

ENVIRONMENTAL ASSESSMENT ACT

NOTICE OF AMENDMENTS

Class Environmental Assessment for Remedial Flood and Erosion Control Projects

RE: Amendments to the Class Environmental Assessment for Remedial Flood and Erosion Control Projects

EA File No.: EA-02-09-02-02

The Ministry of the Environment, Conservation and Parks (ministry) as part of its environmental assessment modernization initiative to move to a project-list approach for projects that will require a comprehensive environmental assessment, proposed amendments to the Class Environmental Assessment for Remedial Flood and Erosion Control Projects (the Class EA) to facilitate this move. A class environmental assessment sets out the undertakings (projects) to which it applies and the streamlined process to be followed to proceed with the projects.

Section 15.4 of the *Environmental Assessment Act* (EAA) establishes the authority and process for making amendments to a class environmental assessment, including amendments made on the Minister's own initiative. To amend a class environmental assessment, the Minister must be satisfied that the amendments are consistent with the purpose of the EAA and the public interest. The Minister must ensure that adequate public notice of a proposed amendment is provided and that members of the public have an opportunity to comment on it.

As part of its proposals to move toward a project-list approach for projects that will require a comprehensive environmental assessment under the EAA, the ministry consulted on the proposed amendments with Indigenous communities, members of the public, government agencies, and stakeholders, including proponents. Consultation was carried out with respect to the original and revised proposals regarding the move toward a project-list approach. Information on the original and revised proposal was posted on the Environmental Registry of Ontario (ERO) and Ontario.ca for 60-day comment periods from November 26, 2021 to January 26, 2022 (original proposal) and March 10, 2023 to May 9, 2023 (revised proposal). Indigenous communities, government agencies and stakeholders were directly notified and provided with information on the proposed amendments.

Having considered the consultation and feedback received, the ministry is recommending amendments to the Class EA to facilitate the move to the project-list approach, including:

- Changing the class by including remedial flood or erosion control projects by conservation authorities that are multi-purpose or facilitate or anticipate development. This change would provide for the continued application of the EAA to these projects, which have not been designated as Part II.3 projects (comprehensive environmental assessments) under the project-list approach and as such would otherwise not be subject to the EAA.
- Clarifying the description of the class of projects.

- Specifying that the Class EA does not apply to waterfront projects that are designated as a Part II.3 project (i.e., require a comprehensive EA).
- Updating terminology and text for consistency with the EAA and its regulations.

In addition to the recommended amendments to the Class EA to facilitate the move to a project-list approach, the ministry recommends that the Class EA be amended to:

- Update and clarify existing text, including to align with: certain amendments to the EAA that have been made in recent years (e.g., specifying when a proponent is authorized to proceed with a project subject to the Class EA), other class environmental assessments (e.g., Indigenous consultation text) and other Acts and regulations.
- Revise certain content with standard Class EA language (e.g., Section 16 Orders, Class EA amending procedures).
- Revise the transition provision, which is no longer relevant, to clarify that the amended Class EA would apply to all projects.
- Make other administrative amendments, including grammatical changes and updates to the glossary.

Having considered the comments and submissions on the proposed amendments, consultation with Indigenous communities and organizations, the amending procedures set forth in section 15.4 of the EAA and the recommended amendments to the Class EA, I am satisfied that the amendments are consistent with the purpose of the EAA and the public interest and have decided to amend the Class EA. The amendments are incorporated in the February 2024 Class Environmental Assessment for Remedial Flood and Erosion Control Projects, to which this notice is attached.

REASONS

My reasons for amending the Class EA are as follows:

- (1) Adequate public notice of the amendments has been provided and members of the public have had an opportunity to comment on the proposed amendments. Public notice and opportunities to comment were provided through the ERO and Ontario.ca postings described above.
- (2) Adequate consultation with proponents of projects that will proceed pursuant to the Class EA has occurred, with appropriate opportunity provided to proponents to review the amendments and to provide their comments.
- (3) Adequate consultation with Indigenous communities and organizations has occurred. The ministry directly engaged Indigenous communities and organizations on the original proposal and revised proposal that, among other matters, provided more detail on the amendments. Consultation also included providing communities and organizations with opportunities to attend webinar sessions or individual meetings with the ministry to comment on and raise any concerns about the amendments. No comments were received from Indigenous communities or organizations about the amendments to the Class EA.
- (4) The amendments establish environmental assessment requirements for certain additional projects that are now subject to the Class EA and not included in the

comprehensive environmental assessment projects regulation. The Class EA requires consultation, including consultation with Indigenous communities, and requires the consideration of potential environmental impacts and mitigation of any such impacts before a project proceeds. The evaluation and consultation processes under the Class EA are designed to be flexible and scalable to the scope of a project and its potential impacts and provide for appropriate evaluation and consultation for projects being added to the Class EA. As such, the amendments will provide appropriate environmental oversight and opportunities for consultation for these projects.

- (5) The amendments that facilitate the move to the project-list approach are necessary to provide clarity, consistency and coherency within the environmental assessment regime.
- (6) Certain amendments are administrative in nature and are editorial, update outdated information, and/or improve clarity in the Class EA. It is important that the class environmental assessments be accurate, consistent with applicable legislation and regulations and clear and understandable for all.

For the foregoing reasons, I am satisfied that the amendments are consistent with the purpose of the EAA and the public interest.

Notice of my decision to amend the Class EA will be posted in the ERO to bring the amendments into effect, as required by the EAA, and to provide public notice of the amendments made to the Class EA. That notice will be posted in the ERO on the day that the EAA amendments and regulations moving to a project list approach for projects that will require a comprehensive environmental assessment come into force.

Dated the 16 day of February 2024 at TORONTO.



Minister of the Environment, Conservation and
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