

The Part II Order Process

Ontario Association for Impact Assessment Annual Conference

October 17, 2017

Purpose

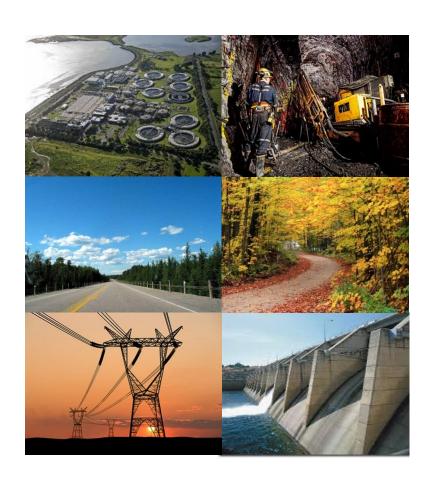
 To provide Environmental Assessment (EA) practitioners with useful information to consider when preparing responses to Part II Order (PIIO) requests.

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!



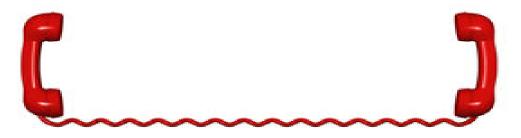
- Please ensure you provide complete information as soon as possible.
- EAB reviews the concerns raised in the PIIO request(s), all Project documentation, and Proponent responses to the concerns raised.





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 <u>Proponent</u> 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 <u>all information</u> 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 Evaulator during our review if any new information arises that would be relevant.



Questions?

