



**MANITOBA
OMBUDSMAN**

OMBUDSMAN ACT INVESTIGATION REPORT

Manitoba
Environment and
Climate Change

The Quarry
Rehabilitation Program
- Fulfilling Obligations
Under Agreements

Case #MO-00177

Final Report with Response
from Public Body Issued:
March 24, 2026



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FILE # MO-00177 | Final Report with Response
This report is available in alternate formats upon request.

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THE COMPLAINT

Manitoba Ombudsman received a complaint from a landowner in July 2021 regarding the Quarry Rehabilitation Program (the program). The complainant explained he signed agreements with the program's Minister in 2015, 2016 and 2017 for the rehabilitation of a depleted quarry on his property. The program administered and financed rehabilitation work at the quarry site during those three years.

The complainant alleged that when the program was suspended in 2018, some of the rehabilitation work agreed to had not been completed. The complainant told us he raised his concerns with department staff and was led to believe that the work would be completed in accordance with the terms and conditions of the original agreements.

In 2020, the program was reintroduced with fundamentally different parameters including new administrative and financial responsibilities for landowners. The complainant continued his efforts to have the department complete the work outlined in the three agreements but was unsuccessful. The complainant alleged the department refused to complete the work in the manner originally agreed to under the original program. In 2021, the department told him to reapply to the new program if he believed the previous rehabilitation work was deficient.

The complainant felt it was unfair for the department to require him to reapply to the new program to finish work that should have been completed under the original agreements. He felt the new program process placed too much administrative and financial burden on him and he was not prepared to proceed that way.

MANITOBA OMBUDSMAN ROLE

Under The Ombudsman Act, Manitoba Ombudsman investigates complaints about administrative actions and decisions made by government departments and agencies, municipalities, and their officers and employees. Investigations may be undertaken based on a written complaint from the public or upon the Ombudsman's own initiative. Our investigations are independent and impartial.

A matter of administration can include any practice, procedure, action or decision that government makes as it implements or administers its laws and policies. Manitoba Ombudsman investigations obtain, review and analyze information relevant to the complaint. We assess whether applicable legislation, regulation and/or existing policies are administered fairly.

Our investigations typically take a broad view that considers the principles of fairness and reasonableness of government actions and decisions. Where appropriate, the ombudsman's report may make recommendation for individual remedy and for corrective action to improve public administration. Improved administrative practices can enhance the relationship between government and the public and reduce administrative complaints.

INVESTIGATION FOCUS AND PROCESS

We notified Manitoba Natural Resources and Northern Development of our investigation in March 2022. At the time of issuing this report, the department responsible for the subject program was Manitoba Environment and Climate Change.

We identified the following administrative issues for investigation:

1. Did the Quarry Rehabilitation Program complete rehabilitation work on the complainant's property to the standard described in the program policy and in the agreements signed from 2015-2017?
2. If rehabilitation work was not completed to the standard described in the program policy and agreements, has the department taken fair and reasonable steps to resolve the issues?

We obtained relevant information through documentary evidence and interviews. Our investigation included a review of the following:

1. Acts and Regulations:
 - The Mines and Minerals Act, C.C.S.M. c. M162
 - Quarry Minerals Regulation, 1992, M.R. 65/92
2. By-Laws and Policies:
 - Policies Governing Administration of the Aggregate Rehabilitation Reserve Account Fund
 - South Interlake Planning District Development Plan By-Law No. 3/10
3. Other:
 - Interviews with complainant, and current and previous department staff
 - Project agreements for 2015, 2016 and 2017
 - Documents provided by complainant and the department

- Quarry Rehabilitation on Private and Municipal Land Program online information
- Office of the Auditor General Manitoba’s Quarry Rehabilitation Program Investigation Report, 2020
- Quarry site visit, 2024
- Consultant report on LiDar survey, 2024
- Canada Land Inventory- Map of Manitoba Soil Capability for Agriculture
- Manitoba AgriMaps website
- Land Use Classification Map for municipality

THE INVESTIGATION

Background & Context

Quarry Rehabilitation Program

A quarry is an open-pit mine from which rock, sand, gravel or other quarry minerals are removed. These materials are essential for building infrastructure like roads, bridges and buildings. Quarry rehabilitation is action taken to turn quarried land into a safe, stable area that is compatible with its natural environment and suitable for the proposed future use of the land.

The Quarry Rehabilitation Program was established in 1992 under authority of The Mines and Minerals Act to assist in the rehabilitation of aggregate pits and quarries in Manitoba. The Act gives wide discretion to the responsible minister to determine how to carry out rehabilitation projects. It does not prescribe how the Quarry Rehabilitation Program is to be administered.

According to the Act and its Quarry Minerals Regulation, aggregate quarry operators must pay a rehabilitation levy to the province per tonne of aggregate produced, which is deposited into the Quarry Rehabilitation Reserve Account. The minister is authorized under the Act to enter into agreements to rehabilitate quarry lands using revenue from the reserve account.

At the time of the events subject to this complaint, the parameters of the Quarry Rehabilitation Program specified that landowners seeking rehabilitation of depleted quarries on their property would submit a one-page application to the director of the department’s Mines Branch. The application form required basic information from the

landowner, such as name, contact information, the location of the property requiring rehabilitation, and a sketch of the site location. If applications exceeded the availability of project funds, the department applied criteria to prioritize rehabilitation projects. For instance, if a depleted quarry posed a risk to public safety, its rehabilitation would be prioritized over quarries without the same safety concerns.

If a landowner's property was selected for rehabilitation, the minister and the landowner jointly signed a rehabilitation agreement. The department's mines inspectors wrote the project descriptions and administered the rehabilitation work. They were responsible for:

- selecting projects for approval
- hiring, scheduling, and overseeing the work done by contractors
- paying contractors
- signing off on the work at the end of the project

The program placed minimal requirements on the landowner for the rehabilitation work. Landowners only had to apply for the program and allow contractors to access their property. They were not responsible for hiring contractors or overseeing completion of the work. The department provided for program administration and financial oversight.

The Complainant's Participation in the Quarry Rehabilitation Program

The complainant is a landowner who gave a third-party company permission to quarry on his rural property from 2013-2015. The required levies were paid. After the quarrying was complete, the complainant signed agreements with the province's Quarry Rehabilitation Program in 2015, 2016, and 2017 to complete site rehabilitation. In each of those years some work was done towards the overall rehabilitation of the land. However, in 2018, the program was suspended after senior management discovered financial irregularities. The program was referred to the Office of the Auditor General Manitoba for an audit. At the time the program was suspended, the complainant believed the rehabilitation of his property had not been completed to agreement standards. He attempted to resolve the rehabilitation deficiencies with the department but was unsuccessful.

New Program: The Quarry Rehabilitation on Private and Municipal Land Program

Following release of the Auditor General's investigation report¹ in 2020, the province launched a new program to rehabilitate quarried lands called The Quarry Rehabilitation on Private and Municipal Land Program. The new program provides funding for the same type of rehabilitation activities as the old program but uses a different process. Under the new program, landowners can apply for up to \$200,000 in assistance toward rehabilitation costs. Successful applicants and the department enter into a grant funding agreement with defined terms and conditions.

A key difference between the 2017 and 2020 program is a change in administrative and financial responsibility of the landowner. Under the 2020 program, the landowner must hire the contractor and pay any upfront costs. The landowner is also responsible for overseeing the contractor's work. The department reviews completed work and, where the completed work meets the agreement's terms, the province pays the landowner the approved grant funding amount. The program conducts random compliance audits to ensure completed rehabilitation work meets program standards. The department can reduce the amount of grant funding paid to the landowner if not all work is completed or if work does not meet program standards.

¹ The Office of the Auditor General's 2020 investigation report found that weak oversight and poor internal controls resulted in mismanagement of the program. The report made 15 recommendations for improvement.

Issue 1- Did the Quarry Rehabilitation Program complete rehabilitation work on the complainant's property to the standard described in the program policy and in the agreements signed from 2015-2017?

According to the complainant, the mines inspector responsible for overseeing the rehabilitation of his land said the agreed-to rehabilitation work would continue in 2018². When the complainant learned the department had suspended the program, he inspected his property to determine how much rehabilitation work was completed. Upon observing the site, the complainant became concerned that the quarry embankments appeared to be steeper than agreed upon, and oversized boulders remained on the quarry floor.

The complainant said these deficiencies made it impossible to use the land for an agricultural purpose, which was his intent. He told our office:

The site was in a derelict state after it was quarried, and all the Mines Branch has done to date is convert it to an alternate derelict condition. The land cannot be used for any productive purpose (agriculture), and I am left with having to pay taxes and the expense of controlling the weeds on the site.

The complainant began contacting the department to raise concerns about the incomplete work. He asked the department to have the slopes graded to the standard in the agreements and remove the boulders from the quarry floor as was agreed to by the mines inspector.

The complainant and the department met about the issues, but there was no resolution. In 2021, the department took the stance that they had fulfilled their commitments made under the agreements and that the work met government standards. The department told the complainant to apply to the new program if he believed there were deficiencies in the rehabilitation work.

The complainant maintained the work was not completed as per the previously signed agreements.

We reviewed The Mines and Minerals Act, the applicable program policy, and the contents of the 2015-2017 agreements. We also reviewed evidence related to the condition of the land and conducted a site visit.

² Our office could not verify this claim. The mines inspector is no longer with government and declined to be interviewed for our investigation.

The Mines and Minerals Act

One of the four purposes of rehabilitation, as defined in The Mines and Minerals Act, is to leave the site or quarry in a state that is compatible with adjoining land uses, and conforms, where applicable, to a zoning by-law or development plan under The Planning Act.

The complainant's property falls within an area that is subject to the South Interlake Planning District's Development Plan By-Law No.3 /10, adopted under The Planning Act in 2011. The development by-law's aggregate mineral policies state "the minimum standard of rehabilitation will be restoration of agriculturally productive soil conditions and a vegetation cover in accordance with the policies of the Provincial Aggregate Rehabilitation Program, leaving the post mining landscape in a condition that is safe, environmentally stable, and compatible with adjoining residential and farmlands"³. The by-law also states that individual quarry operators are required to coordinate rehabilitation of their respective properties to achieve maximum recovery of arable farmland.

The complainant told our office the land in question was used for an agricultural purpose before quarrying, and he wished to use it again for agriculture after rehabilitation. The policies of the development plan support the complainant's intent to reclaim farmland post-quarrying.


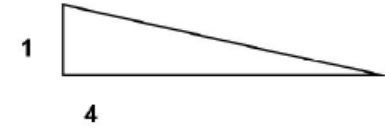

The Policy

We reviewed the Quarry Rehabilitation Program policies in effect from 2015-2017, including an undated Mines Branch document called *Policies Governing Administration of the Aggregate Rehabilitation Reserve Account Fund*.

This policy includes standards for the sloping and grading of quarry embankments. It recommends that embankments for agricultural cropping be constructed to a minimum gradient of 5:1 on class 3 to 5 agricultural lands. The policy explains that the 5:1 gradient is generally the steepest a quarry wall slope can be while still allowing for the effective operation of farm machinery.

A diagram included in both the old and new program's policy documents demonstrates the relative steepness of slope ratios. We can see that a 3:1 slope is steeper than a 4:1 slope, and a 4:1 slope is steeper than a 5:1 slope.

³ South Interlake Planning District Development Plan 2011, Part 2.3.8, Policy No.10.

	Slope Run	Percent Slope
 1 3	3:1	33%
 1 4	4:1	25%
 1 5	5:1	20%

The policy also provided standards for oversize and reject materials. It states:

Boulders and stockpiles of waste sand or other reject materials that may be left at a site should be used as backfill in sloping or otherwise disposed of in the grading of the landscape. Where it is otherwise impractical to bury boulders, they should be piled neatly.

The Agreements

We reviewed the program agreements signed in 2015, 2016 and 2017. Each agreement indicates that the minister agrees to undertake and complete the rehabilitation detailed in Schedule A. The Schedule A is a standardized form that identifies the landowner, the property site and the categories of work to be undertaken including: embankment sloping, stockpiles, oversize boulders and water constraints. Schedule A was completed by the mines inspector coordinating the project work.

In general, each Schedule A of the agreements commits to embankment sloping at a 5:1 safety slope and addressing the oversized boulders. Of note, the 2017 Schedule A is more specific, stating boulders would be hauled away⁴, which is a higher standard than what the policy suggests for boulders.

We also note that in 2015, the Schedule A was dated before the parties signed the agreements. In 2016 and 2017, the Schedule A was dated after the parties signed the

⁴ See Appendix A for exact wording found in Schedule A for each project year.

agreements. When we asked about the scope of work outlined in the agreements, the complainant told us he was not involved in the completion of the Schedule As, nor did he see them when he signed the project agreements. The complainant stated he only saw the Schedule As for the first time in 2019 after he made access to information requests to the department.

We queried as to how he knew what work was supposed to be done if he had not seen the Schedule As before signing the agreements. He stated that he and the mines inspector verbally discussed the expectations for the work and agreed the embankments would be sloped to a 5:1 ratio and the boulders would be removed from the site. The complainant said the mines inspector did not provide him with any written project descriptions related to the 2015-2017 work.

We spoke with a former Mines Branch director⁵ familiar with how the program was administered before it was suspended in 2018. The department could not confirm what the mines inspector discussed with the complainant. However, the former director confirmed that mines inspectors completed the Schedule As, and there was no additional departmental oversight. Existing department staff with the Mines Branch also confirmed that much of the work done under the original Quarry Rehabilitation Program was based on verbal discussions between the mines inspectors and landowners, with limited file documentation.

In our review of the agreements, we also note they did not include the total anticipated cost for the rehabilitation work or indicate if there was a spending limit for the entire project. Before 2018, it was the program's normal practice to authorize work on sites in increments of just under \$50,000 per year. The Office of the Auditor General's report found this was done to avoid the requirement to tender for jobs \$50,000 and over. File documentation for the complainant's property shows the department spent just over \$49,000, but less than \$50,000 in each of the three years. It was recognized the complainant's property required significantly more than \$50,000 worth of rehabilitation work, which is why the work continued over multiple years. The carryover of work across agreements was noted in Schedule A which stated the project was a progressive rehabilitation.

⁵ Our office requested an interview with the mines inspector to clarify how the scope of the rehabilitation work was determined with the landowner. The mines inspector declined to be interviewed as they are no longer an employee.

Site Visits and Surveys

In response to the complainant's concerns, department staff visited the site and did a survey in October 2019. The complainant also paid for his own land survey. Both sources showed most embankment sections were not graded to the slope stated in the agreements.

In August 2024, our office asked the department if they could provide us with an estimate of what it would cost to bring the slopes to the 5:1 ratio stated in the agreements and pick any remaining boulders from the quarry floor.

The department agreed and advised they would arrange for a LiDar⁶ equipped drone survey of the quarry area to ensure they had the most accurate data possible for the cost estimate. On October 31, 2024, the complainant and our office's investigator attended the complainant's quarry site with department officials and a consultant team. The consultant team conducted the LiDar drone survey. The complainant provided our investigator with a tour of the quarry site, which included a visual inspection of the quarry floor. We observed the quarry floor was covered with an overgrowth of weeds, grass and small trees which made it difficult to find all boulders. However, one pile of oversized boulders was located and photographed as follows:



Boulders on Quarry Floor

The complainant pointed out a few stockpiles of material remaining after the 2015-2017 rehabilitation work, with the largest found beside the eastern embankment. He indicated

⁶ LiDar (Light Detection and Ranging) is a survey method that uses reflected light to produce detailed three-dimensional representations of Earth's surface.

the pile is topsoil that should have been spread over the quarry area once the sloping was completed.



Stockpile beside quarry

In January 2025, the department provided us with the results of the LiDar survey as follows:

- 15% of the slope is at 5:1
- 60% of the slope is at 4:1
- 25% of the slope is at 3.5:1

The department noted that the cost estimate to bring the slopes to a 5:1 standard and remove the boulders fell within the funding parameters allowed by the new program. The department's view was that the complainant could reapply to the new program to complete the outstanding work.

Analysis and Findings

Our review of the program policy noted that the recommended sloping of embankments on class 3 to 5 agricultural lands is a minimum gradient of 5:1. Using federal and provincial soil classification maps, we confirmed the complainant's property falls within the class 3 to 5 agricultural land range which makes it eligible for 5:1 sloping.

Our review of the program agreements found each Schedule A lacked details about the intended scope of work, providing only a minimal description of the project. For example, the Schedule A included a table for information about embankment sloping, but it was left blank each year. The only descriptions of the required sloping work were found in the comments or notes section.

Although the agreements lacked the description, detail, and oversight one would expect for government projects, each contract jointly signed by the minister and the complainant stated the minister agreed to undertake and complete the rehabilitation detailed in Schedule A. Schedule A for 2015, 2016 and 2017 each state a 5:1 ratio for the grading of the embankment slopes, and the 2017 agreement stated the boulders would be hauled away.

Our review of the program's policies and rehabilitation standards in effect at the time showed it was reasonable for the quarried site to be returned to a condition where agricultural cropping could be pursued. This aligns with the property's soil classification and the development by-law's policy of maximum recovery of arable farmland after quarrying. The program's own standards stated this would require a 5:1 slope for the effective operation of farm machinery. It is our view that the sloping requirements included in the Schedule As were consistent with the policy.

For the issue of the stockpile of material beside the east quarry wall, we found The Quarry Minerals Regulation requires every operator of a quarry to stockpile all topsoil and overburden stripped in the process of excavating the quarry.

The agreements did not mention what was to be done with stockpiles of topsoil or overburden remaining from quarrying. However, the program policy stated that available topsoil and overburden material suitable as a soil material should be graded over the surface of the disturbed lands after sloping is completed. This was not done.

The project documentation does not state what work was completed each year toward rehabilitation of the complainant's land, or whether the work was considered complete at the end of 2017. We were not able to ascertain whether the scope of work was clearly known to the parties at the time each of the agreements were signed. However, based on evidence collected, we are of the view that the department intended to complete work outlined in the three schedules.

The results of the LiDar survey showed that only 15% of the quarry embankments were constructed to the 5:1 slope ratio stated in the rehabilitation agreements. The other 85% of the slope area was left at a steeper grade. The drone's aerial photos also identified two distinct piles of boulders remaining on the quarry floor, despite the 2017 agreement stating boulders would be hauled away.

Based on the available evidence, we conclude the Quarry Rehabilitation Program did not complete rehabilitation work on the complainant's property to the standard described in the program policy or in the agreements signed from 2015-2017.

Issue 2- If rehabilitation work was not completed to the standard described in the program policy and agreements, has the department taken fair and reasonable steps to resolve the issues?

The Complainant's Position

The complainant's position was that the department had not taken fair and reasonable steps to complete the work to the standards in the agreements. He did not believe it was fair for the department to require him to reapply to the new Quarry Rehabilitation on Private and Municipal Land Program to finish work that was incomplete under the previous agreements. The terms and conditions of the new program's grant-funding model shifted project supervision and upfront costs from the department to the landowner. The complainant did apply to the new program in 2020 as the department indicated that was the only way to move forward. The department approved work to remove boulders, grade the quarry bottom and spread topsoil. However, only some work involving rock removal was undertaken. The complainant advised he could not find contractors to do the work before the project deadline. The complainant told our office that the time, effort and costs of managing the project himself were prohibitive and unfair. He was not willing to move forward that way.

The Department's Position 2021-2025

The department's position evolved over the course of our investigation. The department's initial position in 2021 was the work undertaken to date met contract conditions and government standards. They advised the complainant that the agreements were concluded and the rehabilitation results were reasonable. The department encouraged the complainant to apply to the new program if he wished to correct any perceived deficiencies from earlier agreements.

The complainant applied to the program again in 2023. On August 30, 2023, the department issued a decision letter rejecting his application on the basis that the proposed project 'does not align with the current program'. When the complainant followed up to ask for further explanation, the department responded as follows:

"...the rehabilitation on private mineral land is the responsibility of the landowner in conjunction with any agreements with contractors working the land. The 2023 program provides funding to help support the rehabilitation of private and municipal lands. As you stated, the same land has been previously funded and the requested funding does not support new or progressive rehabilitation of the site. The work that you requested funding for would ultimately disturb previous

rehabilitation and re-slope an embankment that was adequately sloped in previous rehabilitation. This does not align with the program goals.

Additionally, the province received 33 applications to the 2023 program for a value of \$4.5M. However, funding available to support the program was limited to \$1.8M, therefore a greater emphasis was given to projects that more closely aligned with the program objectives.”

After this denial, the complainant engaged with new senior leadership responsible for the program to again request that the department arrange to complete the rehabilitation of his property. The two sides met but could not agree on a way forward.

In March 2024, our office met with department staff. We shared our preliminary findings and discussed the lack of clarity in the project documentation about what was accomplished at the site each year. We noted work on the slopes and boulders did not appear to match the agreements or the quarry rehabilitation standards. The department indicated a willingness to resolve the issue. They committed to examining the data taken at the site in 2019 and exploring potential options to address concerns.

In summer of 2024, the department acknowledged there were still boulders on the site, and the embankment slopes were not all graded to a 5:1 ratio. They were willing to approve the funding to have the work completed, up to the program’s limit of \$200,000. However, they still required the complainant to apply to the program and follow the new processes. The complainant did not believe this was a fair solution and would not proceed.

We noted the new program structure would place administrative responsibilities and financial risk on the complainant which were not part of the terms and conditions of the 2015-2017 agreements. We asked the department to provide a cost estimate for completing the work, which led to the site visit and LiDar survey.

After reviewing the survey report, we asked the department if they would be willing to arrange and oversee the work required to complete the rehabilitation. In March 2025, the department agreed to fix the work without the complainant having to apply to the new program. Department leadership acknowledged it would be an administrative burden for the complainant to oversee the project himself. They also advised that responsibility for the Quarry Rehabilitation on Private and Municipal Land Program was moving from Manitoba Business, Mining, Trade and Job Creation to Manitoba Environment and Climate Change (ECC) as of April 1, 2025. ECC would oversee the arrangements for the rehabilitation directly with the complainant. The department sent a letter to the complainant advising of their decision.

Analysis and Findings

The complainant had a reasonable and legitimate expectation that the program would complete the work outlined in the Schedule As for 2015-2017. We believe it was also fair for the complainant to expect that the work would be done under the same or similar terms and conditions as originally agreed to by both parties.

The department's position in 2021 that the work fulfilled the agreements was not supported by evidence. The department did not appear to adequately consider the Schedule A requirements for 2017; their 2019 survey conducted at the site; or the program's own policies and rehabilitation standards.

The department's later position in 2024, where they acknowledged there were deficiencies in the work and assured us the complainant's application to the new program would be approved, was a step toward fair resolution. However, this decision fell short because the new program structure would have imposed new terms and conditions on the complainant that were not part of the original agreements. In our view, this was unfair.

When government suspends a program, or relaunches it with a new structure and requirements, it is important they consider any unmet obligations to program users. Policies should be in place to fulfill outstanding obligations or transition citizens to the new program in a way that does not create unreasonably burdensome requirements to access services or benefits.

We believe the department's 2025 decision to move forward with fixing the deficient work without requiring the complainant to reapply to the new program is a fair and reasonable solution. The department intends to draft a contract for the complainant's review to confirm the scope of work. If the complainant signs the contract, the department will then tender for the rehabilitation work, arrange oversight of the project, and pay the associated costs. The goal is to complete the work in 2026. We commend departmental leadership and staff for their assistance and for working in good faith to fulfill the previous agreements.

Secondary Issue:

During our investigation, the complainant told us there are a few low-lying areas on the quarry floor that hold water in the spring. This would prevent seeding a crop on those areas until they are dry. The complainant asserts the original program made a commitment to restore the quarry site to an agricultural standard, and to do that, drainage improvements must be included in the design and construction of the rehabilitated site.

We reviewed the agreements and the policy to determine if there was a commitment or requirement for the program to improve drainage on the quarry floor. The Schedule As for 2015-2017 did not include a commitment to grade the quarry floor for drainage. The program policy also does not state any requirements for grading to drain small amounts of water.

We understand the complainant's argument that the land must be dry enough to seed, otherwise it cannot be used to its full agricultural potential. However, we have found no evidence in the agreements or policy which would require the department to do additional drainage work. Therefore, this issue is outside the scope of our review, and we make no finding on the matter. We suggest the department further discuss the issue with the complainant to determine if a resolution can be reached.

CONCLUSION & RECOMMENDATIONS

Our investigation found the Quarry Rehabilitation Program did not complete rehabilitation work on the complainant's property to the standard described in program policy or in the agreements signed by the complainant and the minister in 2015, 2016 and 2017.

When the program was halted in 2018 and then relaunched in 2020 under a fundamentally different structure, the department initially did not take fair and reasonable steps to complete the work in a way that was not overly burdensome to the complainant.

Since our investigation began, the department's stance has changed. They acknowledged the work was not completed to agreement standards. They have agreed to finance and administer the remaining rehabilitation work pending the complainant signing a contract formalizing the scope of work. We believe this is a fair solution.

At the time of this report, a contract between the two parties has not yet been signed. Therefore, we make the following recommendations:

Recommendation 1

Manitoba Environment and Climate Change fulfill its commitment to administer and finance the work required to complete the rehabilitation of the complainant's quarry by negotiating and entering into an agreement with the complainant. The department should ensure the agreement is entered into within a reasonable timeframe, and that it includes the scope of work and standard of completion to:

- Grade the embankment slopes to a 5:1 ratio
- Remove any remaining boulders from the quarry floor
- Address any remaining topsoil or overburden stockpiles on the site

Recommendation 2

The department ensure that all parties entering into program agreements receive full and complete documentation of program parameters, scope of work and their obligations at the time of program acceptance and that the department maintain accurate and complete records in administration of the program.

DEPARTMENT'S RESPONSE

Response from the Department of Environment and Climate Change

"Environment and Climate Change has reviewed the investigation report and accepts the findings and recommendations. The two recommendations outlined in the report have been addressed by the department and are described below.

The department has prepared an Agreement to address the concerns in the report as requested in the first recommendation. An offer will be presented prior to the start of 2026 operating season with the expectation that the complainant will sign the agreement in 30 days of receiving the agreement. This agreement includes grading the embankment slopes to a 5:1 ratio, removing any remaining boulders from the quarry floor and addressing any remaining topsoil or overburden stockpiles on the site. Manitoba will administer and conduct this work at no cost to the complainant.

Regarding the second recommendation, the department has implemented an improved grant program for the rehabilitation of private and municipal lands. The program

includes clear documentation of program parameters, scope of work and outlines obligations for both parties. The department is confident that the changes made to the program will strengthen transparency and support consistency of the services provided to Manitobans.”

This report concludes Manitoba Ombudsman’s review.

APPENDIX A

Description in Schedule A for embankment sloping work:

2015 Schedule A:

- “This is a progressive rehabilitation of the property. Safety is the major concern at this time. The contractor will use overburden from a [sic] existing berm which will be spread to slope a 5:1 safety slope and cover the quarry floor but work is focused to achieve maximum results in terms of a finished remediated landscape, demonstrating to the local municipality officials the overall end intent.”

2016 Schedule A:

- “This is a progressive rehabilitation of the property. Safety is the major concern at this time. The contractor will use overburden from a [sic] existing berm which will be spread to slope a 5:1 safety slope but work is focused to achieve maximum results in terms of a finished remediated landscape, demonstrating to the local municipal officials the overall end intent.”

2017 Schedule A:

- “This project consists of trimming excess embankment from the prairie and dozing onto the existing slope which was done prior to this project.”
- “This is a progressive rehabilitation of the property. The contractor will doze overburden from the existing prairie which will be spread to slope a 5:1 safety slope.”

Description in Schedule A for treatment of oversize boulders:

2015 Schedule A:

- “Separate and pile will be picked up later.”

2016 Schedule A:

- “Boulders will be buried.”

2017 Schedule A:

- “Boulders will be hauled away.”