

OAIA Recommendations on the Proposed Project List for comprehensive environmental assessments under the Environmental Assessment Act (EAA) ERO number: 019-2377

ELECTRICITY PROJECTS

- **Recommendation 1.** Generation projects are missing from the provincial list, if “harmonization” with the federal process is an objective of the MECP Project List approach.
- **Recommendation 2.** There are projects (e.g. waterpower) for which “substitution” will be required, if efficiency and effectiveness is an objective of the current MECP proposal.

Both the Class EA Amendments and the proposed Project List build on the foundation of Ontario Regulation 116/01. The electricity industry has 20 years of provincial EA application to the private sector. However, it remains unclear from MECP proposals how the new streamlined process will handle private sector projects, assuming MECP will replace the Guide to EA Requirements for Electricity Sector Projects. The eventual elimination of Class EAs will reduce a proponent’s (e.g. OWA) “ownership” of continuous improvement in EA practice.

WASTE MANAGEMENT PROJECTS

- **Recommendation 3.** The government amendment requiring proponents of new, large landfills to obtain support from host municipalities and adjacent municipalities within a 3.5 km distance is not based on experience or evidence. Any distance thresholds or triggers should be objective and supported by evidence.

Based on the current proposal, landfills will not be sited in suitable physical locations in compliance with Ontario’s own modern landfill design standards, but rather based on political and perhaps, monetary influence that is not linked to impacts and benefits of proposed projects.

TRANSPORTATION PROJECTS

- **Recommendation 4.** MECP’s current proposal needs to include triggers and thresholds for proposed roads that are not freeways/expressways (e.g. all-season roads in the far north) which are more common in northern Ontario and also addressed under the federal Impact Assessment Act (IAA).
- **Recommendation 5.** MECP should consider other kinds of triggers as a length-based trigger does not allow for unique geographic contexts, particularly where shorter highways generate higher risk of impacts and public concern because of the environment they are travelling through. For example, the Teston Road extension between Keele Street and Dufferin Street is approximately 2 km in length, but was recommended by MECP to proceed under an Individual Environmental assessment given the potential impact on the environmentally-sensitive East Don River Valley as well as cost implications with potential impacts to the former Keele Valley landfill.
- **Recommendation 6.** OAIA recommends a lower threshold if linear thresholds are determined to be required. Objective criteria and evidence for the threshold or trigger values must be provided.
- **Recommendation 7.** The proposed 75 km threshold for municipal expressways is moot as there are currently no municipal expressways of that length. Objective criteria and evidence must be provided to support threshold or trigger values for municipal expressways.

Rather than aligning linear thresholds with the IAA (e.g., 50 km in length), the requirement for Comprehensive EAs should be lower than the federal limits because there is potential for significant impacts and new highway or expressways are typically < 75 km.

CONSERVATION PROJECTS

- **Recommendation 8.** MECP should clarify changes to Ontario Regulation 334 as the limits set out in this regulation capture most complex waterfront projects such as the Don Mouth Naturalization Project, the Lakeview Waterfront Connection and the Scarborough Waterfront Project.
- **Recommendation 9.** Complex flood control projects should continue to be considered using the MCEA procedures (such as the Broadview Eastern Flood Protection or Downtown Brampton Flood Protection Projects). However, proponents should continue to have the option to choose to incorporate the Comprehensive EA procedures, if it is deemed appropriate for any given Conservation Project.
- **Recommendation 10.** Amend the Conservation Ontario (CO) Class EA to specifically include Lake Fill alternatives that have the dual objectives of “remedial erosion and flood control” and “providing for passive public use of riverine or shoreline areas”. For example, projects including the Lakeview Waterfront Connection, Scarborough Waterfront, Port Union and Mimico Waterfront Linear Park included shoreline and slope stability considerations, but also greatly improved local natural ecosystems and provided public access to the waterfront, contributing to public health and well-being. These projects could have been conducted under the CO Class EA.
- **Recommendation 11.** MECP should continue to allow limited Lake Fill in heavily degraded aquatic habitats (due to past industrialization and/or urbanization), for purposes of Municipal Infrastructure retrofits/upgrades under the Municipal Class EA (MCEA), subject to EA commitments for aquatic habitat enhancements as compensation for disturbance of existing highly degraded habitat conditions
- **Recommendation 12.** Projects that involve Lake Fill in expansive, relatively undisturbed areas for new industrial, commercial, or urban uses should be subject to Comprehensive EA.

OAIA agrees with the MECP suggestion that Conservation Projects garner public interest, but this interest is often one of public support (i.e., Don Mouth Naturalization and Port Lands Flood Protection Project). Public opposition is typically less than that expressed for a waste or power generation project.

OAIA supports the inclusion of Conservation Projects involving Major Flood Control Projects (such as the Don Mouth Naturalization and Port Lands Flood Protection Project) be included on the Projects List for Comprehensive EA. Individual EA (Comprehensive EA) procedures provided some additional flexibility in defining an innovative “Objectives-Based” evaluation of alternatives process and provided the added surety of an approved EA Terms of Reference to better withstand changes in political climate for the DMNP EA, during longer-term planning processes.

RAILWAY LINES

OAIA suggests MECP provide more objective criteria and evidence for the threshold or trigger proposals for railway lines.

MINING

- **Recommendation 13.** MECP include all mining projects on the provincial Project List along the lines of the federal Project List, but with lower thresholds to cover regionally significant projects, and not just nationally significant projects.
- **Recommendation 14.** There should be a federal/provincial accord to avoid duplication and ensure one body of evidence supports two or more processes on mining projects.

OAIA anticipates that mining projects may also have to respond to an Indigenous assessment process and there must be clarity on how to avoid duplication and ensure adequate assessment of mining projects moving forward.

STRATEGIC & REGIONAL EAs

- **Recommendation 15.** Expand the Project List to include strategic EAs and regional EAs.