

The Environmental Assessment and Licencing Process Under The Manitoba Environment Act

"Cette information existe également en français"

(voir Bulletin d'information N° 97-01F)

INTRODUCTION

The Manitoba Environment Act outlines an environmental assessment and licencing process for those developments that may have potential for significant environmental effects. The assessment and licencing process is an important step in the planning of a development to ensure protection of the environment. The process encourages early consultation, allows for full public participation and ensures that economic development occurs in an environmentally responsible manner.

DO YOU NEED A LICENCE?

Manitoba Regulation 164/88 - Classes of Development Regulation, lists those developments that require environmental assessment and a Licence prior to construction. The regulation lists developments by types. If your development is listed, then you are required to file a Proposal with Manitoba Conservation for a Licence. Other developments not listed may require approval under a certain regulation. Before you proceed please contact the regional Conservation office in your area (regional phone numbers listed at end of Bulletin).

HOW DO YOU RECEIVE A LICENCE?

The environmental assessment and licencing process is a five step process, with three mandatory steps and two steps that are discretionary to the department.

APPLICATION FEE

Effective May 26, 2002, Environment Act Fees are as follows:

Class 1 Developments	\$500
Class 2 Developments	\$5,000
Class 3 Developments:	
Transportation and Transmission Lines....	\$5,000
Water Developments	\$50,000
Energy and Mining	\$100,000

A cheque, payable to the Minister of Finance, for the appropriate fee must accompany the Proposal Form at the time the Proposal is filed.

STEP 1 - File a Proposal (Mandatory)

All listed developments require the filing of a Proposal in accordance with Manitoba Regulation 163/88 - Licencing Procedures Regulation. To assist clients, the requirements of the regulation have been incorporated into a one page Proposal Form (attached). To file a Proposal, complete the Proposal Form and append a written response to all the information items listed under "The Description of the Development" on the Form.

The department encourages clients to consult with staff of the department and the public, prior to the Proposal being finalized. This consultation will allow potential concerns to be addressed early in the process.

STEP 2 - Screening (Mandatory)

The Proposal is reviewed, or screened, by the public and a Technical Advisory Committee (TAC) to determine advice on the need for, more information, a full Environmental Impact Statement (EIS), and in some cases a public hearing. The TAC consists of representatives from provincial and federal government departments. The public review is conducted through a media advertisement and the placement of the proposal material in public registry files located in government offices and public libraries across the province. The TAC review is conducted by fax distribution of the Proposal material to the TAC members. At the end of this review/screening step the Proposal can proceed to Step 3 and/or Step 4 or directly to Step 5.

STEP 3 - Further Information (Discretionary)

The Step 2 screening can result in the need for further information. The further information can be obtained through direct questions to the client or by the issuance of Guidelines for the preparation of a full Environmental Impact Statement on the Development. The further information, once received, is also screened through the public and TAC for review and comment. As this step can result in delay in the process, it is important that the initial Proposal filed be as comprehensive as possible. Early contact with the department can assist clients in issue identification and information needs.

STEP 4 - Public Hearings (Discretionary)

The Environment Act provides authority for the Minister to call public hearings to consider Proposals filed under the Act. Hearings are not mandatory under the Act, but generally are called where a development Proposal is of general interest to, or will affect, a large number of Manitobans or where through the screening process there are significant public concerns identified. Hearings are conducted by an independent panel, the Clean Environment Commission. The Commission's role is to conduct hearings and to provide advice and recommendations to the Minister based on evidence received during the hearing process.

The final decision on the development proposal rests with Manitoba Conservation.

STEP 5 - Licencing Decision (Mandatory)

At the conclusion of the assessment and approval process the department makes a decision to either issue a Licence with limits, terms and conditions or to refuse a Licence based on adverse environmental effects.

APPEALS

All decisions under The Environment Act may be appealed within 30 days as detailed in the Act.

TIMELINES

The environmental assessment and licencing process is intended to be as time efficient as possible. Due to the discretionary steps in the process, and the clients responsibility to prepare the required information (thus controlling the time for the preparation), it is difficult to

predict with certainty the exact timelines required to complete the process. Experience with the application of the process since 1988, however, would indicate the following general timelines:

- 1) If the Proposal information is acceptable to the public, TAC, and the department at the conclusion of Step 2, then a licencing decision is generally made within 8 weeks of date of receipt of the Proposal.
- 2) If further information is required at the conclusion of Step 2, then an additional 6 weeks of review time is required. The time required to prepare the additional information is controlled by the client.
- 3) If Guidelines and an EIS are required, then an additional 12 weeks of review time is required. The time required to prepare the EIS is controlled by the client.
- 4) If public hearings are required, then an additional 15 weeks of review time is required.

Early contact with the department, as well as continued contact throughout the review process, will ensure that the review process is managed effectively and efficiently and that delays in the process are minimized.

HARMONIZATION

Some developments may require both provincial and federal environmental approval prior to proceeding. In an effort to minimize duplication, delay and confusion, Manitoba has entered into an agreement with Canada respecting environmental assessment. Under the agreement, Manitoba and Canada agree to cooperate and coordinate respective environmental assessment processes, in order to promote an effective and consistent environmental assessment process in Manitoba. Early consultation with Manitoba Conservation will help determine whether both federal and provincial environmental approvals are required.

	NEED	MORE	INFORMATION?	
Consult:				
	• The Environment Act;			
	• Information Bulletin No. 2001-03E - Alteration(s) In A Development Under The Environment Act;			
	• Information Bulletin No.: 97-02E - Public Participation Guidelines;			
	• Manitoba Regulation 163/88 - Licencing Procedures Regulation;			
	• Manitoba Regulation 164/88 - Classes of Development Regulation;			
	• Manitoba Regulation 168/96 - Environment Act Fees Regulation;			
	• Participants' Guide For Public Hearings;			
	• Clean Environment Commission Process Guidelines Respecting Public Hearings.			
Manitoba Conservation Regional Offices:				
Eastern Region:	(Lac du Bonnet).....	(204) 345-1447		
Interlake Region:	(Gimli).....	(204) 642-6070 / (Selkirk).....	(204) 785-5030	
Northeast Region:	(Thompson).....	(204) 677-6703		
Northwest Region:	(The Pas).....	(204) 627-8307 / (Flin Flon).....	(204) 687-1625	
Red River Region:	(Winnipeg).....	(204) 945-7100 / (Steinbach).....	(204) 346-6060	
		(Winkler).....	(204) 325-1750 / (Portage la Prairie).....	(204) 239-3188
Western Region:	(Brandon).....	(204) 726-6064 / (Virden).....	(204) 748-2321	
	(Killarney).....	(204) 523-5285 / (Dauphin).....	(204) 622-2030	
	(Swan River).....	(204) 734-6774		
or contact:	For access to the public registry files contact:			
Environmental Assessment and Licensing Branch	Conservation and Environment Library			
Manitoba Conservation	123 Main Street Main Floor			
123 Main Street Suite 160	Winnipeg MB R3C 1A5			
Winnipeg MB R3C 1A5	Tel (204) 945-7125			
Tel (204) 945-7071 / Fax (204) 945-5229				
Internet: http://www.gov.mb.ca/conservation/eal				

Environment Act Proposal Form

This form prescribes the nature and sequence of the information required to file a proposal for a development pursuant to subsections 10(3), 11(7), and 12(3) of *The Environment Act*.

Name of the development:		
Legal name of the proponent of the development:		
Location of the development Street address:		Municipality:
City or Town:		Legal description:
Name of proponent contact person for purposes of the environmental assessment:		
Mailing address:	Telephone:	Fax:
	Email address:	
Date:	Signature of the proponent, or corporate principal of the corporate proponent:	
	Printed name:	

1) NOTE: APPLICATION FEE - Refer to Schedule "A" on reverse side.

2) NOTE: The proponent should reproduce the underlined portions of each section as noted below, adding the required information following each section as it applies to the development. A response to all the sections is required.

DESCRIPTION OF THE DEVELOPMENT:

- i) Certificate of Title showing the owner(s) and legal description of the land upon which the development will be constructed; or (in the case of highways, rail lines, electrical transmission lines, or pipelines) a map or maps at a scale no less than 1:50,000 showing the location of the proposed development;
- ii) Name of the owner of mineral rights beneath the land, if not the same as that of the surface owner;
- iii) Description of the existing land use on the site and on land adjoining it, as well as changes that will be made thereto for the purposes of the development;
- iv) Land use designation for the site and adjoining land as identified in a development plan adopted pursuant to *The Planning Act* or *The City of Winnipeg Act*, and the zoning designation as identified in a Zoning By-Law, if applicable;
- v) A description of all previous studies and activities relating to feasibility, exploration, or project siting and prior authorization received from other government agencies;
- vi) A description of the proposed development (including site plans), and the method of operation and hours of operation;
- vii) An identification of any storage of gasoline or associated products (e.g. diesel fuel, used oil, heating oil, AV gas, solvents, isopropanol, methanol, acetone, etc.);
- viii) A description of the potential impacts of the development on the environment, including, but not necessarily limited to:
 - type, quantity and concentration of pollutants to be released into the air, water or on land;
 - impact on wildlife;
 - impact on fisheries;
 - impact on surface water and groundwater;

- forestry related impacts;
- impact on heritage resources;
- socio-economic implications resulting from the environmental impacts.

- ix) A description of the proposed environmental management practices to be employed to prevent or mitigate adverse implications from the impacts identified in viii) which will have regard to, where applicable: containment, handling, monitoring, storage, treatment, and final disposal of pollutants; conservation and protection of natural or heritage resources; environmental restoration and rehabilitation of the site upon decommissioning; and protection of environmental health.

SCHEDULE:

The proposed date of commencement of construction, commencement of operation, including staging of the development and termination of operation, if known.

FUNDING:

Name and address of any Government Agency (Federal, Provincial or otherwise) from which a grant or loan of capital funds have been requested, where applicable.

NOTE: *The Environment Act* requires that subject to the Confidential Information clause, Section 47, a proposal shall be filed in the public registry.

Proprietary information provided in this form should be clearly noted. A separate summary of the proposal excluding the proprietary information should accompany the proposal for the public registry file.

27 copies of any bound report or blueprints supporting the Proposal are required. An electronic version is recommended.

The completed Proposal form should be sent together with a covering letter to:

Director, Environmental Assessment and Licensing Branch
Manitoba Conservation
Suite 160, 123 Main Street
Winnipeg, Manitoba R3C 1A5

Schedule "A"

APPLICATION FEE

Effective April 13, 2007, Environment Act Fees are as follows:

Class 1 Developments	\$500
Class 2 Developments	\$5,000
Class 3 Developments*	

A cheque, payable to the Minister of Finance, for the appropriate fee must accompany the Proposal Form at the time the Proposal is filed.

*Ranges from \$5,000 - \$100,000 depending on the development. Refer to the Classes of Development Regulation (<http://web2.gov.mb.ca/laws/regs/pdf/e125-164.88.pdf>) to determine appropriate fee.