



May 9, 2023

Ministry of Environment, Conservation and Parks (MECP)

Submitted via email: [EAmmodernization.mecp@ontario.ca](mailto:EAmmodernization.mecp@ontario.ca)

**Re: Conservation Ontario's comments on "Moving to a project list approach under the Environmental Assessment Act" (March 2023 Update) (ERO#019-4219)**

Thank you for the opportunity to provide comments on "Moving to a project list approach under the *Environmental Assessment Act*" (ERO#019-4219). Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit the consideration of comments shared individually by CAs. As proponents of both individual (comprehensive) and Class Environmental Assessments (Class EAs), and as prescribed public bodies under the *Environmental Assessment Act* (EAA) which review and provide comments on EAs in accordance with Ontario Regulation 686/21, CAs appreciate the opportunity to review these proposed changes as the Ministry transitions to a new EA framework.

It is understood that, following the November 2021 consultation on the above-noted Environmental Registry proposal, the Ministry of the Environment, Conservation and Parks (MECP) is now consulting on an updated version of the proposal. The March 2023 proposal outlines amendments to the proposed project list approach, including shifting the requirement for transportation and electricity transmission projects from completing a comprehensive EA to streamlined processes, as well as proposed amendments to the transition provisions for waterfront projects. No changes are proposed at this time for the previous proposals related to waste projects, waterpower facilities or large oil electricity generation facilities. The changes, if approved as proposed, would still result in the development of a comprehensive EA project list regulation (the "Project List Regulation") which identifies projects that will be subject to the new Part II.3 of the Act, as well as exemptions which may apply to certain undertakings.

Conservation Ontario's comments are provided on the proposed amendments to the transition provisions in the proposed "Designations and Exemptions" regulation specific to waterfront projects. It is our understanding that transportation and electricity transmission projects would proceed through existing Class EA or regulatory processes which contain established notification and

consultation procedures. As prescribed public bodies, CAs will continue to review and provide comments on EAs with regard to the risk of natural hazards and drinking water source protection. Where projects require a Section 28 regulatory permission under the *Conservation Authorities Act*, CAs will continue to review applications and issue such permissions, as applicable. Where a Section 28 permission is not a required approval for the overall project, it is important that proponents have regard to comments on the risk of natural hazards submitted by CAs on the EA.

The November 2021 posting included a proposed regulation titled "*Part II.3 Projects – Designations and Exemptions*" to be made under the *EAA* which identifies the projects required to complete a comprehensive EA, as well as exemptions for certain projects which would have occurred prior to the transition to the new EA framework. At the time, the proposed regulation included a transition provision to exempt waterfront projects which had commenced under the *Class EA for Remedial Flood and Erosion Control Projects* prior to the transition date from the requirement to undertake a comprehensive EA. It is understood that the MECP is now considering extending this exempting provision to waterfront projects which have commenced under any Class EA, as well as to projects where a *Planning Act* application includes proposed waterfront works and was submitted before March 10, 2023.

Conservation Ontario is supportive of the proposed amendment which would extend the transitional exemption to waterfront projects commenced under any Class EA. While many of the proposed "works" as defined in the regulation may be undertaken by CAs through the *Class EA for Remedial Flood and Erosion Control Projects*, it is acknowledged that the scope of "waterfront projects" as outlined in the proposed regulation may apply to works undertaken through other Class EA documents. For instance, the Class EA for MNR Resource Stewardship and Facility Development Projects provides a process for activities such as shoreline stabilization as well as water-related excavations, dredging and placement of fill which may meet the proposed regulatory criteria for "waterfront projects".

Conservation Ontario is further supportive of the proposed amendment to extend the transitional exemption to waterfront projects which are a part of a *Planning Act* application submitted before March 10, 2023. Through discussions with MECP staff on April 18, 2023, it is understood that the intent of this proposed amendment is to provide a transition for *Planning Act* applications which are currently underway in Ontario, such that applications involving waterfront works would not be captured under a new EA framework and require a comprehensive EA (where one would not have been required at the time of submission). The transition provision would be limited to *Planning Act* applications which have been submitted prior to March 10, 2023, with all other waterfront projects which meet the regulatory criteria being subject to a comprehensive EA moving forward.

Lastly, it should be clarified that despite meeting the criteria for an exemption from the comprehensive EA process, other approvals may be required as part of the proposed project, including CA Section 28 regulatory permissions. Proponents are responsible for ensuring all necessary approvals have been obtained prior to commencing work on the proposed undertaking.

Thank you for the opportunity to review and provide comments on "Proposed Project List for comprehensive environmental assessments under the *Environmental Assessment Act* (EAA)" (ERO#019-4219). Please contact me directly should this letter require any clarification.

Sincerely,

A handwritten signature in black ink that reads "Nicholas Fischer". The signature is written in a cursive, flowing style.

Nicholas Fischer  
Policy and Planning Coordinator

c.c: All CA CAOs / GMs