

Jurisdictional Scan of Environmental Assessment Processes in **Manitoba**



July 2026



**FIRST NATIONS
MAJOR PROJECTS
COALITION**

About the First Nations Major Project Coalition

The First Nation Major Projects Coalition (FNMPC) was established in October 2015 by First Nations that chose to establish a collective approach to proposed major resource projects in their territories.

The FNMPC's vision is for member First Nations to work collaboratively, cooperatively, and cohesively towards the enhancement of economic well-being for member Nations, understanding that a strong economy relies on a healthy environment, supported by vibrant cultures, languages, and the expression of traditional laws. A key purpose of the FNMPC is to safeguard the air, land, water, and medicine sources from the impacts of resource development by asserting its members' influence and traditional laws on environmental, regulatory, and negotiation processes.

The FNMPC provides on-request support to its member-Nations that are involved in IAs and project development on an individual basis. FNMPC members also work together to create shared approaches and strategies for best practices. The FNMPC is one of the largest grassroots Indigenous service organizations in Canada, providing environmental and economic support.

Impact Assessments in Canada

An Impact Assessment (IA) is a process that examines the potential harms and benefits a proposed project may have on s. 35 rights, the environment, and people (health, socio-economic conditions, culture, and traditional harvesting) before a decision to approve the project is made. This process looks at management steps that can lower potential harms and increase project benefits. An IA informs the decision about whether a project should be approved and the conditions that must be in place to minimize the potential impacts.

In Canada, IAs for major projects are conducted by the federal, provincial, and territorial governments. In some cases, governments work collaboratively on the assessment of a project.

For this document, statutory IA processes follow a federal, provincial, or territorial statute, such as the federal IA process under the *Impact Assessment Act* (2019).

First Nations have historically been left to the periphery of Canadian federal, provincial, and territorial IA processes, as IAs and related environmental policy development have largely occurred without the direct participation of First Nations in whose territories major projects have been proposed. Where it has occurred, Indigenous groups' involvement in IA processes has generally been limited to providing basic inputs, such as baseline Indigenous Knowledge. Moreover, Indigenous Nations have been excluded from meaningful control over the IA process, outcomes, and decision-making. In short, Indigenous perspectives have been underrepresented in IA in Canada.

In recent years, First Nations have become increasingly involved in IA as part of a broader movement to assert their inherent jurisdiction and rights in respect of major project development decisions within their traditional territories. Additionally, there is increasing pressure on government and industry to understand collaboration with First Nations as an imperative rather than an impediment to major project development. This movement has been prompted by First Nations' demand for the recognition of the right of Free, Prior and Informed Consent (FPIC) with respect to any major project proposed within their territories. Critical court cases have paved the way for a new set of relationships between First Nations, the government, and project proponents.

Disclaimer

This Jurisdictional Scan of Impact Assessment Processes in Manitoba was developed by the First Nations Major Projects Coalition (FNMPC) to provide First Nations with an overview of the Manitoba Environmental Assessment (EA) processes and opportunities for First Nation participation. This document is intended to support understanding and engagement. It does not constitute legal advice or reflect all possible EA processes and requirements in every context.

The Jurisdictional Scan is based on public information and legislation available when it was drafted in April 2026. Given the constantly evolving nature of EA processes, requirements, and best practices, First Nations are encouraged to confirm information directly with the relevant Crown agency and to seek additional details about any recent regulatory changes to EA processes.

Crown EA and consultation processes can also vary depending on the context of a proposed project and other factors. In some cases, there is a lack of clear guidance from the Crown on EA and consultation processes. An absence of existing guidance does not preclude First Nation engagement on a given aspect of the EA process. Where guidance exists, there may be flexibility in how it is applied. First Nations may request engagement on specific aspects of an EA and may agree on processes with proponents and the Crown that are specific to the First Nation or the project being assessed. First Nations are encouraged to engage early with proponents and Crown agencies to clarify expectations, negotiate appropriate consultation agreements, and assert their rights and title in relation to project-specific EAs.

The information in this Jurisdictional Scan is not intended to be prescriptive. It focuses on Crown statutory EA processes and opportunities for First Nation participation, but does not replace First Nations' knowledge and expertise, nor does it attempt to define the scope of First Nation rights, title, and community objectives. Each First Nation's laws, governance structures, and relationships to their territories are unique and should guide how they choose to participate in EA processes.

Glossary of Impact Assessment Terms

Cumulative Impacts	Changes to the environment, rights, culture, and/or society and their consequences that are caused by the combined impacts of past, present, and future actions.
Impact Characterization	Describing and evaluating the characteristics of potential positive and negative impacts on a valued component resulting from a project, often using parameters like magnitude, duration, frequency, reversibility, likelihood, and geographic extent.
Impact Statement	Detailed technical document, usually in the form of compiled technical reports often between 5,000 and 20,000 pages in length, prepared by the proponent in a manner that is intended to meet the requirements set out in the Tailored Impact Statement Guidelines.
Impacts	Positive or negative outcomes of an action or activity that result directly or indirectly resulting from a project.
Indigenous-led Impact Assessment	A process where one or more Indigenous nations define the scope and process of assessing impacts and identify potential benefits of a proposed project to be responsive to their unique contexts.
Project Impacts	Changes to the environment, rights, culture, and/or society and their consequences that are caused by a proposed project that is undergoing an impact assessment.
Statutory Impact Assessment Process	An impact assessment process that follows a federal, provincial, or territorial statute, such as the federal IA process. (This includes processes by which a First Nation and a federal or provincial government has both agreed to a process through a land claim that is subsequently recognized in a statute.)
Valued Component (or "Value")	Cultural, environmental, economic, health, social, and other elements of the natural and human environment that are identified as having scientific, social, cultural, economic, historical, archaeological, or aesthetic importance.
Mitigation	Mitigation is any action that is designed to avoid, reduce the severity of, or offset/ compensate for a potential project impact. This can be done in many ways, from modifying the project design or moving the location of project components, to improving environmental management systems, among other options. Monitoring is not considered mitigation.
Residual Impacts	The adverse impacts of a project on a Valued Component or right likely to remain after committed mitigation measures are applied; effectively the impacts of a project that are unlikely to be fully mitigated with committed-to measures in place.

Significance Determination / Severity Determination	Based on the impact characterization, concluding if a proposed project's environmental, rights, culture, social, or economic impacts are acceptable or not. This will often inform a final decision about the project.
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Glossary of Terms Specific to Manitoba

Class 1, 2, 3	Types of developments, described by their relative potential impacts on the environment. There are different requirements for the assessment of each Class type.
Clean Environment Commission (CEC)	The CEC is an arms-length provincial government agency that conducts public hearings on environmental concerns to provide feedback and recommendations to the provincial government.
Development	An activity or project that is prohibited by the <i>Environment Act</i> from proceeding until it is assessed and approved by the EAB or Minister for potential impacts on the environment.
Environmental Approvals Branch (EAB)	Coordinates the assessment and licensing process, assesses proposals, develops policies, and delivers programs and services regarding pollutants. Regulator for EAs under <i>the Environment Act</i> and <i>the Dangerous Goods Handling and Transportation Act</i> .
EAB Director	Decision-maker for Class 1 and 2 Developments.
Environmental Impact Statement (EIS)	A more comprehensive report on potential impacts from a project, completed by the proponent when required by the EAB.
Environment Act Proposal (EAP)	Initial application for EA submitted by the proponent, includes a cover letter, EAP form, the EA Report, additional plans that support the EAP, and an application fee.
EA Report	Submitted with the EAP and includes project description, baseline studies, description of potential impact on the environment and human health, proposed mitigation measures, and follow up and monitoring plans for the proposed project.
Minister of Environment and Climate Change	Decision-maker for Class 3 Developments and can be the decision maker for Class 1 and 2 Developments if public hearings are conducted.
Technical Advisory Committee (TAC)	An intergovernmental group of experts and specialists that review and provide feedback and recommendations on EA documents.

Glossary of Legislation Specific to Manitoba

<u>The Environment Act</u>	Outlines the environmental assessment and licensing processes for developments in Manitoba that may have the potential for significant environmental and/or human health effects.
<u>The Dangerous Goods Handling and Transportation Act</u>	An alternative assessment process for developments including any activity related to construction, operation, or alteration of hazardous waste disposal facilities. The processes are the same as for the <i>Environment Act</i> .

[Classes on Development Regulation](#)

Lists the specific types of projects which are defined as developments under the *Environment Act*.

[United Nations Declaration on the Rights of Indigenous Peoples Act](#) (2021)

Act that affirms the rights of Indigenous peoples and advances the implementation of United Nations' Declaration on the Rights of Indigenous Peoples as an international human rights instrument that can help interpret and apply Canadian law. It also provides a framework to advance implementation of the Declaration at the federal level.

Section 35 of the [Constitution Act](#) (1982)

Recognizes and affirms the existing Aboriginal and Treaty Rights of First Nations, Inuit, and Métis peoples in Canada. These inherent rights are not defined in the Act, but include rights to Aboriginal title, rights to use lands and resources (hunting, fishing, and trapping), self-government rights, and rights to cultural practices.

Duty to Consult

The Duty to Consult is a constitutional obligation stemming from the honour of the Crown and Section 35 of the Constitution Act, 1982. It requires the Crown to consult and accommodate Indigenous groups when contemplating conduct or decisions that might adversely impact potential or established Aboriginal or Treaty rights.

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1. Introduction

1.1 Purpose of the Jurisdictional Scan

This Jurisdictional Scan is intended to provide First Nations in Manitoba with an introductory roadmap to the provincial Impact Assessment (IA), which in Manitoba is called Environmental Assessment (EA). It summarizes the most relevant information in the EA legislation for First Nations and outlines how to maximize First Nation participation in the EA process. Through effective involvement, First Nations can advocate for their rights and interests to be considered in decisions on major projects. In this manner, First Nations can better protect and advance their rights and interests.

1.2 Aboriginal and Treaty Rights in Manitoba

The entirety of Manitoba's landmass is subject to numbered treaties, encompassing 42 First Nations. Seven numbered treaties apply to Manitoba¹:

- Treaty 1, which covers south central Manitoba, including Winnipeg, and includes 7 First Nations;
- Treaty 2, which covers south central and southwest Manitoba, and southeast Saskatchewan, and includes 9 First Nations;
- Treaty 3, which covers the southeast corner of Manitoba and lies mostly in the northwest of Ontario and includes 1 First Nation (in Manitoba);
- Treaty 4, which covers a small portion of central west Manitoba, mostly in southern Saskatchewan, and includes 7 First Nations;
- Treaty 5, which covers most of central Manitoba and all of northern Manitoba and includes 14 First Nations;
- Treaty 6, which covers central Alberta and Saskatchewan, and does not fall within Manitoba, but was signed by 2 Manitoban First Nations; and,
- Treaty 10, which covers Northeastern Saskatchewan and a small sliver of northwestern Manitoba and includes 2 First Nations.

The treaty landscape influences EA processes because treaties establish constitutionally protected First Nations rights that must be considered when understanding a proposed project's potential impacts. Additionally, any potential impact on these rights triggers the Manitoba government's Duty to Consult with affected First Nations. The Duty to Consult is rooted in Section 35 of the Canadian Constitution, which also recognizes the inherent Aboriginal rights and title of all First Nations. There are 21 First Nations in Manitoba that have not signed a treaty.

¹ Manitoba also contains some land under Treaty 9 in the northwestern tip but doesn't have any signatory Manitoban First Nations.

2. The Manitoba Environmental Assessment Process

2.1 Key Environmental Assessment Legislation in Manitoba

In Manitoba, an EA may be required for a project under either federal or provincial legislation, or both, depending on the type of project, its location, and potential impacts:

1. The Canadian [Impact Assessment Act](#) (refer to the Federal Jurisdictional Scan);
2. Manitoba's [The Environment Act](#); or,
3. Manitoba's [The Dangerous Goods Handling and Transportation Act](#).

"One Project, One Review"

Canada is currently establishing a 'one project, one review' process for IAA/EA through **Cooperation Agreements**. These agreements will set out how the federal government and provincial/territorial governments will work together on assessments of major projects.

- Refer to this [webpage](#) for updates on the progress of the federal government and Manitoba in negotiating Cooperation Agreements under the IAA.

Under the IAA, there are provisions for **Indigenous Co-administration Agreements**. These agreements allow the Crown and **Indigenous Governing Bodies** to formally share decision-making at key points throughout the federal IA process.

- For more information, refer to the [Discussion Paper on Indigenous Impact Assessment Co-Administration Agreements](#).

The *Environment Act* outlines the EA and licensing processes for developments in Manitoba that may cause significant environmental and/or human health effects.

The [Classes of Development Regulation](#) lists the specific types of projects which are defined as Developments under the *Environment Act* (detailed in Table below).

Class	Class 1	Class 2	Class 3
Risk Level	Lowest risk. Primary impact is the release of pollutants. Make up approximately 48% of applications. ²	Medium risk. Effects are primarily outside, or in addition to, release of pollutants. Make up approximately 51% of applications.	Highest risk. Effects have multiple environmental impact pathways and are of large magnitude. Make up approximately 1% of applications.
EAP Required?	At the discretion of the Environmental Approvals Branch Director.	Yes, unless exempted.	Yes, always.
Decision-maker	EAB Director. If there was a public hearing, the Minister could choose to decide.	EAB Director, including conditions. If there was a	Minister of Environment and

² For more information, refer to this Discussion Paper on Manitoba's EA and Licensing Regime [here](#).

		public hearing, the Minister could choose to decide.	Climate Change, including conditions.
Exemption	Can be given by the Environmental Approvals Branch Director.	Can be given by the Minister of Environment and Climate Change.	No options for exemption.
Notes	The EAB Director can upgrade a Class 1 to a Class 2 development. The EAB Director can also require additional studies, plans for environmental protection and management, and public meetings or hearings.	The EAB Director can choose to require an assessment report, including studies, analysis, alternatives, and plans for environmental protection and management.	The Minister can choose to require an assessment report, including studies, analysis, alternatives, and plans for environmental protection and management.
Examples	Grain elevators, landfill gas collection systems, fish hatcheries, commercial composting, water treatment plants, and other certain activities within agriculture, energy production and waste conversion, fisheries, manufacturing, transportation, waste treatment, and disposal.	Dairy plants, major operational changes to existing electrical generating facilities, pulp and paper mills, cement plants, mines, recreation and tourist developments, wastewater treatment plants, alterations of stream channels affecting fish, and other certain activities within agriculture, energy production, forestry, manufacturing, mining, recreation, transportation and transmission, waste treatment and storage, water development and control.	Potash mining and milling facilities, new roads of four or more lanes, flood control projects protecting areas greater than 100km ² , works modifying lake or river levels and affecting over 200km ² , and other certain activities within energy production, mining, transportation or transmission, water development.

2.2 Overview of Manitoba EA Roles and Responsibilities

Several parties with distinct roles and responsibilities are involved in the EA process:

Government Regulators	Environmental Approvals Branch (EAB)	Coordinates Assessment and licensing process, assess proposals, develop policies, deliver programs and services regarding pollutants. Regulator for EAs under <i>the Environment Act</i> and <i>the Dangerous Goods Handling and Transportation Act</i> .
Other Government Bodies Involved	Environmental Compliance and Enforcement Branch	Inspect and enforce legislation to ensure regulatory compliance. Respond to environmental incidents and complaints to protect human health and Manitoba's environment.
Decision-Makers	Director of the EAB	Decision-maker for Class 1 and 2 Developments.
	Minister of Environment and Climate Change	Decision-maker for Class 3 Developments and can be the decision maker for Class 1 and 2 Developments if public hearings are conducted.

First Nations	First Nations identified by the EAB for consultation	Take part in reviewing and providing feedback on EAP documents.
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3. Overview of the Manitoba 6 Phase Process

The Manitoba EA process does not have clear phases formally laid out in the regulations. The [“Information Bulletin – Environmental Assessment and Licensing under The Environment Act”](#) outlines general phases, which are illustrated in Figure 1.

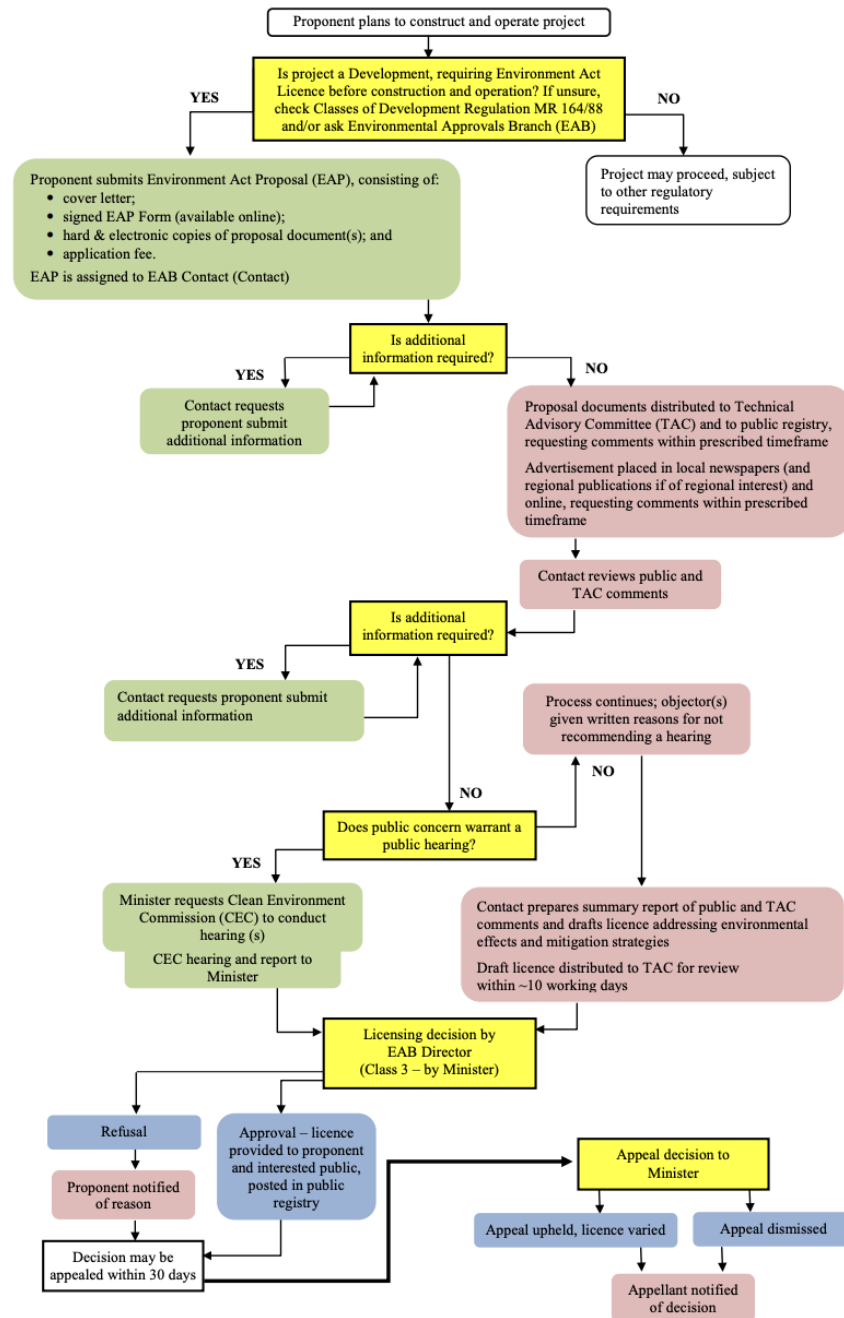


Figure 1: Manitoba EA and Licensing Process (Government of Manitoba 2013)

Phase 0: Early Engagement

Manitoba does not have a formal “Early Engagement” Phase. Phase 0 begins when the proponent(s) start considering a project or activity within First Nation territory. Phase 0 continues until the EA officially begins in Phase 1, allowing everyone to prepare for the EA process through early relationship-building.

- For more information about the importance of early engagement, or “Phase 0”, refer to FNMPC’s [‘The Case for Phase 0: Improving Impact Assessment Efficiency and Effectiveness.’](#)

Roles and Responsibilities in Phase 0	
Proponent(s)	Begin engagement early with First Nations and share clear information about the project and commit to working in good faith.
First Nations	Share interests, concerns, and expectations; identify capacity needs; begin developing community-driven priorities.
Government of Manitoba	Not directly involved, but early discussions can help First Nations clarify their consultation requirements.

Expected Outcomes of Phase 0 → Stronger early relationships and shared expectations that support meaningful First Nations participation in Phases 1 to 6.

Phase 1: Proposal Development Stage

This phase involves the work to be done before the provincial EA process begins. Proponents follow the [Environment Act Proposal Report Guidelines](#) to determine what is required for the [Environment Act Proposal \(EAP\)](#), including the [EA Report](#). The EA Report is the main body of information for the EA process. It includes the project description, baseline studies, description of potential impact on the environment and human health, proposed mitigation measures, and follow-up and monitoring plans for the proposed project. It is written by the proponent.

Proponents are encouraged, but not required, to consult with First Nations, the public, and stakeholders before submitting the EAP, to identify and address issues early. Ideally, the proponent would reach out to any potentially impacted First Nations before beginning the EA process, as there is no other way for First Nations or government bodies to know a project is being planned. The [Environmental Approvals Branch \(EAB\)](#) of the Department of Environmental and Climate Change is the regulator for EA in Manitoba and can provide guidance to the proponents of EA requirements.

Roles and Responsibilities	
Proponent(s)	Draft the EAP, conduct studies and analysis to support writing the EA Report, engage early with First Nations and other stakeholders.
First Nations	Engage with the Proponent if communication has been established. Share interests, concerns, and expectations; identify capacity needs; begin developing community-driven priorities.

Environmental Approvals Branch (EAB)	Advise the proponent on EAP and EA Report procedures, if requested.
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Expected Outcomes → Drafted EAP ready for submission, including the EA Report, and potential start of engagement with First Nations.

Phase 2: Application Stage

The Manitoba EA process starts when the proponent submits the EAP to the EAB. The EAP includes a cover letter, [EAP form](#), the EA Report, additional plans that support the EAP, and an application fee. The [Information Bulletin – Environment Act Proposal Report Guidelines](#) details what needs to be included in the EA Report. The EAB assigns a contact from the branch, who ensures the completeness of the EAP and can request additional information from the proponent if needed. When the EAP is considered complete enough for screening, the next stage begins.

If the proposed development falls under the *Dangerous Goods Handling and Transportation Act* rather than the *Environment Act*, the proponent will submit a *Dangerous Goods Handling and Transportation Act* application to the EAB. This includes any activity related to the construction, operation, or alteration of hazardous waste disposal facilities. This application is very similar to the EAP, including a cover letter, [Dangerous Goods Handling and Transportation Act Application Form](#), reports or plans supporting the application, and an application fee. This Scan does not explain these processes separately, as the licensing process is essentially the same as for the *Environment Act*. The following stages are the same for both acts.

Roles and Responsibilities	
Proponent(s)	Submit the EAP, comply with requests from the EAB for more information as needed, and engage with First Nations and other stakeholders.
First Nations	Engage with the Proponent if communication has been established.
Environmental Approvals Branch	Request additional information for the EAP as needed. Determine when the EAP has all the necessary information to begin screening.

Expected Outcomes → The EAB contact is satisfied with the EAP, and the project moves to the screening stage.

Phase 3: Screening Stage

The EAB reviews the EAP and determines if additional information is needed. The EAB also determines if the activities described in the EAP have the potential to impact Aboriginal or Treaty Rights.

Roles and Responsibilities	
Proponent	Provide additional information as needed.
First Nations	Engage with EAB, if communication has been established.
Environmental Approvals Branch	Review EAP and request additional information as needed. Determine potential for impact on Aboriginal and Treaty rights.

Expected Outcomes → The EAB is satisfied with the completeness of the EAP and determines whether the Development has the potential to impact Aboriginal and Treaty Rights.

Phase 4: Environmental Assessment and Review Stage

If the EAB determines that the proposed project has the potential to impact Aboriginal or Treaty rights, all impacted Nations are identified, and consultation officially begins. While consultation will ideally have already been initiated by the proponent, this is the stage at which Crown consultation is required.

For public and First Nations review, the EAP is posted to the [Public Registry](#). A notice is made in the Manitoba Gazette and in some local newspapers. For technical review, the EAP is sent to the Technical Advisory Committee (TAC), who are specialists from the provincial and federal governments. The TAC, the public, and First Nations provide feedback and comments to the EAB on the EAP, and the EAB may request additional information from the Proponent.

If the EAB determines that a more comprehensive assessment is needed, guidelines may be drafted for the proponent to prepare a full Environmental Impact Statement (EIS) in addition to the reports within the EAP. These guidelines are made available for TAC, public, and First Nations review. The proponent then conducts and submits the EIS in accordance with the guidelines.

Note that comments made by the public and the TAC are posted into the registry, but comments from First Nations have the option to remain confidential.

Roles and Responsibilities	
Proponent	Provide additional information to the EAB as requested. Conduct and submit an EIS if determined necessary by the EAB.
First Nations	Engage with the EAB, and review and provide feedback on the EAP and the EIS guidelines, if they exist.
Environmental Approvals Branch	Identify and contact potentially impacted First Nations to begin consultation. Post the EAP to the public registry, and receive feedback and comments from the TAC, First Nations, and the public on the EAP. Request additional information from the proponent as needed. Determine the need for a full EIS and draft the guidelines if necessary.
Technical Advisory Committee	Review the EAP and provide comments and feedback, request additional information as needed. Review and provide feedback on the EIS guidelines if needed.
Public	Review the EAP and the EIS guidelines, provide comments, and feedback.

Expected Outcomes → Completed reviews from the public and the TAC for the EAP. Input and feedback from First Nations provided. All information requests from the EAB to the proponent have been satisfied. If an EIS is needed, guidelines will be drafted by the EAB and reviewed by the public, TAC, and First Nations. EIS completed by the proponent.

Public Hearing Stage (if recommended)

If the EAB Director determines that the proposed project generates significant public concern, they may recommend to the **Minister of Environment and Climate Change** that the **Clean Environment Commission (CEC)** hold public hearings on the project. The CEC's results are published and reviewed by the Minister, who then sends them to relevant government experts for review

Roles and Responsibilities	
First Nations	Attend hearings and provide feedback.
Environmental Approvals Branch Director	Determine whether a public hearing may be needed for the project and provide recommendations to the Minister.
Public	Attend hearings and provide feedback.
Minister of Environment and Climate Change	Directs the CEC to conduct public hearings on recommendation from the EAB Director.
Clean Environment Commission	Conduct the public hearing(s) when directed by the Minister, then gather and send feedback from the hearing to the Minister.

Expected Outcomes → Public hearings conducted, and any feedback obtained during the hearing is reviewed by the Minister and other experts from the government.

Phase 5: Decision and Licensing

The EAB drafts a report summarizing the assessment process and comments from the public, First Nations, and the TAC. If Crown-Indigenous consultation was conducted, First Nations can review and provide comments on the summary of concerns and potential accommodation and mitigation measures. The EAB drafts license terms and conditions and shares them with the TAC for review and comments. The EAB Director, or Minister, then decides whether to issue or deny a license by reviewing:

- A summary of the assessment and licensing process with a recommendation from the EAB;
- If applicable, a draft license with terms and conditions; and,
- The initial assessment and/or consultation report with respect to Crown-Indigenous Consultation (confidential documents).

If a license is approved:

1. The license, with its limits, terms, and conditions, is sent to the proponent and posted on the public registry, including any details on how recommendations from the CEC will be implemented, if applicable.
2. If Crown-Indigenous consultation was conducted, the communities are notified of the decision and of any conditions or mitigations regarding impacts to Aboriginal or Treaty rights.
3. The [Environmental Compliance and Enforcement Branch](#) is now responsible for license compliance.

If a license is denied:

1. The EAB Director sends a letter to the proponent of the decision;
2. The decision is posted on the public registry; and,
3. A notification is sent to any First Nations communities or members of the public who provided feedback and comments.

Any decision made by the EAB Director can be appealed within 30 days. Appeals can be made through the [Environmental Appeals](#) webpage. Additional guidance can be found in the [Filing Appeals Under The Environment Act](#) document.

Roles and Responsibilities	
EAB	Draft the assessment report
First Nations	Review and provide feedback on the summary of concerns and proposed mitigations
TAC	Review license terms and conditions
EAB Director	Provide a final decision to approve or deny license for the Development (Class 1 and 2).
Minister	Provide a final decision to approve or deny license for the Development (Class 3).
Environmental Compliance and Enforcement Branch	Take over responsibility to enforce compliance with the license terms and conditions.

Expected Outcomes → Final decision to approve or deny license for the proposed Development, including terms and conditions if approved.

4. Indigenous Consultation in Manitoba

The Government of Manitoba has a legal obligation to consult with First Nations, Métis, and Inuit about any proposed provincial law, regulations, decision, or action that may adversely impact the [Interim Provincial Policy for Crown Consultations with First Nations, Métis Communities and Other Aboriginal Communities \(2009\)](#) guides how Crown-Indigenous consultations are carried out by Manitoba. The Policy is expected to be replaced with an updated policy that is currently being developed³ as of March 2026. The Policy is a high-level guidance document that outlines the general elements that should be included in the consultation process and that should be used to develop a consultation protocol for each EA process⁴.

Indigenous consultation in Manitoba is currently directed by this interim Policy, and the EAB does not have a consultation policy specific to EA. This means that the requirements and steps for First Nations consultation are unclear. Until this Policy is improved, interested First Nations may need to be proactive in reaching out to the EAB and/or the proponent before the screening phase to better understand the process steps.

Consultation is first required at the Environmental Assessment and Review Stage. At this point, most of the project documents and plans have been drafted and submitted. Opportunities to

³ Refer to [this webpage](#) for more information.

influence or change aspects of the development are therefore very difficult. During the official consultation process, First Nations are invited to review and provide feedback on the EAP and EA Report documents. First Nations are also invited to review the summary of concerns and potential accommodation and mitigation measures that will be in the EAB's final summary and recommendation. If First Nations are not satisfied with the final decision or believe the consultation was inadequate, they can file an [appeal](#) within 30 days of the decision being announced.

Key steps in Crown-Indigenous consultation in Manitoba include:

1. An initial assessment of the proposed law, regulation, decision, or action conducted by the relevant agency or department to determine whether there is potential or uncertainty of infringement of Aboriginal or Treaty Rights, and, if so, which First Nations communities should be consulted.
2. If consultation is needed, the agency or department determines the level of consultation, sometimes with assistance from Manitoba Justice. Factors that go into the level of consultation are the strength of the claim for rights and title and the seriousness of possible impacts.
3. The consultation level ranges from a phone call (at the lower end of the spectrum) to a meeting to community dialogue (at the higher end of the spectrum).
4. When consultation is required, Manitoba will work with each First Nation to design this process.
5. For large-scale, complex, or long-term projects, a consultation protocol may be developed between Manitoba and the affected First Nations.
6. Consultation protocols are guided by several principles outlined in the Policy. These include co-development, community meetings, timelines, language(s), appropriate resource allocation, sharing of documents and information, early timing of consultation, use of feedback, reporting, and evaluation of consultation, and ensuring avenues for negotiations and agreements remain open through consultation.

In cases where Manitoba provides a “reasonable consultation process” and a First Nation chooses not to participate; this will limit the chance of appeals or challenging the decision on grounds of failure to consult.

Available Funding for Indigenous Participation and Consultation

In the *Interim Provincial Policy for Crown Consultations with First Nations, Métis Communities and Other Aboriginal Communities*, several guiding principles are provided to develop a consultation protocol. One of the principles is: “Adequate resources should be directed to the process in order to ensure meaningful Consultations.” However, the policy provides no specific guidance on how funding amounts are determined or where funding for EA consultation will come from. There may be specific opportunities for grants and programs under the [Manitoba government grants website](#).

First Nations can access participant funding through the federal [Participant Funding Program](#) (PFP) to support engagement and consultation during joint federal and provincial IAs (does not apply to BC-only reviews). To apply for this funding, First Nations must:

1. Access the application form for the assessment you are interested in on the [Federal IA Registry](#).
2. Submit the completed application form and supporting documents by email to fp-paf@iaac-aeic.gc.ca before the application deadline.

Although funding is available, this amount typically does not cover all the costs associated with a First Nation's involvement in EA. As such, it is recommended that the First Nation negotiate additional EA-related funding from proponent(s).

5. Emerging EA Trends in Manitoba

A recent study done at the University of Winnipeg reviewed and critiqued Manitoba's EA system. The study's methodology included public engagement and an expert workshop. The feedback gathered by the researchers showed that the public in Manitoba finds the current system outdated, that there should be space for Indigenous-led assessment, that the health of people and the environment should take precedent over political and economic pressures, and that post-approval practices should be improved to monitor project impacts. The report recommended meaningful engagement with Indigenous rights holders when updating the EA process. The report can be found [here](#).

Manitoba signed a draft agreement with Canada in November 2025 to streamline environmental assessment and Indigenous consultations for major projects. The [Draft Co-operation Agreement between Manitoba and Canada on Environmental and Impact Assessment](#) has not been signed as of March 2026ⁱ, but it has completed public review and will likely be signed soon. On December 12, 2025, during the public review process. The main concerns were a lack of Indigenous consultation related to the development of the agreement; a failure to recognize First Nations authority and Treaty relationships in assessment and decision making; and a perceived weakening of the Duty to Consult by offloading federal responsibility to the province. This agreement is intended to allow major projects to be assessed through a single process rather than requiring federal and provincial approvals. This draft agreement was criticized by the Assembly of Manitoba Chiefs in their [written submission](#) on December 12, 2025, during the public review process. The main concerns were a lack of Indigenous consultation related to the development of the agreement; a failure to recognize First Nations authority and Treaty relationships in assessment and decision making; and a perceived weakening of the Duty to Consult by offloading federal responsibility to the province.

6. Further Support and Guidance

Support and Guidance Material for Further Learning

1. [Information Bulletin - Environment Act Proposal Report Guidelines;](#)
2. [Information Bulletin – Environmental Assessment and Licensing under The Environment Act;](#)
3. [Flowchart - The Environment Act and The Dangerous Goods Handling and Transportation Act License Assessment Process, for development where Director makes a decision;](#)
4. [Manitoba Environmental Assessment and Licensing;](#)
5. [Interim Provincial Policy for Crown Consultations with First Nations, Métis Communities and Other Aboriginal Communities \(2009\);](#) and
6. [Public Participation in Manitoba's Environmental Assessment Process.](#)

References

Canada-Manitoba Agreement on Environmental Assessment Cooperation. March 5, 2007.

https://www.gov.mb.ca/sd/eal/pubs/cdamb_coop.pdf

Classes of Development Regulation, Regulation 164/88. 1988.

https://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=164/88

“Crown Indigenous Consultations.” Government of Manitoba.

<https://www.gov.mb.ca/inr/reconciliation-strategy/crown-indigenous-consultations.html>

Environmental Approvals Branch, Government of Manitoba. “Information Bulletin – Environmental Assessment and Licensing under The Environment Act.” 2018.

https://www.gov.mb.ca/sd/pubs/environmental-approvals/info_eal_2018_10_19.pdf

Environmental Approvals Branch, Government of Manitoba. “Information Bulletin – Environment Act Proposal Report Guidelines.” 2023. https://www.gov.mb.ca/sd/pubs/environmental-approvals/eap_report_guidelines.pdf

Fitzpatrick, P., H. Fast, K. Dilay and J. Beddome. (2025) Putting People and the Planet First: What Manitobans Expect from Impact Assessment. The University of Winnipeg: Winnipeg, MB.

<https://mbeconetwork.org/what-we-do/impact-assessment/>.

Government of Manitoba. “Interim Provincial Policy For Crown Consultations with First Nations, Métis Communities and Other Aboriginal Communities.” 2009.

<https://www.gov.mb.ca/inr/resources/pubs/interim%20prov%20policy%20for%20crown%20consultation%20-%202009.pdf>

Government of Manitoba. “The Environment Act and The Dangerous Goods Handling and Transportation Act License Assessment Process.” 2025.

<https://www.gov.mb.ca/sd/pubs/environmental-approvals/eal-flow-chart.pdf>

Manitoba Law Reform Commission. “Discussion Paper: Manitoba’s Environmental Assessment and Licensing Regime.” January 2014.

https://manitobalawreform.ca/pubs/pdf/consultationpapers/Discussion_Paper_Jan27.pdf

The Dangerous Goods Handling and Transportation Act, C.C.S.M. c. D12. July 1, 2023.

<https://web2.gov.mb.ca/laws/statutes/ccsm/d012.php>

The Environment Act, C.C.S.M. c. E125. 1998.

https://web2.gov.mb.ca/laws/statutes/ccsm/_pdf.php?cap=e125

Appendix 1: Summary Table of Impact Assessment Process in Canadian Jurisdictions

The table below presents the relevant laws, regulations, Crown agencies, and First Nation consultation requirements for IA processes in various Crown jurisdictions in Canada. The table also summarizes key challenges and concerns First Nations may have with IA processes in each jurisdiction and provides resources for further reading.

In addition to the challenges and concerns outlined in the table below, there are several that relate to most or all jurisdictions. Neither these nor the jurisdiction-specific concerns in the table below should be considered an exhaustive list. These are not the product of extensive research but are rather the observations of experienced practitioners in the field of IA. First Nations participating in IA processes may have concerns that are specific to their own Nation or even to a specific project. However, many of the concerns below can be expected to be relevant for First Nations participating in Crown IA process in Canada. Concerns that may be relevant in most or all jurisdictions in Canada include, but are not limited to, the following:

- There is a lack of clear guidance on Crown processes for fulfilling the Duty to Consult, especially in several provincial jurisdictions.
- Proponents are often tasked with fulfilling aspects of the Duty to Consult but do not always do so in a way that is meaningful or fulsome.
- First Nations often find Crown consultation to be inadequate in that it focuses disproportionately on providing notification and information rather than collaborative engagement and shared decision-making.
- There is a lack of clear guidance and requirements for early engagement (i.e., before the project officially enters the Crown's official IA system) between First Nations and proponents in the design of the project and the assessment process.
- There is often a lack of decision-making authority for First Nations on projects and assessment processes and outcomes, plus a lack of clear processes and requirements for obtaining First Nations' Free, Prior, and Informed Consent (FPIC).
- The scopes of IAs are often defined too narrowly and focus disproportionately on biophysical effects at the expense of fulsome assessment of impacts to Indigenous rights and values.
- First Nations' objectives, indicators, thresholds, and responses are not frequently or meaningfully used in the assessment of biophysical and socio-cultural impacts. Instead, proponents and Crown assessors rely disproportionately on Western metrics, resulting in disagreements about impacts and mitigation measures.
- There is a lack of clear requirements for proponent and Crown funding for First Nations' participation in IAs, especially at the provincial level.

Jurisdiction Name	Key Laws and Regulations	Relevant Crown Authority	Indigenous Consultation Requirements and Guidance	Challenges and Concerns for First Nations	Further Reading (i.e., Guidance material, etc.)
Federal	Impact Assessment Act (IAA, 2019) Canadian Environmental Assessment Act (CEAA, 2012) Physical Activities Regulations Order Designating Certain Excluded Classes of Projects Information and Management of Time Limits Regulations	Impact Assessment Agency of Canada (IAAC)	Guidance: Indigenous Participation in Impact Assessment	Lack of adequate consultation and consensus-seeking with First Nations. Lack of decision-making authority for First Nations. Challenges to the constitutionality of IAA (2019) and fast-tracking legislation may result in rushed timelines and/or disregard for First Nations' Rights.	FNMPC's public 8-part video series about the federal IA process under the IAA (2019) FNMPC's Guide to Effective Indigenous Involvement in Federal Impact Assessment
British Columbia	Environmental Assessment Act 2018 (EAA) Reviewable Projects Regulation (under the EAA)	BC Environmental Assessment Office (EAO)	Guide to Consensus-Seeking under the Environmental Assessment Act, 2018 Guide to Involving Proponents when Consulting First Nations	Lack of committed-to participant funding in place in BC for First Nations to access during the EA process. New timelines under Bill 15 may result in rushed timelines and disregard for Indigenous Rights.	EAO's User Guide: Introduction to EA under the Provincial Environmental Assessment Act (2018) Tsilhqot'in Nation Overview of the BC Environmental Assessment Process Indigenous Nations' Guidance for Participating in EA Process Commenting on Major Projects
Alberta	Environmental Protection and Enhancement Act (EPEA)	Alberta Energy Regulator (AER) (for oil, gas, and coal)	Policy on Consultation with First Nations on Land and Natural Resource Management, 2013.	First Nations are not considered to be full partners with Alberta when assessing the impacts of proposed projects.	Alberta's Environmental Assessment Process Overview

	Activities Designation Regulation (under the EPEA) Responsible Energy Development Act (REDA)	development projects) Alberta Environment and Protected Areas (AEPA) (for all other types of projects not covered by the AER)	Guidelines on Consultation with First Nations on Land and Natural Resource Management 2014.	Concerns about the regulatory independence of the AER. Alberta's challenge of the constitutionality of IAA (2019) may result in disregard for First Nations' Rights.	Environmental Assessment Program: Frequently Asked Questions Cumulative Effects Assessment in Environmental Impact Assessment Reports
Saskatchewan	Environmental Assessment Act	Ministry of the Environment - Environmental Assessment and Stewardship Branch (EASB)	Government of Saskatchewan First Nation and Métis Consultation Policy Framework (CPF) Proponents Guide: Consultation with First Nations and Metis in Saskatchewan Environmental Impact Assessment Proponent Handbook: Voluntary Engagement with First Nation and Métis Communities to Inform Government's Duty to Consult Process.	Lack of meaningful consultation with First Nations on proposed projects. Support for Alberta's challenge of the constitutionality of IAA (2019) may result in disregard for First Nations' Rights.	Guidelines for an Environmental Assessment High Level Overview of the Environmental Assessment Process Guidelines specific to developing and assessing specific documents for the EIA process: • Technical Proposal Guidelines; • Guidelines for the Terms of Reference and Environmental Impact Statement; and • Technical Review Guidelines. Guidelines for specific types of projects undergoing an EIA: • Environmental Review Guidelines for Oil and Gas Activities; and • Mineral Exploration Guidelines for Saskatchewan
Manitoba	The Environment Act The Dangerous Goods Handling	Environmental Approvals Branch (EAB)	Interim Provincial Policy for Crown Consultations with First Nations, Métis Communities and Other	In the screening stage, the EAB decides if a project has the potential to impact Indigenous rights and is not required to consult with First Nations on this decision.	Information Bulletin – Environmental Assessment and Licensing under The Environment Act

	<i>and Transportation Act</i> Classes on Development Regulation		Aboriginal Communities (2009)	Mandatory consultation with First Nations comes after project plans have been drafted and submitted. Unclear role for First Nations in IA processes. Outdated consultation policy (2009). Criticism of the “One Project, One Review” process.	Environment Act Proposal Report Guidelines
Ontario	Environmental Assessment Act (1990) Ontario Regulations 51/24 (Exemptions from the Act and from Part II of the Act); Ontario Regulation 616/98 – EA Deadlines Ontario Regulation 345/93 – Private Sector Developers.	Minister of the Environment, Conservation and Parks (MCEP)	Code of Practice for Consultation in Ontario's EA Process Environmental Assessments: Consulting Indigenous Communities	Bill 5 – Protect Ontario by Unleashing our Economy Act, 2025 weakens environmental protections, concentrates decision-making power for the province, allows for special exemptions from EA, and reduces opportunities and quality of First Nations' engagement and involvement.	Guide to Preparing Environmental Assessments Willms & Shier Environmental Law's Environmental Assessment Primer
Quebec (Southern QC)	Environment Quality Act (EQA)	Ministère de l'Environnement, de la Lutte contre les changements	Guide on the Information and Consultation Process Carried out with Aboriginal Communities by Proponents	Shortened assessment timelines may reduce opportunities for and quality of Indigenous consultation.	Reference Guide for the Regulation Respecting the Environmental Impact Assessment and Review of Certain Projects (French only)

	Regulation respecting the environmental impact assessment and review of certain projects Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact	climatiques, de la Faune et des Parcs (MELCCFP)	of a Project Subject to the EA procedure (also available in French). Aboriginal Community Consultation Policy Specific to the Mining Sector . Information for Developers and General Information Regarding Relations with Aboriginal Communities in Natural Resource Development Projects . Guide for Project Proponents on Public Participation before the Bureau d'audiences publiques sur l'environnement (French only)		Understanding RAEFIE . Guide à l'intention de l'initiateur de projet à propos du processus de participation publique sous l'égide du Bureau d'audiences publiques sur l'environnement (Guide for project initiators regarding the public participation process under the auspices of the Bureau of Public Hearings on the Environment) (French only) Environmental Assessment in Southern Quebec - Overview (Ministry of Environment, climate change, wildlife and parks) Guide on the Information and Consultation Process Carried out with Aboriginal Communities by Proponents of a Project Subject to the EA procedure . Directive pour la réalisation d'une étude d'impact sur l'environnement (Directive for implementation of an impact study on the environment) (French Only)
Quebec (Northern QC)	The James Bay and Northern Quebec Agreement (JBNQA)	James Bay Advisory Committee on the Environment (JBACE)	Consultations Conducted by the Proponent: Expectations of the Review Committee (specific to Cree Territory)	Assessment outcomes and conditions are not respected by proponents.	Environmental Assessment of Northern Projects Environmental and Social Impact Assessment and Review Procedure

Jurisdictional Scan: Impact Assessment Processes in Manitoba

	Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec		Reference Guide on Environmental and Social Impact Assessment Procedures Applicable in Nunavik (specific to Inuit and Naskapi Territory)	Concerns about overlapping federal, provincial, and First Nations jurisdictions	James Bay and Northern Quebec Agreement Section 22 Guide for proponents under Section 23 of the James Bay and Northern Quebec Agreement
New Brunswick	The Clean Environment Act The Environmental Impact Assessment Regulation - Clean Environment Act Projects that must be registered under the EIA regulation	Environmental Impact Assessment Branch (EIA Branch) in the Department of Environment and Local Government	Duty to Consult and Indigenous Consultation Key opportunities for First Nations during a Comprehensive EIA	Lack of clear requirements or processes for early engagement. Requirements to consider impacts and protect First Nations rights are vague. It is unclear how the duty to consult will be fulfilled during project assessments. Majority of consultation is done by the proponent, with limited involvement by the EIA Branch. Lack of clarity of role for First Nations in the Technical Review Committee. Concern about the “One Project, One Review” process.	Guide to Environmental Impact Assessment in New Brunswick
Prince Edward Island	Environmental Protection Act Environmental Impact Assessment Guidelines	Department of Land and Environment	Mi’kmaq-Prince Edward Island-Canada Consultation Agreement	Specific consultation guidelines for an EIA are developed on an individual basis. First Nations are not necessarily given specific guidelines or privileges. The province is responsible to carry out	East Coast Environmental Law. “Environmental Impact Assessment: A Legal Toolkit for Prince Edward Island”, 2025

				the duty to consult and ensure potential impacts to First Nations' Rights and Title are appropriately identified, mitigated, and/or accommodated, but how this occurs is not clearly laid out.	
Nova Scotia	Environment Act Environmental Assessment Regulation Environmental Assessment Review Panel Regulations	Environmental Assessment Branch (EAB) in the Department of Environment and Climate Change	2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference Government of Nova Scotia Policy and Guidelines: Consultation with the Mi'kmaq of Nova Scotia The Canada-Nova Scotia Memorandum of Understanding on Cooperation regarding Duty to Consult	Lack of clear guidance on how First Nations should be involved in Phase 1, specifically around designating project for EA and determining its "class". Lack of clear guidance on First Nation participation in Phases 3 and 6, specifically on how Mi'kmaq knowledge and inputs are considered in those processes. Current ministerial decision-making timelines for both Class I projects (50 days) and Class II projects (275 days) are too short to allow for adequate Mi'kmaq participation and accommodation.	Environmental Assessment in Nova Scotia (Slide Deck) Environmental Assessment Process The Role of Proponents in Crown Consultation with the Mi'kmaq of Nova Scotia Fact sheet for 2025 amendments to the Environmental Assessment Regulations
Newfoundland and Labrador	Environmental Protection Act (2002) Environmental Assessment Regulations (2003)	Environmental Assessment Division (EA Division) in the Department of Environment, Conservation and Climate Change Canada-Newfoundland and Labrador Offshore Energy Regulator	Government of Newfoundland and Labrador's Aboriginal Consultation Policy on Lands and Resource Development Decisions Pekuakamiulnuatsh, the Essipit, and the Nutashkuan Consultation and Accommodation Protocol	Lack of clear requirements or processes for early engagement. Depth of consultation during the EA is determined by the province based on proposed activity and extent of possible impacts to asserted rights. There is a lack of clear guidance for First Nations involvement and Consultation Guidelines are developed for each EA.	Guide to the Environmental Assessment Process Transparency of Environmental Assessments in Newfoundland and Labrador Purpose of Environmental Assessment Canada Newfoundland and Labrador Offshore Petroleum Board

Yukon	Yukon Environmental and Socio-Economic Assessment Act (2003) Assessable Activities, Exceptions and Executive Committee Projects Regulations (2005) Decision Body Time Periods and Consultation Regulations (2005)	Yukon Environmental Socio-Economic Assessment Board (YESAB)	Umbrella Final Agreement (UFA) YESAB's Proponent Consultation Guidance for Executive Committee Screenings	YESAA is a single, territory-wide assessment regime, which can fail to recognize the diversity of First Nation's governance systems across the Yukon. Under YESAA, final decision-making still rests with colonial governments. Settlement Lands often cannot address wider cumulative effects that occur across entire Traditional Territories.	Impact Assessments in Canada's North Overview of the Yukon Environmental and Socio-Economic Assessment Act (YESAA) The YESAB Assessment Process
Northwest Territories	Mackenzie Valley Resource Management Act (MVRMA) (1998) Preliminary Screening Requirements Regulations (1998) Exemptions List Regulations (1998)	Mackenzie Valley Environmental Impact Review Board (Review Board)	Mackenzie Valley Land and Water Board Engagement and Consultation Policy (2013) Reference Bulletin on Consultation and Engagement in EIA	The Review Board has yet to develop EIA-specific consultation and engagement policies for First Nations and Inuit. The Major Projects Office's accelerated approval process for priority projects in the NWT could streamline the EIA process for certain projects that may have the potential affecting First Nations and Inuit rights and interests.	Review Board's Step-by-Step Information webpage Review Board's EIA Guidelines Overview booklet
	Inuvialuit Final Agreement (1984) Yukon Environmental and Socio-Economic Assessment Act (2003)	Environmental Impact Screening Committee (EISC) Environmental Impact Review Board (EIRB)	Inuvialuit Final Agreement (1984)	Lack of clear requirements or processes for early engagement with Inuvialuit.	EISC's Environmental Impact Screening Guidelines EIRB's Environmental Impact Review Guidelines