

Canada-Manitoba Agreement on Environmental Assessment Cooperation

Questions and Answers

Q1. How does the renewed Canada-Manitoba Agreement on Environmental Assessment Cooperation affect federal and provincial cooperation in relation to environmental assessment?

A1. Under the agreement, projects that require an environmental assessment by both the Government of Canada and the Government of Manitoba will undergo a **single** assessment, administered cooperatively by both governments. One government takes the lead in administering the assessment, but both governments participate as full and active partners.

Q2. What does the renewal of the agreement accomplish?

A2. When federal and provincial environmental assessment processes both apply to the same project, the agreement enables both governments to utilize public resources more efficiently through a single cooperative assessment.

The result is a more timely and effective cooperative assessment process that enables both governments to ensure their legal requirements are met. This also improves the predictability of the assessment process.

Q3. A bilateral agreement was signed in 2000. Why has this renewed bilateral agreement been negotiated?

A3. The Canada-Manitoba Agreement on Environmental Assessment Cooperation was signed by the Minister of the Environment for Canada and the Minister of Conservation for Manitoba on May 8, 2000. The agreement officially expired in 2005, five years after its entry into force.

The renewed Canada-Manitoba Agreement on Environmental Assessment Cooperation builds upon the 2000 agreement, and has been updated to reflect the amendments to the *Canadian Environmental Assessment Act* which came into effect on October 30, 2003.

Q4. How long will this bilateral agreement be in effect?

A4. This agreement will remain in force for five years from the date it is signed. In consideration of its renewal, Canada and Manitoba will evaluate the Agreement and their performance in relation to it in the fifth year. The evaluation will include opportunities for public consultation as appropriate.

Q5. What is the relationship between the Canada-Wide Accord on Environmental Harmonization, the Sub-agreement on Environmental Assessment and the Canada-Manitoba Agreement on Environmental Assessment Cooperation?

A5. The Canada-Wide Accord on Environmental Harmonization provides a framework of common environmental management principles and mechanisms for developing further sub-agreements and bilateral agreements regarding specific areas identified for harmonization or cooperation. It envisions governments working together to achieve the highest possible level of environmental quality for all Canadians.

The Sub-agreement on Environmental Assessment describes principles for cooperation, based on effectiveness, transparency, public accountability, efficiency and certainty of process, where two or more governments are required by law to assess the environmental effects of a project. Under the Sub-agreement, a cooperative environmental assessment would take place to meet the requirements of the governments involved.

The bilateral agreement translates the general principles of the Sub-agreement into a specific administrative framework, based on the legislation of each jurisdiction that sets out how the two orders of government will cooperate where an environmental assessment is required by both.

The 2007 bilateral agreement supports the long-standing cooperative relationship between Canada and Manitoba in environmental assessment matters.

Q6. Does the agreement delegate federal decision-making authority to the Government of Manitoba, or Government of Manitoba decision-making authority to the federal government?

A6. The agreement does not delegate any federal decision-making authority to the Government of Manitoba nor any provincial decision-making authority to the Government of Canada. This is consistent with the principles of the Canada-Wide Accord on Environmental Harmonization. Under the bilateral agreement, each government's environmental responsibilities and legal requirements remain the same. Each government maintains authority in the areas under its jurisdiction and remains responsible for environmental assessment decisions required by its legislation.

Q7. Will the bilateral agreement force federal and provincial governments to reach the same decision on the environmental acceptability of a project?

A7. Canada and Manitoba have agreed to use the information generated through cooperative environmental assessment as the basis for their respective decisions. Since the agreement does not provide for delegation of decision making authority, each government retains its ability to make decisions regarding a proposed project on matters within its own legislative authority.

Q8. Will the bilateral agreement weaken environmental assessment in Manitoba?

A8. No. The agreement is administrative and does not affect either federal or provincial legislation. It simply integrates features of the respective processes.