



Greater Ottawa Home Builders' Association
Association des constructeurs d'habitations d'Ottawa

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EA Modernization Project Team
Environmental Assessment Modernization Branch
135 St Clair Ave West 4th Floor
Toronto, ON M4V 1P5

Re: ERO 019-6693 Evaluating municipal class environmental assessment requirements for infrastructure projects

To Whom It May Concern;

Please accept the below from the Greater Ottawa Home Builders' Association (GOHBA) and its members as a submission to the government's request for feedback on 'Evaluating municipal class environmental assessment requirements for infrastructure projects' (ERO 019-6693).

We support the comments made by the Ontario Home Builders' Association on this issue, and our submission should be considered as a complement to theirs.

This notice links to the recent Bulletin under ERO Number 019-5069 where the Ministry provided notice of amendments that have recently been approved to the MCEA process as posted under ERO 019-2051 and the Notice of Decisions under ERO 019-1712 and 013-5102. All these proposals and notices build on the initial work from the Province through The More Homes, More Choice Act, 2019 (Bill 109) where the Province introduced exemptions for certain low-impact projects. This change identified Schedule A and A+ as being exempt. This was a first step to recognizing that the Class EA was not providing any significant protections for the environment and was duplicating efforts.

An EA regime in Ontario that is more agile should be the primary goal to ensure that the system is ultimately meeting its goals; therefore, careful consideration of the value of the Municipal Class process is warranted. The EA Act is an historic piece of legislation that forms the groundwork for a number of the processes that have been adopted in other legislation to ensure review of environmental impacts. It is appropriate to review how it fits with current practices.

All related decisions that are being made to arrive at consistency of language and requirements across the various Class EA's and Regulations associated with the EA Act should lead to a more effective system to evaluate the impact of development.

GOHBA encourages the Ministry to pursue these additional streamlining opportunities for not only large infrastructure projects but for all municipal infrastructure. Previous decisions to eliminate the need for small projects to follow the MCEA process, ERO 019-2051, was the first

step in this review of the MCEA. GOHBA encourages the Ministry to provide recognition of Municipal processes related to Infrastructure Planning, Transportation Planning, Secondary Planning and Community Design Planning as a part of the review of the MCEA. The goal should continue to be the elimination of duplication and the related time constraints.

For example, the City of Ottawa often undertakes separate Class EA's that repeat work already undertaken in the Planning process and within one or more of their Transportation Master Plan, Infrastructure Master Plan, Asset Management Plan, and Development Charges By-law. In our experience the results of these individual Class EAs for infrastructure projects such as roads, water and sanitary sewers result in no changes to alignments nor in any additional environmental protections - they are simply detailed design. A clear exemption for projects that are implementing such plans is appropriate.

Higher-Risk Projects

Should there be an identification of a significant potential for impact upon a previously unidentified environmental or archaeological resource, the Ministry could include a trigger to require a very scoped EA to resolve the issue at hand. In this way appropriate actions could be taken to protect identified resources and not just complete a study to meet the requirements of legislation. This will result in the elimination of additional costs being added on to each housing unit as a consequence of repeating studies. By removing these delays, it will enable homebuilders to bring housing to market sooner.

The amendments that were enacted to the MCEA process in March 2023 will result in conditional exemptions for 18 project types and unconditional exemptions for 7 project types. One of the key changes was to incorporate a screening process for archaeology where a project may be screened out from further requirements for study subject to mitigation measures that are identified.

Identification of these types of requirements to be contained within another approved plan (OP, TMP, IMP, DC) to gain an exemption from a Class EA would provide a means for municipalities to provide a more effective methodology for bringing projects forward without repeating work and unnecessarily extending timeframes. All of this should allow municipalities to move quickly to make decisions on these types of projects, which would be a welcome change.

Continue to exempt municipal works from MCEA

The current MCEA provides a clear exemption for municipal works undertaken by private proponents where they are being undertaken because of a Planning Act process. If the Ministry moves forward with significant changes to the MCEA, then the municipal works exemption needs to be maintained so that no additional (and unnecessary) requirements will be placed on development, especially desperately needed new housing.

This exemption is essential as it recognizes links to pre-existing processes that have already been provided, such as: protections for the natural environment, archaeological investigations, Indigenous consultations, and public participation.

Relation to a Project List Approach (ERO #019-4219)

Should the Ministry proceed with the use of a Project List that would be subject to the requirements of the Ontario Environmental Assessment Act, such a decision would be consistent with the Federal approach to Environmental Assessments.

If a list is approved, then there will be a need to eliminate the Municipal Class EA process as it would not be consistent with the Project List approach. It may be appropriate to direct/limit the Municipal Class EA process to be used for only for projects where potential for environmental impacts would not have been considered during another process.

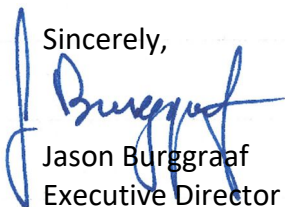
Many municipalities prepare and update capital planning, asset management plans and servicing master plans for infrastructure such as roads (including alternate forms of transportation), water, stormwater, and wastewater. In the case of the City of Ottawa numerous Planning Act studies such as Secondary Plans and Community Design Plans are normally undertaken. In all this work, municipal infrastructure needs are thoroughly considered using the same tools currently used in a Class EA process. These proposed changes, along with related efforts by MECP, will continue to make it easier to build the housing supply we need while preserving and protecting our natural and archaeological assets.

Conclusion

It is critical to modernize the Municipal Class Environmental Assessment (MCEA) process to reduce unnecessary costs, reduce duplication of studies and approvals, and ensure that the resulting timelines reflect either best practices or provide direct environmental benefits.

GOHBA members find that MCEA studies very often replicate work that has already been conducted as part of municipal activities and legislation. This results in the inefficient allocation of time and resources that could be better spent on providing housing and building stronger communities.

Sincerely,



Jason Burggraaf
Executive Director