

Amendment Number	Section Number	Relevant Current Text	Proposed Amendment	Rationale
1	1.24	<p>Table 1</p> <p>Conservation Authority Policy Categories</p>	<p>It is proposed that this table be updated to reflect the wording used for activities exempt through O. Reg 334 under the <i>Environmental Assessment Act</i>. As per the Ministry’s comments on the past five-year review of the Class EA, the table will be updated to properly reflect exemptions for activities under O. Reg 334 (i.e. “plan input and review”, “conservation authority regulations”, and “stormwater management review” will be removed from the table, as they are not subject to the EAA.</p> <p>Additionally, Amendment 2 below proposes to include several undertakings currently exempt under the Regulation into a new category of “pre-approved undertakings” following the current Section 2.3 of the Class EA. It is recommended that “Dam Operation and Maintenance”, “Floodproofing”, “Reforestation/Woodlot Management”, “Soil Conservation”, and “Conservation Areas and Campground Development” be removed from Table 1 (and subsequently included in the Class EA per the proposed amendment below).</p>	<p>This update is largely administrative in nature to bring this table in line with the wording used in the exemption regulation. The proposal to remove certain undertakings from this table to be placed in the new category of pre-approved undertakings aligns with the amendment proposal below to update cost thresholds for certain activities which have not been updated since the regulation was introduced.</p>
2	N/A	N/A	<p>A new Section of the Class EA is proposed to be inserted following Section 2.3 which details a list of pre-approved (exempt) undertakings which would not be subject to the planning and design process of the Class EA. The new Section (Section 2.3 Pre-Approved Undertakings within the Class) will include an</p>	<p>Currently Exempt in the Class EA</p> <p>Operation of a Structure or Facility: Move this exempt activity from Section 8.0 to the proposed new section which outlines exempt activities (currently exempt, simply re-arranging the Class EA).</p>

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			<p>introduction which outlines the rationale for these exemptions and a full list of these exempt undertakings. A centralized location for all exemptions under this Class will clarify project requirements for proponents. All subsequent Section Numbers will be updated to reflect this change.</p> <p>Undertakings included in this category are either currently exempt through the Class EA or Regulation 334 or low risk activities with little to no potential for adverse environmental effects. The activity which is not currently exempt (installation of safety measures) is similar to the exemption for this activity under the Municipal Class EA (MCEA). Activities in this category would:</p> <ul style="list-style-type: none"> • Not be subject to the planning and design process of the Class EA • Not be subject to public notice or consultation requirements • Not require a submission to the Director of the EAPB <p>Suggested text for this category:</p> <p>In order to expedite the planning process for projects, the undertakings listed below are deemed pre-approved and may proceed to implementation</p>	<p>Maintenance of a Structure or Facility: Move this exempt activity from Section 8.0 to the proposed new section which outlines exempt activities (currently exempt, simply re-arranging the Class EA). (See Amendment 6 below for proposed updates to the definition of “maintenance”).</p> <p>Retirement of a Structure or Facility: Move this exempt activity from Section 8.0 to the proposed new section which outlines exempt activities (currently exempt, simply re-arranging the Class EA).</p> <p style="text-align: center;">Exempt through O. Reg 334</p> <p>Reforestation and woodlot management: Activity currently exempt through O. Reg 334 under the Environmental Assessment Act. These activities may be undertaken by conservation authority staff as part of remedial flood and erosion control works.</p> <p>Conservation Services: Activity currently exempt through O. Reg 334 under the <i>Environmental Assessment Act</i> when works are carried out under an agreement with a private landowner, with a cost threshold of \$50,000.</p> <p>CAs have been undertaking a substantial amount of work to protect private properties where the individual projects are localized and generally impact a small</p>

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			<p>without following the planning and design process outlined in Section ## of this Class EA.</p> <p>The undertakings listed within this section are generally: 1) limited in scale, 2) have a low potential for adverse environmental effects, 3) considered routine activities related to the operation and maintenance of structures and facilities and/or 4) have minimal impacts on matters of Provincial importance (see Section ##). The activities included in this section may be undertaken by proponents as part of remedial flood and erosion control works. At the discretion of the proponent, any of these undertakings may become subject to the planning and design process of this Class EA where there is concern for potential adverse environmental effects or adverse impacts on matters of provincial importance.</p> <ul style="list-style-type: none"> List of undertakings... <p>General Rationale</p> <p>Currently, exemptions for Conservation Authority EA projects exist in Section 8.0 (Operation, Maintenance or Retirement) of the Class EA, as well as under O. Reg 334 General under the <i>Environmental Assessment Act</i>. The activities currently exempt under this Class EA are low-risk operation, maintenance and retirement</p>	<p>number of residents only. During these EAs, there is rarely interest at community meetings from non-impacted residents. Landowners in these instances wouldn't be subject to the EA process if they undertook remedial work themselves, and municipalities generally complete this work without undertaking an EA. This type of work isn't covered under the MCEA clearly. It is proposed that Conservation Services works (as defined in O.Reg 334) be exempt under this Class EA with no cost threshold since the works would be carried out under an agreement with a private landowner on privately owned property.</p> <p>The definition of conservation services from the regulation will be incorporated into Appendix J: Glossary of Terms.</p> <p>Floodproofing: Activity currently exempt through O. Reg 334 under the <i>Environmental Assessment Act</i>. These activities may be undertaken by conservation authority staff as part of remedial flood and erosion control works. The definition of floodproofing from the regulation will be incorporated into Appendix J: Glossary of Terms.</p> <p>Development of Conservation Areas and Campgrounds: Activity currently exempt through O. Reg 334 under the <i>Environmental Assessment Act</i> with</p>

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			<p>activities which pose little to no potential for adverse environmental effects.</p> <p>Additionally, Bill 108 (now the More Homes, More Choice Act) included exemptions for low-risk categories of activities from several Class EAs. The majority of activities included in these categories were largely related to operation, maintenance, emergency works and safety measures. The proposal to exempt a subset of maintenance, operation, retirement and safety undertakings through a new category would align with those Class EAs explicitly included in the <i>More Homes, More Choice Act</i> and would streamline project requirements for proponents. This would remove undue burden for proponents of this Class EA to subject low risk undertakings to the planning and design process of the Class EA.</p>	<p>a cost threshold of \$1,000,000. This exemption will also remove the cost threshold from this activity.</p> <p style="text-align: center;">Additional Proposed Exemptions</p> <p>Installation of public safety devices around flood and erosion control infrastructure (e.g. safety booms, warning buoys, fencing and signage): Installation of these public safety measures are routine and pose little to no environmental risk. The proposed amendment would align with the MCEA exemption for: Installation of safety projects (e.g. lighting including “high mast”, grooving, glare screens, safety barriers, energy attenuators) under Schedule A.</p>
3	3.1.4	Selection of a Preferred Conservation Authority Program Option	<p>It is proposed to add a fifth potential “preferred program option” under this section with respect to the new category of pre-approved undertakings. The fifth program option would read:</p> <p>“The Conservation Authority may determine that the action(s) needed is a remedial flood and/or erosion control measure which can be achieved through one or more of the pre-approved undertakings as defined in Section #. In such a case, the proponent may proceed with the undertaking and will not be subject to the planning and design process of this Class EA”</p>	<p>Although CO is proposing to include the category of pre-approved undertakings, the proponent may still need to address the initial stages of the Planning and Design process as outlined in Section 3.0 (specifically, 3.1.1 Problem Identification, 3.1.2 Preliminary Site Analysis and 3.1.3 Evaluation of Possible Conservation Authority Options). There is a need to identify the pre-approved projects as a potential program option for proponents so they are aware of process requirements going forward.</p>

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4	3.6	"The evaluation of impacts should include evaluation of both temporary impacts during construction of the undertaking, and permanent impacts due to operation and maintenance of the undertaking after construction."	Before last sentence in this paragraph add "This may include considering construction access routes, requirements for heavy equipment access for on-going maintenance of the structure, and long-term recreational trail opportunities with the municipality or landowner."	<p>Remedial flood & erosion control projects often require heavy equipment access to construct the project, and this provides an opportunity to also advance trail connections and recreational opportunities when considering long-term maintenance and access requirements. An access route for construction only may not consider ideal alignments/grading to the same degree as a trail, but it would be advantageous to modify these temporary access routes to avoid further disturbance in the area if it already known a trail initiative is planned.</p> <p>The proposed amendment is to provide clarity/additional detail to the Class EA, and encourage project proponents to consider the applicability of these access routes for long-term recreational trail opportunities, maintenance or construction access needs. This amendment does not remove the need for municipalities to undertake their own MCEA, or other EA requirements.</p>
5	8.0	Operation, Maintenance or Retirement (Entire Section)	Operation, maintenance and retirement activities as outlined in Section 8.0 are to be moved to the proposed new category of pre-approved undertakings (above). Definitions for these three terms will be removed from this section and added into Appendix J – Glossary of Terms. The definitions are proposed to include all relevant text currently included in Section	Under Section 8.0 of the Class EA, “operation” and “maintenance” activities (as defined in the Class EA) are considered to be a “part of the approved project” and are “not independently subject to the planning and design process of this Class EA” (Pg. 43). Therefore, this amendment is largely administrative in nature as these activities are already exempt in the Class EA.

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			<p>8.0 to clarify the exemption and outline any additional requirements for proponents.</p> <p>In order to inform proponents of which retirement activities are subject to the planning and design process of this Class EA, some aspects of Section 8.0 (re: retirement) will remain. Retirement activities which only involve the relinquishment of rights, such as operating and maintenance responsibilities, or those for structures built prior to the establishment of the <i>EAA</i> will be moved to Section 2.3 (Pre-Approved Undertakings). Additionally, Section 2.3 will make note of the exemption for structures built prior to the establishment of the EA Act (O. Reg 334, Section 4(1)(2). Text will remain in Section 8.0 to clarify that retirement activities which involve the demolition of a structure or change in purpose, use, capacity or location of a structure shall be planned in accordance with the planning and design process of the CO Class EA.</p> <p>Proposed Text—Section 8.0 Retirement</p> <p>Section 2.3 of this Class EA provides that Retirement of a structure or facility, as defined in Appendix J, is a pre-approved undertaking within the Class.</p> <p>"Retirement" refers to a situation in which the purpose or use of a structural or capital work as approved under this Class EA or its predecessor is no</p>	<p>Under Section 8.0, “retirement” of activities which only involve the relinquishment of rights, such as operation or maintenance responsibilities, can proceed without following the planning and design process of the Class EA (where the second party continues to operate and maintain the structure or facility in the same fashion as in the past).</p> <p>Rather than having these exemptions remain in Section 8.0, we are proposing to incorporate operation, maintenance and retirements activities in the proposed new pre-approved category of projects (above) to streamline the Class EA and provide proponents with a single location which identifies pre-approved undertakings.</p>

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			<p>longer necessary and its operation is cancelled.</p> <p>"Retirement" of activities which only involve relinquishment of rights, such as operating or maintenance responsibilities, or that undertaken for structures built prior to the establishment of the <i>Environmental Assessment Act</i>, are deemed pre-approved under Section 2.3 of this Class EA and may be completed without following the planning and design process of the Class EA, provided that the party assuming responsibility undertakes to continue to operate and maintain the structure or facility in the same fashion as in the past (i.e., the activities fall within the definition of operations/maintenance). Where a change in operation or maintenance is anticipated by the second party, the transfer shall not be made unless the second party meets all necessary requirements under the EAA.</p> <p>Some retirement activities may involve the demolition of a structure or a change in the purpose, use, capacity or location of a structure which could result in potentially significant <i>environmental effects</i>. Such retirement activities shall be planned in accordance with the planning and design process.</p>	
6	8.0	The term "maintenance" refers to the upkeep, repair and the replacement and/or upgrading of a structure, or its performance where the objective, and application remain	"The term maintenance refers to the upkeep, repair, and the replacement and/or upgrading of a structure, or its performance where the objective and application remain unchanged."	Erosion and flood control structures are under immense pressure due to climate change related impacts. Long-term asset management plans and resiliency should allow for a more flexible approach as

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		<p>unchanged, and the volume, size or capability of the structure does not change from that approved for the undertaking under this Class EA or its predecessor. In this case, maintenance is considered to be a part of the approved project and is not independently subject to the planning and design process of this Class EA.</p>	<p>This edit will remove the following text and restrictions "the volume, size or capability of the structure does not change from that approved for the undertaking under this Class EA or its predecessor." Note: It is proposed that "maintenance" activities be moved to the new pre-approved category of undertakings.</p>	<p>erosion may become a problem just upstream or downstream of a historic or recently built structure. Undertaking maintenance works to prevent structural collapse would be beneficial and using the word volume/size contradicts the flexibility inherent in the first sentence where the objective and application remain unchanged. For example, constructing a 50-metre revetment to protect a park trail from streambank erosion is a commonly planned project. If erosion issues 2 years after construction were found just upstream of the structure and spanned 5-10 meters it would be beneficial to extend the treatment for the same objective/application, but this would also be a size/volume increase.</p> <p>In the event that the activity is a dam, CO proposes to include a footnote in Section 2.3 of the Class EA re: maintenance that reads: "Where the structure in question is a CA owned and/or operated dam, maintenance activities will only be considered exempt from the EAA for the purposes of section 15.3 where they result in a less than 25% increase in the size or volume of a structure."</p> <p>Such a provision is in line with the Waterpower Class EA, which would ensure that major maintenance to dams must meet applicable requirements under the EAA while still providing flexibility to CAs to undertake maintenance works (particularly for erosion concerns).</p>

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7	N/A	Text throughout document	<p>Proposed Text—Notification</p> <p>Notification sections should be updated to advise proponents that they must submit any required notices to the following email addresses:</p> <ol style="list-style-type: none"> Generic Class EA email address: ClassEAnotices@ontario.ca <p>and</p> <ol style="list-style-type: none"> The Regional Class EA email address: <p>Central Region: eanotification.cregion@ontario.ca</p> <p>Eastern Region: eanotification.eregion@ontario.ca</p> <p>Northern Region: eanotification.nregion@ontario.ca</p> <p>South West Region: eanotification.swregion@ontario.ca</p> <p>West Central Region: eanotification.wcregion@ontario.ca</p>	MECP proposed amendment to standardize language across all Class EAs.

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8	11.0	<p>The purpose of the amending procedure is to allow for modifications to the approved Class EA after experience with its application has been gained. The types of amendments include major or minor amendments to the Class EA. The type of amendment procedure to be used is dependent on the nature of the amendments.</p> <p>CO, the MOECP or any other government ministries and agencies, members of the public, Aboriginal Indigenous Communities and organizations, and other interested persons or organization, who feels that an amendment to the Class EA should be made, will bring the particular concern to the attention of the Minister of the Environment (for major amendments) or the Director of the EAB (for minor amendments). In doing so, they shall set out the specific concern, the reason for that concern, and the proposed change. An outside party should consult with CO before submitting a proposed amendment, and should also provide CO with a copy of the proposed amendment.</p>	MECP to provide standardized wording for this section.	MECP is proposing an amendment to standardize language for amending procedures across all Class EAs.

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9	7.0	<p>It is recognized that the planning and design process, as outlined, is one which allows for concerns to be identified and resolved through the course of the project's planning. In some circumstances, however, it is possible that issues may be raised during public review of a project that cannot be easily accommodated. In cases where concerns are raised it is the Conservation Authority's obligation, as proponent, to use all reasonable means available to them to resolve these concerns. In circumstances where interested persons, Aboriginal Indigenous Communities, or government agencies feel that these efforts have not been made, they may seek to have the proposed undertaking made subject to a more rigorous planning, design and documentation procedure. In the case of an undertaking for which a PP was prepared for example, a Conservation Authority may volunteer to prepare an ESR to address the concerns of the public/agencies.</p> <p>The Part II Order is the legal mechanism whereby the status of an undertaking can be elevated from an undertaking within a Class EA to an Individual Environmental</p>	MECP to provide standardized wording for this section.	MECP is proposing an amendment to standardize language for Part II Orders across all Class EAs.

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		<p>Assessment. According to section 16 of the EAA, the Minister of the Environment or delegate may by order require a proponent to comply with Part II of the EAA before proceeding with a proposed undertaking to which a Class EA would otherwise apply. It is the responsibility of the Conservation Authority to advise the public of their right to request a Part II Order in public notifications (see Appendix E). Any interested persons, Aboriginal Indigenous Community, or government agency may request the Minister of the Environment or delegate to issue a Part II Order within the public review period for a PP, ESR or an Addendum.</p>		