

AN ASSESSMENT OF PUBLIC PARTICIPATION UNDER
THE MANITOBA ENVIRONMENT ACT

By

KERI BARRINGER

A Practicum Submitted
In Partial Fulfillment of
the Requirements for the Degree,
Master of Natural Resources Management

Natural Resources Institute
University of Manitoba
Winnipeg, Manitoba
April, 1990



National Library
of Canada

Bibliothèque nationale
du Canada

Canadian Theses Service Service des thèses canadiennes

Ottawa, Canada
K1A 0N4

The author has granted an irrevocable non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of his/her thesis by any means and in any form or format; making this thesis available to interested persons.

The author retains ownership of the copyright in his/her thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without his/her permission.

L'auteur a accordé une licence irrévocable et non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de sa thèse de quelque manière et sous quelque forme que ce soit pour mettre des exemplaires de cette thèse à la disposition des personnes intéressées.

L'auteur conserve la propriété du droit d'auteur qui protège sa thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

ISBN 0-315-63395-6

Canada

AN ASSESSMENT OF PUBLIC PARTICIPATION
UNDER THE MANITOBA ENVIRONMENT ACT

by

Keri Barringer

A practicum submitted to the Faculty of Graduate Studies of the University of Manitoba in partial fulfillment of the requirements of the degree of Master of Natural Resources Management.

©1990

Permission has been granted to the LIBRARY OF THE UNIVERSITY OF MANITOBA to lend or sell copies of this practicum, to the NATIONAL LIBRARY OF CANADA to microfilm this practicum and to lend or sell copies of the film, and UNIVERSITY MICROFILMS to publish an abstract of this practicum.

The author reserves other publication rights, and neither the practicum nor extensive extracts from it may be printed or otherwise reproduced without the author's permission.

EXECUTIVE SUMMARY

This study was undertaken for the purposes of providing the Manitoba Environment Department with an assessment of public participation activities under the Manitoba Environment Act, proclaimed on March 31, 1988. The scope of the study took place over an eighteen month period from April 1, 1988 to September 31, 1989. A series of questionnaires were used to conduct personal, telephone, and mail-out interviews.

This study was based on meeting the criteria for six objectives designed to assess public participation activities involving public registries, public hearings (including a case study of the Repap Pulp Mill Proposal), and the Manitoba Environmental Council. The study also addressed public participation activities of non-government organizations, and compared public participation features under provincial and federal initiatives.

The introduction of the public registries was considered to be a positive step by study respondents. Some confusion existed among participants as to what stage they could have input into the licensing process through use of the registries. There was a general perception held by participants that the government does not encourage participation at an early enough stage in environmental decision making. The public registries could be used to emphasize that the government is making efforts to change

this perception, by encouraging input at the proposal and scoping stages of environmental impact assessments.

There were numerous requests by the study participants for adjustments to the registries. These requests included increasing publicity through radio announcements, having additional copies of reports for the public to take out on loan, and having another main public registry at the Centennial Library in Winnipeg.

The public hearing process, is widely accepted as a means for the public to have a say in environmental issues. Some concerns were raised regarding a perception that public hearings are designed so the public has input into making projects acceptable, and not as to whether or not they should be authorized. The Environment Act was not written to determine public input on project authorization, and often the criticisms of the initial decision making processes were outside the scope of the Act.

Increasing communication with interest groups and requesting their input before public hearings are called could reduce respondents concerns about lack of input at the early stages in the environmental licensing process. Participants were in favour of the government requesting their input into the scoping process for determining environmental impact assessments. Formalizing this process into hearings was considered favorable. Government requests for public input before hearings could provide a

more supportive public who feel they have been involved in projects at an earlier stage in the licensing process.

Concerns were raised about the technical nature of major hearings (i.e. Repap), and the difficulty for public presenters to have well researched material in their presentations. A general perception was held by respondents that they should be addressing hearings in the same way that proponents do, i.e. with scientific information and studies to support their presentations. Suggestions were made that the government should contract the services of independent experts who would be available to interpret technical information for the public and to make representation at hearings upon request by the CEC.

Participants generally felt that the hearing process should consider accepting presentations that address the broader scope of environmental issues and the public's values regarding large projects. Participants also questioned whether CEC recommendations were impartial to government and proponent initiatives. Appointments of panel members at major hearings who have specific knowledge within the scope of project proposals could reduce the skepticism which exists. Under the Environment Act there is provision for the CEC to add members to its panel when conducting hearings. This provision should be addressed for major hearings.

There was concern among some study participants that

intervener funding was necessary to help them in their preparation for public hearings. They felt that volunteer organizations needed to hire consultants, who could thoroughly research material and identify important questions. To a lesser extent participants requested financial assistance for transportation and accomodation, administrative costs, and legal assistance.

Representatives of non-government organizations considered their most important role in public participation to be promoting environmental awareness, and secondly to assist with environmental education, networking, and lobbying. Respondents felt there was a need for non-government groups to address controversial issues. In addition, study participants indicated that more personal communication with government in the form of small group meetings would be favorable.

The Manitoba Environmental Council believes that it provides expertise to the government in its advisory role and is an informed spokesperson for the public on environmental issues. Members felt they had a responsibility to promote environmental awareness and education and contributed to the public participation process by making presentations at public hearings. MEC members strongly urged for the approval of a research position to assist them in preparation of briefs and educational material.

Comparisons of public participation activities among

provincial legislation and federal initiatives has shown that the public is encouraged to be active in environmental assessment reviews, hearings and regulation development. Manitoba and the FEARO process have made efforts to encourage public input earlier into the planning stages of environmental assessment processes, through input into project proposals and guidelines for environmental impact assessments.

ACKNOWLEDGEMENTS

I would like to thank the members of my committee for their expert assistance and guidance in the preparation of this report:

Professor Paul Thomas,
Department of Political Studies,
University of Manitoba

Mr. Dick Stephens,
Director, Legislation and Intergovernmental Affairs,
Manitoba Environment Department, and

Ms. Lorna McKerness,
Federal Ecological Monitoring Program Coordinator,
Environment Canada.

I would also like to thank Professor Thomas Henley and Dr. W.R. Henson for providing assistance from the N.R.I perspective.

Financial assistance was provided by the Manitoba Environment Department, and through a grant provided by the Canadian Environmental Assessment and Research Council (CEARC). I would especially like to thank Dr. Husain Sadar, chair of CEARC, for the Council's financial assistance.

TABLE OF CONTENTS

	Page
EXECUTIVE SUMMARY.. . . . .	.i
ACKNOWLEDGEMENTS. . . . .	.vi
CHAPTER I - INTRODUCTION. . . . .	.1
1.1 Background. . . . .	.1
1.2 Statement of Issues.. . . . .	.2
1.3 Objectives. . . . .	.4
1.4 Scope.. . . . .	.5
1.5 Assumptions and Limitations . . . . .	.7
1.6 Abbreviations . . . . .	.8
1.7 Definitions . . . . .	.9
CHAPTER II - LITERATURE REVIEW. . . . .	.11
2.1 The Need for Public Participation . . . . .	.11
2.2 Role of the Public. . . . .	.14
2.3 Approaches to Public Participation. . . . .	.17
2.4 Types of Intervenors. . . . .	.19
2.5 Effectiveness of the Public Inquiry . . . . .	.20
2.6 Criticisms of the Public Participation Process . . . . .	.23
2.7 Improving the Participation Process . . . . .	.25
2.8 Funding for Public Interest Groups. . . . .	.26
2.9 Participation Through the Legal System. . . . .	.28
2.10 The Changing Framework of Public Participation . . . . .	.30
2.11 Conclusion. . . . .	.31
CHAPTER III - METHODS . . . . .	.33
3.1 Introduction. . . . .	.33
3.2 Assessing Participation . . . . .	.34
3.3 Legislated Public Participation Initiatives . . . . .	.35
3.4 Non-Government Interest Groups. . . . .	.37
3.5 The Repap Phase I Public Hearing. . . . .	.38
3.6 Provincial Environment Acts . . . . .	.38
3.7 The Canadian Environmental Protection Act . . . . .	.39
3.8 Summary . . . . .	.39
CHAPTER IV - RESULTS AND DISCUSSION . . . . .	.41
4.1 Mail-Out Questionnaire. . . . .	.42
4.1.1 Public Registries . . . . .	.45
4.1.2 Public Hearings . . . . .	.46

TABLE OF CONTENTS (CONT'D)

	Page
4.1.3 Personal Data . . . . .	.48
4.2 Public Registry Questionnaire . . . . .	.48
4.3 MEC Board of Director Interviews. . . . .	.51
4.3.1 General Information . . . . .	.51
4.3.2 Public Registries . . . . .	.54
4.3.3 Public Hearings . . . . .	.56
4.4 Public Interest Groups. . . . .	.60
4.4.1 The Role of Non-Government Public Interest Groups . . . . .	.62
4.4.2 Public Registries . . . . .	.66
4.4.3 Public Hearings . . . . .	.67
4.5 The Repap Hearings. . . . .	.71
4.5.1 The Public Registries . . . . .	.73
4.5.2 The Public Hearings . . . . .	.74
4.6 Comparison Between Provincial Environment Acts. . . . .	.84
4.6.1 Ontario . . . . .	.86
4.6.2 Saskatchewan. . . . .	.89
4.6.3 Alberta . . . . .	.91
4.7 Comparison with the Federal Environmental Legislation . . . . .	.93
4.7.1 CEPA. . . . .	.94
4.7.2 FEARO . . . . .	.95
4.7.3 Summary of Comparisons. . . . .	.96
 CHAPTER V - CONCLUSION AND RECOMMENDATIONS. . . . .	.97
5.1 Public Registries . . . . .	.98
5.2 Public Hearings . . . . .	.103
5.3 The Manitoba Environmental Council. . . . .	.114
5.4 Public Interest Groups. . . . .	.115
5.5 Provincial and Federal Legislation. . . . .	.117
5.6 A Broader Context for Public Participation. . . . .	.118
5.7 Summary . . . . .	.119
 RECOMMENDATIONS . . . . .	.121
 LITERATURE CITED. . . . .	.126

TABLE OF CONTENTS (CONT'D)

	Page
APPENDIX I. Locations of the Manitoba Public Registries. . . . .	.132
APPENDIX II. Mail-Out Questionnaire. . . . .	.134
APPENDIX III. Public Registry Questionnaire . . . . .	.139
APPENDIX IV. MEC Public Participation. . . . .	.140
APPENDIX V. Public Interest Groups. . . . .	.144
APPENDIX VI. Repap Phase I Public Hearings . . . . .	.147
APPENDIX VII. Organizations and Individuals Interviewed . . . . .	.149

LIST OF TABLES

	Page
TABLE 1. Summary of Responses and Interviews . . . . .	.43
TABLE 2. Public Participation - Comparison Between Acts. . . . .	.85

CHAPTER I - INTRODUCTION

1.1 Background:

The Manitoba Environment Act was proclaimed on March 31, 1988. It replaced the Clean Environment Act of 1968 and the Environment Assessment and Review Process which was adopted as Provincial Cabinet policy in 1975. The Environment Act aims to provide Manitobans with sustained economic growth, while maintaining the quality of the environment. The new Act is more comprehensive and complete than the previous legislation in dealing with environmental issues and concerns which are prevalent today.

The new Act addresses six basic principles (as outlined in the Guide to the Manitoba Environment Act), (Government of Manitoba 1988). These principles are recognized as being essential to identify and prevent future environmental problems, while protecting the social, cultural and economic well being of Manitobans. This project addressed one of these six principles, that of strengthening public participation in the environmental decision making process, through increasing public access to environmental assessment information.

The Environment Act devotes considerable attention to the role of the public in effective environmental decision making. The public is encouraged to become involved in proposed activities through participation in any, or all, of

four types of activities: 1) use of the public registry network, set up at nine locations throughout Manitoba to provide information on proposed developments for public review; 2) participation at public hearings, held by the Clean Environment Commission (CEC) upon request by the Director of Environment or the Minister of Environment; 3) public consultation with the Environment Department on development of regulations, ranging from reviews through mail-outs to full public hearings; or 4) participation in the activities of the Manitoba Environmental Council (MEC), which represents public concerns and provides advice on environmental matters to the Minister.

Public input into the environmental assessment process under the new legislation is necessary to ensure that the management of environmental matters includes consideration of the values and interests of those who will be affected. Participation encourages people to express their concerns, and has the potential to reduce conflict which might arise because of poor communication and planning.

This study assessed the level of public participation in environmental assessments and the decision making process during the first year and a half of operation under the Manitoba Environment Act.

1.2 Statement of Issues:

The provincial Environment Department was interested in

determining if the initiatives for public involvement under the new legislation were being utilized. Individual citizens, interest groups, communities and environmentalists were encouraged to become actively involved in environmental assessment and planning, or regulatory processes, to ensure that environmental considerations would become a major component of today's development proposals.

The Environment Department expected that public involvement in project proposals would be strengthened by the use of the public registry system, and public hearing or regulatory initiatives under the Environment Act. To determine whether this was the case, an assessment of the public participation process was undertaken over an eighteen month period from April 1, 1988 to September 30, 1989. In addition, the public participation mechanisms provided by the Manitoba act were compared to similar provisions under other provincial Environment Acts and federal legislation.

The purpose of this study was to provide the Environment Department with feedback from those who have utilized the public participation process, (i.e. the public registries and public hearings), to compare this information with public participation processes outside the province, to identify strengths and weaknesses in the process, and to make recommendations for improvements.

1.3 Objectives:

This assessment was conducted by developing a research schedule which met the requirements of the following objectives:

- 1) To conduct an assessment of public participation during the first eighteen months of operation of the Environment Act, under the following legislated areas:
 - a) the public registries at all nine Manitoba locations;
 - b) public hearings held by the Clean Environment Commission;
 - c) public awareness and representation on the Manitoba Environmental Council.
- 2) To assess public participation in environmental decision making by non-legislated groups, (i.e., environmental and other public interest groups).
- 3) To conduct a case study of public participation during the Clean Environment Commission hearings on the Repap Phase I pulp mill proposal, in Winnipeg and The Pas, Manitoba.
- 4) To compare the role of public participation under the Manitoba Environment Act with public input under environmental legislation in the provinces of Ontario, Saskatchewan and Alberta.
- 5) To compare Manitoba's approach to public participation with the Canadian Environmental Protection Act (CEPA), and the Federal Environmental Assessment and Review

Process (FEARO).

- 6) To summarize the activities which have involved public input under Manitoba's Environment Act over an eighteen month period from April 1, 1988 to September 30, 1989), determine strengths and weaknesses which may exist, and provide recommendations for improvement.

1.4 Scope:

This project assessed the public's interest in participating in environmental assessment and decision making processes. This was done by designing a number of public opinion surveys which assessed the activities of the public during the period under study. The sampling universe for these surveys involved those organizations and individuals who had been involved in an environmental public participation process, or who had identified themselves as "public interest" groups with environmental concerns.

An underlying principle of the Manitoba Environment Act is that any proponent whose project may have a significant effect on the environment must apply for an environmental license. The proponent is responsible for checking the Environment Act regulations to determine if their project requires a license. If the project will require a license it is up to the proponent to determine what action is necessary and submit a proposal to the Environment Department.

Decisions are made by the Director or Minister of Environment as to the type and extent of environmental assessment that will be required on a project. The environmental assessment process is designed to incorporate public (and interdepartmental) input.

The Act also requires a mandatory public consultation process in the development of regulations and environmental quality standards. For the purposes of this study, only public participation in the environmental assessment and licensing process will be addressed.

The public registry system provides access to current information concerning proposed and existing developments. Any person who has an interest in a particular project can use the registry to obtain information and state their concerns to the appropriate government representative. If public hearings are required on a proposed development, the views of third parties will be considered before recommendations are made for issuing the proponent a licence.

In addition, the Act provides for the Manitoba Environmental Council (MEC), to provide advice and recommendations to the Minister on environmental matters. The MEC provides a direct link between the public and the Minister of Environment by providing an ongoing liaison between the Department of Environment and the public. Although the MEC is the only public interest organization

recognized by statute, other non-government citizen and environmental groups have an important role to play in communicating and consulting with government officials on environmental matters. These non-government organizations (NGO's) were also assessed by means of a survey to determine their satisfaction or dissatisfaction with their participation in the environmental assessment and decision making process.

In order to get feedback from those members of the public who are actually participating in a public input process, a case study of the CEC environmental hearings for the Repap Phase I pulp mill proposal was conducted. These hearings took place in Winnipeg and The Pas during the study period, and the results were used to assess these early experiences with the public participation mechanisms of the Environment Act.

In addition this study compared the Manitoba public participation initiatives with public participation arrangements in other provinces, and at the federal level.

1.5 Assumptions and Limitations:

This study assumed that the Environment Department would continue its interest in encouraging the public to participate actively in its environmental assessment and decision making processes, and that the findings of this study would provide guidance for improvements to the public

participation program.

The time frame was limited to assessing public participation from March 31, 1988 when the Act was proclaimed, to September 30, 1989. This study concentrated on interviewing those individuals or organizations who had been involved in a public participation effort, and determined their views and opinions on public participation initiatives under the Environment Act.

Throughout this study, the terms "hearing" and "inquiry" were considered to have the same meaning for public participation purposes.

This study did not assess public participation in the development of regulations, as none of these processes had occurred under the new Environment Act initiatives, at the time the study was conducted.

The sampling audience was comprised of those individuals or groups who had identified themselves as representatives of an environmental organization, non-government public interest groups who had environmental and/or resource interests, participants in the Repap or other CEC public hearing, and individuals who had used or were aware of the public registries.

1.6 Abbreviations:

CEC - Clean Environment Commission

MEC - Manitoba Environmental Council

EIA - Environmental Impact Assessment

CEPA - Canadian Environmental Protection Act

FEARO - Federal Environmental Assessment and Review
Office

NGO's - Non-government Organizations

1.7 Definitions:

The following definitions were abstracted from the Guide to the Manitoba Environment Act:

Public: all individuals, organizations and communities who may wish to express concerns, objections, or support regarding a development proposal, through the public participation initiatives under the Environment Act. This definition also includes the silent members of the public who have chosen not to participate. Non-participation may be due to apathy, lack of confidence, lack of funding, a feeling that others will participate for them, or possibly because they are supportive of the project.

Public registry: a listing of all proposed and existing developments under government assessment which is available for public review and comment. Information provided includes the proposal (or summary of the proposal), classification of the project, assessment process, guidelines for the environmental assessment, environmental assessment report, the licensing process and a copy of the license if granted.

Main registry: located in Winnipeg at the Environment Department Resource Centre, Building 2, 139 Tuxedo Ave., and includes information on development proposals for the entire province.

Sub-public registries: located at eight centres throughout the province, and includes information on development proposals particular to each region, and a listing of proposals for the entire province. (The locations of these registries are listed in Appendix I.)

Public hearing: refers to advertised public hearings held by the CEC where submissions can be made regarding public concerns on a development proposal. These concerns are reviewed by the Commission before making its recommendations to the Environment Department for project approval.

The following definition is not taken from the Guidelines to the Manitoba Environment Act:

Intervenor: any member of the public who attends a public hearing and makes a presentation on behalf of themselves or their organization. The intervenor is often representing the views and concerns of the non-government volunteer sector. For purposes of this study presenter and intervenor refer to the same thing.

CHAPTER II - LITERATURE REVIEW

2.1 The Need for Public Participation:

One of the first things to consider in the process of environmental assessment and decision making is the need for public participation and whether it should be increased. The answer to this will be based on each observer's view of what constitutes public participation, on our view of current levels of public involvement, and ultimately on what one believes public participation can contribute to effective environmental decision making.

Environmental and other interest groups are becoming more aware of environmental matters and are increasingly challenging and appealing policy decisions made by government agencies (Henning 1974). This is partly due to the communications revolution which is exposing resource problems and benefits to the public through the media. Other reasons for the increasing emphasis on citizen participation are bureaucratization, the rising level of education, and more time to devote to political activity (Adie and Thomas 1987).

Henning (1974) states that resource and environmental agencies are taking steps to ensure public participation in their policy making. In part, these efforts to involve more people are intended to improve the quality of decision making, but these agencies are also concerned with having a

more satisfied public by reducing protests, appeals, and court cases which have tended to slow down the development process.

Sadler (1984) believes the public participation process is a vital mechanism to incorporate social values into the decision making process. Sadler states that consultation reduces conflict, and is fundamental to making social and accountable choices where a proposed development may infringe upon individual rights to property and people's livelihood.

According to Doern and Phidd (1983) there is a legitimate place for formal consultation in the policy formulation process, to identify ideas, learn about problems and to achieve some solutions. There is no single consultative process which can adequately embrace all interests, therefore a number of processes will need to be implemented.

Public participation in resource management is needed to bring about better informed bargaining and to ensure opinions and accountability (Thompson 1980). Thompson believes that industry is not generally opposed to public participation because they know decisions will be more acceptable if the public plays a part in the process. Thompson also feels that public participation is a necessary aid to the negotiating and bargaining process and can instill public confidence that balanced decisions are

sought.

Craig (1983) states that citizen participation in political decision making is important in maintaining a democratic system in the face of social change. Citizens want to determine social goals and choices so that they are comfortable within the communities where they live and will feel bound by a 'social contract' if they have helped to make it.

Today's concern for public participation arises from the real or imagined failure of government and its bureaucracy to respond appropriately to citizens (Adie and Thomas 1987). Citizens are feeling that government responses would be more just if their views were considered more extensively through the hearing process.

DeSario and Langton (1984) have discussed the heightened demand for greater citizen participation with regard to technological decisions. DeSario and Langton note that the rise in technocracy (the application of technological expertise) and democracy (citizen participation) in decision making have been growing on parallel paths since the post war years, yet not intersecting. Since the 1970's however, there has been a growing convergence between citizen participation and technocracy, as citizens who have become uneasy with the impacts of technology are demanding greater participation in complex technological issues. Integration of technocracy

and democracy is very difficult when technical decisions are based on 'what is' and citizens decisions are based on values or 'what should be' (DeSario and Langton 1984). The extent to which technological development and citizen participation can co-exist, is at a stage where public pressures are calling for the creation of a 'techno-democracy' which combines the values of technological growth and the public interest. As citizen participation evolves, the role, functions and limits of technology will be have to be defined (DeSario and Langton 1984).

Other reasons which support the need for public participation in decision making processes include: provision of additional data, technical expertise from those who live in the impacted areas, the creative capacity to achieve better solutions, data on goals, attitudes and values, and assistance in management solutions to problems (Connor 1988). Participation strengthens, deepens and enriches the capacities of individuals and expands their skills, understanding and knowledge (Elder 1975). It allows expression of concerns and ideas which is considered to be essential for decision making.

2.2 Role of the Public:

In writing about the role of public involvement with environmental issues, Craig (1983), presents additional arguments in favour of participation: 1) the public acts as

a watchdog to check administrative abuses; 2) the public gives weight to long term effects which may have been overlooked; 3) the public provides local skills and knowledge about project sites; 4) citizens will present their perspectives on the impacts of development and present alternative possibilities; and 5) citizens want their values to be heard.

Public involvement is seen to play a major role in the process of evaluating costs and benefits (Thompson 1980). The attitudes and preference of those affected by project objectives are considered to be important. Thompson recommends establishing forums, resource centres, advisory boards and interest groups to aid in the communication of information and public involvement.

The role of the public in an inquiry is described by Salter (1981) as being very much a product of perspective. Salter sees the role of the public as beneficial in presenting valid arguments which could lead to strong opposition if citizens were not consulted. She states that knowledge of public sensitivities can be effective in planning how to implement a project. Citizens will set the boundaries within which technical considerations can take place, based on their contributions to the overall value and perceptions of the projects. Making information public can be risky however, because once development positions are solidified further public participation, even if requested

may be blocked.

If the public wants to challenge development and make participation effective in decision making, Downey (1987) feels they must first analyze policies and current decision making processes. Ouimet (1989) states that requests for public hearings today involve significant issues which deal with development policies and the future. The public wants to discuss how developments can be made compatible with ecological functions, and would like to see environmental planning move from single impact assessments to multi-source impacts. Ouimet notes there is public interest in determining the acceptability of projects through forecasting of impacts.

Schrecker (1985) noted that the Canadian environmental regulation process is highly administrative, and public access to information can be limiting. Schrecker notes the federal government sees a conflict between the level of public consultation on regulatory decisions and the amount of technical information which industry will provide to the government. This conflict is a result of the potential unwillingness of industry to give out too much technical information which could result in a long public participation process, involving lengthy public hearings. Lengthy public delays can upset the time schedules for industrial developments, and can also be increasingly costly for the proponents.

2.3 Approaches to Public Participation:

There are numerous approaches to public participation ranging from public displays, workshops, advisory and review committees, information meetings, public hearings and litigation in the court system. Westman (1985) states that the public participates in decision making in proportion to the extent to which it is affected, and the extent they perceive their presentations and comments will influence decisions.

Public participation methods can be categorized according to the power they provide to the public in decision making. Lang and Armour (1980) have identified four such categories. The first category includes such information sharing techniques as open houses, film presentations, information kits, and newspaper notices. These information-feedback approaches do not provide any direct power to the participant. This approach may serve to create awareness and educate members of the public, but the opportunities for input are minimal.

The second consultation category includes public hearings and information meetings. Such events provide for the exchange of information, although with public meetings communication tends to be mostly one-way and participants may feel they have limited influence. Shrecker (1984) states that because many public hearing processes are explicitly advisory in nature, the only impact they are

likely to have results from the publicity they generate. Shrecker believes that although there are laws which appear to embody opportunities for extensive public participation (i.e. in environmental assessment and public hearings), in some instances these can be circumvented by the frequent use of ministerial discretion to shield projects from scrutiny.

Joint planning is the third category and gives moderate power to citizens through advisory committees and structured workshops. This approach provides for input and feedback of information and is useful in increasing levels of education and involvement. The fourth category is delegated authority, which provides a high public influence through citizen review boards and planning commissions. This approach provides increasing control over options and timing of decisions made on projects.

Wood (1978) found that of the thirty techniques employed in examining public participation efforts, the most often used were public hearings and information meetings. These involve low levels of citizen delegation of power and relatively low levels of representation. Structural workshops were seen as one of the better techniques for representing a variety of groups, but were biased against people who were not highly motivated, often attracting only the white collar workers (Westman 1983).

While formal or informal hearings are assumed to be the most often used method of public participation, models

such as that depicted by Arnstein (1969) use a ladder system to depict a hierarchy of decreasing participation, from citizen control (which is rarely reached), to delegated power, partnership, placation, consultation and informing. Hearings may involve a number of these steps to decision making.

The method chosen to promote public participation will condition to a significant extent, the willingness of people to put time into the process and the likelihood of them having an impact. Canadians in general, are not easily persuaded to become active, and therefore must be made to feel that their participation in any approach will be meaningful and not simply a token effort.

2.4 Types of Interveners:

The process of involving the public begins by identifying those individuals or groups who will have a substantial interest in the proposed action. These would include organized public interest groups such as environmental organizations, native organizations, commercial interests such as businesses, lodges and camps, government agencies (other than the environment department), individuals such as residents, experts and academics (Westman 1983).

Certain groups or organizations intervene in the public participation process because they are directly affected by

an issue. These types of interests are consumer interests, and rely on the strength of the group as a whole (Salter 1981). Others intervene because of a general concern about the nature of society. They are indirectly affected and represent a collective interest which is not easily accommodated in an inquiry.

Salter (1981) has also noted that inquiries attract limited participation by the scientific community (other than government representatives) or corporations, but do tend to attract participation from citizens claiming to have expertise on representative points of view. There is a fairly common view that many of the participants in an inquiry process are representing only a privileged few who have the resources and skills to come forward and be heard, and are thereby inadequately representing the views of the public in general.

2.5 Effectiveness of the Public Inquiry:

Generally the effectiveness of participation in inquiries can be best examined by looking at the barriers which lead to non-participation. One barrier which is commonly agreed upon is that of inadequate funding for less advantaged groups. The best way for governments to ensure participation in the inquiry process is seen to be the provision of more easily available financial resources. Participation costs time and money - there are travel costs,

transaction costs, research and administrative costs, all of which need to be met in order to provide for effective and meaningful participation.

According to Bryden (1982) the development of informational networks (e.g. computer networking) is a necessary condition towards moving to a more participatory society. Bryden believes that the elite nature of the current input into the policy process is a severe drawback to effective participation, although the public service recognizes this and is working towards better reflecting the composition of society. It is promoting activities which will encourage more locally interested people who may not have the finances or the confidence to participate and make their views known.

For example, the consistent challenge to governments and industry by public interest organizations has led agencies such as the National Energy Board (NEB) to grant intervenor status to those interested in participating in its hearings (Dwivedi 1980). Dwivedi also notes that NEB hearings have many obstacles which discourage interveners, such as excessive formality and high costs of participation, and the seriousness to which consideration is given to public presentations. The impacts of resource development are still widely dispersed over time and place and this may ensure that few individuals will be sufficiently motivated to participate, unless they become directly impacted by a

project (Emond 1983).

Johnston (1980) has described some of the mechanisms used by the Canadian Radio and Television Commission (CRTC) which has achieved a great deal of public response in its regulatory and decision making activities. Public notice of pending application and hearings are announced in the Canada Gazette, local newspapers and on radio and television. Hearings have two formats, the first being structured for the presentation of applications and interventions. The second is a town hall meeting format which gives the public opportunity to let their concerns be known in an informal setting. Other mechanisms to encourage public input by the CRTC include, the release of white papers which call for briefs to comment on the formulation of policies and regulations, and the awarding of costs to interveners which are paid by the companies who have made application for license. Johnston notes however, that the CRTC activities are very public in nature and this has made it easier to have successful public participation.

Salter (1981) describes additional reasons which may lead to non-participation, including hearings which have been rushed and are held at inappropriate times, unaccessible information, lack of experience or expertise, and the feeling that people's interests will be represented by volunteer organizations.

The requirements for public hearings have now been

written into some legislation, as a means for more effective public participation (Thompson 1984). The demand for hearings may eventually be reduced as planning and management skills increase with respect to environmental matters and as knowledge and awareness of the environment becomes more broadly incorporated into decisions.

The federal Environmental Assessment and Review Process (EARP) is considered by Van Hees et al. (1987) to be a major improvement over previous practices involving public participation. Reports produced by EARP panels have provided valuable documentation on environmental impacts, and it is believed that the existence of EARP has been responsible for requiring the federal government to factor environmental and socio-economic concerns into their decision making processes. Wallace (1985) believes this may be one of the primary influences of EARP on Canadian decision making processes. The EARP flexibility and informality has allowed it to make necessary changes in order to better accommodate inter-governmental collaboration and public consultation.

2.6 Criticisms of the Public Participation Process:

Given the limitations and diverse nature of participation, an inquiry cannot provide an accurate means of assessing public opinion (Salter 1981). It is not a public poll, nor does it provide systematic information on a

specific range of questions. For those who believe that policy decisions should reflect the attitudes of the public at any one time, the inquiry may be a poor tool. There may however, be offsetting advantages to an inquiry process which combines public sentiments together with technical knowledge, in the decision making process.

Criticisms outlined by Adie and Thomas (1987) include the fact that citizens are brought in after critical decisions have been made, inquiries are unrepresentative in nature, favouring educated, middle class people who are more confident and will dominate the proceedings, and lower income groups will lack the funds to participate in a meaningful fashion.

Craig (1983) also believes that the public hearing, although a popular technique, falls short of providing adequate representation for all interests affected by a decision. Opponents say that there are few active participants and they are not representative of the general public.

Decision makers may feel that public participation is time consuming, costly and difficult (Craig 1983). Yet, a slow decision may be more reliable (in terms of problem identification) and economical in the long term.

Participation may be seen as a major technique for gaining political support and will be used to varying degrees to get that support. Craig (1983) notes however,

that there is a real risk that citizen participation is 'token' and decisions are not given weight in the final decisions.

2.7 Improving the Participation Process:

Governments can facilitate better public input into the decision making process by allowing a more realistic time for public consideration of proposals before hearings, and by making more use of informal group discussions, and position papers (Nielsen 1978).

The fact that there are outside interests able and willing to participate in public hearings does not increase the chances for less wealthy and knowledgeable groups and individuals (Dwivedi 1980). Because some groups can participate because they are well informed and financially strong, decision makers can use this representation as evidence of an open decision making process. Opening up and improving a decision making process can be done by funding groups and individuals intervening in hearings, relaxing formal rules, encouraging public involvement through publicity, and releasing background studies.

Connor (1988) notes that participants in a public involvement program can generate many sound observations and suggestions for improving future programs. These deserve serious consideration when designing and promoting public participation initiatives.

Some people argue that public participation efforts are too costly for government bureaucracies. Paehlke (1987) suggests that an open and participatory process of environmental administration could be effective and less expensive by contracting university graduate students and environmental groups to do environmental monitoring, develop education mechanisms, as well as become involved in decision making.

2.8 Funding for Public Interest Groups:

Rankin and Finkle (1983) recommend that access to funding before an intervention takes place is necessary to offset the financial constraints that face participants in the regulatory process. Robertson (1987) acknowledges that environmentalists in Ontario have lobbied the provincial government to ensure that awarding of costs and use of other intervenor funding mechanisms provide encouragement for public participation. Currently, proponents can be ordered to pay the costs of interveners under the Intervenor Funding Act, but these awards cannot be guaranteed.

In, the Economic Council of Canada Interim Report, Englehart (1981), recommends increasing the importance of public input at the initial stages of planning and recommends that funds should be given to public interest groups to allow them to participate. Consumer and environmental groups are examples of interest groups who

represent large aggregate interests that are thinly dispersed over many members. These groups are likely to be under-represented in the regulatory process because they are trying to represent so many interests that they cannot concentrate on any one representation at one time. Public subsidization of interest groups is supported by the Council to change imbalances between highly concentrated interests and thinly spread interests. Mechanisms include grants, tax incentives, and awards. Questions to be asked include who will receive funding, the degree of control, responsibility for use of funds, and at what stage of the process should funds be awarded.

Fox (1979) has pointed out that in several states in the U.S. a system of 'checkoffs' has been introduced to encourage direct citizen activities. A checkoff system is one in which industry makes donation requests to consumers and subscribers. This has led to the formation of public action groups who are financed through the checkoff system to intervene at public hearings (Fox 1979).

The disadvantages of funding interest groups are that without an organized distribution of funding there may be too many representatives at an inquiry, each with lengthy presentations which may become repetitive and disruptive. Therefore one of the important issues of intervenor funding must be to consider how to best distribute funding in order to encourage the most productive results. This may mean

encouraging individuals and groups with similar concerns to group together and apply for funding as a cooperative effort.

The Federal Department of Environment is studying the issue of funding for intervenor groups to enable broader participation in environmental assessment and review processes (Walsh et al. 1988). Ouimet (1989) has stated that financial assistance to intervenor groups will improve public debate, and restore more of a balance to hearings where the public can participate on an equally knowledgeable basis.

2.9 Participation Through the Legal System:

Thompson (1984) states that the courts provide an avenue for participation which is usually taken only when all other routes are blocked. There is a risk involved that once an issue reaches a court situation those which have greater resources at their disposal may be more apt to win than lose.

Law reforms are being considered which would support private prosecutions as a method of public involvement in environmental protection (Sadler 1984). Marks (1987) states that in the U.S. many of the environmental statutes enacted since the 1970's contain provision for citizens to proceed directly against violators where they feel the government has failed to act. This is particularly true in the areas

of water and air pollution legislation.

Muldoon (1988) states the problem with the legal situation in Canada is that the public has been impeded from using the courts to protect their environment and from participating in decisions which directly affect human and environmental health. The right to use the courts has been restricted to protection of personal interests, and individuals in the past could not represent harm to a community or defend the environment for its own sake. The individual had to prove the industry was the source of the problem, unless the attorney general was willing to give someone legal standing to represent the public in general.

The focus of legal challenges has been changing during the late 1980's as coalitions of environmental groups have begun taking legal action against governments, for lack of proper conduct regarding environmental assessments for major developments. Judges have begun allowing such cases to proceed if an organization has a large enough membership or represents a large part of the community, and has a credible environmental concern.

Muldoon (1988) suggests that a solution to some of the legal problems is to obtain effective participation by dismantling legal barriers and developing an environmental bill of rights. This bill would give the public two substantive legal rights: 1) the right to sue in civil courts for an activity causing environmental damage (without

proving personal harm or harm to property); and 2) the right to participate in environmental decision making processes by allowing any person to request and be granted a public hearing to propose or review an environmental standard or application. This right to request a public hearing is considered by many environmentalists to be a key factor in both encouraging participation and allowing the public to contribute to decisions in certain situations. If the public is allowed to make the decisions they will also play a responsible role in the implementation of these decisions.

With regard to the Federal Environmental Protection Act, McGovern (1987) states that environmentalists feel the Act falls short of environmental protection, it is more of an environmental management Act. This is because in most cases individuals are still unable to initiate lawsuits for the environment's sake in cases where they have not suffered personal injury or property damage.

2.10 The Changing Framework of Public Participation:

Sadler (1984) believes the future tendency will be to involve public participation at the planning stage, leaving officials to deal with project details once the public interest has been heard and decisions on resource allocation have been incorporated.

The public hearing process as it currently exists will continue to provide a forum for the public to voice their

concerns and views and, through new approaches to involvement such as environmental groups acting as facilitators, progress will be made to increase public input. Although the hearing process receives a large volume of input from the public, its basic design does not provide for finding mutually acceptable solutions to environmental concerns. This is because hearings are controlled by a panel which may or may not decide to use all of the public's input in its final recommendations.

Sadler (1984) notes that a change will begin to take place from the practice of public participation through consultation to the growth of environmental mediation, joint problem solving and other forms of conflict resolution. This form of participation will shift the emphasis away from hearings and towards smaller scale, lower cost, less adversarial methods of conflict resolution.

2.11 Conclusion:

In conclusion, the literature research has provided a broad analysis of the various mechanisms that constitute public participation. Public participation is evolving into a more highly complex process, designed to meet the changing needs of the public, government and industry. An increased awareness of environmental concerns, higher education, and a concerned public often confronted by development induced changes, has led the public participation process to become

wider in scope than in the past. The value of public participation to environmental decision-making has increasingly been recognized and promoted by governments, but there is still controversy surrounding the scope, nature, and timing of such participation.

More specifically, the literature review has shown that there are numerous and often conflicting models described by researchers as to what constitutes effective citizen participation. These various conceptions will lead to different evaluations as to what constitutes the success of the participation mechanisms under the Manitoba Environment Act.

The following chapters discuss the assessment of public participation initiatives under the Manitoba Environment Act. This assessment is therefore restricted to a process for participation which occurs after a proposal has been submitted. Preliminary environmental decision making does not fall under the scope of the Environment Act and would therefore have to be addressed under another context.

CHAPTER III - METHODS

3.1 Introduction:

The literature review has provided an understanding as to why the Environment Department places such importance on public participation activities. The following methods describe the processes which were followed in assessing public participation activities under the Environment Act during the study period. Observations include, who participated and why, their views on public participation under the new Environment Act, weaknesses or omissions which should be addressed, and improvements they would like to see.

With respect to improvements this study considered the means by which individuals and organizations became informed of various public participation initiatives, the promotion of public participation efforts by the Environment Department, and how these initiatives influenced participation in the environmental assessment and decision making process.

One of the drawbacks of the Environment Department placing great emphasis on public participation is the requirement that a sufficient number of citizens become interested and can afford to become involved. The following methods have addressed these issues with respect to observations of the public participation activities under

the Environment Act.

3.2 Assessing Participation:

The opportunity for public participation under the Environment Act is provided through several mechanisms. These include the public registry network, public hearings, and activities of the MEC. Non-government organizations and public interest groups, although not legislated, are valuable contributors to the public participation process. Their communication of environmental concerns is considered by the Environment Department to be important and necessary to the overall process.

The assessment of public participation with respect to the above activities involved the use of both standardized open-ended interviews and a mail-out closed answer questionnaire, as discussed in Mason et al. (1983). Personal interviews were conducted wherever possible, since according to Mason et al. (1983) they have the highest probability of producing answers which reflect the views of that particular part of society. Where time and budget constraints occurred in the rural and more distant locations in Manitoba, telephone interviews were conducted. Mason et al. (1983) also states that mail surveys produce the most honest answers, because participants in most cases will remain anonymous. This study therefore, used a combination of personal and mail-out interviews, in order to attain the

most honest answers and socially accepted viewpoints to this very complex analysis.

For the personal interviews, each question was carefully worded and arranged, and asked in the same sequence to minimize variation and bias. A pre-test of the survey questions was conducted on colleagues and participants, in order to determine the potential success of the questionnaire. All participants chosen to participate were contacted in person or by telephone, to determine their willingness to participate, and to introduce the project and set up an appropriate time for the interview.

The mail-out questionnaire was carefully worded and arranged, with closed answer questions, and provision for final comments at the end of the questionnaire. Participants were chosen using a simple random sampling selection scheme without replacement, as described in Satin (1983). The questionnaire was anonymous, however respondents were identified by code numbers so that a follow up letter could be sent out as a reminder to send in the questionnaires.

3.3 Legislated Public Participation Initiatives:

Objective #1 assessed public participation activities during the first year and a half of operation of the new Environment Act in following areas: the public registries, public hearings, and MEC activities.

The public registries were assessed by means of an anonymous one-page questionnaire designed and distributed to each of the nine provincial registry locations. This questionnaire was used to provide information on the public's use of the provincial registries, which are not required to be monitored on a regular basis under the current operating system.

The public registries were also addressed as part of the mail-out questionnaire, which was sent to 100 people who had attended a CEC hearing in the past year and a half. These 100 people were chosen randomly through a computer random numbers table, developed from a total of 287 possible participants. These participants had all been in attendance at a CEC hearing since the Environment Act was passed in March 1988. The list of 287 participants was obtained from the CEC office in Winnipeg. The questionnaire also asked participants about their impressions of public hearings (eleven in total excluding the Repap hearings), and their overall view of the process.

The public registries were assessed during personal interviews with the Board of Directors for the MEC. This organization consisted of seventeen board members who were contacted for interviews. The interviews with the MEC Board also asked questions about the public hearing process, and MEC's role in facilitating the public participation process.

3.4 Non-Government Interest Groups:

Objective #2 of the study was to assess public participation in environmental assessment and decision making by non-legislated groups. A questionnaire was designed to interview 20 non-government public interest groups. These 20 were chosen from a list of environmentally concerned organizations obtained from the Manitoba Environmental Council office. Of 30 possibilities in total, twenty groups which were best able to contribute to the results of this study were selectively chosen by the researcher.

The chairs or presidents of each of these organizations were contacted to determine their feelings about answering the public participation questions. If they designated another member of their organization to be interviewed, the same procedures were applicable.

The questionnaire was designed in three phases. The first phase assessed the views that non-government groups had of themselves, with respect to their role in public participation in environmental assessment and decision making. Secondly they were asked about their use of the public registries and their overall perceptions about the introduction of it. Thirdly they were asked to comment on the public hearing process as a means for them to have meaningful participation into environmental matters which concerned them.

3.5 The Repap Phase I Public Hearings:

Objective #3 of the study was to conduct a case study on public participation at the CEC public hearings on the Repap Phase I Pulp Mill Proposal. A questionnaire was administered with public presenters at the hearings to obtain their views of the hearing process, their input into environmental assessment and decision making initiatives, and their awareness and use of the public registries.

Hearings were held in The Pas and in Winnipeg between August 12 and September 14, 1989. Public presenters were interviewed in person at each of these sets of hearings. As many public presenters as was possible were interviewed. The scope of these interviews did not include the proponent, the consultants for the proponent, or officials from the Manitoba Environment Department.

3.6 Provincial Environment Acts:

Objective #4 compared public input processes under the Manitoba Environment Act with the Environmental legislation in the provinces of Ontario, Saskatchewan and Alberta. These provinces were chosen because of their proximity to Manitoba, and because time constraints on the project did not allow comparison with every province.

The environmental legislation was obtained for each of the above provinces, and officials from the environmental assessment branches were contacted for additional

information on public participation initiatives. Each person contacted was asked to forward any documents or reports which were available regarding their provinces public participation initiatives. Questions were asked for comparison of public input or initiatives into the following (fourteen) categories: public registries, notice of proposals, input into proposals, guidelines for EIA's, public hearings, public accountability, regulations and/or standards, enforcement, appeals, intervenor funding, grants available and state of the environment reports.

3.7 The Canadian Environmental Protection Act:

Objective #5 compared the approaches to public participation under the Manitoba Environment Act with the Federal Environmental Protection Act (CEPA), and the Federal Environmental Assessment and Review Process (FEARO Guidelines). Officials working under each of these federal processes were contacted by telephone and asked to forward any information that was available on public participation initiatives in environmental assessment and decision making under their respective statutes. These officials were asked the same fourteen questions as the provincial contacts, to enable consistent comparisons to be made.

3.8 Summary:

Objective #6 summarized the activities which have

involved public input under the Environment Act during the eighteen month period from April 1, 1988 to September 31, 1989. The responses from personal and telephone interviews, anonymous questionnaires, and mail-out surveys were evaluated and summarized. The results provide an informed perspective on how the public feels about participating in the environmental assessment and decision making process under the Manitoba Environment Act. Strengths and weaknesses were identified, and a list of recommendations prepared as a reference for future improvements to the process.

The comparisons between public input processes at the provincial and federal levels were documented in a table format, according to the identified categories of initiatives or participation. This table provides for easier comparisons of similarities and differences.

The results of this survey have provided some understanding of the level of satisfaction that various sectors of the public and interest groups have with the public participation initiatives under the Environment Act. It also provides some comparison of approaches to public participation with other environmental legislation based on the various categories mentioned above.

CHAPTER IV - RESULTS AND DISCUSSION

The results of this study have been written as a qualitative analysis of the information which was collected. The following discussion is based on the views and opinions of the study participants. What is discussed represents a description of these views in the manner in which they were presented. This does not necessarily mean that all viewpoints can be interpreted as valuable and correct. They are observations from which the concluding comments have been formulated in the final chapter of this study.

These results have been divided into four main categories, and further divided into seven sub-categories to best portray the data and analysis which was conducted. (Appendices II through VI describe the questionnaires used during the interview process for sub-categories one through five):

Legislated areas:

- 1) A mail-out questionnaire to CEC hearing participants.
- 2) An anonymous questionnaire left at all public registry locations in the province.
- 3) Personal and/or telephone interviews with MEC board members.

Non-legislated areas:

- 4) Personal and/or telephone interviews with chairs or designated representatives of public interest groups.

Case study:

- 5) Personal and/or telephone interviews with public interveners at the Repap Phase I environmental hearings.

Table 1 describes the numbers of people interviewed within each of the above categories.

Other Legislation:

- 6) Comparisons between public participation efforts under the Environment Acts of Manitoba, Ontario, Saskatchewan and Alberta.
- 7) Comparisons between public participation efforts under the Manitoba Environment Act, the FEARO process (under the Federal Department of Environment Act), and the Canadian Environmental Protection Act.

4.1 Mail-Out Questionnaire:

A total of 100 questionnaires were mailed to people who had attended or participated in a CEC environmental hearing since the Manitoba Environment Act was proclaimed in March 1988. Participants were randomly selected (by computer

TABLE 1: Summary of Responses and Interviews

	<u>NUMBER OF RESPONSES AND INTERVIEWS</u>
<u>LEGISLATED AREAS:</u>	
1) A mail-out questionnaire to CEC hearing participants.	43/100
2) An anonymous questionnaire left at all public registry locations in the province.	10
3) Personal and/or telephone interviews with MEC Board members.	14
<u>NON-LEGISLATED AREAS:</u>	
4) Personal and/or telephone interviews with chairs or designated representatives of public interest groups.	20
<u>CASE STUDY:</u>	
5) Personal and/or telephone interviews with public interveners at the Repap Phase I environmental hearings.	38
<hr/>	
Total Sample Size	125

tables), out of a total of 287 individuals. There were individuals who had registered at one of more of eleven public hearings which had been conducted by the CEC during the time period of this study.

The mail-out questionnaires were developed, pre-tested, and mailed on July 24th, 1989 (see Appendix II for details). Individuals had approximately one month in which to complete the questionnaire; returns were requested by August 18, 1989. A follow up letter was sent on August 14th to individuals who had not returned their questionnaires, reminding them to fill out the questionnaires and mail them in.

A total of 43 questionnaires were returned answered (or partially answered), with one returned completely unanswered. Four telephone calls were received from people who did not feel that they could participate, and two questionnaires remained unanswered upon request of the researcher, to eliminate duplication of interviews. In total a 43% response rate was reached for this portion of the study.

The analysis that follows has been based on the answers given by the 43 respondents who filled out the questionnaire. Although numbers have been used to illustrate participants response to questions these are for descriptive purposes only, and are not meant to quantify the overall results. The questionnaire was divided into three

parts to obtain information on 1) the public registries, 2) public hearings, and 3) personal information.

4.1.1 Public Registries:

Twenty-seven of the 43 respondents were unaware of the public registries. Two of these 27 commented they would like to know more about them. The remaining sixteen respondents were aware of the registries. Thirteen of the sixteen had expressed their concerns to the government through writing letters, requesting more information or requesting a hearing. Seven of the sixteen people who had expressed their concerns were aware of a response by government as a result of their input. These responses included a government decision to hold hearings, a written report outlining concerns, or a statement of action. Eight of the sixteen respondents knew which Class of project (as defined by the Manitoba Environment Act) they had been interested in.

Eleven of sixteen had enough time to respond to proposals and eight of sixteen felt that information was easily accessible. Eight of sixteen also agreed that the registries were effective in assisting people with their involvement in environmental issues, while five of sixteen agreed that the registries provided sufficient background information on projects.

Comments received more than once from registry users

indicated that the public could be more informed of the existence of the registries, and, that initial decisions on acceptance of projects were often made before the proposals entered the registry system.

4.1.2 Public Hearings:

Twenty-eight of the 43 respondents had participated in at least one hearing since the Environment Act was passed. Five of the 43 had participated in more than one hearing. The remaining 10 respondents did not complete the question on how many hearings they had attended.

Although multiple responses were given as to why people attended hearings, the majority answered they did so for individual interest and/or to give a presentation. The second most commonly cited reasons were to obtain information only, and/or to represent an organization. In addition, the majority of participants became aware of the hearings through either personal contacts or by receiving a letter of notification. This was followed by newspaper advertising and radio announcements (which occurred in towns or cities other than Winnipeg).

Twenty-five of the 43 respondents indicated that publicizing for the hearing was appropriate and there was adequate notice to prepare. Twenty-eight of 43 indicated the hearing was arranged at an appropriate time for them. Twenty-one respondents did not incur financial costs in

preparation for the hearing(s) they attended. Twelve respondents did incur financial costs including personal business loss, telephone, wages, transportation and meals. One person had requested financial assistance from the government but had not received anything. Ten of 43 people did not respond to the above.

Eleven of 43 agreed or strongly agreed that their (or their organization's) participation would increase at hearings if financial assistance was available. Twenty-one of 43 disagreed or strongly disagreed that their participation at hearings would be greater if more time was allowed to prepare for a hearing. Thirty of 43 agreed or strongly agreed that hearings are an appropriate way to express concerns or objections. Twenty seven of 43 considered public hearings to be the most effective means for assisting the public to participate in environmental assessment and decision making. The next most effective mechanisms were considered to be public meetings, workshops, open houses and advisory committees.

General comments expressed more than once included:

- Hearings must be held before major decisions are made (i.e. like the Hazardous Waste facility siting process), otherwise they are just a formality;
- Advertising for hearings should be more clear and noticeable to attract public attention;
- Six to ten weeks notice is more appropriate to prepare;
- People are afraid to speak at hearings unless they

are small and informal;

- Hearings could be better organized;
- The effectiveness would be greater if there was money available to hire a lawyer;
- The hearing process is a fair one.

4.1.3 Personal Data:

Thirty-three of 43 respondents did not belong to an environmental organization. Six of 43 were members of environmental organizations. Thirty-one of 43 respondents were male, with the majority of the participants in the 31-50 age range. Responses were from Winnipeg, The Pas, Petersfield, Brandon, Portage la Prairie, Selkirk, Clandeboye, Beausejour, Rosser, Shoal Lakes, Gladstone and Minnedosa. Nineteen of 43 respondents had obtained University education. This was followed by high school (ten), community college (six), and other (eleven). Six of 43 did not answer.

Comments received more than once included:

- The hearings are informative;
- People will only be motivated when personally involved;
- The government must show more of a commitment to environmental protection.

4.2 Public Registry Questionnaire:

The librarians in charge of the nine public registries for the province, were contacted in June of 1989 to request

their assistance in distributing a one page questionnaire to registry users to be answered on an anonymous basis (see Appendix III). Each registry location was forwarded a number of these questionnaires which they retained for a period of four months. Although each of the librarians agreed to have the questionnaire available, they could not guarantee that everyone who used the registries would fill them out. Each of the registries had originally been set up so that they could be used anonymously, making it somewhat difficult to achieve a high success rate with this type of monitoring approach.

A total of ten questionnaires were answered (four from The Pas library, two from the Centennial Library in Winnipeg, and four from the main registry in the Environment Department resource library in Winnipeg. Six of the respondents identified themselves as willing to be interviewed. Of these six, two were interviewed. The remaining four were either unable to be reached, or were interviewed under another capacity for this research.

The file which received the most use was the Repap Phase I Modification and Expansion proposal. The registries were used to gain information for the following of reasons:

- To assist with a research project,
- For research cooperation (between the University of Manitoba and Manitoba Hydro),
- To determine how licensing could be affected by public concerns,

- To determine the environmental impacts of development projects,
- To determine employment opportunities of proposals,
- To determine the potential for recycling at the Repap mill.

Notification that development proposals had been received in the local public registries was obtained through personal contacts, and to a lesser extent by discussion with government officials and the local newspaper. All of the respondents felt that the registry information was easily accessible. Eight of the ten respondents represented an organization or affiliation, while only two were there for individual purposes.

The registry was considered to be effective in providing the public with information about projects which could have environmental impacts, and five of ten respondents had expressed their concerns to the government regarding a project. Nine of ten respondents said they would use the registry again.

Comments received more than once from those who filled out the questionnaire or had further interviews were as follows:

- The material in the registry was overwhelming and difficult to understand;
- The registry must be advertised to a greater extent;
- A photocopying service should be available at all locations, or a call in and mail out service provided;

- Project proposals should be advertised on the radio more;
- The Centennial Library in Winnipeg should be a central registry for all major projects.

4.3 MEC Board of Director Interviews:

There are seventeen members comprising the Board of Directors for the Manitoba Environmental Council. Fourteen of the seventeen members were interviewed to determine how MEC sees its role in public participation, its view on the public registries and the role of public hearings. The remaining three members were either unable to be reached, or were interviewed in another capacity of this study.

The following information is based on the format of the questionnaire which was used to interview the MEC Board members (see Appendix IV):

4.3.1 General Information:

The majority of the Board members saw MEC as playing an educational role which informs the public of environmental issues through its publications and forums. It was felt that MEC helps to channel public concerns to the Minister and bring attention to environmental matters all over the province. MEC does not consider itself to be a public group because of its advisory role to the Minister of Environment, although many of its decisions are based upon public input. MEC sees itself as low cost expertise for the government,

and an informed spokesperson on environmental issues for the general public. MEC's role can range from advisory to advocate. MEC contributes to public participation through its presence at CEC and other hearings, where it identifies issues and presents informed and technical briefs.

Members believe that participation in environmental activities is increasing since the Manitoba Environment Act was passed. MEC status under the Act helps them to function as a stronger entity. There is some concern that the Minister could put excess pressure on MEC to investigate and advise on issues which the Minister would like advice on, thus reducing time for MEC to pursue its educational and Council initiated activities. MEC is becoming more proactive now, although funding will continue to determine if participation by rural members will increase. The Environment Act is open to interpretation, so much of MEC's action is dependent on the Minister's discretion. The Environment Act has strengthened MEC's input and requires members to address more issues. MEC has more opportunity for independence, and this is seen as a positive step.

Members felt strongly that membership must originate from the Council itself (even though official appointments are made by the Environment Minister), in order to keep the MEC apolitical. Although the membership had been reduced from 100 to about 60 under the Environment Act, members were not as concerned with numbers as they were about members

being active. One board member felt there should be at least one representative from all communities over 2000 people in the province, and that this arrangement should include native people who are often discouraged by environmental activists, who they see as trying to stop their natural activities such as trapping.

MEC members felt that funds were improving towards the level they had been at in the past. The most important activities which were seen to require funding were travel costs for regional member participation in meetings and publications. There was some concern among members that MEC could not administer its own funds, however with MEC now being brought into the estimates process and submitting an official budget to the Treasury Board of the Government of Manitoba things appeared more positive. A budget increase was going to be submitted to include provision for hiring a staff researcher.

The most common response to the question which asked members to comment on MEC staff positions (which are provided for by the Environment Department), was that a research position was needed for working on special issues. Volunteers cannot always find the time to do the research that is necessary, yet the Environment Act provided opportunities for this work to increase. A researcher, whether hired on contract or in a full time position, would be able to work on projects which the Minister or the

Environment Department has requested, as well as MEC position papers and publications. The greater the administrative capability of MEC the more responsive it can be to project demands.

Suggestions were made with respect to how MEC could best represent the public interest. These included:

- Having MEC function as an independent group which assesses environmental impact statements put out by proponents and/or the government;
- Seeking a firmer guarantee of their ability to operate as an independent body under the Environment Act;
- Research capability which would help them to be less reactionary;
- Expansion of their public education role to allow MEC to act as an intermediary which informs the public of government actions;
- Increased trips to rural Manitoba to show people an MEC presence in their communities; and
- Increasing their environmental networking among the public.

4.3.2. Public Registries:

Board members were aware of the public registries, and had become aware of them through the MEC office. Six of the Board members had used the registry directly to get information on projects. There was general agreement among Board members that the registries were effective in assisting people with their involvement in environmental issues, and they were a positive step toward opening up

information to the public. There were some concerns raised, such as how current the information in the registries was, the extent of public knowledge of the registry system, the extent that people are motivated to use the registries, and suggestions for a toll free number for those out of town people who do not have a registry nearby.

Concerns were expressed as to the provision of sufficient background information on proposals, the proponents answers to environmental questions, and the distribution of information to the registries. A suggestion was made that the Centennial Library should be another main public registry. MEC members were pleased when they were invited to comment on the terms of reference for an environmental impact assessment of a major project (Repap). The accessibility of the registry information was questioned.

General comments received more than once included:

- The main registry was awkward to get at, and not convenient for people who work;
- MEC recommended that the main registry in the Environment Department resource centre remain open on weekends and evenings to accommodate the public who cannot use it during weekdays;
- There should be a column in the registry listing to show if an environmental assessment had been requested, if guidelines were in preparation for the assessment, and if the environmental assessment had been received;
- An additional column could indicate if a CEC hearing had been called on a particular project;

- Members were pleased that the MEC office regularly sends out the monthly registry listings.

Additional comments included:

- Radio and public service announcements should be used to advertise proposals;
- Ads for major projects should be advertised over broader regions, not just the local areas; and
- Town offices and/or post offices could post registry listings;

4.3.3 Public Hearings:

Eight of the Board members interviewed had been involved in a public hearing since the Environment Act was proclaimed. MEC involvement ranged from assisting with the preparation of briefs for a hearing, to making presentations on behalf of MEC, to obtaining information for work purposes, and being asked to be a Commissioner on a CEC panel. Those who had participated in hearings received notice through the MEC office, through correspondence with the CEC chair, and from the newspaper.

Board members in regions felt that quite often only two weeks notice was given before a hearing was held (in some regions), and that this should be increased to six weeks, with a second notice as a reminder. Advertising was considered appropriate, although it was possible for notices to be missed due to their small size. Announcements should be made on local radio stations to improve communication. One member noted there was no problem if you were watching

for the ads. Several Board members felt that 30 days was not adequate notice to prepare technical briefs, and that early notice by letter from the CEC was a good idea. They also suggested tapping into free advertising or getting proponents to do advertising themselves. Inadequate notice restricts the number of people who will participate in the hearings. Several respondents felt that evening hearings would facilitate increased public turnout.

Comments were made on the issue of financial assistance for public interest groups who wish to attend hearings. These included:

- Those who are committed will find ways to get funds needed;
- Government should spend more money on enforcement to clean up what is already going on.
- Why use government money to fight government.
- A group of experts paid by the government could be made available to assist members of the public in gathering information and conducting analysis. This would be better than handing out money and having much duplication of input by interest groups.

With reference to the above comment, Fox (1979) refers to public interest groups engaging in the services of a non-profit Public Interest Advocacy Centre (PIAC) (such as the public law firm existing in Ottawa). This firm will represent, consult, provide information and legal assistance if necessary to a broad range of interest groups. The PIAC prepares independent research for the public and helps

organize groups for self representation at public hearings. Fox (1979) also discusses formation of a Department of Public Advocate (which operates in New Jersey), where lawyers specializing in environmental issues determine if they should initiate action, but must do so on the basis of the broad perspective of the public interest.

- If funds were to be made available to interest groups, a central agency such as the MEC should be responsible for distributing the funds;
- The availability of funds for travel would be a good idea; and
- Funding is a good idea if administered properly, and shows that the public's participation is being taken seriously.

MEC members felt that financial assistance for public interest groups would not influence MEC decisions to attend hearings. MEC has its own funds for operating, although there is the question of compensation for attending hearings, and in providing funds for research and the preparation of briefs.

With respect to the time period between announcing a hearing and the date it is held, MEC members felt that six instead of two weeks notice would allow an improvement in the quality of presentations, but that more time was not always necessary to get a good brief. The frequency of attendance would likely increase for MEC members as well. Some flexibility in preparation time before hearings was required, depending on the magnitude of the project.

Reasons other than financial which might discourage MEC's participation in hearings were:

- The ineffectiveness of the process which occurs after the decisions have been made;
- Time factors;
- Upsetting the political arena with controversial views;
- Lack of definite procedures to follow in the hearing process which allows domination by some individuals; and
- Time conflicts with full time jobs.

General comments received more than once about the hearing process included:

- The formality of the process might discourage the public;
- There was no way of knowing if your comments were taken seriously;
- It was a good way to get local points of view and exchange ideas;
- It was a fair process which allowed everyone to be heard, although presenters should be able to address any concern which they feel is important;
- Hearings must remain informal, and if lawyers are present they should be bound by rules and set procedures;
- The hearing process should be preceded by forums or public meetings so the public does not have to react to information at the hearings;
- The CEC should be given its authority back, because under the present Environment Act the government does not have to listen to the public because it does not have to listen to what the CEC recommends.

With respect to the question on other methods for

assisting public participation in environmental assessment and decision making, Board members felt that the government should make more of an effort to publicize issues through the media before a public hearing is held. With politicians seizing on the need for greater public awareness, the establishment of workshops on certain issues is a good idea, as long as a good facilitator is available. Public meetings were not considered good because their purpose was to inform, not promote two way communication.

Further comments on the MEC role in public participation included:

- MEC should make its briefs understandable at hearings, not just technical, so that the public will accept MEC positions;
- Increasing public participation is needed to coincide with sustainable development;
- Proper action cannot be taken by the public until funding is made available to them;
- The public is frustrated and is starting to consider legal action;
- Governments should listen more to people and start looking at whole projects, not just pieces;
- Although the government has inertia in the environmental area, it is still mainly dealing with pollution and mitigation; and,
- More technical people are needed at hearings who understand the processes and will be listened to.

4.4 Public Interest Groups:

The following information is based on the questions

from Appendix V which were used to interview public interest groups.

A total of 20 public interest group representatives were interviewed either in person or by telephone. One person from each organization was interviewed, usually the chair or president, or whomever was designated by the chair as the appropriate person to interview. Seven out of 20 interviews were conducted with members who were representing organizations outside of Winnipeg. The remaining thirteen representatives were from organizations within Winnipeg.

The organizations were a mixture of environmental groups, municipal organizations, agricultural organizations, conservation and resource groups, environmental education organizations, and natural history groups. They are listed as follows:

Brandon Natural History Society, Carberry
Inter-Mountain Naturalists Society, Dauphin
Sierra Club, Brandon
Union of Manitoba Municipalities, Gimli
Westman Wilderness Club, Brandon
Marquis Project, Brandon
Manitoba Institute of Agrologists, Dauphin
Manitoba Eco-Network, Winnipeg
Manitoba Association of Urban Municipalities, Winnipeg
Keystone Agricultural Producers, Winnipeg
Concerned Citizens of Manitoba, Winnipeg
Manitoba Parks and Recreation Association, Winnipeg
Manitoba Wildlife Federation, Winnipeg
Manitoba Forestry Association, Winnipeg
Treaty for Aboriginal Rights and Research (TARR),
Winnipeg
Recycling Council of Manitoba, Winnipeg
Fort Whyte Foundation, Winnipeg
Manitoba Environmentalists Inc., Winnipeg
Wildlife Society, Winnipeg
Manitoba Naturalists Society, Winnipeg

Questions were designed to obtain input on how these organizations viewed: 1) the role of non-government, public interest groups with respect to public participation, 2) the public registry system, and 3) public hearings.

4.4.1 The Role of Non-Government Public Interest Groups:

All of the organizations interviewed came under the category of volunteer, membership based groups, often composed of both professional and non-professional members. The most common role identified by the groups was that of public awareness and environmental education. Public awareness and education was attempted through networking with other environmental organizations, attending annual conferences, involvement with school programs, demonstrations, publishing notices of events in newsletters and writing articles for local newspapers.

The next most common role that groups identified was that of lobbyists or activists which try to put pressure on government and industry by representing the public's views on environmental issues. These organizations were occupied with preparing briefs to present at environmental hearings, issuing press releases, promoting opportunities for their own members to participate, initiating projects and distributing information about issues and their organization's viewpoint. They were also interested in lobbying for proper laws, policy development, and some had

participated in the review of the draft Manitoba Environment Act.

In addition, group representatives saw their organizations as having a watchdog function on important environmental issues, were interested in promoting recreation, and played a key role in representing Manitoba's native bands.

When asked how their organizations viewed the Manitoba Environmental Council as representing the public's environmental concerns, there was a mixture of responses. The MEC was seen as having certain advantages in its advisory role, but this was dependent on how the government treated its recommendations. MEC's independence to explore environment issues on its own was considered to be good. Others saw the advisory role as having the potential to be effective, but the organization itself was not well known. Ten of the groups interviewed had members representing their organization on the MEC. The fact that MEC includes representatives from environmental organizations was deemed to give its recommendations more credibility. MEC was considered by some to be a good resource of people and expertise in environmental areas.

There were concerns that because the MEC is appointed and financed by government it avoids controversy. Some respondents felt it should have more autonomy, and that MEC should be more vocal when the Environment Minister rejects

their recommendations. MEC was also seen as an extension of government, and some regions, particularly the North, were under-represented. There was some concern that MEC's advisory capacity was too narrow for certain issues (where they were restricted from lobbying), and that it could not be an all purpose representative body because it cannot adequately respond to the views of all regions of Manitoba.

With respect to the issue of value attached to the input of public interest groups by government, there was general agreement that their advice was sought and welcomed, but there were doubts as to its real impact on government decision making. Groups generally felt good when their resolutions or concerns were followed up by meetings with the Minister or government representatives. Generally the organizations were interested in more meetings with ministers, but felt that this opportunity was a function of how receptive individual ministers were to the input of outside groups.

The size of their respective organizations was considered to influence the power they had. The larger the membership, the stronger voice they had, and the more likely their concerns were heeded, particularly if their concerns represented a broad regional base. It is often difficult for volunteer groups to have a strong voice on a number of issues, because as volunteers they cannot spend a great deal of time on any one issue.

There was also a feeling that although government was often responsive, its actions were very slow. This meant that an organization has to be persistent and lobby if it is going to make itself heard. Some examples of the government recognizing an organization's input include:

- The creation of the Recycling Action Committee;
- Meetings with the Sustainable Development Coordinating Unit;
- Government response to a request for having a Brandon representative on the Manitoba Round Table;
- Progress in the establishment of a position for a coordinator to oversee environmental education in school curriculums; and
- The possible establishment of a conservation directory for the province with input from the agricultural organizations.

On the negative side, there was a general feeling that although groups were listened to, they had to be very patient before seeing any actions on their requests. There were concerns expressed that government and industry still saw environment groups as interfering in their activities.

Some respondents felt that the Environment Act was meant to serve a symbolic purpose of indicating government concern for environmental matters and encouraging public participation. Respondents noted that the Act left final decisions up to the government. In order to reduce some of these concerns the public participation features of the Environment Act could be emphasized so the public will recognize more clearly at what stage it can have input into

environmental assessment and decision making and how this input will be utilized.

4.4.2 Public Registries:

Eight of the 20 public interest groups interviewed were aware of the existence of the public registries. At the time of the study, only four of the eight groups had used the registries to obtain information on three projects: Repap, the Grand Beach hotel proposal, and the highway #8 development to Hecla Island. The fourth user obtained basic information from the registry and referred the public to it.

For certain proposals, such as the Grand Beach proposal, the public was involved with meetings from the beginning, although there were concerns that not all proposals involved the public at an early enough stage. Concerns were also expressed that environmental assessment studies should be done by independent groups, not the proponent, and that a third party should be asked to assess the proposals for major industrial developments such as Repap. In some cases, such as the development of standards for roads in provincial parks, the public could be involved at a much earlier stage.

Information from the registries was considered to be accessible, but one of the four users stated they would have preferred to be able to take the information on loan. Comments regarding the overall effectiveness of the public

registries included:

- The idea of setting up the registries in libraries where individuals could consult them anonymously was received favorably;
- Two or three copies of proposals should be available for loan from the libraries.
- The registries may help the public to become more proactive;
- In principle, information through the registries is more accessible and easier to get for the preparation of briefs;
- If certain key things were omitted by the government, this would limit the usefulness of the information;
- The registry proposals could be biased in favour of the proponent; and,
- Does the government acknowledge written responses to registry proposals?

Non-government public interest group members were not using the registries to a large extent during the time of this study. However, over time, with networking, and some additional advertising the awareness and use of the registries will increase.

4.4.3 Public Hearings:

Sixteen of the 20 public interest groups had been involved with an environmental hearing, although these were not all CEC hearings. Some had attended Hazardous Waste Hearings, the Repap hearings, golf course establishment hearings in Springfield, the Douglas Marsh hearings, the land and water strategy hearings, peat and stubble burning

hearings, and the Rafferty-Alameda hearings put on by Environment Canada.

Participants were questioned on the length of time in which their organizations had to prepare for hearings. Eighteen of the respondents could not answer the question because they had not been directly involved with preparation of a brief. Two respondents indicated that greater preparation time would contribute to more thoroughly researched documents. Others felt there should be some flexibility involved with hearings since presentations could be affected by unforeseen circumstances.

Thirteen of 20 interviewed did not know if their organization had ever requested financial assistance to prepare for a public hearing. Six of 20 representatives knew their organization had not requested funds, while one had applied but not received funds.

Group representatives were asked to comment on the issue of financial assistance for public interest groups who wish to attend hearings. Comments which were made more than once were as follows:

- We need to hire someone to interpret documents for the public because the material is too advanced, or there is no time to go through it;
- Groups shouldn't depend on funding from the government in order to fight the government;
- Certain groups should not apply for or accept funds if they can get by with their own financing;

- Funds should be given to groups who do not have the same advantages as industry, this should be part of the rules of hearings;
- Public groups who must appear at hearings without funding create an imbalance in the process with highly paid experts on the proponents side and the emotional and concerned public on the other;
- Groups could use funds for travel, accommodation and meals;
- Funding for groups could be subject to a lot of abuse;
- Funding should be available to get fair representation from environment groups;

With reference to the question on factors other than financial, which might discourage an organization's participation, the following comments were given:

- A perception that the CEC panel lacked impartiality, (i.e. at the Repap hearings there were concerns that the CEC had expressed its support for the project and the thoroughness of the EIA);
- Volunteer non-government organizations can only become involved in so many issues due to time restrictions; and,
- The public will put its time and effort into hearings and issues so long as it is perceived to be having an effect.

Eight of 20 groups felt that the hearing process was good, favorable and/or an essential component of decision making. Two of the 20 groups described the process as better than nothing, but tended to be biased towards the proponent. Eight could not speak from personal involvement, while two others felt that there had to be more to public

participation than attending hearings, i.e. citizens need to be involved in the whole process of decision making. Hearings also encountered the problem of apathy, where only people who were directly affected by the development were likely to get involved.

Hearings were considered to be helpful in bringing issues out into the open, however the presence of lawyers was intimidating. Ministerial discretion on decisions was considered undesirable by those who had participated in a hearing.

Suggested changes included:

- Removing lawyers from the process;
- Ensuring the appearance of the CEC at public hearings is seen as impartial;
- Defining the procedures for hearings so that the public presenter would not be discouraged with the process.

Hearings were considered to be a good idea for specific projects, but for general policy development and department direction, the use of informal small group meetings was suggested, (e.g. have the government invite environmental groups to a luncheon to discuss their views and ideas). Putting greater emphasis on environmental education in schools was considered to be valuable and had the potential to increase public participation in the future when children grow up informed about environmental issues.

The present demand for public participation was recognized by respondents to be high. Governments need to

become more responsive, accessible and accountable to people. A suggestion was made that the public and government should work more towards becoming partners when making development decisions, as a way to avoid the conflicts which presently tend to dominate public hearings. Final comments from the public interest group representatives addressed the following concerns:

- Does the government want to convince people that the decisions made are correct, or does government want to involve the public in whole processes, including initial decision making?
- Environmental education, particularly in scientific and sociological aspects, is very important, and hearings themselves have an educational benefit.
- Since the current hearing process is set up to present scientific facts, funding is required by public interest groups so they can prepare to participate within the existing framework. (The proponent should be contributing to public financing, but an independent source should distribute the funds.)

4.5 The Repap Hearings:

The following information is based on the interviews conducted using the Repap questionnaire (Appendix VI). (Appendix VII lists all of the organizations or individuals who were interviewed).

Public presenters who appeared at the Repap Phase I environmental hearings were interviewed either in person or by telephone. The interviews were designed to identify which

groups or individuals made presentations at the hearings, their opinions on the public registries, and what they thought about the public hearing process in general.

A total of 38 people were interviewed. Seventeen interviews were conducted in The Pas during the Repap hearings which were held August 20-23, 1989. Twenty-one interviews were conducted at the Repap hearings in Winnipeg, held August 28- September 4, 1989. A total of 42 presentations were given by the public at the Repap hearings. Four of the 42 presenters were not interviewed because they could either not be reached or a suitable time for an interview could not be arranged.

These hearings were considered to be very important by those who were interviewed because of the large magnitude of the proposal with respect to the harvesting of Manitoba's trees and the potential environmental implications of the proposed mill.

Although it is unusual for a CEC hearing to have legal representation, this particular hearing had a number of lawyers representing the proponent, the CEC, and one of the public interest groups. Although this was considered to be different from the normal hearing process, it is possible that we may see more of this type of hearing in the future when large scale developments are proposed. The use of lawyers was not well received by a majority of the respondents contacted in this study.

Thirty of the 38 presenters interviewed at the hearings were representatives of organizations (thirteen in The Pas, and seventeen in Winnipeg). The remaining eight presenters were there to represent themselves and their concerns or views regarding the Repap proposal.

4.5.1 The Public Registries:

With respect to the question on use of the registries, ten out of 38 people had used the public registries to get information on the Repap proposal. Three of 38 people knew of the registry but did not use it and 25 people were unaware of the registries. Of the ten people who did use the registries, three people used the registry in The Pas, and seven used one of the registries in Winnipeg.

For those people who did not use the registries, information was obtained directly from Repap officials, information meetings, Repap presentations, the local newspaper and the local government in The Pas. In Winnipeg material was obtained through organization affiliates, meetings with Repap, McLaren Plansearch (project consultants for Repap who wrote the EIA) directly, previous research, and through requests for related material from other locations.

The ten registry users responded to the question of sufficient information in the registries with mixed answers. Four people stated the information was sufficient because

it provided information which they could not get elsewhere.

The remaining six users gave the following observations:

- The registries are overloaded with technical information which is impossible to understand;
- The information in the EIA was designed purposely to overwhelm or scare people;
- The information in the northern registries was not up to date;
- The agreement between Repap and the Province should have been in the registry;
- Information from the proponent was not available in all the northern locations of the registries;
- Registries are good if people are fully informed and well educated;
- The Centennial Library in Winnipeg should receive all material for important, large proposals;
and
- The information in the registries needs to be in words that the public will understand.

4.5.2 The Public Hearings:

The general consensus among presenters at the hearing was that the government should be requesting input from the public at an earlier stage in the licensing process.

Comments received more than once included:

- The public should have input into the class of major developments;
- The public should have been involved prior to the Repap agreement;
- Government still accepts industry standards, not the public input;

- A formal component is necessary to establish the scope of environmental assessments;
- Consulting the public on the proposed phases for the Repap hearings would have reduced animosity at the current hearing;
- The current hearing is taking place under too narrow a scope, earlier public participation would give people a chance to look at the total implications of the proposal;
- Public input is too late in the process because the decision has already been made, this is just a formality;

The majority of people interviewed (fourteen of 21 in Winnipeg, eleven of seventeen in The Pas) said their decision to attend the hearings was not influenced by the McLaren Plansearch or Repap public consultation sessions held prior to the hearings. Open houses, although useful for communities to get together, were not seen as offering a chance to give and take public viewpoints. McLaren consultations were seen in some instances to be a part of the Repap selling job. Three people were influenced by the public open houses, and were pleased to have been able to speak to Repap officials, and their researchers, who helped to clarify the extent to which environmental impacts were being assessed.

Twenty-seven out of 38 presenters had taken the opportunity to express their concerns about the project to either government or Repap (fourteen in Winnipeg and thirteen in The Pas). The most common forms of action taken were:

- Letters sent to the Environment Department requesting further information;
- Meetings with the Environment Director and Repap officials;
- Advised Repap to get a public commitment to the project and establish a good reputation before the process continued;
- Wrote letters stating it was a hollow exercise to have the forest policy after making a decision on the mill; and
- Phone calls to government to get technical data.

Responses to the above were received in most cases, although four people referred to their concerns being ignored or polite letters being sent which did not address concerns. Repap's efforts in taking people to their Wisconsin plant were received favorably by those who went.

Responses to the question regarding the financial costs of participation in the Repap hearings were almost evenly divided. Fifteen presenters had financial costs, fourteen did not, but considered time to be major cost. Nine people did not answer this question. Costs which had been incurred included the following:

- Travel and accommodation costs;
- Administrative costs (e.g. postage, courier, staff time, long distance calls, fax, legal assistance, duplicating costs, and purchasing environmental information.

Seven out of 38 people applied for funding from either the Environment Department (six) or the Department of Indian Affairs (one), to prepare for the Repap hearings (five in

Winnipeg, one in Thompson, and one in The Pas). Twenty-two did not apply, nine did not answer.

Seventeen of the presenters in Winnipeg felt that financial assistance should be available. Most importantly they requested funding to hire primary researchers to independently assess the environmental impact statements for the proponent. Secondly, they felt that the government, by providing financial assistance to people who volunteer their time would establish better credibility with the public. There was some question as to whether or not the proponent should pay the funding or if funding should be through the government with a proponent levy.

Hiring researchers was considered a priority so that arguments could be properly presented in briefs and so that useful information is presented. Funding was considered necessary to hire legal counsel and to hire outside experts such as university professors for their advice to the public. It was suggested that a policy be developed to second experts and pay them for their advice. The impact of the public was considered to be greater if the right questions were asked at a hearing, and this would only be accomplished by hiring researchers who were prepared with technical knowledge when developing their presentations. One of the native organizations indicated they would be requesting Repap to post a bond for compensation should damages to the fishery or physical health occur as a result

of Repap's operations.

References were made to the fact that a policy should be developed on financial assistance that was similar to the Intervenor Funding Project Act of Ontario. Funding would be dependent on the scope or magnitude of the projects.

The most common theme among those interviewed was that funding is required to hire researchers to put the public organizations on the same technical level as the proponent (Repap). Those who attended the hearings saw an unbalanced situation in which the proponent had the funds to hire lawyers and researchers, and the time to contribute to the hearing process. The public, on the other hand, although invited to attend, was left scrambling to keep up with complex, scientific presentations to which it did not feel adequately prepared to address.

In The Pas, six of the presenters felt that financial assistance should be available to hire consultants for expertise at hearings, to present facts and not just emotional statements; and to assist organizations who wish to make contributions but are limited by finances and time.

The Pas presenters also felt that government, instead of having financial assistance available to groups, could hire consultants which would be available for interest groups to contact for scientific information, assessments, etc. This would eliminate the prospect that all of the groups who required funding would hire their own consultants

to do the same review. This suggestion is consistent with the suggestion from the Winnipeg hearings that a policy be developed to second or hire experts who would be available for the public groups to contact.

Five presenters did not feel that funding was necessary for the public, (one in Winnipeg, four in The Pas). These people stated that:

- Costs remain within the organizations;
- Costs should be absorbed by the participant
- Organizations could raise their own funds to attend hearings;
- There would be a problem with every group requiring funding and funds would be abused;
- Funding should only be available if a group was representing a large consensus, because the distribution of funds would otherwise, be very difficult.

It was generally agreed by participants that the amount of advertising depends on the project, and that for Repap specifically, larger scale advertising could have been done. (i.e. the significance of the hearings to all of Manitobans could have been portrayed more in the newspaper, to grasp the public's attention). Organizations were helpful in sending out information about the hearings. Comments received more than once about the CEC advertisements included:

- The ads were small and easily missed;
- More advertising could have been done on the radio (radio ads were only done in rural Manitoba), and through public service

announcements.

- Groups appreciated being contacted by the CEC about the hearings.

In The Pas, announcements about the hearings were made on the local radio station. People generally felt the hearings were well advertised in the local newspaper and the townspeople got together and made posters to display in store windows.

In response to the question on time available to prepare for the hearings, fourteen of 38 people commented that there was adequate time for them to prepare (five in Winnipeg, and nine in The Pas). Two of these fourteen people were concerned that if you wanted to make a technical presentation, the time requirements for review and preparation would have to change.

Twelve of 38 participants felt that there was not enough time available to prepare for the hearings (ten in Winnipeg, and two in The Pas). Comments received more than once were:

- Two to four months would have been a more reasonable time to research a project of such a large magnitude;
- Hearings should have been scheduled for the fall when people were not on holidays; and
- If the CEC is going to make the schedule tight for holding public hearings, funding should be available to hire people who can do the preparations in time for the hearing.

Thirteen of 38 groups or individuals stated they would

appeal the Minister's decision if it did not satisfy their concerns (ten in Winnipeg, three in The Pas). Six of 38 participants stated they would not appeal, or would take other action (such as consult their organizations after some time had elapsed). The remaining nineteen of 38 participants did not know if they, or their organization would appeal (fourteen), or did not answer (five).

Five of 38 participants said they would (or might) take legal action against the government if necessary as a result of the Minister's decision (two in Winnipeg, three in The Pas). Six of 38 stated they would not take legal action, eleven were unknown and sixteen either did not answer or said the question was not applicable.

In an overall evaluation of the process, the public hearing for Repap was considered to be a good one. Comments received more than once included:

- The public has a responsibility to become involved and hearings provide the opportunity to do so;
- Timing of the hearings was considered to be important;
- Hearings were considered good because there was a public record of people's views although a more structured process was recommended;
- A more structured process was recommended;
- The presence of lawyers was discouraging;
- The process would be less adversarial if the environmental impact assessments were not done by the proponent;

- An panel of experts should be available to identify important questions and interpret material;
- The presenters want to be able to comment at the proponent's level.

There were questions as to the ability of the CEC panel to absorb the vast amount of material that was being presented, and there was also concern that for such a technical hearing, there was only one scientist sitting on the CEC panel. Concern was also raised as to how arms length the CEC decision was going to be from government, and that at times they appeared to be taking the position of the proponent.

One participant suggested that more time and finances should be spent on resource development planning, so that the public won't be reacting to decisions as much. It was felt that the public is being asked to assess environmental impacts from too narrow a scope, (i.e. not in terms of the whole picture). It was suggested the process could be run similar to the public utilities board which has a structured process, established rules, daily transcripts, and exhibits for the public. The open appearance of the hearings to hear all of the public's concerns was considered encouraging.

In The Pas, participants felt the hearings were good for local input. Participants disliked the presence of lawyers and thought the questioning got out of hand at times. Hearings were considered necessary for a project of this magnitude, were good for sharing information and

providing support for others. Doubt was expressed as to the independence of the CEC decision from the government's influence.

One participant observed that the hearings were split between the those who presented their values in terms of a broad perspective on the environment and those who got involved with presenting scientific detail. (This observation was previously referred to by DeSario and Langton 1984). Therefore at hearings two types of public were represented, those presenting values and emotions and researchers presenting facts. The ability of the CEC to call on experts was considered important as well. There was also concern expressed that for the amount of time and funds that are spent on hearings, the Minister should not be able to overrule the CEC recommendations.

The meaning of public input was questioned because presenters felt that Repap and their consultants had months to gather and interpret data, while the public got only a short time to look at the information and prepare for hearings. Issuing licenses in stages was considered to be a flaw in the Environment Act when one stage could significantly affect the next. There was also skepticism that the Environment Act promises public participation but in reality does not allow the public to participate on equal terms with the proponents, especially when developments have been committed to prior to the hearings.

In The Pas, native people were pleased to be asked for their opinion at the hearings. The rigidity of the process was considered a discouraging factor for public participation (i.e. you were either on one side or the other, with no middle ground between participants and proponents). There was a general feeling among The Pas participants that Repap was direct in identifying environmental problems and would do a better job of operating than the previous owners (Manfor).

The main point here, is that the interested public wants to be consulted as early as possible in the planning stages of the licensing process under the Environment Act. This way proponents will gain public support because people will feel they have been involved and their concerns have been listened to. It is the timing of the process that is therefore significant.

4.6 Comparison Between Provincial Environment Acts:

Comparisons were made between public participation initiatives under the Manitoba Environment Act, and the Environment Acts of Ontario, Saskatchewan, and Alberta. Table 2 describes fourteen categories of public participation features and lists whether or not these initiatives were found in each province. These comparisons deal strictly with the processes involving environmental assessment and project approval or licensing among these

TABLE 2. Public Participation - Comparison Between Acts

	*** Man.	Ont.	Sask.	Alta.	CEPA	FEARO
Registry of proposal	yes	no	no	no	no pro- posed	pro- posed
Notice of application	yes	no	no	pro- posed	no	no
Input into proposals	yes	no	poss- ible	pro- posed	no	yes
Guidelines for EIA	yes	no	no	no	n/a	yes
Input into EIA report	yes	yes	yes	yes	n/a	yes
Hearings/Reviews	yes	yes	yes	yes	yes	yes
Regulations/Standards	yes	yes	no	pro- posed	yes	yes
Environmental Council	yes	no	no	yes	n/a	n/a
Enforcement Procedures	no	no	no	pro- posed	yes	no
Intervener Funding	no	yes	no	**yes	no	pro- posed
Grants Available	poss- ible	yes	yes	yes	yes	no
Appeals/Objections	yes	no	no	pro- posed	yes	no
Minister Accountable to Public	yes	yes	yes	no	yes	pro- posed
State of Environment Report	yes	no	no	pro- posed	op- tional	Annual Rep.

** energy projects only

*** Manitoba Environment Act

Ontario Environmental Assessment Act; Intervener Funding

Saskatchewan Environmental Assessment Act

Alberta Department of Environment Act; Energy Resources
Conservation Act

Canadian Environmental Protection Act

Department of Environment Act (FEARO Guidelines)

provinces.

Time restrictions did not permit comparisons between Environment Acts in all ten Canadian provinces, therefore the provinces for comparison were chosen based on their proximity to Manitoba.

4.6.1 Ontario:

Comparisons were made with the Manitoba Environment Act (1988), using the following province of Ontario documents: Environmental Assessment Act, (1980); Intervenor Funding Act, (1988); A Citizen's Guide to Environmental Assessment (1987); and Policy on Public Consultation for Environmental Protection (1988).

With respect to the public participation initiatives outlined in Table 2: Ontario did not have a system of public registries to provide information to the public, on projects which were subject to approval under the Environmental Assessment Act. Notification of proposals to the public was not required, nor was there public input into the proposals or the guidelines for the environmental impact assessment. Instead the proponent is requested to advise the interested and affected public(s) of the nature of the proposed project, and indicate where and how they may participate in the pre-submission process for the formal environmental assessment document. At this point the public will be able to have input into the environmental impact

assessment document. Once submitted, the Ontario Ministry of Environment reviews the environmental assessment and invites the public to make submissions and/or request a hearing. The public hearings, as in Manitoba, are held at the Ministers discretion. If the Ontario Minister of Environment decides a hearing is required, the Environmental Assessment Board will be requested to hold the hearing, and the public will have an opportunity for input at that time.

The Ontario Policy of Public Consultation on Environmental Protection (1988), says that public consultation may also take place when the ministry develops regulations on enforcement and when it establishes environmental standards and guidelines for contaminants.

An Ontario Environmental Council is not presently in existence, although the Minister has the power to appoint committees to perform advisory functions as the Minister considers necessary.

The Ontario Environment Ministry does not consult the public on its enforcement policies, however there is provision to consult or notify the public regarding a particular situation which is in need of abatement due to a contravention of a regulation. The public may be asked for its input on the development of an abatement program.

Intervenor funding, to be paid in advance of hearings, can be granted to individuals or organizations under the Intervenor Funding Project Act (a three year pilot funding

project which applies to the Environmental Assessment Board, the Ontario Energy Board, and the Joint Board). A funding panel will be comprised of one person appointed by the chair of the Environmental Assessment Board (or two people if it is a Joint Board), and will determine which applications for funding will be awarded. The intervenor must provide clear reasons why they should be represented at the hearings, that they do not have sufficient resources, that efforts have been made to raise funds, that an established record of concern is evident and that the intervenor has a clear proposal for use and distribution of the funds. The proponent is notified by the panel of its decision to make the proponent the source of the intervenor funding. The Environment Minister also has the power to make grants or loans available for research or training with respect to environmental assessments.

Once a decision has been made by the Environmental Assessment Board or the Environment Minister after a hearing has been held, the public cannot appeal that decision. Should the Minister decide to alter the decision made by the Board, every person who would receive a copy of the final decision would also receive written notice of the variations.

There is no provision under the above mentioned documents to have a State of the Environment Report issued to the public.

4.6.2 Saskatchewan:

Comparisons were made between the Manitoba Environment Act (1988), the Saskatchewan Environmental Assessment Act (1981); and the Saskatchewan Environmental Assessment and Review Process (1988). As indicated in Table 2, there is no public registry system or public notification of project applications required under the above documents for Saskatchewan.

Under the Saskatchewan Environmental Assessment Act, Ministerial approval is required before a proponent can proceed with a proposed development. The Saskatchewan Department of Environment and Public Safety (through an inter-departmental committee), determines the nature and scope of environmental assessments once it has determined that an environmental impact assessment is necessary. Saskatchewan Environment may ask the proponent to undertake a public information meeting prior to the Environment Department determining if approval under the Environmental Assessment Act is required. If this is requested the public will have input into project proposals, although not into the guidelines for an environmental assessment. The Department of Environment prepares the project specific impact assessment guidelines and notifies the public that an EIA will be required.

The proponent is encouraged to undertake public involvement to identify issues which residents feel should

be addressed in the environmental impact assessment. The public participation program undertaken by the proponent should be documented in the assessment report. The proponent then conducts the environmental impact assessment, and the Department of Environment coordinates an inter-departmental review of the report. The public is given notice when the review is completed, and can have input into the environmental assessment report, as well as the governmental review. The Environment Minister gives notice of the locations where these reports can be obtained, usually in public, university and government libraries. The public must give written comments to the Minister within 30 days.

If the Environment Minister decides to appoint a Board of Inquiry into the development, this Board will solicit public comment on the environmental issues through public hearings. The Minister of Environment may also request that a series of public meetings be held prior to making a decision on appointing a Board of Inquiry. The Minister may award grants for research or brief preparation, but it is no longer under the authority of the Environmental Assessment Act. Intervenor funding is not available to interest groups, nor is there legislation for this. Saskatchewan does not have public input into development of environmental regulations or standards, does not have an Environmental Council, and does not have public participation into

environmental enforcement.

Official documents do not indicate the public can appeal or object to a Ministerial decision regarding approval of a project. The Minister is however required to give written notice of the decision to the proponent, any person who made written submission in the review process, or anyone else who might be considered an interested party.

A State of the Environment report is not designated under the above legislation or environmental assessment process document.

4.6.3 Alberta:

A comparison was made between the Manitoba Environment Act (1988), the Alberta Department of the Environment Act (1980); the Alberta Energy Resources Conservation Act (1980); and the report, "An Action Plan for Environmental Law Enforcement in Alberta" (1989). The analysis of public participation initiatives under the above Alberta environment acts/report was considerably more difficult than with either Ontario or Saskatchewan. The public participation process is not as well developed or documented in Alberta.

Presently the licensing system for project proposals is closed to the public, and license conditions are determined by negotiations between government and the proponent. There are no public registries to provide proposal information,

there is no public notice upon receipt of an application for a license, and there is no opportunity for the public to have input into the decision to issue a license, or the conditions for that license. Environmental impact assessments do not come under legislation in Alberta, although an environmental assessment must be done by the proponent before the details of a licensing permit are issued. The public does not have input into the scope of the guidelines for an environmental impact assessment. This is done by the government. Proponents must inform the public that they will be conducting an EIA and the opportunities the public will have to participate. There can be some public participation involving open houses, however it is mostly a consultation process. Proponents are encouraged by the Environment Department to let the public review the EIA before submitting it to the government.

Energy projects constitute the largest projects in Alberta, and there are formal public hearings conducted for energy projects (personal communication, Hicks, 1989). Non-energy projects do not have a formal public participation process. The Environment Minister has the power to establish an environmental review board for some projects. Intervenor funding is available for projects under the energy classification, and these costs will be charged against the proponent. There are no intervenor funds for non-energy projects at present (personal communication,

Hicks, 1989). There is provision for the Minister to award grants under certain conditions.

The review panel on environmental law enforcement has proposed that there be public participation into the development of setting standards and their review, as there is no existing public involvement. It also recommends that all applications for new licenses be made publicly known through newspaper notices, and provide for public response. It also proposes that applications for licenses be available for public review.

Alberta does have an Environmental Council, which is often consulted for its input on overall environmental policy. The Environmental Council also holds hearings on some major energy projects at the request of the provincial government.

The review panel on environmental law enforcement has recommended that the public have input into enforcement procedures. At present the Minister is not accountable to the public, although the review panel has recommended that an appeal body be established with representatives from government, industry and the public. The panel has also recommended the issuing of an annual or biannual State of the Environment report.

4.7 Comparison with the Federal Environmental Legislation:

Comparisons were made between the Canadian

Environmental Protection Act (CEPA), the Federal Environmental Assessment and Review Process (FEARO), and the Manitoba Environment Act regarding public participation. Table 2 indicates the comparison between the categories listed.

4.7.1 CEPA:

Under CEPA, there is no requirement for a public registry system. Notice of applications, input into proposals and guidelines for the environmental assessment are not applicable for the public in this case. The Minister however, does have the power to consult with any person who may be interested or concerned about the environment, or the control or abatement of environmental pollution. The Minister can also appoint advisory boards.

The public is invited to participate in, and make requests for, regulatory review boards, to make recommendations, and to present objections before the board. The public can also review assessment reports on substances which are on the Priority Substances List. There is also provision for any person to file notice of objection to a proposed regulation, or decision, regarding the Priority Toxic Substances list, and to request that a review take place.

The public also has the right to participate in the enforcement of the Act. Anyone who feels they have suffered

or will suffer loss or damages as a result of a violation under CEPA has the right to take legal action in the courts, or to seek a court injunction against such an action.

The appointment of an environmental council is not applicable, nor is the provision for intervener funding. The Minister however, is responsible to report back to any person who has made a request regarding a toxic substance, or a request for an investigation into an offence. The Minister may publish regular State of the Environment reports.

4.7.2 FEARO:

FEARO administers the federal environmental assessment and review process. It is the responsibility of the FEARO office to form a panel consisting of a chairperson from FEARO staff and other members from outside the federal public service. Members must be unbiased with respect to the proposal, free of political influence and have special knowledge and experience relevant to the anticipated technical, environmental and social effects of the proposal (Walsh 1988). The panel is responsible for soliciting early public response to proposals which have been designated by the government as having significant environmental impacts. The public has input into the proposals, the guidelines for environmental assessment and the review of the EIA. The public is invited to participate at both public hearings for

environmental assessment and on regulation development. The panel performs an advisory function in its recommendations to the Minister of Environment. It also has the power to appoint independent experts to report on issues to which the panel requires further information.

There is no public input into enforcement processes, nor are there appeals to FEARO recommendations to the Minister. Public accountability takes place by having documents on panel reviews available to the public, and through publishing an annual report on the assessment process. Intervenor funding, although available through other project initiating departments, has been proposed to become part of the FEARO process itself. A public register of proposals including the rationale for decisions made by the Environment Minister has also been proposed (FEARO 1988).

4.7.3 Summary of Comparisons:

The Manitoba Environment Act has provided initiatives for the public to participate in all but three of the fourteen categories discussed from Table 2: public input into enforcement of the Act, intervenor funding and the availability of grants (although possible). The Environment Act is a recently proclaimed Act and therefore reflects a more current approach to meeting public participation needs.

Chapter V - CONCLUSION AND RECOMMENDATIONS

This chapter summarizes the views of the public as obtained in this study. It should be recognized that those contacted for the study were probably atypical of the public at large because of their greater interest in environmental matters. Also, the part of the survey dealing with the Repap project involved a major and controversial environmental decision. Responses could have been less objective as a result of the sensitivity of the issue.

Public participation under the Manitoba Environment Act and under the scope of this study, is restricted to participation in the environmental assessment and licensing process. The results of this study have shown that during the eighteen month period since the Environment Act was proclaimed (April 1, 1988 to September 30, 1989), the public has been involved with having input into a number of projects which have required environmental licenses. Individuals and organizations have used the mechanisms available to them to gain information on development proposals through the public registries and to make their concerns known through the public hearing process.

There is no specific definition under the Environment Act, or in general, as to what constitutes effective public participation. The literature review presented a number of conflicting models for public participation, but was not

able to define participation in a context to which the mechanisms under the Environment Act could be compared. Because public participation is an evolving process, it was necessary for this study to identify the key features which the new legislation provides for public input into the environmental assessment process. These features included public registries and public hearings for licensing approvals, and communication with members of the MEC and non-government interest groups for their views and concerns on environmental issues. The case study on the Repap Phase I Pulp Mill hearings provided an example of public participation activities in operation, where the key initiatives under the Environment Act were utilized in an environmental assessment process.

5.1 Public Registries:

The following discussion has been written with respect to meeting the criteria in Objective one of this study, to assess public participation in terms of the public registries.

In general, the public registries have been well received by those who have used them. There were 61 people who knew of, and /or had used the registries, out of a total sample size of 125. This represents approximately a 48% level of awareness from the sample.

There is a strong perception by the public that what

they need is greater participation at the early stages in the planning process. The public is generally unaware that the registries have been designed to accommodate public input into setting the guidelines for environmental impact assessments through written response to the Environment Department. And if they are aware of this feature they are either not familiar with the procedure or feel that it has not been emphasized enough.

The Environment Department may not request public opinion in all of its decisions, however, it may be useful to consider some way of expressing the strong points of the registry, emphasizing the point at which the public is asked to get involved. For example, all of the public interest groups who had been contacted by the Environment Department for their input into the guidelines on project proposals (e.g. the Repap forestry management plan), responded they were in favour of such requests.

The registry system in Manitoba has the potential to involve the public at an earlier stage in decision making with respect to environmental assessments and should make this known to a greater extent. The FEARO process is the only other process (of those considered in this study) which promotes public input at this stage of decision making. The FEARO process however, has developed a formalized approach to the scoping of EIA's by holding public hearings to determine the guidelines to the EIA. The Environment

Department may wish to consider formalizing a similar process to the FEARO one, to gather public input into the guidelines for its environmental impact assessments. Such a process could assist in changing the publics' perception that the government does not encourage public input at the earlier stages of environmental assessments.

The most common request from those interviewed was to have the registries advertised on a more continual basis. To increase the usefulness of the registries it would be valuable for the Environment Department to advertise their availability more widely (i.e. on local radio and/or public television stations) so that the public becomes more aware of which proposals are currently under consideration, and at what stage in the planning process they can have input. There was a certain amount of confusion among participants as to when they could have input through the registry process, particularly with respect to having input into the guidelines for the environmental assessment for the Repap pulp mill proposal. Government clarification of these features could be valuable to improve the publics' perception of the registries.

Parenteau (1988), concurs with the above statements and has indicated that it is desirable to have public involvement as early as possible, and certainly no later than the drafting of the guidelines for an environmental impact study. Inviting public participation at the earlier

stages of decision making for environmental assessments would also help to eliminate conflicts created between the public, the government and the proponent when the public does not feel it has had input into how project proposals should be addressed.

There were many comments about the overwhelming amount of material (for the Repap proposal), and the difficulty of achieving public understanding of its significance. The availability of some means of improvement for interpretation of the material for the public may need to be considered by the Environment Department. Well publicized registries which list project proposals and provide either a non-technical interpretation of material, some means of interpretation of technical material, and perhaps a more general interpretation of the context of proposals in terms of the environment in general, could reduce the public perception that registries consist of material which is too overwhelming (particularly with respect to large projects such as Repap).

With respect to environmental impact assessments, it was also considered important to have all of the background documentation available for the public (i.e. correspondence, agreements, requests), and either a facility for photocopying, or extra copies of documents at each registry location which could go out on loan to the public and perhaps to university libraries. At present the proponent

prepares the environmental assessment document and submits it to the registry. The government reviews the document and the public is encouraged to do so as well. Prior to the government decision on whether or not the proposal should go to public hearings, the government review could be included with the registry material on a consistent basis with any (major) project. This way the citizen will see the project proposal and the government critique and can decide if they want to have further follow up and input into the project.

The registry system will continue to be used, and through additional networking and advertising it will become better known. In time, the registries may help the public to become more proactive with respect to participating in environmental decisions. The majority of those interviewed said they would use the registry again. Lengthening the hours of the main registry at the Environment Department, or establishing another main registry at the Centennial library (which has longer operating hours), were two suggestions which would make it easier for the public to use the registries in the evening.

Periodic checking of registry information to ensure it is up to date, and the inclusion of two additional columns which list that an EIA and/or public hearing has been requested by the Environment Department are also suggestions for improvement.

5.2 Public Hearings:

The following discussion has been written with respect to meeting the criteria for Objectives one and three of this study, assessing public participation in the hearing process and a case study of the Repap Phase I environmental hearings.

The public hearing process remains a prominent and accepted mechanism for involving the public in decision making for environmental assessments. The participants of this study believe that public hearings are a good way to make their views known regarding development proposals. They have however, raised a number of issues with regards to the preparation for and participation in the public hearing process.

The first issue raised was that the public is skeptical about their participation in hearings because they are uncertain if their input is having an influence on government decision making with respect to project proposals. If participation is to be encouraged, participants need to be informed as to how their participation affects the environmental issues at stake, alternatives to proposals, the scoping of the environmental assessment criteria and the governments final decisions on projects. To a certain extent those who participated in an environmental hearing can determine if their input had an influence on the licensing decisions by reading the CEC

response and recommendations to the Environment Minister.

Respondents in this study viewed participation in environmental hearings as necessary, but they believed the government viewed such participation primarily as an exchange of information in order to make pre-determined decisions more acceptable. Participants saw the hearing process as designed to review EIA's, which dealt mostly with the technical questions of how to minimize environmental damage, and what monitoring and follow-up activities were required. They did not see the environmental hearings as dealing with the broader questions related to proposals such as the need for projects, whether they should be authorized, alternatives to be considered, ecosystem effects and cumulative impacts of development.

This perception is further exemplified by the fact that although the public believes it puts a great deal of time and effort into preparation for and participation in the hearings, the Environment Minister (even though accountable to the public), does not have to accept the recommendations of the CEC panel, which serves in an advisory capacity.

It is important to note that there is a differentiation to be made between whether the public is being critical on decision making that applies to the processes under the Environment Act, or on the Environment Act itself. The existing legislation has not been designed to incorporate decisions at the pre-registry (or pre-proposal) stage. The

decision making that occurs under the Environment Act occurs once there is a proposal to assess. If the public wants to have input into the broader questions related to project authorization and alternatives, these are matters which are outside the scope of the current Environment Act and must be addressed under another context.

Parenteau (1988) states that when the goal of public consultation is to deal more with terms of authorization for a project than the decision to proceed, the assessments become technical appraisals of risk, rather than appraisals of value. The Repap hearings provided an example of the public's perception of the second issue raised, which is the technical approach to the hearing process. There was tension evident at the hearings because there were presenters who wanted to address the technical nature of the EIA and those who wanted to address their values and concerns for a more general and broader focus to the hearings.

DeSario and Langton (1984) have pointed out we are far from understanding as a society how to make technological development and human values co-exist, and that what is lacking at present is a means to determine human limits to technological progress. The most frequent statement made by those interviewed for the study, was that they would like to be able to approach public hearings with technical expertise because this was the only way to address the proponents at

their level. Kane (1980) has pointed out that interest groups are seeking to develop a higher level of sophistication and expertise, and that this is a result of their increased knowledge of government operations and how they are affected by them.

A third issue raised by participants was that if the government were to appoint or hire a committee of experts, for example university professors, researchers, or other specialists, these experts could be available to assist public interest groups with interpretation and analysis of detailed technical information. A committee such as this would be a valuable resource to the public in preparation for major hearings such as Repap. These same experts could provide knowledge of environmental impact assessments and provide forecasting on the cumulative impacts of developments. They could also be called upon by the CEC panel to report on areas in which the panel requires further clarification. These expert reports would provide an independent analysis of specific aspects of the EIA, a subject which resulted in considerable discussion at the Repap hearings.

The fourth issue raised by participants was a request for the government to set up review panels which would independently assess EIA's. At present the CEC conducts public hearings and advises the Environment Minister on its findings, performing some of the functions that a review

panel (such as the one set up for the FEARO process) would carry out. The CEC could perhaps perform the functions of a review panel by making a few adjustments, and by following the provisions in the Environment Act which give CEC the power to add members to its board (upon ministerial approval), when conducting hearings.

For example, the Chair and Executive Secretary of the CEC would remain permanent positions semi-detached from government. However for major projects which have the potential for significant environmental impacts, the Commissioners would be appointed or hired on a project by project basis. Some panel members would be appointed for their scientific expertise which could be specifically related to the development proposal. Other panel members would be appointed for their local knowledge of the area where the development is proposed to take place. Most importantly, members appointed to a CEC panel must be able to make a fair assessment of the material which is presented at the hearings.

Implementation of the above suggestions could make a difference in the public's perception of the CEC and the need for independent review panels. For example, during the Repap hearings some respondents believed that the CEC had made comments which indicated their support for the Repap proposal. Such observations by the public can damage the credibility of the CEC with respect to its impartial

recommendations to the Environment Minister, and the public's perception of an impartial Commission. Panel members which are specifically chosen for each major environmental hearing could reduce the negative perception that the panels are biased.

Participants at the Repap hearings expressed concern that for such a major technical hearing there should have been more scientific representation on the CEC panel. Choosing some panel members for their scientific expertise who will be selected for their research and experience in specific projects could also boost the credibility of the CEC panels and the perception of a more independent status. On the other hand, it may also be difficult to find panel experts who do not already have their own views on an issue based on their research in that particular area. The final decision on panel members for major hearings could be based on finding knowledgeable people from other areas who do not bring their own biases on an issue with them.

A fifth issue which was raised by participants concerned the formal versus informal approach to hearings. The public, in general, prefers an informal approach to the hearing process. Although the use of lawyers was not well received by the majority of the respondents which were present at the Repap hearings, there were those who strongly supported legal representation for public interest groups. The informal approach to hearings is usually associated with

panels who are advisory in nature, whereas formal hearings or inquiries are reserved for panels with decision making capabilities. The government may wish to consider differentiating their approach to public hearings based on project classification, and specifically defining which classification of hearings will require legal representation.

A potential solution to the question of how formal the public hearing process should be has been suggested by Walsh (1988) in the review of public hearing procedures for the FEARO process. Walsh suggests that public hearings operate as a combination of formal and informal approaches. The formal session would be a technical one and would be held in larger cities. The formal hearing would consist of more extensive questioning on technical expertise, while the informal hearing or community sessions would encourage local views. The community session would be held in smaller centres close to the proposed development. Both hearings would address the same general issues of technology and human interests, but each would focus somewhat differently on the issues.

Although the Repap hearings were held both in a large centre, Winnipeg, and a local community, The Pas, the technical emphasis was present in both hearings and the perception by the public was that the hearings were a technical assessment.

The sixth issue raised by the participants concerned the subject of intervener funding. The most frequent request by participants who felt that financial assistance should be provided, was to have funds available to hire their own consultants. The hiring of consultants by public interest groups would provide them with more thoroughly researched information for their presentations at public hearings, and they would be able to present material in a more detailed and technical fashion. There was general agreement that it was necessary to hire consultants to do the research required for major hearings such as Repap, in the short time periods given for preparation (30 days). The participants at the Repap hearings expressed general resentment that the proponents had the time, funding and expert assistance to prepare their case, while the public was working on volunteer time with inadequate funds.

To a lesser extent participants expressed an interest in having funding available to cover the costs of travel and accommodation, administrative costs such as xeroxing and mailing, and possibly legal assistance. Defining when the hiring of legal counsel is required could become dependent on the size and formality of the hearings and on demand by the participants.

The Environment Department may wish to consider implementing some form of financial assistance for public interest groups who wish to intervene at hearings. There

are several options to choose from with respect to where the funds would come from, how they would be distributed, and which interest groups would receive funding.

One possibility would be to follow the Ontario example which has an Intervener Funding Project Act (based on a three year pilot project basis), to provide direction in the issuing of funds. In Ontario, the proponent is requested to pay for the funding and the conditions of financial assistance are determined by a funding panel which is set up by the Ontario Environmental Review Board, the Ontario Energy Board or a Joint Board. A funding committee such as this could be set up in Manitoba through designations by the CEC, or perhaps the MEC. The public will be interested in having these decisions made by a committee which does not consist of government representatives. Interveners would have to go through a detailed application similar to the requirements in Ontario (as described in the preceding results section) in order to receive funding, providing reasons why they should receive it and how they propose to use it. The funding committee would be responsible for the decision on who would receive funds, in what amounts and for what purpose, so that duplication of efforts would be reduced.

Ouimet (1989) has pointed out that to improve public debate and ensure a relative balance among presenters at hearings, financial assistance should be provided to

interest groups to encourage their participation. Although the intention of intervenor funding is to help public interest groups better prepare for hearings, caution must be taken to prevent the professional exploitation of funds by experts or professionals who represent these organizations.

The last issue raised by participants on the hearing process was the question of whether any of the concerns from the Repap presentation would be included in the CEC recommendations to the Environment Department. During the Repap hearings the public presenters were very clear about their feelings that the license for the pulp mill should be conditional upon issuing the licence for the forestry management plan. Participants pointed out the public is interested in looking at the broader scope of environmental impacts. They become frustrated when they participate in a process such as Repap where each stage is licensed separately and (in the public's opinion) the wrong order.

The CEC report refers to a sub-strategy for forestry operations in Manitoba, anticipated to be considered as part of the ongoing efforts of the Sustainable Development Coordinating Unit. This strategy is the kind of action the public had been calling for at the hearings and should be well received. Once the hearings regarding the pulp mill were finished, Repap decided not to continue with its plans for construction of the mill, until environmental approval was obtained for all of its proposed Phase I operations.

This decision may have been based on circumstances which were occurring in other provinces (i.e. the Alberta pulp mill proposals and federal government concerns), and it may also have been based on the public influence at the Manitoba hearings.

During the hearings, public presenters had requested that a paper recycling facility be incorporated into the conditions for the licence. This was not recommended by the CEC. There was also a request for the formation of a local citizens advisory group in The Pas. This group would be made up of the public, government officials, and Repap, and would review reports on environmental monitoring. It would also act as a link between Repap operations and the local community. This request was proposed by CEC in its recommendations for the licence. In addition, there was a recommendation that the Environment Department provide for baseline ecosystem monitoring and issue a report after a one year field survey. This recommendation is consistent with requests from those technical presenters who felt this information should have been available as background material for the consultants report.

Bregha (1977), has noted that public participation increases as more of the population ages, but that effectiveness will not increase until we see more cooperation than competition with respect to development. Perhaps more important to remember, as outlined by Wallace

(1985), is that the public participation process should always be fair, thorough, flexible and accessible.

5.3 The Manitoba Environmental Council:

The following discussion has been written with respect to meeting the criteria outlined in Objective one of this study, to assess public awareness and representation on the MEC.

The majority of the MEC board members interviewed, saw MEC as having more of an advisory role, rather than a public participation role. They saw themselves as an organization who felt strongly about educating the public, and did so through public forums and publications. The MEC provides expertise to the government at a reasonably low cost, and also acts as an informed spokesperson on environmental issues for the general public. MEC contributes to public participation through its presence at CEC and other hearings where it presents briefs and position papers.

The Environment Act has provided MEC with more independence. There is some reservation by members that the Environment Minister could put excess pressure on members to investigate and advise on issues, thus reducing the time the volunteers need to pursue Council interests. MEC members expressed the same strong desire as the public with respect to the need for research assistance. MEC has requested that a researcher be hired for special projects, so that they can

be more prepared and less reactionary to environmental issues. Having a researcher available to do analysis would also decrease the amount of volunteer time that is required for the preparation of briefs. The board has noticed an increasing amount of activity for them since the Act was passed, and their volunteer time is not as available now as it was in the past. Today more people are in the work force and active in other interests and do not put in as much time into volunteer organizations.

5.4 Public Interest Groups:

The following discussion has been written with respect to meeting the criteria for Objective two of this study, to assess public participation activities by non-legislated public interest groups.

The representatives from public interest groups saw a number of roles for their organizations. Most importantly they saw their major role was to promote public awareness. This was followed by assisting with environmental education programs, producing reports, networking, and to act as lobbyists by participating in hearings and issuing press releases. They were interested in participating in reviews of legislation, saw themselves as having a watchdog function on environmental issues, and were willing to enter into controversial issues.

Most of these representatives saw the MEC as a good

resource of expertise, and liked the organizational representation in its membership. They felt however, that MEC needed to be more vocal in all of its positions if it was going to speak for the publics' environmental concerns.

There was a consensus among organizations that although the government listened to their concerns and read their letters, a response was often very slow and depended on the interest of the Minister. The Environment Department may wish to consider increasing personal communication with public interest groups by extending invitations to luncheons or other small group discussions to get feedback on issues.

A prominent concern of these groups, was that unless the public is included earlier in the decision making process of major project proposals, the Environment Act is only making a public relations effort. These concerns can be reduced by increasing communication with organizations, and further publicizing of the public registries, to provide group members with information on current project proposals, and encourage their input into the scoping of environmental impact assessments.

The public wants foremost to be contacted for their input, whether its for a development proposal or for proposed legislation. The most favorable comments in this study came from those people who said they had been personally contacted by the government, the proponent, or the CEC with regards to having their input into an

assessment or decision making process.

5.5 Provincial and Federal Legislation:

The following discussion has been written with respect to meeting the criteria for Objectives four and five of this study, to make a comparison between public participation under the Manitoba Environment Act with provincial and federal legislation.

Comparisons with the provincial and federal legislation (as described in Table 2) have shown the strengths and weaknesses among public participation under some legislation. The most prominent area involving public participation is in the assessment of environmental impact reports, and input into review processes, hearings, or environmental regulations. The public is participating but not at the early planning stages. The Manitoba and FEARO processes both encourage public input at earlier planning stages than the other legislation.

From the comparisons in Table 2, there are more features for public participation in Manitoba than under the other legislation. The FEARO process and the Alberta government have proposed a number of changes to improve their public participation initiatives. FEARO has proposed a public register for proposals which will include a rationale for the decisions made by the Environment Minister. Alberta has proposed the public have a more expanded input

into project proposals, applications and regulations. Ontario and Saskatchewan have no proposed changes, although Ontario is the only province with legislation for the provision of intervener funding. CEPA is a relatively new Act which gives the public a much stronger voice when defining the environmental limits to which the public is prepared to accept.

5.6 A Broader Context for Public Participation:

There is a broader context to public participation outside of the environmental licensing process under the Environment Act. This process involves the coordination of public participation on projects regarding management and policy issues. An example of this broader context of participation occurred during public workshops which were held on the development of a provincial land and water strategy. The workshops were a joint effort between a number of different departments (including the Environment Department), and were coordinated by the Sustainable Development Unit for the province.

As discussed by Ouimet (1989) the public is now requesting hearings which deal with significant issues such as development policies and the future. They are not content to deal only with measures of follow-up and mitigation and want input into questions of condition and authorization of projects. The Manitoba hearings on the

Repap proposal brought out requests for the province to develop conservation strategies for our natural resources, which would be taken into consideration before any future developments are permitted.

This assessment of public participation under the environmental licensing process has only looked at one aspect of the total focus of public participation. Future planning may wish to consider a public participation program for environmental policy and management issues.

5.7 Summary:

The public does not want to be adversely affected by decisions which are made by government and/or industry, and they are putting pressure on the public participation processes so that they will have a meaningful say in those decisions which are made. The Manitoba Environment Act has introduced some very positive features to assist the public with its involvement in the environmental assessment and decision making process. The introduction of the public registries has introduced public participation at an earlier stage in environmental assessment. The registries have also assisted the public in getting information on project proposals and to prepare for hearings. Their concept has been well received.

The overall objective of the public participation process should be to encourage partnerships, reduce

confrontation, and provide for a supportive public in the environmental assessment and decision making process. Public participation will continually evolve to produce a system which is acceptable to and meets the needs of the public in terms of environmental quality. Effective public participation therefore can only be defined in terms of existing mechanisms. The Manitoba Environment legislation has had some success in its current public participation efforts, and through increased communication and some flexibility, will be able to adjust these mechanisms as required to meet the public's needs. Matters which were outside the scope of this Act must be addressed under another context, and could provide the basis for future research.

RECOMMENDATIONS

The Environment Department may wish to consider the following suggestions which are in accordance with Objective six of this study:

Public Registries:

1. Publicize and emphasize the fact that the public registries provide earlier participation in the environmental assessment and decision making process (i.e. guidelines to environmental impact assessments). The registry can be used as a means for the Environment Department to promote its public participation features under the Environment Act.
2. Consider increasing advertising on project proposals which are submitted to the registry through local radio announcements or public television.
3. Add an additional column in the registry listings which states when an environmental assessment or public hearing has been requested by the government.
4. Provide additional copies of registry information for members of the public to take out on loan (i.e. environmental impact assessment reports on major projects). If possible have documents

available at University libraries.

5. Make the Centennial library a second main registry, because of its longer hours of operation than the main registry in the Environment Department Resource Centre.

Public Hearings:

6. Keep the CEC hearings informal, but have a combination of technical and community or non-technical hearings. The technical meetings will be for more extensive scientific and technical questioning, the non-technical for expressing values and concerns in a broader context. The distinct separation could reduce the public perception that hearings are designed solely for technical discussions and risks of individual projects. An additional possibility would be to have different types of hearings dependent on the classification of projects.
7. Select new members for the CEC panel with each major hearing who are specifically chosen for their technical expertise, local knowledge on individual projects, or relevant experience. The public would perceive each major hearing as having a new (and independent) review panel and should react in a positive way. The Environment Act has provision for the appointment of knowledgeable

people to CEC panels to assist with hearings. This provision should be utilized with each major hearing.

8. Consider introducing an informal hearing process to invite public comment on determining the scope for environmental impact assessments. T h i s could reduce tension at public reviews of EIA's when the public has already had a chance to have input into how the EIA was conducted.
9. Contract the services of experts from the academic or scientific community to assist the public with investigation and interpretation of environmental assessment documents for major development proposals. This committee of specialists should also be available to report to a CEC hearing to present an independent assessment of any particular aspect of the EIA. The appointment of specialists from government departments should be avoided as they may not be perceived as being objective.
10. Provide financial assistance to public interest groups once they have made application for and received approval from an independent funding committee. This committee could consist of members from the CEC review panel or perhaps the MEC who would screen applications for funding on

the basis of: purpose for attending the hearing, commitment to the issue, lack of organization or individual funding, and clarification of how funds would be used. The funding committee would be responsible for distributing funds and to avoid funding which would lead to duplication of efforts. The proponent would be asked to pay the intervener funds, the government responsible for allocating it to the funding committee.

11. Introduce some flexibility into the review period for EIA's. For example, instead of the 30 day review period being standard for all development proposals, consider the possibility of an additional 30 days for review depending on public request.

NGO's:

12. Increase communication and personal contact with non-government and environmental interest groups at the preliminary stages, when initial proposals and the scope of projects are under consideration. This could be done through small groups meetings or informal gatherings with the Minister or through written requests for their input.

MEC:

13. Provide support to the MEC in their request for hiring a staff researcher. This position could

assist them with their publications and public educational material and create additional publicity for the MEC to the public.

LITERATURE CITED

- Adie, Robert F. & Paul G. Thomas. (1987). **Canadian Public Administration: Problematical Perspectives**. Second Edition. Prentice-Hall Canada Inc., Scarborough, Ontario.
- Alberta Environment. (1989). **An Action Plan for Environmental Law Enforcement in Alberta**. The Review Panel on Environmental Law Enforcement, Edmonton.
- Alberta Environment. (1985). **Alberta Environmental Impact Assessment Guidelines**. Alberta Environmental Assessment Division, Edmonton.
- Arnstein, S. (1969). A ladder of citizen participation. 35 **AIP Journal** 216.
- Bregha, Francis. (1977). Further directions for public participation in Canada. In B. Sadler, ed. **Involvement and Environment, Proceedings of the Canadian Conference on Public Participation, October, 1977**. The Environment Conservation Authority of Alberta and the Banff School of the Environment. Published by the Environment Council of Alberta, Banff, Alberta.
- Bryden, Kenneth. (1982). Public input into policy making and administration: the present situation and some requirements for the future. **Canadian Public Administration**, Vol.25, No.1 (Spring), 81-107.
- Connor, Desmond M. (1988). **Constructive Citizen Participation**. Development Press, Victoria, B.C.
- Craig, Donna Grace. (1983). **Citizen Participation in Environmental Policy Decisions**. Law Library, York University, 1-45.
- DeSario, Jack and Stuart Langton, eds. (1984). Symposium on citizen participation and public policy, democracy and public policy: an overview. **Policy Studies Review**, Vol.3, No.2, February, p.223-245.
- Doern, G. Bruce and Richard W. Phidd. (1983). **Canadian Public Policy: Ideas Structure, Process**. Methuen, Toronto.
- Downey, Terrence J. (1987). Understanding policy-making: a necessary first step for environmentalists. **Alternatives**, Vol.14, No.2, May/June, 30-34.

- Dwivedi, O.P., ed. (1980). **Resources and The Environment: Policy Perspectives for Canada.** McClelland and Stewart.
- Elder, P.S., ed. (1975). **Environmental Management and Public Participation.** The Canadian Environmental Law Research Foundation, and the Donner Canadian Foundation.
- Emond, D. Paul. (1984). Comment on public/special interest participation. In N. Bankes & J.O. Saunders, eds. **Public Disposition of Natural Resources, Banff, Alberta, April 12- 14, 1983.** Canadian Institute of Resources Law, Calgary.
- Englehart, Kenneth G. (1981). **Public Participation in the Regulatory Process: The Issue of Funding.** Economic Council of Canada, Working Paper Series, No.17.
- Environment Canada. (1989). **The Public Role in CEPA Opportunities and Responsibilities.**(Unpublished report), Ottawa.
- Environment Canada. (1987). **The Federal Environmental Assessment and Review Process.** FEARO, Minister of Supply and Services Canada, 1987.
- Environment Ontario. (1987). **A Citizen's Guide to Environmental Assessment.** Queen's Printer, Ontario.
- Environment Ontario. (date unknown). **Policy on Public Consultation for Environmental Protection,** Ontario.
- FEARO (1988). **The National Consultation Workshop on Federal Environmental Assessment Reform. Report of Proceedings.** Federal Environmental Assessment Review Office, Minister of Supply and Services Canada.
- Fox, David. (1979). **Public Participation in the Administrative Process.** Administrative Law Series. Prepared for the Law Reform Commission of Canada, Minister of Supply and Services Canada, Montreal, 1979.
- Government of Manitoba. (1988). **Guide to The Manitoba Environment Act.** Department of Environment, Workplace, Safety and Health, Winnipeg, Manitoba.
- Henning, Daniel H. (1975). **Environmental Policy and**

Administration. American Elsevier Publishing Company Inc., New York.

- Hicks, Ron. (1989). (Personal communication). Acting Executive Director, Corporate and Strategic Management, Alberta Environment, Edmonton, Alberta.
- Johnston, C.C. (1980). **The Canadian Radio-Television and Telecommunications Committee. A Study of Administrative Procedures in the CRTC.** Administrative Law Series. Prepared for the Law Reform Commission of Canada. Minister of Supply and Services, Montreal.
- Kane, T. Gregory. (1980). **Consumers and the Regulators, Intervention in the Federal Regulatory Process.** The Institute for Research on Public Policy, Montreal.
- Lang, R., and Armour, A. (1980). **Environmental Planning Resource Book.** Lands Directorate, Environment Canada, Ottawa.
- Marks, Nancy S. (1987). Citizen enforcement of environmental laws. *Environment* 29:5,42-45.
- Mason, Greg, Brian Mcpherson, Derek Hum, Lance Roberts, Andy Anderson. (1983). **Survey Research Methods.** Institute for Social and Economic Research. University of Manitoba, December.
- McGovern Cynthia J. (1987). **McMillan's new environmental protection act disappoints environmentalists.** *Alternatives*, Vol.15, No.1, 57-62.
- Muldoon, Paul. (1988). **The fight for an environmental bill of rights: legislating public involvement in environmental decision making.** *Alternatives*, Vol.15, No.2, 33-39.
- Neilson, W.A.W. & J.C. MacPherson, eds. (1978). **The Legislative Process in Canada: The Need For Reform.** Institute for Research on Public Policy, Butterworth & Co. (Canada) Ltd., Toronto.
- Quimet, Luc. (1989). **Public Participation in Environmental Decisions or Designing the Agora to Meet Present Day Challenges.** Paper presented to the 13th Assembly of Environment Councils of Canada, Montreal, September.

- Paehlke, Robert. (1987). Participation in environmental administration: closing the open door? *Alternatives*, Vol.14, No.2, May/June, 43-48.
- Parenteau, Rene. (1988). *Public Participation in Environmental Decision Making*. Federal Environmental Assessment Review Office, Minister of Supply and Services Canada.
- Rankin, Murray, & Peter Finkle. (1983). The enforcement of environmental law: taking the environment seriously. *U.B.C.Law Review*, Vol.17:1, 35-57.
- Robertson, Linda. (1987). Barrier to public participation struck down. *Alternatives*, Vol.15, No.1, 72-73.
- Sadler, Barry. (1979). Towards new strategies of public involvement in environmental management. In B. Sadler, ed. *Public Participation in Environmental Decision Making: Strategies For Change. Proceedings of a National Workshop, April, 1979*. The Environmental Council of Alberta and The Banff Centre for Continuing Education, Published by the Environment Council of Alberta, Banff, Alberta.
- Sadler, Barry ed. (1984). *Environmental Protection and Resource Development: Convergence for Today, September 6-9, 1984*. Canadian Petroleum Assoc., Northern Affairs Program, and Dept. of Indian and Northern Affairs, Resource Management Programs.
- Salter, Liora & Debra Slaco. (1981). *Public Inquiries in Canada*. Science Council of Canada, Background Study 47, September, 1981.
- Saskatchewan Environment. (1988). *The Saskatchewan Environmental Assessment and Review Process*. Environmental Assessment Branch, Saskatchewan Environment and Public Safety, April.
- Satin, A. & W. Shastry. (1983). *Survey Sampling: A Non-Mathematical Guide*. Minister of Supply and Services Canada. Statistics Canada, April.
- Schrecker, Ted. (1985). Resisting regulation: environmental policy and corporate power. *Alternatives*, Vol.13, No.1, 9-19.
- Schrecker, Ted. (1984). *Political Economy of Environmental Hazards*. Protection of Life Series, Law Reform Commission of Canada, Minister of Supply and Services Canada, Ottawa.

- Stone, Bob. (1989). (Personal Communication). Head, Environmental Impact Assessment Review, Alberta Environment, Edmonton.
- Thompson, Andrew, R. (1980). **Environmental Regulation in Canada: An Assessment of the Regulatory Process.** Westwater Research Centre, University of British Columbia, Vancouver.
- Thompson, Dixon (1984). Avenues of participation in natural resource development and disposition. In N. Bankes and J.O. Saunders, eds. **Public Disposition of Natural Resources, Banff, Alberta, April, 1983.** Canadian Institute of Resources Law, Calgary.
- Van Hees, V., Smith, J., Harvey, J., and Peacock, A. (1987). **Public Participation in Energy Decision-Making: A Rationale and a Proposal.** Prepared for the Energy Caucus with assistance of the Canadian Environmental Network.
- Wallace, Ron, R. (1985). **Public Input To Government Decision Making.** Federal Environmental Assessment Review Office, Occasional Paper No.13.
- Walsh, Honourable Allison A.M. (1988). **Public Review: Neither Judicial, Nor Political, but an Essential Forum For The Future of the Environment.** A Report concerning the Reform of Public Hearing Procedures for Federal Environmental Assessment Reviews.
- Westman, Walter E. (1985). **Ecology, Impact Assessment, and Environmental Planning.** John Wiley & Sons.
- Wood, W.M.(1978). Public involvement techniques utilized in highway transportation planning. In S. Bendix and H.R.Graham, eds. **Environmental Assessment: Approaching Maturity.** Ann Arbor Sci., Ann Arbor, Mich. pp.205-213.

Legislation:

Alberta Department of the Environment Act, 1980
 Alberta Energy Resources Conservation Act, 1980
 Canadian Environmental Protection Act, 1980
 Department of the Environment Act, 1988
 Environmental Assessment and Review Process Guidelines Order, 1984
 Environment Assessment Panel Procedure and Rules, 1985
 Manitoba Environment Act, 1988

Ontario Environmental Assessment Act, 1980
Ontario Intervenor Funding Act, 1988
Saskatchewan Environmental Assessment Act, 1980

Additional Readings:

CEPA Public Information Booklet, May 1988

APPENDIX I

LOCATIONS OF THE MANITOBA PUBLIC REGISTRIES

LOCATION:

Main Registry:

WINNIPEG Manitoba Environment,
Resource Centre,
Bldg. 2, 139 Tuxedo Avenue
Winnipeg, Manitoba
R3N 0H6

Sub-Public Registries:

BRANDON Western Manitoba Regional
Library,
638 Princess Avenue
Brandon, Manitoba
R7A 0P3

DAUPHIN Parkland Regional Library
31 First Avenue, S.W.
Dauphin, Manitoba
R7N 1R9

FLIN FLON Flin Flon Public Library
58 Main Street
Flin Flon, Manitoba
R8A 1J8

MORDEN South Central Regional Library
Box 2320
Morden, Manitoba
R0G 1J0

SELKIRK Selkirk Community Library
P.O. Box 388, 373 Main St.
Selkirk, Manitoba
R1A 2B3

THE PAS The Pas Public Library
53 Edwards Avenue
Box 4100,
The Pas, Manitoba
R9A 1R2

THOMPSON Thompson Public Library
81 Thompson Drive N.
Thompson, Manitoba
R8N 0C3

WINNIPEG

Centennial Public Library
251 Donald Street
Winnipeg, Manitoba
R3C 3P5

APPENDIX II
Mail-Out Questionnaire

Section I

Public Registries

- 1) Are you aware of the public registries which were introduced by the Environment Act, passed March 31st, 1988?
_____ yes _____ no
- 2) How did you become aware of the registry system? (check those most appropriate).
_____ local newspaper
_____ radio
_____ community advertisements
_____ word of mouth
_____ other (please specify) _____
- 3)a. Have you taken the opportunity to express your concerns or interest in any of the proposed projects?
_____ yes _____ no
- b. If yes, what action did you take? (check those most appropriate).
_____ request for additional information
_____ telephone call
_____ wrote a letter
_____ requested a hearing
_____ other (please explain) _____
- c. What classification was (were) the proposal(s) you were interested in? (check those appropriate)
_____ Class I
_____ Class II
_____ Class III
_____ all of the above
- d. Did you have enough time to respond to the proposal(s) before the deadline for submissions was over?
_____ yes _____ no
If no, please explain _____
- e. Are you aware of any action that was taken by the government as a result of your input?
_____ yes
_____ no

_____ possibly
_____ have no idea

If yes, please explain. _____

- 4) The public registry system is effective in assisting people with their involvement in environmental issues.

_____ strongly agree Comments:
_____ agree
_____ undecided
_____ disagree
_____ strongly disagree

- 5) The public registries provide sufficient background information on the proposed projects.

_____ strongly agree Comments:
_____ agree
_____ undecided
_____ disagree
_____ strongly disagree

- 6) The registry system provides opportunity for public input at the appropriate phase of the licencing process?

_____ strongly agree Comments:
_____ agree
_____ undecided
_____ disagree
_____ strongly disagree

- 7) The registry information is easily accessible for the public.

_____ strongly agree Comments:
_____ agree
_____ undecided
_____ disagree
_____ strongly disagree

- 8) What changes, if any, would you like to see in the public registries? (please specify)

Section II

Public Hearings

- 9) How many public hearings have you participated in since the Environment Act was proclaimed on March 31st, 1988?
- 10) For what purpose did you attend? (check those appropriate)
- gave a presentation
 - attended for information only
 - represented an organization
 - individual interest
 - other (please explain) _____
- 11) How did you become aware that the public hearing(s) had been called?
- newspaper advertisement
 - radio
 - public registry
 - other (please explain) _____
- 12) Was the method of publicizing the hearing(s) appropriate? yes no
- If no, please explain.
- 13) Were you given adequate notice to prepare for the hearing(s)?
- yes no
- If no, please explain.
- 14) Was the hearing arranged at an appropriate time for you to attend? yes no
- If no, please explain.
- 15) Were there financial costs to yourself or your organization to prepare for the hearing?
- yes no
- What were they? (please list)

16) Have you ever a) requested financial assistance from the government for this hearing?
_____ yes _____ no

b) received financial assistance from the government for a hearing?
_____ yes _____ no

If yes, were the funds consistent with your request?

17) Your participation (or your organization's participation) would increase at public hearings if intervenor funding was more readily available?

_____ strongly agree Comments:
_____ agree
_____ undecided
_____ disagree
_____ strongly disagree

18) Public participation would be greater if there were a longer time period between announcing a hearing and the date it is held.

_____ strongly agree Comments:
_____ agree
_____ undecided
_____ disagree
_____ strongly disagree

19) The hearing process is an appropriate way to express your concerns/objections?

_____ strongly agree Comments:
_____ agree
_____ undecided
_____ disagree
_____ strongly disagree

20) Please rate the following according to their effectiveness for assisting the public to participate in environmental decision making.
(1 highest....5 lowest)

_____ public meetings Comments:
_____ public hearings
_____ open houses
_____ community workshops
_____ citizen advisory committees

21) What changes, if any, would you like to see in the hearing process? (Please specify).

Section III

Personal Data

22) Do you currently belong to an environmental organization?

_____ yes _____ no

23) Which category are you?

<u>Age</u>	<u>Sex</u>
_____ 20-30	
_____ 31-40	_____ female
_____ 41-50	_____ male
_____ 51-60	
_____ 60-70	
_____ 70+	

24) What city/town do you live in or close to?

25) What is your highest level of education?

_____ high school
_____ community college/technical school
_____ university
_____ other (please explain) _____

Additional Comments:

APPENDIX III

PUBLIC REGISTRY QUESTIONNAIRE

The following questions have been designed to assist a graduate student at the University of Manitoba in a research study, designed to assess public participation under the Manitoba Environment Act. The questions can be answered anonymously, however, if you would be willing to be interviewed by the researcher, please leave your name and address at the bottom of this questionnaire. Thank you for your time and assistance with this study.

- 1) Which proposal are you interested in?
- 2) What is your concern regarding this proposal?
- 3) How did you receive notice that a proposed project was listed at this registry?
- 4) Was the registry information easily accessible for you? If no, please explain.
- 5) Do you represent an organization? Which organization?
- 6) Do you feel the registry is effective in providing the public with information about projects which could be damaging to the environment?
- 7) Have you taken the opportunity to express your concerns or interest in a proposal to a government representative?
- 8) Would you use this registry again?
- 9) What changes, if any, would you like to see with the registry system?
- 10) Additional comments?

If you are willing to be interviewed, please leave your name, address, and phone number below.

NAME:

ADDRESS:

PHONE:

APPENDIX IV

MEC - Public Participation

Section I

General Information

- 1) What is your position on the Board of Directors for MEC?
- 2) What do you see as the role of MEC with regard to assisting public involvement in the decision making process?
- 3) Has the recently passed Manitoba Environment Act provided MEC with the opportunities to have meaningful participation into the environmental decision making process?
- 4) Do you wish to comment on the subject of membership to MEC? (i.e. the number of members which it should have to be most effective).
- 5) Do you wish to comment on the funding which has been made available to MEC for its yearly operations?
- 6) Do you wish to comment on the subject of staff positions which are provided by the Environment Department for MEC administration?
- 7) In order for MEC to best represent the public interest, do you wish to suggest any changes or improvements that could be made to assist MEC with its responsibilities?
- 8) Do you have any final comments regarding MEC's role in the public participation process as outlined under the Manitoba Environment Act?

The following sections (II, & III) will be asking for participants response and opinions on the mechanisms for public participation under the Environment Act.

Section II

Public Registries

- 9) a) Are you aware of the public registries which were introduced by the Environment Act, proclaimed March 31st, 1988?
- b) How did you become aware of the registry system? (e.g. newspaper, radio, community advertisements, word of mouth).
- 10) a) Have you (or has your committee/region), taken the opportunity to express your concerns or interest in any of the proposed registry projects?
- b) What action did you take? (most recent project).
- c) What classification was (were) the proposal(s) you were interested in? (e.g. Class I,II, and/or III).
- d) Has the deadline for submissions ever influenced whether or not you (or your committee/region) responded to an environmental proposal? If yes, please explain.
- e) Are you aware of any action that was taken by the government as a result of your input? If yes, what action was taken?
- 11) Do you believe the public registry system is effective in assisting people with their involvement in environmental issues?
- 12) Do the public registries provide sufficient background information on the proposed projects and their environmental impact statements?
- 13) Does the registry system provide opportunity for public input at the appropriate phase of the licencing process?
- 14) Is the registry information easily accessible for you?

- 15) Do you wish to comment further on the public registries or propose any changes which could improve the current system?

Section III

Public Hearings

- 16) a) Have you (or has your committee/region) had any involvement in a public hearing since the Environment Act was proclaimed?
- b) What is the most recent hearing which you have attended?
- 17) For what purpose did you attend? (e.g. give presentation, information only, represent your organization, requested to attend).
- 18) How did you become aware that the public hearing(s) had been called? (e.g. newspaper, radio, public registry).
- 19) Is the method of publicizing hearing(s) appropriate? (i.e. they are required to put a notice in the Winnipeg and regional newspaper, 30 days in advance of the hearing date).
- If no, please comment?
- 20) Were you given adequate notice to prepare for the hearing(s)? If no, why not?
- 21) Was the hearing arranged at an appropriate time for you to attend? If no, why not?
- 22) Do you have any comments regarding the issue of financial assistance being made available for individuals/organizations who wish to present at public hearings?
- 23) Would your participation (or your committee's/region's participation) at public hearings be influenced one way or another if intervenor funding was available in

either a continuous or issue oriented context?

- 24) Would your participation or involvement in public hearings change if there were a longer time period between announcing a hearing and the date it is held?
- 25) Are there factors (other than financial) which may discourage you (or your committee/region) from becoming more involved in the hearing process?
- 26) a) Over all, how would you evaluate the public hearing process?

b) Are there any changes you might wish to see in the current operation?
- 27) Are there other methods for assisting public participation in environmental decision making which you would like to see implemented under the Environment Act? (e.g. public meetings, open houses, community workshops, citizen advisory committees, joint planning efforts).
- 28) In general, is there anything you would like to comment on with regards to public participation under the Environment Act which I may have missed during the interview?

APPENDIX V

Public-Interest Groups

- 1) What role do you see for non-government, public interest groups with respect to their participation in environmental decision making? (i.e. as lobbyists, conservationists, activists, distributors of information, etc.).

Do you consider the Manitoba Environmental Council to be an effective organization which represents the public's environmental concerns? (Please explain)

- 2) Do you feel that the government values your organization's input and has been receptive in the past to your concerns/requests?

(If possible, please give an example).

- 3) Are you aware of the public registries which were introduced by the Environment Act, proclaimed March 31st, 1988?

- 4) Have you (or has your organization) had an opportunity to use the public registry to obtain information on a particular issue?

If yes, what is the most recent proposal you were interested in?

- 5) Has the deadline for submissions influenced whether or not your organization has responded to an environmental proposal which is listed in the registry?

If yes, please explain.

- 6) Did the registry provide you with sufficient background information on a particular proposal and its potential environmental impacts?

- 7) Do the registries encourage public involvement at the appropriate phase of the licensing process? (i.e. do they ask for public input early enough, before decisions are made).

- 8) Has the registry information been easily accessible for you?

If no, please explain.

- 9) Overall, is the public registry system an effective means for assisting people with their involvement in environmental issues?

- 10) Do you have any suggestions for changes or ways in which to improve the current registry system?

- 11) Has your organization taken the opportunity to become involved in a public hearing on an environmental issue?

If yes, what was the most recent hearing.

What action did you take at that hearing? (i.e. made a presentation, attended for information, requested to attend, represented your organization).

- 12) Is the time period between announcing a hearing and the date in which it was held adequate?(approximately 30 days).

- 13) Would your organization's participation in public hearings change if there were a longer time period between announcing a hearing and the date it is held?

- 14) Has your organization ever requested financial assistance from the government in order to attend a hearing?

Have you ever received assistance? (Please explain).

- 15) Do you wish to comment on the issue of financial assistance for public interest groups who wish to attend public hearings in Manitoba?
- 16) Would your organization's participation at hearings be influenced if financial assistance was possible?
- 17) Are there factors (other than financial) which may discourage your organization from becoming more involved in the public hearing process?
- 18) Overall, how would you evaluate the public hearing process?

Are there any changes you might wish to see in the current system?

- 19) Would you like to see other types of public participation initiatives introduced to a greater extent? (i.e. public information meetings, open houses, advisory committees, joint planning efforts).
- 20) Do you have any final comments with regards to public participation under the Manitoba Environment Act?

APPENDIX VI

Repap Phase I Public Hearings

August/September, 1989

Public Participation Questionnaire

- 1) For what purpose did you attend the Repap hearings? (e.g. for information, represent an organization, give a presentation, personal interest, requested to attend).

- 2)a. Did you use one of the regional public registries to obtain background information on the Repap pulp mill proposal? Which one?
 - b. If yes, did the registry provide you with sufficient information to review the proposal, assessment process and/or environmental assessment report?
 - c. If no, how did you obtain information?
 - d. Does the registry ask for your input at the appropriate phase of the licensing process? (please explain).

- 3) Did the Repap public consultation and information sessions influence your decision to attend these public hearings?

If yes, please elaborate.

- 4) Did you take the opportunity to express your concerns or interest in this project to a government or industry representative (prior to the decision to hold public hearings)?

If yes, please describe what action you took?

- 5) Was there any response to your input by a government or industry representative?

Please describe what the response was?

- 6) Were there financial costs to yourself or your organization to prepare for this hearing?

If yes, what were they? (e.g. report preparation, reproduction, telephone, travel, computer costs, paper costs).

- 7) Did you a) request financial assistance from the government to prepare for this hearing?

b) receive financial assistance from the government for this hearing?

- 8) Do you wish to comment on the issue of financial assistance for interveners attending public hearings in Manitoba?

- 9) Do you have any comments regarding:

a) the method of advertising for the Repap public hearings? (e.g. newspaper advertisements)

b) the time which was available for you to prepare for and attend the hearings?

- 10) If the environmental license is granted (not/granted) and the terms and conditions of that license are not satisfactory to you, will you consider:

a. Appealing the final decision?

b. Pursuing some form of legal action?

- 11) Overall, how do you evaluate this public hearing process as a means for the public to have meaningful participation into the Repap proposal?

- 12) Do you have any final comments on with regards to public participation in the Repap Phase I licensing process which I may have missed asking you about?

APPENDIX VII

ORGANIZATIONS AND INDIVIDUALS INTERVIEWED

Organizations:

THE PAS:

The Pas Indian Band
Moose Lake Indian Band
Canadian Paperworks Union
Ducks Unlimited
Time To Respect The Earth's Ecosystems (TREE)
The Pas Chamber of Commerce
Clearwater Lake Cottage Owners Association
Manitoba Metis Federation
Keewatin Community College
Freshwater Fish Marketing Corporation
Swampy Cree Tribal Council

WINNIPEG:

Consumer Association of Canada
MKO
Manitoba Liberal Party
Department of Fisheries and Oceans
Manitoba Environmentalists Incorporated
Chemawawin First Nation Band
Norman Regional Development Corporation
Crossroads Resource Group
International Woodworking Association (IWA)
TREE
Sierra Club
Manitoba Naturalists Society
Conservation Strategy Association of Manitoba
Manitoba Environmental Council
Recycling Council of Manitoba
Manitoba Association of School Trustees

INDIVIDUALS:

THE PAS:

Jack Johnson, local resident
Jack Kennedy, local resident
Caroline Skrypitz, Mafeking resident
A.S. Banks, local resident
Bruce Unfried, Mayor
Ted Bersier, Mayor, Moose Lake Community Council

WINNIPEG:

Brian Pannell, lawyer for TREE
Claire Dansereau, consultant, IWA
Ken Emberley, local resident
Dr. Eva Pip, University of Winnipeg, Biology
The Hugh Arklie Family