3.0 PROJECT CATEGORIZATION

This section explains the categorization of projects subject to this Class EA. The project categories are premised on Category B projects contained in the existing Electricity Projects Regulation; however this Class EA further differentiates waterpower projects based on the environmental context within which they occur. The categories within this Class EA:

- Build on the current regulatory framework for EA of electricity projects, which includes a proponent-led and flexible approach to address project-specific issues;
- Predetermine process, based on key differences in the environment within which projects are proposed;
- Ensure a consistent approach to evaluation, impact management and documentation;
- Provide for scaled and flexible public, agency and Aboriginal involvement and evaluation/documentation; and
- Allow for the relevant range of potential impacts and benefits to be assessed for each project.

The categorization of projects within this Class EA includes a screening process for low-risk projects to be exempt from EA requirements. ~~does not define or differentiate the rigor of environmental evaluation required. All projects are required to evaluate and assess the potential impacts of the project and produce an Environmental Report.~~

3.1 Category B: Projects Subject to This Class EA

Within this Class EA, waterpower projects have been streamed into categories as a means to match development proposals with the general scope and scale of the environmental context within which they occur. Based on inventories of Ontario's remaining waterpower potential, the array of projects that are expected to come forward in the foreseeable future include:

- Projects ~~500 kW and under in nameplate capacity and~~ associated with existing infrastructure or increases in efficiency (within this schedule, certain projects are eligible to complete a screening process to be exempt from EA requirements);
- New projects on managed river systems; and
- New projects on unmanaged river systems.

As discussed in **Section 2**, waterpower projects occurring in similar environmental contexts have been assigned to categories so that the scale and scope of assessment and review for a project is matched to its potential for and nature of effects to the environment and public and/or agency concern.

Should the categorization of waterpower projects in the Electricity Projects Regulation change, the applicant for this Class EA will consider amending the Class EA, and, as appropriate, use the Minor Amendments procedure outlined in **Section 8**.

These streams are intended to facilitate focused assessment and effective and efficient engagement. The following sections describe the categories to which waterpower projects have been assigned under the Class EA. **Table 2** provides a summary of the distinctions in process between projects.

3.1.1 Projects ~~500 kW and Under in Nameplate Capacity and~~ Associated with Existing Infrastructure or Increases in Efficiency on Managed Waterways

This category includes waterpower projects that are expansions, modifications or redevelopments and are proposed at, near or around existing facilities or water management infrastructure. As an example, this could include the retrofit of an existing dam to incorporate a waterpower facility.

Although the Electricity Projects Regulation does not define "retrofitting" or "redevelopment", these terms, as they are commonly applied to waterpower projects, have been defined in this Class EA (see **Appendix A**) for additional clarity in the categorization of projects.

Projects associated with existing infrastructure are less likely to involve new significant effects and are anticipated to have localized interests. In general, this category of projects will involve relatively localized direct effects to the environment and, while project size may vary, the scope of change will often be restricted to the infrastructure itself and the zone of impact resulting from modification. However, these types of facilities may have been in existence for many years and may have built cultural heritage value or interest. These projects, therefore, have the most likelihood to affect buildings or structures of cultural heritage value or interest ("built heritage"). However, the possibility of affecting built heritage is potentially relevant to all categories.

In addition to the limitations imposed by changes to existing infrastructure, it is reasonable to expect that water management regimes are already established, either as expressed through a formal water management plan or through the identification of relevant social and environmental values and interests. Projects within the category that involve significant changes in water management regimes are likely to be more complex than those that do not.

Applying the framework of the Electricity Projects Regulation, these projects include:

- Expansion or change to an existing generation facility by less than 25% with an initial nameplate capacity of less than 200 MW and resultant nameplate capacity of 200 MW or more; and
- Expansion or change to an existing generation facility by less than 25% with an initial nameplate capacity of greater than 200 MW; Note the transition and grandparenting exemptions of the Electricity Projects Regulation.

In terms of process, the projects will include a proponent-agency coordination meeting, a mandatory public notice at the beginning of the project (Notice of Commencement) and a second public notice (Notice of Completion) to parties who have requested to be informed and engaged and/or who have participated in the consultation.

Screening Process to Exempt Low-risk Projects

Noting that~~This category applies to small waterpower projects that are associated with existing generation facilities or water management infrastructure (as defined in Appendix A), with a resultant nameplate capacity of 500 kW or under, and subject to the criteria listed below. This category also includes projects that only involve increases in efficiency of the existing waterpower facility, regardless of nameplate capacity (as defined in Appendix A). In general~~, this schedule of projects is anticipated to include projects that involve very minimal, short term and localized effects~~.~~ that can be addressed through other legislative mechanisms (e.g., *Lakes and Rivers Improvement Act, Fisheries Act, etc.)*, a screening process has been developed to enable those project to be screened and, subject to that the screening outcomes, exempt from the Ontario *Environmental Assessment Act*, and therefore the Class EA. ~~The scope of change will be restricted to the infrastructure itself or a minor footprint (25% or less) beyond the existing infrastructure. For these projects, water management regimes will already be in place and it is expected that these projects may not result in adverse environmental effects in this regard.~~

Projects that fall within this schedule ~~500 kW and under and associated with existing infrastructure~~ must meet the following criteria to qualify for the Class EA Screening process:

- ~~Have a resultant installed nameplate capacity of 500 kW or less;~~
- Are associated with existing water management infrastructure, such as a dam, a weir, or a lock. The existing water management infrastructure may be retrofitted,

~~or redeveloped~~ or refurbished/upgraded (as defined in Appendix A); and

- ~~•~~ Limit any increase in the footprint of the water management infrastructure to 25% or less.~~;~~

~~• Maintain the existing water management regime (as defined in Appendix A); and,~~

~~• Do not have any significant new inundation area (as defined in Appendix A).~~

~~Projects that only involve efficiency increases must meet the following criteria:~~

~~• Increase the efficiency of existing equipment at the facility (as defined in Appendix A), where:~~

~~o The resultant capacity is under 200 MW; or~~

~~o The increase is less than 25% of existing capacity and the resultant capacity is 200 MW or greater;~~

~~• Limit any increase in the footprint of the water management infrastructure to 25% or less;~~

~~• Maintain the existing water management regime (as defined in Appendix A); and,~~

~~• Do not have any significant new inundation area (as defined in Appendix A);~~

In terms of process, the proponents of projects meeting either set of criteria above will qualify to complete a screening to confirm that there are no significant negative environmental effects anticipated from the project. As a first step in the screening process, proponents will issue a Notice of Project Screening to:

- the Ministry of the Environment, Conservation and Parks' Director of the Environmental Assessment and Permissions Branch and the Regional Environmental Assessment Coordinator
- the Ministry of Natural Resources and Forestry;
- the Ministry of Energy, Northern Development and Mines;
- anyone potentially directly affected by the project; and
- potentially affected Aboriginal communities.

The Notice of Project Screening will be published on the OWA website and, if available, the proponent's website, and will be provided to anyone directly affected by the project by direct mail outs. The notice must include:

- The project title and name of the proponent;
- A brief description of the project and tentative schedule;
- A map showing project location and anticipated zone of influence;
- The project type (retrofit, or refurbishment/upgrade; or efficiency increase);
- Watercourse identification;
- Current installed capacity and proposed installed capacity;
- Anticipated % expansion of infrastructure, if any; and
- A statement that: "This project is being screened in accordance with the process outlined in section 3.1.1 of the Class EA for Waterpower Projects. For further information about the proposal, please contact: _____"

Table 2~~x~~ presents the screening checklist that must be completed by the proponent for each project following issuance of the notice. If concerns are raised by an Aboriginal community regarding potential infringement on an established or asserted Aboriginal or treaty right, it may trigger the Crown's duty to consult. In such instances, the proponent will seek guidance from the Ministry of the Environment, Conservation and Parks. It is the expectation of the ministry that the proponent will work with the ministry and Aboriginal communities to address issues before the completion of the screening process. The proponent will document its supporting analysis and conclusions, including any mitigation or impact management measures to prevent or reduce the effects the project may have on the surrounding environment (for example, application of the OWA's Best Management Practices). If the response to any of the screening questions is "yes"

the proponent must complete the full Class EA process for the project, which will facilitate further study and analysis. The Class EA process is further described in Section 4.0.

If the screening outcome is "no" for all the questions below, the proponent will notify the Ministry of the Environment, Conservation and Parks' Director of the Environmental Assessment and Permissions Branch and the Regional Environmental Assessment Coordinator. There must be a minimum 30 days between the circulation of the Notice of Project Screening and the completion of the screening process. The ministry may request a copy of the proponent's supporting documentation. Upon competition of the screening process, the project will be exempt from further assessment under the Ontario *Environmental Assessment Act*. Figure x provides an overview of the screening process.

Projects that are screened out of the Class EA are subject to applicable provincial and federal legislation as outlined in Table 1.

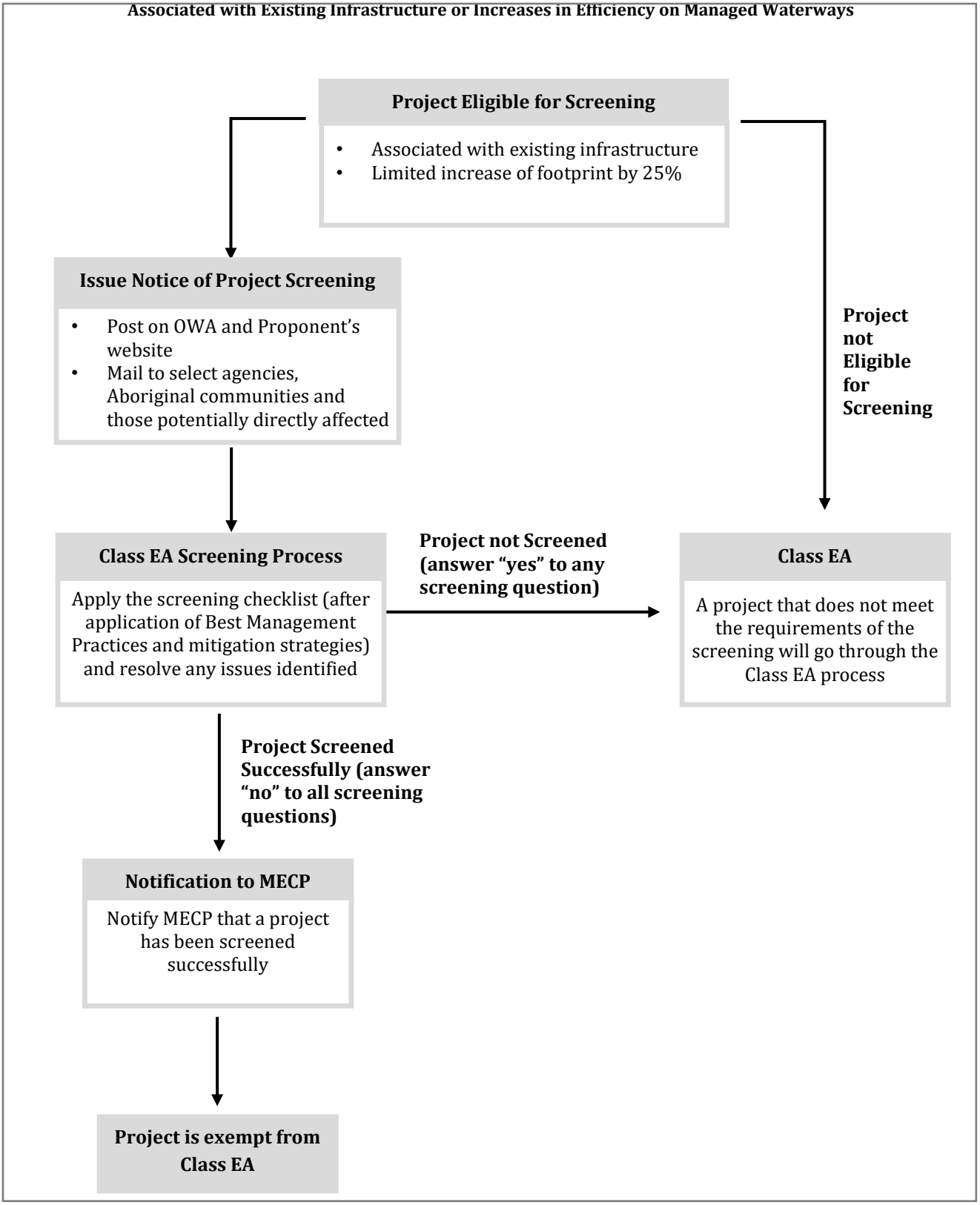
~~include a proponent-agency coordination meeting and the publication of a Notice of Project to regulatory agencies for confirmation that the proposed project is consistent with the criteria outlined above. If the project is not consistent with either set of criteria above, the project will be otherwise classified under the Class EA. The Notice of Project will also be provided to other agencies that may have a regulatory interest in the project (e.g. conservation authorities), any interested persons who may be directly affected by the project, the local municipality and Aboriginal communities that may be potentially affected by the project.~~

~~There will also be a second public notice (Notice of Completion) to parties who have requested to be informed and engaged and/or who have participated in the consultation.~~

Table 2~~x~~ Screening Questions to Exempt Projects Associated with Existing Infrastructure or Increases in Efficiency on Managed Waterways

Screening Criteria	**Outcome (Yes or No)** Please identify any Best Management Practices that will be applied related to each screening criteria. ***After application of appropriate Best Management Practices and mitigation strategies, is the project expected to:***
Change the water management regime, including (but not limited to) significant change to water flow, inundated area or, historical mean monthly maximum water level?	
Release contaminants into the immediate environment that exceed regulatory thresholds ?	
Cause negative effects on species or their habitat for species listed under the Ontario Endangered Species Act?	
Cause negative effects on protected areas, such as areas of natural and scientific interest (ANSIs), environmentally sensitive areas (ESAs) or provincially significant wetlands?	
Cause considerable sedimentation or erosion on or off-site?	
Have negative effects on designated heritage buildings, structures, sites, or archaeological resources?	

Figure 5~~X~~: Class Environmental Screening Process for Projects Associated with Existing Infrastructure or Increases in Efficiency on Managed Waterways



~~*3.1.2 Projects Over 500 kW in Nameplate Capacity and Associated with Existing Infrastructure*~~

~~This category includes waterpower projects that result in additional nameplate capacity of over 500 kW and that are expansions, modifications or redevelopments and are proposed at, near or around existing facilities or water management infrastructure. As an example, this could include the retrofit of an existing dam to incorporate a waterpower facility.~~

~~Although the Electricity Projects Regulation does not define "retrofitting" or "redevelopment", these terms, as they are commonly applied to waterpower projects, have been defined in this Class EA (see **Appendix A**) for additional clarity in the categorization of projects.~~

~~Projects associated with existing infrastructure are less likely to involve new significant effects and are anticipated to have localized interests. In general, this category of projects will involve relatively localized direct effects to the environment and, while project size may vary, the scope of change will often be restricted to the infrastructure itself and the zone of impact resulting from modification. However, these types of facilities may have been in existence for many years and may have built cultural heritage value or interest. These projects, therefore, have the most likelihood to affect buildings or structures of cultural heritage value or interest ("built heritage"). However, the possibility of affecting built heritage is potentially relevant to all categories.~~

~~In addition to the limitations imposed by changes to existing infrastructure, it is reasonable to expect that water management regimes are already established, either as expressed through a formal water management plan or through the identification of relevant social and environmental values and interests. Projects within the category that involve significant changes in water management regimes are likely to be more complex than those that do not.~~

~~In terms of process, the projects will include a proponent-agency coordination meeting, a mandatory public notice at the beginning of the project (Notice of Commencement) and a second public notice (Notice of Completion) to parties who have requested to be informed and engaged and/or who have participated in the consultation.~~

~~Applying the framework of the Electricity Projects Regulation, these projects include:~~

- ~~Expansion or change to an existing generation facility that has a resultant nameplate capacity of over 500 kW and less than 200 MW*;~~
- ~~Expansion or change to an existing generation facility by less than 25% with an initial nameplate capacity of less than 200 MW and resultant nameplate capacity of 200 MW or more;~~
- ~~Expansion or change to an existing generation facility by less than 25% with an initial nameplate capacity of greater than 200 MW;~~
- ~~Retrofitting of existing infrastructure with a resultant nameplate capacity of over 500 kW and less than 200 MW.~~
- ~~Note that if the project is an efficiency increase as per section 3.1.1, it may proceed under the process set out for projects under section 3.1.1.~~
- ~~Note the transition and grandparenting exemptions of the Electricity Projects Regulation~~

3.1.2 New Projects on Managed Waterways

These are new projects on waterways that have water management infrastructure and / or waterpower facilities on them, regardless of whether the project is located within the zone of impact of the existing infrastructure or waterpower facility. These projects may be expected to have potential broader effects and/or public, Aboriginal community and/or agency interest. However, given that projects in this category are restricted to those that take place on river systems already subject to water management, the evaluation and assessment will be primarily focused on the development site, the immediate zone of impact and the potential incorporation of the new operation into the existing water management regime. Some developments may involve changes to the existing regime and, hence, the involvement of a broader scope of interests and potentially a broader study area / zone of impact.

Proponents of projects in this category are required to convene a proponent-agency coordination

meeting, issue a mandatory public notice at the beginning of the project (Notice of Commencement) and a second broad public notice (Notice of Completion), regardless of any concerns or interest that come forward as the result of the first notice or the level of participation through consultation.

These projects include:

- Development of a new generation facility less than 200 MW nameplate capacity on a managed waterway.

3.1.4 New Projects on Unmanaged Waterway

These projects occur on unmanaged waterways and can have the most potential to cause broad effects and/or are expected to have considerable public, Aboriginal community and/or agency interest. These projects feature new developments on river systems not previously subject to water level and flow management. They will not only involve consideration of the direct effects of the new infrastructure, but are also most likely to require an assessment of the implications of an introduced water management regime.

Given the potential for greater complexity, the process defined in the Class EA provides for additional public, Aboriginal community and/or agency involvement.

These projects include:

- New development less than 200 MW nameplate capacity on an unmanaged river waterway.

Table 2 provides a summary of the distinctions in process between projects.

Table ~~3~~2 Distinctions Between Project Types

	~~New Projects 500 kW and under or associated with existing infrastructure or efficiency increase of an existing waterpower facility~~	**New Projects ~~over 500 kW and~~ associated with existing infrastructure**	**New Projects on managed waterways**	**New Projects on unmanaged waterways**
Rationale for Categorization	~~Small project (500 kW and under), or efficiency increases, with use of existing infrastructure with no effect to existing water management regimes, and meet all category requirements.~~	Use of existing infrastructure with potential for site specific effects and concerns focused in the immediate area.	Introduction of new infrastructure on a system with existing infrastructure with greater potential for localized and up and downstream effects and/or concerns.	Introduction of infrastructure on a previously undisturbed system (e.g. Far North Rivers) with potential broad scale effects and/or regional concerns.
Mandatory Notification Requirements	~~• Notice of Project~~ ~~• Notice of Completion (to parties who have expressed an interest or participated)~~ ~~• Statement of Completion~~	• Notice of Commencement • Notice of Completion (to parties who have expressed an interest or participated) • Statement of Completion	• Notice of Commencement • Notice of Completion • Statement of Completion	• Notice of Commencement • Notice of Inspection (to parties who have expressed an interest or participated) • Notice of Completion

				• Statement of Completion
Key Environmental Considerations	~~Environmental considerations will often be site-specific and localized to the immediate area; existing infrastructure could have built cultural heritage value in some instances.~~	Environmental considerations will often be site-specific and localized (i.e. immediately up and downstream; existing infrastructure could have built cultural heritage value in some instances). Some potential that considerations may extend to include changes to the existing water management regime.	Environmental considerations may extend to the impacts and benefits of the introduction of new infrastructure on a segment of the waterway above and/or below existing infrastructure and existing water management regimes.	Environmental considerations may extend to the impacts and benefits of the introduction of new infrastructure and a water management regime on a system that has not been previously affected.
Involvement	~~Agencies, Interested Parties, Aboriginal Communities, as appropriate.~~	Agencies, Interested Parties, Aboriginal Communities, as appropriate.	Agencies, Interested Parties, Aboriginal Communities, as appropriate.	Agencies, Interested Parties, Aboriginal Communities, as appropriate.
Documentation	~~Environmental Report~~	Environmental Report	Environmental Report	Environmental Report
General Level of Detail Expected	~~Categorization of projects does not define or differentiate the rigor or level of the environmental evaluation required. All projects require an evaluation and assessment of the potential impacts and benefits of the project, which should be commensurate with the anticipated potential environmental effects and in consideration of the surrounding environment.~~	Categorization of projects does not define or differentiate the rigor or level of the environmental evaluation required. All projects require an evaluation and assessment of the potential impacts and benefits of the project, which should be commensurate with the anticipated potential environmental effects and in consideration of the surrounding environment.	Categorization of projects does not define or differentiate the rigor or level of the environmental evaluation required. All projects require an evaluation and assessment of the potential impacts and benefits of the project, which should be commensurate with the anticipated potential environmental effects and in consideration of the surrounding environment.	Categorization of projects does not define or differentiate the rigor or level of the environmental evaluation required. All projects require an evaluation and assessment of the potential impacts and benefits of the project, which should be commensurate with the anticipated potential environmental effects and in consideration of the surrounding environment.
Target Timelines for EA Completion*	~~9-12 months~~	12 months	12-18 months	12-24 months

* Target timelines are specific to the Class EA process, are approximate and will vary (more or less) depending on factors such as technical study timeframes and consultation requirements, and do not include subsequent permitting and approvals.

3.2 Waterpower Projects beyond the Scope of the Class EA

This Class EA does not cover all waterpower projects. Some waterpower projects have no *EA Act* requirements and some projects require an individual EA. This section explains in further detail how these projects relate to the Class EA; however, they are not in fact subject to this Class EA.

3.2.1 Category A Projects: Not Subject to This Class EA

Under the Electricity Projects Regulation, Category A projects are those that are either exempt from provincial EA requirements or that are not subject to the *EA Act*. By definition, they are expected to have minimal or no new effects to the environment. There are no waterpower projects designated under the definition of Category A under the Electricity Projects Regulation. The minimum threshold for a new waterpower facility is a Category B project.

However, under the Electricity Projects Regulation, some waterpower projects are designated under the *EA Act* but then made exempt for purposes of grandparenting and transitioning. This Class EA does not change the exemptions provided for these projects, which are as follows:

- changing or expanding a water power generation facility for which no approval under Section 5 of the *EA Act* was required to construct; and which result in a less than 25% increase in nameplate capacity at such existing facility; and
- constructing, operating, changing, expanding or retiring of a water power generation facility for which no approval under Section 5 of the *EA Act* was required to construct; and which either began construction before April 23, 2001 or obtained any approvals required to begin construction and any approvals required to operate under the *Environmental Protection Act* or the *Ontario Water Resources Act* before April 23, 2001; and was substantially completed by April 23, 2006.

Although these projects are exempt from the *EA Act*, if there is a related requirement for a new disposition of rights to Crown resources, this aspect of the project will be subject to the MNRF Class EA – RSFD or the MNRF Class EA – PPCR, as appropriate. In addition, these projects may still be subject to the requirements of the *CEA Act*. **Section 5** provides detail on these requirements.

3.2.2 Category C Projects: Individual EA

As described in the Electricity Projects Regulation, Category C projects are determined to be major projects with the potential for significant net effects. These projects require an individual EA and are beyond the scope of the Class EA. The required process for a Category C project would be determined through the preparation and approval of Terms of Reference under Part II of the *EA Act*. Category C projects include:

- Development of a new generation facility with a nameplate capacity of 200 MW or more; and
- Significant modification of an existing generation facility with a nameplate capacity of 200 MW or more.

3.3 Incorporating Waterpower Projects into the Grid

As described in **Section 2.1**, new transmission lines and transformer or distribution stations operating at 115 kilovolts or greater that are associated with the project are to be considered part of the project and evaluated using the Class EA process.

If the transmission lines are proposed to occupy Crown land, MNRF will require documentation confirming the completion of the requirements under the *EA Act* (i.e., filing a Statement of Completion), prior to issuing a disposition. Category A projects such as transmission and distribution facilities that are not subject to the Electricity Projects Regulation but require a disposition of rights to Crown Resources will require evaluation pursuant to MNRF's RSFD Class EA or the MNRF Class EA – PPCR, as appropriate. Opportunities exist to coordinate the generation portion of the project under this Class EA and the transmission portion of the project under the MNRF RSFD Class EA or the MNRF Class EA – PPCR,

as appropriate. Proponents are encouraged to establish an approach to such situations at or before the initial co-ordination meeting with the MNRF, the appropriate transmission company and other interested agencies.

4.0 CLASS EA PLANNING PROCESS

This section describes the steps of the Class EA planning process for all projects. It should be noted that some components of the process may be iterative. For example, the proponent should initiate a coordination meeting early in the process however it may be beneficial to have another meeting after the completion of the matrix or prior to the publication of the Environmental Report (ER). Likewise, a project description should be prepared in the initial concept phase of the project, but a revised and more detailed project description may be prepared in the definition and assessment phases.

In brief, this Class EA outlines the planning process in five phases through which a project proposal moves from concept to implementation phases. These phases are described as follows for each project proposal, with certain differences noted for projects applicable under section 3.1.1 and depicted in Figure 5.

- *Phase 1* – Project Concept: the initial concept phase of a project proposal and the development of public engagement and consultation plans, as appropriate (**Section 4.1**);
- *Phase 2* – Project Definition: the determination of project specific considerations and the start of public engagement and consultation in the EA process (**Section 4.2**);
- *Phase 3* – Project Assessment: development of mitigation strategies to address identified key considerations (**Section 4.3**);
- *Phase 4* – Documentation: summarizing and reporting on information analyzed and collected, outcomes of consultation and engagement and reaching conclusion on the EA (**Section 4.4**); and
- *Phase 5* – Project Implementation: subsequent permits, approvals and monitoring (**Section 4.5**).

This planning framework is presented in **Figure 6** and key components are expanded upon throughout this section. Elements in **BOLD** denote mandatory points of public notice.Subsequent sections build on this framework, particularly with respect to the incorporation of additional legislative and regulatory planning requirements for waterpower projects that are the subject of the Class EA (**Section 5**).

The process outlined is generic and the timelines proposed within categories are targets. Project specific information and the nature of the concerns of interested parties will help determine the degree to which the process can be expanded or contracted by the proponent.

~~Figure 5 Class EA for Waterpower Projects – Process for Projects 500 kW and Under in Nameplate Capacity and Associated with Existing Infrastructure or Increases in Efficiency~~

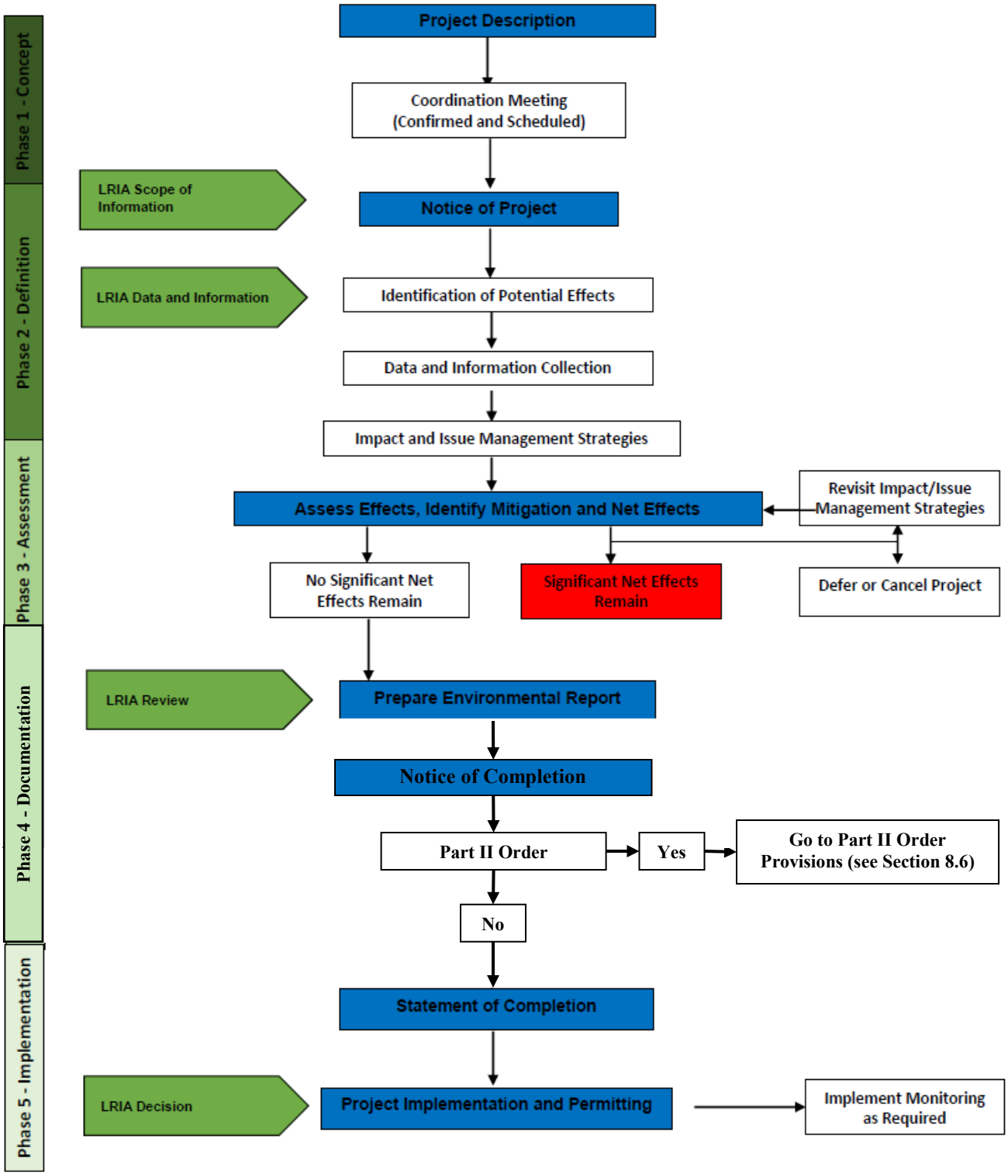
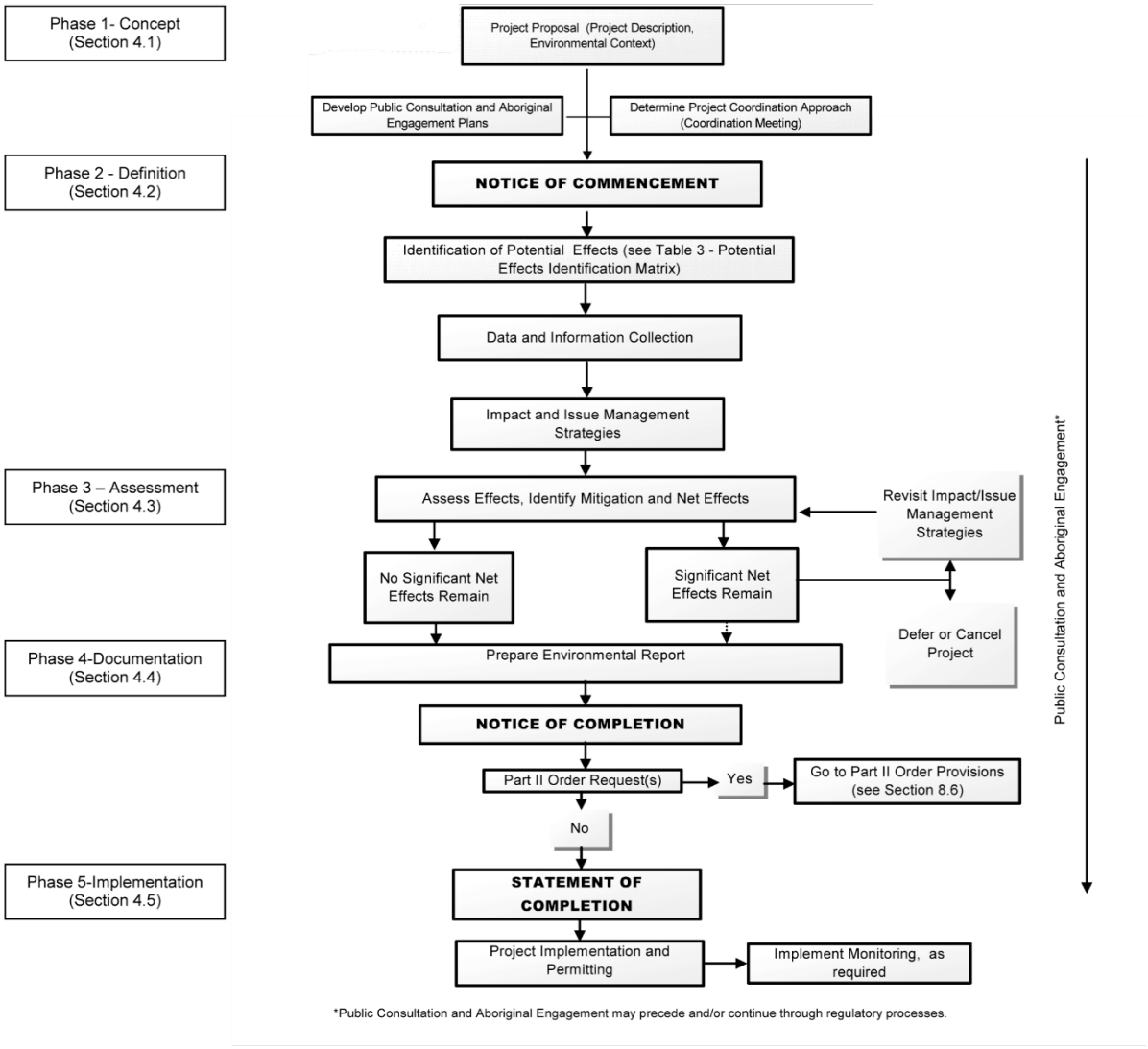


Figure 6 Class EA for Waterpower Projects ~~– Process for Projects Over 500 kW in Namplate Capacity~~



4.1 Phase 1 – Project Concept

This phase of the EA process is intended to establish the initial basis for project evaluation and public engagement. It is the foundation upon which all subsequent phases are premised and, therefore, warrants particular emphasis by the proponent. In many instances, this phase will follow on the effort and investments already made in securing access to the proposed location or, in the case of projects at existing infrastructure, will be undertaken after initial feasibility has been established.

~~For projects under section 3.1.1, k~~Key aspects of this phase include:

- ~~Describing the project and the characteristics of the environment within which the project is proposed;~~
- ~~Establishing a project coordination approach with key provincial and federal agencies; and~~
- ~~Determining which members of the public and Aboriginal communities may be potentially affected by the project.~~

~~For all other projects - key aspects of this phase include:~~

- Describing the Project and the characteristics of the environment within which the project is proposed;
- Establishing a project coordination approach with key provincial and federal agencies (e.g. Fisheries and Oceans Canada); and
- Developing public consultation and Aboriginal engagement plans, as appropriate.

4.1.1 Project Description and Environmental Context

A detailed project description will help to ensure that all aspects of the project are accounted for in the definition and assessment stages. The project description should include, as is practical at the predevelopment stage, sufficient detail to allow for the public, Aboriginal communities and agencies to provide meaningful comment when the Notice of Commencement or Notice of Project is issued.

For all projects, key elements include:

• purpose of the project

• rationale, location, duration of the project

• watercourse identification

• anticipated zone(s) of impact

• potential effects to the environment

• early avoidance/prevention/mitigation concepts

• proposed project phasing

Proponents should delineate the study area and baseline conditions for the project and identify the potential impact zone(s) of relevance to environmental, social, cultural and economic features. The description of the project components will facilitate the identification of those environmental, cultural and socio-economic components that, if present, could be affected either directly or indirectly and therefore require assessment. The proponent's determination of the zone of impact should be informed through early and ongoing dialogue with regulatory agencies. There may be multiple zones of impacts for any one project in order to reflect different risks to the various features being studied. The determination must be supported by methodologies and rationale appropriate for the project. The zone of impact may change throughout the planning phase in response to new information or design considerations.

Baseline conditions are used to define the environmental setting or context against which proponents assess the potential impacts of proposed waterpower developments. For the purposes of environmental assessment and permitting, proponents should assess the impacts of the proposed waterpower development against existing conditions at the time of the proposed development. In the absence of site-specific information on existing conditions; proponents may apply surrogate data from comparable systems. There may also be some cases where there is a need to concurrently assess the potential effects of multiple projects on a river system being developed over a short time period. The decision to collect surrogate data or to review multiple projects will be made during the pre-consultation meeting. With respect to project hydrology, proponents may consider assessment

methodologies which extrapolate from other sites/systems in the absence of reliable site-specific data. Once identified, additional perspective on the magnitude and significance of the effects may be determined through the application of hydrologic and other assessment tools. Determinations regarding the application of assessment metrics and tools should be informed through discussions with agencies as early in the environmental assessment process as possible. The OWA Ecological Flows Toolkit (2014) provides a list of potential assessment tools, some of which consider hydrologic reference condition assessment metrics.

Proponents should assess projects in their entirety. It is generally inefficient to break up or "piecemeal" a larger project into separate components or phases with each part addressed as a separate project, though phasing of project implementation may be appropriate.

4.1.2 Project Coordination

A key objective of the Class EA is to help coordinate and integrate requirements of regulatory agencies and the *CEA Act* by using the Class EA as the primary vehicle for identifying environmental concerns appropriately addressed through the Class EA planning process. Of relevance to most waterpower projects are likely to be approvals related to fish and fish habitat (*Fisheries Act*), navigation (*Navigable Waters Protection Act*), water taking (Ontario Water Resources Act), infrastructure (*Lakes and Rivers Improvement Act*) and land disposition (*Public Lands Act /Provincial Parks and Conservation Reserves Act*). Of specific relevance to waterpower projects in protected areas is fulfillment of management planning requirements (for example, amendments to management direction). The proponent-led coordination meeting with key agencies (e.g., MNRF, MOECC, DFO, TC, CEA Agency, CAs, local municipality[ies], etc.) is an important tool to achieve this objective.

For all projects, once the proponent has the intent to commence the Class EA process, the proponent should initiate a meeting with relevant agencies to discuss, among other things:

- overview of project concept;
- agency mandates and how the proposed project relates to the statutes and policies administered by each agency;
- known project-specific environmental, social and economic values;
- the approach to data and information collection;
- the approach to public consultation;
- the approach to involving Aboriginal interests and relative roles and responsibilities;
- expectations for future communication (e.g., when, who) and expected timelines and tasks associated with the stages of the process; and
- other potential permitting and approval requirements.

In advance of the meeting, the proponent should provide the agencies invited to the coordination meeting with the project description and environmental context prepared earlier in the process, as described in **Section 4.1.1** above. In order to be effective the coordination meeting requires the timely commitment of staff and information from key regulatory agencies with an interest in the project. For the vast majority of new waterpower projects, the window of opportunity with respect to the timing of environmental studies and surveys is seasonally dependent. In practice, this can mean that a short period of time lost at the commencement of the process can translate into an extended delay for the project. Early investment by all parties will yield efficiencies throughout the process. The inability of agencies to participate, however, will not prevent the continuation of a project through the Class EA process.

4.1.3 Developing Public Consultation and Aboriginal Engagement Plans

Early and meaningful engagement of representative interests and publics that may be affected by the project is prudent business practice and a critical element of achieving the intent of the Class EA. The purpose of public consultation and Aboriginal engagement is to provide those who may have an interest in the project, or those who may wish to participate with the opportunity to contribute to and inform decisions relating to a project. It provides the proponent with the opportunity to gain information and knowledge related to social, cultural, economic and

environmental considerations of relevance to the project.

For projects under section 3.1.1, Aboriginal consultation will be completed primarily by sending the Notice of Project (see section 4.2.1), the Notice of Completion (see Section 4.4.3) and the Statement of Completion (see Section 4.5.1) to the Aboriginal communities by registered mail. Public consultation will be completed primarily by direct mailings to anyone potentially directly affected by the project. Further discussions with any potentially affected Aboriginal communities or parties may be required depending on the level and nature of potential impact.

For all other projects, proponents are expected to design and implement their consultation plans considerate of the context (e.g., geography, timing, needs of interested parties) most relevant to the proposal. In practice, this can mean adopting project-specific approaches to notification and involvement or both. As with the project description, plans at this stage will be anticipatory, and may be refined as the planning process unfolds. Specific information on consultation planning and implementation is included in **Section 6**.

With respect to the engagement of Aboriginal interests, some project proposals may have been developed with the direct involvement and participation of communities prior to commencing EA. In these instances, the Class EA component of Aboriginal engagement will be informed by the relationships already established. Specific advice is included in **Section 7**.

4.2 Phase 2 – Project Definition

While the Class EA process is not linear, it does provide a framework that moves a proposal from the general to the specific. The evaluation of potential impacts, benefits and issues informs not only the design of the proposal, but can also be used to tailor the process. In this phase proponents are expected to:

- identify potential effects on the environment;
- implement public consultation and Aboriginal engagement, as appropriate; and
- address data and information collection/acquisition priorities.

4.2.1 ~~Notice of Project and~~ Notice of Commencement

~~Notice of Project – for Projects Under Section 3.1.1~~

~~Proponents undertaking a project with 500 kW or less capacity that is associated with existing infrastructure and projects that are only efficiency increases at an existing facility are not required to issue a Notice of Commencement. Instead proponents must issue a Notice of Project to regulatory agencies, other agencies that are potentially interested in the project, anyone potentially directly affected by the project, and potentially affected Aboriginal communities. The Notice of Project initiates formal project coordination of the EA, and must be issued prior to developing the ER. This notice allows regulatory agencies to ensure the classification of the project is correct, and guide the development of the ER. The Notice of Project will be published on the OWA website and, if available, the proponent's website. Notices will be provided to anyone directly affected by the project by direct mail outs.~~

~~The Notice of Project must include:~~

- ~~The project title;~~
- ~~The name of the proponent;~~
- ~~A brief description of the project and tentative schedule;~~
- ~~A map showing project location and anticipated zone of influence;~~
- ~~The project type (retrofit, redevelopment or refurbishment/upgrade; or efficiency increase);~~
- ~~Watercourse identification;~~
- ~~Current installed capacity and proposed installed capacity;~~
- ~~Anticipated % expansion of infrastructure, if any;~~
- ~~A statement that the project meets the criteria in section 3.1.1 subject to confirmation with regulatory agencies;~~
- ~~A statement that: "This project is being evaluated as a [small hydro project associated with existing infrastructure/project that only involves~~

~~an increase in efficiency of the existing facility] per section 3.1.1 of the Class Environmental Assessment for Waterpower Projects; and~~

- ~~An explicit statement that subsequent direct notices will be provided to those who express an interest in the project.~~

~~If it is determined that the proponent incorrectly classified the project at any point during the Class EA process, the proponent will issue a Notice of Commencement in accordance with Section 4.2.1. Regulatory agencies may request the proponent consult with particular Aboriginal communities or directly affected parties as part of developing the ER. Ideally these communities and/or parties will be identified at the proponent-agency coordination meeting, but may also be identified later in the EA process as new information may be made available.~~

~~Notice of Commencement – for All Other Projects~~

~~For proponents undertaking a project over 500 kW capacity or a project that is not only an efficiency increase, i~~In order to help ensure that potentially interested parties are aware of the project, the proponent must issue a Notice of Commencement of a Class EA for a Waterpower Project. This public notice is a mandatory point of contact and must be directly provided to:

- adjacent and potentially affected riparian landowners/tenants;
- potentially affected Aboriginal communities;
- the MOECC Regional EA Coordinator at the appropriate Regional Office of the MOECC;
- the local MNRF office and/or park zone office (for projects within a provincial park or conservation reserve);
- other potentially interested government agencies (e.g., Municipal Affairs and Housing, Tourism, Culture and Sport, Parks Canada etc.) as appropriate;
- potentially interested municipalities, including those hosting project-related infrastructure;
- other potentially directly affected water management infrastructure owners/operators;
- other directly interested or affected parties (e.g., local interest groups, businesses, resources licensees, members of the public that may be directly affected by some aspect of the project); and
- the President of the OWA.

A Notice of Commencement must also be published in a local newspaper having general circulation within the area of the project. Where local newspapers do not exist, the proponent should use an equivalent means of achieving the same objective of adequate notification of local interests. Additional notification methods may also be employed at the proponent's discretion. Where an internet site is employed as an additional notification technique, proponents are encouraged to submit the web address (URL) to the OWA for posting on the OWA website and/or to embed it within their notice of commencement. The OWA will post all Notices of Commencement on its website.

A Notice of Commencement must include:

- The project title;
- The name of the proponent;
- A brief description of the project and tentative schedule;
- A map showing project location and anticipated zone of impact;
- A statement that the project is subject to a defined process under the Class EA for Waterpower Projects;
- An invitation to participate in the process;
- A contact name, address, fax and telephone number and/or e-mail address to whom questions or requests for additional information should be directed or comments can be sent;
- For projects associated with existing infrastructure, an explicit statement that subsequent direct notices will be provided to those who express an interest in the project; and
- An indication of additional opportunities to be informed and/or involved in the project.

A template for a Notice of Commencement is included in **Appendix D**.

4.2.2 Identification of Potential Effects

This section, and the accompanying matrix provided as **Table 3**, applies to all projects in this Class EA and is intended to provide guidance to proponents in assessing the relevance of potential impacts and benefits under individual criteria and for the project as a whole. The evaluation completed during this phase of the Class EA will assist proponents in the identification of considerations of most relevance to the project and the determination of relative priorities for investigation and investment in the creation of the ER.

The evaluation, like the entire Class EA process, is proponent-led, and will help inform the proponent's approach to obtaining input and information specific to planning and assessing the project. However, it is recommended that the proponent consult with relevant federal and provincial agencies and municipal authorities, appropriately qualified persons, potentially affected and interested individuals and the public when completing the potential effects identification matrix. The results of the environmental, social, cultural and economic evaluation are to be used by the proponent
to inform the subsequent consultation, data collection and assessment phases of the Class EA process.

An effect is any change to the environment, positive or negative, that could occur as a result of a project. Effects include the impact or benefit that a project could potentially have, directly or indirectly, on the environment at any stage in the project life cycle. This Class EA requires the proponent to assess the potential effects as well as any net effects after mitigation and focuses on those effects common to waterpower projects. This includes consideration of both direct and indirect effects.

The following guidance explains the intended meaning for assigning the level of potential effect to each project, for the criteria listed in **Table 3**.

- A "nil" effect would be assigned where there is no effect on that criterion.
- A "low" potential effect would be assigned where the potential impact and/or benefit is considered low or minimal.
- A "high" potential effect would be assigned where the potential impact and/or benefit is believed to be considerable.
- An "unk" would be assigned where the potential effects are unknown or there is insufficient information to assign a potential level of effect with reasonable certainty.
- "-" means a potential negative effect.
- "+" means a potential positive effect.

To document the early identification of potential effects of the project, the proponent will complete the matrix provided as **Table 3** by marking the appropriate column and noting any clarifying comments or rationale for the rating. It is recommended that proponents apply the general approach outlined in **Table 3** separately for potential construction related effects and for potential operational effects. Rationale for the prediction of potential effects should be included for each criterion in **Table 3**.

A project may have both positive and negative effects in one criterion, and will be noted in the columns and described in the comments/rationale column. Where information is unavailable for the proposal it should be noted and, where the information is of significance to the proposal, the gap will need to be addressed. The criteria are not intended to be numerically scored or tallied, but rather to scope the potential issues and the proponent's priorities.

The proponent will record in the matrix the potential effects before applying possible mitigation measures. Following completion of the matrix described in this section, the proponent has more clarity with respect to the focus of consultation activities, data and information collection/acquisition priorities and the emphasis of impact management strategies.

For cultural heritage resources, regardless of potential benefits or level of effect, any project that may affect a built heritage resource, cultural heritage landscape, a known archaeological site, or an area of archaeological potential may require further technical heritage studies by qualified persons. In general, areas within 300 metres of a historic or present-day water source have the greatest potential for the presence of cultural heritage resources. Proponents should recognize this when completing Table 3.Definitions of "Qualified persons" and "Technical Heritage Studies" are included in Appendix A. Section 5.3.8 provides additional guidance on the consideration of cultural heritage values.

Table 3 Potential Effects Identification Matrix

The proponent should view each criterion prefaced with the phrase: *"This project has the potential to affect…*

Criteria	Potential Level of Effect						Comments, Rationale
	-H	-L	Nil	Unk	+L	+H	
General Natural Environment Considerations							
Air quality, including GHG Offsets							
Water quality or quantity (surface water)							
Water quality or quantity (groundwater)							
Species at risk and their habitat							
Significant earth or life science features							
Land subject to natural or human-made hazards							
Terrestrial wildlife (including numbers, diversity and movement of resident or migratory species)							
Natural vegetation and terrestrial habitat linkages							
Soils and sediment quality							
Significant natural heritage features and areas							
Other (specify)							

Table 3 Potential Effects Identification Matrix

Criteria	Potential Level of Effect						Comments, Rationale
	-H	-L	Nil	Unk	+L	+H	
Aquatic and Riparian Ecosystem Considerations							
Shoreline dependant species							
Wetland dependant species							
Fish Habitat							
Fish Migration							
Fisheries							
Erosion and Sedimentation							
Fish Injury or Mortality (impingement and entrainment)							
Water levels, flows and movement							

(surface or groundwater)							
Drainage, Flooding and Drought patterns							
Water Temperature							
Other (specify)							
Aboriginal Community Considerations							
First Nation reserves or other Aboriginal communities							
Spiritual, ceremonial, cultural, archaeological, or burial sites							
Traditional land or resources used for harvesting activities							
Employment							
Lands subject to land claims							
Economic Development							
Other (specify)							
Land and Resource Use Considerations							
Access to inaccessible areas (land or water)							
Navigation							
Riparian rights or privileges							
Recreational use – (land or water)							
Angling and hunting opportunities							
Trapping activities							
Baitfish harvesting activities							
Views or aesthetics							
An existing land or resource management plan							
An existing water management plan							
Protected areas							
Other (specify)							

Table 3 Potential Effects Identification Matrix

Criteria	**Potential Level of Effect**						**Comments, Rationale**
	-H	**-L**	**Nil**	**Unk**	**+L**	**+H**	
Cultural Heritage Resources Considerations							
Archaeological sites							
Buildings or structures							
Cultural heritage landscapes							
Other (specify)							
Social and Economic Considerations							
The Location of people, businesses, institutions, or public facilities							
Community character, enjoyment of property, or local amenities							

Employment							
Public health and/or safety							
Local, regional, or provincial economies							
Tourism values							
Water supply							
Aesthetic image of the surrounding area							
Other (specify)							
Energy/Electricity Considerations							
Reliability (e.g. voltage support)							
Security (e.g. Black Start)							
Electricity flow patterns							
Other (specify)							

4.2.3 Public Consultation and Aboriginal Engagement

As outlined in **Sections 6** and **7**, respectively, effective public consultation and Aboriginal engagement by the proponent is key to ensuring meaningful and reasonable participation.

Within the boundaries established in the public consultation and Aboriginal engagement plans and/or processes, consultation approaches should incorporate some flexibility so the proponent can respond to circumstances that were not originally anticipated. For example, where a project creates a greater level of public concern than expected, the proponent may expand upon the process to ensure that consultation techniques employed are relative to the concerns or interest expressed. Where a project shows a lower level of public interest or concern than was anticipated, a proponent may contract the consultation approach to reflect this, provided all mandatory points of notification are made.

Interested parties have the responsibility to take advantage of opportunities provided by proponents for public involvement during the Class EA project process. The interested party should bring to the attention of the proponent concerns that they may have about the potential effects of the project as early as possible. The sooner the concerns are brought to the attention of the proponent, the greater the flexibility the proponent has to attempt to accommodate these considerations in the project and in the planning process. Interested persons should make their request very clear and should focus on concerns associated with the potential effects of the project, not on previous planning decisions, broad policy or just not wanting the project in their community.

In some instances, the proponent will need to assess
the likelihood of issue resolution and may wish to consider the early use of alternative dispute resolution methods (see reference in **Appendix C**). It may also be of benefit for the proponent to identify the concern(s) with MOECC and/or other agencies, as appropriate. The proponent's impact and issue management strategies should document such concerns and the approach taken.

4.2.4 Gap Analysis, Data and Information Collection/Acquisition

Completion of the Potential Effects Identification Matrix will help inform the relative priorities for addressing key data and information gaps and contribute to the design and implementation of the proponents' data acquisition strategy. The proponent will also have had the benefit of the agency coordination meeting, response to the Notice of Project or Notice of Commencement and initial advice from public consultation and Aboriginal engagement, as appropriate. This evaluation of the project impacts and issues should also be undertaken considerate of other project-specific legislative requirements such the *CEA Act*. While some information may not be required until the permitting and approval stage, (i.e., after EA),

early identification of these requirements will facilitate coordinated and efficient information gathering. Proponents must consider all directly relevant aspects of the environmental context within which projects will occur. The resultant ER should be complete and detailed enough to demonstrate the potential impacts of a project, and identify any potential proposed impact management measures.

4.3 Phase 3 – Project Assessment

Applicable to all projects under this Class EA, this phase of the project focuses on prioritizing and assessing key potential impacts and issues and developing strategies and mitigation measures to manage them. All projects follow a similar project path, but reflective of the specific considerations identified through the potential effects identification and public response. At the completion of the project assessment phase, the proponent should be in a position to asses the overall environmental advantages and disadvantages of the project.

4.3.1 Assessment of Effects

At this part of the process the proponent, using the potential effects identified during the phase discussed in **Section 4.2.2** as a guide, confirms the potential effects of the project, determines the appropriate avoidance, prevention and/or mitigation strategies and assesses the net effects of the project. If the project has potential to cause negative effects, the resultant ER must provide information that summarizes:

- the potential negative effect;
- the relative level of the effect;
- the mitigation or impact management measures that will be used;
- any individual net effects (after mitigation) and their significance; and
- the overall positive, neutral and negative effects of the project.

The assessment of the significance of net effects after impact management and mitigation should consider the value of the resource affected, geographic extent of the effect, duration and frequency of the effect, irreversibility of the effect, and ecological / social context, as described below:

The importance of the value affected
Some values may be given a higher priority than others. For example, an affect on public safety would most often be of more importance than an affect on recreational use.

Duration and frequency
Longer term or more frequent effects may be greater.

Geographic extent
While the categorization of projects is premised on the environmental context within which projects will occur, potential impacts and benefits should nonetheless be considered based on their geographic extent.

Irreversibility of the effect
Some potential effects may not be easily remedied or mitigated. Some effects can be reversed over a period of time. The potential irreversibility of an effect should be considered.

Ecological / Social Context
All potential effects should be assessed in both an ecological and social context. The potential impacts or benefits of projects may be significant. For example, impacts that occur in areas or regions that are ecologically fragile and have little resilience to imposed stresses may be of particular importance. Similarly, benefits to local communities (e.g., flood/drought mitigation) may provide value above and beyond electricity production.

4.3.2 Impact and Issue Management Strategies

A key purpose of applying this Class EA is to help proponents identify and avoid, prevent or mitigate effects that may be potentially negative. This Class EA has adopted the conceptual hierarchy of avoidance, prevention and mitigation for all projects across the categories. Where impacts cannot be avoided or prevented (e.g., project location), mitigation measures will be considered.

Mitigation measures can include:

- reducing the magnitude, duration etc. of the impact;
- repairing the situation post-impact to achieve (more of a) pre-impact state;
- offsetting the impact through other means, not necessarily directly related to that impact; and

- enhancing positive effects where possible.

While there is a suite of standard approaches to mitigation of effects associated with waterpower projects (see **Appendix B**), the state of the science(s) continues to evolve and improve and the toolbox of approaches continues to expand. As listed in **Appendix C**, the OWA will undertake to provide access to the best available information on mitigation techniques on an ongoing basis, rather than to limit the creativity of proponents through prescriptive measures.

With respect to issue management, the proponent should consider the degree to which the concerns expressed are persistent or new and the effectiveness of investments already made in attempting resolution. It is at the discretion of the proponent to determine whether or not additional public consultation is appropriate at this stage of the project. This determination is most likely to be made considerate of the results of previous consultation and the degree to which any outstanding issues and/or impacts could reasonably be expected to be resolved. The proponent may also wish to consider the potential effectiveness of self-directed mediation for significant outstanding issues.

If the proponent determines that net effects and outstanding issues (after mitigation) are significant and have not been resolved through the proposed impact and issue management strategies, these strategies may be revisited or revised. In terms of time and efficiency, it is in the proponent's best interest to attempt to address significant concerns associated with potential effects to the environment. This approach can help reduce the potential for such concerns to be the subject of a Part II Order request later in the process. The proponent may also determine that the importance of net effects, the costs of mitigation or the significance of unresolved issues make the project unfeasible.

4.4 Phase 4 – Project Documentation

The outcome of the project assessment phase of the Class EA process will be documented the Environmental Report (ER), including a description of impact management strategies, the significance of any remaining net effects, concerns or issues, and the overall project advantages and disadvantages. The following subsections describe the required contents of the ER and associated mandatory notices for all projects under the Class EA process.

4.4.1 Environmental Report

After seeking input and advice from the public, agencies and Aboriginal communities, as appropriate, determining the relative priorities and identifying methods to address impacts and issues, the proponent will prepare the project's ER. The report will be reflective of the relative complexity of the project, as informed through the evaluation and consultation processes. The ER includes a description of the environmental factors assessed, the potential adverse effects on these factors, details of the effects and an impact management strategy. Issues that remain outstanding and the approach taken by the proponent in attempting to resolve them must be documented in the ER. In addition, the proponent must summarize how comments received from the Notice of Project, Notice of Commencement and from public consultation and Aboriginal engagement activities were considered, as appropriate.

The ER must contain:

- Background information (project description, purpose);
- Map of project location and study area;
- Description of the study area and the existing environmental context;
- A completed potential effects identification matrix;
- A description of potential effects (positive and negative);
- The results of the analysis, evaluation, and assessment conducted for the subject effects, concerns or issues;
- Information on public and agency consultation, including a description of the public and agency consultation program and consultation activities/events, a list of agencies contacted, summary of public and agency concerns or issues and how they have been or have attempted to be addressed;
- Information on Aboriginal community involvement, including a description of the

engagement program and activities/events, a list of communities contacted, summary of community concerns or issues and how they have been or have attempted to be addressed;
- Changes to the original proposal, if any, resulting from the environmental evaluation and/or consultation and engagement processes;
- Description of the net effect(s) (after mitigation), if any, including an identification of the significance of the net effect(s);
- Planned avoidance/prevention/mitigation and/or other impact management measures for any potential negative effects;
- A review of overall advantages and disadvantages of the project, including a discussion of any benefits that might offset disadvantages;
- A summary of planned construction and post-construction monitoring programs, as required, including mechanisms for their implementation and reporting. If no monitoring is required, then reasons should be provided;
- Technical reports supporting the findings, as appropriate;
- Anticipated timelines for project implementation; and
- A listing of any other known required approvals
and permits.

Projects under section 3.1.1 are also required to include how the project:

- meets the criteria for classification in section 3.1.1.

4.4.2 Notice of Inspection for Projects on Unmanaged Waterways

The Notice of Inspection is an additional notice required for projects on unmanaged waterways. It provides participants in the process with an additional opportunity to review the ER and to comment on a proponent's proposed implementation approach. This step, although not required by the Electricity Projects Regulation, has been added recognizing the increased likelihood of complexity for these types of projects. The manner of distribution will be at the discretion of the proponent, but the Notice must be provided to participants who have expressed an interest in the project. Participants will be given the opportunity to provide comments during the Notice of Inspection period (30 days unless otherwise extended by the proponent) and will be placed on a mailing list to be directly notified of the Notice of Completion. Proponents will collate the comments received and consider any outstanding issues. Proponents will then finalize the ER before issuing the Notice of Completion.

The Notice of Inspection should include:

- A title indicating the project name and location;
- A summary description of the project;
- A map of the location of the project and anticipated zone of impact;
- An invitation to provide comments on the ER;
- A description of how the ER can be accessed (e.g. electronically, in hard copy at convenient locations) and reviewed;
- An invitation to any additional public consultation activities (if planned), along with the date, time, location, etc.;
- A contact name, address, telephone and fax number, and email address; and
- Deadline for comment (30 days).

A template for the Notice of Inspection is included in **Appendix D**.

4.4.3 Notice of Completion

For Projects under Section 3.1.1 and Projects over 500 kW in Nameplate Capacity and Associated with Existing Infrastructure, the Notice of Completion will be directly sent to all Aboriginal communities, agencies and other parties who expressed interest when the Notice of Project or Notice of Commencement was issued and to those who participated in the consultation process. For all other categories of projects, the Notice of Completion will also be sent to the distribution list created for the Notice of Commencement. Note that the deadline for comments and/or requesting a Part II Order is 30 days unless otherwise extended by the proponent.

The Notice of Completion must include:

- The information required for the Notice of Project or Notice of Commencement;

- The conclusions of the ER;
- Information regarding how the ER may be accessed and reviewed;
- Deadline for comment (30 days);
- A stipulation that concerns should be addressed with the proponent, and if the issue should remain unresolved, that a written request can be made to the Minister of the Environment and Climate Change (or delegate) for a Part II Order;
- The address of the Minister of the Environment and Climate Change (or delegate); and
- The last date when Part II Order requests will be received.

Proponents will consider comments received and any outstanding issues that may require further consultation. Further consultation is at the discretion of the proponent at this stage of the process. Input and advice received during the comment period will be discussed in the Conclusion of EA component of the Statement of Completion. A party requesting a Part II Order must make such a request within 30 days of the issuance of the Notice of Completion. **Section 8.6** provides detail on the process involved in a Part II Order request.

A template for a Notice of Completion is included in **Appendix D**.

4.5 Phase 5 – Project Implementation

4.5.1 Statement of Completion

Proponents will document in the project files any outstanding issues resulting from the Notice of Completion and review period. Proponents should also contact the Environmental Approvals Branch to verify that no Part II Order Requests (see **Section 8.6**) were received during the Notice of Completion comment period. Once comments are documented and addressed, as appropriate, and it has been confirmed that no Part II Order requests were received, the proponent may file the Statement of Completion and will make the final project documentation publicly available. Filing of the Statement of Completion indicates completion of the project under the *EA Act* and the conclusion of the EA component of the project and the proponent may proceed with the project permitting and approvals processes.

Proponents will complete a Statement of Completion form, and file a copy with the MOECC Regional EA Coordinator and the Director of MOECC's Environmental Assessment and Approvals Branch, with copies to the District MNRF Office, and the President of the OWA. The proponent is also required to retain a copy for a minimum of ten years.

The Statement of Completion for all projects must include the following information:

- Proponent information
  - Proponent name
  - Contact name
  - Proponent mailing address, telephone and fax numbers, and email address
- Site information
  - Site mailing address
  - Site survey address
- Project information
  - Project name
  - Nameplate capacity of facility (MW/kW)
  - Category of Class EA completed
- Document Availability Information
  - Details of where records are kept and can be accessed
- Part II Order Request Information
  - Describe how many Part II Order Requests were received and basis of concern
  - If any received, a description of how they were addressed
- Statement of Proponent
  - A statement that the information contained in the Statement of Completion is complete and accurate and that it has complied with the requirements of the Class EA
- Conclusion of Class EA
  - Conclusion of the final Environmental Report
- Documentation of Aboriginal engagement (as appropriate)
  - A summary of key points of engagement, issues and outcomes
- Documentation of public and agency consultation

- A summary of key points of consultation, issues and outcomes

A template for the Statement of Completion is included in **Appendix D**.

4.5.2 Subsequent Permits and Approvals

Once the Statement of Completion has been filed and subject to any other approval requirements the proponent can proceed with the next stage of the project. As detailed in **Section 5**, of specific relevance to most waterpower projects are likely to be approvals related to fish and fish habitat (*Fisheries Act*), navigation (*Navigable Waters Protection Act*), water taking (Ontario Water Resources Act), infrastructure (*Lakes and Rivers Improvement Act*) and land disposition (*Public Lands Act /Provincial Parks and Conservation Reserves Act*). The proponent should have satisfied the substantive environmental planning-related requirements for these subsequent permits and approvals and, through the coordination meeting and subsequent dialogue with provincial and federal agencies, will have identified project-specific requirements.

The project must be implemented in the manner described in the ER. Any further commitments the proponent made to address concerns after the report was prepared must also be fulfilled as the project is implemented. The proponent must also comply with any conditions that the Minister or his/her delegate applies in a decision not to issue a Part II Order for a project. During implementation of the project, the proponent must undertake any effects monitoring programs outlined in the ER. As detailed below, monitoring is often necessary to ensure that the mitigation measures identified in the ER are fulfilled and are effective.

4.5.3 Effects Monitoring

Effects monitoring strategies may be required for any project subject to this Class EA. Potential monitoring requirements and the level of monitoring that is necessary for the undertaking should be considered throughout the planning process for these projects (e.g., during the project assessment stage of the Class EA process). The level and duration of monitoring required will be determined on a project specific basis. Monitoring can be relevant at all stages of a project (e.g., site preparation, construction, commissioning, operation etc.) and may also be a condition of subsequent permits and approvals.

It may be important to monitor to verify the extent of effects (and compare actual with predicted effects), effectiveness of impact management strategies and whether additional measures are warranted. This may be particularly true in cases for projects where the ER indicates that there may be significant net effects.

Monitoring programs should consider and document the following:

- Component: the environmental component or strategy being monitored and the scope of the program;
- Rationale: the reason for monitoring;
- Methods and timing/duration: the procedures that are to be used for monitoring (e.g., techniques, equipment, indicators, measurements, duration, frequency, etc.);
- Reporting: provision for reporting of data, results and action taken, including frequency and to whom results are reported; and
- Adaptive Management: provision for additional actions that may be required to mitigate an impact, including any related monitoring.

Appendix C references resource material available from the OWA on the subject of effects monitoring.

4.5.4 Document Retention

Proponents are required to retain all Notices, a copy of the ER and any Monitoring Reports. Records of public, agency and Aboriginal consultation may support subsequent approvals and permitting processes. These records must be retained for a minimum of ten years and be made available pursuant to Freedom of Information and Protection of Privacy Provisions.

6.0 EFFECTIVE PUBLIC INVOLVEMENT

Early and meaningful engagement of representative interests and publics that may be affected by or have an interest in the project is prudent business practice and a critical element of achieving the intent of the Class EA. The purpose of public consultation is to provide those who may wish to participate the opportunity to contribute and inform decisions relating to a project. It provides the proponent with the opportunity to gain information and knowledge related to social, cultural, economic and environmental considerations of direct relevance to the project as well as the means to inform and explain the approach to and value of the proposal. Proponents are expected to design and implement their consultation activities considerate of the context (e.g., geography, timing) most relevant to the proposal. In practice, this can mean project-specific approaches to notification and involvement.

This section provides:

- A general outline of the role of consultation for an undertaking subject to this Class EA; and
- Consultation principles and a summary of consultation techniques that may be employed to ensure the objectives of consultation are met.

6.1 Legislated Requirements for Public Consultation

Proponents are required to consult with the public as part of the planning process for any undertaking subject to the *EA Act.* The proponent must document the consultation approach that was employed as well as the results of the consultation and how the input and advice was considered.

6.1.1 Mandatory Consultation Requirements

This section discusses the mandatory notification requirements for the project categorizations discussed in **Section 3**. The mandatory points of contact for a project associated with existing infrastructure include:

- Notice of Project Screening
- ~~or~~ Notice of Commencement;
- Notice of Completion (to those who either responded to the Notice of Project or Notice of Commencement or have otherwise expressed an interest in the project to the proponent); and
- Statement of Completion.

The mandatory points of contact for a project on a managed waterway include:

- Notice of Commencement;
- Notice of Completion; and
- Statement of Completion.

The mandatory points of contact for project on an unmanaged waterway include:

- Notice of Commencement;
- Notice of Inspection (to those who either responded to the Notice of Commencement or have otherwise expressed an interest in the project to the proponent);
- Notice of Completion; and
- Statement of Completion.

Proponents must submit any required notices to the following email addresses:

1. Generic Class EA email address- ClassEAnotices@ontario.ca

and

2. The Regioanl Class EA email address

   Central Region- eanotification.cregion@ontario.ca

   Eastern Region - eanotification.eregion@ontario.ca

   Northern Region- eanotification.nregion@ontario.ca

South West Region-
eanotification.swregion@ontario.ca

West Central Region-
– eanotification.wcregion@ontario.ca

6.2 Creating a Public Consultation Process or Plan

A proponent should consider the following when designing a consultation process or plan:

- A schedule of consultation events;
- The consultation methods to be used at each step and the rationale for their use;
- The scope of information to be provided and messages to be conveyed;
- The flexibility to accommodate unforeseen needs;
- How concerns will be considered and inform the project;
- The documentation of consultation efforts and outcomes; and
- The application of the Class EA consultation process to other legislative requirements and approvals.

6.2.1 Public Consultation Principles

Effective engagement and participation is premised on commonly-held principles of the EA process. These core principles include:

- **Mutual Respect**
  - for differing values
  - for differing roles in environmentally responsible development
  - for timelines
  - for each parties' constraints
- **Clarity**
  - of purpose and objectives
  - of how, when and which decisions can be influenced and those decisions that cannot
  - of mandates and/or stake in the development of the project
  - of how information will be used or may be used during the planning of the project
  - of how participants can be engaged
- **Transparency**
  - information will be provided to allow for meaningful and constructive participation and consideration of values
  - participation in the EA process will inform the outcome of and the final decisions for the project

Flexibility
  - adaptive participation programs to address the public's ability to be involved
  - considerate of the ability of participants, to the extent practical, to contribute to the development of the timelines and specifics of how the process will be executed
  - translation of publications and information to local languages, as appropriate
- **Trust**
  - that all involved will contribute to the sustainable development and use of Ontario's waterpower resources
  - that information gathered will not be used as a means of penalizing the people who provided it
  - that there will be follow-through on commitments made
- **Certainty**
  - a defined beginning and end to the process
  - use of a single coordinated process

6.2.2 Consultation Approaches

In preparing for public consultation, proponents of projects under the Class EA should consider the following approaches:

- *Broad initial identification of probable and potential interests*
  Interests in waterpower projects will be those who are most likely to be affected by, or concerned with, the proposed project and are likely to include the public, riparian right holders, local interest groups, local community members and government agencies. At the initial stage of the proposal, it is important to cast the net of engagement as wide as is practical relative to the nature and scope of the proposal.
- *Early engagement*
  Consultation should be initiated as early in the process as possible. Bringing together all relevant viewpoints at the earliest opportunity is more likely to ensure that all potential concerns are identified. Early consultation also ensures that people's values, concerns and interests are built into the development of plans and projects from the point of inception. A lack of contact in the initial stages can lead to a loss of confidence in the process among the parties that are not informed about the project until significant decisions have been made.
- *Variety in participatory techniques*
  A range of opportunities for public participation in the Class EA process will optimize the potential for all interested parties to provide input. Techniques should be chosen according to the purpose of the engagement, the audience and the desired outcomes.
- *Adequate provision of information*
  Provision of good quality background information regarding the project is essential to ensuring good levels of understanding amongst participants. Information should be provided so that parties can provide constructive input. Consultation materials should be provided in plain language and where additional material is of value, it should be provided in a timely manner.
- *Ongoing dialogue*
  A key objective of early engagement of probable and potential interests is to determine those for whom the project is of specific relevance or importance. Ongoing dialogue with these interests can augment the mandatory notice opportunities and facilitate more informed involvement.

6.2.3 Notification Techniques

There are a number of ways that a proponent may notify the public about the characteristics of a waterpower development project. As the mandatory component of consultation, notices are critical to achieving effective and efficient engagement both for the proponent and the public. Notices allow the proponent to disseminate information regarding the project to a wide range of participants. This section summarizes some of the methods that can be used to provide notification of project activities. The list is not

intended to be an either/or approach, nor is it presumed to be all-inclusive.

- *Newspaper Advertisements*
  Newspaper advertisements are one means to provide broad formal notice. The amount of information contained in these advertisements will be limited, but all the necessary information must be included. The proponent must be clear and concise in conveying the intended message. Newspapers selected should be related to the potential geographic extent of interest.
- *Direct Mail*
  Mail outs are typically used to provide information on a project because they ensure a uniform provision of information to a known list of potential interests, or a group of people within a given geographic area. Mail can also be used as a means to provide individual responses to members of the public who have expressed interest in the project. Mailings can convey large amounts of information, including reports. Contact information should always be provided for those who may want to respond to the information being sent out.
- *Internet and email*
  A project website is an efficient way to post information regarding the status of the project as it becomes available. Copies of reports and useful background information can be readily accessed and easily obtained from an Internet site. Proponents will also be provided the option of having project notifications posted on the OWA website. Email correspondence enables a quick turnaround time for information sharing. The proponent should be aware that some members of the public may not have access to a computer. The use of electronic communications should primarily be used to complement other consultation techniques.
- *Newsletters*
  Project newsletters can be used to keep interested members of the public updated as to the status of the project. Newsletter distribution can be designed so as to focus on expressed interests in the project, allowing for the provision of more detailed information to an already engaged and informed public.
- *Local Cable TV*
  Local Cable TV, where available, can be an effective means of notifying a wide community of potential interest.

6.2.4 Consultation Techniques

This section summarizes some of the methods that can be used to stimulate active consultation.

- *Public Information Centres*
  A Public Information Centre (PIC) is a way to provide the public with information on the project with display boards, posters, interactive displays, surveys, etc., and to immediately respond to any concerns that may arise. PICs can include presentations followed by a "question and answer session."
  PICs should be held at an appropriate venue in the community closest to the project location. The venue should be easily accessible for interested parties to attend. Proponents (and support staff) should be on site to answer any questions an interested party may have.

- *Meetings/Workshops*
  Smaller, focused meetings with specific stakeholders may be more successful for resolving contentious issues associated with an undertaking. Proponents should arrange meetings on an as-needed basis to discuss any concerns related to the project.
- *Comment Cards*
  Comment cards are typically distributed at a PIC where members of the public can submit concerns and opinions directly to the proponent, or bring them home and mail them to the proponent after the event. Comments cards can be structured in a way so that the proponent can determine on a larger scale what the most common concerns about a project may be.

Attention should be paid to the format of the comment card, to ensure that relevant information is obtained without using questions that are too narrow and that may influence a response. The comment card should be formatted so an interested party can include their address for potential follow-up.

- *Site Visits*
  Site visits enable the proponent to discuss any concerns a party may have in person. This allows the proponent to fully understand any issues a concerned party may have and address these issues accordingly.
- *Direct Correspondence*
  Parties may also be invited to submit written comments on the project by using mail, fax or email. Responses should be acknowledged within a reasonable time period.
- *Advisory Committees*
  In some instances, there may be value in developing a cohesive group of local stakeholders who are representative of the varied interests in the project, particularly in situations where there may be public values and expectations that may be in conflict with one another.
- *Draft Reports*
  At its discretion, the proponent may elect to issue draft reports (e.g., technical studies and/or ER) to all or a subset of project stakeholders. This may be done to facilitate enhanced understanding of the project, or to provide additional opportunities to review and comment on project documentation before it is finalized.

6.3 Documentation

A key element of satisfying the requirements of the Class EA process is documentation of the approaches applied and outcome of public engagement. In support of the Notice of Completion, the ER must summarize:

- the consultation process;
- the participants to the process;
- how advice and input was considered; and
- how the advice and input affected the project proposal.

As described in **Section 4.5.1**, additional consultation undertaken following the issuance of the Notice of Completion should be documented and summarized prior to issuance of the Statement of Completion.

7.0 ENGAGING AND INVOLVING ABORIGINAL COMMUNITIES

7.1 Aboriginal Interests

Aboriginal communities are expected to have a range of views to offer and contribute. Some communities are interested in the economic opportunities that a waterpower project, as a form of renewable energy, can offer. Others may have concerns with the potential impact of project on their traditional uses of land, water and resources. Engagement may take on different forms in each community, depending on both the scope of the project and the interests of the community. The common thread with respect to Aboriginal interests and waterpower development is the need for openness and inclusiveness. It is important to be aware of the potential impacts that environmental change can have on Aboriginal communities. In many cases, activities that affect the environment will also affect the ability of communities to exercise their Aboriginal and Treaty rights to use the land and its resources, and may also have far-reaching economic, social and cultural effects. Thus, it is important that the rights and concerns of Aboriginal communities are acknowledged during the planning of waterpower projects.

Aboriginal communities include First Nations communities, whether recognized under the *Indian Act* or not, and Métis communities.

Proponents are expected to involve Aboriginal communities who may be directly affected by, or have an interest in, the development of a waterpower project and to develop an engagement approach specific to these interests. When considering which Aboriginal communities to contact, proponents should be mindful that the traditional territories, treaty areas, or areas of claims involving Aboriginal or treaty rights of some Aboriginal communities are extensive.

For projects on provincial Crown land, the Aboriginal communities to be engaged through the EA will be those identified by the provincial Crown through a coordinated process. In such instances, this list will often have been developed through the MNRF Crown land site access process.

Proponents should also be mindful of the need to communicate with both the formal leadership of an Aboriginal community as well as others who may represent the interests of that community. For example, in some communities, there may be both an elected Band Council as well as a traditional council. Sometimes it may also be appropriate to discuss the project with the whole community.

As noted in **Section 4.1.3**, some project proposals may have been developed with the involvement of Aboriginal communities prior to commencing the EA, and the Class EA will be informed by the relationships with Aboriginal communities that have already been established. Proponents should be aware that the Crown undertakes consultation with Aboriginal communities in the course of different regulatory processes, including MNRF's Site Release and Development Review process, some planning approvals processes, and processes put in place by other agencies, as appropriate. To the extent possible, consultation under these processes should be coordinated and harmonized with consultation under the Class EA. In addition, before distributing the Notice of Project or Notice of Commencement for a project, proponents will provide MOECC Regional Offices with a list of Aboriginal communities that the proponent intends to engage and the rationale for the engagement. In many instances, this list will have been informed through the MNRF Crown land site release process.

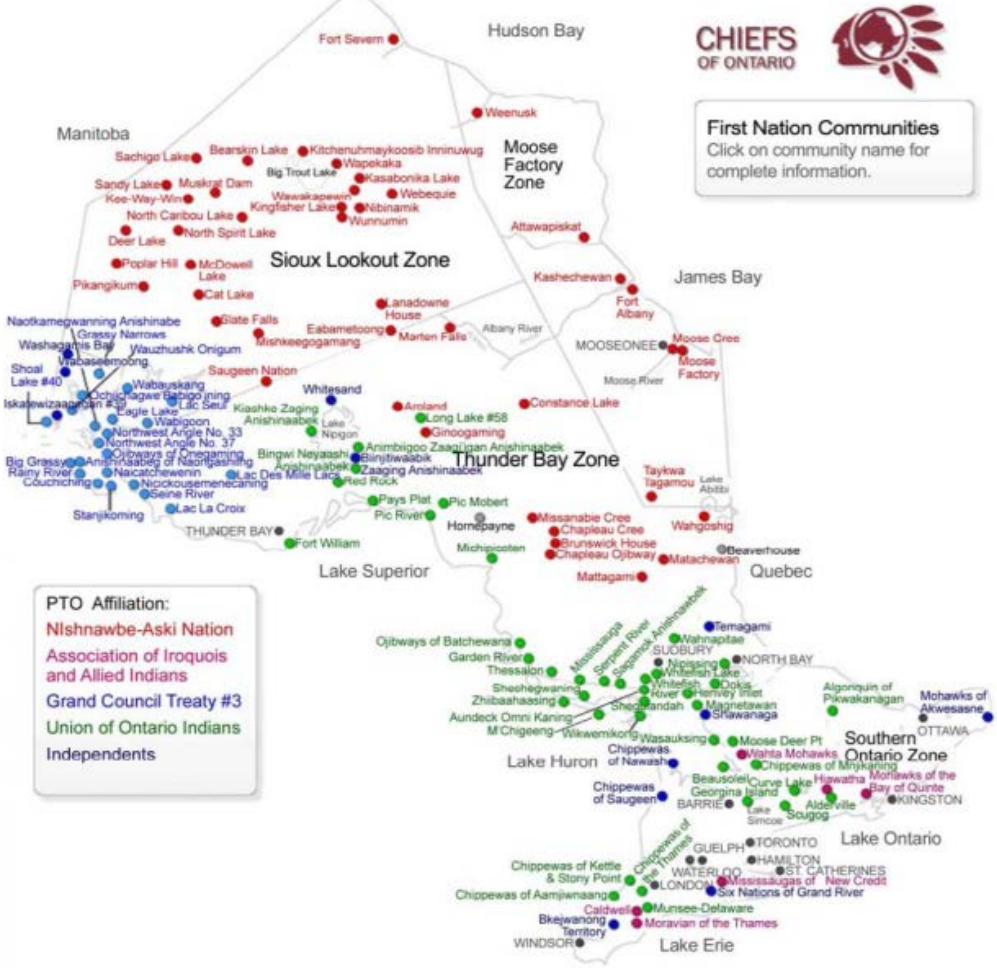
Aboriginal engagement and involvement is intended to allow the proponent to identify and consider the concerns and issues of Aboriginal communities and to provide those communities with an opportunity to receive information about and have meaningful input to the project proposal. Some possible considerations for the design and implementation of a participation program specific to Aboriginal communities may include:

- The local language;
- Physical and electronic accessibility of communities;
- Governance structures;

- Differing decision-making structures than found in provincial, federal and municipal agencies and potentially between Aboriginal communities themselves;
- Consultation protocols established between federal, provincial and municipal agencies and Aboriginal communities;
- The particular role of women with respect to water in many Aboriginal cultures;
- Relationships between Aboriginal communities; and,
- The unique values, traditions and interests of each Aboriginal community. In addition, it should be noted that the Aboriginal community may wish to:
    - Work solely with government(s);
    - Work directly with the proponent; and/or,
    - Work with the government and proponents simultaneously.

Figure 8, courtesy of the Chiefs of Ontario provides an example of an overview of the First Nations Communities in Ontario and their Provincial Treaty Organization affiliation, if any.[1] Additional information sources and contact information for First Nations Communities, Tribal Councils and Treaty Organizations is available from the OWA, as referenced in **Appendix C**.

Figure 8 First Nations Communities in Ontario



1. For updates, check the Chiefs of Ontario website at *www.chiefs-of-ontario.org*.

Many Aboriginal communities, tribal councils and provincial territorial organizations have their own websites where information about their communities may be found. Information on Aboriginal and Métis communities may also be found on the Ontario Ministry of Aboriginal Affairs and the Indian and Northern Affairs Canada websites.

7.2 Aboriginal Traditional Knowledge

Many of the activities related to EA involve environmental studies and environmental data collection. Aboriginal peoples have the potential to make important contributions in this area. Aboriginal Traditional Knowledge (ATK) can also be referred to as "traditional knowledge," "indigenous knowledge," or "naturalized knowledge." ATK usually refers to those indigenous systems of knowledge, as well as cultural practices and methodologies related to the production of knowledge based on traditional belief systems, relationships to the environment, and community practices. It is the accumulated and living knowledge possessing a depth and breadth of information built upon the historic experiences of peoples living on the land and adapts to social, economic, environmental, spiritual and political change. It can have particular value in understanding species, ecosystems, sustainable management, conservation and wise use. It comprises a deep understanding of complex interrelationships between individual environment components, the dynamics of local ecosystems and the peoples that live in them. ATK is often used to denote systems which may differ from western approaches to science and knowledge. Much of this knowledge may be orally transmitted, and it may be considered sacred, thus it is important that ATK as well as community attitudes and desires regarding the use of ATK be treated with the utmost respect.

7.3 The Crown's Duty to Consult

Some waterpower projects may affect Aboriginal communities who hold or claim Aboriginal or treaty rights, or lands that may be subject to a land claim. Any project that interferes with or infringes on the exercise of these rights or potential rights may result in a duty to consult on the part of the Crown. Nothing in the Class EA is intended to alter or detract from any obligation the Crown may have to consult with Aboriginal communities in light of the protection provided for the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada as recognized and affirmed in Section 35 of the *Constitution Act*, 1982. Although the ultimate responsibility for fulfillment of the Crown's duty to consult and accommodate rests with the Crown, the Crown may delegate certain procedural aspects of consultation to proponents.

The Crown has a duty to consult with and accommodate Aboriginal communities when it has knowledge, real or constructive, of the existence or potential existence of an Aboriginal or treaty right and contemplates conduct that might adversely affect it.

During the consultation and engagement process with Aboriginal communities, it may be determined that the proposed Class EA project may potentially adversely affect an existing or asserted Aboriginal or treaty right protected under Section 35 of the *Constitution Act*, 1982 and that the Crown has a legal duty to consult.

The Class EA is not intended to fully describe how any duty to consult on the part of the Crown, if it is triggered, may be discharged. However, the Crown may delegate the procedural aspects of consultation to proponents and recognizes a corresponding responsibility of Aboriginal communities to participate in the process, make their concerns known and respond to efforts to address their concerns. Respective roles and responsibilities for engaging Aboriginal communities should be discussed prior to or at the initial proponent-agency coordination meeting and throughout the Class EA process.

If an Aboriginal community has asserted that the Crown has a duty to consult based on the potential adverse effects on an Aboriginal or treaty right during the course of engagement about the potential effects of the Class EA project, the proponent should notify the Director of the EAB.

Proponents can assist the MOECC by providing the list of the Aboriginal communities that have been engaged and details of what has transpired to date between the proponent and the Aboriginal community(ies). The MOECC will determine whether additional consultation is required or whether additional Aboriginal communities should be consulted. The Director may request that the proponent seek and provide further particulars of the assertion where appropriate.

When the duty to consult has been engaged, all parties should realize that:

- The nature, scope, and content of the duty to consult and accommodate varies with the circumstances;
- Meaningful consultation requires the Crown to listen with an open mind to what the Aboriginal communities have to say;
- Consultation may oblige the proponent to make changes to its proposed project based on information obtained;
- Accommodation requires a process of balancing interests; and
- Responsiveness is a key element of both consultation and accommodation.

8.0 CLASS EA ADMINISTRATIVE PRACTICES AND PROCEDURE

8.1 Compliance Monitoring Program for the Class EA

The OWA will be responsible for monitoring the implementation of this Class EA to ensure that it is satisfying its purpose and that it remains relevant and current. Where feasible, the OWA will identify areas for improvement that would enhance the effectiveness of the Class EA.

To monitor the progress and experience arising from the implementation of this Class EA, the OWA will:

- Retain Notices of Commencement and Statements of Completion provided to the OWA by project proponents; and
- Submit annual reports to the Director of the EAB for projects initiated, planned and implemented during the previous year. Annual reports will be submitted to the Director for placement on the Public Record. The annual report will include, as a minimum:
    - A statement of whether the Class EA document is providing an effective and efficient planning process for protecting the environment.
    - Identification of any changes to the Class EA that would serve to improve the Class EA itself or its administration.
    - Identification of any common problems experienced with Class EA projects that may suggest the need for amendment.
    - A summary table listing of all projects known by the OWA to have been carried out following the Class EA document and a breakdown by project type. The summary table shall include the following information:
        - Name and brief description of the undertaking;
        - Name of the contact person;
        - Location of the undertaking;
        - The date undertakings were started; and
        - EA Project status.

8.2 Amendments to this Class EA

The OWA or any other party may submit written requests for amendments to the Class EA to the Director of the EAB (for minor amendments), or to the Minister of the Environment (for major amendments). An outside party should consult with the President, Ontario Waterpower Association before submitting a proposed amendment, and should also provide the President with a copy of the proposed amendment. Proposals must set out the specific concern or issue being addressed, the reason for the proposal and the proposed amendment. The Minister of the Environment may require that consideration of a major or minor amendment be deferred for consideration as part of a five-year review, as described in **Section 8.3**. Upon approval, minor and major amendments would be appended to this Class EA, or consolidated into the written text. A master copy of the Class EA will be held at the OWA office and a copy will be provided on the OWA website (*www.owa.ca*). A copy will also be maintained by the EAB for the public record.

8.2.1 Minor Amendments

Minor amendments are those amendments that would not substantially change the Class EA. These may include administrative corrections and clarifications, minor updates (e.g., reference to a guideline) and changes to procedures that, in the opinion of the Director of the EAB do not affect the intent of the Class EA. Extending the Class EA approval period would also be considered a minor amendment.

Again, the OWA will consider aligning the Class EA project categorizations with any future changes to the Electricity Projects Regulation, as applied to waterpower developments and/or transmission infrastructure. Such changes would generally be considered a minor amendment to this Class EA.

The following process will be used for proposed minor amendments:

Minor amendments proposed by the OWA:

1. The OWA will notify the Director of the EAB of the proposed amendment, provide the Director with the description and rationale for the amendment.
2. The Director of the EAB will reach an opinion as to whether or not the proposed amendment is valid, and confirm whether it is minor within 30 days of receiving the request.
3. The Director shall provide notice of the decision to the OWA. The Director must also state reasons for the decision.

Minor amendments proposed by another party:

1. A party will bring the proposed amendments in writing to the attention of the President of the OWA, describing the proposed amendment and rationale for the amendment.
2. The OWA will notify the Director of the EAB of the proposed amendment, provide the Director with the requesting party's description and rationale for the amendment, and the OWA's comments and opinion in response to the proposed amendment.
3. The Director of the EAB will reach an opinion as to whether or not the proposed amendment is valid, and confirm whether it is minor within 30 days of receiving the request.
4. The Director shall provide notice of the decision to the OWA and the requesting party. The Director must also state reasons for the decision.

Given the limited scope and administrative nature of minor amendments to this Class EA, they will be approved through an abbreviated process that will not require public notice.

8.2.2 Major Amendments

Major amendments would substantially change this Class EA or have a significant effect on how the Class EA is carried out. As such, proposals for major amendments are required to be submitted by the applicant (OWA). This could include changes to:

- ~~The range and type of projects within the class or the assignment of projects to categories.~~
- ~~The essential elements of the categorization processes, and the provisions found in this section of the Class EA.~~
- ~~Mandatory public notification procedures or timelines.~~

~~Other parties may request a major amendment by submitting such a request to the OWA for consideration.~~

~~The following process will be used for proposed major amendments:~~

1. ~~Prior to submitting a request for an amendment, the OWA will assess whether the proposal has material relevance for interested parties, agencies and aboriginal communities. Based on this assessment, the OWA may seek input and advice from these interests prior to submitting the amendment request.~~
2. ~~The OWA will notify the Director of the EAB of the proposed amendment, provide the Director with the description and rationale for the amendment,~~
3. ~~If the proposed amendment is considered to be valid and major and, in the opinion of the Director of the EAB, the proposed amendment is reasonable and appropriate, a consultation period of 45 days shall be carried out by the OWA in a manner that is to be determined by the Director. Interested parties will be invited to submit comments to the Director of the EAB copied to OWA.~~
4. ~~Based on any input received during the 45-day review and further consultation with the OWA, the Minister or delegate will approve or deny the amendment, with or without conditions, within 60 days after the deadline for comments.~~
5. ~~A notice of the decision, including reasons for the decision, shall be provided to those who submitted comments or indicated interest in the amendment, and if the Minister or delegate determines, additional public notice shall be given by the OWA.~~

~~MECP to provide standardized wording for this section.~~

8.3 Five Year Review of this Class EA

A review of the Class EA will be submitted by the end of the calendar year five calendar years after the year in which the Class EA is approved, and every five years thereafter. The review will consider the efficiency and effectiveness of the Class EA planning process, assess new legislative requirements and evaluate best practices of direct relevance to waterpower projects. The OWA will provide, by letter, to the Director of the EAB the results of the review. This review will also include 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 EAB. Any revisions, additions, or updates can be made using the amending procedure described in **Section 8.2**.

8.4 Urgent Situation Provisions

Though very unlikely to involve new capacity, situations may develop where there is a threat or potential threat to human life or safety, property, public service, or the environment. Examples of urgent situations include flooding, erosion, or collapse of a structure. In these situations, the proponent may proceed with actions that would otherwise be subject to the processes under this Class EA. Should this occur, the proponent will provide notice to the Director of the EAB within 30 days of the commencement of action taken, containing the following information:

- The location and nature of the situation;
- The effects of the situation;
- Actions taken to resolve the situation and the effects of the actions;
- The effectiveness of the actions; and
- Anticipated future remedial works and monitoring, if any.

These provisions are not intended to apply to the construction of new facilities.

8.5 Transition Provisions

Some waterpower projects that would be considered within the class of undertakings may be in progress using the environmental screening process pursuant to the Electricity Projects Regulation on the date of approval of the Class EA. Projects for which a Notice of Commencement has been issued are considered to be in progress. In order to ensure a smooth transition between previous requirements and those of the new Class EA, this Class EA offers the following transition provision.

Where a project is the subject of Ontario Regulation 116/01 – Electricity Projects (2001) and would be covered by this Class EA, the project should, in most cases, continue under the environmental screening process if the Notice of Commencement has been issued.

The option of completing the remaining process through the provisions of the Class EA may be available if the proponent so chooses and through discussion with the Director of the EAB. The proponent seeking to transition to this Class EA is required to notify the OWA and the Director of the EAB, as well as the MOECC Regional EA Coordinator of the desire to transition into this Class EA and the rationale therefore in writing. The Director of the EAB may stipulate any requirements for the proponent to notify interested persons of the transition. In most circumstances, the proponent shall be required to provide notice to all participants in the environmental screening process that it is planning to transition to this Class EA. The proponent will then be required to comply with the provisions of this Class EA. This requires the proponent to ensure that work it has already undertaken through the environmental screening process is incorporated into the Class EA documentation required under this Class EA.

If a proponent has filed its Statement of Completion under the environmental screening process and later wishes to prepare an addendum, the proponent may use the addendum provisions in this Class EA at the discretion of the Director of the EAB. A proponent seeking to use this provision is required to notify the OWA and the Director of the EAB, as well as the MOECC Regional EA Coordinator of the desire to transition into this Class EA and the rationale therefore in writing. The Director of the EAB may stipulate any requirements for the proponent to notify interested persons of the proposed addendum.

If the Notice of Commencement has not been issued, projects that are covered by this Class EA must follow the Class EA process.

8.6 Part II Order<u>s</u> ~~Provisions~~

~~If an interested party is not satisfied with a project assessment and the evaluation process, and/or the proponent's response to concerns expressed during the Notice of Completion period, they can request that the Minister of the Environment or his/her delegate require that an individual EA be prepared for the project.~~

~~A request for a Part II Order for a project must be submitted to the MOECC and a copy sent to the proponent within the 30-day review period after the Notice of Completion of the ER has been issued. Note that ER review period and the deadline for requesting a Part II Order is 30 days unless otherwise extended by the proponent. In most circumstances, Part II Order requests made before the 30-day review period will be considered to be premature. This is because later stages of the Class EA planning process typically provide opportunities for interested persons to raise concerns and the proponent to attempt to address and resolve them.~~

~~Part II Order provisions are applied if there is a concern that the process for a project under this Class EA is insufficient to address public concerns, or if there are significant remaining concerns regarding the characteristics and effects of the project.~~

~~A Part II Order request should be:~~

- ~~A way in which the proponent, an interested person or government agency with a serious concern about the potential effects to the environment of a proposed Class EA project can request that the Minister of the Environment or his/her delegate require that an individual EA be prepared for the project.~~

A Part II Order request should not be:

- A mechanism to stop, delay or frustrate the planning and implementation of a Class EA project.
- A mechanism to revisit issues with which the requester does not agree and that have already been dealt with through another planning process such as Official Plans, Growth Plans, Integrated Power System Plans, Land Use Plans and Master Plans.
- A mechanism to be used simply because the project is not desired in a community.
- A means to resolve issues that can be dealt with through other methods such as permits, licenses or other planning processes.
- A mechanism to deal with broad policy issues that do not have government policy direction and are not directly related to the proposed Class EA project.

8.6.1 Initiating a Part II Order Request

The procedure for initiating a Part II Order request is
as follows:

Preliminary Stages

1. The interested person(s) with a concern about a Class EA project brings the concern to the attention of the proponent as early as possible in the Class EA process.
2. If the concern cannot be resolved by the proponent, the interested person may make a request directly to the proponent that the project be subject to an individual EA. The proponent will provide a copy of the request to the Minister of the Environment or delegate.

The resolution of concerns directly between the proponent and the party raising the concern is always preferable. When outstanding environmental concerns are raised during the 30-day ER review period (Notice of Completion), the proponent should be prepared to attempt to resolve the concerns. Where a commitment is made by a proponent to address concerns raised during the review period, the commitment must be documented by the proponent and filed with the final ER (Statement of Completion). The proponent is required to fulfill any such commitments in the implementation of the project. If additional time is needed to try to resolve issues, the proponent and the concerned party may agree to continue discussions for a mutually acceptable specified time period beyond the 30-day review period. The proponent shall notify the Director of the EAB that it and the concerned party have agreed to continue discussions, and what the specified time period is. Following the specified time period, if the issues remain unresolved, a Part II Order request can be made to the Minister of the Environment or delegate within a further seven days.

Requesting that the MOECC make a Part II Order

3. If the proponent decides not to subject the project to an individual EA, and the interested person(s) wish to pursue the matter, they may request that the Minister of the Environment or his/her delegate make a Part II Order. Such requests are to be directed to the Minister or delegate with a copy to the proponent.
4. A Part II Order request will be considered by the MOECC only after the following:
   a. The proponent has issued a Notice of Completion; and
   b. The proponent has indicated to MOECC that they cannot resolve the request themselves (Step 2 above).

8.6.2 Part II Order Request Requirements

In addition to making the request a request for a Part II Order, the submission should specify:

- That a Part II Order Request is being made;
- The name of the project and proponent;
- The nature of any specific concerns that remain unresolved, and actions other than a Part II Order that might resolve these concerns;
- The specific nature of the concerns on which the request is based;
- Information about any efforts to discuss/resolve these concerns/effects to the environment with the proponent;
- The adequacy of the planning and public consultation process conducted under this Class EA, and the proponent's response to concerns and submissions;
- The involvement of the person or agency making the request in the Class EA process, and details of any previous discussions held with the proponent;
- Why the project would be more appropriately considered under the Part II Order provisions and the benefits that would result;

- Any factors suggesting that the proposed project differs from other projects subject to this Class EA, and the significance of these factors and differences; and,
- Any other information that the interested party may feel is relevant to assist the MOECC in making a decision.

The submitter shall copy the Part II Order request to the proponent.

8.6.3 Early Resolution

Once a formal Part II Order request has been made, the proponent should consider the potential benefit of resuming (or initiating) discussions with the interested party(ies) and may request their involvement in some form of alternate dispute resolution. If there is potential for progress in resolving the concerns raised the proponent and the interested party may agree to advise the Director, EAB, in writing and request a deferral the review of the Part II Order request to allow adequate time so that further discussion may take place prior to a final decision. The proponent and the interested party will provide MOECC with a written account and outcome of the discussion and whether the Part II Order request is confirmed or withdrawn. In turn, MOECC will acknowledge the same, in writing, with the interested party and the proponent. Such initiatives are the responsibility of the proponent and the interested party. **Appendix C** includes a reference to the use of mediation in helping to resolve potential issues. When, following a request having been made, the requester's concerns have been addressed by the proponent, the requester is responsible for withdrawing the Part II Order request. Written notice of withdrawals must be made in writing to the Director of the EAB, and must be copied to the proponent. Where commitments are made by a proponent to address a requester's concern, the commitment must be documented by the proponent and filed with the proponent's copy of the ER. A copy of the documented commitment must also be sent to the Director of the EAB. The proponent is required to fulfill any such commitments in the implementation of the project.

8.6.4 MOECC Consideration of the Request

Within fifteen (15) days of the end of the Notice of Completion comment period, the MOECC will request the proponent to provide a copy of relevant project documentation required to make a decision and a description of how the proponent considered and addressed the comments raised in the request(s).

The proponent shall forward a copy of the ER, and any other requested project documentation within 15 days to the assigned Project Evaluator at the EAB. The proponent may make a submission to the Project Evaluator addressing the issues raised in the Part II Order request and/or request a longer period of time to make a submission. MOECC staff will review the information submitted by the proponent and determine if more information is needed.

MOECC's review period will commence upon receipt of the necessary information from the proponent. Part II Order requests that are clearly made with the intent of delaying a project that are frivolous or vexatious, or which contain insufficient information may be denied.

MOECC will consider the views of the proponent and the requester(s) and may consult other government agencies before making a decision. In making a decision, MOECC will consider the following, based on the matters set out under subsection 16 (4) of the *EA Act*:

1. The purpose of the *EA Act*.
2. The factors suggesting that the proposed undertaking differs from other undertakings in the class to which the class environmental assessment applies.
3. The significance of the factors and of the differences mentioned in paragraph 2.
4. Any reasons given by a person who requests the order.
5. The mediators' report, if any, following a referral under subsection (6).
6. Such other matters as may be prescribed.
7. Such other matters as the Minister considers appropriate.

8.6.5 MOECC Decision

When a Part II Order request is not deemed premature, the MOECC will consider the views of the proponent, the requester(s) and any government agencies the MOECC chooses to consult before making a decision. MOECC will also consider the evaluation criteria for Part II Order requests found in Section 16(4) of the *EA Act*.

Within 45 days of receiving all necessary information from the proponent, the Minister or his/her delegate will decide to do one of the following things:

i. Make a Part II Order;
ii. Deny the Part II Order request with or without conditions;
iii. Refer the Part II Order request to mediation before making a decision; or
iv. Advise the proponent to redo its project planning where there is evidence that the project documentation not been prepared in accordance with the Class EA.

There may be instances where the Minister or delegate is not able to make a decision within 45 days. Where this is the case, a subsequent decision will not be considered invalid on the grounds that it was made after 45 days. If none of the above four options has been determined after 45 days, the proponent is entitled to proceed with the project. Before proceeding, proponents will confirm with the EAB that no decision has been made on the Part II Order request. The proponent may also inquire as to the timeframe within which a decision can be expected. Should the proponent proceed after 45 days, it should recognize that it is doing so at its own risk, as a Part II Order could still be made or denied with conditions.

If the Minister or delegate decides to issue a Part II Order, he/she will notify the proponent, the Part II Order requester(s) and other interested persons and provide them with reasons for that decision. In approving the request, the Part II Order may:

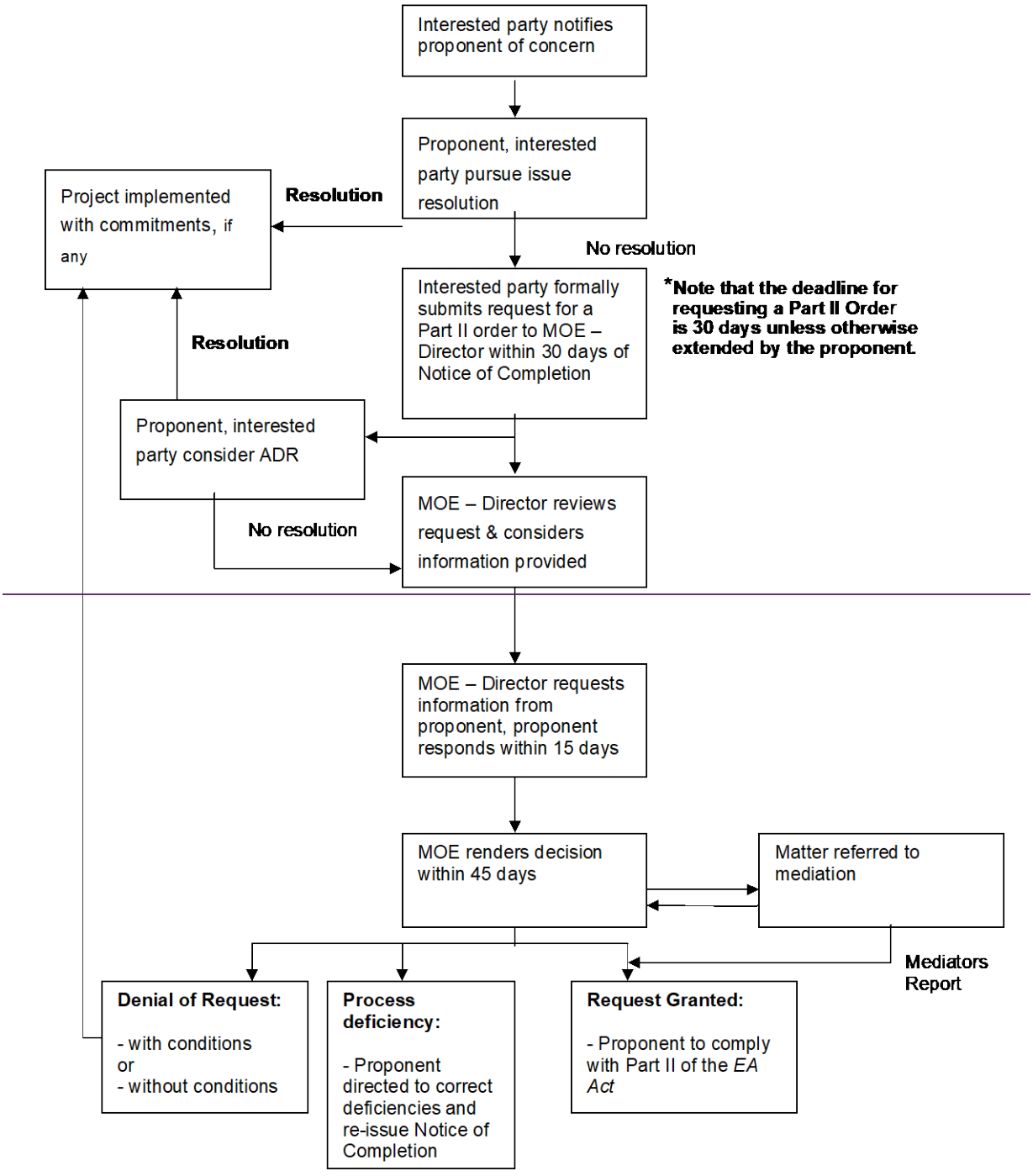
- Set out directions for the preparation of Terms of Reference, which would govern the preparation of the required individual EA; or
- Declare that the proponent has satisfied such requirements for the preparation of an individual EA as specified in the Order.

~~If the Minister or his/her delegate decides to deny the Part II Order request, he/she will notify the proponent, the Part II Order requester(s) and other interested persons as he/she considers advisable and provide them with written reasons for that decision. The proponent shall then continue to plan and implement the project in accordance with the commitments set out in the project's documentation. The proponent will also be required to comply with any conditions specified in deciding not to make a Part II Order.~~

~~The Minister or delegate may also refer the matter to mediation before making a decision under the provisions of subsection 16(6) of the *EA Act*. For more information about mediation, proponents should refer to the *Code of Practice: Using Mediation in Ontario's Environmental Assessment Process* (see **Appendix C**).~~

MECP to provide standardized wording for this section.

~~**Figure 9 Process for a Part II Order Request**~~


Interested party notifies proponent of concern
Proponent, interested party pursue issue resolution
Project implemented with commitments, if any
Resolution
No resolution
Interested party formally submits request for a Part II order to MOE – Director within 30 days of Notice of Completion
*Note that the deadline for requesting a Part II Order is 30 days unless otherwise extended by the proponent.
Resolution
Proponent, interested party consider ADR
No resolution
MOE – Director reviews request & considers information provided
MOE – Director requests information from proponent, proponent responds within 15 days
MOE renders decision within 45 days
Matter referred to mediation
Mediators Report
Denial of Request:
- with conditions
or
- without conditions
Process deficiency:
- Proponent directed to correct deficiencies and re-issue Notice of Completion
Request Granted:
- Proponent to comply with Part II of the EA Act

8.7 Period of Project Approval

The proponent may proceed with a project within five years of filing a Statement of Completion. If a project has fulfilled the Class EA requirements but has not yet reached the start of construction within five years of completing the Class EA the proponent shall review the planning and design process and the current environmental setting to ensure that the project and
the mitigation measures are still valid.

If through technical review and by applying the potential effects identification matrix set out in **Table 3**, the review does not identify important changes, the project can proceed without amendments to the ER. The proponent is required to retain a copy of the review results with the original ER.

If changes have occurred or modifications to the project are required that may result in negative effects to the environment, the review shall be recorded in an Addendum to the ER as described in **Section 8.8** below.

8.8 Addendum Provisions for Environmental Reports

The purpose of the addendum provisions is to require proponents to consider the significance of changes to projects after completing the Class EA process or with implementation of a project more than five years after filing a Statement of Completion, and to require consultation on changes that are environmentally significant. The changes may include, for example, environmental conditions, alternative project approach, new government policies, new engineering standards or new technologies for mitigating measures.

Circumstances under which proponents must apply the addendum provisions outlined in this section:

- Where a project has been planned in accordance with the Class EA, but where a proponent decides prior to or during construction that it is not feasible or desirable to implement the project in the manner described in the completed ER.
- Where a project has been constructed/implemented as described in a completed ER under the Class EA or Screening Report/Environmental Review Report under the Environmental Screening Process, and where the proponent wishes to make a minor modification to the project.
- Where a project was approved under an individual EA, and the proponent wishes to make a minor modification to the project that is not covered by the original approval.

For the purposes of this Class EA, a minor modification is a modification that is below the threshold for a significant modification under the Electricity Projects Regulation. A significant modification is any expansion of or change in the facility that would increase the name plate capacity of the facility by 25 per cent or more.

Proponents shall determine, through technical review and/or consultation with interested and affected parties and by applying the potential effects identification matrix set out in **Table 3**, whether the proposed change to the project may have new negative effects to the environment.

8.8.1 No Potential for New Negative Effects

Where it is determined that there will be no new negative effects, the proponent shall document that determination in their project files and advise the Ministry of the Environment of the determination, for information only.

8.8.2 Potential for New Negative Effects

Where it is determined that there may be new negative effects, the proponent shall prepare an Addendum. Alternatively, the proponent may elect to prepare a new ER, rather than prepare an Addendum.

The Addendum shall:

- reference the original ER and describe the change(s) being considered;
- summarize the circumstances necessitating the change(s);
- describe the implications of the change(s); and
- review mitigation measures that will be employed to reduce new negative effects of the change.

The proponent must then provide a Notice of Addendum. The notice will describe the project, its Category, and the date of filing the Statement of Completion (or Notice of Approval in the case of an individual EA), request comments, indicate the basis upon which the Addendum is proposed, and provide contact information and information regarding the opportunity to request a Part II Order. Requests shall be sent to both the contact person named in the notice and the Minister of the Environment.

The Notice is to be sent to those who would have received the Notice of Completion as issued in accordance with **Section 4.4.3** of the Class EA.

Note that unless otherwise extended by the proponent a 30-day response period is to be provided. If a Part II Order request is received, the process described in **Section 8.6** will be followed. In addition to the requirements in **Section 8.6**, a request for a Part II Order should refer to changes in circumstances that have occurred since the project was originally approved that justify an individual EA. Where the addendum is filed due to a change to the proposed undertaking, the Part II Order provision applies only to the significant changes to the undertaking; not the aspects that were previously approved under this Class EA process or through the individual EA.

During the 30-day review period, no work shall be undertaken that will adversely affect the matter under review. Furthermore, where implementation of a project has already commenced, those portions of the project that are the subject of the addendum, or have the potential to be directly affected by the proposed modification, shall cease until the termination of the 30-day review period.

If no Part II Order request is received within the notice of period, the proponent may proceed with the project. The proponent shall keep a copy of the Addendum with the original project documentation on site (or in an alternate location where it will be readily available) for the life of the project.

Appendix A: GLOSSARY OF TERMS AND ACRONY

A note on terms used in this document:

Terms commonly used in this document are defined in **Appendix A***. For other terms, the normal meaning of the word applies. At all times, legislated or formal government policy definitions of a term prevail over those used in this document. Defined terms in* **Appendix A** *are intended to capture both singular and plural forms of these terms in the policies.*

Abandonment – A retirement option involving the surrender of responsibilities and claims for such facilities. Some or all of the physical structures and components of the facility would be left behind.

Access Road – A road built to a site or facility for the purpose of construction, operation and/or maintenance.

Archaeological Resources – Include artifacts, archaeological sites, and underwater archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Archaeological resources are often on or below ground, or form part of a cultural landscape. Their integrity can be compromised by any land use activity, including, but not limited to, site alteration, grading, soil removal, construction, shoreline stabilization, alteration to watercourses, extraction of aggregates, and the clearing of woodlots or forested areas.

Archaeological site – Any property that contains an artifact or any other physical evidence of past human use or activity that is of cultural heritage value or interest. Areas of archaeological potential – means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objective may be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Associated with Existing Water Management Infrastructure: Where the existing water management infrastructure at a site may be used, retrofitted, redeveloped or refurbished/upgraded for a particular project at that site. **Auxiliary Structure** – Any structural device, other than the powerhouse, which affects the operation of the generating station (e.g., dams, weirs, etc.).

Block Dam – A dam structure, consisting of impermeable material, normally located at topographical/geological depressions to prevent leakage of water from a storage or head pond and to "block off" previous inflows or outflows to the watercourse may also be referred to as a side dam. The structure is designed for water retention; therefore, it has no specific facilities for passing water.

Built Heritage Resources – One or more significant buildings, structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic, or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the *Ontario Heritage Act*, or listed by local, provincial, or federal jurisdictions.

Canal – A channel dug or built to carry water. May be associated with the intake or tailrace of a generating station or may be a component of a diversion scheme. Cultural heritage landscape – a defined geographical area of heritage significance, which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts, designated under the *Ontario Heritage Act*; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value. A cultural heritage landscape may be present when documentation suggests a possible cultural heritage landscape (research studies, heritage impact assessment reports, etc.); or a property shows evidence of notable interaction between humans and their

environment (e.g., a traditional portage route and a body of water, etc).

Cultural Heritage Resources – includes built heritage, cultural heritage landscapes, and marine and other archaeological sites.

Dam – a structure that is constructed as a barrier across a river, lake, pond, or stream to hold back water in order to raise its level, create a reservoir to control flooding, or divert the flow of water.

Day – for all timelines in the Class EA means calendar day.

Disposition – The granting by the MNRF of certain or all rights to Crown resources through such means as permits, licenses, approvals, permissions, consents, leases, licenses of occupation, or sale.

EAB – Environmental Approvals Branch

Effect – A the occurrence of change or alteration associated with the environment within the defined study area, positive or negative, that would occur as a result of a project.

Efficiency Increase: Refers to the like for like equipment replacement including generators, transformers and runners that results in an increase in the production of the existing facility, where the resultant capacity is either under 200 MW or the increase is less than 25% of existing capacity and the resultant capacity is 200 MW or greater, but does not change the water management regime.

Electricity Projects Regulation – Prescribed as Ontario Regulation 116/01 – Electricity Projects (2001), as amended, under the *Environmental Assessment Act*. Defines the environmental assessment requirements for electricity projects.

Endangered Species – Any species, as listed in the Regulations under the *Ontario Endangered Species Act*, and/or the schedules of the *Federal Species at Risk Act*.

Environment– under the *Environmental Assessment Act*, environment means:

(i) air, land or water;
(ii) land and animal life, including man;
(iii) the social, economic and cultural conditions that influence the life of man or a community;
(iv) any buildings, structure, machine or other device or thing made by man;
(v) any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from the activities of man; or
(vi) any part or combination of the foregoing and the interrelationships between any two or more of them, in or of Ontario.

Environmental Assessment (EA) – The identification and evaluation of effects of an undertaking on the environment, as contained within a document prepared in accordance with the *Ontario Environmental Assessment Act*.

***Environmental Assessment Act* (*EA Act*)** –
A provincial statute that has the purpose of the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment.

Fish – (as defined in the federal Fisheries Act) includes parts of a fish; shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine mammals; and, the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine mammals.

Fish Habitat – (as defined in the federal Fisheries Act) means spawning grounds and any other areas, including nursery, rearing, food supply and migration areas, on which fish depend directly or indirectly in order to carry out their life processes.

Fishway – any device, work or other thing that provides for the free passage of fish, including a canal, a fish pump, a fish

ladder, a fish elevator and a fish lock

Forebay – A reservoir immediately upstream of the generating station intake. Also referred to as headpond.

Generating Station/Facility – a facility in which the force of failing or flowing water spins turbines to drive generators for electricity production. It is a general term, which includes a powerhouse, dam, headpond and a means of carrying water from the headpond to the powerhouse. This also includes pumped storage and in-stream facilities.

Generator/Generating Units – A machine for converting mechanical energy into electric energy.

Habitat – The place or environment where a plant or animal naturally or commonly lives and grows.

Head – The difference in elevation between the water surface at the intake and the tailrace level of the hydroelectric facility.

Headpond – The reservoir typically used for waterpower generation.

Headrace – a channel through which water passes to reach the hydro plant intake; also called an intake channel.

Heritage Attributes – means the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.

Hydroelectric – Generation of electricity from
falling water.

Impact management strategy – refers to the range of environmental protection strategies such as avoidance/prevention/mitigation and post-construction monitoring/evaluation/adjustment.

Individual Environmental Assessment – An environmental assessment that is subject to the requirements set out in Part II of the *EA Act*.

Intake – A structure that forms the transition from the headpond or channel to a water-conveying conduit. The intake or headworks commonly incorporates trashracks to preclude debris, and gates to stop flow to the conduit and generating unit(s) beyond.

Kilovolt (kV) – One thousand volts (see volt). Used to describe "high voltage" electrical conductors, as in 115kV.

Kinetic Hydro – Kinetic water power systems are an emerging technology in Ontario. Turbines are placed in the river and use only the existing flow to generate electricity – there is no head involved. Kinetic systems produce less energy per unit volume of water and are generally used for small scale projects such as a remote cottage or resort.

Listed Species – Species at risk listed under the federal *Species at Risk Act* and/or the provincial *Endangered Species Act*.

Load – The power requirement (usually measured in kilowatts) of a system or a piece of equipment at a given instant, or the average rate of energy consumption during a designated period of time.

Maintenance – The regular, routine actions, taken to retard the natural deterioration of a resource (or fixture 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 the natural environment.

Managed Waterway – A waterway, including its full reach on which other water management infrastructure (dams, diversions, weirs etc.) and/or waterpower facilities exist.

MTCS – Ministry of Tourism, Culture and Sport

Mechanical – Those components of a hydroelectric facility that operate by way of machinery or a mechanism. This

includes machinery such as cranes, pumps, compressors, turbines and systems such as compressed air, cooling water, sewage and domestic water.

Megawatt – One thousand kilowatts or one million watts, abbreviated as MW. (A gigawatt is one million kilowatts; a terawatt equals one billion kilowatts.)

Megawatt-Hours – the energy value of the production of a megawatt of electricity, abbreviated as MWh (a gigawatt-hour is s one million kilowatt hours; a terawatt-hour equals one billion kilowatt hours.)

Mitigation – The elimination, reduction or control of the adverse effects to the environment of a project, including restitution for any damage to the environment caused by such effects through replacement, restoration, compensation or any other means. The means, by which, projects can be modified to minimize or eliminate potential negative effects.

MNRF – Ministry of Natural Resources and Forestry

Modification – A significant modification means any expansion of or change in the facility that would increase the name plate capacity of the facility by 25 per cent or more. A minor modification is any expansion of or change in the facility that would increase the name plate capacity of the facility by less than 25 per cent.

MOECC – Ministry of the Environment and Climate Change

Nameplate Capacity – The total of the designed electricity generating capacities of all the generation units in the facility. Measured in megawatts (MW) or kilowatts (kW).

Natural Heritage Features and Areas – Features and areas such as wetlands, fish habitat, woodlands, valleylands, wildlife habitat, and portions of the habitat and area of natural and scientific interest, which may be important for their environmental and social values.

Net Effect – Positive or Negative effects of a project and related activities that will remain after mitigation and impact management measures have been applied. One project-one process- a concept that in practice will allow a proponent to apply a single coordinated process (i.e. description, evaluation, consultation, assessment, documentation) to the multiplicity of legislative requirements that can reasonably be addressed or anticipated at the EA stage of a project.

Operation – Includes operation, maintenance and repair, rehabilitation, as well as upgrading and replacement, provided that the function or capacity
of the facility remains similar.

Part II Order – A decision by the Minister of the Environment and Climate Change to require that a project or activity that would normally be considered under a Class EA be designated and subject to an individual environmental assessment in accordance with Part II of the *EA Act*.

Penstock – An assembly of pipes or a civil structure designed to carry water under pressure to a turbine. Large penstocks are usually made of curved steel plates embedded in concrete.

Pipeline – An assembly of hollow cylinders for carrying water.

Powerhouse – A primary part of a hydroelectric facility where the turbines and generators are housed and where power is produced by falling water rotating turbine blades.

Primary Power Source – With respect to a generation facility, the primary power source used by
the facility to generate electricity, based on the energy input of the power sources used by the facility to generate electricity.

Project footprint – for projects at existing infrastructure, the relative topographic increase of the existing Water Management Infrastructure

Proponent – A person who: carries out or proposes to carry out a project; or is the owner or person having charge, management or control of a project.

Protected Heritage Property – means real property designated under Park IV, V or Vl of the *Ontario Heritage Act*; heritage conservation easement property under Parts 11 or IV of the *Ontario Heritage Act*; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

Pumped Storage – a method of storing and producing electricity to supply high peak demands by moving water between reservoirs at different elevations.

Qualified Persons – with regard to cultural heritage resources, means experts with demonstrated, relevant experience in heritage conservation and currently employed in the appropriate field (i.e., built heritage or landscape heritage specialists, or licensed archaeologists)

Redevelopment – ~~Uses existing water management infrastructure that previously did produce electricity to produce electricity again.~~ Redevelopment involves a major modification to, or an extension of, a hydroelectric facility. A redevelopment is normally carried out on a facility that is beyond economic maintenance/repair and is often at the end of its useful life. Redevelopment involves the replacement of a facility or a substantial portion thereof. Facility redevelopment may result in the construction of a new facility and retirement of the existing one. The redevelopment of generation facilities may not necessarily occur at the same locations, but may take place in the same general area as the existing facilities. An extension to a generating station traditionally refers to the addition of one or more complete generating unit(s) which increases the name plate capacity of the facility. This extension may be in the same general area or near the existing facilities.

Refurbishment/Upgrade: Uses existing water management infrastructure that produces electricity to produce more electricity.

Reliability – The degree of continuity of electricity supply.

Retrofit – The conversion of existing infrastructure (e.g. dam, canal, conduit, or similar) that either previously did or did not produce electricity so that it does produce electricity (e.g. a Generating Station/Facility).

Riparian – Refers to the area adjacent to the shoreline.

Run-of-River – A run-of-river facility uses only the natural flows in the river, as they are available, for generation. Therefore, the flow in the river is either passed through the plant, or partially released around the plant if the flow exceeds the capacity of the plant to use all of it.

Run-of-River with Modified Peaking – Many run-of river plants allow for limited storage of water over the course of the day or days. This allows the plant to produce more electricity during periods of high demand i.e., during the day/work week, and save water during periods of low demand i.e., at night/weekends. This type of plant can provide electricity service to the system, but with limitations imposed by the amount of storage and flexibility available (generally through a headpond).

Runner – Is an enclosed waterwheel that transforms the static and kinetic energy of the water into useful work.

Serious Harm to Fish – the death of fish or any permanent alteration to, or destruction of, fish habitat

Significant New Inundation: New inundation that is detectable beyond the historical mean monthly high water level.

Sluiceway – An opening or channel in a dam with
a gate, valve or stop log at its head to regulate flow;
and water flows under the gate.

Spillway – A passageway or channel located near or at the top of a dam, to remove surplus water from a reservoir; and water flows over the gate or control structure.

Storage Dam – Is a dam structure, normally with some water passing capability, the purpose of which is to store or impound a quantity of water further upstream from the hydroelectric generating station in order that outflow may be regulated in a manner suitable for power production.

Sustainable Development – Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Tailrace – A channel through which the water flows away from a hydro plant following its discharge from the turbine(s).

Technical Heritage Studies – may include archaeological assessments (Stage 1-4); historic research, site analyses and evaluations of cultural heritage value or interest; heritage impact assessments; heritage conservation plans; or studies of mitigation options appropriate to each.

Transformer – An electromagnetic device for changing alternating current electricity to either higher or lower voltage. Transformers make transmission of power over long distances possible.

Transmission Line – The conductors and their supporting towers, used to convey electric energy from a generating station to a distant point.

Tunnel – A conduit, usually constructed through solid rock, and sometimes lined with concrete, which is used to convey water.

Turbine – Is the mechanical machinery, of which the runner is a part, which transforms the kinetic and potential energy of water into mechanical energy that is used to drive the generator. The generator subsequently converts this mechanical energy into electrical energy.

Unmanaged Waterway – A waterway, including its full reach, generally in Ontario's Far North, on which no other water management infrastructure (dams, diversions, weirs etc.) and/or waterpower facilities exist.

Volt (V) – A measure of electrical "potential difference" between two points in an electrical field. A volt is a unit of electrical pressure, which causes an electric current to flow through a wire.

Water Management Infrastructure: Civil infrastructure that includes but is not limited to a dam, weir, powerhouse, penstock/pipeline, diversion channel/tunnel/canal, turbine, wingwall, spillway/sluiceway, and associated electrical **incorporation.**

Water Management Regime – The physical conditions of a watercourse characterized by its water flow and level, and duration of the drawdown. Where water management insfrastructure exists, the regime is generally defined by the annual operating band of the headpond or reservoir and evidenced by flows and levels upstream and downstream.

Waterway – a river, stream, canal, lake or other water-related feature.

Watt (W) – A standard unit used to measure amounts of electrical power. One horsepower is equivalent to approximately 746 watts.

Weir – Water control structure that either diverts water or holds water back.

Zone of impact – Zone of Impact –study area(s) for the project used to identify all potential impacts of a project, both positive and negative and direct and indirect. These include environmental, social, cultural and economic effects. The zone(s) of impact should be informed through early and ongoing dialogue with regulatory agencies. There may be multiple zones of impact for any one project in order to reflect different risks to the various features being studied. The zone(s) of impact may change throughout the planning phase in response to new information or design considerations.

Appendix D: Notification Templates

**Note: These templates are provided as suggestions only. Proponents are to adapt the notices to their specific needs.*

Notice of Project Screening under the Class EA for Waterpower Projects

_____ Waterpower Project Date: _____

Proponent____ is planning to undertake ~~an environmental evaluation and assessment~~ a project screening for a proposed waterpower project (name of project) located _____.

Map showing location of project

The project is subject to the provisions of the Ontario Waterpower Association "Class Environmental Assessment for Waterpower Projects" for ~~Projects 500 kW and Under in Nameplate~~ Capacity and Associated with Existing Infrastructure or Increases in Efficiency.

- Project title and Map~~and Map~~;
- Brief description of the project and tentative schedule;
- Project type (retrofit, or refurbishment/upgrade; or efficiency increase);
- Watercourse;
- Current installed capacity and proposed installed capacity;
- Anticipated % expansion of infrastructure, if any.

Pursuant to the Class EA, this project is is being screened in accordance with the process outlined in section 3.1.1 of the Class EA for Waterpower Projects. For further information about the proposal, please contact _____~~consider~~ed to:

~~- be one of the following project types:~~
~~have a resultant nameplate capacity of 500 kW or less and be associated with existing water management infrastructure; or~~
~~only involve an increase in efficiency of an existing facility; and~~
~~- meet other criteria set out in section 3.1.1 of the Class EA.~~

The Class EA process requires _Proponent____ to complete a screening to confirm that there are no significant negative environmental effects anticipated from the project. As a first step in the screening process, this Notice of Project Screening is being publically posted and sent directly to: key provincial Ministries,;anyone potentially directly affected by the project; and potentially affected Aboriginal communities. Projects that are screened out of the Class EA remain subject to applicable provincial and federal legislation as outlined in Table 1 of the Class EA. ~~undertake an evaluation of the project to evaluate its potential effects to the environment (positive and negative) and prepare a detailed Environmental Report. The project is also expected to require review and approvals under the (*Lakes and Rivers Improvement Act*, *Ontario Water Resources Act etc.*). This notice and the public consultation process for the project under the Class EA is intended to coordinate and meet the notification requirements relevant to the planning stage of the project under these statutes. The evaluation and environmental report will assess the potential effects of the proposed waterpower project on the environment during its construction and operation.~~

You are invited to provide comments on the key considerations to be addressed~~, and/or to ask to be placed on the project's mailing list~~. For information on the project proposal ~~or to be placed on the mailing list~~, contact:_____.

~~This project is being evaluated as a [small hydro project associated with existing infrastructure/project that only involves an increase in efficiency of the existing facility] under section 3.1.1 of the Class Environmental Assessment for Waterpower Projects. The Notice of Completion will be provided to all Aboriginal communities, agencies and other parties who expressed interest as a result of this Notice of Project and who participated in the consultation process.~~

All personal information included in a submission - such as name, address, telephone number and property location - is collected, maintained and disclosed by the Ministry of the Environment and Climate Change for the purpose of transparency and consultation. The information is collected under the authority of the Environmental Assessment Act or is collected and maintained for the purpose of creating a record that is available to the general public as described in s.37 of the Freedom of Information and Protection of Privacy Act (FIPPA). Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential.

For more information,please contact the Ministry of the Environment Conservation and Parks~~and Climate Change~~’s Freedom of Information and Privacy