

ENVIRONMENTAL ASSESSMENT ACT

NOTICE OF AMENDMENTS

Class Environmental Assessment for Minor Transmission Facilities (renamed Class Environmental Assessment for Transmission Facilities)

RE: Amendments to the Class Environmental Assessment for Minor Transmission Facilities
(renamed Class Environmental Assessment for Transmission Facilities)

EA File No.: EA-02-06-02-02

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 Minor Transmission Facilities (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 during 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. A supporting document was provided in March 2023 to provide further responses to previous concerns raised by communities and organizations to help communities understand any potential impact to their rights from the proposal as updated.

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 description of the projects to which the Class EA applies, so that it would also apply to the following types of projects:
 - i. Establishing or significant modifications to transmission lines ≥ 345 kV and ≥ 75 km; and
 - ii. Establishing or significant modifications to transmission stations > 500 kV.
- Requiring that the full Class EA process apply to these types of projects.
- Revising the description of projects to which the Class EA applies by aligning certain terminology with the terminology in the regulations under the EAA.
- Clarifying which projects are subject to the Class EA.
- Updating terminology for consistency with the EAA and its regulations.

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

- Clarify that the Class EA applies to all proponents of projects within the class of projects.
- Clarify that telecommunication stations that are part of a transmission station are to be assessed under the Class EA.
- Update references to provisions of Acts or regulations and clarify existing text of the Class EA.
- Make other administrative changes, including grammatical changes, updates to the glossary, relocating text to improve readability and renaming the Class EA the “Class Environmental Assessment for Transmission Facilities”.

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 Transmission Facilities, 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 proponents of projects that will proceed in accordance with 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 in fall 2021 and on the revised proposal in 2023 that, among other matters, provided more detail on the amendments to the Class EA. Consultation also included providing communities and organizations with:

- a. information about what projects would be subject to the Class EA, if amended; and
- b. opportunities to attend webinar sessions or individual meetings with the ministry to comment on and raise any concerns about the amendments.

The ministry has considered all comments and concerns raised with respect to the amendments to the Class EA and has responded to Indigenous communities and organizations.

- (4) The amendments will not reduce appropriate environmental oversight for the additional projects that are being made subject to the Class EA and will provide opportunities for consultation for these projects. The Class EA includes requirements for consultation and assessment and mitigation of environmental impacts before a project is authorized to proceed. The additional projects that are now subject to the Class EA are not eligible to be exempted from these requirements by the screening process in the Class EA. Additionally, the ministry may remain involved in the Class EA process by, among other things, reviewing draft environmental study reports and identifying outstanding issues for the proponent before reports are finalized, and the Minister will consider any requests for an order under Section 16 of the EAA made in accordance with that provision of the Act or may make such an order on their own initiative within the timelines set out in the EAA.
- (5) The amendments aligning the Class EA with changes to the EAA and new regulations made under the EAA are necessary to provide clarity, consistency and coherency within the environmental assessment regime.
- (6) The amendments allow for the additional projects that are being made subject to the Class EA to be implemented in a more timely and efficient manner. 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.
- (7) 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. Khan', is written over a horizontal line.

Minister of the Environment, Conservation and
Parks
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