

# ***ENVIRONMENTAL ASSESSMENT ACT***

## **NOTICE OF AMENDMENTS**

### **Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects (renamed Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects)**

RE: Amendments to the Class Environmental Assessment for MNR Resource Stewardship and Facility Development 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 MNR Resource Stewardship and Facility Development 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 proposals 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:

- Clarifying the projects that are subject to the Class EA, such as by updating the references to those projects that are not subject to the Class EA to align with the revocation of certain orders and regulations under the EAA.

- Removing the ability to screen a project out of the Class EA and require an individual environmental assessment to align with Part II.3 of the EAA, which does not provide for a project to be designated a Part II.3 project as a result of a screening process in a Class EA.
- Changing the class of projects to include stocking exotic species, as this type of project is not designated a Part II.3 project by the regulations under the EAA.
- 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:

- Add a new section describing the Crown's duty to consult. The ministry provided public notice and an opportunity to comment on this new section between July 8, 2020 and August 22, 2020 as part of a separate proposal regarding amendments to the Class EA that had been requested by the Ministry of Natural Resources and Forestry.
- Update existing text to align with certain amendments to the EAA that have been made in recent years, including provisions exempting Category A projects, requiring a Notice of Completion for all projects and specifying when a proponent may proceed with a project after the expiry of the final public comment period of a class environmental assessment process.
- Update references to provisions of Acts or regulations and clarify existing text of the Class EA.
- Revise certain content with standard Class EA language (e.g., Section 16 Orders, Class EA amending procedures).
- Clarify that there is no need to provide a notice of intention to proceed with a project more than 5 years after filing a Statement of Completion, if an addendum will be carried out and notice of addendum issued.
- Make other administrative changes, including grammatical changes, updates to the glossary, and renaming the Class EA the "Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects".

Having considered the comments and submissions received on the proposed amendments, consultation with Indigenous communities and organizations, the amending procedures set out 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 Resource Stewardship and Facility Development 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 amendments. Public notice and opportunities to comment were provided through the ERO and Ontario.ca postings described above.

- (2) Adequate consultation with the proponent of projects that will proceed in accordance with the Class EA has occurred, with appropriate opportunity provided to the proponent 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 stated that amendments to all Class EAs were proposed to align with the regulatory proposal for a project-list approach for projects that will require a comprehensive environmental assessment. Consultation also included providing communities and organizations opportunities to attend webinar sessions or individual meetings to comment on and raise any concerns about the proposed amendments to the Class EA. Consultation on the new Duty to Consult section occurred separately beginning in July 2020, including with a posting on the ERO and direct notice to Indigenous communities and organizations. No comments were received from Indigenous communities or organizations about the proposed amendments to the Class EA.
- (4) The amendments establish environmental assessment requirements for the exotic fish stocking 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.

A handwritten signature in blue ink, appearing to read "A. Hanley", is written over a horizontal line.

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Minister of the Environment, Conservation and  
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