



November 10, 2020

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**Re: Conservation Ontario's comments on the Proposed Project List for comprehensive environmental assessments under the Environmental Assessment Act (EAA) (ERO#019-2377)**

Thank you for the opportunity to provide comments on the "Proposed Project List for comprehensive environmental assessments under the Environmental Assessment Act (EAA) (ERO#019-2377)". Conservation Ontario is the network of Ontario's 36 conservation authorities (CAs). These comments are not intended to limit the consideration of comments shared individually by CAs through the review and consultation process.

Conservation Ontario and conservation authorities bring an important perspective to this review; as a holder and proponent of Class Environmental Assessments (Class EAs); as a member of the provincial Government Review Team (GRT) which provides feedback on Terms of References and environmental assessments in Ontario; as a prescribed public body under the *Environmental Assessment Act* to review and comment on Class and Individual environmental assessments that occur within their jurisdiction; and as the proponent or co-proponent of a number of environmental assessments (EA), both Individual EAs and through the provincial Class EA process.

It is understood that the MECP is consulting on a proposed comprehensive environmental assessment project list (the "Project List") which will identify projects that will be subject to the new Part II.3 of the Act through a regulation. As such, the projects listed in this regulation would be subject to undergoing a comprehensive EA (presently known as an individual EA), if certain thresholds and/or triggers are met for the specific projects. As proposed, the project list would include conservation projects, specifically, "major flood, erosion control and associated conservation projects" as a category of projects which would be subject to a comprehensive EA. The following comments are focused on the proposed inclusion of "major flood, erosion control and associated conservation projects" in the comprehensive EA project list.

The Ministry has proposed a number of thresholds and/or triggers which, if met, would make certain conservation projects subject to a comprehensive EA. Conservation Ontario is supportive of the proposal that the criteria for these projects specify that they are "multipurpose projects". Multipurpose projects in this category may include works such as shoreline restoration, habitat creation, and trail development within a single project, may garner

greater public interest and participation in the EA process, and may have a larger number of stakeholders involved throughout the project. Singular purpose/objective remedial flood and/or erosion control projects are generally addressed by conservation authorities through the Conservation Ontario Class EA for Remedial Flood and Erosion Control Projects. To better clarify when remedial flood and/or erosion control projects are subject to a comprehensive EA and when they may follow the Class EA process, a definition for “multipurpose projects” should be provided in the project list regulation.

The MECP has also prepared a list of example criteria that could be used to further refine when conservation projects are subject to a comprehensive EA. A number of these proposed criteria are presented as quantitative measures, such as the “total shoreline affected” and “amount of river realigned”, which may not accurately reflect the level of risk, scale and scope of these types of projects nor accurately capture the potential social, cultural or environmental impacts of a proposed project. Given that the MECP is proposing this category of projects to be “multipurpose projects”, no one quantitative trigger should be used to determine whether conservation projects should undergo a comprehensive EA. Multiple criteria will need to be considered and impacts evaluated for each individual project in order to make an informed decision on how a project should proceed.

Recognizing the complex nature of these types of projects, Conservation Ontario recommends the MECP develop a risk matrix or similar screening tool which identifies a number of potential project characteristics and impacts which could be used to determine whether a project is required to undergo a comprehensive EA in lieu of singular, quantitative measures. Such a matrix could be developed as a separate document to be adopted by reference into the project list regulation. Given our collective expertise in the subject area, Conservation Ontario offers their support to MECP in developing an appropriate screening mechanism to ensure projects are accurately characterized and follow the appropriate EA process. Ultimately, the emphasis should be on projects which are multipurpose in nature, with particular consideration given to the severity of the flooding and/or erosion concerns which are being addressed by the project, in conjunction with their potential social, cultural and/or environmental impacts.

Lastly, as a comment more broadly on the comprehensive EA project list, Conservation Ontario notes that several activities proposed for inclusion on the list, such as waste disposal and mining, may be prohibited or managed in limited areas through mandatory, drinking water related policies under the *Clean Water Act* within source protection plans. Applicable source protection plan policies are based on separate criteria which may not match the proposed thresholds. Therefore, it is suggested that general information about the *Clean Water Act* and the Drinking Water Source Protection program should be included in guidance to proponents, such that they are made aware of the possibility of applicable prohibition or management policies for all applicable projects.

Thank you for the opportunity to review and provide comments on “Proposed Project List for comprehensive environmental assessments under the Environmental Assessment Act (EAA)” (ERO#019-2377). Should you have any questions about this letter, please feel free to contact me at [lrich@conservationontario.ca](mailto:lrich@conservationontario.ca) or 705-716-6174.

Sincerely,



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