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# **The Part II Order Process**

Ontario Association for Impact Assessment Annual Conference

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# Purpose

- To provide Environmental Assessment (EA) practitioners with useful information to consider when preparing responses to Part II Order (PIIO) requests.
- To provide clarification on the review process for PIIO requests.

# Presentation Outline

- Part II Order Requests
- PIIO Review
- Class EA Requirements
- Concerns in PIIO's
- Other Matters Considered
- Next Steps



# Part II Order

- The *Environmental Assessment Act*, Part II.1

*Section 16. (1) The Minister may by order require a proponent to comply with Part II before proceeding with a proposed undertaking to which a class environmental assessment would otherwise apply. 1996, c. 27, s. 3.*

- **Why**, **When**, and by **Who** can a PIIO request be submitted.



# Environmental Approvals Branch (EAB) Review Process

- Is it a PIIO ?
  - Late or premature request
- Proponent Information Request
  - Table A – **Updated with more guidance!**
  - Table B – **Updated with more guidance!**
  - Indigenous consultation record
  - Triage meeting MOECC and Proponents – **New!**
- EAB's review begins once we receive all information from the Proponent.
  - Please ensure you provide complete information as soon as possible.
- EAB reviews the concerns raised in the PIIO request(s), all Project documentation, and Proponent responses to the concerns raised.



# Class EA Requirements

- Did the Proponent fulfill the requirements of the Class EA?
- Did the Proponent contact the ministry's Regional Office while preparing the Class EA?
- Is the Proponent's public and Indigenous consultation record satisfactory?
  - Has the Proponent responded to all comments raised?



# Review of the Concerns raised in the PIIO Requests

- Ensure that all environmental concerns have been addressed and the appropriate mitigation measures and/or commitments have been made.
- May require input from internal MOECC technical staff or external agencies (MNRF, MTCS, Conservation Authority, etc.)
- Proponents are able to consult with requesters to resolve concerns; potentially resulting in a withdrawal of the PIIO request(s).

# Other Relevant Matters Considered

## Source Water Protection

- Is the Project in a....
  - Wellhead protection zone?
  - Intake protection zone?
  - Other vulnerable area?
- Was the Conservation Authority made aware of/involved in the Project?



## Species-at-Risk (SAR)

- Ensure MNRF is contacted during the Class EA to determine if any SAR are present within the Project area.
- Opportunity to align Endangered Species Act and Class EA requirements.
- If incomplete, it may require MOECC to do additional consultation with MNRF- resulting in additional review times.



# Other Relevant Matters Considered Cont'd

## Climate Change

- Was climate change considered by the Proponents?
  - Active Transportation
  - IDF Curves
  - Greenhouse Gas Emissions
  - Tree Planting/Compensation Plans



## Cumulative Effects

- Did the Proponent consider cumulative effects incurred by the proposed Project?

# Other Relevant Matters Considered Cont'd

## Indigenous Consultation

- The Proponent is delegated the procedural aspects of Indigenous consultation on behalf of the Crown.
  - Were the Indigenous communities who may have an interest contacted and engaged throughout the Class EA process?
- Did the Proponent follow up to ensure Notices were received, regardless of response?
- Were the comments/concerns raised by the Indigenous communities considered and addressed?
- Proponent may be required to conduct additional consultation.



# Final Steps

The EAB review period begins once all information has been received.

## Minister's Options

- Deny the request;
- Deny the request with conditions;
- Refer to mediation; or
- Grant the request.



# A Project Case Study

**Proponent:** Emerald City (the City)

**Project:** Expanding the Yellow Brick Road from 1 lane to 2 lanes in each direction.

**PIIO Requests:** 3 (The 'Flying Monkey Community Association' and 2 residents of the community)



# A Project Case Study

- The City contacted the MOECC Regional Office throughout the Class EA process.
- The City followed up with MNRF to ensure that they had no outstanding comments or concerns with the proposed Project.
- The City is continuing to work with one Indigenous community who showed interest and wanted to be involved throughout the detail design of the Project.
- The City continued to consult with the requesters during the PIIO process and had one request withdrawn.
- The City has also incorporated designated bicycle lanes throughout the Project.

# Conclusion

The more proactive a Proponent is during the Class EA process, the easier it will be to navigate through the PIIO process.

## **Proponents should:**

- Take advantage of the new triage meetings;
- Ensure all consultation, including Indigenous consultation is complete and documented;
- Determine which agencies need to review the Project and to what extent;
- Consider climate change, cumulative effects, source water protection and SAR; and,
- Feel free to contact Project Evaluator during our review if any new information arises that would be relevant.

**Questions?**