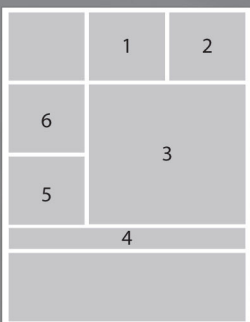


# Ministry of Infrastructure Public Work Class Environmental Assessment

Office Consolidation, October 2012



## Front Cover

1. Project under construction
2. Whitney Block
3. Central North Correctional Facility – Penetanguishene
4. Landscape of former Millbrook Correctional Centre
5. Ottawa Courthouse green roof
6. Public consultation

# Ministry of Infrastructure

## Public Work Class Environmental Assessment

### 2012 Office Consolidation

Pursuant to the *Environmental Assessment Act*:

The Class Environmental Assessment process for Management Board Secretariat & Ontario Realty Corporation was approved by the Lieutenant Governor in Council, Order-in-Council No 913/2004 on April 28, 2004;

Minor amendments to the Class Environmental Assessment process for Management Board Secretariat & Ontario Realty Corporation were approved by the Director, Environmental Assessment and Approvals Branch (Ministry of the Environment) on September 11, 2008; and

Minor amendments to the Ministry of Energy and Infrastructure Class Environmental Assessment process for Realty Activities Other Than Electricity Projects were approved by the Director, Environmental Approvals Branch (Ministry of the Environment) on October 31, 2012.

The above noted approvals can be found in Appendix 10 – Class EA Approvals



## EXECUTIVE SUMMARY

### INTRODUCTION

The *Environmental Assessment Act (EAA)* provides for the "protection, conservation, and wise management" of the environment in Ontario. Part II.1 of the *EAA* sets out requirements for the approval of Class Environmental Assessments (Class EAs). An approved Class EA permits a group of projects (undertakings) in the defined class to proceed without the need for an assessment under Part II of the *EAA*, provided they proceed in accordance with the Class EA.

This Ministry of Infrastructure Public Work Class EA (PW Class EA) sets out how the Ministry of Infrastructure (MOI) and the Ontario Infrastructure and Lands Corporation (IO) propose to meet *EAA* requirements. The Ontario Minister of the Environment (the Minister) has approved this Class EA pursuant to Section 9(1) of the *EAA*.

### MINISTRY OF INFRASTRUCTURE (THE PROPONENT) AND ITS AGENCY

On August 18, 2010, the Ministry of Energy and Infrastructure was divided into two separate ministries, the Ministry of Infrastructure (MOI) and the Ministry of Energy. The *Ministry of Infrastructure Act, 2011 (MOI Act)* was proclaimed on June 6, 2011. On the same day, the *Ontario Infrastructure and Lands Corporations Act, 2011 (OILC Act)* was proclaimed merging the Ontario Realty Corporation, Infrastructure Ontario and the Stadium Corporation of Ontario into a single, new operational enterprise agency, the Ontario Infrastructure and Lands Corporation (IO).

IO will continue to deliver realty and infrastructure services and projects, including negotiating and contracting with the private sector for a range of land, construction and property maintenance and realty transaction services. IO will continue the work of the prior three agencies that have been merged in accordance with the new governing legislation.

Regulation 334 made pursuant to the *Environmental Assessment Act (EAA)* was amended to clarify the continued application of the *EAA* to the public work activities of MOI and IO while exempting other activities of IO. In this PW Class EA, "public work" has the meaning as set out in Section 1 of the *MOI Act*.

The regulatory amendments simply clarify the status quo application of the *EAA*, providing that undertakings of MOI or its agency related to public work will continue to be subject to the *EAA* while other non-public work undertakings, which are currently not subject to the *EAA*, would continue to be exempt.

This Class EA is focused only on realty activities and public work projects undertaken by MOI or its agency. The proponent for this Class EA is MOI. MOI or IO, expressly working on behalf of the Minister of MOI (MOI/IO) may carry out and be the proponent of an undertaking to which the Class EA applies.

Should another agency be given responsibility by the Minister of Infrastructure for undertaking or carrying out public work projects for MOI, then this Class EA would apply to that agency as a proponent.

### ENVIRONMENTAL ASSESSMENT LEVELS OR CATEGORIES

MOI has a diverse range of responsibilities and undertakings. Not all undertakings require the same level of environmental assessment (EA). To accommodate the entire range of undertakings, this PW Class EA

defines four different levels or "categories" of EA, as follows:

- Category A is applied to undertakings that are minor in scale and have minimal or no adverse environmental effects and requires no EA of the undertaking.
- Category B (Consultation and Documentation Report) is a screening process applied to undertakings that have some potential for adverse environmental effects. These effects are well understood from a technical perspective, are minor in nature, and mitigation is also well understood.
- Category C (Environmental Study Report) is a comprehensive EA process that is applied to undertakings that have the potential for significant environmental effects and must proceed under the full planning and documentation procedures. The environmental effects are assessed and mitigation, monitoring and public consultation are documented in a detailed Environmental Study Report (ESR).
- Category D (Individual EA) is applied to those undertakings that have the potential for significant and undetermined environmental effects. Although the Class EA is used to identify the need for an Individual EA, the process for carrying out an Individual EA is beyond the scope of this document.

A detailed description of each category, including the methodology to be followed, is provided in Sections 3.0 to 6.0.

## **THE CLASS EA METHODOLOGY**

Each of the undertakings described in this PW Class EA document is supported by procedures, which allow MOI/IO to comply with the requirements of the EAA. Although there are several EA Categories, each with its own methodology, the first four steps of the PW Class EA methodology are common to all EA Category methodologies, and are referred to as the EA Category Selection Process. Further details are provided in Section 2.0. The section also provides two key components of the PW Class EA methodology: Figure 2.1 - Flow Chart for the PW Class EA Methodology and Figure 2.2 - Category Listing Matrix.

## **MITIGATION AND MONITORING**

Section 7.0 addresses mitigation and monitoring at a project-specific level. The section provides typical mitigation measures, guidelines and references that may be useful for a proponent. The section also addresses the purpose and application of monitoring programs, as well as construction and operations monitoring. In addition, this PW Class EA provides for the development of Environmental Management Plans and Cultural Heritage Management Plans, both of which may be prepared as site-specific reports.

## **PUBLIC CONSULTATION**

The requirement for effective public consultation is a key component of this PW Class EA. Section 8.0 provides information on: definition of public consultation; legislated requirement for public consultation; defining the public; methods and guidelines for consultation; public notices; resolution of conflicts and disputes; and consultation with Aboriginal peoples.

## **REQUEST FOR A CATEGORY ELEVATION OR A PART II ORDER**

A person or party with a concern about a particular undertaking should bring this concern to the proponent's attention as early in the PW Class EA process as possible. The proponent and the person or party should attempt to resolve the concern. If a concern cannot be resolved through discussions with the proponent, the person or party raising the concern may request, in writing, that the proponent voluntarily elevate the undertaking to a higher EA category. If the proponent declines and the person or party wishes to pursue the matter further, they may write to the Minister and request a Part II Order. The procedures for a request for a Category Elevation and for a Part II Order are provided in Sections 9.2 and 9.3.

## **OTHER APPLICABLE LEGISLATION, REGULATIONS, POLICIES, PLANS AND GUIDELINES**

In addition to the requirements of this PW Class EA, undertakings must comply with all other applicable legislation. Examples of legislation, regulations, policies, plans and guidelines which may apply to undertakings are outlined in Section 9.5.2. In addition, the *Canadian Environmental Assessment Act (CEAA)* may apply to an undertaking. Further details on *CEAA*, as well as the federal *Fisheries Act* and *Navigable Waters Protection Act* are provided in Section 9.5.4.

## **USE OF CLASS ENVIRONMENTAL ASSESSMENTS OF CLIENT MINISTRIES/AGENCIES**

MOI/IO will, in some cases, carry out, in whole or in part, undertakings for client ministries/agencies (such as the Ministry of Transportation and the Ministry of Natural Resources) that have their own Class EAs. In such cases, the client ministry or its agency may wish to apply their own Class EA. Section 9.7.2 outlines procedures to be followed when a client ministry or its agency wishes to apply their Class EA/Declaration Order to an undertaking.

## **MONITORING, EVALUATION AND REPORTING**

Issues pertaining to monitoring, evaluation and reporting of the PW Class EA are addressed in Section 9.8. In particular, this section discusses two components of monitoring: (1) monitoring the effectiveness of the PW Class EA process and conditions of the PW Class EA; and (2) monitoring compliance with the PW Class EA, including provisions of the PW Class EA and conditions of approval of the PW Class EA. These two components of monitoring will be addressed in an annual report and then submitted to the Director of the Environmental Assessment and Approvals Branch of the Ministry of the Environment. The requirements for this annual report are provided in this PW Class EA. In addition, proponents are required to submit to the appropriate Ministry of the Environment Regional Office, one copy of the "Notice of Completion" for each Category B project and the "Notice of Completion of the ESR" for each Category C project.

## **REVIEW OF THE PW CLASS EA**

A review of the PW Class EA will be undertaken by every five years from the date of approval to ensure that the document still complies with legislative requirements and planning practices, and continues to satisfy the purpose of the *EAA*. The results of the review will be provided to the Director of the EAAB.

## **AMENDMENT PROCEDURES**

Amendment procedures have been included in Section 9.10 to allow for the modification of the PW Class EA. Amendments may be undertaken to: provide clarification of process and procedures; amend the planning process to address areas where problems may have arisen; and make any necessary modifications following each five year review of the PW Class EA. Procedures are outlined for both minor and major amendments. Minor amendments are those that do not substantially change the PW Class EA, while major amendments are those that would substantially change the PW Class EA.



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## 1.0 INTRODUCTION

The *Environmental Assessment Act (EAA)* provides for the “protection, conservation, and wise management” of the environment in Ontario. Part II.1 of the *EAA* sets out requirements for the approval of Class EAs. An approved Class EA permits a group of projects (undertakings) in the defined class to proceed without the need for an assessment under Part II of the *EAA*, provided they proceed in accordance with the Class EA.

Ministry of Infrastructure Public Work Class EA (PW Class EA) sets out how MOI proposes to meet *EAA* requirements. The Ontario Minister of the Environment (the Minister) has approved this PW Class EA pursuant to Section 9(1) of the *EAA*.

As this PW Class EA is implemented, there may be minor or major amendments to this PW Class EA (see Section 9.10). Therefore, users of this PW Class EA should verify with MOI or IO that they have the most current version of the PW Class EA before initiating a project.

### 1.1 Reasons for Using the Ministry of Infrastructure Public Work Class Environmental Assessment Process

The PW Class EA is a planning tool. It is designed to make sure that, in all its realty undertakings, MOI consistently takes into account the potential effects of its activities on the environment. Here the word "environment" has the meaning given in the *EAA*. It includes the natural, social, cultural, economic and built environments, and their interactions. The main goals of the PW Class EA are:

- to match the potential environmental effect of an undertaking with the appropriate level of environmental assessment;
- to support and promote the Ontario Government's policies and objectives, particularly those concerning protection of the environment;
- to resolve questions regarding MOI's role (Section 9.7 provides information on proponentcy); and
- to ensure that proper consultation and documentation have been completed, demonstrating that environmental concerns have been addressed.

The Minister approves the planning process and associated provisions outlined in the PW Class EA (i.e., approves the PW Class EA with respect to a class of undertakings). Provided MOI follows the approved procedures set out in this document, MOI is not required to apply for additional approval under the *EAA*. However, an undertaking is only approved under the *EAA* if it is carried out in accordance with the provisions of the PW Class EA.

## 1.2 The Proponent: Ministry of Infrastructure (MOI)

On August 18, 2010, the Ministry of Energy and Infrastructure was divided into two separate ministries, the Ministry of Infrastructure (MOI) and the Ministry of Energy. The *Ministry of Infrastructure Act, 2011 (MOI Act)* was proclaimed on June 6, 2011. On the same day, the *Ontario Infrastructure and Lands Corporations Act, 2011 (OILC Act)* was proclaimed merging the Ontario Realty Corporation, Infrastructure Ontario and the Stadium Corporation of Ontario into a single, new operational enterprise agency, the Ontario Infrastructure and Lands Corporation (IO).

IO will continue to deliver realty and infrastructure services and projects, including negotiating and contracting with the private sector for a range of land, construction and property maintenance and realty transaction services. IO will continue the work of the prior three agencies that have been merged in accordance with the new governing legislation.

Regulation 334 made pursuant to the *Environmental Assessment Act (EAA)* has been amended to clarify the continued application of the *EAA* to public work activities of MOI and IO while exempting other activities of IO. In this PW Class EA, "public work" has the meaning as set out in Section 1 of the *MOI Act*.

The regulatory amendments simply clarify the status quo application of the *EAA*, providing that undertakings of MOI or its agency related to public work will continue to be subject to the *EAA* while other non-public work undertakings, which are currently not subject to the *EAA*, would continue to be exempt.

This Class EA is focused only on realty activities and public work projects undertaken by MOI or its agency. The proponent for this Class EA is MOI. MOI or IO, expressly working on behalf of the Minister of MOI (MOI/IO) may carry out and be the proponent of an undertaking to which the Class EA applies.

Should another agency be given responsibility by the Minister of Infrastructure for undertaking or carrying out public work projects for MOI, then this Class EA would apply to that agency as a proponent.

MOI undertakings, whether they are delivered by MOI/IO staff or through the use of contracted services, are subject to the PW Class EA. Individuals or agencies which provide services to MOI/IO through Alternative Service Delivery (ASD) mechanisms are also subject to this PW Class EA. Section 9.7 provides further details regarding the use of this PW Class EA by ASD providers.

### 1.2.1 What is a Facility Group?

This PW Class EA organizes the real property into "groups." These "facility groups" are listed below.

- 1) Non-Program Properties;
- 2) Administrative Facilities;
- 3) Storage Facilities;
- 4) Custodial Facilities;
- 5) Transportation Facilities;
- 6) Research Facilities;
- 7) Communication Facilities;
- 8) Infrastructure Development;
- 9) Heritage Properties; and
- 10) Waste Facilities and Contaminated Properties.
- 11) Transmission Corridor Lands

Each of these 11 facility groups is divided into "subgroups" of individual facility types. Appendix 1 has a complete list of groups and subgroups of facilities.

Facility groups are not mutually exclusive. For example, any one of the properties in facility groups 1 to 8, 10 and 11 could also be a heritage property (i.e., facility group 9).

### **1.2.2 What is an Undertaking?**

An "undertaking" is an enterprise or activity or proposal, plan or program in respect of an enterprise or activity that is subject to the *EAA*, as defined in Section 1 of the *EAA*. Undertakings may include property acquisition, planning, design, leasing, letting, maintenance, repair, addition, construction, demolition, marketing and disposition.

In this PW Class EA, all activities within an undertaking are included in the definition of that undertaking, e.g., "construction" as an undertaking can include many discrete activities such as property acquisition (buying or leasing), planning work, design, demolition, building, etc.

### **1.2.3 Undertakings are Not Divisible**

When an undertaking is subjected to an EA, the entire undertaking must be assessed at one time. To ensure that undertakings are not broken down inappropriately, the following requirements apply:

- 1) All foreseeable interdependent actions of an undertaking must be assessed at the same time. Therefore, even though undertakings may be broken down into individual activities, they are all subjected to EA.
- 2) If an undertaking consists of several activities that have different EA Categories, all activities within the undertaking must be assessed at the highest EA Category applicable to the individual activities. Section 1.3.4 provides further details on EA Categories.

### **1.2.4 Matching the Undertaking with the Environmental Assessment Level**

MOI/IO has a diverse range of responsibilities and undertakings. Not all undertakings require the same level of EA. For example, doing an appraisal, maintaining an existing property, constructing a new building, or selling properties, all have potentially different environmental effects. To accommodate the entire range of undertakings, this PW Class EA defines four different levels or "categories" of EA. A definition of the four EA categories, each of which recognizes potentially different environmental effects, is provided below. In addition, a detailed description of each category, including the methodology to be followed, is provided in Sections 3.0 to 6.0.

- Category A is applied to undertakings that are minor in scale and have minimal or no adverse environmental effects and requires no EA of the undertaking.
- Category B (Consultation and Documentation Report) is a screening process applied to undertakings that have some potential for adverse environmental effects. These effects are well understood from a technical perspective and are minor in nature and mitigation is also well understood.
- Category C (Environmental Study Report) is a comprehensive EA process that is applied to undertakings

that have the potential for significant environmental effects and must proceed under the full planning and documentation procedures. The environmental effects will be assessed and mitigation, monitoring and public consultation documented in a detailed Environmental Study Report.

- Category D Environmental Assessment (Individual EA) is applied to those undertakings that have the potential for significant and undetermined environmental effects. Although the PW Class EA is used to identify the need for an Individual EA, the process for carrying out an Individual EA is beyond the scope of this document.

### 1.3 Structure of the PW Class EA

This PW Class EA is organized in the following sections:

- Section 1.0 provides an introduction to the document and describes the scope of PW Class EA and its applications;
- Section 2.0 outlines the PW Class EA methodology, including the EA Category selection process;
- Section 3.0 outlines the process for Category A undertakings;
- Section 4.0 outlines the process for Category B undertakings;
- Section 5.0 outlines the process for Category C undertakings;
- Section 6.0 outlines the process for Category D undertakings;
- Section 7.0 addresses mitigation and monitoring, including a list of typical guidelines and references that may be useful for a proponent;
- Section 8.0 provides information on public consultation; and
- Section 9.0 describes regulatory requirements and procedures applicable to the PW Class EA.

In addition, the following Appendices provide further detailed information:

- Appendix 1 Detailed Description of Facility Groups and Subgroups;
- Appendix 2 Screening Procedure to Determine Environmental Assessment Category;
- Appendix 3 Consultation and Documentation Report;
- Appendix 4 Sample Notification Forms and Announcements;
- Appendix 5 Alternatives to the Undertaking and Alternative Methods of Carrying Out the Undertaking;
- Appendix 6 Category C: Environmental Study Report Format;
- Appendix 7 Emergency Situations;
- Appendix 8 Identifying Expert Federal Authorities and Potential Triggers under the *Canadian Environmental Assessment Act*; and
- Appendix 9 Glossary of Terms.

The Appendices to the PW Class EA contain information, as well as sample reports and forms that are intrinsic to the understanding and application of the PW Class EA. However, the Appendices provide information that due to its nature may require revision to allow MOI/IO to meet the changing requirements of its programming needs. An example of this may be the addition or deletion of a facility group (Appendix 1). For this reason, MOI/IO may revise an Appendix, in consultation with the affected ministries, agencies and Non-Government Organizations (NGO), without requiring an amendment to the PW Class EA itself.



## **2.0 THE PW CLASS EA METHODOLOGY**

The PW Class EA consists of the procedures which permit MOI to comply with the requirements of the *EAA* for the undertakings described in the PW Class EA document (see Section 9.7 for a discussion of proponentcy). The first four steps, which are common to all Category methodologies, are referred to as the Environmental Assessment (EA) Category Selection Process. Step numbers in the text refer to the "Flowchart for PW Class EA Methodology" (Figure 2.1), which presents the EA Category Selection Process and each Category methodology in graphical format.

### **2.1 The Environmental Assessment Category Selection Process**

"Categorization" is the assignment of an EA Category label to an undertaking based on its possible environmental effects or because of public concern. This is the basis for the PW Class EA process. The "Category Listing Matrix" (Figure 2.2) allows for the provisional determination of the level of EA that is applicable to undertakings.

Occasionally, MOI/IO may want to carry out a variation of an undertaking that is not clearly listed in the matrix. In this case, the screening process outlined in Table 2.1 will be applied. After screening, the undertaking will either have an assigned provisional EA category or it will need to be assessed under an Individual EA (Category D).

"Net" effects are those effects that remain after mitigating the environmental effects of an undertaking. Both the "Category Listing Matrix" (Figure 2.2) and "Screening Table" (Table 2.1) are based on "net" effects. In other words, they assume that adverse environmental effects have been evaluated, and appropriate mitigation measures have been implemented.

#### **2.1.1 Identification and Definition of the Undertaking**

##### **STEP 1: Identify and Describe Undertaking**

The identification and definition of an undertaking is normally developed at the project planning stage or the planning of operational and maintenance activities. The project identification and definition are normally developed at the time the annual capital and operating budgets are created for the annual planning cycle. The project description then becomes part of each file and describes the undertaking. The proponent should also identify if there is any other applicable EA procedure (some activities undertaken by MOI/IO for other ministries or agencies may be subject to another Class EA process or another environmental assessment process).

#### **2.1.2 Determination of Provisional Environmental Assessment Category**

STEPS 2 to 4 determine the EA category for the undertaking. These steps are critical, since categorization is key to the PW Class EA approach. There are two methods for determining the category of an undertaking. The simplest, which will be applicable in the majority of cases, is to identify the undertaking in the "Category Listing Matrix" (Figure 2.2). However, this will not always be possible and it will be necessary to use the "Screening Table" (Table 2.1).

## **STEP 2: Find Undertaking in Category Listing Matrix**

The "Category Listing Matrix" (Figure 2.2), is a graphic tool that helps to define the appropriate EA Category for undertakings. To use the Matrix, identify the box where the undertaking being proposed intersects with the applicable facility subgroup. This box will identify the appropriate level of EA. If the facility (or subgroup) is described, STEP 3 can be followed. If it is not described, STEP 3 is bypassed and STEP 4 is initiated.

A project subject to this PW Class EA may also be subject to federal EA and the requirements of the *Canadian Environmental Assessment Act (CEA ACT)*, regardless of project category. Further details on *CEA ACT* are provided in Section 9.5.3.

Note: The "Category Listing Matrix" (Figure 2.2) cannot be used for any property with structures more than 40 years old that does not have a Cultural Heritage Evaluation.

## **STEP 3: Match Detailed Description in PW Class EA**

The person applying the PW Class EA verifies that the definition of the facility subgroup, as it is found in the project documentation, matches the detailed description of such facility subgroups found in Appendix 1. If there is a match, STEP 4 is bypassed, and the user follows the Flowchart (Figure 2.1) to the Category which has just been identified. If there is no match, STEP 4, the Screening Table (Table 2.1) is applied.

Verification of the facility description with the Appendix 1 definitions ensures that the facility does not have any unusual program or features that could have environmental effects or give rise to public concerns that are not normally associated with the undertaking being assessed. For example, an undertaking to build an otherwise ordinary office building should be assessed differently if it has an associated storage yard for hazardous materials. If the facility subgroup is not included in the Matrix, Appendix 1 should be consulted. To determine the appropriate subgroup, compare the description of the proposed facility with the detailed descriptions provided in the Appendix.

NOTE: The identification of an EA Category B or Category C using the Matrix is provisional until analysis and consultation show that the EA Category is appropriate. At any point during the application of the EA Category methodology, any undertaking may be raised to the next Category or to an Individual EA (Category D).

## **STEP 4: Apply Environmental Assessment Category Screening Questions (If Required)**

If the facility subgroup is not listed in the Category Listing Matrix it will be necessary to "screen" the undertaking to determine its provisional EA Category. The undertaking is subjected, sequentially, to the Screening Questions in Table 2.1, following the instructions in the second column of the table until a provisional Category has been determined. Depending upon the particular undertaking, the Category determination may be made within the first few questions or through the application of a greater number of questions, and possibly by carrying out further research, analysis, surveys and fieldwork. Once the Category has been determined, the user follows Figure 2.1 for the EA Category that has now been identified. A detailed description of the "Screening" can be found in Appendix 2.

The Screening Questions can also be used to respond to any queries or challenges that might arise when a review agency or the public question an undertaking's Category, as identified through the use of the Matrix. The identification of a Category B or Category C undertaking is still provisional until the actual assessment of the undertaking confirms that the environmental effects and public concern are known and addressed in the Consultation and Documentation Report or Environmental Study Report (ESR).

If the Environmental Assessment Screening Questions are applied, the answers to the questions should be documented and included in the project file.

## **2.2 Approach for Alternative Financing and Procurement (AFP) Projects**

Alternative Financing and Procurement (AFP) is a model which uses private sector financing to build or rebuild infrastructure, while retaining appropriate public control and ownership. An AFP project may include all or some of, but not limited to, the following component undertakings - acquisition, demolition, construction of a new facility, building additions, building maintenance and repair,

The category of PW Class EA applicable to an AFP project will be determined firstly by assessing the PW Class EA applicable to each of its component undertakings, by following Steps 1 through 4, as described in this Section.

The category of the overall undertaking for the AFP project will be determined by the individual undertaking that has the most rigorous review Category. Some examples of AFP Projects and the various AFP delivery models are shown below but are not limited to the following:

### **Build-Finance (BF)**

The contractor or private sector consortium finances and constructs a new facility using designs provided by the province or its agent. The selected contractor, or consortium, is required to arrange financing to fund the construction costs through the construction period (base progress payments), and the contractor is paid almost in full by the owner only upon substantial completion of the project. The BF model does not include a post-construction maintenance period.

### **Design-Build-Finance (DBF)**

The contractor or private sector consortium designs, finances and constructs a new facility. The selected contractor, or consortium, is required to arrange financing to fund the construction costs through the construction period (base progress payments), and the contractor is paid almost in full by the owner only upon substantial completion of the project. The DBF model does not include a post-construction maintenance period.

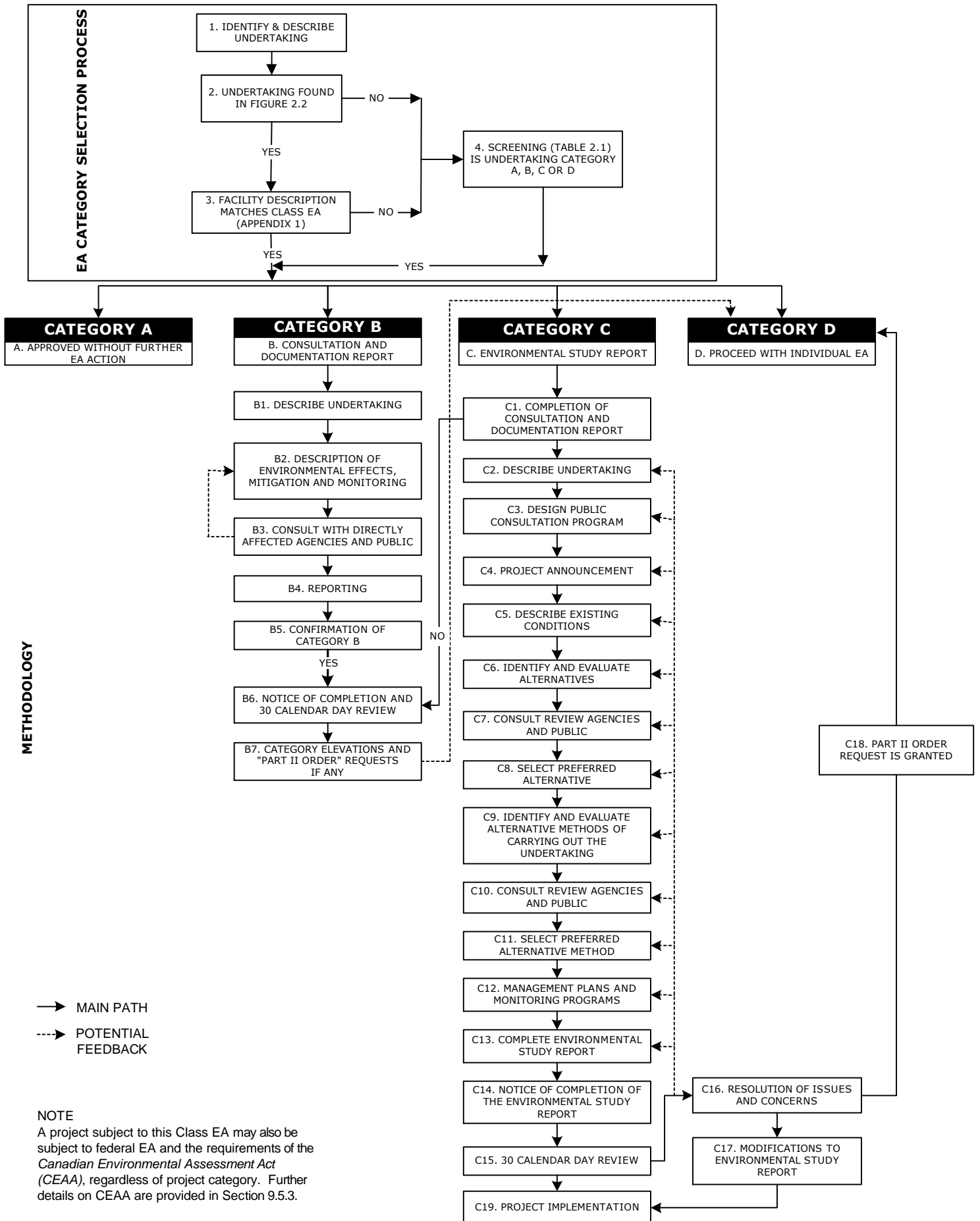
### **Build-Finance-Maintain (BFM)**

The contractor or private sector consortium finances and constructs a new facility under a long-term lease, and operates/maintains the facility during the term of the lease. The contractor, or consortium, transfers the new facility to the public sector at the end of construction. The contractor, or consortium, is required to arrange financing to fund the construction costs through the construction period, and the contractor, or consortium may be paid a portion of the construction costs by the owner upon substantial completion of the facility. The remainder of the construction costs and the operation/maintenance fees are paid the contractor/consortium by way of annual payments over the duration of the operation/maintenance period.

### **Design-Build-Finance-Maintenance (DBFM)**

DBFM is a delivery model where a private sector consortium designs, builds finances and maintains a government building for a thirty year term. The private consortium puts up the money for the construction and but does not receive payment until the building is 100% complete. Annual service payments are made to the private sector partner in return for a functional, well maintained and serviced, building.

**FIGURE 2.1 FLOWCHART FOR PUBLIC WORK CLASS EA METHODOLOGY**



**Figure 2.2 Category Listing Matrix  
(Use in conjunction with Appendix 1)**

Key A - Category A B - Category B C - Category C D - Category D NA - Not applicable (other undertaking or process applies) *-Use EA Category Identification Table (Table 2.1)  Notes: 1. Matrix to be read in conjunction with Appendix 1 and 2. 2. Interdependent undertakings cannot be subdivided. 3. Compound action undertakings take on category of highest component action. 4. For detailed description of the Facility Groups and Subgroups and undertakings, refer to Appendix 1 of the document. 5. The Matrix cannot be used for any property with structures more than 40 years old that does not have an Cultural Heritage Evaluation.	Property Management and Development													Realty Transactions and Approvals																		
	BUILDING ADDITIONS	BUILDING ALTERATION AND RESTORATION (INT & EXT)	BUILDING MAINTENANCE OR REPAIR (INT & EXT)	CO-DEVELOPMENT AGREEMENTS	CONTAMINANT SEARCH	CONSTRUCTION OF NEW FACILITY	DECOMMISSIONING	DEMOLITION	DESIGN SERVICES	FEASIBILITY STUDIES	FOUNDATIONS MAINTENANCE	LANDSCAPING	RECONSTRUCTION	RELOCATION - HERITAGE ONLY	ACQUISITION	DISPOSITION	DISPOSITION W/ESA, TO CONSVN BODY	DISPOSITION W/ESA, TO NON-CONSVN BODY	EASEMENTS	EXPROPRIATIONS	LEASE PURCHASE	LEASING OR LICENSING FROM, NO CHANGE IN USE	LETTING OR LICENSING TO, NO CHANGE IN USE	LEASING OR LICENSING FROM, WITH CHANGE IN USE	LETTING OR LICENSING TO, WITH CHANGE IN USE	PLANNING APPROVALS (LAND DEVELOPMENT)	SALE OF DENSITY OR AIR RIGHTS	SEVERANCE	VOLTAGE RIGHTS (POWER POLES & GUY WIRES)			
<b>1. NON-PROGRAMMED PROPERTIES</b>																																
1.1	VACANT LAND	B	A	A	A	A	B	B	B	A	A	A	A	B	B	B	B	C	B	B	B	A	A	B	B	A	B	A	B	B		
1.2	LANDS WITH IMPROVEMENTS	B	A	A	A	A	B	B	B	A	A	A	A	B	B	B	B	C	B	B	B	A	A	B	B	A	B	A	B	A	B	
1.3	LANDS WITH ENVIRONMENTALLY SIGNIFICANT AREA	C	A	A	A	A	C	B	B	A	A	A	A	B	B	B	NA	B	C	B	B	B	A	A	B	B	A	B	B	B		
<b>2. ADMINISTRATIVE FACILITIES</b>																																
2.1	ADMINISTRATIVE BUILDINGS	B	A	A	A	A	B	B	B	A	A	A	A	B	B	B	B	*	B	B	B	A	A	B	B	B	B	B	*	B		
2.2	CHILD CARE CENTRES	B	A	A	A	A	B	B	B	A	A	A	A	B	B	B	B	*	B	B	B	A	A	B	B	B	B	*	B			
2.3	EDUCATION CENTRES	B	A	A	A	A	B	B	B	A	A	A	A	B	B	B	B	*	B	B	B	A	A	B	B	B	B	*	B			
2.4	HEALTH CLINICS	B	A	A	A	A	B	B	B	A	A	A	A	B	B	B	B	*	B	B	B	A	A	B	B	B	B	*	B			
2.5	RECREATION AND TOURISM FACILITIES	B	A	A	A	A	B	B	B	A	A	A	A	B	B	B	B	*	B	B	B	A	A	B	B	B	B	*	B			
2.6	CASINOS	B	A	A	A	A	B	B	B	A	A	A	A	B	B	B	B	*	B	B	B	A	A	B	B	B	B	*	B			
<b>3. STORAGE FACILITIES</b>																																
3.1	GARAGES	B	A	A	A	A	B	B	B	A	A	A	A	B	B	B	B	C	B	B	B	A	A	B	B	B	*	A	B			
3.2	BOAT SLIPS	B	A	A	A	A	B	B	B	A	A	A	A	B	B	B	B	C	B	B	B	A	A	B	B	B	*	A	B			
3.3	PATROL YARDS	B	A	A	A	A	C	B	B	A	A	A	A	B	B	B	B	C	B	B	B	A	A	B	B	B	*	A	B			
3.4	WAREHOUSES	B	A	A	A	A	B	B	B	A	A	A	A	B	B	B	B	C	B	B	B	A	A	B	B	B	*	A	B			
<b>4. CUSTODIAL FACILITIES</b>																																
4.1	JAILS	B	A	A	*	A	B	B	B	A	A	A	A	B	B	B	B	C	*	B	*	*	*	*	*	B	*	A	*			
4.2	DETENTION CENTRES	B	A	A	*	A	B	B	B	A	A	A	A	B	B	B	B	C	*	B	*	*	*	*	*	B	*	A	*			
4.3	CORRECTION CENTRES	B	A	A	*	A	B	B	B	A	A	A	A	B	B	B	B	C	*	B	*	*	*	*	*	B	*	A	*			
4.4	FORESTRY CAMPS	B	A	A	*	A	B	B	B	A	A	A	A	B	B	B	B	C	*	B	*	*	*	*	*	B	*	A	B			
4.5	YOUNG OFFENDERS OPEN/ SECURE DETENTION CENTRES	B	A	A	*	A	B	B	B	A	A	A	A	B	B	B	B	C	*	B	*	*	*	*	*	B	*	A	*			
4.6	TREATMENT CENTRES	B	A	A	*	A	B	B	B	A	A	A	A	B	B	B	B	C	*	B	*	*	*	*	*	B	*	A	*			
4.7	PSYCHIATRIC HOSPITALS	B	A	A	*	A	B	B	B	A	A	A	A	B	B	B	B	C	*	B	*	*	*	*	*	B	*	A	*			
4.8	CENTRES FOR DEVELOPMENTALLY HANDICAPPED	B	A	A	*	A	B	B	B	A	A	A	A	B	B	B	B	C	*	B	*	*	*	*	*	B	*	A	*			
<b>5. TRANSPORTATION FACILITIES</b>																																
5.1	GOVERNMENT AIRCRAFT FACILITIES	*	A	A	*	A	*	*	*	A	A	A	A	*	B	*	*	B	C	*	*	*	*	*	*	*	*	A	*			
5.2	TRANSIT SERVICE FACILITIES	*	A	A	*	A	*	*	*	A	A	A	A	*	B	*	*	B	C	*	*	*	*	*	*	*	*	A	*			
5.3	ROAD AND PARKING FACILITIES	*	A	A	*	A	*	*	*	A	A	A	A	*	B	*	*	B	C	*	*	*	*	*	*	*	*	A	*			
5.4	WATER CROSSINGS	*	A	A	*	A	*	*	*	A	A	A	A	*	B	*	*	B	C	*	*	*	*	*	*	*	*	A	*			
5.5	PEDESTRIAN ACCESS FACILITIES	*	A	A	*	A	*	*	*	A	A	A	A	*	B	*	*	B	C	*	*	*	*	*	*	*	*	A	*			
<b>6. RESEARCH FACILITIES</b>																																
6.1	ENVIRONMENTAL MONITORING STATIONS	B	A	A	A	A	B	B	B	A	A	A	A	B	B	*	B	*	*	*	*	A	A	*	*	B	*	A	*			
6.2	EXPERIMENTAL FARMS	B	A	A	A	A	B	B	B	A	A	A	A	B	B	*	B	*	*	*	*	B	A	A	*	*	B	*	A	*		
6.3	AGRICULTURAL EXTENSION STATIONS	B	A	A	A	A	B	B	B	A	A	A	A	B	B	B	B	*	*	*	*	B	A	A	*	*	B	*	A	*		
6.4	FISH CULTURE FACILITIES	*	*	*	*	*	*	*	*	*	*	*	*	A	*	B	*	*	*	*	*	*	*	*	*	*	*	A	*			
6.5	NURSERIES AND ARBORETUMS	*	*	*	*	*	*	*	*	*	*	*	*	A	*	B	*	*	*	*	*	*	*	*	*	*	*	A	*			
<b>7. COMMUNICATION FACILITIES</b>																																
7.1	COMMUNICATION TOWERS	*	A	A	A	A	*	*	*	A	A	A	A	B	*	*	*	*	*	*	*	A	A	*	*	*	*	A	*			
<b>8. INFRASTRUCTURE DEVELOPMENTS</b>																																
8.1	SANITARY COLLECTION, TREATMENT AND DISPOSAL SYSTEMS	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
8.2	WATER SUPPLY DISTRIBUTION AND TREATMENT SYSTEMS	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
8.3	DRAINAGE ACT RELATED WORKS	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
8.4	STORMWATER MANAGEMENT FACILITIES	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
8.5	STREAM CHANNELIZATION AND BANK STABILIZATION	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
<b>9. HERITAGE PROPERTIES</b>																																
9.1	CULTURAL HERITAGE PROPERTIES	B	B	A	B	A	B	B	B	B	B	A	B	B	B	B	B	C	B	B	B	A	A	B	B	B	B	B	B			
9.2	HERITAGE SUPPORT PROPERTIES	B	B	A	B	A	B	B	B	B	B	A	B	B	B	B	B	C	B	B	B	A	A	B	B	B	B	B	B			
<b>10. WASTE FACILITIES AND CONTAMINATED PROPERTIES</b>																																
10.1	COMPOSTING FACILITIES	B	A	A	A	A	B	B	B	A	A	A	A	B	*	B	B	*	*	B	B	B	B	B	B	B	*	B	B			
10.2a	NON-HAZARDOUS SOLID WASTE LANDFILL FACILITIES LIFETIME CAPACITY <40,000 m³	C	A	A	A	*	C	B	B	A	A	A	A	C	*	B	B	*	*	B	*	*	B	B	C	C	C	*	B	*		
10.2b	NON-HAZARDOUS SOLID WASTE LANDFILL FACILITIES LIFETIME CAPACITY ≥ 40,000 m³	D	D	D	D	D	D	D	D	D	D	D	D	*	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D			
10.3	HAZARDOUS AND INDUSTRIAL LIQUID WASTE MANAGEMENT FACILITIES	D	D	D	D	D	D	D	D	D	D	D	D	*	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D			
<b>11. TRANSMISSION CORRIDOR LANDS</b>																																
11.1	LANDS FOR SECONDARY USES	NA	NA	NA	A	A	NA	*	*	A	A	NA	NA	NA	B	NA	B	B	C	A	NA	NA	NA	A	NA	NA	*	A	B			
11.2	TRANSMISSION USE LANDS	NA	NA	NA	A	A	NA	*	*	A	A	NA	NA	NA	NA	B	NA	B	B	C	B	B	NA	NA	NA	NA	NA	*	A	B		

**Table 2.1: Environmental Assessment (EA) Category Identification Table**

The four EA Categories referred to in this Table are (see Section 1.3.4):

- Category A: Approved without Further EA Action;
- Category B: Consultation and Documentation Report;
- Category C: Environmental Study Report (ESR); and
- Category D: Individual EA.

Screening Questions	Answers
1. Has the undertaking already been approved under an individual EA, some other approved Class EA, a Declaration Order or regulation under the <i>EAA</i> ?	YES - verify approval in writing, and then proceed with undertaking. No further EA procedures are required under PW Class EA. NO - go to 2
2. Is the undertaking (a) subject to the client agency's own individual EA, approved Class EA, a Declaration Order or regulation under the <i>EAA</i> , which has not yet been applied, or (b) subject to some other approved Class EA, (but not that of the client agency), which has not yet been applied?	YES - (a) wait until the client agency applies its own approval process, or requests MOI/IO to do so on its behalf, or (b) after consultation with Ministry of the Environment (MOE), apply the other Class EA. Then, in both cases, proceed with undertaking. No further EA procedures are required under PW Class EA. NO - go to 3
3. Is the undertaking qualified for a "class" methodology because it generally has the following characteristics: responsive to the standard mitigation of this PW Class EA, similar in nature, limited in scale or has a determined range of impacts?	YES - go to 4 NO - Category D
4. Would the undertaking involve the planning or construction of a hazardous waste handling or disposal facility?	YES - Category D NO - go to 5
5. Could the undertaking pose a risk beyond established practices and norms, to public health or safety?	YES - Category D NO - go to 6
6. Could the undertaking cause an impact beyond established limits and practiced norms, or permanently inhibit opportunities for rehabilitation where degraded conditions exist, in terms of adverse effects related to such factors as noise, visual intrusion, odour, air quality and emissions, water quality or quantity, or physical access? <sup>1</sup>	YES - Category C NO - go to 7
7. Could the undertaking cause long-term changes, beyond existing background variations (based on standard	YES - Category C

Screening Questions	Answers
demographic measures), to the social structure or the demographic characteristics of the surrounding community?	NO - go to 8
<p>8. Could the undertaking cause any local, long term changes significant enough to threaten<sup>1;2;</sup>:</p> <ul style="list-style-type: none"> <li>• the habitat of regionally, provincially or nationally rare flora or fauna, or vulnerable, and threatened or endangered species;</li> <li>• municipal, regional or conservation authority Environmentally Sensitive Areas (ESAs) (see Appendix 9: Glossary);</li> <li>• specialty croplands or prime agricultural lands (Class 1-4);</li> <li>• groundwater wells and discharge and recharge areas;</li> <li>• provincially significant wetlands;</li> <li>• locally significant wetlands;</li> <li>• fish habitat;</li> <li>• significant wildlife habitat;</li> <li>• aggregate resources (as identified by municipal or regional Official Plans or by the Ministry of Northern Development and Mines);</li> <li>• significant woodlands (as identified by municipalities, regions, the province or other conservation agencies);</li> <li>• Areas of Natural and Scientific Interest (ANSIs) (based on Ministry of Natural Resources (MNR) policy);</li> <li>• Escarpment Natural Area or Escarpment Protection Area (based on the Niagara Escarpment Plan);</li> <li>• Natural Core Area, Natural Linkage Area or key Natural Heritage Features (based on the Oak Ridges Moraine Conservation Plan); and</li> <li>• watercourses and riverbanks?</li> </ul>	<p>YES - Category C NO - go to 9</p>
<p>9. Would the undertaking permanently block or restrict fish or wildlife movement and migration through the construction of culverts, diversions, fencing, or barriers (which can include buildings)?<sup>3</sup></p>	<p>YES - Category C NO - go to 10</p>
<p>10. Does the property have a Cultural Heritage Evaluation? (see Appendix 9 for definition)</p>	<p>YES - go to 11 NO - Category B</p>
<p>11. Is this a MOI Heritage Property?</p>	<p>YES - Category B NO - go to 12</p>

12. Would the undertaking involve the leasing, letting, acquisition, disposition, demolition or decommissioning of property that is contaminated with or used for the storage or transfer of significant amounts of hazardous or toxic materials?	YES - Category B NO - go to 13
13. Would the undertaking involve any of the following: acquisition, or disposition of real property or real property rights; planning approvals under the <i>Planning Act</i> other than consents or variances; or exceeding floodplain restrictions? <sup>4</sup>	YES - Category B NO - go to 14
14. Would the undertaking temporarily block or restrict fish or wildlife movement and migration through the construction of culverts, diversions, fencing, or barriers (which can include buildings)?	YES - Category B NO - go to 15
15. Would the undertaking be limited to planning approvals under the <i>Planning Act</i> (consents or variances)?	YES - Category A NO - go to 16
16. Would the undertaking be limited to optioning to acquisition real property, easements, or rights-of-way?	YES - Category A NO - go to 17
17. Would the undertaking be limited to advisory services, financial services or feasibility studies?	YES - Category A NO - go to 18
18. Would the undertaking involve the leasing or letting of real property, for any purpose except storage or transfer of significant amounts of hazardous or toxic materials based on Regulation 309 (R.R.O.1990) and MOE Small Quantities Exemption Specifications?	YES - Category A NO - go to 19
19. Would the undertaking be limited to the routine maintenance, repair or renovation of Crown facilities?	YES - Category A NO - Contact MOI/IO for advice.

1. When questions involve the mandated authority of another ministry (such as MNR in the case of wetlands/ANSIs, MOE for water, Ministry of Culture for heritage), contact the appropriate ministry. The mandated ministry must be consulted if there is any doubt as to the proper response. When answering technical questions such as those relating to fish, wildlife and water quality, etc., consult with qualified professionals.
2. Note that undertakings that take place in or near water may require authorization and/or approval under the *Fisheries Act* and/or the *Navigable Waters Protection Act* and review under *CEAA*. Proponents should contact the local Conservation Authority (CA), Parks Canada (PC), OMNR and/or Fisheries and Oceans Canada - Canadian Coast Guard, as necessary, for advice on how to proceed.
3. Note that a proposed undertaking that will block or restrict fish movement, whether temporarily (Category B) or permanently (Category C), may require authorization and/or approval under the *Fisheries Act* and/or *Navigable Waters Protection Act* and review under *CEAA*. Proponents should contact the local Conservation Authority (CA), Parks Canada (PC), OMNR and/or Fisheries and Oceans Canada - Canadian Coast Guard, as necessary, for advice on how to proceed.
4. In addition to having regard to the Ontario *Planning Act*, it is necessary to comply with all applicable acts, regulations, policies, plans, by-laws, guidelines and operational standards of the Federal Government, Provincial Government or Municipal Government.



### **3.0 CATEGORY A UNDERTAKINGS - APPROVED WITHOUT FURTHER EA ACTION**

Undertakings in Category A are minor in scale and have minimal or no adverse environmental effects. These undertakings consist primarily of routine activities such as: administrative, appraisal and legal services, feasibility studies and field research, having no direct physical effect on property; or maintenance, alteration and repair of property, with only minimal or no physical changes. With Category A undertakings, there is no: construction; irreversible site preparation; acquisition or disposition; or change in land use designation. IO, on behalf of MOI, has completed thousands of these undertakings each year.

#### **3.1 Category A Undertaking**

##### **Approved without Further Environmental Assessment Action (Figure 2.1)**

Category A undertakings do not have any EA notice, submission or approval requirements. This Category requires no mandatory contact with other agencies or groups. This Category is deemed approved and no documentation is required. However, if there is the potential for significant net negative environmental effects of any undertaking within this Category, then either mitigation measures should be implemented or the undertaking may be elevated to a higher Category based on the Screening Questions found in Table 2.1, or other considerations. Implementation of mitigation measures or category elevation will be determined by MOI/IO.

#### **3.2 Category A Methodology**

STEP refers to the numbers on Figure 2.1 - "Flowchart for PW Class EA Methodology"

##### **STEP A1: Confirm Category A (Figure 2.1)**

If the undertaking is in Category A, no further EA action is required. The undertaking can proceed, provided that Steps 1-3 (and 4 if applicable) have been followed and there is a Cultural Heritage Evaluation on file with the MOI/IO for the property. If there is no Cultural Heritage Evaluation on file, Part III, Question 6 of the Consultation and Documentation Report must be completed to identify any cultural heritage potential that may be associated with the site. The completion of Part III, Question 6 can also be used to verify that the undertaking will have no effect on the cultural heritage value (including archaeology) of a MOI Cultural Heritage Property and is not subject to the MBS/Ministry of Culture and Communications (MCC) Cultural Heritage Protocol (1991), (now MOI and Ministry of Culture, respectively), in which case a Category B (or higher) level of assessment would be required.

## **4.0 CATEGORY B UNDERTAKINGS - CONSULTATION AND DOCUMENTATION REPORT**

### **4.1 Category B Undertakings**

Undertakings in Category B have some potential for adverse environmental effects. These effects are well understood from a technical perspective and are minor in nature. Environmental assessment requirements for this Category are kept to a level of detail which ensures proper environmental protection. Most of the effects are regulated by existing guidelines, approved policies of client ministries and other agencies, and provincial legislation such as the *Environmental Protection Act*, the *Drainage Act*, the *Planning Act*, the *Building Code Act, 1992* and the provisions of other Class EAs. Hundreds of these undertakings have been completed annually.

For Category B undertakings, consultations must take place with directly affected parties. A seven point, site-specific analysis will be completed that examines municipal official plan and zoning designations, contaminants, Environmentally Significant Areas (ESAs), cultural heritage, servicing capacity, environmental features and socio-economic effects. A record of consultation activities will be kept, issues identified and resolved, environmental effects and any necessary mitigation measures.

Based on the analysis of potential environmental effects and public concern, MOI/IO may voluntarily elevate the undertaking to a Category C or Category D. If public concerns cannot be resolved through discussion, further analysis, or by modifying its proposed undertaking, a Category Elevation or a Part II Order may be requested in accordance with the *EAA*. Further details on a request for a Category Elevation or a request for a Part II Order are provided in Sections 9.2 and 9.3, respectively. The documentation for the EA consists of the Consultation and Documentation Report supplemented by any additional study report as required or a more detailed study report, as outlined in STEP B4.

The first four STEPS have been covered in Section 2.0 (The PW Class EA Methodology) and are as follows:

#### **STEP 1: Identify and Describe Undertaking**

#### **STEP 2: Find Undertaking in Category Listing**

#### **STEP 3: Match Detailed Description in PW Class EA**

#### **STEP 4: Apply Screening Questions (If Required)**

In addition, for Category B undertakings, *Planning Act* approval may be required. While the formal application for *Planning Act* approval should only proceed after it has been confirmed that there will not be any requests for a Category Elevation or a Part II Order, the *Planning Act* process can be initiated earlier to permit the coordination of any common tasks under the planning and EA streams of activity, such as consultation and any common technical studies.

Only those activities that will be part of the undertaking are to be considered. For example, in the disposition of lands, the future use of the lands and any planning or development decisions are not assessed as part of the undertaking to sell or dispose of the lands. The future use of a property intended for disposition will not be considered as part of an undertaking as the future use of the property is not assured at the time of disposition.

Any activities completed as part of the disposition agreement are included as part of the undertaking. Activities completed by the purchaser after the disposition are not part of the undertaking. For example, if a property was severed in order to sell a portion of the property, the severance would be included in the undertaking. The undertaking would not include any activity completed by the purchaser after the property was sold.

While *Planning Act* and EA work may be performed concurrently, approvals under the *Planning Act* can only be exercised following the proper use of the PW Class EA process and the subsequent completion of the appropriate Class EA methodology. At this point the undertaking is approved under the *EAA*.

The written documentation generated by completing the Category B methodology provides a record of the process, analysis, consultation and results of the PW Class EA for the undertaking. The required format and content for the Consultation and Documentation Report are outlined below. The Category B methodology is described below.

## **4.2 Category B Methodology**

STEP refers to the numbers on Figure 2.1 - "Flowchart for MOI EA Methodology".

### **STEP B1: Describe Undertaking**

The undertaking is described based upon the output of STEPS 1-4 of the EA Category Selection process (see Section 2.0). The Category B designation, until it is verified, must be considered "provisional". An important aspect of the Category B methodology is to confirm that Category B is indeed appropriate, and that there is no reason for a Category Elevation to a Category C or to a Category D (i.e., an Individual EA). This is accomplished by performing a seven point site-specific analysis. If it is confirmed that Category B is appropriate, the proponent will then proceed to address any minor impacts identified by the seven point site specific analysis.

Due to the nature of activities of the MOI, the assessment of alternatives to an undertaking is not examined under the PW Class EA process for Category B assessments, except when dealing with the demolition of heritage features. The assessment of alternatives has taken place within another planning framework or policy process by the client agency in the assessment of program needs. Category B undertakings, by definition, have limited environmental effects that are well understood from a technical perspective and are minor in nature (Section 1.3.4). As such, the selection of a preferred alternative can take place outside the PW Class EA process. MOI/IO will identify the planning and approvals process that was used prior to proceeding with the EA for the identified undertaking. This will be identified in the Consultation and Documentation Report under "Discussion of the Review of Alternatives to the Undertaking".

The Consultation and Documentation Report contains a seven point site-specific analysis, as follows:

- 1) Existing land use status, including official plan designation and zoning by-law designations including floodplain zones, specialty croplands and prime agricultural lands (Classes 1-3) (unless designated for development in an Official Plan) and existing land use. In carrying out the site specific analysis, MOI/IO will consider the effects of the undertaking on prime agricultural lands and any resulting change in use or designation.
- 2) Environmental Condition of the Property. This section addresses the environmental liabilities that may be on the property as a result of past uses or adjacent land uses. Traditionally this is done through the completion of a Phase I Environmental Site Assessment and a Phase II Environmental Site Assessment, as necessary.
- 3) Environmentally Significant Areas (ESAs) (see Glossary). Refer to Question 8, Table 2.1. If the answer to this question is yes, then the undertaking is a Category C and should be addressed using the Category C methodology.
- 4) Distinctive environmental features, such as floodplain, high groundwater level, groundwater wells, streams, rivers, natural corridors (e.g., hedgerows), woodlots, wetlands, springs, water bodies, topography, prevailing slope direction, steep slopes, ravines and rock outcrops.
- 5) Servicing capacity of the surrounding infrastructure (roads, water, sewer and drainage) or where on-site servicing is being considered, the feasibility of on-site sewage disposal and access to an adequate supply of potable water.
- 6) Cultural Heritage Resources (see Glossary). Cultural heritage resources include archaeological, built, cultural landscapes, sacred and traditional use sites and cemeteries of cultural significance. All properties with potential heritage concern must be assessed and receive a Cultural Heritage Evaluation.
- 7) Social and Economic Effects. For undertakings that do not require an application under the *Planning Act*, could the undertaking cause long-term changes, beyond existing background variations (based on standard demographic measures), to the social structure or the demographic characteristics of the surrounding community?

## **STEP B2: Description of Environmental Effects, Mitigation and Monitoring**

For the seven point site-specific analysis described in STEP B1, each point should be described in the Consultation and Documentation Report in terms of existing conditions, potential effects of the undertaking and conclusions with respect to mitigation and/or site suitability. This should include descriptions of the standard mitigation measures to be employed, including any potential contributions to rehabilitating and enhancing existing degraded conditions. The requirement for mitigation and monitoring programs will be documented in the Consultation and Documentation Report or attached to the Consultation and Documentation Report as an Appendix.

MOI/IO will consider the effect of the undertaking on the cultural value of Heritage Properties identified in their Heritage Character Statements and use the information and procedures developed pursuant to the Cultural Heritage Protocol agreed to by MOI and the Ministry of Culture.

### **STEP B3: Consult with Directly Affected Agencies and the Public**

A list of interested agencies and parties that may be directly affected by any of the conditions described in STEP B2 is included in Appendix 4. The directly affected parties must be contacted and provided with a written description of the undertaking, its need, purpose, scope and timing, as well as the conclusions of the seven point site specific analysis, including any problems identified and planned mitigation measures.

Depending on the response, there may be a need to provide additional information such as maps, data or copies of the Consultation and Documentation Report; or to schedule a personal meeting, telephone call or letter to deal with the subject in greater depth or perform further analysis or fieldwork.

Following the first contact (or the last contact where more than one contact is undertaken), MOI/IO will provide 30 calendar days for the interested agency or party involved to provide comment.

Where any specific concern is raised, MOI/IO will attempt to resolve the issue through such means as discussion, further research and field investigations, redesign, mitigation measures, etc. If MOI/IO agrees that the issues will not be resolved without a Category Elevation, MOI/IO will assess the project as a Category C. If MOI/IO does not agree to voluntarily assess the project as a Category C, any objector can initiate a request for a "Part II Order" for an individual assessment (see STEP B7).

MOI/IO can proceed with assessing the undertaking using the Category B methodology:

- 1) If there are no concerns expressed;
- 2) All reasonable concerns have been resolved; or
- 3) If there is no Category Elevation.

All written submissions (including electronic submissions) relating to the undertaking must be recorded and kept on file.

For projects which may require any planning approvals under the *Planning Act*, or which may have an impact on the value defining features of a MOI Heritage Property (as identified in its Heritage Character Statement), the definition of directly interested parties will be extended to include local and regional NGOs and special interest groups that may have an interest with the particular issues related to the undertaking under consideration. In the case of the proposed disposition of a MOI property that affects an ESA, for example, parties contacted would include conservation authorities and local naturalist organizations.

If, at this point, it is clear that there will not be any Category Elevation, the application for *Planning Act* approval (where required), can commence.

## **STEP B4: Reporting**

The results of consultation with directly affected agencies and members of the public must be summarized in the "Consultation and Documentation Report". This document will set out the potential impacts identified through the public consultation including a brief description of the issues and concerns raised, and how these were addressed or resolved. This may result in required changes to the information documented in STEP B3. If no concerns were raised during the consultation, this should be noted. A list of the parties contacted during the consultation stage, as well as any meetings that were held, should be attached to the Consultation and Documentation Report as an appendix.

In some cases, the completion of a Category B EA will require the completion of a report such as an Environmental Site Assessment. Any additional documentation will be appended to the Consultation and Documentation Report.

## **STEP B5: Confirmation of Category B**

The Sign-Off Declaration at the end of the Consultation and Documentation Report is to be signed by MOI/IO after careful consideration of the conditions listed in the seven point site-specific analysis, and the undertaking is confirmed as a Category B.

## **STEP B6: Notice of Completion and 30 Calendar Day Review**

MOI/IO will maintain a list of projects for which a Category B assessment has been completed. The list will be posted to allow public access to this information and an opportunity to review the proposed undertaking, project documentation, comments received and resolution of issues. In addition, the Consultation and Documentation Report will also be posted on the MOI/IO website. This will provide an open and transparent process that allows for public input on decisions relating to the approval of the EA and approval for the undertaking to proceed.

Upon completion of the Category B assessment (Consultation and Documentation Report), MOI/IO will post a notice on their website that the EA has been completed and the intent that the undertaking will proceed. Information on the public's ability to request a Category Elevation or request a Part II Order will also be posted on the website until the end of the Notice of Completion 30 calendar day review period.

A Notice of Completion will also be sent to all agencies and parties that have been contacted throughout the consultation on the undertaking. A copy of a sample "Notice of Completion" is found in Appendix 4, Item 6c. A copy of the Notice of Completion is to be sent to the appropriate MOE Regional Director. The list of addresses for the MOE Regional Offices is provided in Appendix 4. After submission of the Notice of Completion, there is a 30 calendar day period to submit a request for a Category Elevation or a Part II Order. After this period, if no request has been received, the undertaking can proceed.

## **STEP B7: "Part II Order" Requests (If Any)**

If there are any objections or requests for a Part II Order to a Category D that cannot be resolved, the "Part II Order" procedures described in Section 9.3 will apply.

## **5.0 CATEGORY C UNDERTAKINGS - ENVIRONMENTAL STUDY REPORT**

### **5.1 Category C Undertakings**

The identification of an undertaking as a Category C is a two stage assessment methodology. The methodology uses the Consultation and Documentation Report to assess the environmental effects and public concern related to the undertaking and to confirm whether the undertaking is in fact a Category C or whether enough information is available to identify the environmental effect, mitigation and monitoring requirements and identify the undertaking as a Category B. If after completing the Consultation and Documentation Report, as described in Section 4.0 of the PW Class EA, the decision can be made that all environmental effects and public concerns have been addressed, the reviewer can identify that the assessment is in fact a Category B. At this time a “Notice of Completion” can be filed as outlined in STEP B6. If the reviewer does not have enough information to assess the undertaking, including mitigation and monitoring, after completing the Consultation and Documentation Report, the undertaking will be identified as a Category C undertaking and an Environmental Study Report (ESR), as described below will be required.

Category C undertakings have greater potential for significant environmental effects.

Category C undertakings require a public consultation program that must be documented in the ESR. Further details on public consultation are found in Section 8.0.

The assessment of alternatives to an undertaking is not, in most cases, an option to be examined under the PW Class EA process. Often the assessment of alternatives has taken place within another planning framework or policy process of the client ministry. In those cases where the assessment of alternatives is not to be addressed under the PW Class EA methodology, MOI/IO will identify the project purpose and rationale for the undertaking. This will be identified on the Consultation and Documentation Report under “Brief Description of Purpose and Rationale”.

The identification of an undertaking as a Category C is provisional using Figure 2.2 - Category Listing Matrix or Table 2.1 - Environmental Assessment Category Identification Table. The confirmation of an undertaking as a Category C will not be complete until the Consultation and Documentation Report has been completed as outlined in STEP C1.

The first four steps have been covered in Section 2.0 (PW Class EA Methodology) and are as follows:

**STEP 1: Identify and Describe Undertaking**

**STEP 2: Find Undertaking in Category Listing**

**STEP 3: Match Detailed Description in PW Class EA**

**STEP 4: Apply Screening Questions (If Required)**

## 5.2 Category C Methodology

STEP refers to the numbers on Figure 2.1 – “Flowchart for the Public Work EA Methodology”.

### **STEP C1: Completion of the Consultation and Documentation Report**

Identifying an undertaking as a Category C requires verification. The required verification relies on the Consultation and Documentation Report to do four things:

- assess potential environmental effects;
- gauge public concern regarding the undertaking;
- decide whether the undertaking falls into Category B or Category C; and
- determine whether enough information is available to identify environmental effects, mitigation, and monitoring requirements.

First, the reviewer refers to the Category Listing Matrix. If the proposed undertaking is labeled as a "Category C" project, the reviewer completes the Consultation and Documentation Report. The category of any undertaking identified as a "C" in the Matrix is provisional until after the reviewer completes the Consultation and Documentation Report. If, after completing the Consultation and Documentation Report (following the instructions in Section 4.0 of this PW Class EA) all environmental effects and public concerns have been addressed, the reviewer may downgrade the undertaking to a Category B. The reviewer must sign Part V of the Consultation and Documentation Report and declare that the assessment is complete and that the undertaking is a Category B Undertaking. At this time a "Notice of Completion" can be filed as outlined in STEP B6. No further assessment is required.

If, however, after completing the Consultation and Documentation Report, the reviewer does not have enough information to assess potential environmental effects, including mitigation and monitoring, the undertaking will be confirmed as a Category C undertaking in Part V of the Consultation and Documentation Report. The PW Class EA methodology for Category C projects will continue with the preparation of an Environmental Study Report (ESR) as described below.

Category C undertakings require a public consultation program that must be designed in STEP C3 and documented in the ESR. Further details on public consultation are found in Section 8.0.

### **STEP C2: Describe Undertaking**

MOI/IO must determine the physical, administrative, spatial, and temporal boundaries of the undertaking. The “Project Outline” for capital projects may provide much of the information required in this step. This information will be used in the assessment to determine the significance of environmental effects based on the extent, duration and magnitude of the potential impact, as well as the environmental components sensitivity to, and ability to recover from, the potential impact. Impacts need to be defined in terms of both ecological and human components.



MOI/IO must describe the undertaking in detail to identify clearly, not only the government agencies and members of the public whom the activity may affect, but also those who may be interested in the undertaking (see Appendix 4).

### **STEP C3: Design Public Consultation Program**

The design of the public consultation program is an important component of the ESR. Additional information on public consultation methods and guidelines is contained in Section 8.0. The consultation program should be based on clearly articulated objectives, proposed consultation methods and a schedule of activities.

Sections 2.3-2.5 of the ESR outline (see Appendix 6) must also incorporate the consultation program contents. Consultation should include the Ministry of Natural Resources when an undertaking involves an ESA or a natural heritage feature. Consultation should include the Ministry of Culture when an undertaking involves a heritage property.

### **STEP C4: Project Announcement (FIRST MANDATORY CONTACT)**

MOI/IO makes a public announcement describing the undertaking and the intention to conduct the project as a Category C.

The announcement, both as a letter of notification and a notice published in a newspaper with circulation throughout the general area in which the undertaking is planned (see Appendix 4, Items 3a and 3b), should include the following elements:

- description of the undertaking;
- location of the undertaking;
- description of the PW Class EA process;
- opportunities for public consultation;
- information on the location and availability of background material relating to the study; and
- name, address and title of a contact person to whom comment should be directed.

The ESR will be announced in the following four ways:

- a posting on the Environmental Bill of Rights (EBR) Environmental Registry;
- a letter of notification to the directly affected and/or interested parties identified in Appendix 4, Item 1;
- a public announcement in at least one newspaper of wide circulation in the study area; and
- a copy of the notification sent to the appropriate MOE Regional Office (see Appendix 4 for addresses).

Additional methods of publicizing the start of the Category C assessment (e.g., telephone calls, door to door distribution, public service announcements, etc.) may be necessary to supplement the above methods of contact.

## **STEP C5: Describe Existing Conditions**

At this point, descriptions of the existing environment that will or might reasonably be expected to be affected, directly or indirectly, by the undertaking will still be general in nature, identifying overall limits and major obstacles or sensitive features. Minimally, the description must include (for details, see the ESR Outline, Appendix 6):

- assessment limits, including geographic, administrative, spatial and temporal boundaries;
- the natural environment, including floodplains, ESAs and distinctive environmental features;
- known or potential environmental liabilities;
- the socio-economic environments, including land use policy designations, prime agricultural lands and cultural heritage resources;
- the built environment, including servicing capacity of surrounding infrastructure and on-site servicing capacity; and
- any other relevant information on existing conditions that MOI/IO has identified during this stage of the procedure.

## **STEP C6: Identify and Evaluate Alternatives**

Due to the nature of the activities of the MOI, the assessment of alternatives to an undertaking is not, in most cases, an option to be examined under the PW Class EA process. Often the assessment of alternatives has taken place within another planning framework or policy process/decision. In those cases where the assessment of alternatives is not to be addressed under the PW Class EA methodology, MOI/IO will identify the planning and approvals process that was used prior to requesting that MOI/IO proceed with the EA of the identified undertaking. This will be identified in the ESR, with a summary of the purpose and rationale for the project.

"Alternatives to the Undertaking" to be examined within the context of the ESR refer to the options that may be considered by MOI/IO or the client agency to address an identified program need. This could be either an operational or capital undertaking. The alternatives to undertakings include: maintaining the status quo; improving the existing facility; dealing with the problem at the source; leasing, exchanging or reusing the facility; commissioning a lease-purchase agreement; or building a new facility. Appendix 5 provides more detailed descriptions of these alternatives. As noted above, the selection of the preferred alternative may be completed outside the scope of the PW Class EA process. The following discussion on "Alternatives to the Undertaking" is only relevant in those cases when the alternative will be assessed within the PW Class EA.

Once alternatives have been identified, selection of the preferred alternative is necessary. While evaluation methods may vary, they should have the common objectives of identifying the alternative that best prevents, mitigates or remedies the effect on the natural, social, cultural, economic and built environments, and their interrelationships. Both positive and negative effects are to be identified and assessed. Impacts on the natural, social, cultural, economic and built environments, and their interrelationships are identified and considered. Mitigation measures and their likely effectiveness in dealing with adverse effects, at all stages of the undertaking, are described and the "net" effect is predicted.

Overall, the approach should consist of a comparative analysis where the positive and negative effects of each alternative are compared and a preferred alternative is selected. Although the evaluation may point to a preferred alternative, the results must be considered preliminary until the information from the consultation process (STEP C7) has been incorporated into the analysis. New information about the environment or public concern may be identified through consultation that was not known to the reviewer at the time the alternatives were assessed.

### **STEP C7: Consult Review Agencies and Public (SECOND MANDATORY CONTACT)**

The method(s) of consultation used for the second mandatory contact will vary. The nature of the undertaking, potential consultation participants, and the characteristics of the study area will influence the choice of method. For example, a method that is suitable for a controversial project in a large urban centre may not be appropriate in the case of small scale undertaking in a remote rural area. The proponent is responsible for selecting consultation methods that are the most suitable for the particular undertaking.

For many Category C undertakings, a Public Information Centre (PIC) or Open House will provide an effective forum for obtaining public input on the identification of the preferred alternative. Open Houses and PICs allow for informal interaction between the proponent and members of the public.

Regardless of the methods used, adequate notice is essential for all consultation opportunities. MOI/IO should issue this notice, both as a letter of notification and a notice published in a newspaper with circulation throughout the general area in which the undertaking is planned, at least 15 calendar days before the event. Its contents will be similar to those of the first mandatory contact, described in STEP C4 above (see Appendix 4, Items 4a and 4b, for sample notification form and announcement). The notification process should be consistent with that described in STEP C4.

MOI/IO must compile and retain on file all input from external participants, whether received at consultation events or through other means (such as telephone calls, briefs, submissions or correspondence). A summary of the key issues and concerns raised during this phase of the consultation and how these issues and concerns were addressed should be prepared.

Changes resulting from any source, either internal (by staff or consultants) or external (by the agencies and public) do not necessarily mean that the process goes back to the beginning. The process may merely feed back to the most recent preceding step that allows MOI/IO to make appropriate changes. MOI/IO then repeats all subsequent steps. The Flowchart for PW Class EA Methodology (Figure 2.1) shows potential feedback loops with broken lines.

### **STEP C8: Select Preferred Alternative**

Once the proponent knows the results of the consultation process they can repeat the analysis in STEP C6 incorporating the results of the consultation process. The outcome of this step should be the identification of the preferred alternative, which becomes the undertaking.

## **STEP C9: Identify and Evaluate Alternative Methods of Carrying Out the Undertaking**

During this step, the proponent assesses alternative methods of carrying out the preferred alternative identified in STEP C6.

First, the proponent must identify alternative methods of carrying out the undertaking. For undertakings involving construction, building addition or alteration of heritage property, alternative methods must address essential features of the property, attempting, wherever possible, to enhance the support of valued natural and cultural heritage.

After identifying alternative methods of carrying out the undertaking, the proponent must compare them, using an evaluation working method that will rank them from "least" to "most" acceptable.

In contrast to the earlier evaluation described in STEP C5, which addressed alternatives to the undertaking, this second evaluation must be more thorough and present detailed reasons for the selection of the preferred method to carry out the preferred alternative. However, as with the earlier evaluation, the objective is not only to avoid impacts, but also to apply, wherever possible, sound principles of environmentally responsible design and development. Standard mitigation measures, if required, must also be considered and "net" effects assessed. Should the undertaking involve building design and construction, the detail in this step will be equivalent to the conceptual design stage of the project.

## **STEP C10: Consult Review Agencies and Public (THIRD MANDATORY CONTACT)**

The purpose of the third mandatory contact is to consult with review agencies and the public on the preferred method of carrying out the undertaking. Participants in the consultation program should be informed as to how public input has been incorporated in the PW Class EA process to date.

As with the second mandatory contact, the consultation method(s) used for the third mandatory contact will vary from undertaking to undertaking. Once determined, these consultation events must be publicized, using notice forms such as those examples found in Appendix 4, Items 5a and 5b. The notification process should be similar to that used in STEPS C4 and C7, although it is not necessary to notify review agencies and members of the public who have indicated that they have no further interest in the undertaking.

## **STEP C11: Select Preferred Alternative Method**

When the results of the consultation process are known, the analysis in STEP C8 is repeated to incorporate the results of the consultation process, and a preferred alternative method of accomplishing the undertaking can be identified.

## **STEP C12: Management Plans and Monitoring Programs**

If the undertaking has the potential to adversely affect the ecological features or functions of an ESA, an Environmental Management Plan (EMP) is necessary, and should be prepared at this stage. If the undertaking has the potential to adversely affect a MOI Heritage Property, a Cultural Heritage Management Plan (CHMP) is necessary and should be prepared at this stage. Depending upon its length, the EMP or CHMP may be incorporated within the ESR text, appended or attached as a separate document. The contents of an EMP are described in Section 7.3 and the contents of a CHMP are described in Section 7.4.

Similarly, if an environmental monitoring plan is considered necessary for the undertaking, it will be developed at this stage and will be incorporated in the ESR. Monitoring plans are most common in situations where construction activity takes place or where hazardous or toxic materials are involved. The need for monitoring is determined through the examination of potential effects and proposed mitigation measures. The purpose and application of a monitoring program is discussed in Section 7.2.

The costs and responsibility for developing and implementing a monitoring program must be clearly set out and approved by the proponent before being presented in the ESR. If the proponent is not to be responsible for all aspects of the monitoring program, this must be established and agreed to prior to writing the ESR.

## **STEP C13: Complete Environmental Study Report**

The ESR provides a record of the process, analysis and results obtained. The required format and content of an ESR are set out in Appendix 6.

While it is not necessary for every Class EA to have the same level of detail and emphasis in each of its chapters, it is important to adhere to the basic format and address the key points under each heading.

The ESR should contain any necessary supporting appendices.

## **STEP C14: Notice of Completion of the Environmental Study Report**

Once the ESR has been completed and is in final draft form, the review agencies and public participants consulted in STEP C7 must be notified by letter to advise them that the ESR has been placed on the public record and is available for a 30 calendar day review. The announcement should also include a notice of an individual's or organization's right to request a Part II Order (see Section 9.3). A copy of the Notice of Completion will also be sent to the appropriate MOE Regional Office and placed in newspapers with circulation throughout the general area in which the undertaking is occurring.

MOI/IO will maintain a list of projects for which a Category C assessment has been completed. This list will be posted on the IO website to allow public access to this information.

The ESR should be kept on public record with MOI/IO, as well as at local libraries and, in some instances, local municipal offices, as applicable. The form and content of the Notice of Completion is presented in Appendix 4, Items 6a and 6b.

### **STEP C15: 30 Calendar Day Review (FOURTH MANDATORY CONTACT)**

This is the 30 calendar day review period. During this time members of the public may review and comment on the ESR.

### **STEP C16: Resolution of Issues and Concerns**

If, after the review period specified in STEP C15, no objections have been received, the undertaking can proceed (STEP C19). If there are significant concerns raised, or shortcomings in the assessment are identified, it is the responsibility of the proponent to contact the objector(s) and resolve the concern(s). A record of all issues and concerns raised will be kept as part of the project file. The record will show how the issue or concern was addressed and whether the matter was resolved between the objector and the proponent. Depending upon the outcome of these consultations, the ESR can proceed to be approved, the ESR may require modification to address the identified concerns or the objector may request a Part II Order as noted in STEP C14. A Part II Order must be submitted to the Minister within the 30 calendar day review period.

### **STEP C17: Modifications to ESR**

If it is determined that the objections are valid, and it is agreed that the problem can be resolved with a modification to the ESR, the ESR will be modified accordingly and the undertaking can proceed as modified.

### **STEP C18: Part II Order Resolution**

If a Request for a Part II Order under the *EAA* is received by the Ministry of the Environment, the Minister will make one of the following decisions:

- deny;
- deny with conditions;
- refer the matter to mediation; or
- order to comply with Part II.

Further information on the Part II Order and the Minister's decision is provided in Section 9.3.

### **STEP C19: Project Implementation**

Once the PW Class EA process is complete and no Part II Order requests have been received, or the Minister has made a decision about Part II Order requests, the MOE will be advised. The form used for this purpose is provided as Item 7 in Appendix 4. This form indicates that the PW Class EA process is complete and that the project has been carried out in accordance with the PW Class EA. The undertaking may proceed as planned.

## **Revisions and Addenda to the ESR**

In some cases, due to unplanned events and delays, or the need for modifications (see STEP C7 in Section 5), it may be impossible to carry out an undertaking as defined in the ESR. Any resulting design changes must be assessed by the proponent and the findings submitted as an “Addendum to the ESR”. The Addendum must include justification for these changes, their implications, and any new mitigation measures. The procedure for submitting an Addendum for public review is as follows:

- The public must be notified that an Addendum is being submitted. The notice should be published/distributed in the same manner(s) and location(s) as the original notices, and include an explanation of the process and of the right to request a Part II Order;
- The Addendum must be placed on the public record in the same location(s) as the original ESR, and copies filed with the MOE Environmental Assessment and Approvals Branch (EAAB), and distributed to all members of the public and review agencies participating in the assessment;
- All comments subsequently received from these parties must be incorporated, as appropriate, into the addendum document.

## **6.0 CATEGORY D UNDERTAKINGS - INDIVIDUAL ENVIRONMENTAL ASSESSMENT**

Undertakings in this Category have the potential for significant and undetermined environmental effects, or public concern, and must follow an Individual EA procedure. The decisions leading to the classification of undertakings as Individual EAs are complex and are unrelated to the undertaking's size or cost alone. Often, controversial processes, land uses, waste streams or negative public perceptions are associated with this type of undertaking.

### **STEP D**

Category D undertakings call for an Individual EA, which is beyond the scope of this document. Descriptions of the methodology and documentation requirements are available from the Ministry of the Environment. Please contact the Ministry of the Environment at:

Ontario Ministry of the Environment  
Environmental Assessment and Approvals Branch  
Floor 12A, 2 St. Clair Avenue West  
Toronto, Ontario  
M4V 1L5  
Phone: 416-314-8001  
Fax: 416-314-8452  
Website address: <http://www.ene.gov.on.ca>



## **7.0 MITIGATION AND MONITORING**

Mitigation is the process of avoiding, eliminating, offsetting or reducing to an acceptable level the potential impacts of an undertaking. It can also include rehabilitation or enhancement, where feasible. With some projects, monitoring of project effects may also be required in order to verify the effectiveness of the mitigation measures, or to verify the predicted impacts. Section 7.1 deals with mitigation, while Section 7.2 addresses monitoring. In addition, Section 7.1.3 provides a list of typical guidelines and references that may be useful to a proponent in the design of mitigation and monitoring programs for any individual undertaking.

### **7.1 Mitigation**

The best approach to mitigation is a pro-active one. This involves identifying potential project impacts very early in the planning process (typically, during the preliminary design stage) and avoiding them, or building a solution into the design from the start, so that no further mitigation measures are required. For example, where there are early indications that a site may require a substantial amount of mitigation or mitigation measures may not be practical for a variety of reasons, it may be advisable to consider alternative sites. In addition, the rehabilitation of environmentally degraded conditions, which may happen to exist on a site prior to the undertaking, is encouraged. In cases where impacts cannot be avoided, additional mitigation measures may be required to minimize or offset these impacts. These measures will be applied during the construction and/or operations phases.

All mitigation measures must be clearly documented in the Consultation and Documentation Report for Category B projects and in the ESR for Category C projects.

#### **7.1.1 Typical Mitigation Measures**

Generally, mitigation measures may include modifications to the project design, modification to the process or outputs of a facility or other measures to minimize impacts.

The approaches to environmental protection which may be considered for an undertaking may be determined from sources such as:

- government environmental policy documents;
- manuals, guidelines and standards prepared by government agencies and the proponent;
- standard environmental “good practice”;
- consultation with government agencies, the public and interest groups; and
- project-specific approaches developed by the proponent.

Section 7.1.3 provides a list of typical guidelines and references that may be useful for a proponent in developing mitigation measures specific to a particular undertaking.

Examples of typical mitigation measures include:

- employing noise and dust control measures to minimize disruption to adjacent residents;
- the use of buffers and setbacks to avoid disturbance to wooded areas and water crossings;
- the use of sediment and erosion control measures to avoid surface water sedimentation;
- implementation of seasonal constraints on construction to avoid spawning periods for fish;
- planting of native vegetation to replace vegetation that had to be removed;
- notification of adjacent owners of construction scheduling;
- stripping and stockpiling topsoil separate from subsoil;
- avoidance of the heritage resource portion of a site or excavation of an archaeological site by a licensed archaeologist;
- arranging with the local municipality to designate a MOI Heritage Property under Part IV of the *Ontario Heritage Act* before it is sold; and
- refurbishment rather than replacement of windows in a MOI Heritage Property.

### **7.1.2 Mitigation During Project Construction**

Many projects under this PW Class EA will be undertaken by a contractor who has been successful in a competitive bidding process. Contractors differ in their approach to sequence of operation, construction techniques, equipment used and construction schedule. Since the operations of the contractor may have the potential for environmental impact, provisions which indicate what can or cannot be done during specific operations should be included in the construction contract. Unforeseen problems which arise on-site should be addressed, and the proponent must act to ensure that changes to the contract do not cause negative environmental impacts.

Staff responsible for inspecting the contractor's work must be made aware of such provisions in order to ensure compliance during construction. The proponent is responsible for ensuring that site inspectors enforce compliance with the environmental provisions.

### **7.1.3 Typical Guidelines and References**

The following is a list of typical guidelines and references that may be useful for a proponent, many of which can be found on the respective ministry's websites:

- *Ontario Planning Act*;
- Provincial Policy Statement;
- Ministry of Agriculture, Food and Rural Affairs, Information on Best Management Practices, Water Quality, Supply, Drainage and Irrigation;
- Ministry of Agriculture, Food and Rural Affairs, Integrated Pest Management – Best Management Practices Series;
- Ministry of Culture, Standards and Guidelines for Consultant Archaeologists (currently in Draft)
- Ministry of Culture, Designating Heritage Properties, A Guide to Municipal Designation of Individual Heritage Properties Under the Ontario Heritage Act;
- Ministry of Culture, Heritage Conservation Districts: A Guide to District Designation Under the Ontario

Heritage Act;

- Ministry of Culture and Ministry of the Environment, Guideline for Preparing the Cultural Heritage Resource Component of Environmental Assessments;
- Ministry of Culture, Archaeological Assessment Technical Guidelines: Cultural Heritage Resource Conservation in the Ontario Land Use Planning Process, Stages 1-3 and Reporting Format;
- Ministry of Culture, Conserving a Future for Our Past: Archaeology, Land Use Planning and Development in Ontario;
- Ministry of Culture et al, The Discovery of Human Remains Best Practices Document (as ratified by First Nations Burial Committee of Toronto; Toronto Police Services; Heritage Operations Unit of Ministry of Culture; Cemeteries Regulation Section of Ministry of Consumer and Business Services; Ministry of Transportation; Office of the Chief Coroner);
- Ministry of the Environment, Records of Site Condition, A Guide on Site Assessment, the Cleanup of Brownfield Site and the Filing of Records of Site Condition;
- Ministry of the Environment, Guidelines for Use at Contaminated Sites in Ontario;
- Ministry of the Environment, Guidelines - Noise Assessment Criteria in Land Use Planning;
- Ministry of the Environment, Stormwater Management Practices, Planning and Design Manual;
- Ministry of Natural Resources, Environmental Guidelines for Access Roads and Water Crossings;
- Ministry of Natural Resources, Alternative Water Crossing Structures;
- Ministry of Natural Resources, Guide to Stewardship Planning for Natural Areas;
- Ministry of Natural Resources, Integrating Water Management Objectives into Municipal Planning Documents;
- Ministry of Natural Resources, Potential Impacts of Hydroelectric Development on Aquatic Environments;
- Ministry of Transportation, Stormwater Management Requirements for Land Development Proposals;
- Ministry of Transportation, Drainage Directives;
- Ministry of Transportation, Environmental Guidelines for Reference for Highway Design;
- Ontario Provincial Standards for Roads and Public Works;
- Hydro One, Environmental Guidelines for the Construction and Maintenance of Transmission Facilities;
- Ontario Realty Corporation Heritage Management Process Handbook, 2007.

Conservation Authorities and local municipalities should also be contacted for other relevant guidelines and references.

The proponent should confirm with individual ministries and agencies which guidelines and references are applicable to an undertaking, as well as whether the document noted here is the most current. This list is not intended to be comprehensive and may not be up to date. Current and additional information can be found on the websites of the relevant ministries.

## 7.2 Monitoring

### 7.2.1 Purpose and Application of Monitoring Programs

Monitoring is a component of an overall impact management plan. If monitoring is not consistently carried out on all projects, a true sense of the effectiveness of mitigation measures cannot be gained. Monitoring activities should be appropriate for each undertaking and the effects and mitigation measures that are being monitored. Monitoring programs may be required over several years. Monitoring should determine such things as: whether the predicted/anticipated environmental effects occurred; whether mitigation measures were responsive; and whether unanticipated environmental effects occurred, for each particular project.

There are essentially two components to monitoring of PW Class EA projects: i) development of the monitoring program, and ii) implementation of the monitoring program. MOI/IO is responsible for the development of the monitoring program for each PW Class EA project. However, the responsibility for implementing a required monitoring program to ensure protection of environmental resources could be transferred to the purchaser, in cases where the undertaking is the disposition of property. The purchaser would also be responsible for providing reports documenting the results of the monitoring program to MOI/IO for placement in the PW Class EA project file.

Specifically, monitoring has several purposes, including:

- to ensure compliance with commitments made in the EA;
- to establish how well the predictions made during the assessment period reflect what really happens during implementation; and
- to evaluate the effectiveness of mitigation measures.

If monitoring indicates that mitigation measures have not been as effective as anticipated, modifications to existing mitigation measures or new measures may be required. If this is the case, changes to mitigation measures should be documented.

In the monitoring section of the Consultation and Documentation Report or the ESR, the proponent must either state specifically that a monitoring program is unnecessary and give reasons for this, or must propose a monitoring program and document it in the Consultation and Documentation Report or the ESR. The proponent should:

- define the objectives of the monitoring program;
- identify which parameters will be monitored during construction and operational stages of the undertaking;
- outline the schedule of monitoring and reporting;
- describe the location of monitoring stations;
- describe the data collection methodology;
- describe the approach to analysis and evaluation; and
- describe the format, content of and specific responsibility for documenting the results of the monitoring program.

The documentation must be filed according to the schedule provided in the Consultation and Documentation Report or the ESR. The documentation should consist of a record of events, conclusions drawn and

recommendations regarding the compliance with, and likely effectiveness of, the proposed mitigation measures. This document can be submitted in stages, in conjunction with the completion of major components of the undertaking, such as following construction or the commencement of operations/occupancy.

All monitoring activities should be well documented in the Consultation and Documentation Report for Category B projects and in the ESR for Category C projects.

Monitoring of the effectiveness of the PW Class EA process and compliance with the PW Class EA are addressed in Section 9.8.

### **7.2.2 Construction and Operations Monitoring**

At a minimum, monitoring during the construction period of a project should address the following:

- handling, use and storage of construction materials;
- operation, servicing and storage of construction equipment, fuels and lubricants;
- activities of construction crews in and around the site and the management of sanitary facilities for construction crews;
- post-construction clean-up, including rehabilitation of "borrow" pits and erosion prone areas; and
- impacts of the facility under construction.

Monitoring during the operational period involves the assessment of "good housekeeping" practices, effluent and waste management and maintenance. It may also include assessments of the effectiveness of mitigation measures where identified ESAs are involved.

## **7.3 Environmental Management Plans**

An Environmental Management Plan (EMP) is a site-specific report, which in the context of the PW Class EA, is prepared as a part of the ESR process (i.e., a Category C project). Depending upon its length and contents, the EMP may be: incorporated into the text of the Consultation and Documentation Report or the ESR; contained within an appendix; or attached as a separate report. An EMP will be required if it is determined, through previous studies, that a proposed undertaking may potentially have an adverse effect on the ecological features or functions of an ESA. The ESA may be located on the property adjacent to the undertaking. If this is the case, impacts on this ESA should be considered.

The EMP must provide specific guidance as to how the adverse effect will be assessed and managed, dealing with such topics as vegetated buffer zones, water quality, soil management, noise, air quality, habitat and access restriction.

The EMP is intended to be a focused document, providing greater detail on mitigation and monitoring measures to be implemented to reduce impacts.

The EMP must include a detailed description of the ESA, a large-scale plan of the ESA and a key plan locating the ESA within the overall site or environs, where applicable. In addition it must:

- discuss each major environmental component of the potential adverse impact in terms of probable cause and effect, proposed remedial measures and implementation schedule for these measures; and
- identify the responsible parties for the execution of environmental management measures, compliance monitoring, documentation and costs.

#### **7.4 Cultural Heritage Management Plans**

A Cultural Heritage Management Plan (CHMP) is a site-specific report which deals with the cultural heritage features of a given property. Depending upon its length and contents, the CHMP may be: incorporated into the text of the Consultation and Documentation Report or the ESR; contained within an appendix; attached as a separate report; or required to be produced at a later date (as mitigation for undertakings that may result in the requirement for planning or other approvals at a later date). An CHMP will be required if it is determined, through previous studies, that a proposed undertaking may potentially have an adverse effect on a MOI Heritage Property. The CHMP must provide specific guidance as to how the adverse effect will be avoided, dealing with such topics as features, qualities and relationships defining the heritage value of the property as identified in its Heritage Character Statement, the continuity of statutory protection of its heritage value, and public retention of its heritage information and site record. In addition, it must identify the party(s) responsible for carrying out and paying for mitigation and compliance monitoring, and set out documentation requirements for these activities.

## **8.0 PUBLIC CONSULTATION**

Effective public consultation is an integral component of an EA. This section contains an overview of the public consultation process for the PW Class EA. Specific details on the public consultation procedure for Category B undertakings - Consultation and Documentation Report, are provided in Section 4.0 while further details for Category C undertakings - Environmental Study Report, are provided in Section 5.0. Category A undertakings may proceed without formal contact with the public.

### **8.1 Definition of Public Consultation**

Public consultation can be defined as the process by which interested and/or affected individuals and organizations both receive information on the proposed undertaking and provide input into the decision-making process. The overall purpose of public consultation is to provide opportunities for members of the public to contribute to and influence decisions relating to a particular undertaking. Public consultation programs offer a mechanism through which many different and competing views about an undertaking can be identified and resolved.

Public consultation involves a two-way flow of information between the proponent and those that may be interested in or may be affected by an undertaking. It is incumbent upon the proponent to provide accurate and understandable information to those being consulted, in order to establish a basis for informed and useful public input.

When conducted in advance of key decisions, public consultation can result in the identification of innovative ideas and perspectives, often leading to an improved undertaking. An effective consultation program can also provide a forum for identifying and resolving issues or concerns between the proponent and affected parties before final decisions are made and formal approval is sought. While it is not always possible to achieve consensus among all parties on every issue, it is quite likely that the issues of concern can be substantially reduced, allowing the proponent and external participants to focus their efforts on resolving the outstanding issues.

### **8.2 Legislated Requirement for Public Consultation**

The *EAA* requires proponents to consult the public, as part of their planning process. A proponent is also required to document both the consultation program itself, as well as the results of the consultation program.

### **8.3 Defining the Public**

There is no single "public", but rather a number of "publics" that may wish to participate in a public consultation program. The identification of potential participants in a public consultation program should be undertaken at an early stage in the EA process. In the context of the PW Class EA process, public consultation generally entails some degree of interaction with the following:

- The General Public: individual members of the public who may be affected by or interested in a particular undertaking;
- Non-government Organizations (NGOs) and Special Interest Groups: public and private interest groups whose mandate or interest pertains to the undertaking;

- **Aboriginals:** Aboriginal organizations, as well as individuals, either living in the vicinity or having an interest in the undertaking;
- **Government Review Agencies:** municipal, provincial and federal government agencies that have an interest in an undertaking, and/or which have been designated to review EA documentation. A list of typical review agencies is included in Appendix 4; and
- **The Client Agency:** the agency requiring the services of the MOI/IO.

#### **8.4 Methods of Public Consultation**

There are a variety of techniques that can be used to consult with the public including:

- open house;
- public information centre;
- workshop;
- public advisory committee;
- kitchen roundtable discussions;
- review of draft documentation and request for comments;
- interviews;
- newsletters and project updates;
- telephone hotline;
- web-based consultation; and
- surveys and questionnaires.

The consultation method(s) selected for a particular undertaking depends on a number of factors, including the nature of the undertaking, potential participants, stage in the EA process and the characteristics of the study area. More "interactive" techniques (such as open houses or public meetings) are typically used to consult with the general public and special interest groups, while government agencies are generally involved in the review of draft documentation.

#### **8.5 Guidelines for Consultation**

The following are guidelines to be considered in developing and implementing public consultation programs:

- 1) Initiate public consultation as early in the EA process as possible, ideally at the point where meaningful information on the project can be provided.
- 2) Ensure that there is a range of consultation opportunities so that all interested parties have a chance to participate.
- 3) Ensure that project information is made available in a timely manner and that there is adequate time provided to review and respond to project information. A proponent should also ensure that adequate and timely notification is given for consultation events.
- 4) In cases where disagreement or conflict arises, consider the use of alternative dispute resolution methods such as mediation to resolve issues.



- 5) Objectives for public consultation should be established at the outset of the EA planning process. Clearly articulated objectives help to provide a strong foundation for the design and implementation of a consultation program. In addition, potential participants must be informed as to how their input will be incorporated in the planning process.
- 6) The proponent should be flexible in implementing a public consultation program and in conducting consultation events. With certain undertakings, it may become apparent that additional consultation methods should be used, such as in the case of an undertaking which generates a high degree of public interest. Proponents should also be prepared to alter the format or agenda of consultation events should this be determined to be desirable.
- 7) It is the proponent's responsibility to ensure that proper notice is given for all consultation opportunities and that adequate time is provided for members of the public and government agencies to review EA documentation. MOI/IO will assume that the 30 calendar day review period will apply in most circumstances. This 30 calendar day review period could be extended in circumstances where substantial outstanding issues are confirmed.
- 8) Background or study-related materials which are prepared for review by the public, such as newsletters or background papers, should be written in clear and concise language in order to facilitate useful and informed feedback.
- 9) A commitment by the proponent to listen to and record issues as they are raised is vital to the success of any public consultation program. Concerns raised by members of the public and review agencies must be treated seriously and be fully documented. Where possible, issues should be recorded using the same terminology as the person who raised them and circulated to participants for review and comment.
- 10) Consultation activities concerning MOI realty undertakings must comply with the *French Language Services Act*, as applicable.
- 11) For certain undertakings, there may be both *EAA* and *Planning Act* public consultation requirements. Every possible effort should be made to combine the two consultation programs, as well as any associated notification, reporting and documentation, where this is in compliance with the applicable legislation. To initiate such a combined program, the proponent should convene a coordination meeting early in the study process, including the relevant study personnel and provincial and municipal officials, to define a common schedule and agenda for public notifications and consultation sessions, as well as details of technical activities and documentation which could achieve the requirements of both Acts.

## 8.6 Public Notices

Public Notices will provide details about upcoming public meetings, information centres or workshops or advise of the availability of project documentation for review and comment.

The following should be considered for inclusion in Public Notices:

- name and address of proponent;
- a brief description of the undertaking, along with a rationale for the undertaking;

- a map showing the location of the undertaking;
- reference to the project following the requirements of this PW Class EA;
- details of when and where consultation events will be held;
- details of when and where information will be available to the public;
- name and contact information for person to be contacted for questions or comments;
- date by which input or comments are to be received by the proponent; and
- advise of the public's right with regard to the provisions to request a Part II Order, including the date by which the request must be received by the Minister and the address of the Minister.

## **8.7 Resolution of Conflicts and Disputes**

In cases where there are disputes or conflicts related to the undertaking or certain aspects of the undertaking, it is advisable for the proponent to work with the concerned party(s) to resolve these issues. The following outlines some approaches for resolving conflicts and disputes.

### **Facilitation**

Facilitation involves a third party to assist in the discussion of issues and concerns among the participants and to assist in arriving at mutually agreeable solutions. Facilitation refers to a flexible approach that encourages the open exchange of ideas and opinions. Facilitation requires listening carefully to hear what a person is really saying, ensuring others are receptive to what is being said, and encouraging all sides to work cooperatively in developing solutions. In some cases, facilitation may result in a consensus. In other cases, facilitation may at least result in a narrowed list of issues that remain to be resolved.

### **Negotiation**

Negotiation is possible when all sides want resolution of the outstanding issues and are willing to engage in negotiations. A third party is not always necessary but may be helpful in assisting the proponent and interested parties to form their own positions and responses to what the other is proposing.

Negotiations often require those in dispute to consider trade-offs and compromise. Effective negotiation results in proponents and interested parties arriving at mutually agreeable solutions.

### **Mediation**

Mediation may be required when the proponent and participants have reached the point where no further discussion is possible without the intervention of a neutral third party. Mediation is a process designed to facilitate parties to reach a consensus on how to resolve a dispute or conflict. This approach is used when the affected parties are willing to work together to try to reach a solution. Mediation is most successfully used when there are few parties and where there is a likelihood of reaching a consensus on an issue.

### **Arbitration**

Arbitration is a technique involving a neutral third party, acceptable to all sides, who is retained to hear the positions of those in dispute and then issue a decision that resolves the conflict or dispute. The decision of

the arbitrator is binding on all parties involved in the arbitration. Arbitration is a formal conflict resolution process and is used only when the proponent and interested parties cannot arrive jointly at an acceptable resolution. However, any decision of the arbitrator must comply with the requirements of the *EAA*.

## 8.8 Consultation with Aboriginal Peoples

The MOI/IO undertakings may affect areas traditionally used by Aboriginal peoples, subject to protected treaty or Aboriginal rights, or subject to a land claim. The interests of Aboriginal peoples may be affected by the potential environmental effects of MOI/IO undertakings carried out in traditional use areas. Aboriginal peoples in the area of a proposed undertaking should be identified and a consultation plan should be devised on a project-by-project basis.

Consultation with Aboriginal peoples should be carried out for all undertakings where they may be potentially affected. Aboriginal peoples within an area that may be affected by a proposed undertaking should be contacted at the outset of the project, with additional opportunities throughout the assessment, as appropriate. Consultation should commence at the time of the initial project notification, and if required, a consultation program should be developed to address the interests of affected Aboriginal peoples.

Where Aboriginal peoples are located in an area that may be affected by or have an interest in the proposed undertaking, methods of consultation should be designed with the participation of the Aboriginal peoples potentially affected.

Useful contact and related information can be found at the following websites:

Organization	Website Address	Useful Information Provided
Ministry of Aboriginal Affairs	<a href="http://www.aboriginalaffairs.gov.on.ca">http://www.aboriginalaffairs.gov.on.ca</a>	Ontario's New Approach to Aboriginal Affairs (Spring 1995) Information on land claims Land Claim fact sheets Links to websites pertaining to Aboriginal affairs
Indian and Northern Affairs Canada	<a href="http://www.ainc-inac.gc.ca">http://www.ainc-inac.gc.ca</a>	First Nation profiles Information on land claims Treaty information Agreements
Chiefs of Ontario	<a href="http://www.chiefs-of-ontario.org">http://www.chiefs-of-ontario.org</a>	Tribal Council and District Chiefs contact information
First Nation Information Project	<a href="http://www.aboriginalcanada.com/firstnation/dirfnont.htm">http://www.aboriginalcanada.com/firstnation/dirfnont.htm</a>	First Nation directory for Ontario
Ontario First Nations Technical Services Corporation	<a href="http://www.ofntsc.org">http://www.ofntsc.org</a>	Map of Ontario's First Nations Ontario First Nations and Tribal Council affiliation contact information

Constitutionally protected treaty and Aboriginal rights may apply to provincial Crown lands. A project may affect constitutionally protected Aboriginal rights. Any environmental impact that may interfere with or infringe on these rights has to be justified. In cases where there is a potential for undertakings to affect treaty or Aboriginal rights, consultation would be undertaken to address Aboriginal peoples concerns.

Land claims may affect Crown lands, as well as other lands. MOI should contact the relevant Aboriginal community to determine whether there is a land claim. If a land claim issue has been identified, the Ministry of Aboriginal Affairs may be contacted for information and advice on claims against Ontario. Similarly, Indian and Northern Affairs Canada (INAC) may be contacted regarding claims against Canada.

## **9.0 REGULATORY PROVISIONS**

This section describes regulatory requirements and procedures applicable to the PW Class EA. It deals with time limits for phase-in and approvals; request for a Category Elevation; Request for a Part II Order; integration with the *Planning Act*; hearings and other applicable legislation; acquisition and optioning of land; proponenty, transferability of PW Class EAs and other approvals under the *EAA*; monitoring, evaluation and reporting; and amendment procedure for the PW Class EA.

### **9.1 Time Limits for Phase-In and Approvals**

#### **9.1.1 Phasing-In of the MBS Class EA**

Any approval under the former MBS Class EA (1992) document will continue to apply to Category B undertakings for which a Consultation and Documentation Record has been filed in the proponent's records and Category C undertakings for which a Notice of Completion has been issued.

From the date of approval of this Class EA until six (6) months thereafter, the proponent may continue to use the former (1992) Class EA or this Class EA.

If the Class EA process to evaluate an undertaking has commenced within six (6) months from the date of approval of this Class EA, pursuant to the procedures of the former MBS Class EA (1992), then from the date of approval of this Class EA until two (2) years thereafter, the proponent may continue to use the former MBS Class EA (1992). For greater clarity, "commenced" means commencement of STEP B-6B for Category B undertakings and completion of STEP C-7B for Category C undertakings.

If the Class EA process for Category B undertakings or Category C undertakings under the former MBS Class EA (1992) has not been completed for an undertaking within two (2) years of the date of approval of this Class EA, the proponent must recommence the process under this Class EA. For the purpose of subsection 9.1.1, the process for the former MBS Class EA (1992) is completed for Category B undertakings when a Consultation and Documentation Record has been filed in the proponent's records and for Category C undertakings when a Notice of Completion has been issued.

Minor amendments were made on September 11, 2008, and the approval of these amendments does not alter the approval date of the Class EA in 2004 for the purposes of this section.

Given that amendments to this Class EA 2008 are minor and administrative in nature and are not anticipated to impact on Class EA work currently underway, these amendments will come into effect upon approval by MOE.

### **9.2 Request for a Category Elevation**

A person or party with a concern about a particular undertaking should bring this concern to the attention of the proponent as early in the Class EA process as possible. The proponent and the person or party should attempt to resolve the concern. If a concern cannot be resolved through discussions with the proponent, the person or party raising the concern may request, in writing, that the proponent voluntarily elevate the

undertaking to a higher EA Category (i.e., a Category Elevation - elevate a Category B to a Category C or to an Individual EA). If the proponent declines and the person or party wishes to pursue the matter further, they may write to the Minister and request a Part II Order. The procedures for a request for a Part II Order are outlined in Section 9.3.

Ideally, requests for Category Elevations would be submitted to the proponent early in the planning process. This provides the opportunity for the proponent to address and resolve the issues and concerns, or voluntarily elevate the EA Category, before a request for a Part II Order is made. In addition, a request for a Category Elevation prior to a request for a Part II Order allows the proponent to complete the planning exercise and provide the public with a documentation of the process and conclusions.

A Category Elevation is entirely the responsibility of the proponent, while a Part II Order is dealt with by the MOE and the Minister.

### **9.3 Request for a Part II Order**

#### **9.3.1 Definition**

Under the provisions of Subsection 16 of the *EAA*, there is an opportunity under the Class EA planning process for the Minister to review the status of an undertaking in response to issues and concerns raised with respect to the undertaking. Members of the public, interest groups and review agencies may request the Minister to require a proponent to comply with Part II of the *EAA* (which addresses individual EAs), before proceeding with a proposed undertaking. This is known as a Part II Order.

A Part II Order is a request to subject an undertaking to an Individual EA (Category D), if potentially adverse effects are suspected, or serious public concern exists. A Part II Order can be requested by any agency, special interest group or individual. Requests for a Part II Order cannot be frivolous, vexatious nor have the potential of causing undue delay.

The receipt of a formal (written and signed) Request for a Part II Order will effectively stop all irreversible action on the undertaking. The proponent should not make any new land dispositions, or proceed with any other irreversible measures until the Part II Order issue has been resolved.

Members of the public should bring concerns to the attention of the proponent as early in the planning process as possible. However, in order to ensure that the proponent's evaluation of the environmental impacts and the mitigation measures being proposed are fully understood by all stakeholders, members of the public with concerns should be advised not to make a request for a Part II Order until the project planning is complete. A request for a Part II Order must be initiated within 30 days following the production of the Consultation and Documentation Report or the ESR and the issuance of the Notice of Completion.

Areas where a Part II Order may be warranted include:

- inadequacy of the public consultation process;
- basic information gaps;
- narrowness of, or significant omissions to, the alternatives (where included in scope; see Step B1 and

Step C6 for further information);

- unsuitability of the undertaking to the "class" process; and
- potential for significant negative environmental effects that cannot be mitigated.

### **9.3.2 Procedure to Request a Part II Order**

A written request for a Part II Order must be submitted to the Minister within the 30 calendar day review period after the Notice of Completion has been issued. A request for a Part II Order should be copied by the requestor to the proponent at the time of submission to the Minister.

It is recognized that the resolution of concerns directly between the proponent and the person or party raising the concern is preferable to having the Minister make a decision to require the proponent to comply with Part II of the *EAA*.

It is the proponent's responsibility to ensure proper notification to the public of their legal right of review under this PW Class EA (see Public Notices in Appendix 4). Failure to satisfy this requirement may result in the Minister ordering an additional period of public review, with appropriate notification, or could result in the Minister accepting a request after the 30 calendar day review period.

A request to the Minister must be in writing and, at a minimum, must: clearly state that a request for a Part II Order is being made; clearly state the reason(s) for the request; and provide any other relevant information that may be required for the Minister to make a decision. In many cases, the requestor will be asked to provide clarification or additional information once the request is received by the MOE.

MOI/IO will assume that the 30 calendar day review period will apply in most circumstances. This 30 calendar day review period could be extended in circumstances where substantial outstanding concerns are confirmed.

On receipt of a Part II Order request by the Minister, the Minister or the MOE EAAB shall advise the proponent of the receipt of the request. The proponent will be required to make a submission to the EAAB addressing the issues raised in the request for a Part II Order. In some cases, a proponent may feel that all Class EA requirements have been fulfilled but because of the concerns raised, the scale of the project or the environmental effects associated with the project, further review is warranted. In these cases, the proponent can decide to carry out an Individual EA and advise the Director of the EAAB in writing. The Director will then advise the requestor of the Part II Order that an Individual EA is to be done.

Upon receipt of a request for a Part II Order, the EAAB has 45 calendar days to review the information and prepare recommendations for the Minister's consideration. The 45 calendar day period will commence upon receipt of the proponent's response to the Part II Order request and all other documentation required by the MOE in order to review the request, to the satisfaction of MOE.

Requests which are clearly made with the intent of delaying project planning and implementation, or which do not contain a reasonable amount of information, may be denied by the Minister on the basis of being frivolous or vexatious.

If a request for a Part II Order is submitted to the Minister, and prior to the Minister making a decision, MOI/IO may ask, in writing to the MOE, that the review of the request for a Part II Order be deferred in order for the MOI/IO to resolve the issues and concerns with the party that submitted the Part II Order request. MOI/IO may ask for a 30 calendar day deferral. MOI/IO must inform all parties that have submitted a request for a Part II Order that the review of the Part II Order request has been deferred in order to resolve the identified issues.

Where the deferral is being requested by MOI/IO prior to the commencement of the 45-day review period, the 45-day review period will begin the day following the end of the deferral period. MOI/IO will give the EAAB written notification of the deferral period having ended.

Where the deferral is being requested by MOI/IO during the 45-day review period, the review will resume for the remainder of the 45 days beginning the day following the end of the deferral period. MOI/IO will give the EAAB written notification of the deferral period having ended.

After the request is submitted, it is the requester's responsibility to withdraw the request if their concerns are subsequently addressed through further discussions with the proponent. Such withdrawals should be in writing to the Minister and should be copied to the proponent. The Director of the EAAB may accept and may act upon such withdrawals on behalf of the Minister.

### **9.3.3 Minister's Decision**

Upon receipt of a recommendation from the EAAB, the Minister shall consider the request and make a decision within 21 calendar days. The proponent may continue to plan an undertaking but cannot implement it until the Minister's decision has been made.

In considering a request, the Minister shall give consideration to, but not limited to, the following issues:

- extent and nature of public concern;
- potential for significant adverse environmental effects;
- need for broader consideration of alternatives by the proponent;
- nature of the request;
- degree to which public consultation and dispute resolution have taken place; and
- the proponent's compliance with the PW Class EA process.

The Minister shall make one of the following decisions as described in Section 16 of the *EAA*:

#### **Decision 1 - Deny**

There are two options for the Minister to deny the request:

- 1) If the Minister decides to deny the request, the Minister will inform the requester and the proponent of the decision, stating reasons for the decision. The project may then proceed.



- 2) In some cases, the Minister's decision to deny may include certain conditions. The Minister will inform the requester and the proponent of the decision, stating the reasons and conditions. The undertaking may then proceed, subject to any such conditions.

### **Decision 2 - Refer the Matter to Mediation**

Under the provisions of Subsection 16(6) of the *EAA*, the Minister may refer the matter to mediation. In this case, the provisions of Section 8 of the *EAA* will apply.

### **Decision 3 - Part II Order**

If the Minister requires the proponent to comply with Part II of the *EAA*, the proponent and requester will be informed with reasons. The Minister may:

- 1) Set out directions with respect to the terms of reference governing the preparation of an environmental assessment for the undertaking (Subsection 16(2)1 of the *EAA*).
- 2) Declare that the proponent has satisfied such requirements for the preparation of an environmental assessment, as are specified in the order (Subsection 16(2)2 of the *EAA*).

The Part II Order provisions of this PW Class EA apply only to undertakings described in, and to be approved under, this document. These Part II Order provisions specifically do not apply to any undertakings which have been approved, or are about to be approved, under any Individual EA, any other approved Class EA, or any Declaration Order under the *EAA*.

## **9.4 Integration with the *Planning Act***

Some undertakings that are subject to this PW Class EA will also proceed for approvals under the *Planning Act*. These are primarily Category B undertakings which consist, for the most part, of buildings and planning approvals. The planning and approvals processes under the *EAA* and the *Planning Act* should be coordinated and integrated, as long as the intent and requirements of both Acts are met. Integration will streamline the planning and approvals process and improve environmental protection.

Using an integrated approach provides the proponent with increased flexibility, however, it requires that the proponent accurately reflect the needs of the PW Class EA process in the *Planning Act* application. Likewise, the proponent is responsible for ensuring that the planning process under the *Planning Act* meets the intent of this PW Class EA.

Where this document and the *Planning Act* both require a public consultation program for the same undertaking, MOI/IO will attempt to coordinate both consultation programs in one process. When proceeding under an integrated approach, the proponent will document, in the public file for the project, how the intent and purpose of the PW Class EA were satisfied.

MOI/IO will not revisit *Planning Act* approvals unless new information or environmental practices and standards have arisen since the granting of the *Planning Act* approval.

MOI will only invoke “Crown Right” (i.e., the ability of the Crown to divide land under Sections 50 and 53 of the *Planning Act*) to sever property: (a) when it disposes of lands to entities that include government or government-related agencies; (b) when it acquires land for government or government-related agencies; or (c) where requested by the Municipality in which the property is located.

In this context, 'government' and 'government-related' mean, but are not limited to:

- ◆ The Government of Ontario and any ministry or agency thereof;
- ◆ The Crown in right of Ontario and any agency thereof; and
- ◆ government related agencies including:
  - ◆ every municipality in Ontario as defined in the *Municipal Affairs Act*, the *Municipal Act*, and the *Regional Municipalities Act*, including metropolitan, county, regional and district governments, and municipal bodies;
  - ◆ every university in Ontario, every college of applied art and technology and every post secondary institution in Ontario;
  - ◆ every school board as defined in the *Education Act*;
  - ◆ every hospital listed in the Schedule to the Classification of Hospitals Regulations made under the *Public Hospitals Act*, every private hospital operated under the authority of a license issued under the *Private Hospitals Act*, including:
    - Community Health Centres;
    - District Health Councils;
    - Public Health Units;
    - OHIP Offices, and
    - Community Care Access Locations.
- Hydro One Inc. or a subsidiary of Hydro One Inc.; and
- Conservation bodies as defined in the *Conservation Land Act*.

## 9.5 Hearings and Legislation

The Class EA process is a self-assessment process. Therefore, the undertakings in a Class EA are not normally subject to hearings. All undertakings within this PW Class EA are approved, provided that the planning process in the document is followed. However, some of the undertakings in this PW Class EA may be elevated to an Individual EA (Category D), in which case the Minister may refer the application, or part of the application, to the Environmental Review Tribunal for a hearing.

### 9.5.1 Consolidated Hearings Act

Although Category D procedures are beyond the scope of this document, this section provides an overview of the *Consolidated Hearings Act*.

Three other Acts where undertakings proceeding under this PW Class EA may frequently require public hearings are the *Planning Act*, *Expropriations Act* and *Ontario Municipal Board Act*. Where it appears likely that more than one hearing will be required under these three Acts, or any other Acts listed in the *Consolidated Hearings Act*, a consolidated hearing can be requested under the jurisdiction of the Environmental Review Tribunal. In such cases, the issues raised under the individual Acts would be jointly resolved at the consolidated hearing.

### 9.5.2 Other Applicable Provincial Legislation, Regulations, Policies, Plans and Guidelines

In addition to the requirements of this PW Class EA under the *EAA*, MOI realty undertakings must comply with all other applicable legislation. The following are examples of legislation, regulations, policies, plans and guidelines which may apply to MOI undertakings (but are not necessarily limited to):

- Regulations 334, 345 and 347;
- *Environmental Protection Act*;
- *Planning Act*;
- Provincial Policy Statement;
- *Building Code Act*;
- *Endangered Species Act*;
- *Ontario Heritage Act*;
- *Ontario Planning and Development Act*;
- *Ontario Water Resources Act*;
- *Ontario Provincial Parks Act*;
- Ontario Living Legacy Land Use Strategy
- Ministry of Natural Resources, District Land Use Guidelines
- *Cemeteries Act*;
- *Aggregate Resources Act*;
- *Occupational Health and Safety Act*;
- *Drainage Act*;
- *Health Act*;
- *Expropriations Act*;
- *Lakes and Rivers Improvement Act*;
- *Niagara Escarpment Planning and Development Act*;
- Niagara Escarpment Plan;
- Oak Ridges Moraine Conservation Plan;
- *Oak Ridges Moraine Conservation Act*;
- Parkway Belt West Plan;
- *Public Lands Act*;
- *Nutrient Management Act*;
- Minimum Distance Separation (MDS 1 & 2); and
- *Mining Act*.

The above list provides examples only. The proponent must determine which legislation, regulations, policies, plans and guidelines apply. Approvals under the *EAA* must be obtained prior to approvals under any other legislation and regulation.

### 9.5.3 Compliance with French Language Services, Revised Statutes of Ontario, 1990, Chapter F.32

In carrying out its undertakings, MOI/IO must comply with the requirements of the *French Language Services Act*, Revised Statutes of Ontario, 1990, Chapter F.32, as applicable.

#### 9.5.4 Federal Legislation

This section outlines federal legislation that may apply to MOI/IO undertakings.

##### ***Canadian Environmental Assessment Act***

Projects that are subject to this PW Class EA may also be subject to the requirements of the *Canadian Environmental Assessment Act (CEAA)*. Under the *CEAA*, federal departments are required to conduct an EA of certain projects for which they are the proponent, provide funds or lands to facilitate the project, or exercise a regulatory duty that is described in the *CEAA* Law List Regulation, in relation to the project. These are known as "triggers" to the Act. The federal department undertaking the EA is referred to as the Responsible Authority (RA).

The Canadian Environmental Assessment Agency administers the *CEAA* and in doing so provides advice, guidance and training to federal departments, proponents, the public and others related to the implementation and requirements of *CEAA*.

The following provides a brief overview of the *CEAA* requirements. This information is not all inclusive and is provided for information purposes only, to aid proponents in identifying and understanding potential *CEAA* requirements. Copies of the legislation and associated regulations, as well as other helpful reference materials, are found on the Canadian Environmental Assessment Agency's website at: <http://www.ceaa.gc.ca>. The Canadian Environmental Assessment Agency also offers training courses on the *CEAA* and the planning and conduct of EA subject to *CEAA*. Details on these training courses are also found on the Agency's website.

Table A in Appendix 8 provides further details on identifying federal departments who may have an interest in a project subject to this PW Class EA. These departments should be contacted as early as possible in the project planning process. Detailed contact information can be obtained from the Ontario Region Office of the Canadian Environmental Assessment Agency (see below). In addition, Table B in Appendix 8 outlines potential *CEAA* triggers, along with an associated listing of RAs.

Where there is a trigger, the federal RA assesses the project in accordance with the requirements of the *CEAA*. Under *CEAA*, it is the RA's responsibility to establish the scope of the project and the scope of the assessment. Proponents of this PW Class EA, however, may suggest the scope of project and the scope of assessment. The RA may agree or require that additional information or issues be addressed.

An objective of the Canadian Environmental Assessment Agency is to ensure that where a project is subject to both federal and provincial EA requirements, the EA be coordinated and guided by the principle of one project - one assessment. Therefore, for a project that is subject to this PW Class EA, and that also requires an assessment in accordance with *CEAA*, the intent is that one assessment would be undertaken to meet the requirements of both processes where it has merit. The Ontario Region Office of the Canadian Environmental Assessment Agency should be contacted for further details (see below).

While it is often possible to use the ESR prepared under this PW Class EA as the basis for the *CEAA* assessment, it should not be assumed that the ESR will always be sufficient or acceptable in all cases. Some additional information may have to be incorporated, depending on what the RA requires, to meet *CEAA* requirements. The proponent should, therefore, contact the RA early in the process to confirm requirements for the assessment.

In cases where a federal permit or license is required, a trigger may not be confirmed until the later stages of the planning process. Proponents are, therefore, encouraged to contact federal authorities with a potential interest in the project early in the planning process to discuss potential issues related to the environmental assessment.

To determine whether your project is subject to the *CEAA* and to obtain further details on the requirements and implementation of *CEAA*, please contact:

Regional Director  
Ontario Region Office  
Canadian Environmental Assessment Agency  
55 St. Clair Avenue East  
9th Floor, Room 907  
Toronto, Ontario  
M4T 1M2  
Phone: 416-952-1576  
Fax: 416-952-1573  
E-mail: [ceaa.ontario@ceaa.gc.ca](mailto:ceaa.ontario@ceaa.gc.ca)

The two most common regulatory triggers for *CEAA* involve approvals under the *Fisheries Act* and the *Navigable Waters Protection Act*. Further details on these two pieces of legislation are provided in the following paragraphs.

### ***Fisheries Act***

Any works which occur in or near water may require authorization under the *Fisheries Act*. The federal *Fisheries Act* provides protection for fish and fish habitat. Under the habitat provisions of this Act, no person shall carry out any work or undertaking that harmfully alters, disrupts or destroys fish habitat, unless authorized by the Minister of Fisheries and Oceans Canada. Authorization under Section 35(2) of the *Fisheries Act* protects an individual from prosecution under this Act, provided the conditions of the authorization are met. A section 35(2) *Fisheries Act* authorization is a regulatory trigger for an EA under the *CEAA*.

Contact with the Conservation Authority and MNR under provincial regulations may identify the need to contact Fisheries and Oceans Canada. These agency contacts should be made early in the planning process. Information on the *Fisheries Act* and Fisheries and Oceans Canada's Policy for the Management of Fish Habitat are available on the Internet at: <http://www.dfo-mpo.gc.ca/canwaters-eauxcan/>.

It should be noted that Fisheries and Oceans Canada can withhold authorization. Therefore, proponents are urged to address this issue early in the Class EA process.

### ***Navigable Waters Protection Act***

Any project that has the potential to affect the navigability of a navigable waterway requires a permit under the *Navigable Waters Protection Act*. This, in turn, would trigger the requirement for an assessment in accordance with the *CEAA*. To determine whether or not a waterway or watercourse is considered to be navigable, proponents should contact the Fisheries and Oceans Canada- Coast Guard.

## **9.6 Acquisition and Optioning of Land**

Occasionally, MOI may find it necessary to option land, and even less frequently to buy land, prior to completing a project-specific Class EA for the undertaking. However, where site optioning or acquisition does occur prior to or during a Class EA (Category A, B, C) or Individual EA (Category D) process, it is understood that MOI is "at risk" in assuming that the environmental issues or public concern associated with the acquisition of the land and its future programmed use can be adequately addressed. The act of optioning or acquisition may not be used to justify any particular undertaking which may involve the property in question, or be given any standing or recognition in a hearing under the *EAA* with regard to the undertaking. If environmental approval cannot be secured, MOI/IO will have to give up the option, resell the property or find some other more suitable use.

## **9.7 Proponency, Transferability of PW Class EAs and Other Approvals under the *EAA***

### **9.7.1 Responsibilities of MOI/IO**

Where MOI/IO is planning to carry out an undertaking of a type described in the PW Class EA, MOI/IO's responsibilities pursuant to this PW Class EA are as follows:

- 1) MOI/IO will follow the provisions of this PW Class EA where the undertaking is:
  - a) subject to the *EAA* and no other party has obtained, or intends to obtain, an approval, an Exemption Order or a Declaration Order under the *EAA*; or
  - b) for a client ministry/agency whose undertakings are not subject to the *EAA*.
- 2) Where the undertaking is of a type described by a client ministry/agency's approved Class EA or of a type cross-referenced in this PW Class EA to a client ministry/agency's Class EA, MOI/IO shall abide by the provisions of the other Class EA and there will be no further application of the requirements of this PW Class EA.

**NOTE:** If the client ministry/agency does not have a Class EA process or Declaration Order that applies to the undertaking, the PW Class EA would apply.

- 3) Where another client ministry/agency has obtained or intends to obtain an approval or a Declaration Order under the *EAA*, there will be, with the exception of the remainder of this provision, no further application of the provisions of this PW Class EA. An exception to this provision will be in cases of an activity being carried out by MOI/IO for a client ministry/agency whose undertakings have been exempted from the requirement to obtain approval under Subsection 5(1) of the *EAA* by provisions such as 6 and 7 of Ontario Regulation 334/94. This exception is necessary because while Section 6 of the Regulation exempts the undertakings of a number of ministries, the combined effect of Sections 6 and 7 is that for undertakings carried out by MOI/IO on behalf of the listed ministries, MOI/IO is responsible for meeting the requirements of the *EAA*. In those cases, the provisions of paragraphs 1 or 2 above will apply.

Where MOI/IO is carrying out an undertaking in accordance with the preceding paragraph, MOI/IO must:

- obtain written confirmation from the client ministry/agency responsible for meeting the *EAA*'s requirements that the appropriate requirements of the *EAA*, or any applicable approvals or exemptions issued under the *EAA*, have been satisfied and received instruction when MOI/IO may legally proceed with the undertaking; and
- ensure, in addition, through the above written confirmation, that any conditions of approval or exemption issued under the *EAA* with respect to the component of the project that MOI/IO will be undertaking, which is not fulfilled by the other party, can indeed be fulfilled by MOI/IO in the course of its participation.

If these two conditions cannot be met, MOI/IO should immediately contact the client ministry/agency and request it to resolve these outstanding issues before MOI/IO proceeds further with the undertaking.

It is ordinarily assumed that where a client ministry/agency's undertaking must be subjected to an EA prepared in accordance with Part II of the *EAA*, the client agency will carry out the Individual EA.

### **9.7.2 Use of Class Environmental Assessments of Client Ministries/Agencies**

MOI/IO will, in some cases, carry out, in whole or in part, undertakings for client ministry or its agencies (such as Ministry of Transportation [MTO] and MNR) that have their own Class EAs. In such cases, the client ministry or its agency may wish to apply their own Class EA.

When a client ministry or its agency wishes to apply their Class EA/Declaration Order to an undertaking, MOI/IO will follow the procedure outlined below.

- 1) MOI/IO shall obtain written confirmation from the client ministry or its agency that the client ministry or its agency's Class EA/Declaration Order covers the proposed undertaking. The written confirmation should include copies of the relevant provisions in the client ministry or its agency's Class EA/ Declaration Order supporting that position, where appropriate. Alternatively, a client ministry or its agency should include a listing of the relevant provisions.
- 2) MOI/IO will confirm in writing with the client ministry or its agency whether it intends to carry out the Class EA/Declaration Order process or wishes MOI/IO to do so.

- 3) If MOI/IO is to apply the client ministry or its agency's process and the client ministry or its agency has policies and procedures with respect to carrying out its Class EA/Declaration Order, MOI/IO must use such policies and procedures to guide it in the EA work. MOI/IO remains responsible for ensuring that its activities are completed consistent with the client ministry/agency's Class EA.
- 4) If the client ministry or its agency is to carry out its Class EA/Declaration Order, then, once it is done, MOI/IO will obtain written confirmation from the client ministry or its agency that it has met the requirements of its Class EA/Declaration Order. If conditions result from the client ministry or its agency meeting its Class EA/Declaration Order requirements, MOI/IO should obtain copies of all conditions. Additionally, MOI/IO should obtain confirmation that the client ministry or its agency has complied with all such conditions. If the client ministry or its agency has not complied with all conditions, MOI/IO should obtain a complete list of all conditions not complied with. MOI/IO should then ensure that it can meet the remaining conditions when carrying out the undertaking.
- 5) If there are any conditions which cannot be met or if MOI/IO is unable to obtain written confirmation that the client ministry or its agency's Class EA/Declaration Order has been met, the client ministry or its agency will have to resolve the outstanding issues before MOI/IO can proceed with the undertaking.

Item 8 in Appendix 4 provides a form entitled Procedure for the Application of Client Ministry or Agency's Class EA or Declaration Order. This form is to be completed and returned to MOI/IO, and placed in the project file.

### **9.7.3 The PW Class EA and Alternative Service Delivery Providers**

Alternative Service Delivery (ASD) is a term used in government to describe the use of private firms, community or non-profit groups, volunteers or individuals to deliver public services. MOI/IO may use other non-traditional means of delivering services, involving the private sector. For the purposes of this PW Class EA, ASD means out-sourcing to private-sector service contractors, intergovernmental agreements, leasehold agreements and public/private sector partnerships to efficiently provide a given service. Where MOI/IO continues to be the proponent of undertakings delivered through ASD mechanisms, the ASD provider is required to comply with the provisions of the PW Class EA.

### **9.7.4 Policies of Client Ministries/Agencies with Mandated Authority**

Ministries and agencies often have approved policies and procedures for certain types of work, environmentally sensitive features, and unusual structures, etc., for which they have mandated provincial responsibility. If MOI/IO undertakes work for any client ministry/agency, and the undertaking is subject to any such policies and procedures (see Section 9.5.2 for a partial listing), then these will provide guidance for the execution of the work. However, these guidelines do not supercede the provisions of this PW Class EA.

## **9.8 Monitoring, Evaluation and Reporting**

While Section 7.2 addresses monitoring undertaken at a project or site specific level, this section addresses monitoring in terms of: (1) monitoring the effectiveness of the PW Class EA process and conditions of the



PW Class EA; and (2) monitoring compliance with the PW Class EA, including provisions of the PW Class EA and conditions of approval of the PW Class EA. These two components of monitoring will be addressed in an annual report to be prepared as outlined below.

An annual report shall be prepared and submitted to the Director of the EAAB within 90 days of the end of each reporting period (i.e., March 31). The annual report should include, as a minimum:

- 1) A statement of the effectiveness of the PW Class EA in providing an effective and efficient planning process, in protecting the environment and public consultation, among other relevant themes.
- 2) The identification of any amendments to the PW Class EA parent document or changes to proponent's practices and procedures that would serve to improve the PW Class EA itself or its administration.
- 3) The identification of any common problems experienced in the different PW Class EA projects that may suggest a problem in the PW Class EA parent document.
- 4) A statement by the proponent on how they have complied with the PW Class EA parent document and with the terms and conditions contained in the Notice of Approval of the PW Class EA and the *EAA*.
- 5) Action that the proponent has or will be proposing to address problems, deficiencies and non-compliance with the PW Class EA parent document and the terms and conditions contained in the Notice of Approval of the PW Class EA and the *EAA*.
- 6) In the event of an amendment to the PW Class EA, either minor or major, a copy of the Notice of Amendment and any approved amendments to the PW Class EA parent document.
- 7) The findings and recommendations of internal audits or third party audits completed during the course of the year.
- 8) A summary of the percentage of PW Class EA projects planned in accordance with the PW Class EA parent document for which Part II Order requests were made to the Minister and the proponents. Of these, the number and percentages of requests that were granted, denied or denied with conditions and a description of how conditions were met.
- 9) A summary table listing all projects carried out following the PW Class EA parent document and a breakdown by classification and type (i.e., Category B and C). Projects which are "deemed approved" would not need to be reported. This would include routine or emergency operational activities, maintenance activities or administrative activities that have minimal environmental effects. The summary table should include the following information:
  - location of the undertaking;
  - cost of the project (where applicable); and
  - breakdown of how many PW Class EA projects resulted in an ESR submission with dates and places of submission.

In addition, proponents are required to submit to the appropriate MOE Regional Office, one copy of the "Notice of Completion" for each Category B project and the "Notice of Completion of Environmental Study Report" for each Category C project. This will provide a record of projects undertaken within the province for

use during the next review of this PW Class EA. A sample cover sheet to accompany the copy of the Notice submitted to the appropriate MOE Regional Office is provided in Appendix 4.

## **9.9 Review of the PW Class EA**

A review of the PW Class EA will be undertaken every five years from the date of approval to ensure that the document still complies with legislative requirements and planning practices, and continues to satisfy the purpose of the EAA. The Director of the EAAB will be provided with the results of the review. This review will consist of a summary of issues and amendments that arose during the review period, and an account of how the issues and amendments that have been or will be addressed, for approval by the Director of the EAAB. Any revisions, additions, or updates can be made using the amending procedure described in Section 9.10.

## **9.10 Amendment Procedures for the PW Class EA**

The purpose of an amendment procedure is to allow for the modification of the PW Class EA. Proposed amendments may be undertaken to:

- provide clarification of process and procedures;
- amend the planning process to address areas where problems may have arisen; and
- make any necessary modifications following each 5-year review of the PW Class EA.

There may be proposed minor or major amendments to the PW Class EA. Proposed minor amendments are those amendments that do not substantially change the PW Class EA. For example, a change in wording to provide greater clarification would be considered as a minor amendment. Proposed major amendments are those amendments that would substantially change the PW Class EA. An example of a proposed major amendment would include the introduction of new process or methodological requirements.

Users of this PW Class EA should verify with MOI/IO that they have the most current version of the PW Class EA before initiating a project.

### **a) Proposed Minor Amendments**

The following process will be used for proposed minor amendments:

- 1) A party will bring the proposed amendments in writing to the attention of MOI/IO, describing the proposed amendment and providing a brief rationale for the proposed amendment. An amendment can be proposed by any Government ministry or agency, or any member(s) of the public.
- 2) The Director of the EAAB will be notified of the proposed amendment including comments regarding the validity, appropriateness and implications of, and the need for the proposed amendment. These comments will be provided within 30 calendar days of the notification given to the Director. The Director may choose to discuss the proposed amendment.
- 3) Prior to making a decision about the proposed amendment, and if the Director is of the opinion that it is warranted, the Director may require consultation with directly affected ministries, agencies and members

of the public. If the Director finds the proposed amendment necessary and acceptable, a Notice of Proposed Amendment shall be issued on the Environmental Registry. A period of at least 30 calendar days will be allowed for interested parties to comment. Information concerning the proposed amendment will also be posted on the website.

- 4) If consultation is carried out and concerns are raised about the proposed amendment, MOI must demonstrate to the Director's satisfaction that the concerns have been, can be or will be addressed.
- 5) Director's Decision:
  - a) If no consultation was required, the Director shall make a decision to approve the proposed amendment, approve the proposed amendment with modifications, approve the proposed amendment with conditions, or deny the proposed amendment, and shall do so within 60 calendar days of the notification of the proposed amendment by MOI.
  - b) If consultation was required, the Director shall make a decision to approve the proposed amendment, approve the proposed amendment with modifications, approve the proposed amendment with conditions, or deny the proposed amendment, and shall do so within 60 calendar days of the end of the consultation period. The Director will consider any comments received when making a decision.
  - c) If the Director determines that concerns cannot be addressed (through negotiation, conditions of approval, modifications or some other means), or there are other significant outstanding concerns, the Director may declare that the proposed amendment must be evaluated through the major amendment process.
- 6) The Director shall provide notice of the decision to MOI and the requester, if different from MOI, and all persons who submitted comments during the consultation period if one was carried out. A copy of the notice shall be placed in the public record. The Director must state reasons for the decision.

Notwithstanding the above, if it is determined that the Director needs additional time to consider a proposed amendment before making a decision, the Director shall notify MOI.

## **b) Proposed Major Amendments**

The following process will be used for proposed major amendments:

- 1) A party will bring the proposed amendment in writing, to the attention of MOI/IO, describing the proposed amendment and providing a brief rationale for the proposed amendment. An amendment can be proposed by any Government ministry or agency, or any member(s) of the public.
- 2) MOI will bring the proposed amendment to the attention of the Minister or their delegate. MOI shall provide to the Minister, or their delegate, comments regarding the validity, appropriateness and implications of, and the need for the proposed amendment. These comments will be provided within 30 calendar days of the notification given to the Minister, or their delegate, by MOI. The Minister, or their delegate, may choose to discuss the proposed amendment in more detail with MOI.
- 3) Prior to making a decision about the proposed amendment, the Minister, or their delegate, may require that MOI undertake broad consultation with the public and an established Government ministry and agency review team. This consultation will include providing notification to the public on the Environmental Registry and to any potentially affected agency, to request comments on the proposed amendment. A period of 30 calendar days for responses will be provided.
- 4) If consultation is carried out and concerns are raised about the proposed amendment, MOI must demonstrate to the Minister's, or their delegate's, satisfaction that the concerns have been, can be or will be addressed.
- 5) The EAAB will have 45 calendar days to review the proposed amendment, and the results of the consultation, and prepare recommendations for the Minister's, or their delegate's, consideration. The 45 calendar day period will commence after MOI has provided its comments on the proposed amendment to the EAAB, or on the day following the end of the public and agency review period.
- 6) Minister's Decision:
  - a) If no consultation was required, the Minister, or their delegate, shall make a decision to approve the proposed amendment, approve the proposed amendment with modifications, approve the proposed amendment with conditions, or deny the proposed amendment, and shall do so within 21 calendar days of having received the EAAB's recommendation.
  - b) If consultation was required, the Minister, or their delegate, will make a decision to approve the proposed amendment, approve the proposed amendment with modifications, approve the proposed amendment with conditions, or deny the proposed amendment, and shall do so within 21 calendar days of having received the EAAB's recommendation. The Minister, or their delegate, will consider any comments received when making a decision.

- c) In the event that the Minister, or their delegate, determines that there are significant concerns which cannot be resolved through negotiation, conditions, modifications or some other means, the Minister, or their delegate, may declare that the proposed amendment can only be evaluated and dealt with through the submission of a new Class EA.
- 7) The Minister, or their delegate, shall provide notice of the decision to MOI and the requester, if different from MOI and all persons who submitted comments during the consultation period if one was carried out. If the proposed amendment is approved, a Notice of Amendment shall be given to all persons who made submissions and a copy of the Notice shall be placed on the Environmental Registry.

Notwithstanding the above, if it is determined that the Minister, or their delegate, needs additional time to consider an amendment before making a decision, the Minister, or their delegate, shall notify MOI.

### 9.11 Record Keeping

The purpose of this section is to clarify the period in which the documents developed through the application of this PW Class EA will be readily and easily accessible by the public. This section pertains to records kept by MOI/IO and its alternative service delivery (ASD) providers in respect of the consultations that are required for each of the undertakings covered by this PW Class EA. It defines the *minimum* period that records will be made readily available for public review on request and is not intended to limit access.

Nothing in this section is intended to affect, alter, or require separate approval (by the Minister of the Environment) on, MOI/IO's Record Retention Schedule which is subject to the approval of the Archivist of Ontario. Furthermore, the provision of information shall be in accordance with the Freedom of Information and Protection of Privacy Act (FIPPA) and other legislated requirements. What is being proposed in this section is not intended to affect MOI/IO's Record Retention Schedule.

MOI/IO and its ASD providers retain documentation appropriate to each project or undertaking in a project file. Project files are stored at the relevant MOI/IO office (i.e., the office that is responsible for the undertaking) or at the regional offices of the ASD providers. Information on sensitive sites, such as archaeological sites, will be kept confidential.

It is understood that the public will be interested in any information that provides a history of the consultation for the project or undertaking. The documents that will be of interest to the public (and therefore readily available for review) are Consultation and Documentation Reports or Environmental Study Reports, together with any associated letters, memos, and other supporting material.

What this section specifically addresses is the length of time during which these documents will be made readily available for public review. The length of time is linked to significant milestone events associated with the undertakings.

For most undertakings there are events beyond which the undertakings are no longer reversible. In the case of undertakings that involve construction, the mobilization of a contractor's forces on site is a significant milestone event. The commencement of work on a site offers visual and physical evidence of the undertaking. Construction can last for a considerable length of time and reversing the effect of the work after

construction start is very difficult.

Conversely, some undertakings of possible environmental concern have little visual evidence of physical on-site activity. For example, in the case of easements that are registered on title, the conditions of the easement come into effect on the day of its registration on title. The undertaking concludes at the time of registration. When the agreement between the grantee and grantor is signed, it is a legally binding contract. On the date the agreement becomes irrevocable, it is no longer possible to prevent the easement from being registered. The same would apply to property disposition transactions.

For the purposes of this section, it is assumed that public interest in reviewing documents will diminish when an undertaking is completed or becomes irreversible. Given the difficulty of deciding when undertakings become effectively irreversible, it is proposed that the time that documents will be readily available will be based on significant milestone events within each type of undertaking. Based on the above rationale, the start of construction is the significant milestone event for undertakings that culminate in a construction activity. For undertakings that do not involve construction, the significant milestone event is the date the legal agreement governing the activity comes into effect.

The table below specifies the minimum “window” of time for which the documents will be made readily available. It is intended to be read in conjunction with Figure 2.2 Category Listing Matrix and the activity descriptors are intentionally repeated here.

Although the PW Class EA is used to identify the need for an Individual EA (Category D), the process for carrying out an Individual EA is beyond the scope of this document. The Ministry of the Environment defines record-keeping requirements for Individual EAs.

Sections 3.0, 4.0 and 5.0 provide additional information on documentation requirements for Category A, B and C projects, respectively.

**Table 9.1: Minimum Time for which Documents will be Readily Available**

Minimum Time Readily Available	Category B and C Undertakings																						
	Leasing or licensing from	Letting or licensing to	Feasibility Studies	Co-development Agreements	Landscaping	Design services	Building Alter'n. & Restor'n.	Lease Purchase	Easements	Severance	Expropriations	Acquisition	Disposition	Demolition	Decommissioning	Planning Approvals	Sale of Density or Air Rights	Low Voltage Rights	Reconstruction	Building Additions	Construction of New Facility	Relocation (Heritage)	
Six months after effective date of legal agreement	√	√		√			√	√															
Six months after completion of study or design service			√			√																	
Six months after receipt of approval from authority															√								
Six months after acquisition, disposition, or registration on title									√	√	√	√				√	√						
Six months after the start of site activity					√	√								√	√			√	√	√	√	√	√

**APPENDIX 1**

**DETAILED DESCRIPTION OF UNDERTAKINGS AND  
FACILITY GROUPS AND SUBGROUPS IN THE  
CATEGORY LISTING MATRIX**



## **DETAILED DESCRIPTION OF UNDERTAKINGS AND FACILITY GROUPS AND SUBGROUPS**

This section contains the "detailed description of undertakings and facility groups and subgroups", which must be combined in the Category Listing Matrix (Figure 2.2) or with actions cross-referenced in this section to another Class EA, in order to fully describe a MOI/IO undertaking. Where the description of an undertaking or facility is potentially confusing, or requires further comment, it has been defined in this section. Otherwise, there is no definition, and matching of descriptions as described in Step 3 of the Flowchart (Figure 2.1) is not possible. If a matching description is not found, then the Environmental Assessment (EA) Category Identification Table (Table 2.1) must be used to identify the Class EA Category.

### **Interdependence of Undertakings and Facilities**

The PW Class EA does not permit dividing an undertaking into higher and lower category components and then proceeding with the lower category components first, if the higher category components are actually the ultimate use. For example, to subject a Category C access road to an ESR process, and then proceed with the construction, when the road is intended to serve a future Category D custodial facility, would not be permitted. The two facilities are interdependent; without the custodial facility, the access road would simply dead-end in the middle of a field or vacant site and have no purpose. Both access road and custodial facility must be considered one single Category D EA, and be subjected to an Individual EA.

An example of the difference between independent and interdependent undertakings is as follows. If a client agency has a requirement for both a Category B office building, and a Category D treatment centre, and there is no functional relationship between the two facilities except that the ministry would find it convenient to build the two together on one site, the ministry would have the option of combining the two undertakings and proceeding with a Category D assessment from the start, or requesting MOI/IO to proceed with the Category B assessment for the office building alone, and a separate Category D undertaking for the treatment centre at some time in the future. In the latter case, the ministry would be "at risk" for a subsequent Category D approval on the same site, and would have to be prepared for the eventuality that if the second approval could not be secured, it would have to seek another site for the treatment centre. If, however, the ministry was only constructing the office building prior to the treatment centre for budgetary or staging reasons, and knew that when the time came to build the treatment centre, it would have to go on the same site for functional reasons, the undertakings would not be considered independent and there would be only one option - to assess both buildings simultaneously as a single Category D EA.

In determining the category of an EA, it is not feasible to require a proponent to foresee future, unknown uses of the site. Proponents frequently acquire sites larger than their current needs to allow for future, non-specific program expansion. If a client agency requests MOI/IO to build a Category B office building on part of a site, and then decides several years afterward that it would be desirable to construct a Category D treatment centre on the remainder of the site, this is an independent facility. In such cases, however, the proponent is once again "at risk". Environmental assessment approval of the second facility might not be forthcoming, and the proponent might have to find another site for the treatment centre.

## **DETAILED DESCRIPTION OF UNDERTAKINGS**

### **PROPERTY MANAGEMENT AND DEVELOPMENT**

#### **Building Additions**

Construction to increase the size of a “building”, defined as a permanent structure consisting of a wall, roof and floor with a foundation that extends below the frost line and contains a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto.

There may be some cases where a structure does not fall under the definition of a “building” and a planned addition to the structure is of a substantive scale that warrants an evaluation of the potential environmental effects. On a case by case basis, MOI/IO will evaluate such instances using a combination of the EA Screening Questions and a risk management approach. Clear documentation providing the rationale for the categorization (A, B, or C) will be recorded in the project file and will follow all relevant PW Class EA procedures for the assigned category. The construction of multiple structures as additions that are not defined as buildings will similarly be assessed on a case by case basis.

For heritage buildings, refer to the Cultural Heritage Process and Manual of Guidelines for further information.

#### **Building Alteration and Restoration (Interior and Exterior)**

Alteration is the act or process of making an existing resource (or fixture, chattel and/or equipment) different without completely transforming it into something new. An alteration improves the integrity, character, performance or design intent. The modification may be deliberate or accidental, undertaken by commission or omission, and brought about through human or natural intervention. When alteration is brought about by human intervention, alteration activities are usually regulated by the Ontario Building Code. An alteration can result in a change in grade which, when dealing with an archaeological resource, should be avoided.

Restoration is the activity in which a building, structure, site or object is returned to the appearance of an earlier time by removing later material and by replacing missing elements and detail. In any restoration it is critical not to create an appearance that never existed, particularly an appearance that actually pre-dates the building or structure being restored. This process is known as “earlying-up”. With restoration, as with other interventions, the construction of features that were designed but never built is not appropriate.

For heritage buildings, refer to the Cultural Heritage Process and Manual of Guidelines for further information.

#### **Building Maintenance or Repair (Interior and Exterior)**

Building maintenance comprises the regular, routine actions taken to retard the natural deterioration of a resource (or fixture, chattel, and/or equipment). These actions are intended to keep the resource from premature loss due to failure, decline, wear or change attributable to normal use or the effect of natural environment. Such activities are usually conducted on a cyclical basis. The period of action may be hourly, daily, weekly, monthly, seasonally or yearly. Maintenance activities are not regulated under the Ontario Building Code. Maintenance is a proactive kind of intervention.

For heritage buildings, refer to the Cultural Heritage Process and Manual of Guidelines for further information. Building repair is the process of returning a resource (or fixture, chattel and/or equipment) to its prior condition when it has undergone changes attributable to failure, decline, wear, normal use or abuse. A repair action does not alter or enhance the integrity, character, performance or design intent; otherwise it becomes a Building Alteration. Repair is a reactive kind of intervention.

Repair may include patching of existing components using technologically compatible materials and methods; limited repair of in-kind components; and complete replacement of in-kind components when the degree of change it has undergone precludes any type of action. Repair activities may be regulated under the Ontario Building Code.

For heritage buildings, refer to the Cultural Heritage Process and Manual of Guidelines for further information.

### **Co-Development Agreements**

An agreement with a third party for the development of a parcel of land, building or other facility. The third party in most cases is the private sector.

### **Contaminant Search**

The review of a property history to assess its potential to contain substances that are in non compliance to acceptable limits of concentration.

This involves the use of Phase I and/or Phase II Environmental Site Assessments evaluate the environmental state of a property, based on information gathered through literature review, interviews, and physical inspections. Phase I assessments are preliminary investigations intended to identify any potential environmental issues. Depending on the results of the Phase I assessment, a more in-depth Phase II assessment involving a systematic sampling program may be required to confirm the extent of the environmental impacts.

### **Construction of a New Facility**

Construction means to do anything to erect, or construct a “building”, defined as a permanent structure consisting of a wall, roof and floor with a foundation that extends below the frost line and contains a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto.

When planning for the construction on a site of one or more structures that do not fall under the definition of a “building,” and there is a potential that the project may result in negative environmental effect(s), MOI/IO will evaluate the undertaking using the EA Screening Questions in Table 2.1 and follow the requirements of the PW Class EA, where applicable.

For heritage buildings, refer to the ORC Heritage Management Process (2007) for further information.

### **Decommissioning**

The act of closing down a facility, or taking it out of service. Decommissioning does not include any activity or decision leading up to the closure of a facility or program.

## **Demolition**

Demolition means to do anything to remove or deconstruct all or part of a “building”, defined as a permanent structure consisting of a wall, roof and floor with a foundation that extends below the frost line and contains a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto. The deconstruction of part of a building may be evidenced by a reduction in the size of the building footprint or the square footage of a building.

When planning for the demolition on a site of one or more structures that do not fall under the definition of a “building” and there is a potential that the project may result in negative environmental effect(s), MOI/IO will evaluate the undertaking using the EA Screening Questions in Table 2.1 and follow the requirements of the PW Class EA, where applicable.

Demolition of a cultural heritage resource cannot take place prior to the examination of alternatives to the demolition.

## **Design Services**

Professional services for the design of a facility.

## **Feasibility Studies**

Studies done to determine the practicality of a proposed project.

## **Grounds Maintenance**

Any activity for the maintenance of the lands around a building or facility, or the maintenance of vacant property. Maintenance of grounds can include minor repair to landscape items but does not include the construction of new facilities or landscape features. Grounds maintenance cannot include an activity that would alter the cultural heritage resource associated with a property as defined in the Heritage Character Statement.

## **Landscaping**

Any physical alteration of existing grounds, including the practice of laying out and constructing ornamental grounds or grounds imitating natural scenery.

## **Reconstruction**

Reconstruction occurs when a building, site feature or artifact that no longer exists is reproduced with new construction that exhibits the shape, material and detailing (and often construction methods) of the resource as it once appeared. Reconstruction differs from replication in that the original from which the copy is made no longer exists. Authenticity is dependant on the amount of historical and pictorial evidence available for the original resource. Good documentary information is essential in order to justify a reconstruction. There should be an absolute minimum of conjecture.

For heritage buildings, refer to the Cultural Heritage Process and Manual of Guidelines for further information.

### **Relocation - Heritage Only**

The act of moving a heritage building or structure to a different location.

Refer to the Cultural Heritage Process and Manual of Guidelines for further information.

## **REALTY TRANSACTIONS AND APPROVALS**

### **Acquisition**

To take steps to acquire the ownership of land or buildings but does not include real property that escheats to the Crown.

### **Disposition**

To take steps toward the sale, disposal, grant or transfer of title of a property (not containing or affecting any ESAs).

### **Disposition With ESA, to Conservation Body**

To take steps toward the sale, disposal, grant or transfer of title of a property containing or affecting an ESA, to a “conservation body” as defined in the *Conservation Land Act*, R.S.O. 1990, for conservation purposes only, with suitable land use designation.

### **Disposition With ESA, to Non-conservation Body**

To take steps toward the sale, disposal, grant or transfer of title of a property containing or affecting an ESA, to any entity that is not a “conservation body” as defined in the *Conservation Land Act*, R.S.O. 1990.

### **Easements**

Right-of-way or a similar right over a property owned by another party.

### **Expropriations**

Refers to land removed from private ownership by the government.

### **Lease Purchase**

An agreement by which a lease is entered into for the purposes of buying a property, where the lease payments go toward the cost of the property and there is a mandatory and binding agreement to acquire the property at the end of the lease term as the default outcome.

## **Leasing**

In leasing, MOI or a client agency is the tenant, and the other party is the landlord. Category A leasing cannot involve any change in designated land use.

## **Letting**

In letting, MOI is the landlord, and the other party is the tenant. Category A letting cannot involve any alteration to a heritage property or any change in designated land use.

## **Licensing**

Licensing means any non-exclusive grant of use, occupation or access to property that is not a grant of an interest in land. In licensing, MOI can be either the tenant or the landlord. To make this distinction in the Figure 2.2 Category Listing Matrix, "Licensing From" is grouped together with "Leasing", where MOI is the tenant, and "Licensing To" is grouped together with "Letting" where MOI is the landlord.

## **Planning Approvals (Land Development)**

When the term "Planning Approvals" is used in this document, it refers to major approvals under the *Planning Act*, such as rezoning, official plan amendments (change in designated land use), and subdivision and site plan control.

Due to the complexity of land development undertakings, it is not feasible to define a unique action entitled "Land Development" as such. Land development may involve some or all of the major planning approvals described above. It may include servicing components covered by different "groups" of actions, such as construction of main roads, and installation of trunk mains for water, sewerage and drainage. There may be a significant amount of associated feasibility studies, legal work, leasing and letting, and surveying, etc.

On occasion, there may even be some construction of communal or other facilities. Any of these, in unrelated circumstances, may be separate undertakings in their own right. Accordingly, the action "Planning Approvals", which is considered to be the lead action in the development process, is used as the primary reference to land development in this document.

Residential development for MOI usually consists of the following:

- MOI obtains planning approvals for a site, and then leases or sells it to a not-for-profit group, which constructs an assisted housing project;
- MOI obtains planning approvals for a site, and then leases or sells it to a private developer, who builds affordable or untargeted market housing; or
- Any combination of the above on the same site.

## **Sale of Density or Air Rights**

The sale of the right to develop land to a prescribed density under the *Planning Act* or an official plan or the right to develop or use the space above a piece of land or building.

**Severance**

The act of legally dividing a property into two or more separate parts.

**Voltage Rights (Power Poles and Guy Wires)**

Voltage rights refer to securing permission to erect power poles and guy wires.

## **DETAILED DESCRIPTION OF FACILITY GROUPS AND SUBGROUPS**

### **GROUP 1: NON-PROGRAM PROPERTIES**

#### **1.1 Vacant Land**

Vacant land does not have a building or structure on the property. Non-program land owned by the Government is land which is not dedicated to a program use. Vacant land may be in the Government property portfolio for a past or future use in connection with a facility or it may be for a passive use only. Vacant land may be part of a land assembly or may be a stand alone parcel.

#### **1.2 Land with Improvements**

Non-program property with improvements is property that contains one or more buildings or structures not in current program use. The property associated with the buildings or structures is not in program use either. An example may be a farm. The parcel of land and improvements may be part of a land assembly or a stand alone property.

#### **1.3 Lands with an Environmentally Significant Area (ESA)**

Property that may be vacant (as outlined in 1.1) or land with improvements (as outlined in 1.2) that contains an ESA. The ESA may be contained in whole or in part on the property.

### **GROUP 2: ADMINISTRATIVE FACILITIES**

#### **2.1 Administrative Buildings**

The most common type of administrative building consists entirely of office space and typical supporting facilities. Other types of administrative buildings include court houses, Ontario Provincial Police (OPP) detachments, ambulance stations, and outpatient psychiatric clinics.

#### **2.2 Child Care Centres**

The term "child care centres" includes "day care centres".

#### **2.3 Educational Centres**

This designation refers to educational facilities, including schools, libraries and book stores built for MOI or its client ministries. It does not refer to educational facilities owned by school boards, and regulated by the Ministry of Education.

#### **2.4 Health Clinics**

A health clinic is a place for giving medical treatment or advice. These are frequently located in remote areas.



## **2.5 Recreation and Tourism Facilities**

The most common facility of this type would be tourist information offices.

## **2.6 Casinos**

A public room or building for entertainment, especially for gambling.

### **GROUP 3: STORAGE FACILITIES**

Structures in this group can provide storage space for any type of material, goods or machinery. Storage of products and waste operating fluids, and petroleum based fuels, is permitted in accordance with provincial legislation and policies.

#### **3.1 Garages**

Garages refer to free-standing, fully enclosed parking facilities for vehicles such as automobiles, trucks, buses, farm implements and construction machinery.

#### **3.2 Boat Slips**

Boat slips are open or covered boat docking facilities used by OPP patrol boats, and are only used for seasonal docking purposes.

#### **3.3 Patrol Yards**

Patrol yards (see description, MTO Class EA for Provincial Transportation Facilities) are storage structures which provide protected storage space, both covered and/or fenced, for road maintenance materials such as sand and road salt, construction and repair equipment, fuels and some hazardous waste. An office area for staff, usually incorporated into the main storage structure, and any necessary access roads, are included in the undertaking.

#### **3.4 Warehouses**

Warehouses include all facilities used exclusively for the interim or long term storage of materials, goods and machinery, except those listed as toxic and hazardous and/or not covered by existing handling and storage regulations. These facilities would normally include a small office space for administration and inventory control. Where perishable goods are stored, this would involve the appropriate climate control equipment, including refrigeration. In addition, such a facility would normally have alarm systems as well as basic fire protection.

## **GROUP 4: CUSTODIAL FACILITIES**

Custodial facilities refer to structures where individuals must be kept under security, either for their own safety and protection, or for that of the general public. Such facilities can include group homes for young offenders, drug rehabilitation centres, psychiatric hospitals, and jails, etc. The client agency will usually be the Ministry of Public Safety and Security or the Ministry of Health and Long Term Care. The typical facility will provide secure 24 hour accommodation for residents, and supporting services such as administration, kitchen, dining hall, training, therapy, exercise, leisure, counseling and health care, as applicable, including all necessary provisions for staff. Depending upon available municipal services, particularly in remote locations, all necessary supporting infrastructure may also have to be provided, including roads and transit, utilities, and waste disposal.

### **4.1 Jails**

Jails are facilities which provide short term custody for residents, or for individuals remanded for court appearances or other judicial proceedings. Residents in these facilities are usually resident for no longer than 184 days. Jails generally do not exceed 150 residents, and more often only have space for 100 or fewer residents.

### **4.2 Detention Centres**

Detention centres are large regional facilities with capacities in the order of 600 residents, aged 18 years and older. Because they hold a complete spectrum of offenders, these centres are designed for maximum security, requiring special construction and intensive supervision.

### **4.3 Correctional Centres**

Correctional Centres are facilities for offenders serving sentences of up to two years, with a capacity in the order of 600 residents. These centers generally require design and construction providing medium or minimum security features.

### **4.4 Forestry Camps**

Forestry Camps are permanent, minimum security accommodation facilities providing outdoor work for 40-60 residents. These facilities are usually located in remote areas requiring complete self sufficiency in transportation, waste management and most utilities. The work undertaken at these camps predominantly involves forest management and/or market gardening. The facility, therefore, may have storage and minor servicing capacity for farm machinery and power tools, and a fuel storage tank may also be required.

### **4.5 Young Offenders Open Custody or Secure Detention Centres**

These centres provide an open custody or secure residential setting for young offenders who are from 12 to just under 18 years of age. Facilities are small and can be located in converted dwellings or newly built facilities in a residential setting. They may be Government owned and operated, or privately owned and operated on contract to the Crown. The centres are often in an urban setting, in which case the need to provide services may be reduced. Privately owned facilities are not subject to the *EAA*.

## **4.6 Treatment Centres**

Treatment centres provide intensive clinical intervention for residents in the areas of social work and psychiatry. These centres are self contained and usually located in an urban setting, relying on local services for utilities and waste handling needs. Their size can vary, but may provide accommodations for up to several hundred residents.

## **4.7 Psychiatric Hospitals**

Psychiatric hospitals are operated by the Province, providing a range of services to psychiatrically disabled people. These hospitals are large, usually with hundreds of beds, and require a diverse range of facilities. As a result, they must be equipped to handle diverse materials, and when located beyond established urban centres, to deal with many kinds of waste streams. The design and architecture of these facilities is often carefully matched with local residential and commercial buildings.

## **4.8 Centres for the Developmentally Handicapped**

These facilities provide a wide range of training and treatment to the developmentally and physically handicapped. The current trend is to encourage a move toward smaller residential settings, leased from the private sector, with a community support network. Privately owned facilities of this type are not subject to the EAA.

## **GROUP 5: TRANSPORTATION FACILITIES**

The facility types in this group deal with transportation facilities and service structures for the support of aircraft, automobile, truck and rail transportation. Other than the first type of facility in this group, government aircraft facilities, the five remaining facility types are also subject to existing Class EAs, specifically the Municipal Engineers Association (MEA) Municipal Class EA, MTO Provincial Transportation Facilities Class EA and GO Transit Class EA.

Permitted actions within this group can be found in the above mentioned Class EAs.

### **5.1 Government Aircraft Facilities**

Government aircraft facilities usually consist of an airstrip and small communication and administration structure, as well as storage for service vehicles such as a snow plow and/or fuel truck. Often these facilities are used for air ambulances and other emergency air services. Most of these facilities are located in northern Ontario and are used only intermittently.

### **5.2 Transit Service Facilities**

A detailed description of the types of facilities within this group is presented in the GO Transit Class EA. This document should be consulted for definitions, permitted actions and any methodology needed in meeting EA requirements. A listing of the relevant types of facilities covered in "Group C" of the GO Transit Class EA, equivalent to Category B in this document, are:

- rail station and bus terminal passenger accommodation improvements;

- rail yard and bus terminal equipment improvements;
- bus storage and service facilities;
- pedestrian shelters for rail and bus transportation; and
- transit facility replacement.

The actions permitted for this type of undertaking are specified in the GO Transit Class EA. A listing of the relevant types of facilities covered in "Group B" of the GO Transit Class EA, equivalent to Category C in the PW Class EA document, are:

- expansion of existing rail stations;
- expansion of existing bus station;
- construction of new commuter rail and bus stations on lands of not greater than 4 ha; and
- expansion of existing storage and maintenance facilities or yards.

### **5.3 Road and Parking Facilities**

These facilities refer to highway service facilities which are required for the maintenance of highways, or regulation of highway users. Descriptions of the facilities can be found in the MTO Provincial Transportation Facilities Class EA, and include new and existing:

- service facilities (e.g., commuter parking lots);
- maintenance facilities (e.g., patrol yards); and
- operations facilities (e.g., inspection stations).

The MTO Provincial Transportation Facilities Class EA should be consulted for EA procedures governing these facilities, except when the client is a municipality, in which case the MEA Municipal Class EA will apply.

### **5.4 Water Crossings**

Water crossings consist of culverts, bridges, tunnels, causeways or ferries crossing naturally occurring surface drainage features, such as lakes, wetlands, bays, rivers, streams or man-made drainage features, including ditches, canals and municipal drains.

Category A undertakings are:

- minor improvements to water crossings (i.e., no increase in traffic capacity and/or major change in project footprint); and
- replacement and rehabilitation of facilities for the same purpose, use and capacity, and in the same location, as the original facility.

Category C undertakings are:

- significant improvements to water crossings, e.g., change in capacity;
- significant improvements to ferry crossings, including operations and docking facilities, etc.; and
- hydraulic modifications.

The MTO Provincial Transportation Facilities Class EA should be consulted for EA procedures governing these facilities, except when the client is a municipality, in which case the MEA Municipal Class EA will apply (Schedules in the MEA Municipal Class EA are the same as Categories in this document).

## **5.5 Pedestrian Access Facilities**

These refer to highway service facilities which contribute to the safety, comfort and convenience of the highway user, and include new and improvements to existing:

- major rest areas; and
- service centres.

The MTO Provincial Transportation Facilities Class EA should be consulted for EA procedures governing these facilities, except when the client is a municipality, in which case the MEA Municipal Class EA will apply.

## **GROUP 6: RESEARCH FACILITIES**

### **6.1 Environmental Monitoring Stations**

Various ministries require the construction of shelters for unattended scientific equipment which sample and record weather conditions, air and water quality, etc. These facilities are usually quite small, consisting of a shelter or room, and are relatively noiseless and unobtrusive. The facilities usually require a power supply (sometimes solar power) and may also require an access road, for example, when located in a remote area.

### **6.2 Experimental Farms**

Experimental farms are centres for applied agricultural research, where new farming techniques, machinery, fertilizers, pest control technology, etc. are tested. Therefore these facilities have permits to handle and store hazardous and toxic materials in MOE approved sites. Greenhouses and tree nurseries may be included in the facilities. Experimental farms are complete farming operations, with on-site living accommodations for no more than 10 employees, and service facilities for farm machinery. Such facilities may generate and treat all farm-related waste streams.

### **6.3 Agricultural Extension Stations**

Agricultural extension stations are facilities where information and/or training in the application of new agricultural techniques and products is offered to area farmers. The larger facilities are similar to experimental farms, except that they must be able to accommodate larger numbers of people (daytime only), who may be taking a training course. Some stations are limited to an information office, staffed by several full-time employees, who provide both advice and written material.

### **6.4 Fish Culture Facilities**

Fish culture facilities are used for the breeding of fish stock to replenish rivers and lakes. The MNR is always the proponent of undertakings at fish culture facilities, carrying out all the necessary planning, design,

development and EA, and obtaining all necessary EA approvals and other regulatory permits. MOI/IO acts as an "agent" when undertaking work at fish culture facilities, using the EA documentation and permits provided by MNR as guiding controls.

## **6.5 Nurseries and Arboretums**

An arboretum is a facility where a botanical collection of trees is planted, managed to maturity, and monitored for long term research purposes, in a generally more natural situation than a bare root nursery. A bare root nursery is a site for the cultivation of seedlings intended for transplantation, and usually involves a more intensive culture of seed stock, and greater use of artificial controls such as pesticides, than an arboretum.

## **GROUP 7: COMMUNICATION FACILITIES**

### **7.1 Communications Towers**

Communications towers are used by the Ministry of Public Safety and Security predominantly for such purposes as radio communications between OPP detachments and police cruisers. They may also be used by MNR or other ministries. The towers can be over 120 m high and require up to 4 ha of land to accommodate the necessary guy wires. The facilities must have electrical power, either through a conventional hydro connection, or from generators located on-site. Access roads and small storage sheds may also be required. All such facilities must comply with the following codes and standards:

- official plan land use designations and zoning by-laws;
- Canadian Standards Association Code No. 37; and
- Federal Department of Transport Regulation TT382 (marking and lighting).

## **GROUP 8: INFRASTRUCTURE DEVELOPMENT**

Facilities in this group, with the exception of 8.3, are subject to specific client agency Class EAs.

### **8.1 Sanitary Collection, Treatment and Disposal Systems**

The MEA Municipal Class EA should be consulted for EA procedures governing the above-noted system.

Definitions of the relevant undertakings, and permitted actions, can be found in the MEA Municipal Class EA.

### **8.2 Water Supply, Distribution and Treatment Systems**

The MEA Municipal Class EA should be consulted for EA procedures governing the above-noted systems.

Definitions of the relevant undertakings, and permitted actions, can be found in the MEA Municipal Class EA.

### **8.3 Drainage Act Related Works**

Drainage works which are subject to the *Drainage Act* consist of any action taken to drain excess water from surrounding land. This includes the installation of subsurface drainage tiles, drainage ditches as well as pumping stations. Drainage works must be part of an approved plan of subdivision.

## 8.4 Stormwater Management Facilities

Stormwater management includes water drainage, routing, detention and treatment facilities. Most often it is associated with runoff from streets, other impervious surfaces and cleared lands. Facilities are subject to the MEA Municipal Class EA where the municipality is the proponent or the MTO Provincial Transportation Facilities Class EA where MTO is the proponent. Related undertakings and actions are defined in the MEA Municipal Class EA.

## 8.5 Stream Channelization and Bank Stabilization

Facilities in this subgroup are initiated to rehabilitate and prevent damage to aquatic habitat, or when an existing resource or facility is threatened by erosion or sedimentation, through the construction of stabilization structures and through non-structural methods. Since facilities in this subgroup may be the cause, rather than the remedy, for environmental impacts, they require extremely careful design and implementation. Subgroup types include:

- revetments and bulkheads;
- breakwaters and seawalls;
- groynes and jetties;
- retaining walls;
- beach area replenishment and sand bypassing;
- channelization;
- re-vegetation;
- fencing; and
- water level control.

These facilities are defined in three existing Class EAs: the MNR Class EA for Resource Stewardship and Facility Development Projects; Ontario Hydro Class EA for Shoreline and Riverbank Improvements; and Conservation Authorities Class EA for Water Improvement Projects. Permitted actions for this undertaking depend upon which Class EA applies, as follows:

- where MNR's interests are concerned, the permitted actions are described in the MNR Class EA for Resource Stewardship and Facility Development Projects;
- where flood and water quantity management are concerned, permitted actions are described in the Conservation Authorities Class EA;
- where power generation is concerned, permitted actions are described in the Ontario Hydro Class EA for Shoreline and Riverbank Improvement; and
- for all other undertakings, the PW Class EA will apply.

## GROUP 9: HERITAGE PROPERTIES

Heritage properties are properties that require attention because they either comprise or support cultural heritage of value to the public. Such resources may include built heritage, cultural heritage landscapes, archaeological resources, sacred and traditional use sites, and burial sites and cemeteries. These properties have been identified by a Cultural Heritage Evaluation. A customized Heritage Character Statement

describes the qualities of each heritage property that require protection in order to safeguard its cultural value or contribution.

Refer to the Cultural Heritage Process and Manual of Guidelines for further information.

### **9.1 MOI Cultural Heritage Properties**

Cultural Heritage Properties are properties that have been identified, assessed, evaluated and deemed to have cultural value to the people of Ontario. Archaeological properties identified for long term assessment are also accommodated by this designation.

### **9.2 MOI Heritage Support Properties**

Heritage Support Properties are properties that, while not of particular cultural value themselves, provide support essential to protect the legibility or physical integrity of a recognized cultural heritage resource.

Such a property may (but not exclusively) be:

- a non-defining part of a MOI Cultural Heritage Property;
- a buffer to a MOI Cultural Heritage Property;
- situated in a community Heritage Conservation District;
- located adjacent to land with identified archaeological potential; and
- located adjacent to a heritage resource that a community has recognized as having cultural heritage significance.

## **GROUP 10: WASTE FACILITIES AND CONTAMINATED PROPERTIES**

### **10.1 Composting Facilities**

Composting facilities are non-commercial sites (20-40 tonnes per day) used for compostable material generated by government facilities. The output is used for soil conditioning. Raw materials are limited to lawn clippings, leaves, kitchen scraps, other non-toxic organic, degradable materials and topsoil. All sites must be approved by MOE, and only MOE approved technology can be applied.

#### **10.2a Non-Hazardous Solid Waste Landfill Facilities, Lifetime Capacity < 40,000 m<sup>3</sup>**

Landfill facilities, approved by MOE, designed to dispose of non-hazardous solid waste with a lifetime capacity of less than 40,000 m<sup>3</sup>.

#### **10.2b Non-Hazardous Solid Waste Landfill Facilities, Lifetime Capacity ≥ 40,000 m<sup>3</sup>**

Landfill facilities, approved by MOE, designed to dispose of non-hazardous solid waste with a lifetime capacity of greater than or equal to 40,000 m<sup>3</sup>.



### **10.3 Hazardous and Industrial Liquid Waste Management Facilities**

Facilities designed to process hazardous waste in accordance with the *Environmental Protection Act* and any other applicable MOE requirements.

#### **GROUP 11: TRANSMISSION CORRIDOR LANDS**

Transmission corridor lands refers to those lands which were formerly owned by Ontario Hydro, now Hydro One Networks Inc. (HONI), and which were transferred to Her Majesty the Queen in the Right of Ontario as represented by the Chair of Management Board. On December 31, 2002, the relevant sections of Bill 58, the *Reliable Energy and Consumer Protection Act, 2002*, were proclaimed, and lands owned by HONI for its transmission system, some 50,000 acres, were transferred to the government. MOI became the property owner.

The legislation includes provisions that assure the primacy of use of the corridor land is for an electricity transmission system. HONI retains a statutory easement over the corridor lands. Any other use cannot reduce the hydro transmission service levels. Therefore, the first priority for the use of these lands is for the safe and reliable transmission of electricity. Access to transmission corridor lands for secondary uses is considered, as long as the primacy of use for the transmission of electricity is maintained.

Applications for secondary uses on transmission corridor lands may be either for the continuation of an existing use or for a new use.

Despite the change of ownership, HONI continues to manage and maintain the transmission corridor lands. For all secondary use applications, HONI undertakes a technical review to ensure that the primacy of use for the transmission of electricity is not compromised.

As agent of MOI, IO manages the Provincial Secondary Land Use Program (PSLUP), which takes into account the primary purpose of the land for electricity transmission. This includes making sure all secondary land uses are compatible with HONI's existing and planned transmission and distribution installations from both a safety and overall operations perspective.

IO's responsibilities include:

- issuing of licenses, leases and easements, in respect of secondary uses on transmission corridor lands;
- operational land dispositions; and
- disposition of surplus hydro corridor lands.

#### **11.1 Lands for Secondary Uses**

The environmental impact of secondary uses on transmission corridor lands is generally minor. Secondary uses are subordinate to transmission uses. Public uses are given priority in keeping with the Provincial Secondary Land Use Program (PSLUP). Examples of secondary uses include:

- recreational uses (playing fields, parks, walking trails, etc.);
- agricultural uses (pasture, cultivation, etc.);

- vehicular storage uses (i.e., parking lots);
- minor horticultural uses (small garden plots as extensions of adjacent residential lots or in allotment gardens);
- transportation uses (roads and transit); and
- infrastructure uses (water, sewage mains, pipelines, communications cabling, etc.).

From time to time, proponents of secondary uses may be required to initiate other approvals for their undertakings. In these cases, the approving authorities may require IO to grant agent status to the proponent so the proponent may apply for the required approvals. Unless explicitly stated in such cases, IO is not a party to the proponent's application; IO is not to be considered the proponent of any secondary uses.

IO activities on Lands for Secondary Uses are categorized similar to activities on Non-programmed Properties except in the case of Letting and Renewals with Change in Use, Easements, and Low Voltage Rights. These are deemed to be Category A activities for the following reasons:

- the lands have already been impacted by the transmission use and any secondary uses will have a lesser effect;
- HONI retains its statutory easement for transmission purposes;
- HONI undertakes a technical review of proposed uses before they are approved; and
- secondary use applications are ranked according to potential for public benefit following the PSLUP principles.

The care, and management of Lands for Secondary Uses may or may not be the responsibility of HONI depending on arrangements made at the time of application approval. If the secondary use is a buried pipeline with no surface features, it is likely that HONI will continue to maintain the property. On the other hand, if the secondary use is agricultural, property maintenance will be the responsibility of the lessee.

An operational land disposition is distinctly different from a surplus land disposition. Operational land dispositions occur when land is still needed for electricity transmission purposes, but is also needed for another purpose such as a roadway. When the land is sold, HONI maintains its easement to use the land for electricity transmission purposes.

Often, when land is sold or leased to a person that has an EA approval or exemption, the person applies its EA approval or exemption under the *EAA*. For example, when land is sold to a municipality for a road, or leased to a utility company for a pipeline, other EA approvals or exemptions may apply. In these cases, the provisions of Section 9.7 in the PW Class EA apply and no further EA actions are required of IO.

When HONI declares land to be surplus, their statutory easement is removed, HONI has no further interest in the property and the property is no longer considered to be part of this Facility Group. The surplus land would then be treated by IO according to the requirements of GROUP 1. NON-PROGRAMMED LANDS.

## **11.2 Transmission Use Lands**

This facility group includes lands where there are no secondary uses and the lands are used exclusively for the transmission of electricity. The care, charge, management and control of Transmission Use Lands lie with HONI. HONI operates under Regulation 116/01 under the *EAA* (the "Electricity Projects Regulation") and

their activities are, therefore, not subject to the PW Class EA.

There are a number of activities that MOI/IO may undertake on Transmission Use Lands. When MOI/IO is the proponent of the activities (as opposed to HONI), then the provisions of the PW Class EA will apply.

**APPENDIX 2**

**SCREENING PROCEDURE TO DETERMINE ENVIRONMENTAL  
ASSESSMENT CATEGORY**

## **SCREENING PROCEDURE TO DETERMINE ENVIRONMENTAL ASSESSMENT CATEGORY**

In this document, the term "screening" is used to describe the process of subjecting an undertaking to a set of predetermined questions (see Table 2.1) in order to determine the provisional Category of an undertaking when it cannot be found in the Category Listing Matrix. The Screening Questions can also be used to respond to any queries or challenges that might arise when a review agency, or the public, questions an undertaking's Category that has been identified through the use of the Matrix (Figure 2.2). On the basis of the Screening Questions, each undertaking is assigned an Environmental Assessment Category corresponding to its potential level of impact, and the need for a more, or a less, intensive EA methodology.

Application of the Screening Questions should be relatively straightforward, even if some are analytical and require some further investigation or fieldwork. If significant difficulty is encountered in applying any of these Screening Questions, this is a signal that the particular undertaking is not predictable and well understood, and may therefore warrant a higher level of assessment, including the possibility of an Individual EA (Category D).

The "Screening Table" (Table 2.1) consists of 19 "yes/no" questions arranged in a structured sequence. Depending upon which of the two answers is given, the user may identify the provisional Category, or be directed to another question. This process of responding to structured "yes/no" questions and following the resultant instructions is repeated until the Category is identified. Answers to the Screening Questions must be either "yes" or "no". If the answer to a question appears to be "maybe", more research must be carried out until an appropriate response has been identified.

In answering the Screening Questions, the following points should be considered:

- When questions involve the mandated authority of another ministry (such as MNR in the case of wetlands/ANSIs), the mandated ministry must be consulted if there is any doubt as to the proper response. When answering technical questions such as those relating to fish, wildlife and water quality, etc., qualified professionals (beginning with the mandated authorities) must be consulted.
- In undertakings where a site is pre-zoned, and requires no further planning approvals, the Screening Questions, particularly Question 6 regarding visual impact and physical access, should be examined in the light of previous documentation relating to the site.
- The Screening Questions can only take into account "known" conditions about the undertaking, identified by desk research, surveys, interviews and preliminary field research. The assessment methodology is designed to identify conditions that are "unknown" at the time of applying the Screening Questions.

## Screening Questions and Rationale

The Screening Questions, which are presented in Table 2.1, can be divided into two broad groupings: one group being questions which are "categorical" in nature (i.e., based upon experience and answered in summary terms, with no further investigation); and those that are "analytical" in nature (i.e., potentially requiring further investigation before they can be answered).

The following summarizes the nature of the questions:

Questions 1-4, 10-13, and 15-19 are categorical in nature, and are oriented toward specific, well defined undertakings, which may occur in any Category from A to D. Among these, minor undertakings such as routine building repairs and maintenance activities, which have been undertaken by MOI/IO, hundreds or even thousands of times and can be reliably predicted to have no significant effects, are assigned to Category A. (Note, however, that a change in designated land use is not permitted in Category A. Due to the risk of potential impacts, such undertakings are automatically assigned to Category B, regardless of their description.) Other questions in this grouping deal with undertakings which occur less frequently, but have predictable and potentially significant environmental effects, such as the construction of a hazardous waste handling or disposal facility. This will be assigned to Category D.

Questions 1-4, 10-13, and 15-19 should not require an extensive analysis. If the user finds it difficult to answer these categorical questions in a summary fashion, this is a sign that the user is applying the questions incorrectly, or has an insufficient understanding of MOI/IO undertakings, and should seek qualified assistance. If questions 1-4, 10-13, and 15-19 have all been answered "no", some surveys, analysis, interviews and field research, in consultation with the mandated authorities, may be required. This does not mean that such projects will be invariably identified as Category C or D. The majority of impacts identified by this grouping of Screening Questions are potentially mitigable, and might be eliminated with careful attention in the early design stages of the undertaking.

Questions 5-9 and 14 are analytical in nature, and are oriented toward projects that have more complex impacts on the natural, social, cultural, economic and built environments, and their interrelationships. These questions may be relatively more time consuming to answer. Once again, it should be reinforced that if there is any doubt concerning the answer to one of questions 5-9 and 14, the user should seek qualified assistance, including that of the mandated authorities and/or other specialized professionals.

For undertakings of a similar description, which are not found in the Category Listing Matrix (Figure 2.2), a new subgroup and/or undertaking can be added to the Category Listing Matrix. A new detailed description of the undertaking must also be added to Appendix 1 of this document. Any new undertakings that have been added to the Category Listing Matrix must be addressed through an amendment to this PW Class EA and approved by the MOE. The procedures for amendments to this PW Class EA are discussed in Section 9.10.

**APPENDIX 3**

**CONSULTATION AND DOCUMENTATION REPORT**

**PROVINCIAL PUBLIC WORK CLASS ENVIRONMENTAL ASSESSMENT PROCESS FOR THE  
MINISTRY OF INFRASTRUCTURE**

**CONSULTATION AND DOCUMENTATION REPORT  
(C&D Report)**

This report is completed and signed by Ministry of Infrastructure (MOI), Infrastructure Ontario (IO) or other Agency under MOI (MOI/IO/Agency) staff or its agents for all Category "B" and Category "C" undertakings. This is an electronic form available from the MOI/IO/Agency. The form is designed so that any field can be enlarged to incorporate all required information. The form may be used in either electronic or hard copy form. All questions must be addressed, as appropriate.

**Project Information**

MOI/IO/Agency staff or service provider's name:		Phone:
Project number and name:		
PIMS Installation number (N#):	PIMS Building (B#) or Land (P#) number(s):	
Brief description of undertaking (see Class EA list of undertakings and/or Appendix 1):		
Review of alternatives to the undertaking (optional):		

NOTE: All following sections must be completed if appropriate (e.g. If questions/sections are not applicable, N/A (Not Applicable) should be entered).

<b>PART I – PROJECT AND SITE DESCRIPTION</b>	
<b>1. Identify Undertaking(s)</b>	
<b>Property Management and Development</b>	<b>Realty Transactions and Approvals</b>
<input type="checkbox"/> Building Additions <input type="checkbox"/> Building Alteration and Restor'n (Int & Ext) <input type="checkbox"/> Building Maintenance or Repair (Int & Ext) <input type="checkbox"/> Co-development Agreements <input type="checkbox"/> Contaminant Search <input type="checkbox"/> Construction of New Facility <input type="checkbox"/> Decommissioning <input type="checkbox"/> Demolition <input type="checkbox"/> Design Services <input type="checkbox"/> Feasibility Studies <input type="checkbox"/> Grounds Maintenance <input type="checkbox"/> Landscaping <input type="checkbox"/> Reconstruction <input type="checkbox"/> Relocation – Heritage Only <input type="checkbox"/> Market & Realty Services <input type="checkbox"/> Building Maintenance (Interior & Exterior) <input type="checkbox"/> Other (describe):	<input type="checkbox"/> Acquisition <input type="checkbox"/> Disposition <input type="checkbox"/> Disposition w/ESA, to Conservation Body <input type="checkbox"/> Disposition w/ESA, to Non-Conservation Body <input type="checkbox"/> Easements <input type="checkbox"/> Expropriations <input type="checkbox"/> Lease Purchase <input type="checkbox"/> Leasing, or Licensing From, No Change in Use <input type="checkbox"/> Letting, or Licensing To, No Change in Use <input type="checkbox"/> Leasing, or Licensing From, w/Change in Use <input type="checkbox"/> Letting, or Licensing To, w/Change in Use <input type="checkbox"/> Planning Approvals (Land Development) <input type="checkbox"/> Sale of Density or Air Rights <input type="checkbox"/> Severance <input type="checkbox"/> Voltage Rights (Power Poles & Guy Wires) <input type="checkbox"/> Other (describe):



2 Client Ministry, Agency, Board or Commission:
3. Site Tenant:
4. Client's Intended Land Use for Site:
5. Site Description and Features (Attach Site Plan if available):
Legal Address (if available):
Municipal Address:
Site Area:
Brief Description of Site Features (Optional):

## PART II – PROVISIONAL ENVIRONMENTAL ASSESSMENT CATEGORIZATION

(Ref: Class EA Section 2)

1. Does client ministry/municipality have an applicable Class EA process or approval for the proposed undertaking?  Yes  No

If YES, receive written confirmation from client that it intends to use its own process. (Document identified as Item 8 in Appendix 4 to be completed and kept in project file.) In this case, no further EA work is required by MOI/IO/Agency.

If NO, continue.

2. Identify provisional EA Category of Project using the Class EA, Fig.2.1 (Flowchart), Category Listing Matrix, and Appendix 1.

If Category is in doubt, use Class EA Table 2.1 Category Identification Table.

Provisional Category  A  B  C  D

3. Provisional Environmental Assessment Categorization Summary

- For Category A projects, proceed without further EA action unless a heritage feature of the site or building is involved.
- For Category B projects, complete remainder of this report and Sign-Off Declaration in Part V.
- For Category C projects, complete remainder of this report and Sign-Off Declaration in Part V and then refer to Class EA, Section 5 for next steps.

## PART III – SITE ANALYSIS, CONSULTATION AND DOCUMENTATION (“YES” answers require resolution in Part IV of this report. Ref: Class EA Section 4).

**1. EXISTING LAND USE STATUS** (Under “Source” give name & phone number of Authority contact that provided the information. If information was derived from public records, give cross-reference.)

a. Current Official Plan and Zoning Designations:  
Source:

b. Floodplain Designation:  Yes  No  
Source:  
If yes, describe:

c. Designated Prime Agricultural Areas where Specialty Crop Lands and Prime Agricultural Lands (Class 1, 2 and 3) predominate:  Yes  No  
Source:

If yes, describe:	
d. Environmentally Significant Areas (ESAs): Source: If yes, describe:	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Surface or underground easements? Source: If yes, describe:	<input type="checkbox"/> Yes <input type="checkbox"/> No
f. From the above contacts / research, in your opinion, will the undertaking require an application under the <i>Planning Act</i> to bring current land use into conformity with intended land use?  If YES, has MOI/IO/Agency, or anyone else, applied for a change in land use under the <i>Planning Act</i> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
g. Directly adjacent to major transportation routes? If yes, describe and determine whether proposed undertaking will negatively impact local traffic:	<input type="checkbox"/> Yes <input type="checkbox"/> No
h. Canadian Environmental Assessment Act trigger? (For example, identified on the List of Physical Activities).  If YES, follow federal-provincial co-ordination guidelines.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>2. ENVIRONMENTAL CONDITION OF THE PROPERTY</b>	
<p>In order to complete this Section, the MOI/IO/Agency or its Service Provider has the option of completing a Phase 1 Environmental Site Assessment Report (by a qualified assessor) or completing a visual Inspection.</p> <p>If a Phase 1 Environmental Site Assessment report has been completed and is on file with MOI/IO/Agency please detail reference information:</p> <p>Describe resolution of any issues in Part IV.</p>	
Site inspection date:	
a. Was there evidence on the land or in buildings of any of the following: (X for YES)	
<input type="checkbox"/> Incineration <input type="checkbox"/> Leaking or unprotected above ground storage tanks <input type="checkbox"/> Stained surfaces <input type="checkbox"/> Oily sheens on water <input type="checkbox"/> Unprotected industrial drums <input type="checkbox"/> PCB ballasts/transformers <input type="checkbox"/> Vegetation damage <input type="checkbox"/> Underground storage tank(s)	<input type="checkbox"/> Fill added <input type="checkbox"/> Leaded paint (any building constructed prior to 1980 may contain leaded paint) <input type="checkbox"/> Discarded batteries <input type="checkbox"/> Friable asbestos <input type="checkbox"/> Pesticide/herbicide containers <input type="checkbox"/> Signs of above-noted items on adjacent properties <input type="checkbox"/> Other potential contaminants (specify):
b. Record the results of environmental review or summarize Phase 1 Environmental Site Assessment with respect to:	
i. current and past uses of site: ii. adjacent uses: iii. underground and aboveground storage tanks : iv. records of old landfills or previous complaints or violations on site: v. use of potentially hazardous substances on site: vi. other local findings (e.g. natural gas wells, radon gas, radioactivity, etc): vii. Have other contaminant assessments taken place on this site? If yes, reference information:	
c. In your opinion, does the site contain evidence of actual contamination?	<input type="checkbox"/> Yes <input type="checkbox"/> No
A "YES" answer is warranted if there is question of the nature or extent of contamination or the use of hazardous substances.  If YES, document any proposed investigation in Part IV.	

<b>3. ENVIRONMENTALLY SIGNIFICANT AREAS (ESA) (Ref: Class EA, Glossary)</b>	
These areas will consist of those that have been designated by any of the agencies listed in this Section.	
a. MNR Contact Name: Wetlands? Areas of Natural and Scientific Interest (ANSIs)? Habitats designated by <i>Endangered Species Act</i> ? Habitats designated or proposed of rare, vulnerable, threatened or endangered species? Floodplains (MNR responsible for floodplain management where no Conservation Authorities exist)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
b. Conservation Authority Contact Name: ESAs? Floodplains?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
c. Municipal Contact Name: ESA designation in Official Plans? Groundwater recharge or discharge sites?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
d. Is any portion of the property designated by the: i. Niagara Escarpment Plan as Natural or Rural Protection Area? ii. Oak Ridges Moraine Conservation Plan as Natural Core Area, Natural Linkage Area and/or as a Key Natural Heritage Feature?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
e. Is any part of the property an ESA? Is site adjacent to an ESA?  If No, proceed to 4.  If YES, describe:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
f. If the site is part of an ESA, and a sale or disposal is intended, is the purchaser a conservation body, and if so, is the intended use for conservation purposes?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
g. In your opinion, based on the above contacts and any current, relevant MOI/IO/Agency feasibility studies, could the intended undertaking cause any local, long term changes significant enough to threaten the ESA?  If YES, document measures to mitigate such impacts in Part IV, OR proceed with a Category C assessment.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>4. DISTINCTIVE ENVIRONMENTAL FEATURES</b>	
a. Does visual inspection or research reveal any natural features (other than ESAs noted above) such as floodplain, high groundwater level, groundwater wells, streams, rivers, natural corridors (e.g., hedgerows), woodlots, wetlands, springs, water bodies, topography, prevailing slope direction, steep slopes, ravines, and rock outcrops?  If NO, then proceed to b.  If YES, describe:	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. Do municipal or other authorities or interest groups contacted above identify any Distinctive Environmental Features as described in 4 a. above that warrant protection?  If NO, then proceed to c.  If YES, describe:  Source:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
c. Is there a potential to impact any species at risk and their habitats, as designated by the <i>Species at Risk Act</i> and the <i>Endangered Species Act</i> ? Source:	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. In your opinion, would any of the observed features be affected by the implementation of the undertaking as currently planned?  If YES, describe effects and any required mitigation and monitoring in Part IV, below.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

<b>5. SERVICING CAPACITY RE: SEWERAGE, WATER, ROADS, GAS, HYDRO, ETC.</b>	
a. Is a septic system present?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. Is a new septic system proposed or is expansion proposed to existing system?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If YES, note in Part IV and if applicable, attach technical research supporting site's capacity to sustain a septic system.	
b. Is potable groundwater well(s) present or proposed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If NO, then proceed to d.	
c. Is groundwater used for potable purposes?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
If NO, specify why and if applicable, note in "Contaminants" section above and describe resolution in Part IV, below.	
If YES, and if the proposed undertaking is anticipated to cause any negative effects to local potable water supply(ies), describe resolution in Part IV, below.	
d. Based on information gathered, will the undertaking require new or different servicing?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If YES, specify anticipated resolution of new or different service in Part IV, below.	
<b>6A. BUILT HERITAGE/CULTURAL LANDSCAPE ANALYSIS</b>	
<b>Background</b>	
a. Are there any building(s) present on the subject property?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If NO, then proceed to c.	
b. What is the date of construction of the building(s)?	
Source:	
<b>Protection and Recognition</b>	
c. Is the property (check all applicable):	
i. Designated under Part IV of the <i>Ontario Heritage Act</i> , or	<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Listed under Part IV of the <i>Ontario Heritage Act</i> , or	<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Part of a conservation district under Part V of the <i>Ontario Heritage Act</i> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
iv. Subject to a municipal heritage easement?	<input type="checkbox"/> Yes <input type="checkbox"/> No
v. Subject to an Ontario Heritage Trust easement?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If YES, provide reference(s):	
Contact MOI/IO/Agency heritage staff for information to complete this section, as required.	
For each protection mechanism describe whether or not it will affect the undertaking. If the protection mechanism affects the undertaking, document the appropriate mitigation measures in Part IV of this document.	
MOI/IO/Agency Heritage Management Process (to be completed with information supplied by MOI/IO/Agency Heritage Staff)	
MOI/IO/Agency Heritage Staff Contact Name:	
d. Has the local community been contacted regarding heritage interest in the property?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If YES, provide contact information and response:	
If NO, provide rationale:	
e. Has the building/property been the subject of an MOI/IO/Agency heritage evaluation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If YES, provide reference:	
If NO, document findings of MOI/IO/Agency Heritage Staff review and relevant effects in Part IV of the document and proceed to h.	

<p>f. Have the recommendations in the MOI/IO/Agency heritage evaluation been confirmed by the MOI/IO/Agency? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If NO, contact MOI/IO/Agency heritage staff and document appropriate mitigation measures in Part IV of this document, proceed to g.</p> <p>If YES, is this an MOI/IO/Agency Heritage Place? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If NO, this property is not considered an MOI/IO/Agency Heritage Property; proceed to 6B.</p>
<p>g. If the property is an MOI/IO/Agency Heritage Place, is there an MOI/IO/Agency Conservation Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If NO, contact MOI/IO/Agency heritage staff and document appropriate mitigation measures in Part IV of this document).</p> <p>If YES, is the undertaking accommodated by the Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If NO, contact MOI/IO/Agency heritage staff and document appropriate mitigation measures in Part IV of this document.</p>
<p><b>6B. ARCHAEOLOGICAL ANALYSIS (Applies to all projects)</b></p>
<p>h. Does this property have archaeological potential according to MOI/IO/Agency heritage staff or as per the Ministry of Tourism, Culture and Sport's <i>Standard and Guidelines for Consultant Archaeologists 2012</i> 'Determining Archaeological Potential' or as per existing archaeological reports for the property? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>i. Will the undertaking:</p> <p>i. Cause a below grade ground disturbance (i.e., site grading, trenching)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. Involve new construction? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>iii. Involve a disposition (sale or transfer), easement, or acquisition? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES (or unknown), procure or request MOI/IO/Agency heritage staff to assist in reviewing existing reports/procuring a licensed archaeologist to conduct a Stage 1 &amp; 2 Archaeological Assessment and provide the draft final report to IO heritage staff for comment and direction.</p>
<p>j. Aboriginal Engagement: MOI/IO/Agency has a statutory duty to accommodate aboriginal interests that may be articulated by the Class EA process.</p> <p>Are there likely Aboriginal interests based on geographical proximity or cultural affiliation (via archaeological evidence) for the property/undertaking that may be adversely affected by the proposed undertaking? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If YES or UNKNOWN, contact IO heritage staff for direction and include resolution in Part IV.</p>
<p><b>6C ARTWORK (Not Applicable for Undeveloped Land)</b></p>
<p>k. Are there any murals, artwork, sculptures, stained glass, or other similar features present in the location of the undertaking? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If YES, does the Archives of Ontario consider the artwork significant? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Include reply on file and, if YES, describe effects, mitigation and monitoring requirements in Part IV.</p>
<p><b>7. SOCIO-ECONOMIC EFFECTS (use MOI/IO/Agency electronic socio-economic analysis tool as needed)</b></p>
<p>a. Does the undertaking involve an application under the <i>Planning Act</i>? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If NO, proceed to b.</p> <p>If YES, then defer socio-economic analysis to planning approval process and proceed to Part IV.</p>

<p>b. Could the undertaking cause significant long-term changes to the social structure or the demographic characteristics of the surrounding community?</p> <p>If the answer to this Question is YES then there must be a study completed to assess the impacts and identify mitigation and monitoring requirements.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
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**PART IV – ANALYSIS OF ENVIRONMENTAL EFFECTS, AND REQUIRED MITIGATION AND MONITORING (Ref: Section 7 of Class EA)**

Part IV of the C&D Report is used to discuss environmental effects and identify any required mitigation and monitoring that, when implemented, would negate or reduce the significance of any environmental effects.

**1. EXISTING LAND USE STATUS (e.g. Planning Policies, etc.)**

Summary of Environmental Effects:

Mitigation Measures:

Monitoring Measures:

**2. ENVIRONMENTAL CONDITION OF THE PROPERTY**

Summary of Environmental Effects:

Mitigation Measures:

Monitoring Measures:

**3. ENVIRONMENTALLY SIGNIFICANT AREAS**

Summary of Environmental Effects:

Mitigation Measures:

Monitoring Measures:

**4. DISTINCTIVE ENVIRONMENTAL FEATURES**

Summary of Environmental Effects:

Mitigation Measures:

Monitoring Measures:

**5. SERVICING CAPACITY**

Summary of Environmental Effects:

Mitigation Measures:

Monitoring Measures:

**6A. BUILT HERITAGE ANALYSIS**

Summary of Environmental Effects:

Mitigation Measures:

Monitoring Measures:

**6B. ARCHAEOLOGICAL AND FIRST NATIONS ANALYSIS (see Part III, Section 6B for Declaration on the Protection of Archaeological Resources)**

Summary of Environmental Effects:

Mitigation Measures:

Monitoring Measures:

**6C. ART WORK**

Summary of Environmental Effects:

Mitigation Measures:

Monitoring Measures:

**7. SOCIO-ECONOMIC EFFECTS (attach or have on file, completed MOI/IO/Agency socio-economic analysis tool as needed)**

Summary of Environmental Effects:

Mitigation Measures:

Monitoring Measures:

**8. OTHER ENVIRONMENTAL EFFECTS AND OTHER ISSUES**

Summary of Environmental Effects:

Mitigation Measures:

Monitoring Measures:

**PART V – CONFIRMATION OF CATEGORY OF ENVIRONMENTAL ASSESSMENT AND SIGN-OFF DECLARATION**

I hereby certify, to the best of my knowledge at this date, that the above description of the undertaking and affected site is correct, and that relevant directly affected parties noted in this C&D Report have been consulted by MOI/IO/Agency. The issues raised by the directly affected parties with regard to the above seven point site-specific analysis, including any environmental effects, mitigation, net effects and monitoring have been dealt with as described in this C&D Report and any appended attachments. The results of these investigations conclude that the undertaking(s) qualifies to be assessed under the Class EA process for MOI/IO/Agency as a:

Category B Undertaking

Category C Undertaking (Requires the Completion of an Environmental Study Report)

.....  
NAME AND SIGNATURE OF RESPONSIBLE  
MOI/IO/AGENCY SERVICE  
PROVIDER(S)/ENVIRONMENTAL PRACTITIONER:

.....  
DATE:

.....  
NAME AND SIGNATURE OF RESPONSIBLE  
PROJECT MANAGER:

.....  
DATE:

Project Number and Name:

**APPENDIX 4**

**SAMPLE NOTIFICATION FORMS AND ANNOUNCEMENTS**



## SAMPLE NOTIFICATION FORMS AND ANNOUNCEMENTS

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- Item 1 List of Government and Other Agencies and Other Interested Parties
- Item 2 List of Addresses of Ministry of the Environment Regional Offices
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- Item 3b Sample Announcement: Invitation to Participate
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- Item 5a Sample Notification Form: Third Mandatory Contact (Category C)
- Item 5b Sample Announcement: Notice of Public Meeting
- Item 6a Sample Notification: Notice of Completion of ESR (Category C)
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- Item 6c Sample Notification: Notice of Completion of C&D Report (Category B)
- Item 7 Sample Form to Environmental Assessment and Approvals Branch
- Item 8 Procedure for the Application of Client Ministry or Agency's Class EA or Declaration Order (Sample)

**ITEM 1**  
**LIST OF GOVERNMENT AND OTHER AGENCIES**  
**AND OTHER INTERESTED PARTIES**

The following lists government ministries, agencies and other NGOs that may have an interest in participating in MOI/IO Category B and C environmental assessments. The proponent should determine whether the nature of an undertaking and the concerns and issues related to it require contact with other ministries, agencies or NGOs not listed here.

**A. Provincial**

Ministry of Agriculture and Food and Rural Affairs  
Ministry of Community and Social Services  
Ministry of Community Safety and Correctional Services  
Ministry of Culture (contact ministry early in planning process to identify heritage concerns)  
Ministry of Education  
Ministry of Infrastructure  
Ministry of the Environment Regional Offices (Central, Eastern, Northern, Southwestern or West Central)  
Ministry of Transportation  
Ministry of Health and Long Term Care (formerly Ministry of Health)  
Ministry of Municipal Affairs and Housing  
Ministry of Economic Development and Trade  
Ministry of Government Services (formerly Ministry of Consumer and Business Services)  
Ministry of Natural Resources  
Ministry of Northern Development and Mines  
Ministry of Attorney General  
Ministry of Finance  
Ministry of Labour  
Ministry of Tourism (formerly Ministry of Tourism and Recreation)  
Ministry of Aboriginal Affairs  
Ontario Heritage Foundation  
Conservation Authorities  
Niagara Escarpment Commission  
Ontario Power Generation Inc.  
Toronto Waterfront Revitalization Corporation (also referred to as "Waterfront Toronto")

## **B. Federal**

Canadian Environmental Assessment Agency  
Fisheries and Oceans Canada  
Environment Canada  
Indian Affairs and Northern Development  
National Energy Board  
Canadian Heritage  
Parks Canada  
Canadian Transportation Agency  
Natural Resources Canada  
Public Works and Government Services Canada  
Transport Canada  
Port Authorities (Hamilton, Toronto, Windsor, Thunder Bay)

## **C. Municipalities**

Planning Departments  
Engineering Departments  
Local Architectural Conservation Advisory Committees (LACAC)  
Greater Toronto Transit Authority (GO Transit, Metrolinx)

## **D. Aboriginals**

Relevant Aboriginal Communities (Section 8.8 provides website addresses for information such as Tribal Council and District Chiefs contact information, First Nation directory for Ontario, map of First Nations and First Nation profiles)

## **E. Other Interested Stakeholders (NGOs)**

Local heritage groups  
Ontario Historical Society  
Ontario Archaeological Society  
Community Heritage Ontario  
Architectural Conservancy of Ontario  
Documentation and Conservation of Modern Movement Buildings  
Federation of Ontario Naturalists  
Society for the Study of Architecture in Canada  
Agricultural groups or associations

**ITEM 2**  
**LIST OF ADDRESSES OF MINISTRY OF THE ENVIRONMENT**  
**REGIONAL OFFICES**

Environmental Assessment and Planning Coordinator  
Northern Region  
Ministry of the Environment  
435 James Street South, Suite 331  
Thunder Bay, ON  
P7E 6S7

Environmental Assessment and Planning Coordinator  
Southwestern Region  
Ministry of the Environment  
733 Exeter Road  
London, ON  
N6E 1L3

Environmental Assessment and Planning Coordinator  
West Central Region  
Ministry of the Environment  
12<sup>th</sup> Floor, 119 King Street West  
Hamilton, ON  
L8P 4Y7

Environmental Assessment and Planning Coordinator  
Central Region  
Ministry of the Environment  
5775 Yonge Street, 8<sup>th</sup> Floor  
North York, ON  
M2M 4J1

Environmental Assessment and Planning Coordinator  
Eastern Region  
Ministry of the Environment  
P.O. Box 22032  
1259 Gardiners Road  
Kingston, ON  
K7M 8S5

Environmental Assessment and Planning Coordinator  
199 Larch Street, Suite 1201  
Sudbury, ON  
P3E 5P9

**ITEM 3a**  
**SAMPLE NOTIFICATION FORM**  
**FIRST MANDATORY CONTACT - CATEGORY C**

**MINISTRY OF INFRASTRUCTURE**  
**ADDITION OF RECREATION FACILITY AT THE MIDDLETOWN CENTRE FOR THE**  
**DEVELOPMENTALLY HANDICAPPED**  
**MINISTRY OF INFRASTRUCTURE PUBLIC WORK CLASS ENVIRONMENTAL ASSESSMENT**  
**PROJECT NOTIFICATION**

Dear \_\_\_\_\_,

This letter is to advise you that the {Ministry of Infrastructure (MOI)/“Ontario Infrastructure and Lands Corporation (IO)”} {acting on behalf of the Ministry of Infrastructure (MOI)} has commenced a study regarding the possible addition of a recreation facility at the Middletown Centre for the Developmentally Handicapped, located at the corner of Main Street and Water Street in downtown Middletown. The MOI is considering this expansion to provide on-site recreational opportunities for residents of the Centre, who must currently travel by bus to off-site facilities.

This project is being assessed as a Category C, in accordance with the requirements of the Provincial Public Work Class Environmental Assessment Process {MOI/IO} invites you to participate in this study. Your input will be incorporated in the development of an Environmental Study Report, which will be available for public review.

To enable full public discussion on this project, open houses will be held at two key points in the study process. We will notify you of the times and dates for these events.

If you wish to be involved in this study, or receive further information, please do not hesitate to contact the undersigned.

Yours Sincerely,

Project Manager  
{MOI/IO}  
Tel: (123) 456-7890  
Fax: (123) 456-7890

**ITEM 3b**  
**SAMPLE ANNOUNCEMENT**

**MINISTRY OF INFRASTRUCTURE**  
**ADDITION OF RECREATION FACILITY AT THE MIDDLETOWN CENTRE FOR THE**  
**DEVELOPMENTALLY HANDICAPPED**  
**MINISTRY OF INFRASTRUCTURE PUBLIC WORK CLASS ENVIRONMENTAL ASSESSMENT**  
**INVITATION TO PARTICIPATE**

{On behalf of} the Ministry of Infrastructure (MOI), {"Ontario Infrastructure and Lands Corporation (IO)} has commenced a study regarding the possible addition of a recreation facility at the Middletown Centre for the Developmentally Handicapped, located at the corner of Main Street and Water Street in downtown Middletown. The {MOI} is considering this expansion to provide on-site recreational opportunities for residents of the Centre, who must currently travel by bus to off-site facilities.

This project is being assessed as a Category C, in accordance with the requirements of the Ministry of Infrastructure Public Work Class Environmental Assessment Process (PW Class EA). As part of the PW Class EA process, an Environmental Study Report will be available for public review. A further public notice will be published at that time.

{MOI/IO} wishes to incorporate the views of interested citizens in the development of the Environmental Study Report for this project. Open houses will be held at two key points in the study process to provide an opportunity for members of the public to review information and discuss the project with study representatives. Notices of times and dates for these open houses will be advertised.

If you wish to be involved in this study or receive further information, please contact:

Project Manager  
{MOI/IO}  
Project Management Branch  
123 Main Street  
Middletown, Ontario  
A1B 2C3  
Tel: (123) 456-7890  
Fax: (123) 456-7890

**ITEM 4a**  
**SAMPLE NOTIFICATION FORM**  
**SECOND MANDATORY CONTACT - CATEGORY C**

**MINISTRY OF INFRASTRUCTURE**  
**ADDITION OF RECREATION FACILITY AT THE MIDDLETOWN CENTRE FOR THE**  
**DEVELOPMENTALLY HANDICAPPED**  
**MINISTRY OF INFRASTRUCTURE PUBLIC WORK CLASS ENVIRONMENTAL ASSESSMENT**  
**NOTICE OF OPEN HOUSE**

Dear \_\_\_\_\_,

{On behalf of} the Ministry of Infrastructure (MOI), {"Ontario Infrastructure and Lands (IO)"} is conducting a study regarding the possible addition of a recreation facility at the Middletown Centre for the Developmentally Handicapped, located at the corner of Main Street and Water Street in downtown Middletown. The project is being assessed as a Category C, in accordance with the requirements of the Ministry of Infrastructure Public Work Class Environmental Assessment Process (PW Class EA).

***Include a map showing location***

***of the undertaking.***

As part of the PW Class EA process, {MOI/IO} is currently preparing an Environmental Study Report. Input from members of the public is very important in assessing this project.

This letter is to inform you that an open house will be held at the following location to provide an opportunity for interested individuals and organizations to review information and discuss the project with study representatives:

Middletown Public School  
Resource Library  
45 Water Street  
Middletown, Ontario  
A1B 2C3

The open house will be held on November 27 between the hours of 3:00 - 5:30 PM and 7:00 - 9:00 PM. You or a representative of your organization are cordially invited to attend this open house. Should you require any further information about the open house or study process, please do not hesitate to contact the undersigned.

Yours Sincerely,

Project Manager  
{MOI/IO}  
Tel: (123) 456-7890  
Fax: (123) 456-7890

**ITEM 4b  
SAMPLE ANNOUNCEMENT**

**MINISTRY OF INFRASTRUCTURE  
ADDITION OF RECREATIONAL FACILITY AT THE MIDDLETOWN CENTRE FOR THE  
DEVELOPMENTALLY HANDICAPPED  
MINISTRY OF INFRASTRUCTURE PUBLIC WORK CLASS ENVIRONMENTAL ASSESSMENT  
NOTICE OF OPEN HOUSE**

{On behalf of} the Ministry of Infrastructure (MOI), {"Ontario Infrastructure and Lands Corporation (IO) is currently conducting a study regarding the possible addition of a recreation facility at the Middletown Centre for the Developmentally Handicapped, located at the corner of Main Street and Water Street in downtown Middletown. This project is being assessed as a Category C, in accordance with the requirements of the Ministry of Infrastructure Public Work Class Environmental Assessment Process (PW Class EA).

*Include a map showing location*

*of the undertaking.*

As part of the PW Class EA process, {MOI/IO} is preparing an Environmental Study Report, which will examine the potential impacts resulting from the proposed project, as well as proposed mitigation measures. Input from members of the public is very important in assessing this project. Interested persons and groups are encouraged to attend an open house at the following location to review information and discuss the project with study representatives:

Middletown Public School  
Resource Library  
45 Water Street  
Middletown, Ontario  
A1B 2C3

The open house will be held on November 27 between the hours of 3:00 - 5:30 PM and 7:00 - 9:00 PM.

For further information, please contact:

Project Manager  
{MOI/IO}  
Project Management Branch  
123 Main Street  
Middletown, Ontario  
A1B 2C3  
Tel: (123) 456-7890  
Fax: (123) 456-7890



**ITEM 5a**  
**SAMPLE NOTIFICATION FORM**  
**THIRD MANDATORY CONTACT - CATEGORY C**

**MINISTRY OF INFRASTRUCTURE**  
**ADDITION OF RECREATION FACILITY AT THE MIDDLETOWN CENTRE FOR THE**  
**DEVELOPMENTALLY HANDICAPPED**  
**MINISTRY OF INFRASTRUCTURE PUBLIC WORK CLASS ENVIRONMENTAL ASSESSMENT**  
**NOTICE OF OPEN HOUSE**

Dear \_\_\_\_\_,

{On behalf of} the Ministry of Infrastructure (MOI), {"Ontario Infrastructure and Lands Corporation (IO)" is currently conducting a study regarding the possible addition of a recreation facility at the Middletown Centre for the Developmentally Handicapped, located at the corner of Main Street and Water Street in downtown Middletown. This project is being assessed as a Category C, in accordance with the requirements of the Ministry of Infrastructure Public Work Class Environmental Assessment Process.

*Include a map showing location*

*of the undertaking.*

Subject to the outcome of the Environmental Study Report and public review, {MOI/IO} is currently proposing the addition of a 5,000 square foot recreation complex at the rear of the Centre. The proposed facility would include a gymnasium, therapeutic pool, and change rooms.

This letter is to inform you that {MOI/IO} will be holding a second public meeting at the following location to present details of the proposed project and obtain feedback from members of the public:

Middletown City Hall  
Meeting Room B  
28 George Street  
Middletown, Ontario  
A1B 2C3

The public meeting will be held on February 8 between the hours of 7:00 - 9:00 PM.

You or a representative of your organization are cordially invited to attend this public meeting. Should you require any further information about this meeting or the study process, please do not hesitate to contact the undersigned.

Yours Sincerely,

Project Manager  
{MOI/IO}  
Tel: (123) 456-7890  
Fax: (123) 456-7890

**ITEM 5b  
SAMPLE ANNOUNCEMENT**

**MINISTRY OF INFRASTRUCTURE  
ADDITION OF RECREATION FACILITY AT THE MIDDLETOWN CENTRE FOR THE  
DEVELOPMENTALLY HANDICAPPED  
MINISTRY OF INFRASTRUCTURE PUBLIC WORK CLASS ENVIRONMENTAL ASSESSMENT  
NOTICE OF PUBLIC MEETING**

{On behalf of} the Ministry of Infrastructure (MOI), {"Ontario Infrastructure and Lands Corporation (IO)} is currently conducting a study regarding the possible addition of a recreation facility at the Middletown Centre for the Developmentally Handicapped, located at the corner of Main Street and Water Street in downtown Middletown. This project is being assessed as a Category C, in accordance with the requirements of the Ministry of Infrastructure Public Work Class Environmental Assessment Process.

*Include a map showing location*

*of the undertaking.*

Subject to the outcome of the Environmental Study Report and public review, {MOI/IO} is currently proposing the addition of a 5,000 square foot recreation complex at the rear of the Centre. The proposed facility would include a gymnasium, therapeutic pool, and change rooms.

Input from members of the public is very important in assessing the project. Interested persons and groups are encouraged to attend a second public meeting at the following location to hear a presentation on the proposed project and provide feedback to study representatives:

Middletown City Hall  
Meeting Room B  
28 George Street  
Middletown, Ontario  
A1B 2C3

The public meeting will be held on February 8 between the hours of 7:00 - 9:00 PM.

For further information please contact:

Project Manager  
{MOI/IO}  
Project Management Branch  
123 Main Street  
Middletown, Ontario  
A1B 2C3  
Tel: (123) 456-7890  
Fax: (123) 456-7890

**ITEM 6a  
SAMPLE NOTIFICATION**

**MINISTRY OF INFRASTRUCTURE  
ADDITION OF RECREATION FACILITY AT THE MIDDLETOWN CENTRE FOR THE  
DEVELOPMENTALLY HANDICAPPED  
MINISTRY OF INFRASTRUCTURE PUBLIC WORK CLASS ENVIRONMENTAL ASSESSMENT  
NOTICE OF COMPLETION OF ENVIRONMENTAL STUDY REPORT - CATEGORY C**

Dear \_\_\_\_\_,

{On behalf of} the Ministry of Infrastructure (MOI), {"Ontario Infrastructure and Lands Corporation (IO)} has now completed the Environmental Study Report (ESR) regarding the addition of a recreation facility at the Middletown Centre for the Developmentally Handicapped, located at the corner of Main Street and Water Street in downtown Middletown. This project has been assessed as a Category C, in accordance with the requirements of the Ministry of Infrastructure Public Work Class Environmental Assessment Process.

***Include a map showing location  
of the undertaking.***

As described in the ESR, {MOI/IO} is proposing the addition of a 5,000 square foot recreation complex at the rear of the Middletown Centre. The proposed facility would include a gymnasium, therapeutic pool, and change rooms. The estimated cost of the addition is \$750,000, and construction is scheduled to begin in 2004.

This letter is to inform you that the ESR is available for review at the following locations:

{MOI/IO} District Office Middletown Public Library

123 Main Street

Middletown, Ontario

Mon-Fri: 8:30 AM - 4:30 PM

Tel: (123) 456-7890

Fax: (123) 456-7890

90 Water Street

Middletown, Ontario

Mon-Fri: 9:00 AM - 9:00 PM

Sat-Sun: 10:00 AM - 3:00 PM

Subject to comments received during the review period and the receipt of necessary approvals, {MOI/IO} intends to proceed with the construction of this project.

Interested persons may provide written comment to: Project Manager, {MOI/IO}, 123 Main Street, Middletown, Ontario, A1B 2C3, telephone (123) 456-7890, within 30 calendar days from the date of this Notice. A person may request that the Minister of the Environment (the Minister) make an order for the project to comply with Part II of the *Environmental Assessment Act* (referred to as a Part II Order), which addresses individual environmental assessments. Requests must be received by the Minister at the address below within 30 days from the date of this notice. A copy of this request must also be sent to the project manager.

If no request is received by - *insert date* -, the addition of the recreation facility at the Middletown Centre will proceed to construction, as outlined in the ESR.

Minister of the Environment  
135 St. Clair Avenue West, 12th Floor  
Toronto, Ontario  
M4V 1P5

This Notice was issued January 3, 2005.

Thank you for your interest in this {MOI/IO} undertaking.

Sincerely

Project Manager  
{MOI/IO}  
Tel: (123) 456-7890  
Fax: (123) 456-7890

**ITEM 6b  
SAMPLE ANNOUNCEMENT**

**MINISTRY OF INFRASTRUCTURE  
ADDITION OF RECREATION FACILITY AT THE MIDDLETOWN CENTRE FOR THE  
DEVELOPMENTALLY HANDICAPPED  
MINISTRY OF INFRASTRUCTURE PUBLIC WORK CLASS ENVIRONMENTAL ASSESSMENT  
NOTICE OF COMPLETION OF ENVIRONMENTAL STUDY REPORT - CATEGORY C**

{On behalf of} the Ministry of Infrastructure (MOI), {"Ontario Infrastructure and Lands Corporation (IO)} has now completed the Environmental Study Report (ESR) regarding the addition of a recreation facility at the Middletown Centre for the Developmentally Handicapped, located at the corner of Main Street and Water Street in downtown Middletown. This project has been assessed as a Category C, in accordance with the requirements of the Ministry of Infrastructure Public Work Class Environmental Assessment Process.

***Include a map showing location  
of the undertaking.***

As described in the ESR, {MOI/IO} is proposing the addition of a 5,000 square foot recreation complex at the rear of the Middletown Centre. The proposed facility would include a gymnasium, therapeutic pool, and change rooms. The estimated cost of the addition is \$750,000, and construction is scheduled to begin in 2004.

The ESR is available for review at the following locations:

{MOI/IO} District Office Middletown Public Library	
123 Main Street	90 Water Street
Middletown, Ontario	Middletown, Ontario
Mon-Fri: 8:30 AM - 4:30 PM	Mon-Fri: 9:00 AM - 9:00 PM
Tel: (123) 456-7890	Sat-Sun: 10:00 AM - 3:00 PM
Fax: (123) 456-7890	

Subject to comments received as a result of this Notice and the receipt of necessary approvals, {MOI/IO} intends to proceed with the construction of this project.

Interested persons may provide written comment to: Project Manager, {MOI/IO}, 123 Main Street, Middletown, Ontario, A1C 2B3, telephone (123) 456-7890, within 30 calendar days from the date of this Notice. A person may request that the Minister of the Environment (the Minister) make an order for the project to comply with Part II of the *Environmental Assessment Act* (referred to as a Part II Order), which addresses individual environmental assessments. Requests must be received by the Minister at the address below within 30 days from the date of this notice. A copy of this request must also be sent to the project manager. If no request is received by - *insert date* -, the addition of the recreation facility at the Middletown Centre will proceed to construction, as outlined in the ESR.

Minister of the Environment  
135 St. Clair Avenue West, 12th Floor  
Toronto, Ontario  
M4V 1P5

This Notice was issued – *insert date*..

**ITEM 6c  
SAMPLE NOTIFICATION**

**MINISTRY OF INFRASTRUCTURE  
PROPERTY DISPOSITION  
123 MAIN STREET, MIDDLETOWN  
MINISTRY OF INFRASTRUCTURE PUBLIC WORK CLASS ENVIRONMENTAL ASSESSMENT  
NOTICE OF COMPLETION OF CONSULTATION AND DOCUMENTATION REPORT  
CATEGORY B**

Dear \_\_\_\_\_,

{On behalf of} the Ministry of Infrastructure (MOI), {"Ontario Infrastructure and Lands Corporation (IO)"/or select other agency} has now completed the Consultation and Documentation (C&D) Report regarding the proposed disposition of 123 Main Street, Middletown, Ontario, located at the corner of Main Street and Water Street in downtown Middletown. This project has been assessed as a Category B, in accordance with the requirements of the Ministry of Infrastructure Public Work Class Environmental Assessment Process.

***Include a map showing location  
of the undertaking.***

As described in the C&D Report, {MOI/IO} is proposing the disposition of the above property. The property is approximately 5,000 square feet and is currently a vacant lot.

This letter is to inform you that the C&D Report is available for review at the following locations:

{MOI/IO} District Office Middletown Public Library	
123 Main Street	90 Water Street
Middletown, Ontario	Middletown, Ontario
Mon-Fri: 8:30 AM - 4:30 PM	Mon-Fri: 9:00 AM - 9:00 PM
Tel: (123) 456-7890	Sat-Sun: 10:00 AM - 3:00 PM
Fax: (123) 456-7890	

Subject to comments received during the review period and the receipt of necessary approvals, {MOI/IO} intends to proceed with the disposition of this property.

Interested persons may provide written comment to: Project Manager, {MOI/IO}, 123 Main Street, Middletown, Ontario, A1B 2C3, telephone (123) 456-7890, within 30 calendar days from the date of this Notice. A person may request that the Minister of the Environment (the Minister) make an order for the project to comply with Part II of the *Environmental Assessment Act* (referred to as a Part II Order), which addresses individual environmental assessments. Requests must be received by the Minister at the address below within 30 days from the date of this notice. A copy of this request must also be sent to the project manager.

If no request is received by - *insert date* -, the disposition of the property will proceed, as outlined in the C&D Report.

Minister of the Environment  
135 St. Clair Avenue West, 12th Floor  
Toronto, Ontario  
M4V 1P5

This Notice was issued January 3, 2005.

Thank you for your interest in this {MOI/IO} undertaking.

Sincerely

Project Manager  
{MOI/IO}  
Tel:(123) 456-7890  
Fax: (123) 456-7890

**ITEM 7  
SAMPLE FORM**

**SAMPLE COVERING FORM TO ENVIRONMENTAL ASSESSMENT  
AND APPROVALS BRANCH**

TO: Manager  
Project Coordination Section  
Ministry of the Environment  
Environmental Assessment and Approvals Branch  
2 St. Clair Avenue West, Floor 12A  
Toronto, Ontario  
M4V 1L5

TO: Regional MOE Office

FROM: [Name of Proponent]  
[Address]  
[Study Contact]  
[Phone]  
[Fax]

RE: Name and Location of Project

DATE:

---

The above-noted project has been carried out in accordance with the Ministry of Infrastructure Public Work Class Environmental Assessment process. Please find enclosed a copy of the following for your files:

- 9 Notice of Completion (Category B Project)
  
- 9 Notice of Completion of Environmental Study Report (Category C Project)
  
- 9 Notice of Filing of Addendum



**ITEM 8  
SAMPLE PROCEDURE**

**PROCEDURE FOR THE APPLICATION OF CLIENT MINISTRY OR AGENCY 'S CLASS EA OR  
DECLARATION ORDER**

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This form is to be completed for all Category B and C undertakings, for which a client ministry/agency 's Class EA/Declaration Order will be or has been used to assess the undertaking.

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Part I of this form should be completed prior to completing the Class EA/Declaration Order for the undertaking. Part II of this form should be completed after the Class EA/Declaration Order has been completed.

Upon completion, this form should be placed in the project file.

Please refer to Section 9.7 of the PW Class EA Process for further details.

---

**PART I - PRE-PW CLASS EA/DECLARATION ORDER**

1. Does your ministry/agency 's Class EA/Declaration Order cover the proposed undertaking?  
 Yes  No

If no, the PW Class EA must be used to assess the undertaking.

2. If yes, please provide copies of relevant provisions in the Class EA/Declaration Order that support this position. Alternatively, please list the relevant provisions below.

- Relevant provisions attached  
 Relevant provisions listed below

Provisions:

---

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2. Do you intend to carry out the Class EA/Declaration Order process or do you wish **MOI/IO** to do so?
- Intend to carry out Class EA/Declaration Order process
  - MOI/IO** to carry out Class EA/Declaration Order process
- 
- 
- 

**PART II - POST CLASS EA/DECLARATION ORDER**

1. Have the Class EA/Declaration Order requirements been met for this undertaking?
- Yes
  - No
2. Are there any conditions attached to the Class EA/Declaration Order approvals for this undertaking?
- Yes
  - No

3. If there are any conditions attached to the Class EA/Declaration Order approvals, please provide conditions.

- Conditions attached
- Conditions listed below

Conditions:

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4. Have all of the conditions attached to the Class EA/Declaration Order approvals been fulfilled?

- Yes
- No

5. If no, specify which conditions have not been met.

---



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6. Please specify how and when these conditions will be met.

---



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---



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**If there are conditions which cannot be met or if MOI/IO is unable to obtain written confirmation that the client ministry/agency's Class EA/Declaration Order has been met, the client ministry/agency will have to resolve the outstanding issues before MOI/IO can proceed with the undertaking.**

**Part I Completed By:**

Name: \_\_\_\_\_

Client Ministry/Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Date Completed: \_\_\_\_\_

Copy sent to MOI/IO:  Yes  No

**Part II Completed By:**

Name: \_\_\_\_\_

Client Ministry/Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Date Completed: \_\_\_\_\_

Signature: \_\_\_\_\_

Position/Title: \_\_\_\_\_

Copy sent to MOI/IO:

Yes  No

**APPENDIX 5**

**ALTERNATIVES TO THE UNDERTAKING  
AND  
ALTERNATIVE METHODS  
OF CARRYING OUT THE UNDERTAKING**

## **ALTERNATIVES TO THE UNDERTAKING AND ALTERNATIVE METHODS OF CARRYING OUT THE UNDERTAKING**

### **ITEM 1: ALTERNATIVES TO THE UNDERTAKING (FROM SECTION 5, STEP C6)**

#### **"maintain status quo"**

Consideration of this alternative is mandatory, even though the "status quo" alternative will rarely solve the identified problem or need. Its purpose is to provide a realistic baseline for the assessment of net benefits in environmental effects associated with each alternative.

#### **"improve existing facility"**

This alternative can involve a space and function analysis to see if the existing accommodation could be used more efficiently, such as renovations to convert an office plan to an open space plan, and alterations, renovations and retrofit to remove the deficiencies giving rise to the undertaking.

#### **"deal with problem at source"**

An example of this would be to expand an existing facility, rather than to build a new one. It may be possible to add to a building vertically (add a new floor), or horizontally (add a wing). Another possibility is to demolish an outdated facility, and replace it, in-situ, with a new one. In the case of heritage property, additional facilities could be acquired by renovating or reconstructing former out buildings.

#### **"lease, exchange or reuse"**

There are a number of alternatives which can provide a new facility, without new construction. These can include: leasing available space from the private sector; searching the MOI real property and lease portfolio to see if any suitable government building or lease is about to become vacant; or making a search to see if an exchange can be arranged with another government agency which is outgrowing its present accommodation, etc.

#### **"lease-purchase"**

Commission a lease-purchase arrangement with the private sector for a new facility. This will not lessen any of the EA responsibilities for MOI, but may bring a new range of properties and building options into consideration.

#### **"build new facility"**

This alternative involves construction of a new facility. Within this alternative, there may be a number of program variations to consider, such as: build one large regional facility, as opposed to several smaller branch offices; and build part now, and part later, etc.

## **ITEM 2: THE SITE PLANNING FACTORS IN ALTERNATIVE METHODS OF CARRYING OUT MOI/IO UNDERTAKINGS ARE:**

### **"candidate site options"**

In many MOI/IO undertakings there will be a choice of sites. MOI/IO will ordinarily search through its own land portfolio for candidate sites, before it considers any new acquisitions in the real estate market. For undertakings without any proposed site, examining a range of alternative sites will be necessary. However, even when there is a proposed site, alternative site options should be considered when there are early indications that the proposed site may require a substantial amount of mitigation. Managers are encouraged to look at heritage properties when they are looking for properties with special requirements.

### **"land use options"**

In some MOI/IO undertakings, particularly subdivision and redevelopment, there may be a wide variety of alternative land uses (residential, commercial, industrial, institutional, agricultural, open space and recreational), giving rise to potential compatibility issues. A typical example of such a conflict would be the impact of residential development (humans, pets, and private vehicles) on farmland. Another example would be the impact of development on an area of high archaeological potential.

### **"density"**

Similarly, for subdivision and redevelopment, there may be a wide variety of density choices (high, medium, low or mixed). These can have a major effect on the environment in terms of impacts upon the surrounding infrastructure (capacity of water, sewer, drainage, transit and road systems) and social services (capacity of schools, health care facilities, community facilities and social agencies); and impacts on heritage and the natural environment (for example, capacity for on-site disposal in unsewered areas, changes in permeability due to buildings and paving, susceptibility of ESAs to disturbance by humans and pets, etc.).

### **"building types and massing"**

Choice of building type may have a significant effect on environmental impacts, both physically, in terms of "footprint" (i.e., how much of the site is left in open space), and also in visual terms. Options can include: high rise, medium rise, low rise, tower, tower and podium, slab, stepped, and courtyard, etc., and their combinations. Visual impact, and shadows cast, may be of particular significance to sites adjacent to heritage features, and in other sensitive siting situations where visual intrusion or interruption of sunlight may be controversial issues. "Footprint" may affect the ability to avoid ESAs, heritage features, permeability, existing vegetation, etc.

### **"circulation and parking approach"**

Site circulation can become an important environmental factor when dealing with a large site or a subdivision. Access alternatives can include vehicular, pedestrian, transit and bicycle modes and their interrelationship, and linkages and continuity with external circulation systems. These in turn can affect safety and traffic congestion both within and beyond the site. Parking options may involve alternative parking ratios, with implications on modal split and open space; and alternative parking modes including at-grade, below-grade, or multistory, with impacts on open space, permeability and visual impact, etc.

### **"landscaping and siting approach"**

Alternatives can include natural or exotic vegetation, formal or informal planting arrangement, open or closed vistas, etc. Grading can follow the natural contours, or have a more formal appearance. Overall, there can be an attempt to conform to the existing landscape and terrain, or to change them. It will usually be considered desirable to integrate ESAs, heritage relationships and features, woodlots and steep slopes into the site plan. However, whether the approach is to encourage physical and visual access, or discourage it, will depend upon the sensitivity of the feature and anticipated degree of use. Siting alternatives can include one large building or several smaller ones, location near the street or away from it, location of parking in front of the building or behind it, etc.



**APPENDIX 6**

**CATEGORY C: ENVIRONMENTAL STUDY REPORT FORMAT**

## **CATEGORY C: ENVIRONMENTAL STUDY REPORT FORMAT**

### **Format**

Category C requires the preparation of a standardized document called an "Environmental Study Report" (ESR). The ESR should contain any necessary supporting appendices. The basic outline of the ESR is as follows:

#### **TABLE OF CONTENTS**

SUMMARY

CHAPTER 1. INTRODUCTION AND BACKGROUND

CHAPTER 2. APPROACH AND METHODOLOGY

CHAPTER 3. EXISTING CONDITIONS

CHAPTER 4. ALTERNATIVES AND EVALUATION

CHAPTER 5. PREFERRED APPROACH/UNDERTAKING

APPENDICES

While it is not necessary for every Class EA to have the same level of detail and emphasis in each of the above chapters, it is important to adhere to the basic format and address the key points under each heading.

The Outline which follows is a guide to the essential components of an ESR, its content, issues that review agencies will be looking for, and the features which make an ESR a technically sound document.

### **ENVIRONMENTAL STUDY REPORT: OUTLINE**

#### **SUMMARY**

The summary is a one page abstract of the entire assessment, highlighting need, alternatives, consultation process, preferred alternative, potential impacts, mitigation measures and monitoring plan, and any unusual conditions.

## CHAPTER 1

### INTRODUCTION AND BACKGROUND

This chapter explains the purpose of the ESR and defines the undertaking.

#### 1.1 Purpose of the ESR

- Significance in terms of the *Environmental Assessment Act*.
- Rationale and justification for decision to proceed with the undertaking.
- Statement that the PW Class EA has itself been subjected to an individual EA process, including a complete public consultation program.
- Statement that in addition to the requirements of the *Environmental Assessment Act*, the undertaking must comply with all other applicable federal, provincial and municipal statutory requirements.
- Submission requirements, review period and process for filing objections.
- Summary description of the physical and administrative boundaries, as well as the spatial and temporal boundaries of the undertaking.

#### 1.2 General Description of the Undertaking

- A map with the study area defined.
- Identification of the specific problem and purpose.
- Description and characteristics of the preferred solution, and statement that it has been subjected to an ESR process, including a complete public consultation program.

#### 1.3 Related Studies

- Previous financial, operational, and planning studies relating to the undertaking or the area in which it is to be implemented.
- Any other EA documents which were used in the assessment, including specific page or section references where applicable.

#### 1.4 Assessment and Implementation Schedule

- Time frame for the completion of the ESR.
- Schedule for public participation and consultation.
- Schedule for proposed implementation of work.

## **CHAPTER 2**

### **APPROACH AND METHODOLOGY**

This chapter provides a description of how and where the necessary data were collected, the technical approach to the work, the study team organization, and the consultation program and parties consulted.

#### **2.1 Approach to the Assessment**

- Boundaries of the assessment.
- Data collection and timing; data analysis; evaluation of impacts; and integration of consultation input.

#### **2.2 Assessment Team**

- Proponent in charge of the undertaking.
- Proponent team in charge of the assessment and implementation of the undertaking.
- Consultants and sub-consultants.
- Special advisors.

#### **2.3 Internal Participation**

- Other MOI/IO divisions, departments, regional offices and district offices that participated in the process.
- Nature and extent of their participation, and their comments, issues and concerns.

#### **2.4 Agency Participation**

- Federal departments, provincial ministries and agencies; federal, provincial and local elected officials; and other technical staff.
- Nature and extent of their participation, and their comments, issues and concerns.

#### **2.5 Public Consultation**

- Consultation program, number of sessions and dates.
- Parties invited and notification approach (how stakeholders were identified).
- Number of participants per session.
- Nature and extent of their participation and their comments, issues and concerns.
- Approach to use of consultation input.

## CHAPTER 3

### EXISTING CONDITIONS

This chapter provides a description of the existing conditions for the natural, socio-economic and man-made components of the environment within the boundaries established for the assessment.

#### 3.1 Assessment Boundaries

- Description of and rationale for the geographic and administrative boundaries as well as the spatial and temporal boundaries of the assessment.

#### 3.2 Natural Environment

- Soils (including agricultural soils), vegetation, water resources, floodplains, wetlands, steep slopes, ravines, wildlife, aquatic life; ESAs and habitat in terms of quantity, quality and sensitivity to disturbance, including present level of disturbance; and contamination of natural systems (air, water and soil).

#### 3.3 Socio-economic Environment

- Existing land uses, official plan land use designations, and proposed future land uses; designated prime agricultural areas, where specialty crop lands and prime agricultural lands (Class 1, 2 and 3) predominate (unless designated for development in an official plan); cultural heritage resources; and economic relationships between the site/undertaking and the surrounding area, such as agriculture, tourism and recreation, etc.

#### 3.4 Cultural Heritage

- Existing heritage recognition including designation as a MOI Heritage Property, registration as an archaeological site, heritage easements, designation under the *Ontario Heritage Act* or federal legislation, and/or informal recognition as an historic or sacred site. In the case of MOI Heritage Properties and many other types of heritage sites, the qualities of the property embodying its unique heritage value will be described in its Heritage Character Statement. The features, relationships and conditions described by the Heritage Character Statement constitute a statement of what must be supported. In situations where a Heritage Character Statement does not exist, the qualities of the property that require protection must be defined (before proceeding) on the basis of the significance for which it has received heritage recognition.

#### 3.5 Built and Visual Environment

- Engineering and infrastructure conditions relevant to the undertaking, such as existing and planned water, sewer and drainage locations and capacity; transportation and transit network, traffic volumes and capacities. Where applicable, feasibility of on-site sewage disposal and access to an adequate supply of potable water.

- Any contamination of buildings, grounds and facilities, old landfills, spoils heaps, etc.
- Urban design built form such as subdivision pattern, massing, heights, densities, setbacks, and state of repair. Visual characteristics such as visual identity, visual features, architectural styles and materials, natural landscape features, and viewpoints and vistas.
- Background noise levels where noise may be a concern.

## **CHAPTER 4**

### **ALTERNATIVES AND EVALUATION**

This chapter provides a description of the alternatives to the undertaking and the alternative methods of carrying out the undertaking, the evaluation methodology, and the outcome in terms of the preferred alternatives.

Due to the nature of the activities of the MOI/IO, as described in Section 1.2 of the PW Class EA, the assessment of alternatives to an undertaking is not in most cases an option to be examined under the PW Class EA process. Often the assessment of alternatives has taken place within another planning framework or policy process. In those cases where the assessment of alternatives is not to be addressed under the PW Class EA methodology, MOI/IO will identify the planning and approvals process that was used prior to requesting that MOI/IO proceed with the environmental assessment of the identified undertaking. This will be identified on the ESR. A brief discussion of the rationale for the project should be included.

#### **4.1 Alternatives to the Undertaking**

- Alternatives to the undertaking, as well as their advantages and disadvantages in terms of solving the problem or addressing the purpose.
- Effects of the alternatives on the natural, socio-economic, and built and visual environments.
- Rationale for the evaluation and selection of the preferred alternative, including the integration of public input.
- Preferred undertaking.

#### **4.2 Alternative Methods of Carrying Out the Undertaking**

- Alternative methods of carrying out the undertaking as well as their advantages and disadvantages in terms of solving the problem or addressing the purpose.
- Effects of the alternative methods on the natural, socio-economic, built and visual environments.
- Construction alternatives, if relevant, in terms of staging, interim servicing, construction methods and timing.
- Rationale for evaluation and selection of the preferred alternative, including the integration of public input.
- Selected method/design and construction for the preferred undertaking.

### **4.3 Review of Identified Concerns**

- Summary of issues and concerns raised by the public, federal and provincial agencies, local agencies, and elected officials which were considered in the selection of the preferred undertaking, and the steps taken to address these issues and concerns.

## **CHAPTER 5**

### **PREFERRED APPROACH/UNDERTAKING**

The purpose of this chapter is to describe the selected undertaking in detail, its impacts, mitigation measures, potential rehabilitation opportunities and monitoring, as well as to provide the specific details of implementation. If there is to be an Environmental Management Plan (EMP) (for contents see Glossary), it may be documented within the sections below, or if too lengthy, incorporated within the appendix or presented as a separate document.

#### **5.1 The Undertaking**

- Proposed design and methods for achieving the undertaking including plans, site requirements, system components, and staging, etc.

#### **5.2 Existing Conditions**

- Detailed description of the natural, socio-economic and built environments which may be affected by the proposed undertaking.

#### **5.3 Potential Environmental Impacts and Mitigation Measures**

- Specific development or construction activities required to carry out the undertaking such as demolition, excavation, tree removal, grading, blasting, temporary displacement, de-watering, and stockpiling; and for the operation of the facility, waste production, traffic, sewage, etc.
- Potential direct and indirect and positive and negative environmental changes associated with these activities.
- Mitigative measures to be applied, including timing and duration.
- Proposed rehabilitation and enhancement actions, or uninhibited potential for future rehabilitation and enhancement.
- Environmental Management Plan if required (See Section 7.3).
- Cultural Heritage Management Plan (CHMP) (See Section 7.4).

#### **5.4 Net Environmental Effects**

- Resulting net effects of the undertaking, presented in terms of construction and operational period.

## **5.5 Monitoring**

Depending on the sensitivity of the undertaking, the extent of proposed mitigation measures and commitments to undertake specific actions, a monitoring program may have to be initiated. The monitoring program will address both compliance and effects monitoring, and their timing and duration. Monitoring programs should be developed for heritage impacts, as well as biophysical and social impacts, as required.

For details on the approach, contents and required documentation of a monitoring program, see Section 7.2 of the PW Class EA document.

## **APPENDICES**

Appendices may include maps, plans, special studies, evaluation tables, submissions by public groups and individuals, and lists of applicable legislation, policies and guidelines. If there is to be an EMP and this is too lengthy to be included in the text, it can be attached as an appendix or separate report.

## **SUBMISSION REQUIREMENTS**

When the documentation is complete, a Notice of ESR Completion and Review must be advertised, and the ESR and any related addenda placed in the public record for a 30 calendar day review period, and filed with the MOE Environmental Assessment and Approvals Branch and appropriate MOE regional office. The public record should be kept in the same geographical area as the proposed undertaking. Specific locations might include the MOI/IO office, local client agency offices, local municipal offices, or local library, etc.

After the 30 day review period there will be either: no objections; some objections; or a request for a Part II Order. If there are no objections, the implementation of the project can proceed. If there are objections, it is the responsibility of the proponent to contact the objector and resolve the issue as quickly as possible.

If agreement cannot be reached within 15 days of the date of receipt of the objection, the issue will be referred to the Ministry of the Environment for a decision. If a request for a Part II Order is made, MOI/IO should contact the MOE immediately for consultation and direction (see Section 9.3).

## **REVISIONS AND ADDENDA TO THE ESR**

In some cases, due to unplanned events and delays, or the need for modifications (see STEP C7 in Section 5), it may be impossible to carry out an undertaking as defined in the ESR. Any resulting design changes must be assessed by the proponent and the findings submitted as an "Addendum to the ESR". The Addendum must include justification for these changes, their implications, and any new mitigation measures. The procedure for submitting an Addendum for public review is as follows:

- The public must be notified that an Addendum is being submitted. The notice should be published/distributed in the same manner(s) and location(s) as the original notices, and include an explanation of the process and of the right to request a Part II Order;



- The Addendum must be placed on the public record in the same location(s) as the original ESR, and copies filed with the MOE EAAB, and distributed to all members of the public and review agencies participating in the assessment;
- All comments subsequently received from these parties must be incorporated, as appropriate, into the addendum document.

**APPENDIX 7**

**EMERGENCY SITUATIONS**

## EMERGENCY SITUATIONS

From time to time, MOI/IO may be called upon by the Government to assist other agencies in taking emergency measures to avoid:

- danger to the health or safety of any person;
- impairment to the quality of the natural environment; and
- injury or damage to any property, plant or animal life.

Examples of such emergencies would include gas leaks in buildings, tire fires, removal of radioactive soil, removal of asbestos insulation, infrastructure failures, etc. After the emergency situation has been stabilized, MOI/IO may also be asked to participate in longer-term measures to prevent reoccurrence, and to rehabilitate damages and environmental impacts.

In the majority of cases, another ministry is the lead agency, and MOI/IO participation is limited to specific services, which are frequently only a part of the total effort. In cases such as these, the lead agency is considered the proponent, and MOI/IO will assume that any emergency powers and approvals granted to the proponent apply equally to MOI/IO participation.

Occasionally, however, MOI/IO may be the lead agency in an emergency situation. In such instances, MOI/IO and MOE will determine a suitable course of action, and the necessary measures will be taken immediately. It will be the responsibility of MOI/IO, to the extent possible, as dictated by the emergency situation, to notify the affected members of the public and affected government agencies including the nearest regional office of MOE and the EAAB, that emergency measures are about to be undertaken. After the emergency situation has been resolved, MOI/IO will notify MOE and the EAAB, within 15 days, of the:

- location and nature of the emergency;
- action taken to resolve the emergency;
- effectiveness of the action taken (stop-gap, longer-term, permanent, etc.);
- anticipated remedial work(s) still required, if any;
- description of the physical, natural, social, cultural and economic effects of the emergency; and
- any mitigating measures that it was possible to implement.

The nature of the emergency measures could be such that their effectiveness is of short duration, and a longer-term solution must be undertaken. Alternately, the emergency measures may have permanently resolved the emergency, but significant damage from the emergency may still remain, and require clean-up or rehabilitation efforts. In such cases, should MOI/IO be assigned the responsibility of implementing the longer-term measures, these measures must be commenced immediately. Based upon discussions between the regional offices of MOI/IO, MOE and the EAAB, a modified planning and design process may be used to meet time constraints. Where the longer-term solution is not as urgent, the planning and design process described in this PW Class EA will be followed.

**APPENDIX 8**

**IDENTIFYING EXPERT FEDERAL AUTHORITIES AND POTENTIAL  
TRIGGERS UNDER THE *CANADIAN ENVIRONMENTAL ASSESSMENT ACT***

<b>TABLE A: IDENTIFYING EXPERT FEDERAL AUTHORITIES</b>	
<b>ENVIRONMENTAL ISSUES</b>	<b>EXPERT FEDERAL AUTHORITY</b>
Environmental Effects (from definition of "environment" in the <i>Canadian Environmental Assessment Act</i> (CEAA))	
<b>Changes in the environment:</b>	
general	Environment Canada
air	Environment Canada
land	Environment Canada Natural Resources Canada
fish and fish habitat	Fisheries and Oceans Canada - FHM
soil	Agriculture Canada
forest resources	Natural Resources Canada
humans	Health Canada
water	Environment Canada Fisheries and Oceans Canada - FHM Natural Resources Canada
Species at Risk	Environment Canada Fisheries and Oceans Canada - FHM
migratory birds	Environment Canada
wetlands	Environment Canada
<b>Changes in:</b>	
navigation	Fisheries and Oceans Canada - CCG
<b>Related changes in:</b>	
sustainable use	Environment Canada
human health conditions	Health Canada
socio-economic conditions	Agriculture Canada Health Canada Indian and Northern Affairs Canada Industry, Science and Technology Canada Natural Resources Canada
cultural resources	Canadian Heritage Indian and Northern Affairs Canada

<b>TABLE A: IDENTIFYING EXPERT FEDERAL AUTHORITIES</b>	
<b>ENVIRONMENTAL ISSUES</b>	<b>EXPERT FEDERAL AUTHORITY</b>
Aboriginal resource use	Indian and Northern Affairs Canada
Aboriginal land use	Health Canada
historical, archaeological, paleontological and architectural resources	Canadian Heritage Natural Resources Canada Public Works Canada
management of protected areas - national parks, international/national historic sites, historic rivers and heritage canals, federal heritage properties (FHBRO), heritage railway stations, heritage conservations requirements	Canadian Heritage Parks Canada
CEAA process and procedures	Canadian Environmental Assessment Agency
International environmental issues	Foreign Affairs and International Trade Canadian International Development Agency

<b>TABLE B: POTENTIAL CANADIAN ENVIRONMENTAL ASSESSMENT ACT TRIGGERS</b>			
<b>Potential Project Trigger</b>	<b>Provisions of Legislation</b>	<b>Responsible Authority</b>	<b>Comments</b>
A <i>CEAA</i> Screening is triggered if the Project:			
is being proposed by a federal authority	<i>CEAA</i> s.s. 5(1)a	The federal authority	
is being funded with federal money	<i>CEAA</i> s.s. 5(1)b	The funding department	The <i>CEAA</i> is triggered where federal money is being provided (e.g., Infrastructure Program projects).
involves the disposition , lease or transfer of federal land	<i>CEAA</i> s.s. 5(1)c	Federal department responsible for the implicated lands	This would affect projects crossing federal lands such as national parks (Canadian Heritage), Indian reserves (Indian and Northern Affairs Canada) or national defence bases (Department of National Defence).
requires a license, permit or approval listed in the Law List Regulations (see examples in the rows below and the corresponding Law List Regulation in the column "Provisions of Legislation")	<i>CEAA</i> s.s. 5(1)d	(see examples in the rows below for the corresponding responsible authority)	
is likely to affect a pipeline or property, regulated by the National Energy Board (NEB), that is used for the transmission of oil or gas	<i>National Energy Board Act</i>	National Energy Board	May apply to projects requiring the re-location of a pipeline that is regulated by the NEB.
is likely to affect the operation of a railway company or property	<i>Canadian Transportation Act, Heritage Railway Station Protection Act</i>	Transport Canada, Canadian Transportation Agency, Canadian Heritage	Generally will apply to projects where a rail line crossing is contemplated. Applies to identified properties.
involves the temporary storage of explosives on-site	<i>Explosives Act</i> , par. 7(1)a	Natural Resources Canada	Projects which involve blasting and on-site storage of explosives require a permit under the <i>Explosives Act</i> .
involves the federal government in the acquisition, administration or disposal of real property for which a license for any use or occupation of real	Federal Real Property Regulations, par. 4(2)a	Various - the federal department providing the license	Would apply to projects which propose to use or occupy federal real property.

<b>TABLE B: POTENTIAL CANADIAN ENVIRONMENTAL ASSESSMENT ACT TRIGGERS</b>			
<b>Potential Project Trigger</b>	<b>Provisions of Legislation</b>	<b>Responsible Authority</b>	<b>Comments</b>
property is required			
is likely to harmfully affect fish or fish habitat	<i>Fisheries Act</i> , s.s. 22(1), 22(2), 22(3), 32, 35(2) and 37(2)	Fisheries and Oceans Canada - Fish Habitat Management	applies to any work in or near water provision of sufficient water flow passage of fish around barriers screening of water intakes destruction of fish by means other than fishing (e.g., blasting) authorization is required to harmfully alter, disrupt or destroy fish habitat
is likely to substantially interfere with the public right to navigation	<i>Navigable Waters Protection Act</i> , s.s. 5(1)a, 6(4), 16 and 20	Fisheries and Oceans Canada - Canadian Coast Guard	applies to any work in, on, over, under, through or across navigable water approval is required for a new bridge, boom, dam or causeway (including culverts) other works that cause changes to flows, water levels or navigation clearances may require approval
is likely to take place in, involve dredge and fill operations, draw water from or discharge to a historic canal operated by Parks Canada	Indian and Northern Affairs Canada Canal Land Regulations, Public Lands Licensing Order, Heritage Canal Regulations	Parks Canada	Potentially triggered by projects crossing the Trent Severn Waterway and Rideau Canal. The Canal Land Regulations and Public Lands Licensing Order address drainage into a canal (e.g., stormwater drains) and the Heritage Canal Regulations address dredge and fill activities.
is likely to affect Indian reserve lands	<i>Indian Act</i> , s.s. 28(2), 35(1), 35(2) and 39	Indian and Northern Affairs Canada	Would only apply to projects that are located on, or require access through, Indian reserves.



**APPENDIX 9**

**GLOSSARY OF TERMS**

## GLOSSARY OF TERMS

### **ABORIGINAL:**

Aboriginal peoples of Canada have been defined by Section 35 of the *Constitution Act, 1982*, to include the Indian, Inuit and Métis peoples of Canada.

### **ACTION:**

A sub-component of an undertaking. For example, actions or sub-components of the undertaking "Reconstruction" might be: leasing, letting, acquisition, disposition, maintenance, repair, design, construction or demolition, etc.

### **ACTIVITY:**

A branch or departmental function, such as "Leasing and Letting" or "Design and Construction".

### **ADMINISTRATIVE BOUNDARIES:**

The administrative boundaries refer to that portion of an undertaking over which a proponent or client ministry/agency has jurisdiction.

### **ALTERNATIVES TO THE UNDERTAKING:**

Functionally different ways of approaching and dealing with a problem or opportunity. For example, when a client agency requires more floor space, alternatives to the undertaking may be to: re-plan the existing space more efficiently; lease new space; demolish the old building and erect a new one on the same site; add a floor or a wing to the present building; or construct a new building on a new site, etc.

### **ALTERNATIVE METHODS OF CARRYING OUT THE UNDERTAKING:**

Different ways of doing the same activity. For example, if the preferred alternative to the undertaking is to construct a new building, then alternative methods of carrying out the undertaking might be: siting - which candidate site to select; built-form - high, medium or low rise; parking - surface, underground or multilevel; landscaping - formal or natural, etc.

### **AREAS OF ARCHAEOLOGICAL POTENTIAL:**

These are lands where there is a strong likelihood for the presence of archaeological resources. Potential is based on the presence or absence of a wide range of physiographic and historical features. There are provincial criteria for determining archaeological potential, but municipal approaches such as accepted archaeological master plans which achieve the same objective may also be used. Archaeological potential is verified through archaeological assessment by archaeologists licensed under the *Heritage Act*.

**AUDIT, ENVIRONMENTAL AUDIT:**

The systematic evaluation of how well an environmental organization, management system, or equipment is performing.

**BUILDING:**

For the purpose of this PW Class EA, a “building” is defined as a permanent structure consisting of a wall, roof and floor with a foundation that extends below the frost line and contains a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto.

**CATEGORY:** See **ENVIRONMENTAL ASSESSMENT CATEGORY**

**CLASS ENVIRONMENTAL ASSESSMENT (PW CLASS EA):**

A pre-approved planning and implementation process for a group or class of projects which generally have the following characteristics: recurring, similar in nature, limited in scale, a predictable range of environmental effects and responsive to standard mitigation measures. Projects covered by a class EA can be implemented without further approval under the *EAA* provided the class EA process is followed.

**CLIENT AGENCY:**

A ministry, agency or municipality that uses the services of the MOI/IO Realty Group.

**COMPLIANCE MONITORING:**

Monitoring for the purpose of seeing how well an undertaking, in progress, or completed, is meeting specifications and commitments defined in the Environmental Study Report or by regulation. See also **MONITORING**.

**CONCEPTUAL PLANNING:**

Planning for the purposes of feasibility studies and estimates, rather than with the intention of applying for planning approval. For example, site planning to determine a site's potential prior to embarking upon a formal design process.

**CONSERVATION BODY:**

According to the *Conservation Land Act*, R.S.O. 1990, c.C.28, “conservation body” means:

- a) The Crown in right of Canada or in right of Ontario,
- b) An agency, board or commission of the Crown in right of Canada or in right of Ontario that has the power to hold an interest in land,
- c) A band as defined in the *Indian Act* (Canada),

- d) The council of a municipality,
- e) A conservation authority,
- f) A corporation incorporated under Part III of the *Corporations Act* or Part II of the *Canada Corporations Act* that is a charity registered under the *Income Tax Act* (Canada),
- g) A trustee of a charitable foundation that is a charity registered under the *Income Tax Act* (Canada), or
- h) Any person or body prescribed by the regulations; (“organisme de protection de la nature”).

**CONTACT POINT:**

A specified time during the EA process when contact, either written or verbal, must be made with the public.

**CULTURAL HERITAGE EVALUATION:**

The process through which the cultural heritage potential of a given property or site is identified by a qualified professional and then evaluated by stakeholders for their potential contribution to the preservation or interpretation of cultural heritage. With regard to archaeological assessments in areas of identified potential, an archaeologist licensed under the *Ontario Heritage Act* must be retained. The evaluation must consider the presence of built heritage, cultural heritage landscapes, archaeological resources, sacred and traditional use sites, cemeteries and burials, and areas of archaeological potential.

Refer to MBS/MCC Cultural Heritage Protocol for further information.

**CULTURAL HERITAGE MANAGEMENT PLAN (CHMP):**

A site-specific report which, in the context of the PW Class EA, is prepared as part of the ESR process. Depending upon its length and contents, the CHMP may either be incorporated into the text of the ESR, contained within an appendix, attached as a separate report or required to be produced at a later date. A CHMP will be required if it is determined through previous studies that a proposed undertaking may potentially have an adverse effect on a MOI Heritage Property. The CHMP must provide specific guidance as to how the adverse effect will be avoided, dealing with such topics as features, qualities and relationships defining the heritage value of the property as identified in its Heritage Character Statement, the continuity of statutory protection of its heritage value, and public retention of its heritage information and site record. In addition, it must identify the party(s) responsible for carrying out and paying for mitigation and compliance monitoring, and set out documentation requirements for these activities.

**CULTURAL HERITAGE PROPERTIES:**

Cultural Heritage Properties are properties that have been identified, assessed, evaluated and deemed to have cultural value to the people of Ontario. Archaeological properties identified for long term assessment are also accommodated by this designation.

## CULTURAL HERITAGE PROTOCOL:

An agreement between the Ministry of Government Services (now MOI) and the Ministry of Culture and Communications (now Ministry of Culture) which came into effect in 1992. The protocol states, “As a purchaser, property owner, or vendor, MBS is responsible for protecting the provincial interest in preserving its cultural heritage resources. As a tenant, MBS must not adversely affect cultural heritage resources on leased property.” In the agreement, MBS commits to:

- developing a process for identifying and protecting cultural heritage resources affected by MBS real property undertakings addressed in the MBS Class EA;
- developing appropriate guidelines for managing heritage resources; and
- carrying out ongoing evaluations and examining options for projects as they arise.

This agreement led to the development of two guideline documents, the Cultural Heritage Process and the Manual of Guidelines. As of January 2008, these documents have since been replaced by the “Ontario Realty Corporation Heritage Management Process Handbook”, which fulfills Condition 6 of the 2004 *Environmental Assessment Act* approval of the *Class Environmental Process for Management Board Secretariat and Ontario Realty Corporation* (now referred to as the Ministry of Infrastructure Public Work *Class Environmental Process*). This document provides the proponent with a process for identifying and protecting cultural heritage resources affected by those real property undertakings addressed in the PW Class EA.

## CULTURAL HERITAGE RESOURCE:

Any resource or feature of archaeological, historical, cultural, or traditional use significance. This may include archaeological resources, built heritage or cultural heritage landscapes. Heritage resources and features are usually identified by federal or provincial agencies, municipalities, local architectural conservation advisory committees (LACACs) or other equivalent local heritage groups, and local and regional band councils. Some heritage resources and features are legally “designated”, and can be found in official sources. Some may only be inventoried or listed, either officially, or by interested stakeholders. Others have never been identified, although this does not necessarily diminish their cultural significance. Cultural heritage resources include the following:

- **Archaeological Resources** - means the remains of any building, structure, activity, place or cultural feature, which because of the passage of time is on or below the surface of the land or water, and which has been identified and evaluated. The identification and evaluation of this resource is based upon an archaeological assessment undertaken by archaeologists licensed under the *Heritage Act*.
- **Identified Archaeological Site** - A registered, designated or identified (existing evidence) site that is contained within a provincial information database and/or is a locally identified site that is deemed to be a cultural heritage resource. A registered archaeological site is identified on a Ministry of Culture site registration form with an assigned Borden Number.
- **Sacred and Traditional Use Sites** - A geographically defined area supporting current or past human use such as a hunting, fishing or gathering area, spiritual site, place of worship or cemetery.

- **Cemeteries/Burial Grounds** - Cemetery registered by the Cemeteries Regulation Unit of Ministry of Government Services (MGS) or other marked or unmarked cemetery identified through assessment by a licensed archaeologist or by a planning process such as native values mapping.
- **Built Heritage Resource** - One or more buildings, structures, monuments, installations, or remains associated with architectural cultural, social, political, economic or military history.
- **Cultural Heritage Landscapes** - A defined geographical area of heritage significance which has been modified by human activities, and is valued by a community for its significance to the understanding of the history of a people or place. It involves groupings of individual heritage features such as structures, spaces, views, archaeological sites and natural elements that together form a significant heritage form.

Refer to Cultural Heritage Process and Manual of Guidelines for further information.

### **CUSTODIAL FACILITIES:**

Facilities where individuals must be kept under security, either for their own safety and protection or for that of the general public. These facilities are generally of a correctional, drug rehabilitation or psychiatric nature. Both size and security requirements may vary widely, depending upon the particular facility.

### **DIRECTLY AFFECTED AGENCIES AND PUBLIC:**

Similar to the definitions of review agencies and public, but more closely oriented toward direct impacts or concerns, to include property owners adjacent to the site, the municipality(s) in which the site is located, and the mandated authorities responsible for special areas such as: ESAs (MNR); Niagara Escarpment Plan (Niagara Escarpment Commission (NEC)), Parkway Belt West Plan (Ministry of Municipal Affairs and Housing, NEC), etc. For specific actions which are capable of affecting known or potential heritage or natural features, the list would be expanded to include NGOs or special interest groups concerned with those particular features. See **REVIEW AGENCIES**, and **PUBLIC**.

### **ECOSYSTEM APPROACH:**

The ecosystem concept signifies the study of living species and their physical environment as an integrated whole. In environmental management its significance lies in a comprehensive, holistic, integrated approach to how we see the environment, its components and our interaction with them.

### **ENVIRONMENT:**

"Environment" is defined broadly in the *EAA* to include the physical, natural, social, cultural and man-made (or "built") components of the environment, and their interrelationships. Section 1(1) of the *EAA* defines "environment" as:

- a) air, land or water;
- b) plant and animal life, including human life;
- c) the social, economic and cultural conditions that influence the life of humans or a community;
- d) any building, structure, machine or other device or thing made by humans;

- e) any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from human activities; or
- f) any part or combination of the foregoing and the interrelationships between any two or more of them.

“Air” includes enclosed air. “Land” includes enclosed land, land covered by water and subsoil. “Water” means surface water and ground water, or either of them.

**ENVIRONMENTAL ASSESSMENT (EA):**

The identification and evaluation of the effects of an undertaking and (where appropriate) its alternatives on the environment, as contained in a document prepared in accordance with the *Ontario* and/or *Canadian Environmental Assessment Acts*.

**ENVIRONMENTAL EFFECT:**

A change to the environment within the defined study area, positive or negative, that would occur as a result of a project.

**ENVIRONMENTAL MANAGEMENT PLAN (EMP):**

A site-specific report which, in the context of the Class EA, is prepared as a part of the ESR process. Depending upon its length and contents, the EMP may either be incorporated into the text of the ESR, contained within an appendix, attached as a separate report or required to be produced at a later date. An EMP will be required if it is determined through previous studies that a proposed undertaking may potentially have an adverse effect on an ESA. The EMP must provide specific guidance as to how the adverse effect will be avoided, dealing with such topics as water quality, soil management, noise, air quality, habitat, access restriction, and cultural heritage protection, etc. In addition, it must identify the party(s) responsible for carrying out and paying for mitigation and compliance monitoring, and set out the documentation requirements for these activities.

**ENVIRONMENTAL ASSESSMENT CATEGORY:**

A division of undertakings, each of which will be subjected to the same environmental assessment methodology. There are four environmental planning categories in this document, each with an increasing level of detail.

**ENVIRONMENTALLY SIGNIFICANT AREAS (ESAs):**

ESAs are natural areas which have a significant natural resource value and/or important ecological functions, but which are susceptible to disturbance from human activities. The purpose of identifying ESAs is to achieve the objectives of the Province in terms of protecting, in perpetuity, its natural and cultural heritage; as well as maintaining certain renewable resources such as water and forests, in terms of quality, quantity and diversity. This includes protection of environmentally sensitive federal lands and facilities, such as parks and monuments.

Most of the ESAs in Ontario are designated by either the MNR, Conservation Authorities or Municipalities, and are recorded in: MNR District Land Use Guidelines; Conservation Authority ESA inventories; and Municipal Official Plans. These sources should be referred to, and the appropriate agencies should be consulted, if any question regarding ESAs on or near a development site should arise. Although the MNR District Land Use Guidelines are available for reference purposes, MNR recommends that the Ministry be contacted to determine if more current natural heritage information is available.

For the purposes of this document, ESAs are defined as follows:

- 1) Provincially significant wetlands, as defined by MNR;
- 2) Areas of Natural and Scientific Interest (ANSIs), as established by MNR;
- 3) ESAs designated in Official Plans under the *Planning Act*. These designations have been identified under a variety of names including: Environmentally Sensitive Areas, Areas of Environmental Concern, and Environmental Protection Areas;
- 4) ESAs as determined by Conservation Authorities;
- 5) Geographic, biophysical and landscape features protected by special designation such as the Niagara Escarpment Plan, including: Escarpment Natural Areas, Escarpment Protection Areas, and Escarpment Rural Areas;
- 6) Habitats of threatened, rare, vulnerable and endangered species, as determined by the Natural Heritage information centre's mapping of rare species (including those designated by the Committee on the status of Endangered Wildlife in Canada (COSEWIC) and MNR.
- 7) Habitats of threatened, rare, vulnerable and endangered species, proposed by any individual or group, and confirmed as significant by MNR;
- 8) Significant woodlands, as identified by regional or local municipal official plans, or as identified by other agencies;
- 9) Key Natural Heritage Features, Natural Core Areas and Natural Linkage Areas, as designated in the Oak Ridges Moraine Conservation Plan;
- 10) Groundwater recharge sites, geographic areas which permit a high rate of infiltration into saturated zones of subsurface water (aquifers), as identified in official plans;
- 11) Federal lands and facilities designated as environmentally significant.

#### **ENVIRONMENTAL STUDY REPORT (ESR):**

The documentation for a specific project planned in accordance with the Category C: Environmental Study Report methodology, setting out the planning and decision making process which has been followed to arrive at the preferred solution, and the mitigation measures proposed to offset environmental impacts.

#### **FEASIBILITY STUDIES:**

Refers to testing, research, review or similar activities carried out to assist in the identification of a project, or the need for a project, etc. May include exploratory drilling, soil sampling, surveying, and similar on-site activities. Feasibility studies are not subject to the *EAA*. Likewise, feasibility studies and other relevant activities for projects subject to this PW Class EA are not subject to an Individual EA.



**GROUP:**

A collection of undertakings with similar characteristics. Placed under a common heading, so that all can share the same description or set of possible actions.

**HERITAGE CHARACTER STATEMENT:**

The Heritage Character Statement is a description of the features, qualities, and relationships that embody the unique heritage value of every MOI Cultural Heritage Property, and the features, qualities and relationships of a MOI Heritage Support Property that permit it to sustain and contribute to the retention of recognized heritage value. This is a property specific document that provides a long term guide for heritage protection in all activities related to each MOI Heritage Property.

**HERITAGE SUPPORT PROPERTIES:**

Heritage Support Properties are properties that, while not of particular cultural value themselves, provide support essential to protect the legibility or physical integrity of a recognized cultural heritage resource.

Such a property may (but not exclusively) be:

- a non-defining part of a MOI Cultural Heritage Property;
- a buffer to a MOI Cultural Heritage Property;
- situated in a community Heritage Conservation District;
- located adjacent to land with identified archaeological potential; and
- located adjacent to a heritage resource that a community has recognized as having cultural heritage significance.

**INDIVIDUAL ENVIRONMENTAL ASSESSMENT (INDIVIDUAL EA):**

An environmental assessment for an undertaking which is proceeding in accordance with Part II of the *EAA*, including planning and consultation, submission of an EA document, review and approval (Category D).

**LEASING:**

The act of renting property from another party (i.e., MOI or its client agency is the tenant; the other party is the landlord).

**LETTING:**

The act of renting property to another party (i.e., MOI is the landlord; the other party is the tenant).

**LICENSING:**

Licensing means any non-exclusive grant of use, occupation or access to property that is not a grant of an interest in land. In licensing, MOI can be either the tenant or the landlord. To make this distinction in the Figure 2.2 Category Listing Matrix, “Licensing From” is grouped together with “Leasing”, where MOI is the tenant, and “Licensing To” is grouped together with “Letting” where MOI is the landlord.

**MITIGATION:**

The act of avoiding, eliminating, offsetting or reducing to an acceptable level (as defined by established regulations, guidelines and standards), the potential adverse effects of an undertaking. Mitigation can include avoidance, change in design, methodology or some other aspect of the undertaking, or remedial activities. Mitigation can also include, rehabilitation and enhancement of existing degraded conditions.

**MONITORING:**

The process of observing continually, or intermittently, one or more elements or indicators of the environment, based upon pre-determined objectives, schedules and locations, etc. See also **COMPLIANCE MONITORING**.

**NET EFFECTS:**

Net effects are the residual impacts of an undertaking, taking into account the implementation of the proposed mitigation measures.

**NON-GOVERNMENT ORGANIZATION (NGO):**

In this document the term non-government organization (NGO) is used synonymously with special interest group.

**PART II ORDER:**

A request for a Part II Order means an order to comply with Part II of the *EAA*. This is an appeal provision whereby a person or party with outstanding concerns may request the Minister of Environment to make an order requiring a proponent to comply with Part II of the *EAA* (which addresses Individual EAs) before proceeding with a proposed undertaking to which the PW Class EA would otherwise apply.

**PHYSICAL BOUNDARIES:**

The physical boundaries delineate the site area that is required for an undertaking. For example, if the undertaking involves the construction of a new facility, the physical site includes the land that is required (or acquired) for the new facility and its associated servicing that forms part of the undertaking.

**PRELIMINARY DESIGN:**

A stage of design which is sufficient for architectural or engineering evaluation, and EA, but does not include any details or schedules, etc.

**PROPONENT:**

The proponent for this PW Class EA is MOI. MOI, IO, or one of MOI's agencies expressly working on behalf of the Minister of MOI (MOI/IO) may carry out and be the proponent of an undertaking to which the PW Class EA applies. (See section 9.7 of the main document for further information on proponentcy and transferability of Class EAs.)

**PUBLIC:**

The general public, including individual members of the public who may be affected by or have an interest in an undertaking, non-government organizations (NGOs) and special interest groups, Aboriginal people, municipalities and other public bodies or authorities, and the client agency.

**PUBLIC RECORD:**

An ongoing record of an EA which consists of the EA document itself (usually an ESR), the government review of the EA, any written submissions by the public, any decisions by either the EAAB or the Joint Board, or the Minister, together with written reasons for the decisions, and any notices or orders made by the Minister relating to the *EAA*. This may include general project files which are available for public examination upon request. All such information is available to the public under the *Freedom of Information and Protection of Privacy Act*.

**PUBLIC SECTOR:**

Public sector refers to all government ministries and agencies, commissions, crown corporations and other, predominantly government funded organizations.

**REVIEW AGENCIES:**

Government agencies, ministries, public authorities or bodies whose mandates require them to have jurisdiction over matters potentially affected by undertakings planned under this PW Class EA, and whose function is to assess and provide comment on EA documents.

**SOCIO-ECONOMIC EFFECT:**

Socio-economic effects include effects at the population or community level on:

- quality of life or "way of life";
- economy, commercial opportunities or employment;
- availability of recreational opportunities or amenities;

- home life or personal security;
- future land uses; and
- future use or future production of commercial species or resources.
- In addition, the following effects must be considered:
- cumulative environmental effects on socio-economic conditions;
- significance of the effects on socio-economic conditions; and
- technically and economically feasible measures that would mitigate any significant effects on socio-economic conditions.

### **SPATIAL BOUNDARIES:**

Spatial boundaries represent that area within which the environmental effects from a project are expected to occur. Spatial boundaries will vary by the type of undertaking, as well as the type of environmental effect. The spatial boundary for effects related to air quality, surface water, noise, etc. might be greater than the physical boundary of the undertaking.

### **SUBGROUP:**

A sub-classification of a "group", consisting of an individual undertaking type. See **GROUP**, and **UNDERTAKING**.

### **TEMPORAL BOUNDARIES:**

Temporal boundaries represent the time horizon within which the environmental effects from a project are expected to occur. Temporal boundaries may include construction, operation and decommissioning phases of an undertaking. Temporal boundaries will vary by the type of undertaking, as well as the type of environmental effect.

### **UNDERTAKING:**

An undertaking is defined in Section 1(1) of the *EAA*, as "an enterprise or activity or a proposal, plan or program". Generally, an undertaking is the equivalent of a project. The conventional approach to undertakings, in other class EAs, is to include every aspect of a project within the definition. Due to the complexity of MOI/IO undertakings, this document has adopted a component approach to undertakings, defining an undertaking as an "action" (or actions) applied to a "subgroup" (or subgroups). Complex projects, rather than being described as one single undertaking, are broken down into components; that is, one or more actions which may apply to one or more subgroups. This allows for the fact that many of the components of larger MOI/IO undertakings can, in unrelated circumstances, be completely independent MOI/IO undertakings on their own. Special provisions have been included in the PW Class EA document to ensure that these component undertakings cannot be subdivided in such a manner as to avoid EA responsibility. See **GROUP**, **SUBGROUP**, and **ACTION**.

**VISUAL ENVIRONMENT:**

The visual environment is the net effect of interactions between the shape, form, color, pattern, texture, shade, shadow, location and massing, of all visible natural and man-made elements in an environment.

**APPENDIX 10**

**CLASS EA APPROVALS**

Ministry of Infrastructure

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Ministère de l'Infrastructure

Division de la gestion stratégique  
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## Minor Amendments to the MEI Class Environmental Assessment Process

On October 31, 2012, the Ministry of Infrastructure (MOI) received approval from the Ministry of the Environment (MOE) to implement amendments to the “Class Environmental Assessment Process for the Ministry of Energy and Infrastructure (MEI) for Realty Activities other than Electricity Projects” (MEI Class EA) that will bring the MEI Class EA in line with changes to the Ministry and its agents involved in the development of MOI public works.

On August 18, 2010, the Ministry of Energy and Infrastructure (MEI) was divided into two separate ministries, the Ministry of Infrastructure (MOI) and the Ministry of Energy. The *Ministry of Infrastructure Act, 2011 (MOI Act)* was proclaimed on June 6, 2011. On the same day, the *Ontario Infrastructure and Lands Corporations Act, 2011 (OILC Act)* was proclaimed merging the Ontario Realty Corporation (ORC), Infrastructure Ontario and the Stadium Corporation of Ontario into a single, new operational enterprise agency, the Ontario Infrastructure and Lands Corporation (IO).

Further to these changes, regulatory amendments were made to Regulation 334 under the *Environmental Assessment Act (EAA)*.

- References to MEI and ORC were replaced with the *MOI* and with *IO*, respectively.
- A new section has been included to clarify the status quo application of the *EAA*. If *IO* carries out undertakings related to public works that were previously carried out by the former *ORC*, these undertakings would be subject to the *EAA*. All non-public work undertakings carried out by *IO* that were not subject to the *EAA* would continue to be exempt.
- In addition, the revised regulation includes reference to “public work” as defined under the *Ministry of Infrastructure Act, 2011*.

The following is a summary of the minor, administrative amendments that were approved by MOE on October 31, 2012.

### **Amendments**

1. Changed the name of the “Class Environmental Assessment Process for the Ministry of Energy and Infrastructure (MEI) for Realty Activities other than Electricity Projects” to the “Ministry of Infrastructure Public Work Class Environmental Assessment Process” (PW Class EA). Updating the Ministry name and adding reference to “public work” will:
  - Provide a distinction between the PW Class EA process and the federal and municipal Class EA processes and limit the application of the PW Class EA to realty activities and public work projects undertaken by MOI or IO.
2. The references that required updating included:
  - Replacing references to the MEI with MOI;
  - Replacing references to the ORC and Infrastructure Ontario with Ontario Infrastructure and Lands Corporation (IO); and
  - Updating the names of the proponents from MEI/IO/ORC/Agency to MOI/IO. It also makes provision for a new agency carrying out public works for MOI to be a proponent.
3. A change to R.R.O. 334 under the EAA was required to “transfer” the former ORC’s responsibilities under the Class EA to IO. Prior to the merger, all undertakings by the former ORC were subject to the *EAA*. The new section is included to clarify the status quo application of the *EAA* to IO. If IO carries out undertakings related to public works that were previously carried out by former ORC, these undertakings are subject to the *EAA*. All non-public work undertakings carried out by IO that were not subject to the *EAA* would continue to be exempt.
4. Includes reference to the definition of public work, which covers the activities undertaken by MOI and by IO on behalf of MOI. The issue of proponentcy and MOI agencies is also clarified by indicating that “Should another agency be given responsibility by the Minister of Infrastructure for undertaking or carrying out public work projects for MOI, then this Class EA would apply to that agency as a proponent.”



**Ministry of  
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**Ministère de  
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October 31, 2012

Ms. Barbara Ko  
Director, Policy and Planning Branch  
Strategic Real Estate Asset Management Division  
Ministry of Infrastructure  
777 Bay Street, 4<sup>th</sup> Floor, Suite 425  
Toronto ON M5G 2E5

Dear Ms. Ko:

**RE: Proposed Minor Amendments to the Class Environmental Assessment Process for the Ministry of Energy and Infrastructure for Realty Activities Other Than Electricity Projects**

Thank you for submitting a request for minor administrative amendments to the Class Environmental Assessment Process for the Ministry of Energy and Infrastructure (MEI) for Realty Activities Other Than Electricity Projects on behalf of the Ministry of Infrastructure (MOI) on March 5, 2012.

The amendments being requested are as a result of the MEI being divided into two separate ministries: the Ministry of Energy and the MOI, and the merging of the Ontario Realty Corporation, Infrastructure Ontario, and the Stadium Corporation of Ontario into a single operational enterprise agency: the Ontario Infrastructure and Lands Corporation (IO). These actions required statutory changes and, subsequently, the proclamation of the Ministry of Infrastructure Act (MOI Act) and the Ontario Infrastructure and Lands Corporations Act (OILC Act) on June 6, 2011. Further to the statutory changes, consequential regulatory amendments were put in place to Regulations 334 and 231/08 under the Environmental Assessment Act (EAA).

The Environmental Approvals Branch (EAB) of the Ministry of the Environment (MOE) has completed its review and I wish to inform you that the proposed amendments as submitted on March 5, 2012 have been approved with modifications as outlined below.

The MOI shall make the following modifications to the March 5, 2012 version of the Class EA:

1. Page ii, sixth paragraph, second sentence shall be amended to read: "The regulatory amendments simply clarify the status quo application of the EAA, providing that undertakings of MOI or its agency related to public work will continue to be subject to the EAA while other non-public work undertakings, which are currently not subject to the EAA, would *continue to be exempt*."

2. Page ii, second last paragraph shall be amended to read: "Should another agency be given responsibility *by the Minister of Infrastructure* for undertaking or carrying out public work projects for MOI, then this Class EA would apply to *that agency* as a proponent."
3. Page 2, section 1.2, fourth paragraph, second sentence shall be amended to read: "The regulatory amendments simply clarify the status quo application of the EAA, providing that undertakings of MOI or its agency related to public work will continue to be subject to the EAA while other non-public work undertakings, which are currently not subject to the EAA, would *continue to be exempt*."
4. Page 2, section 1.2, sixth paragraph shall be amended to read: "Should another agency be given responsibility *by the Minister of Infrastructure* for undertaking or carrying out public *work projects* for MOI, then this Class EA would apply to *that agency* as a proponent."

My reasons for approving the amendments with the minor modifications listed above are that the amendments:

- Are administrative in nature;
- Update the Class EA to reflect legislative and regulatory changes resulting in a name change to the Ministry of Infrastructure Public Work Class Environmental Assessment Process (PW Class EA);
- Update the PW Class EA to reflect information about the current proponent and the agencies to which the PW Class EA applies;
- Do not affect the application of the PW Class EA; and
- Do not compromise environmental protection.

The amendments to the PW Class EA are effective immediately. Please ensure that the amended version of the PW Class EA that incorporates the modifications outlined above is placed on the MOI/IO web site, and any other appropriate web sites, within 30 days of the date of this letter along with a notice that it has been updated. Please also provide the EAB with five hard copies of the amended PW Class EA within 30 days of the date of this letter. If there are any issues with meeting this deadline, the EAB contact as outlined below should be notified as soon as possible.

It is my understanding that the MOI, IO and MOE EAB are currently collaborating on further amendments to bring the MOI PW Class EA in line with other Class EAs and the MOE Code of Practice for Preparing, Reviewing and Using Class Environmental Assessments in Ontario. The MOE encourages the MOI to consult any required agencies and other interested persons during the development of those amendments.

Should you or your staff have any questions regarding any of the above, please contact Lorna Zappone of this branch, at 416-314-7106 or by e-mail at [lorna.zappone@ontario.ca](mailto:lorna.zappone@ontario.ca).

Yours sincerely,

  
Agatha Garcia-Wright  
Director  
Environmental Assessment and Approvals Branch

c: A. Pojasok, Ontario Infrastructure and Lands Corporation  
H. Perun, Legal Services, Ministry of Infrastructure



## NOTICE OF AMENDMENT

### MINISTRY OF ENERGY AND INFRASTRUCTURE CLASS ENVIRONMENTAL ASSESSMENT PROCESS FOR REALTY ACTIVITIES OTHER THAN ELECTRICITY PROJECTS

The Ministry of Energy and Infrastructure (MEI) proposed five (5) minor amendments to the document formerly referred to as the *Class Environmental Assessment Process for Management Board Secretariat & Ontario Realty Corporation*, April 28, 2004 (Class EA) to:

1. Change the proponentcy of the Class EA from the former Management Board Secretariat to MEI to reflect the change in the successor ministry responsible for public works. This includes a new description of MEI and its agencies authorized to act on its behalf (*i.e.*, Ontario Realty Corporation, Infrastructure Ontario).
2. Remove the requirement for documentation of Category A undertakings.
3. Clarify the naming and/or definition of 16 undertakings and three (3) facility subgroups under the Class EA and rectify inconsistencies.
4. Remove 11 non-physical, administrative and routine Category A undertakings from the MEI Class EA.
5. Correct typographical error in Figure 2.2 Category Listing Matrix (*Category A, instead of Category B, for Easements on Transmission Corridor Lands for Secondary Uses*).

On June 13, 2008, MEI posted a Policy Proposal Notice on the Environmental Bill of Rights (EBR) Registry. The Notice explained the rationale for the proposed amendments and invited comments from any interested persons. On July 13, 2008, the 30-day public comment period ended. One comment was received and was given consideration into the final version of the amended Class EA document.

On September 11, 2008 the Director of the Environmental Assessment and Approval Branch of the Ministry of the Environment approved the proposed minor amendments to the Class EA with minor modifications. The Director's requested modifications have been incorporated into this Class EA document. In making this decision the Director determined that the proposed minor amendments were within the scope of the amending procedure outlined in the Class EA and there were no anticipated environmental effects associated with the proposed amendments.



The Class EA has been amended as follows:

- The proponent of this Class EA has been changed to MEI and the title of this Class EA document has been changed to, “*Class Environmental Assessment Process for the Ministry of Energy and Infrastructure for Realty Activities Other Than Electricity Projects*”. The Ontario Realty Corporation and Infrastructure Ontario are included as agents authorized to use the MEI Class EA when acting on its behalf.
- There is no requirement to document Category A undertakings.
- The names and/or definitions of 16 undertakings and three (3) facility sub-groups have been revised for clarification and to correct any inconsistencies. These are summarized below:
- A total of eleven (11) non-physical, administrative and routine Category A undertakings have been removed from this Class EA.
- In the Figure 2.2 Category Listing Matrix in the Class EA document, a typographical error has been corrected for the category under “Easements” at the facility sub-group No. 11.1 “Lands for Secondary Uses” on transmission corridor lands.

**Ministry of the Environment**

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September 11, 2008

Mr. Peter Rzadki  
Assistant Deputy Minister, Real Estate Division  
Ministry of Energy and Infrastructure  
777 Bay Street, Suite 425  
Toronto ON M5G 2E5

Dear Mr. Rzadki:

Thank you for submitting a request for minor amendments to the Class Environmental Assessment Process for Management Board Secretariat & Ontario Realty Corporation (ORC) (Class EA) on behalf of the Ministry of Public Infrastructure Renewal, now the Ministry of Energy and Infrastructure (MEI) on May 21, 2008. That request was updated and resubmitted on August 18, 2008. The Environmental Assessment and Approvals Branch (EAAB) of the Ministry of the Environment has completed its review and I wish to inform you that the proposed amendments as submitted on August 18, 2008 have been approved with modifications as outlined below.

The MEI shall make the following modifications to the August 18, 2008 version of the Class EA:

1. Page i, third paragraph shall be amended to read: "This Class EA is focused only on realty activities and public works projects, not on any electricity projects."
2. Page 2, section 1.2 – The first paragraph shall be removed.
3. Appendix 3 - The Consultation and Documentation Record shall be revised to remove all references to Category A undertakings.

My reasons for approving the amendments with the minor modifications listed above are that the amendments:


- Are administrative in nature;
- Update the Class EA to reflect information about the current proponent and the agencies to which the Class EA applies;
- Do not affect the application of the Class EA; and
- Do not compromise environmental protection.

The amendments to the Class EA are effective immediately. Please ensure that the amended version of the Class EA that incorporates the modifications outlined above is placed on the ORC web site, and any other appropriate web sites, within 30 days of the date of this letter along with a notice that it has been updated. Please also provide the EAAB with 15 hard copies of the amended Class EA within 30 days of the date of this letter. If there are any issues with meeting this deadline, the EAAB contact as outlined below should be notified as soon as possible.

It is my understanding that the MEI is currently developing major amendments to the Class EA. I encourage the MEI to consult any required agencies and other interested persons during the development of those amendments.

Should you or your staff have any questions regarding any of the above, please contact Ms. Catherine McLennon of the EAAB, at 416-314-7222 or by e-mail at [catherine.mclennon@ontario.ca](mailto:catherine.mclennon@ontario.ca).

Yours sincerely,

  
Agatha Garcia-Wright  
Director  
Environmental Assessment and Approvals Branch

- c: Ms. Barbara Ko, Director - Policy and Planning Branch, Ministry of Energy and Infrastructure  
Mr. Anton Pojasok, Vice President - Professional Services, Ontario Realty Corporation  
Mr. Dave Smith, General Manager - Environment & Cultural Heritage, Ontario Realty Corporation



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## Notice

### ***Revisions to the Class Environmental Assessment Process for Management Board Secretariat & Ontario Realty Corporation (April 28, 2004)***

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By way of this notice, the Ontario Realty Corporation is confirming that the *Class Environmental Assessment Process for Management Board Secretariat & Ontario Realty Corporation (April 28, 2004)* incorporates conditions 7 to 14 inclusive of the Minister's Notice of Approval of Class Environmental Assessment. These conditions specified changes to the text of the document. The other conditions (1 to 6, and 15) dealt with general conditions of the Notice of Approval of Class Environmental Assessment and did not require changes in the revised document.





Ontario  
Executive Council  
Conseil exécutif

Order in Council  
Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil exécutif, décrète ce qui suit :

WHEREAS section 9 of the *Environmental Assessment Act* provides that the Minister of the Environment, with the approval of the Lieutenant Governor in Council, may give approval to proceed with an undertaking, give approval to proceed with an undertaking subject to such conditions as the Minister considers necessary, or refuse to give approval to proceed with the undertaking;

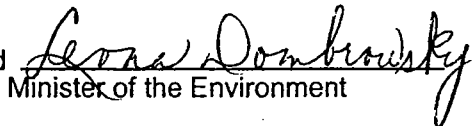
WHEREAS a Notice of Completion of Review for the Class Environmental Assessment for the undertaking, which is the subject of the attached notice, was published on November 18, 2003, and no submissions were received;

WHEREAS no requests for a hearing were received by the Minister of the Environment after the publication of the Notice of Completion of the Review; and

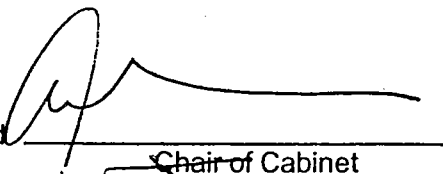
WHEREAS, having considered the purpose of the Act, the approved Terms of Reference, the Class Environmental Assessment, which is the subject of the attached notice, and the submissions received, the undersigned Minister of the Environment considers that a hearing is unnecessary and is of the opinion that the undertaking should be given approval to proceed, subject to the conditions specified in the attached notice,

THEREFORE, pursuant to the provisions of the *Environmental Assessment Act*, the undertaking which is the subject of the attached notice, be given approval to proceed subject to the said conditions.

Recommended

  
Minister of the Environment

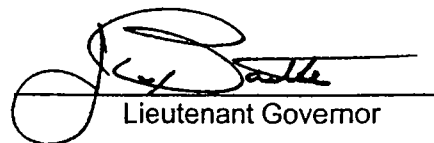
Concurred

  
Chair of Cabinet

Approved  
and Ordered

APR 28 2004

Date

  
Lieutenant Governor

**ENVIRONMENTAL ASSESSMENT ACT**

**SECTION 9**

**NOTICE OF APPROVAL OF CLASS ENVIRONMENTAL ASSESSMENT**

RE: Class Environmental Assessment Process for Management Board Secretariat and Ontario Realty Corporation

Proponent: Management Board Secretariat (MBS) and Ontario Realty Corporation (ORC)

EA File No.: GS-AA-03

TAKE NOTICE that the period for requiring a hearing, provided for in the Notice of Completion of the Review for the above-noted undertaking, expired on December 19, 2003. No submissions were received before the expiration date.

Having considered the purpose of the Act, the approved Terms of Reference, the Class Environmental Assessment, the Review and the submissions received, I hereby give approval to the Class Environmental Assessment, subject to conditions set out below.

REASONS:

My reasons for giving approval are:

1. On the basis of the proponent's Class Environmental Assessment and the ministry's Review, the proponent's conclusion that, on balance, the advantages of MBS and ORC proceeding pursuant to the Class Environmental Assessment Process for Management Board Secretariat and Ontario Realty Corporation outweigh the disadvantages of doing so appears to be valid.
2. No other beneficial alternative method of implementing projects covered by the Class Environmental Assessment Process for Management Board Secretariat and Ontario Realty Corporation has been identified.

3. On the basis of the proponent's Class Environmental Assessment, the ministry's Review and the conditions of approval, the planning, construction, operation, maintenance and retirement of the class of undertakings will be consistent with the purpose of the Act (Section 2).
4. All of the concerns raised by the Government and Agency Review Team and the public have been adequately addressed by the proponent and by Conditions of Approval.
5. The submissions received after the Notice of Completion of the Review was published have been addressed by the proponent to the satisfaction of the Ministry of the Environment. I am not aware of any outstanding issues with respect to this undertaking which suggest that a hearing should be required.

CONDITIONS:

**Definitions**

1. For the purposes of these conditions:
  - (a) **"proponent"** refers to the Management Board Secretariat (MBS) and its agent Ontario Realty Corporation (ORC).
  - (b) **"MOE"** refers to the Ontario Ministry of the Environment.
  - (c) **"EAAB"** refers to the Environmental Assessment and Approvals Branch of the Ministry of the Environment.
  - (d) **"Director"** refers to the Director of the Environmental Assessment and Approvals Branch.
  - (e) **"the Class EA"** refers to the *Class Environmental Assessment Process for Management Board Secretariat & Ontario Realty Corporation* (submitted for approval November 29, 2002; and amended and resubmitted on September 26, 2003).
  - (f) **"ORC"** refers to the Ontario Realty Corporation.
2. The proponent shall comply with all the provisions of the Class EA submitted to the MOE which are hereby incorporated in this approval by reference except as provided in these conditions and as provided in any other approvals or permits that may be issued.
3. These conditions do not prevent more restrictive conditions being imposed under other statutes.

## Public Record

4. Where a document is required for the Public Record, the proponent shall provide the document to the Director for filing within the specific Public Record file maintained for the undertaking. The proponent shall provide copies of all documents for the purpose of public review to:
  - (a) the Director of the MOE Eastern Region Office;
  - (b) the Director of the MOE Central Region Office;
  - (c) the Director of the MOE West Central Region Office;
  - (d) the Director of the MOE Southwestern Region Office; and
  - (e) the Director of the MOE Northern Region Office.

These documents may also be provided through other means as considered appropriate by the proponent. Thirty-five (35) bound copies of the final document, as amended by these conditions of approval, are to be provided to the EAAB for placement in the public record file and for use by ministry staff (including each Regional and District office).

## General Conditions

5. The 5-year review of the Class EA, as required in Section 9.9 of the Class EA, shall commence on the fifth anniversary of the Class EA approval date, and occur every five years thereafter on that anniversary date until such time as is otherwise indicated in writing by the Director to the proponent. Each review shall be submitted to the Director and placed in the Public Record within 90 days of the anniversary of Class EA approval date.
6. ORC will revise, in consultation with the Ministry of Culture, the Cultural Heritage Process and Manual of Guidelines. ORC shall implement the guideline documents and shall provide a copy of the documents to the Director together with ORC's implementation schedule. This deadline may be extended if there is mutual agreement between ORC and the Ministry of Culture. ORC shall complete this work by December 31, 2004, or such later date as may be determined by the Director in consultation with the Ministry of Culture and ORC.
7. Item #8, bullet #10 of Table 2.1 of the Class EA shall be amended to read:

"significant woodlands (as identified by municipalities, regions, the province or other conservation agencies)".

8. The second paragraph of subsection 4.1, Step 4 (Apply Screening Questions (If Required)) shall be amended to read:

“Only those activities that will be part of the undertaking are to be considered. For example, in the sale of lands, the future use of the lands and any planning or development decisions are not assessed as part of the undertaking to sell or dispose of the lands. The future use of a property intended for sale will not be considered as part of an undertaking as the future use of the property is not assured at the time of sale.

Any activities completed by ORC as part of the sale agreement are included as part of the undertaking. Activities completed by the purchaser after the sale are not part of the undertaking. For example, if a property was severed by ORC in order to sell a portion of the property, the severance would be included in the undertaking. The undertaking would not include any activity completed by the purchaser after the property was sold.”

9. The first paragraph of subsection 4.2, Step B3 (Consult with Directly Affected Agencies and Public) shall be amended to read:

“A list of interested agencies and parties that may be directly affected by any of the conditions described in Step B2 is included in Appendix 4. The directly affected parties must be contacted and provided with a written description of the undertaking, its need, purpose, scope and timing, as well as the conclusions of the seven point site specific analysis, including any problems identified and planned mitigation measures.”

10. The second paragraph of subsection 7.2.1 (Purpose and Application of Monitoring Programs) of the Class EA shall be amended to read:

“There are essentially two components to monitoring of Class EA projects: i) development of the monitoring program, and ii) implementation of the monitoring program. ORC is responsible for the development of the monitoring program for each Class EA project. However, the responsibility for implementing a required monitoring program to ensure protection of environmental resources could be transferred to the purchaser, in cases where the undertaking is the sale of property. The purchaser would also be responsible for providing reports documenting the results of the monitoring program to ORC for placement in the Class EA project file.”

11. Subsection 9.1.1 of the Class EA shall be amended to read:

"Any approval under the former MBS Class EA (1992) document will continue to apply to Category B undertakings for which a Consultation and Documentation Record has been filed in the proponent's records and Category C undertakings for which a Notice of Completion has been issued.

From the date of approval of this Class EA until six (6) months thereafter, the proponent may continue to use the former (1992) Class EA or this Class EA.

If the Class EA process to evaluate an undertaking has commenced within six (6) months from the date of approval of this Class EA, pursuant to the procedures of the former MBS Class EA (1992), then from the date of approval of this Class EA until two (2) years thereafter, the proponent may continue to use the former MBS Class EA (1992). For greater clarity, "commenced" means commencement of STEP B-6B for Category B undertakings and completion of STEP C-7B for Category C undertakings.

If the Class EA process for Category B undertakings or Category C undertakings under the former MBS Class EA (1992) has not been completed for an undertaking within two (2) years of the date of approval of this Class EA, the proponent must recommence the process under this Class EA. For the purpose of subsection 9.1.1, the process for the former MBS Class EA (1992) is completed for Category B undertakings when a Consultation and Documentation Record has been filed in the proponent's records and for Category C undertakings when a Notice of Completion has been issued."


12. Appendix 4 of the Class EA shall be amended to include a sample "Notice of Completion" for Category B projects, as described in subsection 4.2, Step B6.
13. Appendix 9 of the Class EA shall be amended to delete the definition of "Heritage Resource, Feature".
14. The Class EA shall be amended in accordance with the comments provided by the Canadian Environmental Assessment Agency to the MOE, dated December 11, 2003, and provided to ORC on December 17, 2003.

15. The amending procedure for modifying this Class EA referred to in section 9.10 of the Class EA may be used by the proponent until:

(a) a regulation is made by the Lieutenant Governor in Council prescribing rules and restrictions under subsection 11.4(4) of the *Environmental Assessment Act* for amending or revoking decisions which apply to this Class EA, and

(b) the Minister of the Environment has issued a notice to ORC and filed a copy of it in the Public Record file for this Class EA prescribing which of the procedures under the regulation shall apply in place of or in addition to the procedures set out in section 9.10 and which procedures in section 9.10 shall cease to apply.

Dated the 22<sup>nd</sup> day of April, 2004 at TORONTO.

  
Minister of the Environment  
135 St. Clair Avenue West  
12th Floor  
Toronto, Ontario  
M4V 1P5

Approved by O.C. No. \_\_\_\_\_