the provincial legislative process. For example, there has recently been a trend of public feedback being ignored during standing committee reviews, particularly when such feedback involves environmental concerns (e.g., Bill 36).

The one area where some improvement has occurred is public access to information, however, this has largely been limited to expanding online repositories. As discussed above, though, there continue to be significant data gaps that prevent effective public participation. In most processes, notification requirements are inadequate and citizens have to be actively checking for engagement opportunities, making it difficult for the public to stay informed and engaged. When available, consultation opportunities are usually restricted to the submission of written comments or answering poorly designed surveys, and it is often unclear how the collected data and feedback is used by decision-makers.

Weakness: Barriers Preventing Successful ENGO Engagement

ENGOS face many of the same challenges as the general public discussed above regarding meaningful opportunities to participate in environmental governance processes. However, ENGOS are even more impacted by the lack of funding and access to resources. Limited financial support is one of the biggest barriers for successful ENGO engagement in environmental governance processes. Thus, there have been increased calls for more public funding and collaboration with government. For example, a campaign run by NGOs in 2023 around provincial election advocated for the following:

- Multi-year funding
- Predictable and sustainable funding
- Increased collaboration between the NGO sector and the provincial government; and
- Development of a new *Manitoba Community Non-Profit Strategy*. (Canadian CED Network MB 2023).

When available, most funding opportunities (e.g., public funding, grants from large private organizations) are focused on supporting a limited range of activities related to the environment. For example, Figure 6 below provides an overview of the funding granted to ENGOs across Canada based on the different types of activities they undertake (CEGN, 2018; CEGN, 2016). See the section above discussing *ENGO Engagement in Governance Processes* for more information about these activities and examples of ENGOs in Manitoba who undertaken them.

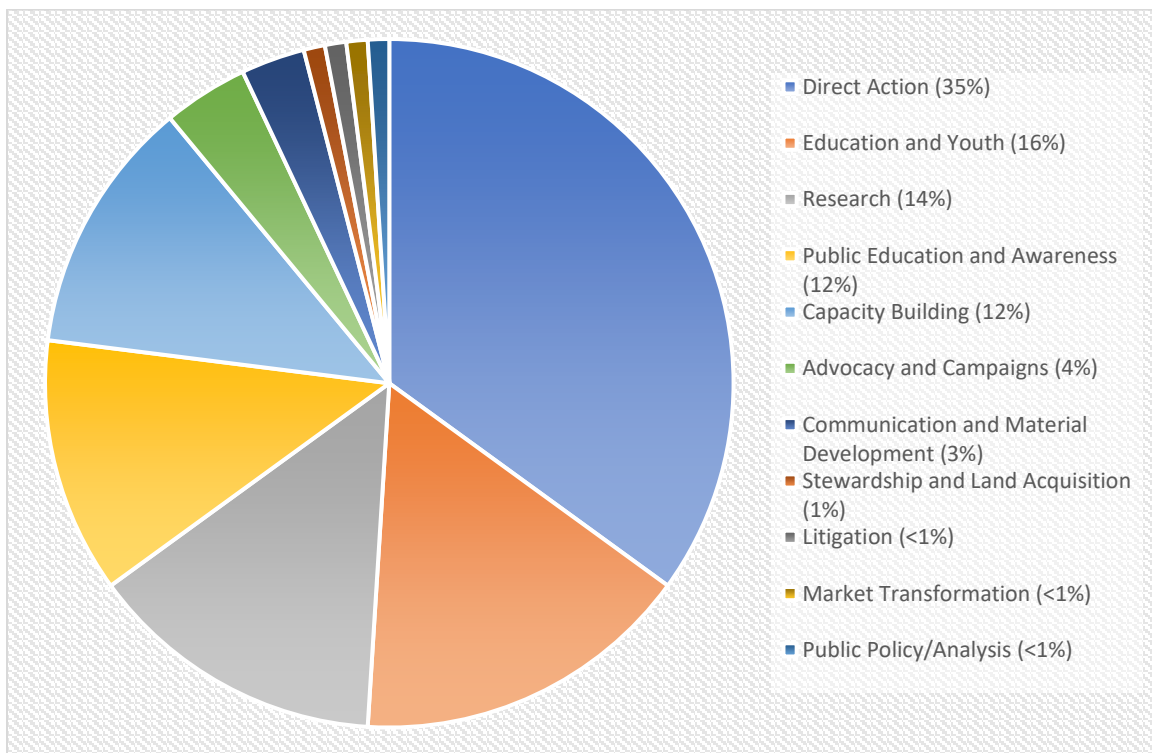


Figure 6: Distribution of ENGO Funding by Grantmakers, by type of Activity (Source: CEGN 2018)

As the Figure shows, more than 75% of funding granted went to ENGO activities focused on direct action, education, and research. There is a noticeable lack of support in specific areas, for example: advocacy and campaigns, litigation, and public policy/analysis. ENGOs like the Manitoba Eco-Network who undertake these types of underfunded activities make valuable contributions to environmental governance processes by amplifying public interests and supporting local citizens. For example, the Environment Funders Canada (EFC) identified a range of activities that need to be undertaken in Canada and supported by the philanthropic sector to accelerate progress on building Canada’s low carbon future (EFC 2020, 8), including:

- Grassroots campaigns

- Public communications
- Capacity building and coordination
- Government relations
- Policy development

However, despite such increasing recognition from funders and government of the valuable contributions of ENGOs to environmental governance processes, there continues to be limited available public and private funding to support ENGOs undertaking public advocacy work in Manitoba.

There are also few resources available to environmental legal services providers who support citizens and ENGOs when engaging in technical and complicated governance proceedings. In other provinces in Canada, there are a number of environmental legal organizations that focus on providing public interest environmental legal services and regularly represent citizens, ENGOs, and Indigenous rights holders in environmental lawsuits and support law reform initiatives at the federal and provincial levels. For example: Ecojustice, West Coast Environmental Law, Alberta Environmental Law Centre, Canadian Environmental Law Association, and East Coast Environmental Law.

In Manitoba, we do not currently have any legal service providers focused primarily on environmental legal services. However, we are fortunate to have a few organizations, such as the Public Interest Law Centre, and a few members of private practice that have regularly represented NGO clients and citizen groups in public hearings before the Clean Environment Commission and Public Utilities Board. Based on recent discussions with the environmental community in Manitoba, there is a need for more resources focused specifically on environmental and natural resource legal issues, including funding for more specialized legal services, public legal education, and community-based law reform research (MbEN, et. al. 2024, MbEN, et. al. 2023, Public Interest Law Centre 2022).

Part 2: What regulatory and legislative changes might better address effective environmental policy and enable more meaningful public engagement?

There are a broad range of legal and policy changes that could be implemented in Manitoba to improve the provincial environmental governance framework. The Eco-Network has made many such reform suggestions during the last forty years on all aspects of governance. However, in this Report, we have focused our consideration of potential environmental governance reforms on mechanisms that could strengthen Manitoba's governance framework and enable more meaningful engagement opportunities for the public and ENGOs. Thus, a set of recommendations emerged, focused on:

- Modernization of Manitoba's Governance Framework
- Holistic and Inclusive Approach to Environmental Governance
- Transparent and Accountable Decision-Making
- Meaningful Public Participation
- Building Stronger Relationships with ENGOs

Please note, the Eco-Network always recommends that law and policy reform processes be undertaken in partnership with Rights Holders and developed through meaningful engagement

with the public. Meaningful participation begins long before policy and legal developments are finalized and introduced into approval processes.

Modernization of Manitoba's Governance Framework

One of the biggest weaknesses of Manitoba's environmental governance system is how outdated most major laws and policies are and no longer reflect best practices (e.g., public participation requirements – see Case Study 2). There is limited coordination with regulatory requirements at the federal and municipal level, and provincial laws and policies do not yet align with the *United Nations Declaration on the Rights of Indigenous Peoples* or reflect the Indigenous legal traditions of First Nation, Métis, and Inuit governments.

Modernization of Manitoba's environmental governance framework is going to require a comprehensive regulatory review and meaningful engagement with the public and Indigenous rights holders, so reforms are coordinated and truly reflect the needs of Manitobans. Suggested priorities for statutory reform include: *The Environment Act*, *The Mines and Minerals Act*, *The Forestry Act*, *The Climate and Green Plan Act*, and *The Water Power Act*.

Recommendation 1: The Government of Manitoba should undertake a comprehensive review of Manitoba's environmental laws and policies and introduce reforms that align with UNDRIP, reflect best practices, and coordinate Manitoba's governance approaches with those used in other Canadian jurisdictions, when appropriate. This modernization of the environmental governance framework should be undertaken in partnership with Indigenous rights holders and include opportunities for meaningful public participation, with funding, throughout the entire process.

Holistic and Inclusive Approach to Environmental Governance

To strengthen the provincial environmental governance framework, the Government of Manitoba needs to move away from the siloed regulatory approach that is currently employed. For example, provincial environmental responsibilities are split between eleven different government departments, at least three administrative tribunals, and several Crown Corporations. There is no government entity responsible for coordinating activities between these different entities, or ensuring provincial requirements align with environmental processes at the federal and municipal level. There are also few direct linkages between different environmental laws and policies and little to no requirements for meaningful collaboration with other levels of government and Indigenous rights holders.

Recommendation 2: The Government of Manitoba should adopt a more coordinated and comprehensive approach to environmental governance. This requires, but is not limited to:

- Adopting a new focus on the interconnectedness of environmental systems (e.g., cumulative impacts) and linkages between different regulatory requirements.
- More transparency about how the shared environmental responsibilities of different elected officials, regulatory tribunals, and Crown corporations fit together.
- Collaboration with other levels of government and Indigenous rights holders to coordinate legal and policy approaches.

To create a more inclusive environmental governance system, it is vital to formally recognize the role of stakeholders beyond the government and industry. This includes the public and ENGOs, among others. If such stakeholders do not have recognized legal rights that require their meaningful involvement in governance processes, there is no guarantee that they will be included. The adoption of environmental Rights legislation, such as an EBR, would provide the public with formal rights to participate in governance processes and increase their access to the legal tools (such as the ability to initiate court proceedings) needed to protect their rights and secure their seat at the table for all environmental governance discussions.

Recommendation 3: The Government of Manitoba should formally recognize the citizens of Manitoba as important stakeholders in provincial environmental governance processes through the adoption of an Environmental Bill of Rights (EBR). An EBR for Manitoba should include:

- Recognition of substantive rights (e.g., the right to a healthy environment),
- The creation of a specialized independent oversight position (e.g., Environmental Commissioner), with adequate funding to oversee and implement the EBR framework,
- Procedural rights that establish legal standing to initiate court proceedings against those who cause harm to the environment and violate citizens' environmental rights.

Transparent and Accountable Decision-Making

Although there have been some improvements made by the Government of Manitoba in terms of online access to environmental information, there are still considerable data gaps. As discussed previously, there are no comprehensive environmental reporting requirements for any department or tribunal with environmental responsibilities, and no central resource for information about environmental governance processes. Some information can be found in annual reports, but this data is limited and has decreased in volume and quality over the past several decades since the government stopped producing State of the Environment reports. There is a need to restore past reporting practices and adopt new mechanisms to improve the transparency and accountability of environmental officials. Without comprehensive data about the state of the environment and the effectiveness of governance mechanisms, there is no way to evidence the progress of environmental laws and policies and identify necessary reforms.

Recommendation 4: The Government of Manitoba should reform environmental regulatory requirements to improve the transparency and accountability of decision-making processes. This should include the adoption of new legal mechanisms that require decision-makers to regularly (e.g., annually) publish more comprehensive data about environmental governance processes (e.g., environmental investigation and enforcement data).

In Manitoba, there are currently limited mechanisms that provide independent oversight of decision-makers and environmental governance processes. While the Ombudsperson and the Auditor General can provide some oversight, neither office specializes in environmental governance, and instead is responsible for considering a broad range of matters. Although past

attempts have been made to create the specialized position of Environmental Commissioner (e.g., Bill 20), this position does not yet exist in Manitoba.

Creating a specialized and independent office focused on the oversight of environmental governance could significantly improve the accountability, transparency, and coordination of Manitoba's environmental governance system. However, Manitoba's Environmental Commissioner needs to have stronger legal powers than provided for in Bill 20. It is vital that whomever is charged with oversight is provide with the required authority to be able to properly investigate matter and to make orders rather than simply giving recommendation to government that can be ignored. The position also requires a robust budget and support staff to implement public education programs and facilitate procedural processes.

Recommendation 5: The Government of Manitoba should develop stronger mechanisms that create opportunities for independent public reviews and coordinate oversight of the provincial environmental governance framework. This could include:

- Expanding the mandate of the Ombudsperson or Auditor General to include specific environmental responsibilities.
- Creation of a new independent oversight position, e.g., an Environmental Commissioner

Meaningful Public Participation

The problem with Manitoba's environmental governance system that has been discussed in the most detail in this Report is the lack of opportunity and support for meaningful public engagement. For example, Case Study 2 showed that Manitoba's environmental governance processes do not reflect the elements of meaningful public participation (see Table 1). Overall, it appears that the Government of Manitoba does not prioritize public engagement in environmental governance processes.

This has limited the ability of the public to meaningfully engage and impacted other types of participants who often rely on public participation opportunities. For example, opportunities for meaningful public participation are also often utilized by Indigenous rights holders, ENGOs, and grassroots organizations too, increasing the diversity of feedback and evidence on the public record. Similarly, resources available to the public also often increase the capacity of other interested participants. The Government of Manitoba has a wealth of governance tools to choose from to improve meaningful public participation. The best way to determine which tools will be most effective in Manitoba, is to directly engage and ask Manitobans what they need.

Recommendation 6: The Government of Manitoba should reform environmental governance processes to include best practice mechanisms that facilitate meaningful public engagement. This should include legal mechanisms that require funding and other resources be made available to public participants to support their engagement.

The lack of funding and other resources that has been dedicated to environmental governance in recent years creates challenges for both public stakeholders and the government employees responsible for public outreach and education. When responsible government entities are not

properly staffed and resourced, it can significant impact the public’s ability to meaningfully engage in governance processes due to a lack of consistency, outdated public resources, a confusing re-shuffling of political portfolios and environmental responsibilities, etc.

Recommendation 7: The Government of Manitoba should offer more training and resources for public officials, administrative tribunals, and Crown corporations so they can more meaningfully engage with the public about environmental governance issues. This should include specific resources for tribunals to facilitate public outreach, education, and support of public participants.

Building Stronger Relationships with ENGOs

The new Government of Manitoba has undertaken recent initiatives to improve relations with ENGOs. This has included more willingness from government officials (e.g., The Minister of Environment and Climate Change) to meet with concerned citizens and community organizations and access to increased project funding for some ENGOs, including the Eco-Network. There has also been increased dialogue with government officials about environmental reform priorities, such as modernizing Manitoba’s environmental assessment process. However, the ENGO sector continues to face many barriers preventing them from meaningfully participating in environmental governance processes, including a very limited pool of available funding. Funding opportunities are even further limited for certain types of ENGO activities, including policy advocacy work. ENGOs make many valuable contributions to environmental governance, including mobilizing and educating members of the public to engage in important decision-making processes.

Recommendation 8: The Government of Manitoba should make more funding available to support the meaningful engagement of ENGOs in environmental governance processes. This should include, but is not limited to:

- Core funding,
- Resources to support ENGO capacity building,
- Specific funding to support policy advocacy activities, regulatory reform research, and the delivery of environmental legal services.

The Future of Environmental Governance in Manitoba

One of the main messages to take away from this Report is that there is still hope for the future of environmental governance in Manitoba. Although there have been setbacks and some questionable actions (or inaction) during the last few terms of government when it comes to important environmental issues, there have been some positive signs from the new government indicating a renewed effort to rebuild relationships with the environmental community and better address environmental challenges. However, there is a long way to go, and significant changes are still needed, both in terms of regulatory requirements and government behaviour.

This Report has focused on highlighting weaknesses in Manitoba's provincial regulatory framework that have prevented meaningful public participation and effective ENGO engagement. This includes a lack of required participation opportunities, little to no participant funding, and a lack of coordination between decision-makers that makes it very difficult to understand the complete picture in terms of provincial environmental responsibilities. There has also been a lack of modernization across the entire provincial governance framework so current regulatory requirements rarely reflect environmental governance best practices, incorporate Indigenous governance approaches, or align with the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).

To guide policymakers and the environmental community, the Manitoba Eco-Network has provided a suite of reform recommendations in this Report that could be a good starting point for the future modernization of environmental governance in Manitoba. Prior to any discussion about specific reforms though, there is a need for a lengthy public consultation, undertaken in an accessible, inclusive, and respectful manner, to better understand the specific needs and environmental priorities of Manitobans.

Writing this Report has brought us further understanding of the significant challenges also faced by the elected officials responsible for environmental governance in Manitoba. However, the future of Manitoba depends on Governments starting environmental modernization work now and continually improving things at whatever pace can be managed. We urge policymakers to remember that there is a lot more help out there than you might think – the environmental community is ready to engage and help create a better future for us all.

References

- Annable, Kristin, CBC News, Apr 23, 2024, <https://www.cbc.ca/news/canada/manitoba/duck-mountains-application-2024-1.7179508>
- Auditor General of Manitoba. (n.d.) *About Us*. <https://www.oag.mb.ca/about/>
- Auditor General of Manitoba. (2020 September). *Provincial Oversight of Drinking Water Safety*.
- Auditor General of Manitoba. (2018 March). *Perspectives on Climate Change Action in Canada*
- Auditor General of Manitoba. (2017 October). *Managing Climate Change (A Follow-up to Our December 2010 Audit)*
- Auditor General of Manitoba. (2007 October). *Department of Conservation Management of the Environmental Livestock Program*
- Auditor General of Manitoba. (2007 October). *Audit of the Province's Management of Contaminated Sites and Landfills*
- Auditor General of Manitoba. (2005 November). *The Protection of Well Water Quality in Manitoba*
- Barringer, Keri. (1991 July). *An Assessment of Public Participation under the Manitoba Environment Act*. Prepared for the Canadian Environmental Assessment Research Council.
- BCCIC, Localizing the 2030 Agenda in British Columbia (2020), p. 16. https://www.bccic.ca/wp-content/uploads/2020/10/Localizing-the-2030-Agenda-in-British-Columbia_2020.pdf
- Bennett, Nathan J., Satterfield, Terre (2018) *Environmental governance: A practical framework to guide design, evaluation, and analysis*. Wiley Periodicals Inc. <https://doi.org/10.1111/conl.12600>
- Bernhardt, Darren, (2024) CBC News, Jun 28, 2024, <https://www.cbc.ca/news/canada/manitoba/first-nations-manitoba-forestry-plan-duck-mountains-1.7249717>
- Boyd, David (2019) Right to a healthy environment: good practices, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/HRC/43/53,
- Boyd, David R. (2015) "Elements of an effective environmental bill of rights" 27(3) JELP 201
- Burdett, T., & Sinclair, A. J. (2024). Setting the scene: public participation in impact assessment. In T. Burdette & A. J. Sinclair (Eds.), *Handbook of Public Participation in Impact Assessment* (pp. 2-27). Massachusetts, USA: Edward Elgar Publishing.
- Bryson et al. (2013) "Designing Public Participation Processes" 73(1) Public Administration Review 3
- Canadian Community Economic Development Network. (2023). *Non-Profits Make Manitoba's Communities Thrive*.
- Canada, *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11
- Canada Helps, Giving at a Crossroads: Generational Trends, Pandemic Uncertainties, and Unprecedented Strain on Charities (2022), p 10. https://www.canadahelps.org/media/The_Giving_Report_2022_04_05.pdf
- Canadian Environmental Grantmakers' Network (CEGN), *Advancing a Sustainable Future: A Profile of Environmental Philanthropy: 2016 Data Update* (May 2018), p. 10-13. <https://environmentfunders.ca/wp-content/uploads/2018/05/Grant-Database-Report-Final-Draft-For-Web-01-05-2018.pdf>
- Canadian Environmental Grantmakers' Network, *Advancing a Sustainable Future: A Profile of Environmental Philanthropy: 2014 Data Update* (2016), <https://environmentfunders.ca/members/learn/documents/a-profile-of-environmental-grantmaking-in-canada-2014-update/>

- Caporale, Alexandra and Heather Fast (2023) *The Burden of Concern* (Canadian Centre for Policy Alternatives & Manitoba Eco-Network), <https://mbeconetwork.org/wp-content/uploads/2023/09/HEHN-v6.pdf>
- City of Winnipeg, By-Law No. 120/2020, *Our Winnipeg 2045*, p. 16.
<https://clkapps.winnipeg.ca/DMIS/DocExt/ViewDoc.asp?DocumentTypeld=1&DocId=8222>
- City of Winnipeg, By-Law No. 119/2020, *Complete Communities 2.0*, p 16.
<https://clkapps.winnipeg.ca/DMIS/DocExt/ViewDoc.asp?DocumentTypeld=1&DocId=8221>
- Clean Environment Commission. (n.d.) *About Us*. <http://www.cecmanitoba.ca/about-us.html>
- Clean Environment Commission. (2018). *Regional Cumulative Effects*
- Clean Environment Commission. (2015). *Investigation – Lake Winnipeg Regulation*
- Clean Environment Commission. (2009 March). *An investigation into nutrient reduction and ammonia treatment at the City of Winnipeg wastewater treatment facilities*
- Clean Environment Commission. (2007 December). *Hog Production Industry Review*
- Clean Environment Commission. (2003 August). *Taking Action to Improve Water Quality – Public Hearings on City of Winnipeg Wastewater and Treatment Systems*
- Clean Environment Commission. (2002 November). *Nutrient Management Strategy – Public Consultation*
- Conference Board of Canada. (2013) *2013 National Report Card: Environment*.
<https://www.conferenceboard.ca/hcp/environment-asp-2/>
- Conference Board of Canada. (2016) *2016 National Report Card: Environment*.
<https://www.conferenceboard.ca/hcp/environment-asp/#>
- Diduck, Alan, Patricia Fitzpatrick, and John Sinclair, *Improving the Hearings Process: A Report to the Manitoba Clean Environment Commission*, 2001, online: http://www.cecmanitoba.ca/resource/reports/Commissioned-Reports2001-2002-Improving_Hearings_Process_Report_Manitoba_CEC.pdf.
- Doelle, M. and Sinclair, J. (2018) "*Meaningful Public Participation in the Proposed Federal Impact Assessment Act (IAA)*" (23 February 2018), online (blog): < blogs.dal.ca/melaw > [perma.cc/SW8W-4KDX].
- Environmental Funders of Canada (2020) *Building Canada's Low Carbon Future: Opportunities for the Philanthropic Sector*, <https://environmentfunders.ca/wp-content/uploads/2024/03/EFCLowCarbonFutureReport-September2020-FINAL.pdf>
- Fast, Heather. *Restoring legitimacy to environmental governance in Manitoba: the need for meaningful public participation*. LL.M Thesis. (2018) <http://hdl.handle.net/1993/33291>
- Fast, Heather and Fitzpatrick, Patricia (2017) "Modernizing Environmental Protection in Manitoba: The Environmental Rights Act as One Component of Environmental Reform", Vol 30.3 *Journal of Environmental Law and Practice*, 295-320.
- Fitzpatrick, P., & Fast, H. (2024). Opportunities for Meaningful Engagement: A Canadian Perspective on Regulatory Tribunals. In K. Buhmann, A. Fonseca, N. Andrews, & G. Amatulli (Eds.), *The Routledge International Handbook on Meaningful Stakeholder Engagement*.
- Fitzpatrick, P. (2006). Deliberative democracy in Canada's North? The EA of the Wuskwatim Generating Station and Transmission Lines Project. Paper presented at the Churchill Northern Studies Centre Research Symposium (Dec. 6, 2006)
- Gartner, Michele Fugiel (2024) *2024 Landscape Report: An Evolving Landscape: Reflecting Canada's Philanthropic Foundations*, <https://pfc.ca/wp-content/uploads/2024/06/2024-Landscape-Report.pdf>
- Gattinger, M. (2015). A National Energy Strategy for Canada: Golden Age or Golden Cage of Energy Federalism? In *Canada: the State of the Federation 2012: Regions, Resources, and Resiliency*.

Government of Canada and Government of Manitoba. (2005, November). *Restoring the Health of Lake Winnipeg, Canada's Sixth Great Lake*. Lake Winnipeg Implementation Committee

Government of Canada. (2016, June 23) *What is the difference between a registered charity and a non-profit organization*. <https://www.canada.ca/en/revenue-agency/services/charities-giving/giving-charity-information-donors/about-registered-charities/what-difference-between-a-registered-charity-a-non-profit-organization.html>)

Government of Canada. (2017, November). *What We Heard, Lake Winnipeg Basin Program Stakeholder Engagement Sessions*. Environment and Climate Change Canada

Government of Canada. (2016, November). *Canadian Environmental Sustainability Indicators, Nutrients in Lake Winnipeg*. Environment and Climate Change Canada

Government of Canada, *Towards Canada's 2030 Agenda National Strategy: Interim Document* (2019), p. 16. https://www.canada.ca/content/dam/esdc-edsc/documents/programs/agenda-2030/7781_EmploymentSocialDevelopment_2030-ENv5.pdf

Government of Canada (2020) *Water governance: federal policy and legislation*. <https://www.canada.ca/en/environment-climate-change/services/water-overview/governance-legislation/federal-policy.html>

Government of Canada and Government of Manitoba. (2020 March). *State of Lake Winnipeg, 2nd Edition*. Environment and Climate Change Canada, and Manitoba Agriculture and Resource Development

Government of Canada and Government of Manitoba. (2021 August 6). *Canada-Manitoba Memorandum of Understanding Respecting Lake Winnipeg and the Lake Winnipeg Basin*

Government of Canada. (2022). *Lake Winnipeg Basin Program Symposium Summary Report*. Environment and Climate Change Canada

Government of Canada. (2022). *2021-22 Departmental Results Report*. Environment and Climate Change Canada

Government of Canada. (2023, February). *Reductions in Phosphorus Loads to Lake Winnipeg*. *Canadian Environmental Sustainability Indicators*. Environment and Climate Change Canada Government of Manitoba. (n.d.) The Legislative Assembly of Manitoba. <https://www.gov.mb.ca/legislature/index.html>

Government of Manitoba. (n.d.) The Legislative Assembly of Manitoba: Committees. <https://www.gov.mb.ca/legislature/committees/index.html> [LAM Committees]

Government of Manitoba. (n.d.) *Cabinet Ministers*. (accessed July 17, 2023). <https://www.gov.mb.ca/minister/index.html> ‘

Government of Manitoba. (n.d.) Department of Environment and Climate Change: *Public Registry*. <https://www.gov.mb.ca/sd/eal/registries/index.html> [Government of Manitoba registry]

Government of Manitoba. (2021) The Legislative Assembly of Manitoba: General Petition Guidelines. https://www.gov.mb.ca/legislature/business/petition_guidelines.html [General Petition Guidelines]

Government of Manitoba. (n.d.) Manitoba Laws. <https://web2.gov.mb.ca/laws/index.php>

Government of Manitoba. (n.d.) Manitoba Gazette. <https://gazette.gov.mb.ca/>

Government of Manitoba. (n.d.) Manitoba Regulatory Consultation Portal. <https://reg.gov.mb.ca/home>

Government of Manitoba. (2005). *Provincial Sustainability Report for Manitoba*

Government of Manitoba. (2009). *Provincial Sustainability Report for Manitoba*

Government of Manitoba. (2003). *Manitoba Water Strategy, Protecting and Managing Our Future*

Government of Manitoba, Agriculture and Resource Development. (2021 January). *Nutrient Targets Regulation: Report on Nutrient Levles through 2019 and Action Underway*. Water Science and Watershed Management Branch

Government of Manitoba. (2021 Oct 5). *Climate and Green Plan Implementation – Mandate Letter to Members of the Expert Advisory Committee from Sarah Guillemard, Minister of Conservation and Climate*

Government of Manitoba. (2022) *Water Management Strategy*.
https://www.gov.mb.ca/sd/pubs/water/water_mgmt_strategy2022.pdf

Government of Manitoba (2023) *Initial Water Strategy Action Plan*.
https://www.gov.mb.ca/sd/pubs/water/water_action_plan2023.pdf

Government of Manitoba. (2023 May). *Lake Winnipeg: Nutrients and Loads, Status Report 1994-2021*. Manitoba Environment and Climate, Water Science and Watershed Management Branch

Government of Manitoba (2012) *Focus on What Matters Most: Manitoba’s Clean Energy Strategy*. https://www.gov.mb.ca/sd/environment_and_biodiversity/energy/pubs/energy_strategy_2012.pdf

Government of Manitoba (2023) *Manitoba’s Energy Roadmap*.
https://www.gov.mb.ca/jec/files/mb_energy_roadmap.pdf

Government of Manitoba (2023) *Critical Minerals Strategy*.
<https://www.gov.mb.ca/iem/explore/files/criticalmineralsstrategy.pdf>

Government of Manitoba (n.d.) EngageMB. <https://engagemb.ca/>

Government of Manitoba. (2023) *Supplement to the Estimates of Expenditure: Budget 2023/24*.

Department of Agriculture. <https://www.gov.mb.ca/agriculture/reports-expenses/estimate-supplement/pubs/agr-mes-2023-2024.pdf>

Department of Consumer Protection and Government Services.
https://www.gov.mb.ca/central/reports/pubs/finance/cpgs_2023-24_see_web_publishing.pdf

Department of Economic Development, Investment and Trade.
https://www.gov.mb.ca/jec/reports/pdfs/estimates_supplement_edit_23_24.pdf

Department of Environment and Climate. <https://www.gov.mb.ca/sd/pubs/supplement/supplement-ec-2023-24.pdf>

Department of Finance
https://www.gov.mb.ca/finance/publications/pubs/annualrep/2023_24/finance_silr.pdf

Department of Health https://www.gov.mb.ca/health/annualreports/docs/health_suppl2324.pdf

Department of Indigenous Reconciliation and Northern Affairs <https://www.gov.mb.ca/inr/reports-and-expenses/pubs/irnr-see-2023-2024.pdf>

Department of Justice
https://www.gov.mb.ca/justice/publications/annualreports/pubs/budgetestimate_2023.pdf

Department of Labour and Immigration https://www.gov.mb.ca/labour/annualreports/pdf/2023-24_Supplement.pdf

Department of Municipal Relations
https://www.gov.mb.ca/mr/reports/annualreports/pubs/main_estimates_supplements_2023.pdf

Department of Natural Resources and Northern Development
https://www.gov.mb.ca/nrnd/pubs/supplement/supplement_nrnd-2023-24.pdf

- Department of Transportation and Infrastructure
https://www.gov.mb.ca/mit/reports/annual/pdf/main_estimates_supplement_mti_2023_2024.pdf
- Government of Manitoba (2024), *Press Release: Manitoba Government Secures Jobs in Parkland*, June 28, 2024, <https://news.gov.mb.ca/news/?archive=&item=63921>
- Glogovac, M, “We Have to Get Over How Much Charity Funding Goes to ‘Administration’” (2017), <https://www.canadahelps.org/en/giving-life/marina-on-giving/we-have-to-get-over-how-much-charity-funding-goes-to-administration/>
- Gramberger, (2001) *Citizens as Partners: OECD Handbook On Information, Consultation and Public Participation in Policy-Making* (OECD), https://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195578-en
- Hudson, Mark. (2023 August 15). *Manitoba can’t afford cuts to parks, environmental protection*. Canadian Centre for Policy Alternatives
- IISD. (2019, May). *Geography Matters: Targeting “hotspots” for cumulative environmental benefits*. Briefing Note.
- IISD. (2017, October). *Towards Sustainable Development in Manitoba: Recommendations for Manitoba’s Watershed-Based Policy Framework*
- IISD. (2016, November). *Large Area Planning in the Nelson-Churchill River Basin (NCRB): Laying a foundation in northern Manitoba*. Water Innovation Centre
- Imagine Canada. (2016). *Charities, Sustainable Funding and Smart Growth, Discussion Paper*, https://imaginecanada.ca/sites/default/files/2019-08/imaginecanada_charities_sustainability_smart_growth_2016_10_18.pdf
- Impact Assessment Agency of Canada, Canadian Impact Assessment Registry, <https://iaac-aeic.gc.ca/050/evaluations> [IAAC Registry]
- International Joint Commission. (2020, May 8). *Proposed Nutrient Concentration Objectives and Loading Targets for the Red River at the US/Canada Boundary*. International Red River Board – Water Quality Committee
- Lake Friendly Stewards Alliance. (2015, December). *Priorities for Action*
- Lake Winnipeg Foundation. (2023, April). *Submission to Manitoba Environment and Climate, Water Strategy Action Plan*
- Lake Winnipeg Stewardship Board. (2006 December). *Reducing Nutrient Loading to Lake Winnipeg and its Watershed: Our Collective Responsibility and Commitment to Action*. Report to the Minister of Water Stewardship
- Lake Winnipeg Foundation (n.d.) <https://lakewinnipegfoundation.org/lake-winnipeg>
- Manitoba Clean Environment Commission. (2015). *Lake Winnipeg Regulation Report*
- Manitoba Eco-Network. (2005 September). *For the Public Good: A report by the Manitoba Eco-Network Water Caucus to the Minister of Water Stewardship*
- Manitoba Eco-Network, Public Interest Law Centre, and the University of Winnipeg. (2021) *Navigating the Law to Protect the Environment: Reconciliation and Environmental Law: Background Information*. <https://mbeconetwork.org/projects/navigating-the-law-to-protect-the-environment/#reconciliation-environmental-law> [MbEN, et. al. 2021]
- Manitoba Eco-Network, Public Interest Law Centre, and the University of Winnipeg. (2023) *Navigating the Law to Protect the Environment, Part 2: Event Report: What’s Next for Manitoba?*, https://mbeconetwork.org/wp-content/uploads/2024/04/24_03_30_Nav-the-Law-Part-2-Event-Report-1.pdf [MbEN, et. al. 2023]

Manitoba Eco-Network, Public Interest Law Centre, and the University of Winnipeg. (2024) Navigating the Law to Protect the Environment, Part 2: *Final Report*, https://mbeconetwork.org/wp-content/uploads/2024/04/24-03-30_Navigating-the-Law-Part-2_Final-Report.pdf [MbEN, et. al. 2024]

Manitoba Habitat Heritage Corporation. (2022, March 31). *The Conservation and Grow Trusts. 2021/2022 Progress Report*

Manitoba Hydro (2023). *Integrated Resource Plan*. <https://www.hydro.mb.ca/docs/corporate/irp/irp-2023-integrated-resource-plan.pdf>

Manitoba Law Reform Commission (MLRC) (2015) “Report 130: Manitoba’s Environmental Assessment and Licensing Regime Under *The Environment Act*”, https://manitobalawreform.ca/pubs/pdf/fullreports/130-full_report.pdf

Manitoba Ombudsman. (n.d.) *About the Office*. <https://www.ombudsman.mb.ca/info/about-the-office.html>

Manitoba Public Utilities Board. (n.d.) *About the PUB*. <http://www.pubmanitoba.ca/v1/about-pub/index.html>

Maas, Tony and Telfer, Lindsay (2008). *Prairie Water Directive: A Collective Call to Action for Water Security in the Prairie Provinces*. Walter & Duncan Gordon Foundation

McGregor, D. (2018). Mino-Mnaamodzawin. *Environment and Society*, 9(1), 7-24. doi:10.3167/ares.2018.090102

Net Zero Tracker ((NewClimate Institute, Oxford Net Zero, Energy and Climate Intelligence Unit and DataDriven EnviroLab) (2023) *Net Zero Stocktake 2023: Assessing the status and trends of net zero target setting across countries, sub-national governments and companies*, https://ca1-nzt.edcdn.com/Reports/Net_Zero_Stocktake_2023.pdf?v=1689326892

Office of the Auditor General of Canada. (n.d.) *Who We Are*. https://www.oag-bvg.gc.ca/internet/English/au_fs_e_370.html#Commissioner

Office of the Auditor General of Canada. (2010) *Report of the Commissioner of the Environment and Sustainable Development to the House of Commons: Chapter 2 Monitoring Water Resources*

Office of the Auditor General of Canada. (2018) *2018 Spring Reports of the Commissioner of the Environment and Sustainable Development to the Parliament of Canada: Report 2 – Canada’s Preparedness to Implement the United Nations’ Sustainable Development Goals*. https://www.oag-bvg.gc.ca/internet/English/parl_cesd_201804_02_e_42993.html

Office of the Auditor General of Canada. (2021) *Reports of the Commissioner of the Environment and Sustainable Development to the Parliament of Canada: Report 1 – Implementing the United Nations’ Sustainable Development Goals*. https://www.oag-bvg.gc.ca/internet/English/parl_cesd_202104_01_e_43805.html

Office of the Auditor General of Canada. (2021). *Reports of the Commissioner of the Environment and Sustainable Development to the Parliament of Canada: Report 3, Scientific Activities in Selected Water Basins*

Prairie Provinces Water Board. (n.d.). *2019-2020 Annual Report*

Public Interest Law Centre (2022) *Bright Future: PILC Stakeholder Engagement Report* (Legal Aid Manitoba), https://www.legalaid.mb.ca/wp-content/uploads/EN-PILC-Report_Pages.pdf

Rabson, Mia (2023) “7 in 10 Canadian worried about climate change, poll suggests” (The Canadian Press, September 13, 2023)

Reed, M. S. (2008) “Stakeholder participation for environmental management: a literature review.” *Biological Conservation* 141:2417–2431

Reference re Greenhouse Gas Pollution Pricing Act, 2021 SCC 11, para 12.

Rollason, Kevin Premier says affordability to be cornerstone of new energy plan (Winnipeg Free Press: Thursday July 4, 2024), <https://www.winnipegfreepress.com/breakingnews/2024/07/04/premier-says-affordability-to-be-cornerstone-of-new-energy-plan>

- Sanders, Carol (2023) “Vital details missing from Manitoba energy plan, critics charge” (Winnipeg Free Press, Friday August 4, 2023).
- Shebahkeget, Ozten, (2023) CBC News, Dec 06, 2023, <https://www.cbc.ca/news/canada/manitoba/mathias-colomb-cree-nation-lawsuit-manitoba-hydro-1.7051455>
- Sinclair, John A., et. al. (2022) Innovative Approaches to Achieving Meaningful Public Participation in Next-Generation Impact Assessment. In Kevin S. Hanna (eds.), *Routledge Handbook of Environmental Impact Assessment* (Chpt 14, pp 242). Routledge.
- Southern Chiefs Organization and Red River Basin Commission. (n.d.) *One Basin One Governance*. Funded by the Lake Winnipeg Basin Program, Environment and Climate Change Canada
- Truth and Reconciliation Commission of Canada. (2015). Truth and Reconciliation Commission of Canada: Calls to action. [https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls to Action English2.pdf](https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls_to_Action_English2.pdf)
- United Nations General Assembly (2017 July 6). *Global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development, A/RES/71/313*
- United Nations Development Programme (2022, June 17) *Environmental Justice: Securing Our Right to a Clean, Healthy and Sustainable Environment*. p 15. <https://www.undp.org/publications/environmental-justice-securing-our-right-clean-healthy-and-sustainable-environment>
- United Nations Environment Programme (n.d.) *About environmental rights and governance*. (Accessed July 17, 2023) <https://www.unep.org/explore-topics/environmental-governance/about-environmental-rights-and-governance>
- United Nations Environment Programme (2019) Environmental Rule of Law: First Global Report. <https://www.unep.org/resources/assessment/environmental-rule-law-first-global-report>
- United States Environmental Protection Agency. (2022, September 6) *Learn About Environmental Justice*. <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>
- United Nations General Assembly (2022 July 26). *The human right to a clean, healthy and sustainable environment*. A/76/L.75
- US Army Corps of Engineers and Red River Basin Commission. (June 2017). *Comprehensive Watershed Management Plan, Red River of the North Watershed*
- United Way Winnipeg & International Institute for Sustainable Development (2023) *PEG: Tracking Progress, Inspiring Action*. <https://www.mypeg.ca/>
- University of Manitoba Experts Panel. (2014, April). *Expert Panel Review of Measures to Protect Lake Winnipeg*. Watershed Systems Research Program
- University of Saskatchewan (2023) CASES Webinar Series: *Energy strategies... Building codes... Integrated Resource Management Plans... Critical Minerals Policies??* (Presentation by Dr. Patricia Fitzpatrick on October 18, 2023). <https://renewableenergy.usask.ca/events/cases-webinar-series.php>
- University of Winnipeg. (n.d.) Community-Based Research Training Centre: *What is CBR?* <https://www.uwinnipeg.ca/cbrtc/resources-and-further-reading.html>
- Vecchia, Aldo, and Nustad, Rochelle. (2020). *Water-Quality Trends for Selected Sites and Constituents in the International Red River of the North Basin, Minnesota and North Dakota, United States and Manitoba Canada*. USGS Scientific Report 2020-5079
- Victor, Wenona. (2007) *Indigenous Justice: Clearing Space and Place for Indigenous Epistemologies*. Research paper. Victoria, BC: National Centre for First Nations Governance.
- Winnipeg Foundation. *Stressed, Stretched & Still Standing: Shining a Light on Winnipeg’s Charitable Sector*. (2018), p 10. [https://www.wpgfdn.org/wp-content/uploads/2020/02/WpgFdn - Stressed_stretched_still_standing.pdf](https://www.wpgfdn.org/wp-content/uploads/2020/02/WpgFdn_-_Stressed_stretched_still_standing.pdf)

Appendix 1- Manitoba Eco-Network Activities

(By Glen Koroluk)

Jurisdiction	Process	Issue	Action Taken	Outcome(s)
Federal	Impact Assessment	Lake St. Martin and Lake Manitoba Outlet Channels Project	<ul style="list-style-type: none"> Analyzed the Environmental Impact Statement 	<ul style="list-style-type: none"> Letter of Analysis on the project file (https://iaac-aeic.gc.ca/050/evaluations/proj/80148/contributions/id/47480)
Provincial	Policy Consultation	Efficiency Manitoba 3-year Plan	<ul style="list-style-type: none"> Analyzed the draft plan. Participated in the public hearings 	<ul style="list-style-type: none"> Letter of Analysis reviewing the plan (http://www.pubmanitoba.ca/v1/proceedings-decisions/appl-current/pubs/2020-em-3-yr-plan/mb-eco-network-written-submission.pdf) Public presentation Remarks in the PUB's final report (p. 197-198) http://www.pubmanitoba.ca/v1/proceedings-decisions/appl-current/pubs/2020-em-3-yr-plan/em-report-final-feb-2020.pdf
International/ Federal	Policy Consultation	Nutrient Targets for the Red River	<ul style="list-style-type: none"> Reviewed proposed plan 	<ul style="list-style-type: none"> Oral presentation to the International Joint Commission (https://www.ijc.org/sites/default/files/2020-03/RedRiverPublicHearingComment-February_12_2020.pdf) Written submission to the International Joint Commission (https://mbeconetwork.org/wp-content/uploads/2020/03/MbEN_IJC_IRRB_Nutrient_comments18504.pdf)
Provincial	Impact Assessment	Berger Peat Moss Ltd. Horticultural Mix Plant, Environment Act Proposal	<ul style="list-style-type: none"> Analyzed the Environmental Impact Statement. Engaged with concerned citizens 	<ul style="list-style-type: none"> Written comments submitted to the Environmental Approvals Branch, Manitoba (https://mbeconetwork.org/wp-content/uploads/2020/07/MbEN-Comments-on-Berger-EAP_July-13-2020.pdf) Provided research and advice to Springfield Taxpayers Rights Corporation.
Provincial	Impact Assessment	CanWhite Sands Corp (now called Sio Silica Corp) – Vivian Sand Processing Facility, Environment Act Proposal	<ul style="list-style-type: none"> Analyzed the Environmental Impact Statement. Collaborated with and provided support for concerned citizens Challenged the decision 	<ul style="list-style-type: none"> Written comments provided to Environmental Approvals Branch, Manitoba (https://www.gov.mb.ca/sd/eal/registries/6057canwhite/comment_8.pdf) Provided research and advice to concerned citizens groups. Issued joint press release (fall 2020) Appeal made to Environment Act Licence 3367 issued to Sio Silica Corp. (https://mbeconetwork.org/wp-content/uploads/2022/02/MbEN-Licence-Appeal_Sio-Silica-Corporation_CanWhite-Sands-Inc_Jan-14-2022.pdf)
Provincial	Impact Assessment	CanWhite Sands Corp (now called Sio Silica Corp) – Vivian Sand Extraction Project, Environment Act Proposal	<ul style="list-style-type: none"> Analyzed the Environmental Impact Statement Collaborated with and provided support for concerned citizens 	<ul style="list-style-type: none"> Written comments provided to Environmental Approvals Branch, Manitoba (https://www.gov.mb.ca/sd/eal/registries/6119/public_comments_7.pdf) Provided research and advice provided to concerned citizens groups. Facilitated Save Our Water Campaign with Our Line in the Sand, What the Frack Manitoba, and Manitoba Energy Justice Coalition to raise public awareness. Participated in Clean Environment Commission (CEC) hearing with Our Line in the Sand, with Public Interest Law Centre facilitating our intervention. Fundraised to support hiring of technical expert to provide testimony at CEC hearing. Issued joint press release on opening of hearing and closing of hearing.

Jurisdiction	Process	Issue	Action Taken	Outcome(s)
Provincial	Policy Consultation	Green Transportation Strategy for Manitoba	<ul style="list-style-type: none"> Participated in the public consultation Analyzed the draft strategy 	<ul style="list-style-type: none"> Attended consultation event hosted by Manitoba Energy Policy Branch. Provided written comments to Branch and Minister in regard, to strategy (https://mbeconetwork.org/wp-content/uploads/2020/07/EAC-Transportation-Survey_MbEN-Response_Final-EH-EDITED.pdf)
Provincial	Policy Consultation	Manitoba Water Management Strategy	<ul style="list-style-type: none"> Participated in the public consultation Analyzed the draft strategy Organized ENGOS with interest in the provincial water management Met with Government Officials 	<ul style="list-style-type: none"> Attended consultation event hosted by Manitoba Expert Advisory Council (EAC). Provided written comments to EAC and Minister (https://mbeconetwork.org/wp-content/uploads/2020/09/MbEN_Water-Management-Strategy-Comments_September-2020-1.pdf) Attended water strategy consultation event hosted by the Enterprise, Machine, Intelligence and Learning Initiative (EMILI). Provided written comments to Manitoba Water Science and Watershed Management Branch and Minister. (https://mbeconetwork.org/wp-content/uploads/2021/08/MbEN-Comments_EngageMB_Water-Management-Strategy_August-2021.pdf) Organized water ENGO meetings to discuss Manitoba Water Strategy implementation. Organized and met as an ENGO group with Manitoba Water Science and Watershed Management Branch on implementation of strategy.
Municipal	Policy Consultation	Our Winnipeg, Development Plan	<ul style="list-style-type: none"> Participated in the public consultation Analyzed the Development Plan Organized ENGOS interested in the plan 	<ul style="list-style-type: none"> Organized Winnipeg ENGO meeting with Winnipeg City Planners. Provided written comments to City of Winnipeg (https://mbeconetwork.org/wp-content/uploads/2020/06/MbEN-Final-Response-to-OurWinnipeg-Policy.pdf)
Municipal	Policy Consultation	City of Winnipeg, Governance Review	<ul style="list-style-type: none"> Analyzed the governance documentation 	<ul style="list-style-type: none"> Provided written comments to City of Winnipeg (https://mbeconetwork.org/wp-content/uploads/2021/02/MbEN-City-of-Winnipeg-Governance-Review-Comments.pdf)
Federal	Policy Consultation and Law-making	Environment and Climate Change Canada (ECCC), Canada Water Agency development	<ul style="list-style-type: none"> Collaborated with ENGOS Analyzed the Water Agency Proposal Engaged with government Officials 	<ul style="list-style-type: none"> Signed on to joint group water ENGO letter sent to Minister of ECCC (https://mbeconetwork.org/wp-content/uploads/2021/03/Collective-Submission_Five-Foundational-Pillars-for-a-Canada-Water-Agency.pdf) Provided written comments to Minister of ECCC, urging for the formation of a new water agency (https://mbeconetwork.org/wp-content/uploads/2021/06/Water-Agency-Letter_June-2021_ECCC.pdf) Met with new Water Agency. Anticipate the Canada Water Act to be amended in fall of 2023.
Provincial	Policy Consultation	Manitoba Waste and Recycling Review	<ul style="list-style-type: none"> Participated in the consultation 	<ul style="list-style-type: none"> Attended consultation events hosted by Dillon Consulting.
Provincial	Policy Consultation and Law-making	Manitoba Contaminated Sites Act Review	<ul style="list-style-type: none"> Participated in the consultation Analyzed the proposed policy 	<ul style="list-style-type: none"> Attended consultation event hosted by Clean Environment Commission (CEC). Written comments provided to CEC and Minister (https://mbeconetwork.org/wp-content/uploads/2022/01/MbEN-Comments_CEC-Recommendations_Contaminated-Sites_January-5-2022.pdf)

Jurisdiction	Process	Issue	Action Taken	Outcome(s)
Municipal	Policy Consultation and Law-making	Winnipeg Metropolitan Region Plan 20-50; Planning Act Amendment; City of Winnipeg Charter Amendment	<ul style="list-style-type: none"> Participated in the consultation Analyzed the proposed policy 	<ul style="list-style-type: none"> Attended consultation event hosted by Winnipeg Metropolitan Region (WMR). Provided written comments to WMR and Minister of Municipal Affairs (https://mbeconetwork.org/wp-content/uploads/2021/06/Plan-50-20-Comments.pdf)
Provincial	Impact Assessment	Louisiana-Pacific Canada 20-year forestry management plan	<ul style="list-style-type: none"> Collaborated with ENGOs Analyzed the forest management plan 	<ul style="list-style-type: none"> Provided comments to Manitoba Environmental Approvals Branch (https://mbeconetwork.org/wp-content/uploads/2021/07/MbEN_LP-20-year-Plan-Comments_Final_Jul-6-2021.pdf) Joined ENGO working group on forestry issues. Participated in press conference held by Wilderness Committee.
Provincial	Impact Assessment	PADCOM Potash Mine and Processing Facility	<ul style="list-style-type: none"> Analyzed the Impact Statement 	<ul style="list-style-type: none"> Provided comments to Manitoba Environmental Approvals Branch (https://www.gov.mb.ca/sd/eal/registries/6126/all_public_comments.pdf)
Provincial	Impact Assessment	Canadian Kraft Paper Industries 20-year forestry management plan	<ul style="list-style-type: none"> Analyzed the Impact Statement 	<ul style="list-style-type: none"> Provided comments to Manitoba Environmental Approvals Branch (https://mbeconetwork.org/wp-content/uploads/2022/04/MbEN-Response_CKPI-Ltd_NFM-Corp_FMP_April-2022.pdf)
Federal	Law-making	Bill S-5, amendments to the Canadian Environment Protection Act (CEPA)	<ul style="list-style-type: none"> Analyzed the Bill Collaborated with ENGOs Participated in the consultation Engaged with Government Officials 	<ul style="list-style-type: none"> Signed on to a joint ENGO letter to Ministers of Health and ECCC (https://mbeconetwork.org/wp-content/uploads/2022/09/MbEN_Letter-to-Minister-Wilkinson_Access-to-Environmental-Justice_Se.pdf.) Provided comments to Standing Committee on Energy, the Environment and Natural Resources, Senate of Canada. Met with ECCC and MPs in regard to Bill S-5. Provided written and oral presentation to Standing Committee on Environmental and Sustainable Development, House of Commons of Canada. Select Media coverage: https://mbeconetwork.org/wp-content/uploads/2023/05/Hill-Times_April-27-23_Bill-S-5.pdf
Federal	Law-making	Bill C-226, an Act to establish a National Strategy Respecting Environmental Racism and Environmental Justice	<ul style="list-style-type: none"> Analyzed the Bill Engaged with Government Officials 	<ul style="list-style-type: none"> Provided comments to Minister of ECCC and Manitoba Members of Parliament (https://mbeconetwork.org/wp-content/uploads/2022/05/Manitoba-Eco-Network_Bill-C-226_May-9-2022-1.pdf)
Provincial	Law-making	Bill 22, an amendment to the Environment Act, lifting some pesticide restrictions	<ul style="list-style-type: none"> Analyzed the Bill 	<ul style="list-style-type: none"> Provided written and oral presentation to the Standing Committee on Food and Agriculture, Legislative Assembly of Manitoba (https://mbeconetwork.org/wp-content/uploads/2022/06/CPBM-Letter-to-Ministers-June-28-2022.pdf)

Jurisdiction	Process	Issue	Action Taken	Outcome(s)
Provincial	Regulation Development	Adoption of 2020 National Model Construction Code	<ul style="list-style-type: none"> Analyzed the proposed code 	<ul style="list-style-type: none"> Provided comments to Manitoba Minister of Labour, Consumer Protection and Government Services (https://mbeconetwork.org/wp-content/uploads/2022/08/MbEN-Comments_MB-Building-Code-Regulations_August-16-2022.pdf)
Federal	Regulation Development and Policy Consultation	Government of Canada's proposed Frame for the Clean Electricity Regulation	<ul style="list-style-type: none"> Analyzed the proposed regulation 	<ul style="list-style-type: none"> Provided comments provided to ECCC (https://mbeconetwork.org/wp-content/uploads/2022/08/MbEN-Comments_Frame-for-Clean-Electricity-Regulations_August-17-2022.pdf)
Provincial	Law-making	Bill 36, amendments to the Public Utilities Board Act and Manitoba Hydro Act reducing meaningful public participation in energy governance processes	<ul style="list-style-type: none"> Analyzed the proposed Bill Collaborated, and provided support for local ENGOs Participated in the consultation 	<ul style="list-style-type: none"> Joined the Protect the Public Utilities Board Coalition Provided research and expertise about the implication of the Bill Co-organized the campaign. Provided written and oral presentation to the Standing Committee on Social and Economic Development, Legislative Assembly of Manitoba (https://mbeconetwork.org/wp-content/uploads/2022/10/MbEN-Bill-36-Presentation_Oct-2022.pdf)
Provincial	Impact Assessment	Canadian Premium Sands (CPS) Environmental Act Proposal for Solar Glass Facility	<ul style="list-style-type: none"> Analyzed the Impact Statement Collaborated with local not-for-profits and ENGOs Challenged the decision 	<ul style="list-style-type: none"> Provided comments to Manitoba Environmental Approvals Branch (https://mbeconetwork.org/wp-content/uploads/2023/06/23-06-02_MB-Eco-Network-Licence-Appeal_Canadian-Premium-Sand-Inc_Selkirk-Solar-Glass-Facili.pdf) Appealed Environment Act Licence No. 3401 issued to CPS. Participated in joint press release issued by Manitoba Eco-Network, Camp Morning Star, Our Line in the Sand, Manitoba Energy Justice Coalition.
Federal	Impact Assessment	Request for designating the Sun Gro Peat Mining Expansion	<ul style="list-style-type: none"> Collaborated with local ENGOs to support to endorse the work of the First Nation Engaged with Government Officials 	<ul style="list-style-type: none"> Provided letter in support of Fisher River Cree Nation who requested a federal designation of the Sun Gro Peat expansion project under the federal Impact Assessment Act (https://registrydocumentsprd.blob.core.windows.net/commentsblob/project-84075/comment-59240/MIN%20295227%20-%20Incoming%20Fast%20%20-%20December%2022%202022.pdf) Conducted follow-up meeting with Impact Assessment Agency of Canada.

Appendix 2: Community Requests Received by the Manitoba Eco-Network

(By Glen Koroluk)

Request	Issue	Description	Actions Taken
Gun Firing Range	Lead contamination, noise pollution, danger to human health, housing development encroachment	A gun firing range, in operation for 60 years wants to expand its operations. The RM will hold a conditional use hearing on this issue, July 13, 2023.	Provided contact of regional environmental officer. Followed up with a letter of correspondence to Manitoba Environmental Compliance and Enforcement Branch and further correspondence with community group.
Scrap / car / metal accumulation	Solvents, oils and ozone depleting substances, contamination of air and water, violation of zoning by-law	A private business has numerous cars, appliances, drums, tires, etc. accumulating in their property, leaking solvents, oils, etc. The business is situated in a mis-designated land use zone.	Provided contact in Planning District and talked to Planning District. Provided contact of regional environmental officer. Followed up with a letter of correspondence to Manitoba Environmental Compliance and Enforcement Branch and further correspondence with community group.
La Salle housing development project	Destruction of bur oak forest, destruction of riparian zone, increased erosion, water quality impacts	Private land on near a river is slated to be deforested for a new housing project to expand the growth of the nearby town.	Provided local working group advice and contacts to support their campaign. Their objective is to save the forested area located on the riparian zone as a park.
Reverse Osmosis (RO) reject water	RO reject water from the drinking water plant contaminating the local river	Town expanded their drinking water plant and are treating the groundwater with reverse osmosis membranes. The residual reject water is directly discharged into the nearby river.	Conducted research on reject water, including Manitoba policy and provided a list of similar projects that were licensed in Manitoba. Participated in a joint press conference on this issue which including two other issues in the watershed region.
New Intensive Livestock Operation (ILO)	Liquid hog slurry system Contamination of groundwater and surface water	An intensive livestock operation proposed in a sensitive water region, using a liquid slurry system for storing manure and applying that manure onto fields in spring and fall.	Provided examples from other jurisdictions of conditions that can be placed on ILO developments.
Natural gas line / conservation easement	Public utility rights of way on private property when building out natural gas line infrastructure, impact of quality of life, increase use of fossil fuels	A section of a private landowner's property was going to be used to extend a natural gas pipeline further out into the municipality.	Investigated laws that grant the right of way and ideas to prevent it from happening, including creating a conservation agreement.
Rainwater, greywater, blackwater building scale technologies	Conservation and recycling systems to reduce/capture precipitation run-off and water use and decrease wastewater discharge	A multi-unit housing developer is looking for expertise on building scale technologies, to recycle greywater, reduce blackwater discharge into city sewer system and capture precipitation.	Provided referrals and contacts of possible organizations, government departments and academia that might assist.

Request	Issue	Description	Actions Taken
Bitcoin mining	Intensive use of energy for cooling servers	A proposal brought forth to the RM for the construction of a bitcoin mining operation, whereby a citizens group requested information on the regulatory requirements for building this type of development in Manitoba.	Researched for criteria that may require proponent to apply for an environment act license.
Manitoba Hydro Power Line Corridor	Electromagnetic field impacts to human health	A resident was concerned about potential adverse effects associated with electromagnetic fields from living close to high-voltage power lines.	Provided research and contacts to support their knowledge and understanding. The Manitoba Clean Environment Commission conducted an investigation on this issue in the early 1990's.
Gravel Pit	Groundwater impacts to Brokenhead Wetlands	A new large scale gravel pit was proposed across the highway of the Brokenhead Wetland Ecological Reserve, which would impact the groundwater in the region. Debwendon Inc. (who manages the Ecological Reserve) invited Manitoba Eco-Network (and others) to the wetlands for a tour and strategy session.	Attended tour and strategy session, provided advice on strategic actions that may be attractive towards the campaign.
New Hog Intensive Livestock Operation (ILO)	Groundwater and surface water impacts, increased traffic, toxic air emissions, odor pollution and overall decline in quality of life for those living in proximity to the development	A Hutterite colony is proposing to build a new colony in the local river floodzone, which will impact the residents and ecosystem in the surrounding area. The new colony will include residential, industrial, and agricultural development consisting of a wastewater treatment lagoon, a manure storage lagoon and unknown industrial activity.	Provided advice and referred concerned group to other organizations working on the issue. Participated in a joint press conference on this issue which including two other issues within the watershed. Conducted research specific to the process and legal argument to trigger the Impact Assessment Act of Canada.
Pesticide Control Program	Adverse impacts to water quality and human health, decline in species biodiversity	Every spring, public utilities and governments advertise notifications indicating that pests (ie, certain insects and plants) will be controlled with the use of federally registered pesticides. Public spaces, such as parks, golf courses, ditches and rights of way will be sprayed with numerous chemicals. A group of Winnipeg residents approached MbEN to see what can be done.	Established and facilitated a working group of community members who have worked on this issue in the past, including other grassroots organizations. Conducted research on the legal aspects of the issue and developed a sign-on letter directed towards the Manitoba Environmental Approval Branch. Eight organizations signed on to the letter. The concerns expressed in the letter were dismissed and the responsibility of pesticides management was deflected towards the federal government.
Wildlife Management Area (WMA) - mechanized vehicle travel	Noise pollution, damage to nature trails, disruption of nature-based and recreational activities.	The Souris River Bend WMA has numerous trails designed for equestrians, hikers, joggers, and bird watchers. A lobby of all terrain vehicle (ATV) groups have been pressuring the provincial government for more access to more trails in the WMA. ATV's are currently restricted to one trail.	Provided research and contact to support their campaign.

Request	Issue	Description	Actions Taken
Tire Crumb Rubber (TCR) Recycling Plant	Health impacts from TCR products, air emissions in neighbourhood from manufacturing process	A resident request was made in regard to the regulatory process for a tire recycling facility and potential health and environmental impacts.	Provided research and contacts.
Crown Lands Act (Bill 12)	Possible land use changes of crown land to uses having more environmental impact, including crown land designated within provincial parks	Community activists expressed concerned to us that amendments to the Crown Lands Act (Bill 12) would make it easier for government to sell crown land situated within provincial parks.	We did not have the legal expertise to interpret Bill 12 adequately.
Damon Farm – housing development	Destruction of bur oak forest, destruction of riparian zone on Red River, loss of biodiversity, impacts to groundwater	The former Damon Farm, 57 acres of mixed land (fields, forest and pasture) located south of the perimeter highway within Winnipeg, was slated to become a new rural residential housing development of 25 houses on 2 acre lots.	Provided research and contacts.
Peat Mining expansion	Destruction of peatlands, surface water quality impacts, GHG emissions, loss of carbon sink, large trucks transporting mined peat.	Sunterra, a peat mining company in Manitoba proposed an expansion of their operations in the Interlake region of Manitoba, impacting cottage owners in the area. The peat operation caused the start of a fire which burned down 2 cottages.	Met cottagers and visited cottage development area and peat mining area. Engaged student from University of Winnipeg to conduct background research. Referred cottagers to organizations in Manitoba working on peat issues.
Storm retention pond / duckweed	Excessive nutrient runoff causing alga growth	Housing units built around a storm retention pond has constant growth of alga	Provided research and contacts to support their knowledge and understanding. It was determined that the alga growth was duckweed.
Riparian zone clear cut on Assiniboine River	Destruction of riparian zone, increased run-off, increased susceptibility to erosion.	Balmoral High School, situated on the Assiniboine River cleared approximately 20 metres of bush and forest up to the highwater line, extending from their fenced property.	Toured and documented the clear cut and reported the incident to both the City of Winnipeg and Federal Department of Fisheries and Oceans. Winnipeg's waterway bylaw to protect the riparian zone is currently inadequate.
Wetlands destruction	Impacts to surface water quality, biodiversity and important bird habitat.	A private land owner in Miklavik was slated to convert a coastal wetlands area on Lake Winnipeg into a cottage development. A group of concerned citizens formed the grassroots organization, People for the Preservation of the Willow Island Coastal Wetland to protect this valuable piece of land.	Attended founding press conference, visited site, attended BBQ fundraiser, provided advice and further contacts to the group. There was interest from the Nature Conservancy of Canada to purchase the land and place it in a conservation easement.
Peat Processing Plant	Cumulative impacts of increased peat mining from Manitoba's boreal forest, increased GHG emissions, increased truck traffic, increased groundwater use,	Berger Peat Moss Ltd, received approval to build a peat processing plant in the rural municipality of Springfield, near many residents. A local group, Springfield Taxpayers Rights Corporation formed to campaign against this development. A nearby resident is challenging the development in the	Provided research and contacts to support their knowledge and understanding. Provided quotes on their informational pamphlets, and made some recommendations on possible lawyers to engage with on their legal challenge.

Request	Issue	Description	Actions Taken
	decrease of quality of life of those living in proximity to processing plant.	courts, as it situated in an incorrectly designated land development zone.	
Multi-unit apartment on Seine River	Destruction of riparian zone	A new multi-unit dwelling slated to be constructed in proximately to the Seine River, destroying natural habitat and riparian zone.	Provided research and contacts to support their knowledge and understanding.
Silica Sand Mine and Processing Facility	Impacts to health (silicosis), increased traffic, major impacts to only source of drinking water in the region and potential for subsidence	Sio Silica Corp, proposes to mine 1.2 million tonnes/year of silica sand in southeastern Manitoba. They will drill approximately 400 wells per year and force the sand (located 200 feet below the surface) up to the surface with air through the wells.	Supported local group, Our Line in the Sand (OLS), formed to prevent this development from happening. Designed separate website, Organize Manitoba, to promote their campaign. Participated in the environmental licensing process for both the processing facility and mine. Participated in press releases, helped raise money for the Save Our Water campaign. Along with OLS, was represented by the Public Interest Law Centre, in the Clean Environment Commission hearing held in respect to the mining silica sand extraction process.
Parking Lot – Riparian Zone	Riparian zone destruction, increased runoff into Red River	A business located on the Red River was expanding its parking lot into the riparian zone. A group of condo owners next door, were concerned about the destruction of the natural habitat next to the river.	Provided research and contacts to support their knowledge and understanding. City of Winnipeg was not following its own waterway by-law.
LP Forest Management License	Watershed impacts, erosion, decreased biodiversity, loss of moose population, fragmented eco-systems	Louisiana-Pacific Canada (LP) has applied for their new 20-year forestry management plan to continue their forestry operations to supply their orientated strand board plant located in Minitonas. The company has been granted rights to cut trees on a yearly basis.	Worked with local group in Swan River and with Wilderness Committee on requesting a CEC hearing for reviewing the 20-year plan. Participated in two press conferences. Provided research material and campaign ideas.
East Region Water Coop	Potential improvement in sustainable use and governance for water by participating municipalities in southeastern Manitoba	A number of municipalities in southeastern Manitoba, received funding from the Manitoba Water Services Board and Pembina Valley Water Coop to scope out issues and opportunities for creating a water coop.	As a stakeholder, met consultants Landmark Planning & Design on two occasions. Provided research materials. It is anticipated that the Coop will apply for an environmental license for their project sometime in the future.
Deleterious substances	Water pollution	A community member witnessed and photographed an oily sheen on the Red River, while crossing a footbridge.	Provided contacts at the federal and provincial and municipal to file environmental emergency
Toxic heavy metals in soil and air	Soil and air contamination, toxic heavy metal impacts to human health	Heavy metal (lead, mercury, etc) contamination of soils in Winnipeg have been a long-term issue for many decades. The legacy of this contamination, from certain now grandfathered industries continues to persist and new sources	Two community groups have been working on this issue for decades, we attended an open house on the issue and met their organizations on numerous occasions. Based on these concerns, we were fortunate to obtain funding from the Manitoba

Request	Issue	Description	Actions Taken
		of heavy metals are being released into the environment by the auto shredding / recycling sector.	Research Alliance and Manitoba Law Foundation to conduct a community based project investigating the impacts that are occurring and developing recommendations as to what needs to be done to remedy the injustice. The Healthy Environment, Healthy Neighbourhood final report was published in March of 2023. Numerous follow-up activities have generated since (meetings with elected officials at the federal, provincial and municipal level, meetings with public service representatives at the federal, provincial and municipal level. Because of the project, engaged in Bill S-5, an amendment to the Canadian Environmental Protection Act, which regulate toxic chemicals in Canada. The project garnered many news stories, both at the local and national level.
Black smoke	Air pollution	A neighbour reported of a business in Warren that was burning materials, suspected of being petroleum waste products, sending black smoke into the atmosphere.	Provided what law was broken and Manitoba environmental enforcement number to contact.
Silica Sand Mine and Selkirk Glass Plant	Air pollution, water pollution, (acid rock drainage) health impacts (silicosis), increased dangerous traffic on stressed transportation infrastructure network, impacts to treaty rights	A surface silica sand mine was proposed near Hollow Water First Nation and the community of Manigotagan and Syemourville. Concerned about the impact to the environment and health, including their rights, local members of the three communities formed Camp Morning Star, a sacred camp established in February 2019 on a Treaty 5 Territory trapline on the east side of Lake Winnipeg. The company, Canadian Premium Sand (CPS) Inc. was awarded an environmental license for the mine, as well as a license to construct a glass plant in Selkirk, using the mined silica. For both development projects, construction has yet to begin, as CPS needs to raise adequate capital to commence the project.	By invitation, we have assisted Camp Morning Star, in various ways, including, legal research support, engagement in the regulatory process (ie, environmental assessment and approvals), public outreach (press releases) and partnering on donor/foundation applications to raise funds towards the campaign.
Oil & Gas Industry in Manitoba	Oil and gas industry in Manitoba	A request by a PHD candidate for information and contacts of groups and/or activists working on Manitoba's oil and gas industry.	Provided names/contacts, historical articles from Manitoba Eco-Network archives and was interviewed.