

PUTTING PEOPLE AND THE PLANET FIRST

WHAT MANITOBANS EXPECT FROM IMPACT ASSESSMENT

Empowering the Community: Impact Assessment Reform in Manitoba Project
FINAL REPORT (2024-2025)



THE UNIVERSITY OF
WINNIPEG

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This article was written in Winnipeg, Manitoba. We are privileged to live and work in Treaty 1 territory, the land of Anishinaabeg, Ininew, Anishininewuk, and Dakota Peoples, and the National homeland of the Red River Métis. The water we drink comes from Treaty 3 and the power we use comes from Treaties 1 and 5. Acknowledging the land is but a small step towards reconciliation.

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La population et la planète avant tout : Les attentes du public manitobain au sujet des études d'impact environnemental

Rapport final du projet Renforcement du pouvoir citoyen :
réforme des études d'impact environnemental au Manitoba (2024-2025)

Résumé

Les études d'impact environnemental constituent le principal outil juridique dont disposent les décideurs gouvernementaux pour comprendre les conséquences potentielles des projets d'aménagement, avant que des mesures irrévocables ne puissent être prises. Bien que ces études soient en usage presque partout dans le monde, leurs modalités varient considérablement d'un pays à l'autre, notamment en ce qui concerne les conditions préalables pour les déclencher, la portée des questions examinées et les facteurs pris en compte par les décideurs.

Malgré les appels répétés de nombreux intervenants en faveur d'une réforme, le régime provincial applicable aux études d'impact environnemental du Manitoba n'a pas fait l'objet d'une mise à jour en profondeur depuis son adoption en 1988. La critique exhaustive la plus récente de la procédure provinciale de délivrance des licences et permis selon la *Loi sur l'environnement* a été réalisée par la Commission de réforme du droit du Manitoba en 2015. Ses principales recommandations visaient l'actualisation de certains éléments de la procédure, l'amélioration de la transparence, l'élargissement de l'éventail des facteurs pris en compte et l'ajout de situations nécessitant la participation obligatoire du public.

Depuis 2015, d'autres recommandations concernant les études d'impact environnemental ont été formulées dans divers rapports de la Commission de protection de l'environnement. Les recommandations de cette dernière portaient notamment sur l'amélioration du cadre de réalisation de ces études, grâce à un affinement de leur procédure, de leur portée et des éléments à prendre en compte. Elles prévoyaient également des exigences supplémentaires en matière de rapports et de nouveaux éléments obligatoires à examiner au sujet de l'aménagement envisagé, tels que sa nécessité, ses solutions de rechange et ses effets cumulatifs. Elles soulignaient également l'importance d'intégrer les connaissances autochtones et d'assurer une

participation substantielle des collectivités autochtones.

Dans le contexte du regain d'intérêt récent des Manitobains et Manitobaines pour la réforme du cadre lié aux études d'impact environnemental dans notre province, le projet intitulé *Renforcement du pouvoir citoyen : réforme des études d'impact environnemental au Manitoba* a été mis de l'avant pour recueillir les points de vue de la population sur le régime actuellement prévu par la *Loi sur l'environnement* et sur les priorités quant à sa modernisation.

Lors de notre recherche, nous nous sommes servis d'une gamme de méthodes pour atteindre nos fins. Nous avons mené des recherches documentaires sur les pratiques exemplaires employées pour réaliser des études d'impact environnemental et nous avons produit une série de notes de recherche. Nous avons également mené une enquête sur le régime juridique applicable aux études d'impact environnemental au Canada et dans certains autres pays. Cette démarche visait à cerner les éléments faisant habituellement l'objet de ces études et la base sur laquelle les décisions sont prises. Parallèlement à la recherche documentaire, nous avons lancé un sondage auprès du public en mars 2025 (420 personnes ont commencé le sondage; 370 ont répondu à toutes les questions). Nous avons tenu des ateliers en personne pour le grand public à Brandon, Le Pas et Winnipeg, ainsi qu'un atelier pour les experts en juin. Il est important de noter que seulement 56,5 % des personnes ayant participé à nos activités de mobilisation ont déclaré avoir une certaine expérience de l'intelligence artificielle.

Ce que nous avons entendu

Le public manitobain a clairement exprimé qu'il s'attend à ce que la protection des personnes et de l'environnement soit assurée par un régime provincial d'études d'impact environnemental, qui se caractérise par sa solidité, intègre une participation substantielle du public et favorise la confiance. Il a en outre souligné que les connaissances autochtones et les évaluations menées par les autochtones doivent être mises à profit, reconnues et respectées lors de ces études.

Les résultats du sondage et des ateliers ont fait ressortir des thèmes-clés concernant les intérêts et les priorités de la population manitobaine à l'égard

du régime en question et des améliorations pouvant y être apportées. Voici quelques-uns d'entre eux :

d'élargir la portée des études d'impact environnemental en élargissant l'éventail des effets potentiels qui sont évalués;

- ◆ de faire place à l'évaluation menée par les autochtones et aux connaissances traditionnelles, ainsi qu'à la participation des titulaires de droits autochtones;
- ◆ d'offrir beaucoup plus de possibilités de participation du public;
- ◆ d'actualiser les types de projets devant faire l'objet d'une étude d'impact environnemental, d'une part, et le processus de classification des projets potentiels, d'autre part;
- ◆ l'amélioration des pratiques postérieures à l'approbation, notamment l'application des exigences juridiques et des conditions d'octroi visant les licences et permis, le suivi et la collecte de données supplémentaires, la surveillance et l'établissement de rapports indépendants et impartiaux;
- ◆ l'amélioration de la confiance du public dans le régime manitobain d'études d'impact environnemental;
- ◆ la garantie que la protection des personnes et de l'environnement est une priorité, même en cas de pression politique pour approuver des projets d'exploitation des ressources naturelles.

D'autres thèmes ressortant des données, basés sur les commentaires des participants et étayés par nos notes de recherche sur l'évolution des pratiques exemplaires, mettent en évidence d'autres possibilités de réforme visant à améliorer le régime d'études d'impact environnemental. Il s'agit notamment de mettre à jour ce régime afin qu'il tienne compte à la fois des incidences biophysiques et humaines et que les décisions soient prises de manière publique et transparente.

Recommandations

1. Collaborer avec les titulaires de droits autochtones pour mettre au point des réformes en profondeur en matière d'évaluation environnementale:

En collaboration avec les titulaires, le gouvernement du Manitoba devrait concevoir un processus de participation pour élaborer les réformes nécessaires au processus d'évaluation environnementale du Manitoba afin qu'il respecte les droits et les traités. Étant entendu que les titulaires de droits apporteront leurs propres points de vue, les options de réforme qui pourraient être envisagées comprennent la mise en place d'une évaluation environnementale dirigée par les autochtones et l'inclusion explicite des connaissances traditionnelles dans le régime provincial d'évaluation environnementale. La conception du processus de consultation et les réformes qui en résulteront doivent permettre une collaboration continue avec les titulaires de droits autochtones.

2. Consultation publique substantielle pour déterminer les intérêts publics: Le gouvernement du Manitoba devrait consulter les Manitobains et Manitobaines sur leurs priorités en matière de réforme du cadre juridique d'évaluation environnementale et sur les réformes précises envisagées par le gouvernement. Cette participation devrait refléter les pratiques exemplaires en matière de participation substantielle du public, en ce sens qu'elle devrait avoir lieu tôt, lorsque des options de réforme particulières sont élaborées, et qu'elle devrait se faire de diverses manières, notamment en ligne (par exemple, EngageMB complété par un sondage d'opinion publique aléatoire) et en personne (par exemple, par le biais de réunions publiques organisées dans tout le Manitoba).
3. Élaborer et mettre en œuvre des réformes fondées sur les commentaires du public manitobain : Ce projet visait à recueillir les commentaires généraux du public manitobain et il n'a pas donné lieu à des recommandations exhaustives pour la réforme de la législation du Manitoba. Les données découlant de ce projet fournissent tout de même des informations importantes sur les possibilités de réforme. Les thèmes-clés recensés dans le présent rapport donnent un aperçu des souhaits du public manitobain en matière d'amélioration du régime lié aux études d'impact environnemental.

Executive Summary

Impact assessment (IA) is the primary legal tool used by government decision-makers to understand the potential consequences of proposed developments before irrevocable actions are taken. Despite near-global adoption, there is significant variability in IA in various jurisdictions, including requirements for its application (often referred to as the trigger), the scope of issues considered in an IA review, and the factors considered by decision-makers, among other characteristics of the assessment process.

Despite longstanding calls for provincial reform from many entities, the IA framework in Manitoba has not been substantially updated since its adoption in 1988. The most recent comprehensive critique of the provincial licensing process under *The Environment Act* was undertaken by the Manitoba Law Reform Commission (MLRC) (2015). Key MLRC reform recommendations for Manitoba's provincial assessment process focused on updating process elements, improving transparency, expanding the range of factors considered, and increasing (mandatory) opportunities for public engagement.

Since 2015, additional recommendations about the IA process have emerged in various Clean Environment Commission (CEC) reports. Recommendations from the CEC included improving the assessment processes, through refining the procedures, scope, and consideration involved in impact assessments. CEC recommendations also included more reporting requirements and adding more mandatory considerations to IA processes, such as the need for and alternatives to the development, cumulative effects. Recommendations from the CEC also emphasized the importance of integrating Indigenous Knowledge and ensuring meaningful engagement with Indigenous Communities in IAs.

In the context of recent renewed interest from Manitobans toward reforming the IA framework in Manitoba, the *Empowering Impact Assessment* project is focused on gathering Manitobans' insights on our current impact assessment process under *The Environment Act* and identifying community priorities for impact assessment reform.

Our research relied on multiple methods to address our purpose and objectives. We completed background research surrounding best practices in impact assessment and produced a series of research memos. In addition, we conducted a survey of Canadian and select international IA legislation to determine what is typically included in the scope of the assessment, and

the basis on which the assessment decision is made. Concurrent with the background research, we launched a public survey in March 2025 (420 started the survey; 370 completed all the questions). We held in-person workshops for the general public in Brandon, The Pas and Winnipeg; and an Experts' workshop in June. Importantly, only 56.5% of the people who participated in our engagement activities identified as having some experience with IA.

What We Heard:

We heard clearly from Manitobans that they expect the protection of people and the environment through a robust provincial IA process, which incorporates meaningful public engagement and fosters trust. We also heard that Indigenous knowledge and Indigenous-led assessments must be enabled, recognized and respected when assessing the impacts of proposed projects.

From the results of the survey and workshops, key themes emerged that highlight the interests and priorities of Manitobans for the provincial impact assessment process and potential improvements. This includes:

- ◆ broadening the scope of IA by expanding the complement of potential effects of development which are assessed,
- ◆ making space for Indigenous-led assessment and traditional knowledge, as well as the inclusion of Indigenous Rights-Holders,
- ◆ enabling significantly more opportunities for public engagement,
- ◆ reforming the types of projects required to undergo IA and the process of classifying potential projects,
- ◆ improving post-approval practices, including enforcement of legal requirements and licensing conditions, tracking and collecting additional data, independent and unbiased monitoring and reporting,
- ◆ improving public trust in Manitoba's IA process, and
- ◆ ensuring the protection of people and the environment is prioritized, even when there is political pressure to approve natural resource developments.

Other themes from the data that emerged based on participant feedback, and were supported by our research memos on evolving best practices, highlight additional reform opportunities for improving the provincial IA process. This includes updating the IA process in Manitoba such that it considers both biophysical and human impacts and takes decisions in a public and transparent manner.

Recommendations:

1. **Engage with Indigenous Rights-Holders to Identify Meaningful IA Reforms:** in collaboration with rights holders, the Government of Manitoba should design an engagement process to identify and develop necessary reforms to Manitoba's IA process so it respects rights and Treaties. While rights holders will bring their own perspectives, reform options that may be considered include enabling Indigenous-led IA and making explicit provision for the inclusion of traditional knowledge in the provincial IA process. Both the designing of the engagement process and the resulting reforms that are implemented must allow for ongoing collaboration with Indigenous rights-holders.
2. **Meaningful Public Engagement to Identify Public Interests:** the Government of Manitoba should engage Manitobans about their priorities for IA law reform and specific reforms being contemplated by government. This engagement should reflect best practices of meaningful public participation, in that engagement should take place early, when specific reform options are being developed, and engagement should be done in a variety of ways, including online (e.g. EngageMB supplemented by a randomized public opinion survey) and in-person (e.g. through town halls held throughout Manitoba).
3. **Develop and Introduce Reforms Based on the Feedback of Manitobans:** This project was intended to seek general feedback from Manitobans and did not produce comprehensive legislative recommendations for reforming Manitoba's IA process. However, there are still important insights to draw from the project data about potential reform opportunities. The key themes identified in this report provide insights on what Manitobans want with respect to improving the provincial IA process.



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Introduction

Impact assessment (IA) is the primary tool used by government decision-makers to understand the potential consequences of proposed developments before irrevocable actions are taken. Despite near-global adoption, there is significant variability in IA including in application (often referred to as the trigger), the scope of factors considered in the review, and what the assessment process looks like.

When IA is well designed it addresses potential impact-areas as identified by experts, community input and best practices. If well done, IA plays a fundamental role in ensuring decisions relating to potential development projects are made in a sustainable, equitable, and transparent way, with meaningful engagement by the public. However, our process is outdated and is, for many, little more than a checkbox exercise, where success is determined based on doing what is required, rather than demonstratively protecting the people and the environment. There is long-standing concern that the assessment process in Manitoba, set out under *The Environment Act* (CCSM cE12) falls within this latter category.

With growing political focus on resource development to support Canada's economic independence and energy security in the context of the energy transition, there is renewed interest in the modernization of Manitoba's impact assessment process. The purpose of this research is to engage Manitobans in provincial discourse surrounding the purpose of IA, what should be included in the process, and in doing so, build capacity for public engagement in future government-led law reform. The project objectives are to:

- 1. STUDY:** Research best practices in theory and practice for impact assessment.
- 2. SHARE:** Develop publicly accessible education material to share impact assessment practices.
- 3. LISTEN:** Hear from parties across the province to identify priorities for reform.

Previous Reform Priorities

Despite longstanding calls for provincial reform (e.g., Diduck, Sinclair, & Fitzpatrick, 2002; Hanna, 2022; Lobe, 2009; Manitoba, 1999; Sinclair, 2002), the IA regulatory framework in Manitoba has not been substantially updated since its adoption in 1988. The most recent comprehensive critique of the provincial licensing process under The Environment Act was undertaken by the Manitoba Law Reform Commission (MLRC) (2015). Key MLRC reform recommendations for Manitoba's provincial assessment process focused on updating process elements, improving transparency, expanding the range of factors considered, and increasing (mandatory) opportunities for public engagement.

Since 2015, additional recommendations about the IA process have emerged from different projects and regulatory processes undertaken by the Clean Environment Commission (e.g., public hearings). Figure 1 illustrates eight thematic areas that encompass provincial recommendations aimed at strengthening and modernizing Manitoba's environmental assessment and licensing regime.

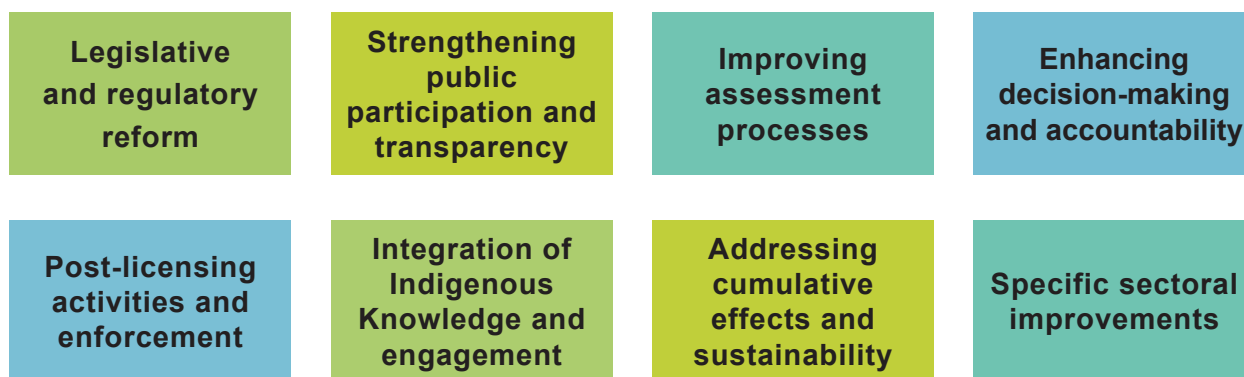


Figure 1: Themes that Emerged from Literature

Broadly speaking, these recommendations canvas:

- ◆ *Legislative and regulatory reform*: Enhancing the clarity, structure, and scope of the IA sections of The Environment Act and associated regulations.
- ◆ *Strengthening public participation and transparency*: Increasing opportunities for meaningful public involvement and ensuring greater access to relevant and accessible information throughout the impact assessment and licensing processes. This includes updates to the public registry and decision-making criteria.
- ◆ *Improving assessment processes*: Refining the procedures, scope, and consideration involved in impact assessments. Recommendations include more reporting requirements and adding more mandatory considerations to IA processes, such as the need for and alternatives to the development, cumulative effects, and Indigenous Knowledge.
- ◆ *Enhancing decision-making and accountability*: Establishing clearer decision-making criteria and providing mechanisms for obtaining reasons for decisions. This includes improvements to the licence appeal process.
- ◆ *Post-licensing activities and enforcement*: Strengthening requirements for monitoring, auditing, enforcement, and review after a license has been granted.
- ◆ *Integration of Indigenous Knowledge and engagement*: Emphasizing the importance of incorporating Indigenous Knowledge and ensuring meaningful engagement with Indigenous Communities.
- ◆ *Addressing cumulative effects and sustainability*: Promoting a more comprehensive consideration of cumulative effects and the long-term sustainability of development.
- ◆ *Sectoral-specific improvements*: Addressing the unique environmental challenges within particular sectors, such as forestry and hog production.

A full summary of previous reform recommendations is available [here](#).

Evolving Best Practices

Beyond recommendations associated with the MLRC report and subsequent project specific assessments in Manitoba, IA practices continue to evolve, propelling best practices across Canada and abroad. Among these innovations (Blakely, Franks, & Edward Elgar, 2021; Doelle & Sinclair, 2021; Fonseca & Edward Elgar, 2022; Levac, Stinson, Manning, & Stienstra, 2021; Mainville & Pelletier, 2021; Manning & Levac, 2022; Paynter, Pastora Sala, Fitzpatrick, & Broomfield, 2022) are assessments which:

- ◆ situate decision-making within a rights-based framework to provide stronger protection for ecological components (Riaño 2025; Bansal et al 2023);
- ◆ embed requirements to assess potential impacts on health (human and environment), the economy, and socio-cultural systems;
- ◆ require specific contemplation of potential impacts on rights deserving groups (i.e., [Intersectionality and Gender-Based Analysis Plus in Impact Assessment](#));
- ◆ enable Rights-holders to reclaim decision-making using their own systems of governance, and enshrine the principles of the United Nations Declaration on the Rights of Indigenous People(s), and the associated aspects of free, prior and informed consent (i.e., [Indigenous-Led Impact Assessment](#));
- ◆ contemplate the role of generative artificial intelligence in impact assessment, including opportunities, potential threats, and best practices (i.e., [AI and IA](#));
- ◆ identify best practices for approaching cumulative effects within a [project-specific assessment](#), and through a [regional lens](#), including summaries of recent regional cumulative effects assessment;
- ◆ incorporate best practices for [meaningful public engagement](#) throughout the assessment process;
- ◆ explore a new approach to project licensing which is centred on setting out specific, measurable outcomes rather than focus on prescribing detailed procedures or actions (i.e., [Outcomes-based licensing](#));

- ♦ require [post-approval best practices](#) that emphasize the use of mixed methods, meaningful public participation, and Indigenous-led monitoring activities;
- ♦ facilitate [cooperation between Canadian jurisdictions](#) (i.e. provincial/territorial and federal) in an, ideally, harmonized IA process with clear and detailed procedural steps identified in IA legislation or through cooperation agreements; and
- ♦ investigate current government and industry calls for [regulatory efficiency](#) and reform of IA and licensing processes, particularly for projects deemed to be in the “National Interest.”

A robust provincial IA process, which embeds current best practices with room to adapt as practices evolve, is particularly important, given a 2023 Supreme Court of Canada (SCC) decision which found that components of the federal process were (at the time) unconstitutional as they intrude “more than incidentally into the provinces’ constitutional sphere” (2023 SCC 23, para 205).

In response, the federal IA legislation was revised; for example, the purpose of the legislation was narrowed, shifting from a focus on fostering sustainability and the protection of “components of the environment, and the health, social and economic conditions” (among others) to an IA process designed only to prevent or mitigates significant adverse effects within federal jurisdiction.

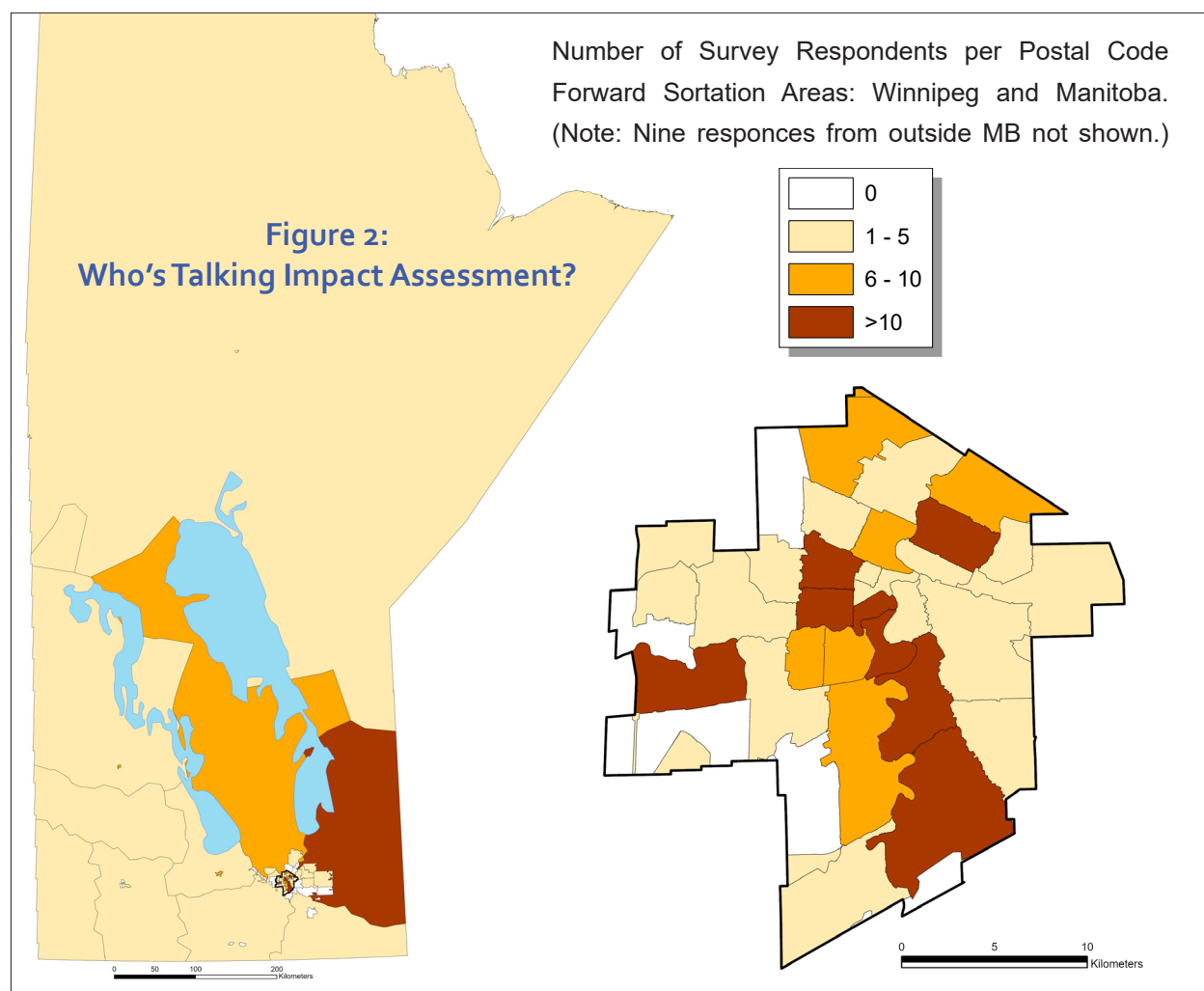
The 2023 SCC decision and the subsequent changes to federal legislation underscores the critical importance of a robust legislative regime at the provincial level to ensure there are no regulatory gaps in the protection of the environment and human health.

Our Approach

Our research relies on multiple methods to address our purpose and objectives. We completed background research surrounding best practices in impact assessment, as outlined and linked in the previous

section. In addition to the research memos linked in the previous section, we conducted a survey of Canadian and select international IA legislation to determine what is typically included in the scope of the assessment, and the basis on which the assessment decision is made.

Concurrent with the background research, we launched a public survey, designed to solicit preliminary information about Manitoban's general understanding of the existing process, and expectations about should be considered in IA. The response to the survey was unexpected, with 420 people completing at least question 1. Figure 2 shows the response across the province from participants who shared their postal codes.



We prepared nine fact sheets intended both for the general public and to assist with the understanding of those who came to the workshops, which are further described below. Designed for a general audience, the fact sheets are intended to serve as a plain language resource for different components of IA. They are designed not only to help people understand the process, but also to serve as educative material for participants who may have never been involved in an impact assessment before. Select factsheets are available in French.

FACT SHEETS

[Impact Assessment 101](#)

[Indigenous-Led Impact Assessment](#)

[Meaningful Public Participation](#)

[Factors Considered in Impact Assessment](#)

[Health, Social, and Economic IA](#)

[Cumulative Effects Assessment](#)

[Regional Cumulative Effects Assessment](#)

[Enforcement](#)

[After Approval, What Happens?](#)

→

EMPOWERING IMPACT ASSESSMENT
APRIL 2025

INDIGENOUS-LED IMPACT ASSESSMENT

What is Impact Assessment (IA)?

Impact Assessment is a process that helps evaluate the potential consequences—both positive and negative—of a proposed project before it moves forward. The goal is to make informed, evidence-based decisions that minimize harm and maximize positive outcomes. This includes proposing mitigation strategies and follow-up measures to ensure the project's impacts are managed effectively.

Indigenous-led Impact Assessment (ILIA) empowers Indigenous communities to lead the assessment of projects affecting their lands, cultures, and ways of life. This approach ensures that development aligns with Indigenous values, worldviews, and governance systems, promoting long-term sustainability, justice, and respect for Indigenous rights.

KEY TOOLS IN INDIGENOUS-LED IMPACT ASSESSMENT

ILIA utilizes various tools to enable Indigenous communities to take charge of the assessment process.

Key tools include:

Framework Agreements – Establish terms for power-sharing between Indigenous nations, governments, and industries, ensuring assessments reflect Indigenous rights and concerns.

Customized Review Panels – Community-based panels incorporate Indigenous knowledge, culture, and governance into project evaluations.

Land Use and Consultation Policies – These policies guide land-use decisions and ensure consultations align with Indigenous governance and cultural values.

Impact and Benefit Agreements (IBAs) – IBAs define fair compensation and benefits for communities affected by development, ensuring Indigenous priorities are met.

Land Use Planning – Using strategies that reflect Indigenous needs and values, promoting sustainable land management.



PROJECT PARTNERS

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The team hosted three workshops for the general public in April 2025, including in Brandon, MB (28 participants), the Pas (12 participants) and Winnipeg (16 participants). These events were designed to increase public knowledge about IA, and to document community priorities to reform IA in Manitoba. Participation was open to the public, and no knowledge of IA was required to participate.

To start each workshop, the team presented information about impact assessment (see [slide deck](#)). Interactive polling (i.e., Mentimeter) was used to help identify discussion priorities and gather feedback about level of experience, impact assessment priorities, and preferred approaches for engaging in the IA process. Small group discussion was also used to gather more details from participants on their IA priorities.



Winnipeg Public Workshop, April 27th at the University of Winnipeg

The final event was a three-hour, invitation-based workshop for identified IA experts within Manitoba. This format was selected to ensure that the project would benefit from the significant knowledge of people who have participated, studied and facilitated IA in Manitoba. Potential participants were identified by the project team through past and current professional relationships, a review of past impact assessment proceedings, and an examination of scholarly literature. The team made every effort to ensure a range of perspectives were represented at the event, inviting people from different sectors and demographics (e.g., ages, genders, areas of expertise, etc.).



Expert Workshop, June 5 at the University of Winnipeg

To start the experts' workshop, a short presentation highlighted past reform priorities, lessons from other jurisdictions, and a summary of what was heard from the public via the survey and public workshops. Participants were then divided into two groups and asked to share their feedback on best practice and reform priorities which could be effectively implemented in Manitoba, as well as identify any outstanding areas for consideration.

The timing of this event coincided with the northern fire evacuation in June 2025. As such, there were only 13 in-person participants. We also offered an opportunity for those who were unable to attend in person to send in written comments. The four written submissions received are included in the data analysis.

By the Numbers

11 Research Memos

9 Fact Sheets

1 Public Survey

3 Public Workshops

1 Experts Workshop

1 Final Report

Who is talking IA?

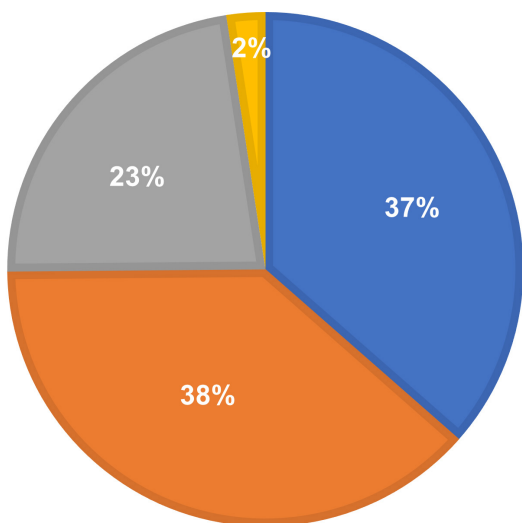
Overall, the public response to our research project far exceeded expectations. As shown in Table 1 below, we secured significantly more participation, especially in terms of the survey, than we targeted.

Table 1: Expected vs. Actual Participation in AI Project		
Activity	Expected	Actual
Survey Responses	60	370 completed surveys
Workshop Participants	50	69

The survey, in particular, outperformed original expectations by between 500% and 600%. Survey respondents represented the geography of Manitoba. Responses were received from those who live in the rural and northern parts of Manitoba as well as those who live in the large central metropolitan area of Winnipeg.

Ages of Respondents

■ 18-34 ■ 35-54 ■ 55+ ■ No response



Age was equally diverse, with the similar responses from people aged 35-54 and 18-34.

Importantly the survey participants had a range of experience with impact assessment. Only 53% of respondents had previously participated in an assessment. The remaining 41% had no previous experience, and 6% were unsure. Similarly, participants of the general public workshop had a wide range of experience with IA. Overall, 30% of participants identified as a “Beginner”, 50% of participants

indicating they had previous experience, and 19% percent indicating they were unsure (or chose not to answer).

At the experts' workshop, participants were asked to detail how many IAs they had participated in. Most experts had some level of participation in IA, with 65% of experts having participated in more than 10 IAs, including 15% who participated in more than 15 IAs.

Analyzing the information gathered

Data analysis relied on two software systems. Qualtrics (Provo, UT) for quantitative analysis of survey data, and NVivo 12 (QSR International, 2017) for qualitative analysis of the workshops. Findings were coded thematically, organized around the themes identified by recent reform recommendations, described above, in addition to emergent thematic areas or best practices.

The findings are organized by presence across different methods of data collection, followed by frequency of responses. In other words, the findings section is organized in order of what we heard most across the project.

What We Heard

From the results of the survey and workshops, key themes emerged that highlight the interests and priorities of Manitobans for the provincial impact assessment process and potential improvements:

- ◆ broadening the scope of IA by expanding the complement of potential effects of development which are assessed,
- ◆ making space for Indigenous-led assessment and traditional knowledge, as well as the inclusion of Indigenous Rights-Holders,
- ◆ enabling significantly more opportunities for public engagement,
- ◆ reforming the types of projects required to undergo IA and the process of classifying potential projects,

- ◆ improving post-approval practices, including enforcement of legal requirements and licensing conditions, tracking and collecting additional data, independent and unbiased monitoring and reporting, and
- ◆ building public trust in Manitoba's IA process.

Representative quotes from participants:

“Proactive outreach: Actively reaching out to communities and organizations that represent these groups should it be determined that they may be impacted, have connection to the land, or be a subject matter expert...

“Equitable representation: Inviting members of rights-deserving groups in decision-making bodies, advisory panels, and leadership roles....

“Ongoing dialogue: Continuous engagement rather than a one-time effort, with clear follow-ups and accountability for incorporating feedback.

“A good process would ensure there is [d]edicated outreach to these groups and inclusion on advisory committees.

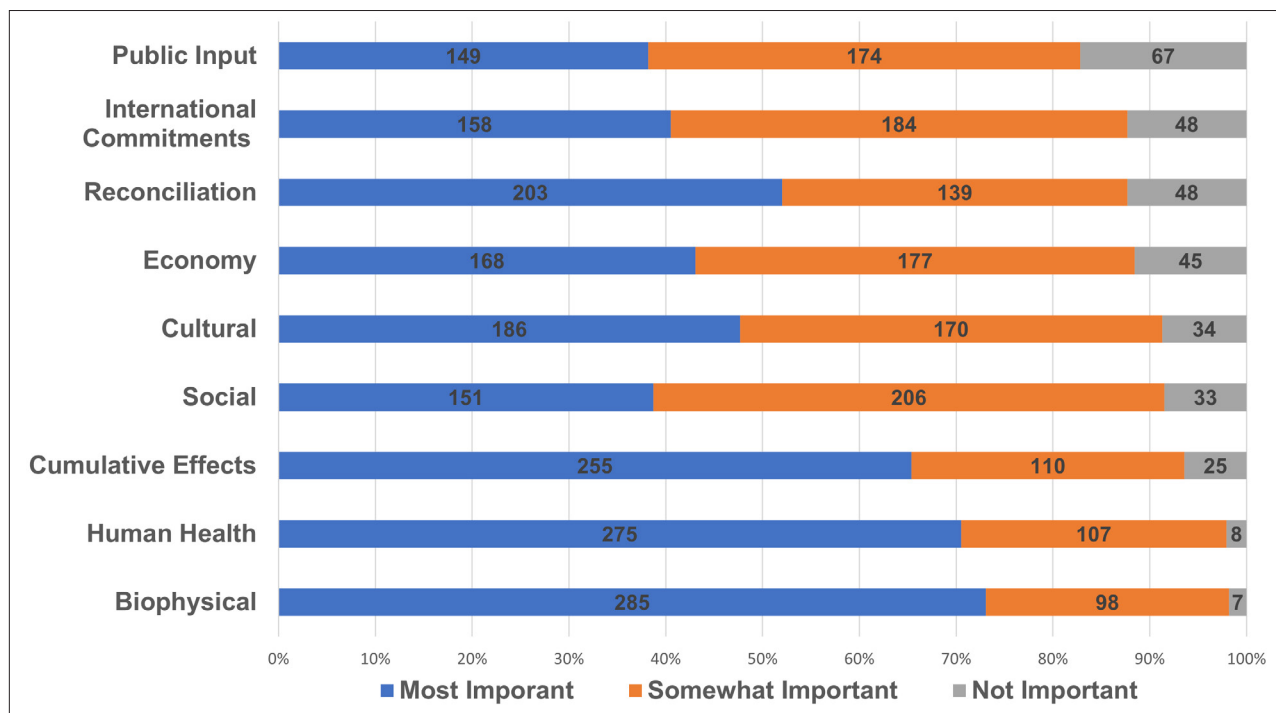
“Be thorough and inclusive and offer various times and days to offer both working and non-working people fair opportunity and provide all accessibility services like ASL translations and Transcripts available. Offer child minding and some public transportation tokens for the underprivileged and always offer some food and refreshments provide seating adequately and offer open mics and Q and A time.

“Distinctions based engagement processes, formal mechanisms for contacting specific underrepresented groups so that outreach is done well.”

1) Broadening the Scope of Impact Assessment

The overwhelming response from participants across the province indicates that there is strong support for IA from Manitobans. Only negligible feedback expressed a lack of support for IA. Through the survey and during the workshops, project participants were asked to indicate which elements they thought were important to consider during impact assessment processes. The data clearly shows that Manitobans expect IA to go beyond consideration of biophysical impacts to address a broader complement of potential effects of development.

Figure 3: Priority Areas from Survey Data



Out of 390 survey responses, biophysical effects were ranked the highest. However, participants were also quick to expect IAs which address impacts on human health, cumulative effects, social impacts, cultural impacts, and economic impacts. In addition, participants expected IA processes address reconciliation, Canada's international commitments, and respond to public concerns. In fact, all factors were identified as being “most important” or “somewhat important” by more than 80% of respondents, as indicated in Figure 3.

When the data was further broken down by the participants' level of experience with IA, it showed that individuals with little to no experience had consistently higher expectations about the scope of the IA process. This suggests that the scope of Manitoba's IA process does not adequately capture public interests.

The Workshop data indicated similar expectations about the range of elements included in the IA process. When asked to indicate which elements were of most importance to consider, the top priorities varied by workshop location and included: biophysical impacts, impacts on human health, Reconciliation, cultural impacts, and cumulative effects, as shown in Table 2, below.

Table 2: Menti Results - Importance of IA Elements				
	Brandon	The Pas	Winnipeg	Total
Biophysical	24	13	17	54
Human Health	13	16	16	45
Reconciliation	11	18	11	40
Cumulative Effects	10	10	14	34
Cultural	9	15	9	33
Social	10	5	10	25
Public Input	7	11	5	23
International Commitments	7	4	7	18
Economy	5	1	8	14

When asked to indicate specific elements or details that should be considered during the IA process, survey and workshop participants suggested the inclusion of a broader range of components that capture different perspectives, such as GBA+ or intersectional analysis, Indigenous Traditional Knowledge (e.g., impacts on medicinal plants), and cumulative impacts. Participants also stressed the need for consideration of more precise environmental impacts, such as the impacts of climate change, carbon emissions, the health of the surrounding ecosystem; and social impacts, such as those related to housing supply, active and sustainable transportation, and jobs created. Participants from the workshop in The Pas and the Experts' workshops identified the need to consider the financial security of proponents, particularly when it comes to ensuring the proponent can pay for cleanup costs.

“As resources get depleted in an area, assessment should be more robust.” (The Pas Workshop Participant)

Participants also noted that proponents did not need to identify potential impacts by themselves. They suggested the use of Indigenous guardianship programs to help identify potential impacts.

“Rely on community members to help in figuring out impacts – we know where to look.” (The Pas Workshop Participant)



The Pas Public Workshop, April 25th at the Sam Waller Museum

Including Intersectional Analysis

There is long-standing documentation and recognition that the impacts of development projects – for good and for bad – are experienced in different ways by different populations. As summarized by Johnson, Walker and Hoogeeven (2024, p.3) “marginalized groups disproportionately bear the burden [of resource development] while also facing greater barriers to accessing the perks that may flow from it.”

Gender-based analysis plus (GBA+), or intersection analysis, recognizes this, and provides a way to better understand impacts across different identities within the community. With roots in the feminist movement, the “plus” in GBA+ brings in other identity factors – including disability, economic status, sexuality, race, ethnicity, education, among others – into consideration, and shines the light on how the project may disproportionately affect certain members of the community.

While GBA+ analysis should inform good social, cultural and health analysis (discussed in this section) – there are additional steps that must be taken to ensure that voices – particularly those which have historically been marginalized – are heard. As such GBA+ is required as part of IA at the federal level, and in BC. It is not currently part of IA in Manitoba.

The public survey specifically asked: “What kind of things should be done to make sure that the voices of members of rights-deserving groups (e.g., women, LGBTQ2S+, disabled persons, Indigenous people, racialized people) are part of the discussion?”

90.7% responded favourably to an inclusive, principled approach to hearing from members of rights deserving groups as part of IA, and adopting specific tools to do so.

A more focused and technical discussion about assessment scope arose during the experts' workshop. Participants of this session agreed that the provincial process needs to expand its reach. This mirrors advice from the MLRC, which recommended a range of reforms to *The Environment Act*, including:

- ◆ The definition of the “environment” be amended or replaced to include a broader range of elements, such as air, land, water, atmosphere, organic and inorganic matter, living organisms, human-made structures, socio-cultural-economic-aesthetic conditions, and the interrelationships between these elements (MLRC, 45-46); and
- ◆ Mandatory considerations such as the need for the development, alternatives, environmental effects, mitigation, follow-up, significance of residual effects, cumulative effects, public information, Aboriginal Traditional Knowledge, and sustainability (MLRC, 79).

At the expert workshop, participants emphasized the need for a process, early in the IA process, that identifies key priorities for the assessment, based on the project specifics. Echoing the “sliding scale” concept recommended by the MLRC (63), the experts cautioned that while all potential impacts must initially be considered, it is important to focus the scope of the assessment on the things that are most at risk and/or of most importance to local community members. A clear, early, scoping process is needed, that starts with a comprehensive examination of considerations at the outset and then focuses on key essential elements for in-depth consideration.

“Each project needs its own level of scope depending on the project – not just a list, but engagement/determination of scope for each project. Need to be careful as [the] more aspects you bring into the definition/larger the scope, the harder it will be to assess/mitigate etc.” (Experts Workshop Participant)

Cumulative Effects Assessment

Cumulative Effects Assessment (CEA) is an IA tool that helps understand, evaluate, and mitigate the combined and incremental impacts of human activities and natural stressors over time. Unlike traditional IA, which typically focuses on the impacts of individual projects, CEA takes a broader, long-term view, especially if it is applied at a regional scale. It recognizes that while the impacts of a single activity may seem minor in isolation, the cumulative effects of multiple actions – whether industrial, agricultural, or natural disturbances – can result in significant, often unforeseen consequences. These gradual effects can lead to the degradation of ecosystems, the depletion of resources, and the disruption of social and cultural systems.

CEA often requires more sustained and inclusive engagement over a longer period due to the complexity and scope of the issues. Successful CEA frameworks involve multiple phases, including scoping, retrospective and prospective analyses, and evaluation of significance, with a strong emphasis on stakeholder engagement, mitigation, and monitoring. When asked about IA components that should be prioritized, cumulative effects were identified by the majority of participants as important. Close to 70% of survey participants identified CEA as one of the “most important” elements, and workshop participants identified CEA as an overall IA priority after biophysical impacts, human health, and Reconciliation. Workshop participants from The Pas and Brandon emphasized the importance of considering downstream and cumulative impacts of individual projects operating in areas with significant industrial activity or particularly important/sensitive natural areas. Participants in The Pas expressed concern about new mining developments in areas already experiencing past and ongoing impacts. Brandon participants had similar concerns about areas with concentrated agricultural operations.

Overall, participants shared an expectation that the provincial IA process includes the full scope of potential impacts, experienced now and in the future.

“[IA] needs to be flexible and adaptive and able to capture a wide range of impacts, and also to consider cumulative effects both individually with respect to the proposed project but also regionally in conjunctive with other activities and projects, including approved and active projects, proposed projects, and projects likely to be proposed in the future.” (Survey Participant)

The experts also stressed that Indigenous rights-holders and members of the general public should be meaningfully involved in determining key priorities and narrowing the scope of each IA to focus on the most at-risk elements or those that are most important to the community.

“Indigenous involvement in scoping is an important facet to ensure when their rights are on the table.” (Experts Workshop Participant)

The participants in the experts’ workshop noted that some pre-planning was merited for helping scope the IA of a project; for example, there should be guidance available (created in consultation with Rights-holders and the public) for projects from specific industries, and/or in specific geographic regions. The experts also noted that reasons for scoping decisions should be publicly communicated, including identifying what was included (or excluded) from the final scope of the IA and why.

“Needs to be an open way to make sure that the key issues of [a] project are scoped in, rather than which topics, it depends. Need a good process to decide what needs to be in. [C]an’t do everything.” (Experts Workshop Participant)

“BC has a process where the Environment Office clearly shows what is in scope, and why they decided to not include other aspects in the scope.” (Experts Workshop Participant)

Overall, the feedback from participants across the province indicates that there is an expectation from Manitobans that the provincial IA process consider a broad range of elements that go beyond potential biophysical impacts. To reflect the elements deemed important by participants, the scope of the IA process under *The Environment Act* has to be expanded to encompass a broader range of mandatory requirements and considerations. However, participants also recognized the need for a clear, transparent IA process that allows the scope of individual project assessments to be narrowed to focus on key priorities, including those most at risk of potential adverse impacts and those identified by the community.

2) Indigenous-led Assessments and Inclusion of Indigenous Rights-Holders

Findings show clear imperative for significant changes needed with respect to how Indigenous rights-holders undertake, and are engaged in, IA.

Participants supported a range of reforms to enable Indigenous-led IA based on cultural and legal traditions. Core to Indigenous legal traditions, participants emphasized the responsibility owed to future generations. Indigenous-led IA refers to processes where Indigenous nations take control over resource governance decisions, specifically in the context of assessing the potential environmental, social, and cultural impacts of projects (Scott, Sankey, Tanguay). While research on Indigenous-led IA applications highlights challenges, notably the lack of a true consent mechanism and the limitations imposed by settler legal systems, Indigenous-led assessments have the potential to energize communities, revitalize Indigenous laws, and strengthen connections to territories and legal practices. Ultimately, research on Indigenous-led assessments supports what we heard from participants. The research calls for a rethinking of the relationship between Crown and Indigenous governance and underscores the need for more robust, self-determined Indigenous-led impact assessments that are not merely advisory, but have the power to enforce Indigenous authority.

“Indigenous law and traditions would help to better understand our environment and develop healthy relationships.” (Survey Participant)

“I am a Franco-Métis land owner who lives along a river. The water the air and the land are important to me. They are necessary for my well-being and that of generations to come.” (Survey participant)

Participants recommended changing IA practices based on modern interpretations of Indigenous rights, including those protected by s. 35 of the Canadian Constitution and the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). For example, at the workshops held in Brandon and The Pas, multiple participants identified the need for implementation of UNDRIP principles, with specific mention of Free,

Prior, and Informed Consent (FPIC). Participants at both workshops brought up examples of UNDRIP implementation legislation from British Columbia and at the Federal level as examples of a legal approach that could be adopted in Manitoba to facilitate better Indigenous leadership and respect for rights-holders.

“Make explicit that Indigenous governments are contemplated/ included in context of s13-14 of The Environment Act (government-to-government agreements), signal that it goes to assessments.”

(Experts Workshop)

Some workshop participants referred to court decisions which have confirmed legal obligations owed to Indigenous rights holders as support for better recognition of rights in IA legislation and processes. For example, in the Blueberry River decision (*Yahey v British Columbia*, 2021 BCSC 1287), the British Columbia Supreme Court found that permitting cumulative effects of industrial development can violate the Treaty rights of rights-holding communities.

Participants recommended that rights-holders should be involved in the whole IA process, from designing the project, overseeing the project and sharing results. For example, one participant stated that,

“Guardianship programs should be used during whole IA process, not just for monitoring”.

At a minimum, there was broad support for better respect and consideration of Traditional Knowledge by decision-makers. For example, workshop participants recommended that Indigenous Knowledge should be given more weight and that there should be recognition of “land users as land experts”. (The Pas Workshop Participant).

Participants mentioned that more meaningful and recognized roles for Indigenous communities and knowledge holders can be a part of a broader range of actions that is needed which goes beyond “Economic Reconciliation”.

Overall, participants pointed to the legal obligations owed to Indigenous rights-holders by Government and the changes that are needed to IA to properly reflect these legal responsibilities.

3) Significantly More Public Engagement

Workshop participants were eager for more opportunities to participate in provincial IA processes. At the experts' workshop, participants expressed frustration with current participation opportunities and identified barriers for participation, such as a lack of participant funding for public hearings and limited participation opportunities (e.g., very few public hearings). Although survey respondents appeared to prioritize public input lower than any other factor when asked what should be considered in IA, there was significant support for more opportunities to enable people getting involved in IA. When asked who should provide evidence in the assessment process, survey respondents included all categories of participants with most emphasis on knowledge holders, community members, members of the public, and independent consultants.

There are many opportunities throughout the provincial IA process to incorporate changes that will facilitate more public engagement and include a more diverse range of voices in the IA process. For example, the MLRC recommended a suite of reforms including more mandatory requirements for public participation with legislated timelines throughout the IA process; updates to guidance materials to provide more detailed information about the process and opportunities for the public to become involved; amendments to the public registry section of the Act (s 17) to require the inclusion of a broader range of data; legislative criteria that requires decision-makers to consider public input at all decision-making stages and provide detailed reasons for decisions (MLRC, 54-57). Participant responses mirrored many of the reform recommendations from the MLRC and emphasized the adoption of new approaches, such as those focused on the participation of Indigenous rights-holders.

Participants identified a need for more modern and diverse participation methods. For example, survey participants were asked how they thought the public should get involved in impact assessment. All suggested participation methods were supported by the majority of respondents, with most emphasis placed on surveys and online portals, closely followed by public hearings and townhalls. During the workshops, participants were asked their favourite way to participate in the IA process, with each location favouring different approaches. For example, Brandon participants favoured advisory committees, surveys, and town halls; The Pas participants preferred in-person opportunities – townhalls, advisory committees, and public hearings; and Winnipeg participants favoured online options – surveys and online portals, but also included public hearings in their top three.



Winnipeg Public Workshop, April 27th at the University of Winnipeg

Additional suggestions for including diverse voices in participation opportunities include holding engagement events at different times and days of the week so both working and non-working people have fair opportunity to participate, providing accessibility services like ASL interpretation, and translation into a variety of local languages, including Indigenous languages. It was also suggested that participants be provided, when appropriate, with childminding, public transportation tokens, food and refreshments, and adequate seating.



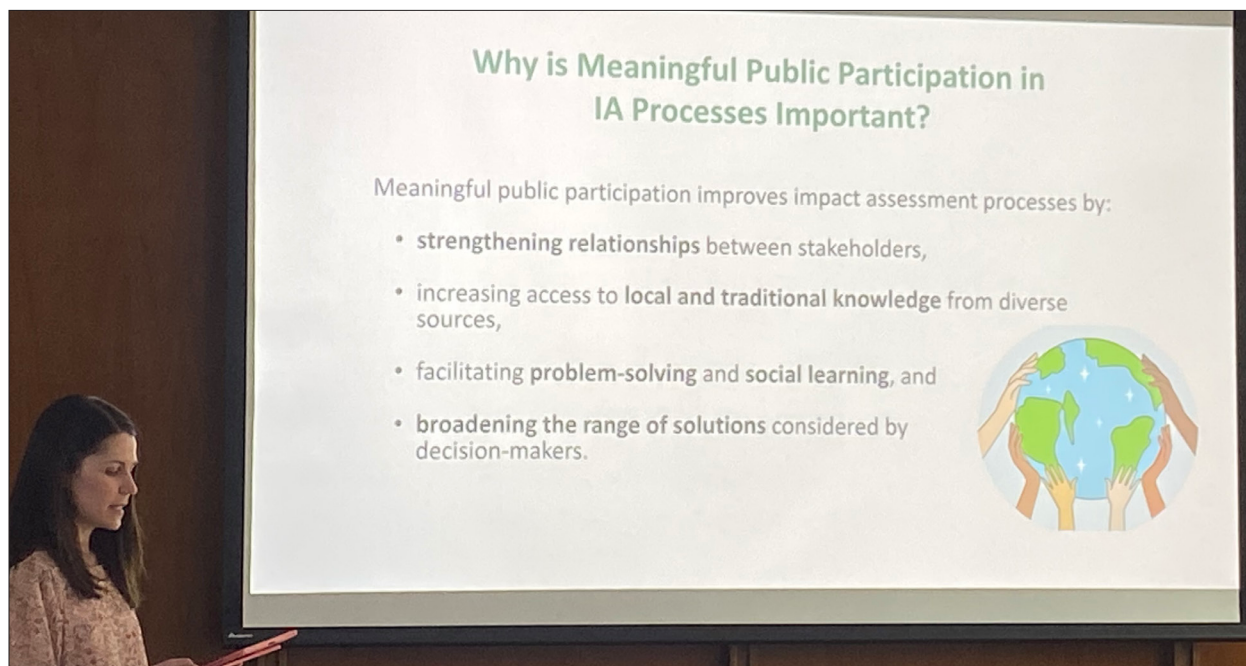
Brandon Public Workshop, April 17th at Assiniboine Community College

When the participation data was analyzed based on demographics and method of participation (i.e., survey versus in-person workshop) additional insights emerged. The age of the participants seemed to influence preferences for participation in IA. For example, survey participants between the ages of 18-34 years of age preferred online engagement opportunities through online portals, websites and surveys. In comparison, survey participants that identified as 55+ years of age preferred in-person opportunities (i.e., public hearings and town halls). Participants 35-54 preferred a mix. There was also correspondence between the method through which we asked the question and the resulting opinions. For example, survey users liked surveys best and

participants who attended in-person workshops generally preferred in-person opportunities.

These results demonstrate that when participation methods are limited, the scope of feedback received may also be limited. To gather the views of diverse populations and engage in meaningful participation, diverse methods of engagement are required. Participants also emphasized the importance of transparency and access to information (in an understandable format) throughout the IA process, including an expansion of materials available on the public registry. They called for more accountability in terms of reasons for decisions, indicating what and how public feedback was considered by decision-makers.

“[A] [b]ig concern is whether we are being heard when we do participate - no indication they are hearing us and the concerns raised – we would recommend a public report where they report on what they heard and what they did to respond.” (The Pas Workshop Participant)



Winnipeg Public Workshop, April 27th at the University of Winnipeg

Overall, project participants were supportive of a range of reforms, engagement methods, and communication strategies for improving public engagement in the provincial IA process. These participant suggestions align with previous recommendations and evolving best practices that identify many opportunities to improve public engagement in IA processes. See the [Memo on Meaningful Public Participation and IA](#) for more information about best practices.

4) What Kind of Projects Should be Included?

As discussed in the scope section above, project participants recognized that not all developments require the same level of scrutiny during the IA process. To this end, there was broad support for continued use of a regulatory tool to organize different classes of development. There were important recommendations, however, about how many classes there should be and how these classes were determined. For example, participants recommended more details in the law and guidance materials about how the classes of development are determined. They also recommended the addition of more criteria, encompassing the full scope of project impacts, so projects with the most potential impact receive the highest level of scrutiny. Participants recommended that the public have an opportunity to provide input regarding the impact of a proposed project and how a project is classified, given that the classification would impact the level of scrutiny for a given project.

Participants made specific mention of the need to ensure that new technologies are adequately assessed. Participants also supported alignment of other related laws, such as laws that apply to mining projects. Finally, we heard from participants that “staged” assessments or project splitting, where portions of a development project are assessed individually and separately, should not be allowed and to fully capture the impacts, the project should be assessed in its entirety.

These participant views align with past recommendations from the MLRC to add flexibility to provincial IA requirements to allow new

projects to be added to the classes of development list and expand the criteria in the classes of development regulation to include a broader range of considerations when classifying proposed projects, such as: geography, environmental health of area, uniqueness of the development, environmental impacts, and available mitigation measures (MLRC, 57-59).

5) Post Approval Practices

As stated by one participant, monitoring should be done in “[whatever way provides for an unbiased, independent, trustworthy, transparent collection and analysis](#)” (Survey Participant)

Participants expressed concerns about the lack of communication about post-approval activities being undertaken at the provincial level. They recommended that there needs to be better publicly accessible information about what happens after a project is approved, including plans and reports that are required as part of a license. Participants from the experts’ workshop observed that the Government of Manitoba:

[“Didn’t report on a lot of things that have happened in last 25 years. But what actually happened? Needs to be transmitted.”](#) (Experts Workshop Participant)

[“Plans are required and then never publicly published. Or information of what approved plans are. \[They have also\] Heard this from other groups.”](#) (Experts Workshop Participant)

Participants also discussed the need for monitoring data to be as non-biased as possible. Ideally, participants called for an independent entity to undertake monitoring activities. Other insights on reducing potential bias in monitoring results include the use of multiple entities to collect data, with an emphasis on Indigenous-led monitoring groups (See Table 3, following page).

Table 3: Survey Data: how should the impacts be monitored?	
Approach	Survey respondents (total: 375)
Indigenous-led monitoring	231
Independent monitoring	235
Publically available proponent collected data	229
Government bureaucrats	137
Community monitoring	241
Guardians Program	165
Combination	92

“Independent monitoring should be compared to government and proponent data in a process that creates a feedback loop for the community” (Survey Participant)

There were calls for a more comprehensive range of data and more diversity in monitoring groups. Participants suggested monitoring groups include representation from all stakeholders including local community members, lay persons, and rights-holders.

“...multiple public (including indigenous led) monitoring groups should be used to collect a wider, more comprehensive collection of data. [...] All data should receive equal review and consideration.”

(Survey participant)

Survey respondents and workshop participants from Brandon, The Pas, and Winnipeg also discussed the licensing process under *The Environment Act* and the need for licensing conditions of Environment Act licenses to be reviewed and renewed on a regular basis. For example, licensing terms of 5 years was suggested along with a transparent license renewal process that includes opportunity for public participation. Participants suggested the use of licence expiration dates to ensure regular review of conditions occur. This is an approach used in connection to other Canadian IA processes, such as the licensing process under the *Mackenzie Valley Resource Management Act* (S.C. 1998, c. 25) in the Northwest Territories.

6) Public Trust in Manitoba Impact Assessment Process

Participants expressed significant concerns about the trustworthiness of IA in Manitoba and recommended that independent oversight and decision-making is required. Some participants indicated they had lost trust in Manitoba's process and did not feel decision-makers were keeping the public's best interests in mind. As explained by one survey participant:

"Impact assessments are conducted by proponents with hired consultants that only present information favourable to the project otherwise they are dismissed. The TAC only reviews this biased impact assessment. The TAC never meets as a whole and considers only aspects under their narrow jurisdiction monitored by their politically appointed directors who often promote the project for ideological or personal interest reasons. It is a systemically corrupt process."

Across all engagement methods in this project, there were calls for more independent oversight of the provincial IA process. Participants focused on several aspects of the process, such as the steps taken to classify and assess the potential impacts of a project, the license decision, the identification and review of potential licensing conditions, and monitoring and follow-up activities.

"[Monitoring] should be done in unbiased, independent, trustworthy, transparent collection and analysis" (Public Survey Respondent)

There was support for the creation of an "Environmental Commissioner" position, e.g., a provincial equivalent of the federal [Commissioner of the Environment and Sustainable Development](#) (CESD) out of the Auditor General's Office, that would play a similar oversight role to the provincial Ombudsperson but focused specifically on environmental matters. There was also support for expanded powers or more use of independent tribunals like the Clean Environment Commission and the Public Utilities Board.

7) Addressing Public Concerns: People and Environment over Efficiency

Workshop participants discussed concerns about growing pressures from other levels of government and industry that seem to be leading towards more large-scale natural resource developments being approved in environmentally vulnerable (but natural resource rich) areas. For example, during the workshops in Brandon and The Pas, participants expressed unease about an increased focus at both the provincial and federal levels on the extraction of “critical minerals” and what that might mean for the environment and human health in Manitoba.

“...mining = major impacts, uses a lot of water, and there is loss of use of that land.” (The Pas Workshop Participant)

They expressed concerns that political pressure could lead to the rushed approval of environmentally harmful natural resource projects (e.g., mining developments) that could cause significant environmental impacts and negatively affect community members.

“...need to think about longevity – the life of the project... is there a closure plan? Does the company have money to close, clean up, and remediate?” (The Pas Workshop Participant)

Our project data shows that Manitobans want robust IA processes that capture all projects and activities within Manitoba, regardless of the responsible level of government. This requires cooperation between the regulators that share jurisdiction and a need for strong provincial IA requirements to ensure Manitobans are protected and there are no gaps in environmental and human health protections. The Government of Manitoba needs to meaningfully engage with Indigenous rights-holders and the public identify interests of Manitobans before pushing through potentially harmful projects. Our results show that the protection of the environment and human health should come first.

Discussion

This section identifies additional themes from the data that emerged based on participant feedback and are supported by our research on evolving IA best practices. These themes represent additional reform opportunities for improving the provincial IA process.

1) Public Expectations: Engagement, Protection of People and the Environment

Participants from across Manitoba had high expectations for the provincial IA process that largely did not reflect the realities and legal requirements of the current assessment process under *The Environment Act* (or most existing IA processes in Canada). Participant feedback includes recognition that environmental conditions and understandings about potential impacts of development on both the environment and people have changed significantly since the late 1980s when Manitoba's current process was first introduced and which has not been updated substantially since.

For example, many participants brought up the climate impacts they had experienced and expressed concern that Manitoba's process did not adequately consider a project's potential contribution to climate change or ensure proponents had plans to address the increasing number of climate emergencies in our province, such as the wildfires in summer 2025. Our data shows that Manitobans expect our provincial IA process to require consideration of a broader range of impacts than currently contemplated. This reflects current IA best practice recommendations that encourage regulators to adopt a holistic and inclusive approach that includes broad consideration of impacts, including cumulative impacts and Indigenous Knowledge.

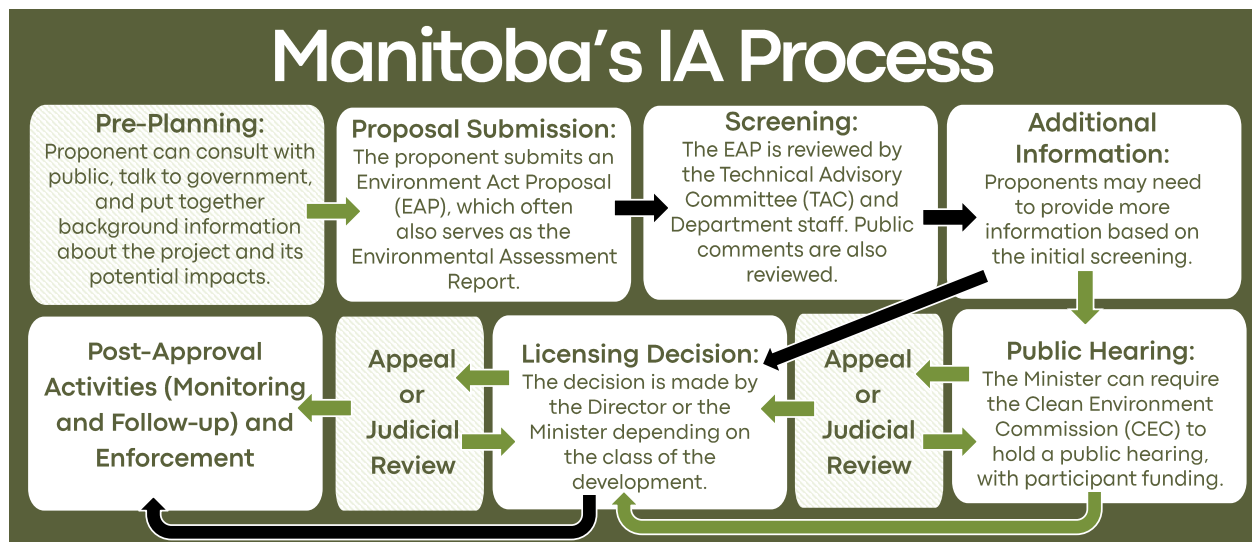
Modern understandings of Reconciliation and the role of Indigenous rights-holders in the provincial IA process also require changes to Manitoba's process. Participants pointed to changes to other Canadian laws, such as UNDRIP implementation legislation at the federal level and in British Columbia, as examples of changes that could be introduced in Manitoba. Participant suggestions for the Government and proponents to rely on guardianship programs and advisory committees to help

with the identification and analysis of potential impacts mirrors the updated best practices discussed in the following memos: [Indigenous-Led Assessments and Indigenous Knowledge in Impact Assessments](#), [Meaningful Public Participation in IA](#), [Post-Approval Practices in IA](#).

To understand the modern expectations of Manitobans, the Government of Manitoba needs to meaningfully engage with the public.

“[IA] Should be promoted/studied as a process in deliberative democracy as it can be a test of community decision making and how we can come to terms with how to build things in a sustainable manner that is reflective of the communities where they are being built.” (Survey Participant)

Overall, our data shows that Manitobans generally expect Government to consider a broader range of information and prioritize their health and the health of their surrounding environment when assessing the potential impacts of proposed projects and deciding whether to approve them or not. The IA process in Manitoba needs modernization to better reflect and protect the public interests of Manitobans. The best way to determine what should be included in a modernized provincial IA process, is to meaningfully engage with Indigenous rights-holders and the public to understand what Manitobans want and need.



2) Building Trust: Improving Transparency and Oversight

Participants shared their lack of trust in Manitoba's IA process. This demonstrates a need for the Government of Manitoba to make changes to its IA process to help rebuild their relationship with the public. Participants suggested a range of reforms focused on improving transparency and the accountability of decision-makers throughout the IA process which may, ultimately, help build public support for approved development projects which have gone through a well-designed IA process and reduce uncertainty and public backlash.

Engagement with the public itself is a way to build trust. As such, trust can be built and improved if more opportunities are included in the process, through public participation opportunities online and in-person, advisory committees, and public involvement in reviewing data after a project is approved (e.g., monitoring committees). The first step to a renewed relationship is meaningful and transparent engagement.

Ideally, participants want an IA process that is completely independent and undertaken by an unbiased third party:

"It should be 100% independent regardless of where the funding comes from." (Public Survey Respondent)

There was support for more independent oversight of the provincial IA process and responsible decision-makers across all engagement methods. For example, there was discussion of the creation of an environmental commissioner position (e.g., similar to the Federal Sustainable Development Commissioner) and more use of independent tribunals like the Clean Environment Commission.

There was also recognition by participants that other approaches could be adopted to help provide more transparency and accountability throughout the process. For example, more access to information, including an expansion of the public registry, guidance materials, decision-making criteria, and reasons for decisions. Participants stressed the importance of baseline data about environmental

conditions, as well as unbiased, independent, trustworthy, transparent collection and analysis of data.

While not mentioned specifically by participants, our research suggests that outcomes-based licensing may be a way to assist in re-building, and maintaining, trust in IA processes. Outcomes-based licensing represents an evolving approach to environmental regulation, where the emphasis is placed on achieving specific, measurable environmental outcomes rather than prescribing detailed procedures or actions to achieve compliance. While outcomes-based licensing may lead to better outcomes, it should complement, and cannot replace, a robust impact assessment process. See our [Outcomes-based Licensing Memo](#) for more information.

3) Meeting High Expectations for Provincial IA in Manitoba

The Government of Manitoba is ultimately responsible for the protection of environment, human health and the respect of Treaty rights within provincial boundaries.

While there is no specific mention of the environment or environmental protection in the Canadian Constitution, the legal responsibilities of the different levels of government over the environment have been determined based on the areas of power set out in the Constitution and the Supreme Court of Canada's interpretation of these areas of power. In addition to specific areas of power, there are legal responsibilities derived from the "ownership" of federal and provincial crown land – i.e., jurisdictions are legally responsible for what they 'own'.

Provincial governments are usually considered to have more control over environmental regulation than the federal government, mostly due to the fact there is more provincial crown land than federal crown land in most provincial jurisdictions (i.e., the more you own, the more you control). Canadian courts have generally granted broad legal authority to the provinces.



Project team at Atikameg (Clearwater) Lake, near The Pas

Although there is recognized shared jurisdiction in matters of environmental governance, including impact assessment, the constitutional division of powers and realities of federal impact assessment mean that most projects, including very large ones, have ended up being assessed based on the provincial impact assessment requirements. Thus, it is the Government of Manitoba that exercises most direct responsibility for the impact assessment of projects in Manitoba on a day-to-day basis and bears most responsibility for updating provincial laws to ensure the legal protections and processes aimed at protecting the environment and human health do so to the standard expected by Manitobans.

In addition to what the courts have said about provincial and federal responsibility under the Constitution, and the practical reality that most projects have ended up being assessed by the province, provincial obligations flowing from Treaty rights and the honour of the Crown have been recognized by courts. In particular, participants from the workshop in The Pas referred to the landmark 2021 case of *Yahey v British Columbia*, in which the BC Supreme Court found that the provincial government had breached Treaty rights to hunt, fish and trap by not meaningfully considering the cumulative effects of industrial development on the land and allowing the area to be significantly impacted.

Flowing from this decision, provincial IA processes must be set up to meaningfully consider the cumulative effects of development and the resulting impacts on Treaty rights, or they may be subject to litigation when Treaty rights are impacted.

At the federal level, the government has been taking steps to reduce the scope of its impact assessment activities and create opportunities for more projects to be exempted from the federal IA process. For example, the [York Factory First Nation Ten Shilling Aerodrome Project](#), was recently approved by the IAAC to be completed without undergoing a comprehensive impact assessment, as it was determined that potential adverse effects would be limited and addressed through other regulatory processes under federal and provincial law. This is reflective of other changes occurring at the federal level that will very likely result in even fewer Manitoba based projects being required to undergo a complete IA. The Government of Manitoba needs to step up and ensure provincial requirements are modernized and robust enough to protect Manitobans from the negative consequences of new developments, particularly those for which most benefit will go to citizens in other jurisdictions.

There is also a need for cooperation with other levels of government, especially the federal government, since there is ongoing development of new IA cooperation agreements. The Government of Manitoba should work with the Government of Canada to ensure Manitobans are protected through a strong, harmonized and transparent process. When developing a cooperation agreement with the federal government, the Government of Manitoba should focus on the clear identification of the procedural components of a harmonized assessment process. This will help facilitate coordination and provide all parties (including the public) with transparency about the coordinated IA process. Looking at past agreements and examples from other jurisdictions, details to include in a cooperation agreement include:

- ♦ a clear purpose of protecting the environment, human health and Treaty rights,
- ♦ decision-making criteria which reflect this purpose,
- ♦ provisions allocating legal responsibility between different jurisdictions,
- ♦ requirements and a clear process for dividing costs,
- ♦ the establishment of a common evaluative framework – e.g., decision-making criteria and the identification of other criteria and process steps to include when making decisions throughout the harmonized IA process, and
- ♦ participant funding.

Clear legal requirements for coordinated assessment could help avoid two separate assessments, save resources, and could result in fewer court challenges. (Fitzpatrick et. al. 2021; Fitzpatrick et. al. 2024; Fitzpatrick and Sinclair 2005). See our memo on [Cooperative Federalism and IA](#) for more information.

Recent political announcements and policy decisions made both at the federal level and in Manitoba do not seem to reflect the interests of Manitobans, particularly when it comes to environmental protection, human health and Treaty rights. Our data shows that Manitobans are not eager to be “the Costco of Canada” for natural resources if it means negative consequences for local citizens, Treaty rights and the vulnerable populations that often bear the most burden of environmental consequences in our province. The best pathway forward is to undertake a robust public consultation process to determine the interests of Manitobans and identify appropriate updates to *The Environment Act* that reflect modern expectations.

Conclusion and Recommendations

The results of this project indicate there is strong grassroots interest in Manitoba IA process and high expectations in terms of protection of the environment and human health. Our project participants told us they want a fair, transparent inclusive and holistic process that protects both current and future citizens. We heard that the scope of the current process does not reflect the full complement of potential effects from development and that reform is needed to better capture the interests of Manitobans. The past recommendations of the MLRC and the CEC were supported by our participants, but updates are needed to reflect evolving best practice and expectations from Manitobans.

Based on our engagement and research, we offer the following recommendations:

1. **Engage with Indigenous Rights-Holders to Identify Meaningful IA Reforms:** In Manitoba, there is a need to better acknowledge the history of natural resource development and the impacts on Indigenous rights-holders and their traditional territories. In the past, weak or non-existent IA processes have led to longstanding problems with our provincial regulatory framework and gaps in provincial oversight, particularly for hydroelectric generation projects and other developments that pre-date provincial impact assessment requirements. To move forward and create a provincial IA process that is inclusive and supports Reconciliation efforts in a meaningful way, significant reforms are needed. As discussed by participants, this includes provincial implementation of UNDRIP to create an avenue for Indigenous rights-holders to decide whether or not to give their free, prior, and informed consent to proposed developments with potential impacts on their rights.

We recommend that in collaboration with rights holders, the Government of Manitoba design an engagement process to identify and develop necessary reforms to Manitoba's IA process so it respects rights and Treaties. While rights holders will bring their own perspectives, reform options that may be considered include enabling Indigenous-led IA and making explicit provision

for the inclusion of traditional knowledge in the provincial IA process. Both the designing of the engagement process and the resulting reforms that are implemented should allow for ongoing collaboration with Indigenous rights-holders.

2. **Meaningfully Engage with the Public to Identify Public Interests:** one of the biggest learnings from this project is that Manitobans are interested in discussing IA and have ideas about what they expect to occur in their province to protect the environment and human health. We recommend the Government of Manitoba continue the conversation about updating the provincial IA process and meaningfully engage with Manitobans about:

- ♦ their priorities for IA law reform, and
- ♦ the specific IA reforms being contemplated by government.

We recommend that engagement take place before any final decisions are made about legislative language, when options for reform are still being considered. To be meaningful, public engagement should be undertaken in a variety of ways, including online (e.g. EngageMB consultation based on a discussion paper, supplemented by a randomized public opinion survey) and in-person (e.g. through town halls held throughout Manitoba).

3. **Develop and Introduce Reforms Based on the Feedback of Manitobans:** this project was intended to seek general feedback from Manitobans, which we have done so with great success. However, the timeline and available resources did not allow enough time or capacity to produce comprehensive legislative recommendations for reforming Manitoba's IA process. For example, the MLRC's IA reform project took three years to complete and was guided by a full suite of Commissioners, an advisory committee of experts, and two separate rounds of public consultation on potential recommendations. There are still many important insights to draw from the project data, which have been highlighted throughout this report.

The Government of Manitoba has an opportunity to build on the momentum of this project and meaningfully engage with Indigenous rights-holders and the public to develop a new pathway forward for provincial IA that leads the way in Canada. To foster a relationship of trust with the public, it is important that the process toward legislative reform be undertaken by the province in a way that is inclusive, reflects best practice for meaningful public participation, and includes direct collaboration with Indigenous rights-holders in spirit of Reconciliation.

The project team is honoured that so many Manitobans took the time to talk with us about impact assessment and share their thoughts and feelings about the future they would like to see. Our team members each took away person learnings and experiences that guide them in the future as they communicate about and connect with communities regarding IA. Our engagement with Manitobans living outside of Winnipeg was particularly impactful and has encouraged us to expand our in-person outreach activities to rural and northern areas in future law reform work.

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