



Canadian Council of Ministers
of the Environment Le Conseil canadien
des ministres
de l'environnement

FRAMEWORK FOR ENVIRONMENTAL ASSESSMENT HARMONIZATION

WHEREAS

Canada and [province/territory] are committed to the concept of sustainable development as the foundation for the integration of environmental and economic activities; and

WHEREAS

Canada and [province/territory] recognize each other's jurisdiction and responsibilities to conduct or require environmental assessments of projects for which the other has decision-making responsibilities; and

WHEREAS

Canada and [province/territory] have established processes for environmental assessment of certain projects within their respective jurisdictions; and

WHEREAS

Certain projects throughout Canada require environmental assessment pursuant to the Canadian Environmental Assessment Act or the [provincial/territorial] legislative process, or both; and

WHEREAS

Canada and [province/territory] wish to ensure that such projects are evaluated according to the spirit and requirements of their respective authorities while avoiding unnecessary duplication, delays and confusion that could arise from separate environmental assessments; and

WHEREAS

The Canadian Environmental Assessment Act and [provincial/territorial] legislative processes provide for interjurisdictional cooperation and coordination in environmental assessment; and

WHEREAS

Canada and [province/territory] agree to respect each other's constitutional responsibilities; and

WHEREAS

Canada and [province/territory] agree that the harmonization of environmental assessment is necessary to maximize efficiency and effectiveness by recognizing each other's strength and capabilities; and

WHEREAS

Canada and [province/territory] subscribe to those principles of cooperation embodied in the Statement of Interjurisdictional Cooperation on Environmental Matters and the Cooperative Principles for Environmental Assessment adopted by the Canadian Council of Ministers of the Environment;

THEREFORE,

The parties agree to cooperation and coordination in environmental assessment in order to promote effective and consistent environmental assessment processes in Canada and to avoid uncertainty and duplication in those processes.

DEFINITIONS

Interest means for the purposes of this agreement, powers, duties and responsibilities of each party.

Joint Environmental Assessment means the environmental assessment of a project where Canada and [province/territory] have interest in the project and they cooperate to develop and administer a process to meet both governments' requirements.

Joint Panel Review means an environmental assessment review conducted by an independent panel appointed by Canada and [province/territory].

Parties means federal and provincial/territorial governments that are signatories of this agreement.

PRINCIPLES

1. The parties recognize that the procedures and requirements of each government's environmental assessment process are consistent in principle and intent.
2. The parties agree to identify their respective interests and consider them in any environmental assessment process conducted or required by one or the other or both parties.
3. The parties agree to establish a consultation and cooperation mechanism to notify each other as early as possible of projects potentially subject to their respective environmental assessment processes, to specify the interests of each party for each project to be assessed, to determine the extent of involvement of each party, and to provide for process coordination.
4. The extent of involvement of each party will be agreed upon by the parties as early as possible in the environmental assessment, and may range from information sharing through the early stages of the review to joint panel reviews.

5. In determining the scope of the project, and in particular, the scope of the environmental assessment and the factors to be considered, the parties will ensure that the environmental assessment process will seek to accommodate the interests of both parties with respect to that project.
6. In order to meet the objectives of efficiency and certainty, the parties will agree on time frames for the purposes of joint environmental assessments. Each party will ensure that the various decision points within their respective processes are coordinated with each other's decision points, and that time requirements agreed upon by both parties are met.
7. Each party will identify a single point of contact through which all matters affecting its environmental assessment process will be coordinated and communicated quickly and effectively. Wherever possible, the federal contact will be located in [province/territory].
8. Each party will ensure there is a single coordinated decision from that party at each stage of the environmental assessment process, and will arrange for the decisions to be communicated through a designated office.
9. As early as possible, in the case of a joint panel review, both parties will enter into a project-specific agreement that will include, but will not be limited to, the scope of the project to be assessed, the scope of assessment, the factors to be considered, the duties of each party, cost-sharing arrangements, and the expected time frame during which the environmental assessment process is to be completed.
10. In the case of a joint panel review, and where otherwise appropriate, a designated office will be established through which communication respecting the review will flow to the public and to the proponent. This arrangement will be communicated to the proponent and the public as early as possible in the process.
11. Each party will ensure timely disclosure of and access to relevant information concerning the project to be assessed.
12. For a project in [province/territory] that is likely to have a significant impact on another jurisdiction in Canada, that jurisdiction will be invited to participate in the environmental assessment process.
13. Both parties agree to adhere to the provisions of the United Nations Convention on Environmental Impact Assessment in a Transboundary Context (1991).
14. Where legislation provides for delegation of all or any aspect of the environmental assessment process, either party may request the other to enter into discussions to give effect to the delegation.
15. The parties may provide assistance, whether financial or technical, to participants to prepare for and to take part in the environmental assessment.

16. The responsibility for monitoring compliance with conditions of approval on a project that was the subject of environmental assessment, shall be with the party having the legislative competence to impose those conditions, or as may otherwise be agreed.
17. Where a project might have environmental effects on aboriginal people, Canada and [province/territory] will advise and consult with the appropriate aboriginal representatives throughout the conduct of the environmental assessment.
18. This agreement may be revised should changes be required to reflect land claims agreements or aboriginal self-government agreements.