

# **ENVIRONMENTAL ASSESSMENT ACT**

## **NOTICE OF AMENDMENTS**

### **Class Environmental Assessment for Waterpower Projects**

RE: Amendments to the Class Environmental Assessment for Waterpower Projects

EA File No.: EA-02-11-02-02

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 Waterpower 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 shared on the proposed amendments was posted on the Environmental Registry of Ontario (ERO) and Ontario.ca for 60-day comment periods from November 26, 2001 to January 26, 2002 (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 class of projects to which the Class EA applies.
- Including an exemption that was in the former O.Reg.116/01 under the EAA for changes to waterpower facilities that are not significant modifications so that the exemption continues to apply and aligns with a similar exemption in new regulations under the EAA applicable to other waterpower projects.
- Clarifying and updating terminology and references in the Class EA for consistency with

Part II.3 of the EAA and new regulations under the EAA and across class environmental assessments.

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 references to provisions of Acts or regulations and descriptions of Acts and regulations.
- Clarify existing text of the Class EA, including revising terminology and definitions for consistency with the EAA, its regulations and other class environmental assessments.
- Simplify content that describes provisions of other Class EAs or other ministry processes, and update ministry names.
- Make administrative changes requested by the Ontario Waterpower Association, including correcting the use of italics and replacing a reference to Ministry of Citizenship and Multiculturalism (MCM) checklists with a reference to a “Template Letter” from MCM, which includes similar information.
- Make other administrative changes, including grammatical changes, updates to the glossary and removing repetition.

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 Waterpower 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. 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 on the original and revised proposals that, among other matters stated that amendments to all class environmental assessments were 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 with opportunities to attend webinar sessions or individual meetings to comment on and raise any concerns about the amendments. No comments were received from Indigenous communities or organizations about the proposed amendments to the Class EA.

- (4) The amendments that facilitate the move to the project-list approach are necessary to provide clarity, consistency and coherency within the environmental assessment regime.
- (5) 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.

Dated the 16 day of February 2024 at TORONTO.



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Minister of the Environment, Conservation and  
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