

What to do When There is No Formal EA Process: a “How to” Guide

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Ontario Association of Impact Assessment

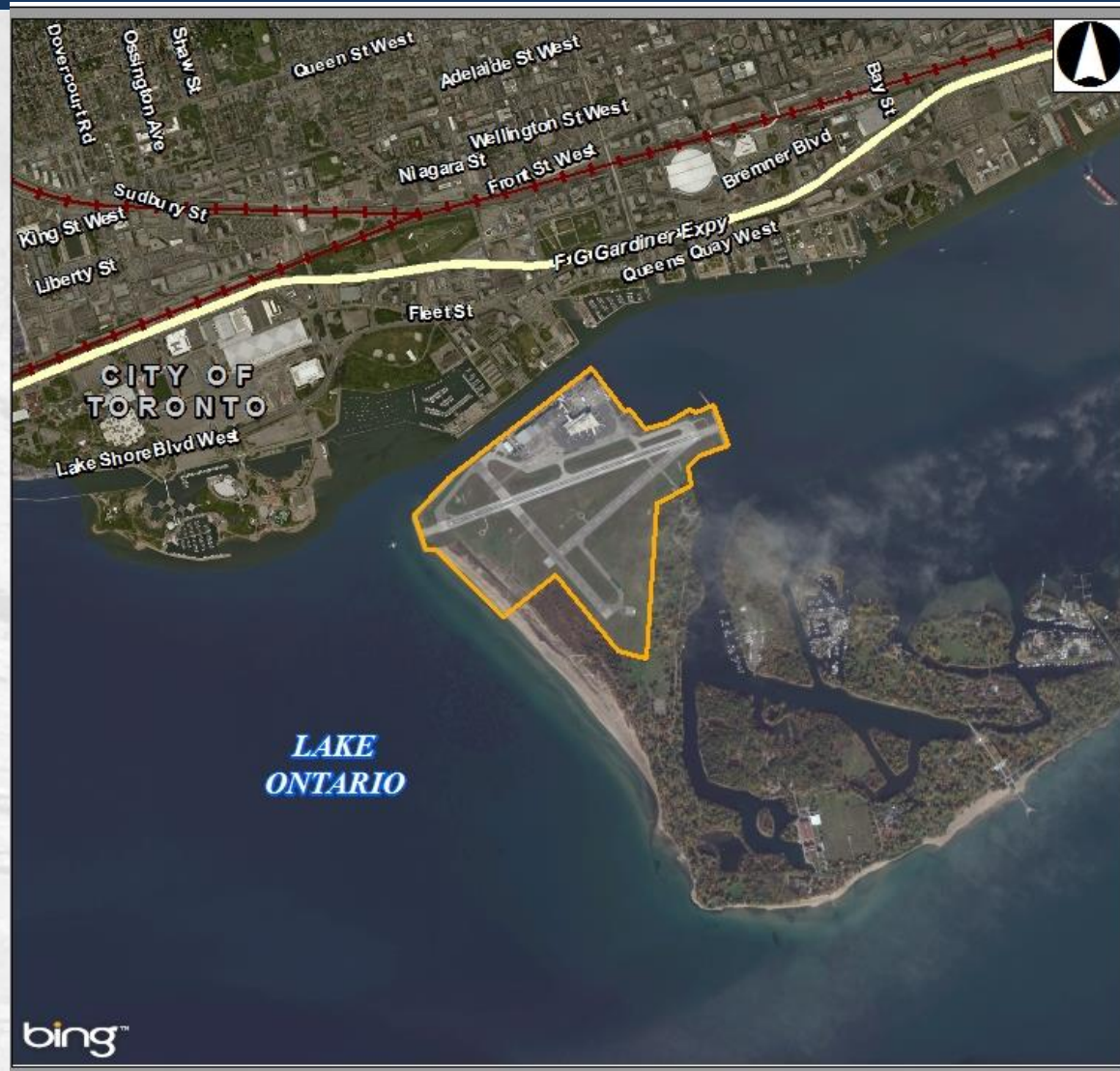
Panel Presentation: Effective Participation in EA

Presentation Outline

- Case Studies:
 - Billy Bishop Toronto City Airport Environmental Assessment (BBTCA EA) presented by Julia Cushing
 - Henvey Inlet Wind Energy Centre Environmental Assessment (HIWEC EA) presented by Kyle Hunt
 - Lessons Learned

BBTCA EA: Project Background

- The Billy Bishop Toronto City Airport (BBTCA) is located on the Toronto Islands, adjacent to an urbanized waterfront.
- The BBTCA is Canada's ninth busiest airport and welcomes 2.5 million business and leisure travellers each year.



BBTCA EA: Project Background

- The BBTCA is operated by PortsToronto under an agreement called the Tripartite Agreement



BBTCA EA: Project Background

- Porter proposal in 2013 to introduce jets and extend the runway at Billy Bishop Toronto City Airport (BBTCA)
- City Council consideration of the proposal in 2013 and 2014 led to requirement for, in part, further study and analysis of the effects of jet aircraft at the BBTCA and associated mitigation measures be completed. This request consisted of four key components and included:
 - 2015 Master Planning Exercise
 - Preliminary Runway Design
 - City of Toronto's Bathurst Quay Neighbourhood Plan
 - Environmental Assessment

BBTCA EA: The Consultation Process and the Study Design

- The proposal was not subject to the requirements of either the Canadian *Environmental Assessment Act* (CEAA) or the Ontario *EA Act*.
- The scope of work was developed based on engagement with stakeholders and on experience with other EAs at both the Provincial and Federal levels.
 - Why was consultation so important?
 - Controversial project
 - Achieve stakeholder “buy-in”
 - Strengthen PortsToronto’s relationships with stakeholders

BBTCA EA: The Consultation Process and the Study Design

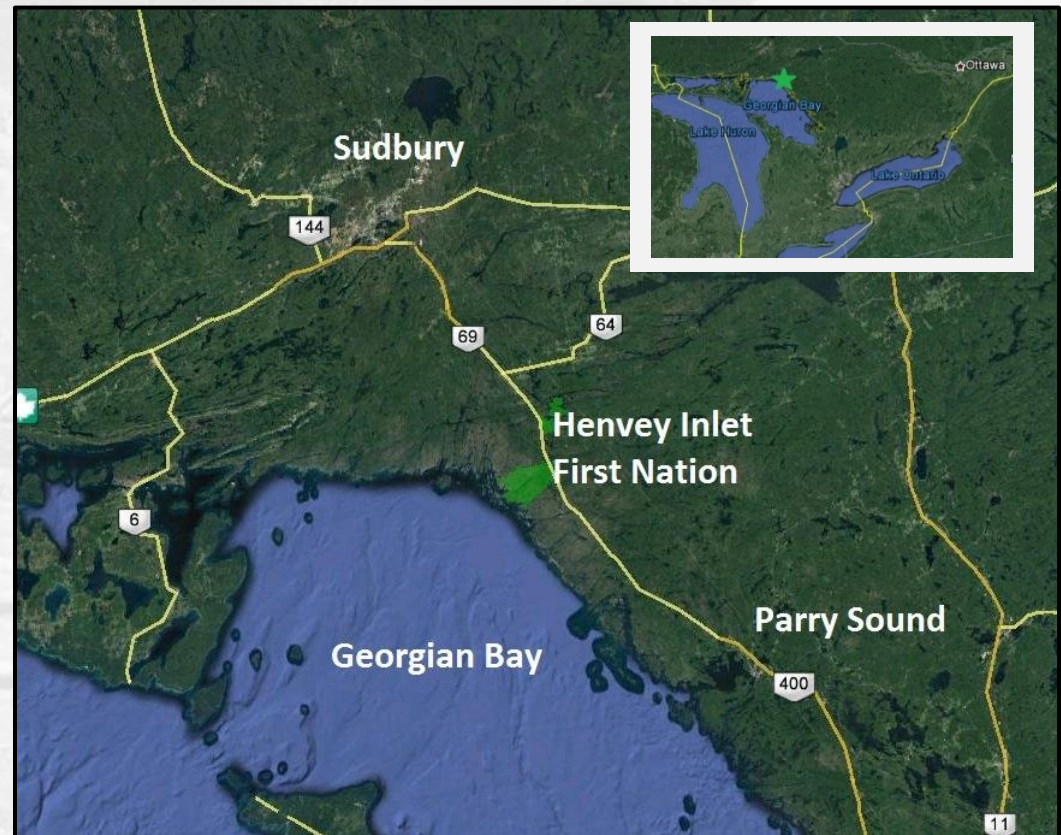
- The Environmental Assessment and the engagement process, were planned to be completed in two parts:
 - In Part 1, engagement efforts focused on getting feedback from stakeholders on the scope of the EA;
 - In Part 2, engagement efforts would have focused on the impact assessment and mitigation measures.

BBTCA EA: The Consultation Process and the Study Design

- Since the beginning of this Project, PortsToronto undertook a significant amount of consultation:
 - Pre-Consultation Meetings: August to September 2014
 - Agency Advisory Committee Meetings: 9 meetings from October 2014 to March 2015
 - Stakeholder Advisory Committee Meetings: 4 from January to March 2015
 - Public Meetings: 3 from December 2014 to April 2015
 - Release of Draft Study Design: April 2015 – Peer Review
 - Release of Final Study Design: August 2015

HIWEC EA: Project Background

- Anishinabek community 100 km north of Parry Sound along Hwy 69
- ~ 800 Band members living on and off Reserve



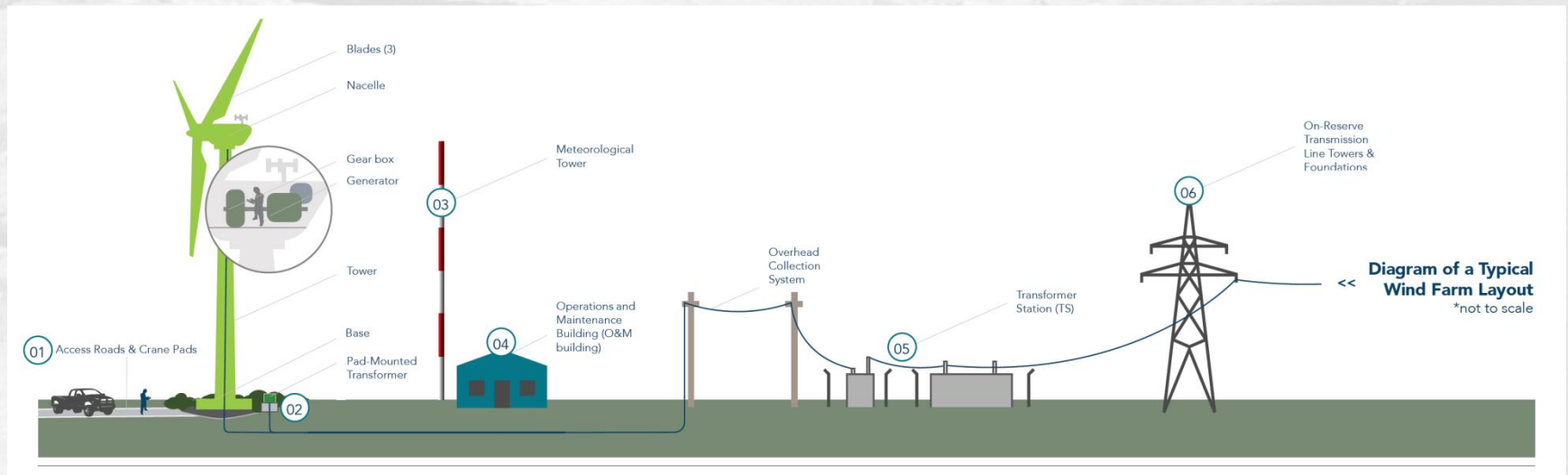
HIWEC EA: Project Background



- In 2006 community initiated engagement to identify economic opportunities
- How to address lack of economic opportunity?
- 2006 referendum on waterfront development (residential/ commercial/cottage)
- 2007 wind opportunity emerged through Green Energy Act

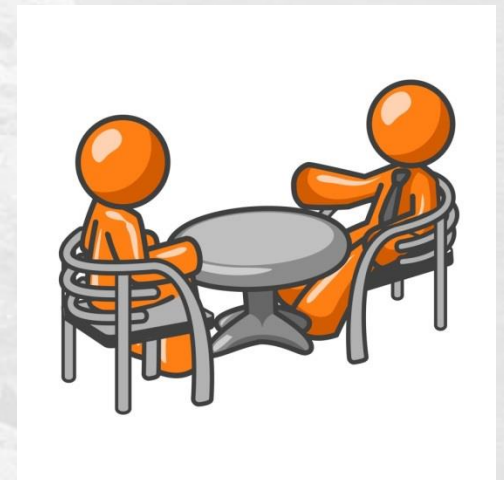
HIWEC EA: Project Background

- Henvey Inlet Wind Energy Centre (HIWEC)
- 300 MW wind farm
- Up to 100 turbines
- 90 km transmission line



HIWEC EA: Community Engagement Process

- Information packages sent to all Band members including a project description and potential environmental impacts
- Community meetings held on Reserve and in Toronto, Killarney, Sault Ste. Marie and Sudbury
- 95% support for developing a wind farm



HIWEC EA: Community Engagement Process

- Community focused on minimizing environmental impacts while maximizing social and economic benefits
- Environmental protection of paramount importance to the community



- 2009 Land Code under FNLMA provided opportunity for ownership of EA process

HIWEC EA: Environmental Stewardship Regime

- Initiated environmental studies in 2011
- Changes to CEAA in 2012 presented opportunity to enact First Nation Environmental Land Laws to guide the EA process
- Partnered with Pattern Development in 2014 to form “Henvey Inlet Wind LP” and complete the Environmental Assessment



HIWEC EA: Environmental Stewardship Regime

Guided by principles of environmental stewardship expressed through community consultation

Principles

- Protect of Nishing Aki
- EA to influence design and avoid or mitigate potential significant adverse environmental effects
- Equivalent to provincial and federal standards for similar wind projects
- Promote community and public engagement
- Council will not accept the EA unless satisfied it conforms to all HIFN Land Laws

HIWEC EA: Environmental Stewardship Regime

Enshrined in a series of Land Laws:

- Nishing Aki (areas of cultural importance, sacred sites and no-go development zones)
- Environmental Assessment and Permitting
- Environmental Assessment Guidance Instrument
- Environmental Protection
- Environmental Permit



Henvey Inlet First Nation
LAND LAW 2015/16-009

HIWEC EA: Environmental Stewardship Regime

Environmental Assessment Land Law

- Phase 1: Council Guidance to the Proponent
- Phase 2: The EA and EA Report (CEAA/REA)
- Phase 3: Review of the EA
- Phase 4: Council Decision on the EA



HIWEC EA: Environmental Stewardship Regime

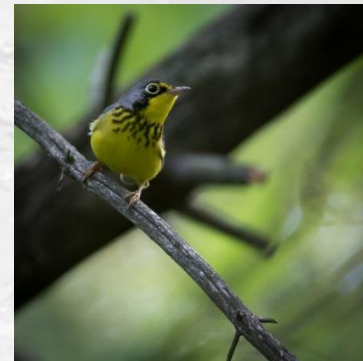
Valued Components

- » **Nishing Aki**
- » Wildlife and Wildlife Habitat
- » Fish and Fish Habitat
- » Species at Risk
- » Vegetation and Ecological Communities
- » Soil and Water
- » Groundwater
- » Land Use
- » Cultural Resources / Heritage and Archaeological Sites
- » Noise
- » Visual Landscape



HIWEC EA: Environmental Stewardship Regime

In February 2016 Henvey Inlet First Nation became the first Indigenous community in Canada to issue an Environmental Permit for a development project on Reserve lands under the federal Framework Agreement on Lands Management.



Lessons Learned

- Robustness of the EA process and consultation reflects the complexity of the project
- Provide opportunities for face to face conversations
- Invest in skilled facilitators
- Document comment and resulting project changes/provide a rationale for not making changes
- Community engagement led by the First Nation prior to development partnership
- First Nation led EA process that recognized and respected the values of the community
- Offers a new model for development proposals led by First Nations