

**POL #**

**Project Evaluation Policy**

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## 1.0 PURPOSE

The purpose of this policy is to provide an efficient process that would assist with:

- consideration of *Provincial Parks and Conservation Reserves Act, 2006* (PPCRA) objectives and provincial park and conservation reserve values;
- minimizing negative effects on the natural, social, economic and cultural environments; and
- maintaining ecological integrity.

To assist with meeting this purpose, the policy provides an evaluation process that is to be completed prior to certain projects proceeding within a provincial park or conservation reserve.

## 2.0 DEFINITIONS

**Disposition:** the granting by the Ministry of certain or all rights to Crown resources (including lands) by means that include, but are not limited to sale of lands, permits, licences, approvals, authorizations, permissions, consents and leases.

**Ecological Integrity:** refers to a condition in which biotic and abiotic components of ecosystems and the composition and abundance of native species and biological communities are characteristic of their natural regions and rates of change and ecosystem processes are unimpeded.

**Environment:** means,

- air, land or water,
  - plant and animal life, including human life,
  - the social, economic and cultural conditions that influence the life of humans or a community,
  - any building, structure, machine or other device or thing made by humans,
  - any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from human activities, or
  - any part or combination of the foregoing and the interrelationships between any two or more of them,
- in or of Ontario.

**Land:** includes enclosed land, land covered by water and subsoil.

**Ministry or MECP:** Ministry of the Environment, Conservation and Parks.

**Mitigation:** eliminating, offsetting or reducing the potential adverse environmental effects of proposed activities. It can also include rehabilitation, restoration, or enhancement. The means by which proposed activities can be modified to avoid, reduce, minimize or eliminate potential negative environmental effects. This can include off-site measures that achieve the same objective.

**Monitoring:** activities carried out to determine whether a project evaluation is producing the expected results.

**Person:** includes a corporation.

**PPCRA:** *Provincial Parks and Conservation Reserves Act, 2006* and its regulations, as may be amended from time to time.

**Project Evaluation:** process to identify and evaluate environmental impacts associated with proposed activities in provincial parks or conservation reserves. This process helps the Ministry to make decisions to avoid, minimize or mitigate any negative environmental effects.

## 3.0 GENERAL

### 3.1 Introduction

The purpose of the PPCRA is to permanently protect a system of provincial parks and conservation reserves that:

- includes ecosystems that are representative of all of Ontario's natural regions;
- protects provincially significant elements of Ontario's natural and cultural heritage;
- maintains biodiversity; and
- provides opportunities for compatible, ecologically sustainable recreation.

Section 3 of the PPCRA states that the following principles shall guide all aspects of the planning and management of Ontario's system of provincial parks and conservation reserves:

1. Maintenance of ecological integrity shall be the first priority and the restoration of ecological integrity shall be considered.
2. Opportunities for consultation shall be provided.

In addition, the PPCRA and its regulations require the Ministry to consider, minimize and/or avoid harm to the environment and ecological integrity when making decisions regarding the issuance of various authorizations.

Project evaluation is a process used to consider the maintenance of ecological integrity, and ways to minimize or mitigate any negative environmental effects associated with certain proposed projects. This policy provides guidance on conducting evaluations for such proposed projects in provincial parks and conservation reserves, helping the Ministry to achieve the purpose and principles of the PPCRA.

## **3.2 Application of this Policy**

The Ministry should apply this policy when considering implementation of a proposed project by, or on behalf of, the Minister in a provincial park or conservation reserve, including dispositions of Crown land or other resources in a provincial park or conservation reserve.

Despite the foregoing, this policy does **not** apply to:

- Establishing, amending or rescinding a boundary by regulation.
- Acquiring land or interests in land for purposes of a new, or addition to existing, provincial park or conservation reserve.
- Activities undertaken in accordance with section 17 of the PPCRA and identified in an approved forest management plan for the Algonquin Park Forest Management Unit.
- Controlling rabid animals or rabies.
- Wildland fire response.

Administrative activities, including such things as financial and contract administration, purchasing, staffing, enforcement and management planning are also not subject to this policy.

## **3.3 Delegation and Coordination**

### **3.3.1 Delegation to Proponent**

The Ministry may delegate certain procedural aspects (e.g., inventories, consultation, monitoring) of this policy. The Ministry will determine which aspects to delegate on a case-by-case basis. The delegate is accountable to the Ministry for the satisfactory completion of the processes set out in this policy.

The *Freedom of Information and Protection of Personal Privacy Act* (FIPPA) may inhibit an external party's ability to conduct direct communications (e.g., access personal information) on behalf of the Ministry as part of consultation under this policy, in which case the Ministry will conduct the direct communications.

### **3.3.2 Coordination with Environmental Assessment Processes**

Projects proposed by other ministries, Crown agencies or third parties that extend beyond provincial park or conservation reserve boundaries may be subject to processes or other requirements under the *Environmental Assessment Act* (EAA) or *Impact Assessment Act* (IAA) in addition to this policy. In these cases, the Ministry may coordinate the procedural aspects of this policy with such EAA/IAA processes or other requirements. Coordination reduces duplication and consolidates consultation and

documentation so that the processes are completed in a more timely and efficient manner.

### 3.3.3 Other Legislation

This policy does not replace or exempt a proponent from the processes or requirements under it or other applicable federal or provincial legislation, such as permits or approvals and the specific consultation opportunities that they may require. Examples of the other legislation that often applies to projects in provincial parks and conservation reserves include:

#### Federal legislation

- *Constitution Act, 1982* (e.g., section 35)
- *Fisheries Act*
- *Migratory Birds Convention Act*
- *Species at Risk Act*

#### Provincial legislation

- *Endangered Species Act, 2007*
- *Fish and Wildlife Conservation Act, 1997*
- *Oil, Gas and Salt Resources Act*
- *Ontario Heritage Act*
- *Ontario Invasive Species Act*

## 3.4 Duty to Consult

The Crown has a duty to consult Indigenous (First Nation, Métis and Inuit) communities when it has knowledge of an established or asserted Aboriginal or treaty right and contemplates conduct that may adversely affect that right. Where the MECP is contemplating a project that has the potential to adversely affect Aboriginal or treaty rights, the Ministry has a constitutional obligation to meaningfully consult, and where appropriate accommodate, potentially affected Indigenous communities prior to proceeding with the proposed project.

The ultimate accountability for fulfilling the duty to consult for a proposed project always rests with the Crown. However, in some circumstances, such as where there is a third-party applicant for a project, the Ministry may expressly delegate the procedural aspects of the Crown's duty to consult to another party. These procedural aspects of consultation will be subject to oversight by the Ministry. The procedural aspects of consultation may include, for example, the provision of information about the proposed project, and opportunities to discuss the community's concerns. While carrying out a project, if a third party learns of an adverse impact on the Aboriginal or treaty rights of an Indigenous community, the third party must inform the Crown of the matter as soon as possible.

### **3.5 Coordination with Management Planning**

The PPCRA provides for a superintendent in charge of a provincial park or a conservation reserve manager in charge of a conservation reserve to develop and operate facilities and provide services in accordance with the purposes and objectives of the PPCRA and subject to the management plan for the park or conservation reserve.

When the Ministry is contemplating a project that is not consistent with the management plan, the Ministry can amend the management plan in order to implement the proposed project. The following can be considered before determining whether to amend a management plan:

- consistency of the proposed project with the existing management direction;
- whether the proposed project is a new tourism development or major expansion of an existing facility<sup>1</sup>; and
- whether the proposed project would be considered environmentally significant using the factors set out in section 14 of the *Environmental Bill of Rights, 1993*.

Where the Ministry determines that a management plan amendment is appropriate in order to implement a proposed project, the processes for the management plan amendment and, if necessary, the project evaluation can occur concurrently for efficiency.

## **4.0 PROCESS**

### **4.1 Evaluation**

Projects will be evaluated, if the Minister determines that evaluation is necessary, through the completion of a template that will identify potential effects on natural, social, economic and cultural environments that may result from the implementation of a project.

The Ministry will use the results of the evaluation to help determine whether mitigation measures and consultation would be required. Results from the evaluation will also help the Ministry determine if authorizations under the PPCRA or other legislation are required.

Below is the template that will be completed by the Ministry prior to proceeding with a project for which the Minister has determined that an evaluation is necessary.

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<sup>1</sup>Direction from Section 3.2.6 Recreation Management in *Ontario Provincial Parks: Planning and Management Policies*

Project	Potential Effects	Mitigation Measures	Authorizations Required	Possible Alternatives	Duty to Consult	Consultation

Appendix 1 sets out a list of minor projects that do not require evaluation. The list includes low- to medium-scale projects with the potential for low to moderate net negative environmental effects or positive net environmental effects, usually with a moderate to high degree of certainty. These include routine projects. For these projects, negative environmental effects are responsive to appropriate mitigation techniques, where warranted.

## **4.2 Consultation**

If it is determined that consultation is required, staff will develop a project mailing list for consultation purposes, including Indigenous communities and stakeholders with a known or potential interest in the proposed project.

## **4.3 Mitigation**

Proposed projects avoid potential negative environmental effects and, where avoidance is not feasible, mitigation measures are identified to reduce or minimize these effects. Generally, mitigation measures include modifications to the project design or implementation techniques, a change in location, or other measures to minimize effects.

## **4.4 Request for Reconsideration**

Any person who is resident in Ontario or any Indigenous community who considers that a proposed project is not receiving adequate consideration should notify the Ministry in writing and discuss these concerns with the originating Ministry (i.e., zone) office. Concerns should be raised as early as possible so that they can be considered and resolved, if possible. The Ministry office will endeavor to respond within 30 days. The Ministry would only re-assess the project if new information comes to light that has not previously been considered that would suggest environmental impacts are more significant.

If the concerns are not resolved, a person who is resident in Ontario or an Indigenous community may submit a written request to the Minister (MECP) for reconsideration of the project based on concerns regarding the adequacy of any evaluation and consultation conducted under this policy, as well as the Ministry's response to any concerns previously raised.

In making a decision, the Minister may consider:

- the purpose of the PPCRA;

- the extent and nature of the concerns;
- potential for significant adverse environmental effects;
- the need for broader consideration of alternatives;
- participation of the requester in the planning process; and
- any other matter the Minister considers relevant.

The Minister's decision shall be final.

## **4.5 Implementation**

The Ministry may proceed with the implementation of a project following:

- completion of evaluation, including any consultation, for projects for which an evaluation has been determined to be necessary;
- identification of appropriate mitigation measures and monitoring; and
- a decision regarding any requests for reconsideration.

The Ministry may begin implementation of a project within five years of a decision. If the Ministry wishes to proceed after that time, it should review and document any changes to the proposed project.

### **4.5.1 Monitoring, Evaluation and Reporting**

Monitoring, evaluation and reporting during the pre-implementation phase, the implementation phase, and the post-implementation phase of a project are important to ensuring the maintenance of ecological integrity. Monitoring, evaluation and reporting enable the Ministry to assess whether predictions of environmental effects are valid and to confirm the effectiveness of implementation and mitigation measures. Where unintended effects occur, further action can be taken to reverse or minimize them wherever possible. Monitoring, evaluation and reporting enable lessons learned to be applied in subsequent phases and years of a project, and in planning of similar projects.

## **4.6 Emergency Provisions**

Situations may arise where immediate actions are required to respond to an imminent threat to human safety, property, public services or the environment. Emergency operations involve projects that are necessary to prevent or stop these threats. Emergency operations are listed as a minor project in Appendix 1. No evaluation or consultation activities are carried out prior to conducting emergency operations; however, the Ministry should make reasonable efforts to mitigate any negative environmental effects created by emergency operations.

Examples of emergencies include flooding, erosion or collapse of infrastructure, chemical spills and imminent threats to ecological values.



## **5.0 ADMINISTRATIVE PRACTICES AND PROCEDURES**

### **5.1 Transition Provisions**

This policy does not apply to a project to which the Class EA for Provincial Parks and Conservation Reserves (Class EA-PPCR) continues to apply (e.g., projects where a process of public consultation was underway when the EAA exemption regulation related to provincial parks and conservation reserves came into force). Instead, the Ministry will continue to proceed in accordance with the applicable requirements of the Class EA-PPCR for that project.

For a project that was subject to the Class EA-PPCR and for which a statement of completion has been submitted under the Class EA, the following provisions of this policy should be considered:

- The review and documentation provisions in Section 4.5 (Implementation), where the Ministry has not commenced implementation of the project within five years of the filing of the statement of completion under the Class EA PPCR.
- Any other provisions of this policy that may be relevant to the implementation of the provisions above, such as Sections 2.0 (Definitions), 3.3 (Delegation and Coordination) and 3.4 (Duty to Consult).

### **5.2 Procedural Direction**

Accompanying procedures may be developed to provide detailed direction regarding:

- evaluation and consultation;
- emergency provisions;
- mitigation and monitoring; and
- administrative practices and procedures.

## APPENDIX 1: LIST OF MINOR PROJECTS

### Resource Stewardship Projects

#### Wildlife Management

- Manage native wildlife population to control wildlife diseases and pathogens and manage hyperabundant species.
- Manage human-wildlife conflicts to reduce or prevent public health and safety risks resulting from interactions between humans and native wildlife.
- Enhance, rehabilitate, restore or manage native wildlife habitat (e.g., bat boxes, riparian plantings, ecopassages).
- Live trap or capture native wildlife for reintroduction in other areas.
- Fish stocking.
- Maintain fish way, fish ladder, fish weir, fish fence, fish barriers, or similar structure.
- Replace or decommission fish way, fish ladder, fish weir, fish fence, fish barriers, or similar structure.

#### Landform and Vegetation Management

- Maintain, enhance, rehabilitate or restore native plant habitat, vegetation community or natural environment with no in-water work.
- Fire use – prescribed burn.
- Remove standing or fallen trees for resource management purposes.

#### Alien and Invasive Species

- Prevent, control or eradicate alien or invasive species using mechanical methods.

#### Cultural Heritage Resources Management

- Maintain, conserve, stabilize or retire cultural heritage resources.
- Renovate, restore or adaptive re-use of cultural heritage resources.
- Decommission or relocate built heritage resources if project is identified in the management plan.

#### Water and Shoreline Management

- Maintain or repair dam, weir, dike works, outflow, spillway or diversion with no in-water work (not part of a waterpower project).
- Manage water levels (often shared water bodies) consistent with watershed plan developed through consultation or traditional water level management regimes (e.g., to cover spring runoff or fall drawdown).
- Maintain, repair or replace existing erosion control or shoreline/bank stabilization or control minor erosion (e.g., install silt fencing, vegetation mats).
- Dredge below high-water mark to maintain navigation or remove contaminated sediments.

### Development and Operations Projects

#### Beaches

- Expand existing beach in a development zone.

- Replenish sand on existing beach above high-water mark if avoids negatively affecting values.
- Maintain and rake existing beach if the raking avoids negatively affecting values.

#### Buildings or Other Structures

- Develop a building or other structure with a footprint of 300 square metres or less.
- Develop multiple buildings and/or structures in one location that taken together would result in a combined building footprint of 300 square metres or less (e.g., administration complex, maintenance complex).
- Develop a structure, that is not a building or another type of minor project, that has a structural footprint of 300 square metres or less and a height of 10 metres or less (flagpoles or light standards are not subject to this height limitation).
- Develop an addition to an existing building or structure that does not result in an overall building/structural footprint that is greater than 300 square metres and 10 metres in height.
- Replace an existing building, or buildings in a complex, without exceeding the same general size and building footprint.
- Develop a building or complex of buildings, with a footprint greater than 300 square metres but less than 500 square metres, that was identified in the management plan.
- Develop a structure, that is not a building, with a footprint greater than 300 square metre but less than 500 square metres, and its height greater than 10 metres but less than 15 metres, that was identified in the management plan.
- Develop an addition to an existing building or structure that does not result in an overall footprint greater than 500 square metres and a height greater than 15 metres, that was identified in the management plan.
- Maintain, repair, renovate, retrofit or adaptive re-use existing buildings or other structures.
- Relocate, decommission, or demolish existing buildings or other structures if project is identified in the management plan.

#### Campgrounds and Campsites

- Expand or reconfigure existing campground in an already disturbed area within a development or access zone.
- Develop new campground, with 25 campsites or less, in an already disturbed area within a development or access zone.
- Develop new campground, with greater than 25 campsites, as identified in the management plan.
- Develop new interior campsites, including pit privies, fire pits and tent pads, in an already disturbed area.
- Develop new interior campsites, including pit privies, fire pits and tent pads, in an undisturbed area if project is identified in the management plan.
- Maintain or rehabilitate campsites.

#### Day Use Areas

- Develop new day use area in an already disturbed area in a development zone.

- Develop new day use area in an undisturbed area if the project is identified in the management plan.
- Enlarge existing day use area in a development zone.
- Maintain or rehabilitate existing day use area.
- Install playground equipment in existing day use area (or other area within a development zone).
- Maintain, remove or replace playground equipment or playing field/surface.

#### Docks, Swimming Platforms and Piers

- Install, maintain, repair or remove seasonal dock, swimming platform or similar structure (including floating and pole docks).
- Maintain or repair a permanent dock, pier or similar structure.
- Replace a permanent dock, pier or similar structure with same structural footprint and location.
- Decommission portion(s) of permanent dock, pier or similar structure where crib or foundations are not impacted.
- Decommission permanent dock, pier or similar structure including removal of crib or foundations if project is identified in a management plan.
- Develop new permanent dock, swimming platform, pier or similar structure (including cribs, pilings or gabion baskets) if identified in the management plan.

#### Boat Launches, Locks or Similar Structures

- Develop new boat launch, lock, or similar structure if identified in the management plan.
- Maintain, repair, upgrade or replace (same location) existing boat launch, lock, or similar structure.
- Decommission existing boat launch, lock, or similar structure if project is identified in the management plan.

#### Roads, Water Crossings or Parking Areas

- Develop new road or water crossing:
  - in an already disturbed area in a development or access zone,
  - to implement another minor project (e.g., campground), or
  - if identified in the management plan.
- Develop new parking area, for 25 vehicles or less:
  - in an already disturbed area in a development or access zone, or
  - to implement another minor project (e.g., campground).
- Develop new parking area, for greater than 25 vehicles, if identified in the management plan.
- Decommission existing road, water crossing or parking area if project is identified in the management plan.
- Maintain or repair existing road, water crossing, or parking area with no change in capacity (e.g., grading, filling potholes, adding gravel to maintain standard, repaving, replacing tar and chip, installing culvert grates).

- Reconfigure existing road within existing disturbed area adjacent to the road to ensure safety.
- Reconfigure parking area without enlarging the footprint.
- Upgrade existing road, water crossing, or parking area:
  - without enlarging the footprint,
  - with enlarged footprint in a development or access zone, or
  - with enlarged footprint if project is identified in the management plan.

#### Recreational Trails, Portages, Boardwalks, Viewing Towers, Platforms or Blinds

- Maintain, repair, upgrade or replace existing recreational trail, portage, boardwalk, viewing tower, platform, or blind where:
  - there would be no change in capacity or design standard,
  - there would be a change in capacity or design standard for the purpose of public safety,
  - the recreational trail, portage, boardwalk, viewing tower, platform or blind is located in a development or access zone, or
  - there would be a change in capacity or design standard, which is identified in the management plan.
- Realign existing trail, if the realignment is:
  - to ensure public safety,
  - under 200 linear metres, or
  - 200 or more linear metres if project is identified in the management plan.
- Develop new recreational trail, portage, bridge, boardwalk, viewing tower, platform, or blind intended for non-motorized use in a development or access zone, or if identified in the management plan.
- Develop new recreational trail or bridge intended for motorized use if identified in the management plan.
- Decommission existing recreational trail or portage if under 200 linear metres or if project is identified in the management plan.
- Decommission existing recreational bridge, boardwalk, viewing tower, platform or blind if project is identified in the management plan.

#### Landscaping, Groundskeeping, Altering Grade, Fencing or Other Barriers

- Alter grade of land above the high-water mark to implement another minor project or for general maintenance.
- Build earthen berm, new storm water management feature, or change grade by cut and/or fill above the high-water mark in a development zone or to implement a project identified in the management plan.
- Cut, mow, plant, spray native vegetation, including groundskeeping, right-of-way maintenance, boundary or survey line clearing and hazard elimination.
- Maintain, replace or remove a fence or other barrier.
- Install new fence or other barrier to enclose or delineate existing development or activity area (e.g., parking lot, maintenance compound, off-leash dog area) or sensitive feature or area, or to restrict unauthorized access.

### Services or Utilities

- Install new service or utility in an already disturbed area, in a development or access zone, or to implement a project identified in the management plan.
- Replace, upgrade, or maintain existing service or utility:
  - without enlarging the footprint,
  - with enlarged footprint if the service or utility to be replaced, upgraded or maintained is located in a development or access zone, or
  - with enlarged footprint to implement a project identified in the management plan.
- Decommission an existing service or utility.
- Install service or utility hook-ups for existing campsites in a campground.
- Maintain, replace or decommission an enclosed fuel-powered electrical generator:
  - without enlarging the footprint,
  - with enlarged footprint in a development or access zone, or
  - with enlarged footprint to implement a project identified in the management plan.
- Install new enclosed fuel-powered electrical generator in an already disturbed area, in a development or access zone, or to implement a project in the management plan.
- Maintain, replace or decommission electricity generation facility and supporting infrastructure:
  - without enlarging the footprint,
  - with enlarged footprint if the facility and supporting infrastructure that is to be maintained, replaced or decommissioned is located in a development or access zone, or
  - with enlarged footprint to implement a project identified in the management plan.
- Develop electricity generation facility and supporting infrastructure (for provincial park or conservation reserve use) in an already disturbed area, in a development or access zone, or to implement a project identified in the management plan.

### Recycling, Composting and Waste Management

- Implement recycling and composting programs.
- Collect non-hazardous solid waste in and dispose outside provincial park or conservation reserve.
- Collect non-hazardous solid waste in, and dispose within a provincial park or conservation reserve if an existing operation authorized under a valid Environmental Compliance Approval.
- Collect or treat hazardous waste or materials (e.g., automotive batteries, propane cylinder collection program, contaminated soil) in, and dispose outside a provincial park or conservation reserve.

### Other General Operations

- Provide visitor programs and services.
- Maintain wildlife in captivity for rehabilitation or interpretation and education programs.
- Conduct research if avoids negatively affecting values.

- Install, maintain, remove or replace marker, sign or outdoor display, including boundary markers, highway traffic signs, trail signs, notices, interpretive panels, and plaques (recognition, memorial or historical).
- Operate and maintain facilities.
- Plug a water, oil or gas well, including maintenance or repair of past decommissioning efforts.
- Manage beaver dams to protect public health and safety, and infrastructure.
- Emergency operations.

#### **Land and Resource Dispositions**

- Renew disposition (e.g., authorization) with no change in use or development footprint.
- Issue new disposition if specifically identified in the management plan or another MECP policy.