

Modernizing Ontario's Environmental Assessment Program

Ontario Association for Impact Assessment

Ministry of the Environment, Conservation and Parks
October 29, 2019

Purpose

- To provide an overview on the short and longer term next steps for Environmental Assessment Modernization in Ontario

Overview

Context for Modernization

Short-term changes – More Homes, More Choice Act

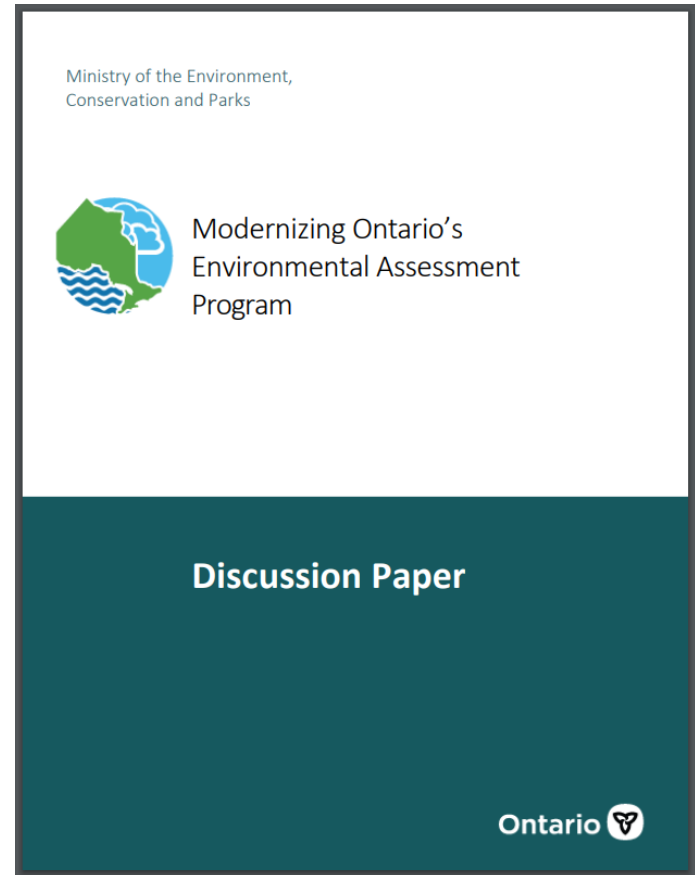
- Refresher on legislative changes
- Early actions enabled by the Act
 - Class EA Amendments
 - Regulations

Building a Modern EA Program Update – where we are

Next Steps

Context for Modernization

- In the Made-in-Ontario Environment Plan, the government committed to modernizing Ontario's EA process.
- On April 25, 2019, the MECP released a discussion paper to consult Ontarians on a modern vision for the EA program.
- At the same time, the MECP proposed through Bill 108 (More Homes, More Choice Act, 2019) to move forward to short-term actions to address pressing stakeholder concerns with the existing Class EA process.



Modernization Discussion Paper

- The ministry recognizes that significant changes are needed to modernize the environmental assessment program.
- In our Discussion Paper, we focus on key themes including:
 1. **Ensure better alignment** between the level of assessment and level of environmental risk associated with a project;
 2. **Eliminate duplication** between environmental assessments and other planning and approvals processes;
 3. **Find efficiencies** in the environmental assessment process and related planning and approvals processes to shorten the timelines from start to finish; and
 4. **Go digital** by permitting online submissions.

Short Term Changes – Recent Amendments to the Environmental Assessment Act

Short Term Changes

On June 6, 2019, the More Homes, More Choice Act, 2019 was given Royal Assent, thereby amending the EAA to:

- Exempt low-risk projects from the requirements of the EAA, by:
 - Exempting specific low-risk schedules, groups, or categories from an approved Class EA.
 - Exempting undertakings that are determined to be low-risk through a screening process.
 - Allowing Class EAs to specify that a group of projects is exempt from the requirements of the EAA.
- Make changes to the Part II Order process to:
 - Ensure a Part II Order request can only be considered on Aboriginal and treaty rights, and matters of provincial importance (to be prescribed).
 - Allow the establishment of time limits relating to Part II Order requests (to be prescribed).
 - Allow only Ontario residents to request a Part II Order.
 - Provide for a new process to screen-out requests for Part II Orders that do not meet the new requirements (e.g. not a resident of Ontario).
- Clarify the Minister's powers to reconsider an approval of an undertaking given under previous versions of the EAA and allows the Minister to request additional information from an applicant to inform the reconsideration decision.

Low Risk Projects Now Exempted

Class EA	Class EA Holder	Exemptions
Municipal Class Environmental Assessment	Municipal Engineers Association	Schedule A and A+ projects
Public Work Class Environmental Assessment	Ministry of Infrastructure / Ministry of Government and Consumer Services	Category A projects
Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act	Ministry of Energy, Northern Development and Mines	Category A projects
Class Environmental Assessment for Resource Stewardship and Facility Development Projects	Ministry of Natural Resources and Forestry	Category A projects
Class Environmental Assessment for Provincial Transportation Facilities	Ministry of Transportation	Group D projects
GO Transit Class Environmental Assessment	GO Transit / Metrolinx	Group A projects
Class Environmental Assessment for Provincial Parks and Conservation Reserves	Ministry of Natural Resources and Forestry / Ministry of the Environment, Conservation and Parks	Category A projects

Exemptions Based on Meeting Criteria

Projects following these Class EAs that are “screened out” are exempt from the EAA as long as any conditions specified within the Class EA are complied with:

- Class EA for MNR Resource Stewardship and Facility Development Projects
- MOI Class EA for Public Work
- Class EA for Provincial Parks and Conservation Reserves
- Class EA for Activities of the Ministry of Northern Development and Mines under the Mining Act
- Class EA for Minor Transmission Facilities

Amendments to Class EAs

- With the changes to the EAA, Class EA holders have been asked to look at amending Class EAs to bring forward other low-risk projects for possible exemption and to create consistency with our modernized vision. Our early focus is on:
 - Aligning level of assessment with the level of environmental risk (i.e. reclassification of types/classes of projects);
 - Eliminating duplication with other planning and approvals processes; and
 - Finding efficiencies in the EA process and related planning and approvals processes to shorten timelines from start to finish.
- In addition, MECP is also looking at some Class EAs in recognition of current regulatory frameworks, to ensure that they do not duplicate other existing processes (i.e. is there overlap between the Municipal Class EA and the land use planning process, or is there a need for the GO Transit Class EA given the Transit Project Assessment Process).
- The MECP is anticipating the submission of proposed amendments to Class EA documents in Fall 2019.

Building a Modern EA Program – where we are

Current work on the Modern EA framework

- Building on comments received on the discussion paper, the MECP has begun initial work on the development of a modern EA framework.
- Key components of this work include:
 - Ensuring better alignment between the level of assessment and the level of environmental risk.
 - Eliminating duplication between EA and other planning and approvals processes.
 - Finding efficiencies to shorten timelines from beginning to end.
 - Using a one-window approach.
 - Going digital, by allowing online submissions.
- MECP will continue to work with stakeholders to discuss key themes under the modern EA framework.

Canada's Impact Assessment Act

Federal-Provincial Coordination

- Ontario was actively engaged in the federal government's initiative to review its impact assessment legislation before it came into force in August 2019.
- Ontario supports the principle of one project-one review.
 - Ontario and Canada have a cooperation agreement signed in 2004 outlining a process for coordination when both provincial and federal EA requirements occur.
 - As this agreement is now outdated, MECP will work closely with IAAC to update its cooperation agreement.
 - Through Ontario's EA modernization initiative, consideration can be given to find efficiencies and reduce duplication with the federal IA process to be reflected in a revised cooperation agreement.
- While the agreement is being updated, staff from IAAC and the ministry continue to work closely together on projects undergoing coordinated EA processes under both the former *Canadian Environmental Assessment Act, 2012* and the new *Impact Assessment Act*.

Next Steps

Our next steps include:

- Working with Class EA holders on Class EA proposed amendments.
- Undertaking targeted engagement with stakeholders as we move to develop a modern EA framework for Ontario.

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Thank you!