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The Environment Act outlines the environmental assessment and licensing process for developments in Manitoba that may have potential for significant environmental and / or human health effects. The process exists to ensure environmental and human health protection, encourage early consultation, allow for full public participation, and ensure economic development occurs in an environmentally responsible manner.

The Classes of Development Regulation (Manitoba Regulation 164/88) lists the types of projects which are defined as developments. Developments must undergo the environmental assessment and licensing process and receive an Environment Act Licence prior to construction and operation. Proponents are advised to contact the Environmental Approvals Branch (EAB) if unsure whether a project is a development. If a project is not a development, proponents are advised to contact the regional department office in the project area to review any other requirements.

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### **CANADA-MANITOBA ENVIRONMENTAL ASSESSMENT COOPERATION**

Manitoba and Canada cooperate on projects that require a review under both federal and provincial environmental assessment legislation. The jurisdiction receiving the development proposal will share the environmental assessment information with the other jurisdiction, and additional information requests and approval decisions will be coordinated. The jurisdictions are represented by the Environmental Approvals Branch for Manitoba and the Canadian Environmental Assessment Agency for Canada. The objective of the cooperative process is to reduce duplication, while meeting the legal requirements of both governments and maintaining their respective roles and responsibilities. Early consultation will help determine whether both federal and provincial environmental approvals are required.

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### **ENVIRONMENTAL ASSESSMENT AND LICENSING PROCESS**

#### **Submission of Environment Act Proposal**

To begin the process, a project proponent submits an Environment Act Proposal (EAP) to the Environmental Approvals Branch (EAB).

A complete **Environment Act Proposal (EAP)** consists of the following components:

- **Cover letter**
- **Environment Act Proposal Form**
- **Reports/plans supporting the EAP** (see “Information Bulletin - Environment Act Proposal Report Guidelines” for required information and number of copies)
- **Application fee** (cheque, payable to Minister of Finance, for the appropriate fee)

The department encourages proponents to consult with staff of the department, affected public, interested parties and First Nation communities to identify issues and concerns prior to finalizing the Proposal. Consultation will allow potential concerns to be addressed early in the process. 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.

Upon receipt of an EAP, it is assigned to an EAB contact. The EAP is checked for completeness, and the proponent may be required to submit additional information. Complete proposals begin the screening portion of the assessment process.

A site visit by the contact person may be arranged at some point in the environmental assessment and licensing process. This could be at the pre-proposal stage, during the review of the proposal, prior to licensing, or after a licence is issued. A site visit may be helpful to clarify site or operational details of the proposal, and is often the most efficient way for both the proponent and the contact person to have a common understanding of aspects that will be of interest during the environmental assessment and licensing process.

### **Screening**

**Public review:** EAPs are placed in electronic format on the online public registry. Hard copy documents are placed in public registries at the Manitoba Legislative Library and the City of Winnipeg's Millennium Public Library. A media advertisement (usually in a local newspaper) provides a summary of the project, provides a link to the online public registry and location information for hard copy registries, and requests public comments within a prescribed timeframe. The media advertisement is also placed on the online public registry.

**Technical review:** Notices of the availability of new EAPs for review are distributed to the Technical Advisory Committee (TAC), which consists of provincial and federal government specialists who are able to provide technical expertise. TAC members also access all proposal information from the online public registry, and are requested to submit comments in parallel with the public review.

The EAB contact reviews all public and TAC comments on the EAP and may request additional information from the proponent to address concerns. Guidelines may be completed for the proponent to prepare a full Environmental Impact Statement (EIS). EIS Guidelines and the EIS are also screened by the public and TAC. All comments submitted by the public and TAC are placed in all public registries. Although the names of individual members of the public commenting on a proposal will be placed in the public registry with their comments, personal contact information including addresses, email addresses and telephone numbers will be redacted from the comments.

Public concern may warrant a public hearing. The Director of the EAB may recommend that the Minister of Sustainable Development request the Clean Environment Commission (<http://www.cecmanitoba.ca>) to hold a public hearing on the proposed development. Upon the Minister's request, the Commission conducts a public hearing and provides advice and recommendations to the Minister based on evidence received during the hearing process. The final licensing decision on the development proposal rests with Manitoba Sustainable Development.

### **Licensing**

At the conclusion of the environmental assessment process, a decision is made to either issue a Licence with limits, terms and conditions, or to refuse a Licence. Where a Licence is refused, written reasons for the decision shall be provided to the proponent, the Minister, and the public registry within such time as may be specified in the regulations.

This decision is made by the Director of the EAB for Class 1 and Class 2 developments and by the Minister for Class 3 developments.

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## **PUBLIC PARTICIPATION**

Manitoba Sustainable Development recognizes the value of public involvement in the environmental assessment and licensing process. The following opportunities are available for the public to participate in the process.

- A comment period will be provided for participants to respond to notices of EAPs, EIS Guidelines, and EISs. The length of comment period varies between projects depending on the time of year, complexity, logistics, and level of interest or concern.
- Public meetings to discuss information and concerns may be held.
- Public hearings of the Clean Environment Commission may be recommended should significant public concern and interest warrant.

- Normally, public hearings will not be recommended until the EAB is satisfied that all information pertinent for the hearing has been received, is satisfactory to the EAB and has been placed in the public registries.

## **APPEALS**

- All decisions under The Environment Act may be appealed as detailed in The Act.
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## **ALTERATIONS**

The Environment Act (Section 14) requires notification and approval for alterations to a development as licensed, or to a proposal submitted for licensing, if the alteration does not conform to the licence requirements, or is likely to change the environmental effect.

It is recommended that the EAB be notified of all alterations to a Development. Approval is required prior to implementing the alteration. On receipt of the alteration notification, the EAB will review the notification and advise on the approval process to follow. Alteration notifications should be submitted for approval with sufficient time in advance of planned implementation.

### **Alteration Process**

The alteration notification consists of a letter from the proponent to the EAB Director, supported with sufficient information for the Director to determine the significance of potential environmental effects. The notification should include a Notice of Alteration Form ([http://www.gov.mb.ca/sd/eal/publs/noa\\_form.pdf](http://www.gov.mb.ca/sd/eal/publs/noa_form.pdf)) and any applicable fee. An Information Bulletin on Alterations to Developments is available at [http://www.gov.mb.ca/sd/eal/publs/alteration\\_guidelines2017.pdf](http://www.gov.mb.ca/sd/eal/publs/alteration_guidelines2017.pdf).

At a minimum, the following supporting information requirements should be provided:

- description of the physical changes in the development as a result of the alteration, supported by maps, drawings, plans, etc. as appropriate;
- identification and quantification of any change to the type or quantity of raw materials or substances that would be used or processed as a result of the alteration;
- quantification of the change in the environmental effects from the development as a result of the alteration as compared with the base level of the development as licensed or proposed;
- environmental assessment resulting from the change in the environmental effects on the receiving environment; and
- a summary statement describing the potential environmental effects of the alteration based on the environmental assessment.

There are two approval processes for an alteration notification.

**Minor:** If the potential environmental effects resulting from the alteration are insignificant or will be accommodated by the ongoing assessment process and the proposed alteration is not an alteration to a licence condition amended by an appeal, then the alteration can be approved with limits, terms and conditions, as appropriate.

**Major:** If the alteration is not minor, then a new Proposal pursuant to Section 10, 11 or 12 of The Environment Act is required for approval consideration.

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### **For further information:**

#### **Manitoba Laws and Regulations**

<http://web2.gov.mb.ca/laws/regs/index.php>

#### **Environmental Approvals Branch**

<http://www.gov.mb.ca/sd/eal>

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## **Manitoba Sustainable Development Regional Offices**

Eastern Region:	Lac du Bonnet Steinbach	(204) 345-1486 (204) 346-6060
Northeast Region:	Thompson	(204) 677-6703
Northwest Region:	The Pas	(204) 627-8248
Central Region:	Winnipeg Portage la Prairie Gimli Selkirk	(204) 945-0675 (204) 239-3608 (204) 641-4091 (204) 785-5030
Western Region:	Brandon Dauphin	(204) 726-6565 (204) 622-2030