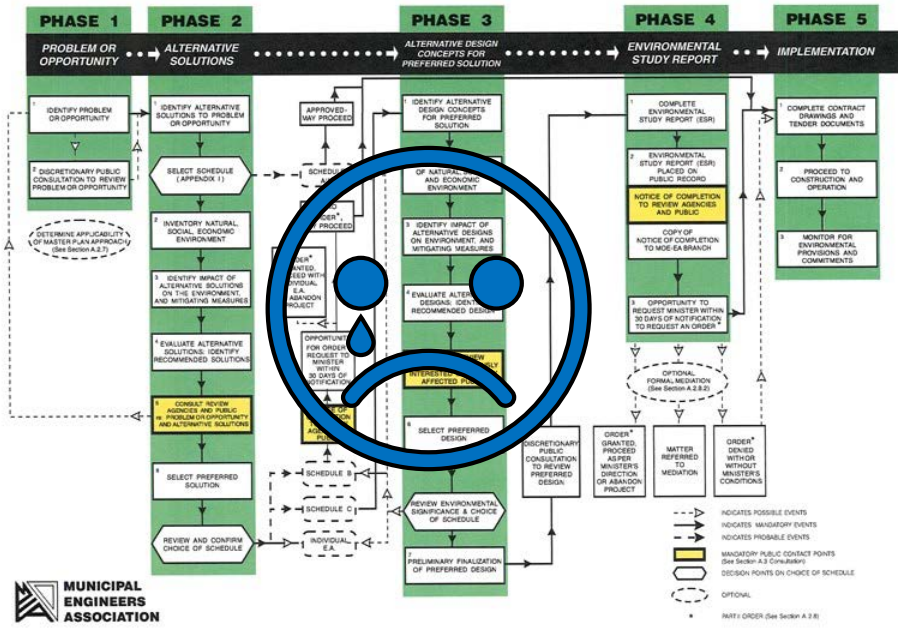


Environmental Assessment 101: “Demystifying” the Process

NOTE: This flow chart is to be read in conjunction with Part A of the Municipal Class EA



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James Jarrett, MCIP, RPP



Key Questions

- Why do I need to do an EA?
- How do I follow the right EA process?
- What are the basic MCEA requirements?
- What evaluation frameworks can I use?
- What level of engagement is required?
- What are some other quirks to the process?
- Where can I get further help?

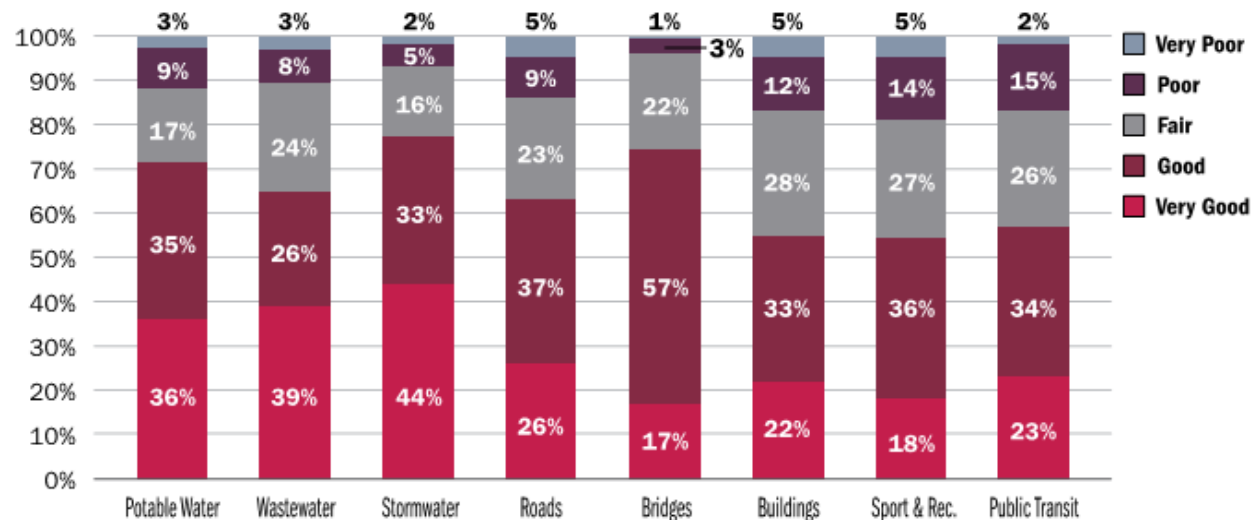
**“Why do I need to
do an EA?”**

Why do I need to do an EA?

Continued infrastructure spending

- 40 % of top 100 projects by value are in Ontario
- About 1/3 of municipal infrastructure is in bad shape
- New & improved infrastructure likely requires an EA

Figure 3: Summary of Average Physical Condition Rating



Why do I need to do a *good* EA?

Risks of not doing a good EA

- Poorly conceived preferred solution/design
- Negative public reaction and disengagement
- Risk of formal objections



Cost, schedule, and reputational implications

**EA is a legislated requirement
have consequences.**

–failure to comply could

What is the legislation?

Ontario Environmental Assessment Act (1990)

- *“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”*
- ‘Environment’ is a broad definition
- Identifies two types of assessment
 1. Individual EA
 2. Stream lined EA (e.g. Class EA)

**“How do I follow the
right EA process?”**

Class EA Process

Key points

- Several Class EA processes in Ontario
- *“Routine projects that have predictable and manageable environmental effects”*
- Self-assessment process

The obligation is on the proponent to follow Class EA requirements.

Municipal Class EA Process

Key points

- Municipal roads, servicing, transit
- Premised on following a 'Schedule'
- Phased approach (Phases 1 to 5)
- Identify a reasonable range of alternatives
- Evaluate potential environmental effects
- Mandated consultation and documentation

You need the MCEA document with the latest amendments.

<http://www.municipalclassea.ca/amendments/approved.html>

Choosing the right schedule

Municipal Class EA

Appendix 1 – Project Schedules

Description of the Project <i>(Note: The Schedules shall be reviewed inclusively to ensure that the correct schedule is selected)</i>	Cost Limit for Project Approved Under Schedule			
	Pre Approved		B	C
	A	A+		
GENERAL OPERATION AND MAINTENANCE OF LINEAR PAVED FACILITIES AND RELATED FACILITIES				

Municipal Engineers Association

Cost is a primary determination for road projects*.

*This requires a major rethink

Choosing the right schedule

Don't forget the intent of the Class EA

- Schedule 'A' is limited in scale and has **minimal adverse effects**
- Schedule 'A+' is similar but requires public notification
- Schedule 'B' has potential for **some** adverse effects
- Schedule 'C' has potential for **significant** effects

These principles should be reflected in determining the schedule.

“What are the MCEA requirements?”

Schedule A projects

Key points

- Normal or emergency operational and maintenance activities
- **Pre-approved** and proceed directly to implementation (Phase 5)
- No 'formal' EA documentation but still confirm Schedule A applies

Schedule A+ projects

Key points

- Also pre -approved
- Projects likely to have public interest
- Some form of notification required
- Public may not formally object
- No 'formal' EA documentation but still confirm Schedule A+ applies

Schedule A+ projects

Examples

- Urban road resurfacing
- Streetscaping improvements
- Reconstruction for same purpose, capacity and location –no change in motor vehicle lanes
- Establish or extend a water/wastewater system to connect to existing system within road allowance or utility corridor

Generally improvements within an existing right of-way which may impact public during construction.

-

Schedule B projects

Phase 1 –Problem or Opportunity



Phase 2 –Alternative Solutions



Prepare Project File



Phase 5 –Implementation

Key Task:

- Develop P/O Statement

Key Tasks:

- Develop Alternative Solutions
- Inventory of Existing Conditions
- Evaluate Alternative Solutions
- **Mandatory Consultation Point**
- Confirm Preferred Solution

Key Tasks:

- Prepare Project File
- **Notice of Completion**
- 30-day review period

Key Tasks:

- Detail Design
- Implementation

Schedule B projects

Examples

- Road reconstruction or widening not for same purpose, capacity and location – additional motor vehicle lanes under \$2.4M
- New roads under \$2.4M
- *Active transportation facilities outside existing right -of-way between \$3.5 -9.5M*
- Establish or extend a water/wastewater system to connect to existing system not within road allowance or utility corridor

Generally improvements outside an existing right -of -way which may have some effects.

Schedule C projects

Completion of Phases 1 and
2 (per Schedule B)



Phase 3 –Alternative
Design Concepts



Phase 4 –Environmental
Study Report



Phase 5 –Implementation

Key Tasks:

- Develop Alternative Designs
- Detailed Inventory of Existing Conditions
- Evaluate Alternative Designs
- **Mandatory Consultation Point**
- Confirm Preferred Design

Key Tasks:

- Prepare ESR
- **Notice of Completion**
- 30-day review period

Key Tasks:

- Detail Design
- Implementation

Schedule C projects

Examples

- Road reconstruction or widening not for same purpose, capacity and location – additional motor vehicle lanes – over \$2.4M
- New roads over \$2.4M
- *Active transportation facilities outside existing right -of-way over \$9.5M*
- New sewage system including outfall to receiving water body

Generally more substantial projects involving potentially significant environmental effects.

**“What evaluation
frameworks can I
use?”**

Developing criteria

A key initial step often overlooked

- Move away from standardized to contextual
- Include stakeholder input early-on
- Link to Problem /Opportunity – traceability

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Figure 5-5: Factor areas (inner ring) and associated criteria (outer ring) applied in the evaluation process

Developing frameworks

Screening -level (e.g. Schedule B)

- Screening of alternative planning solutions
- Use of visual tools (e.g. pie/traffic lights)
- Lacking same rigour of Schedule C assessment

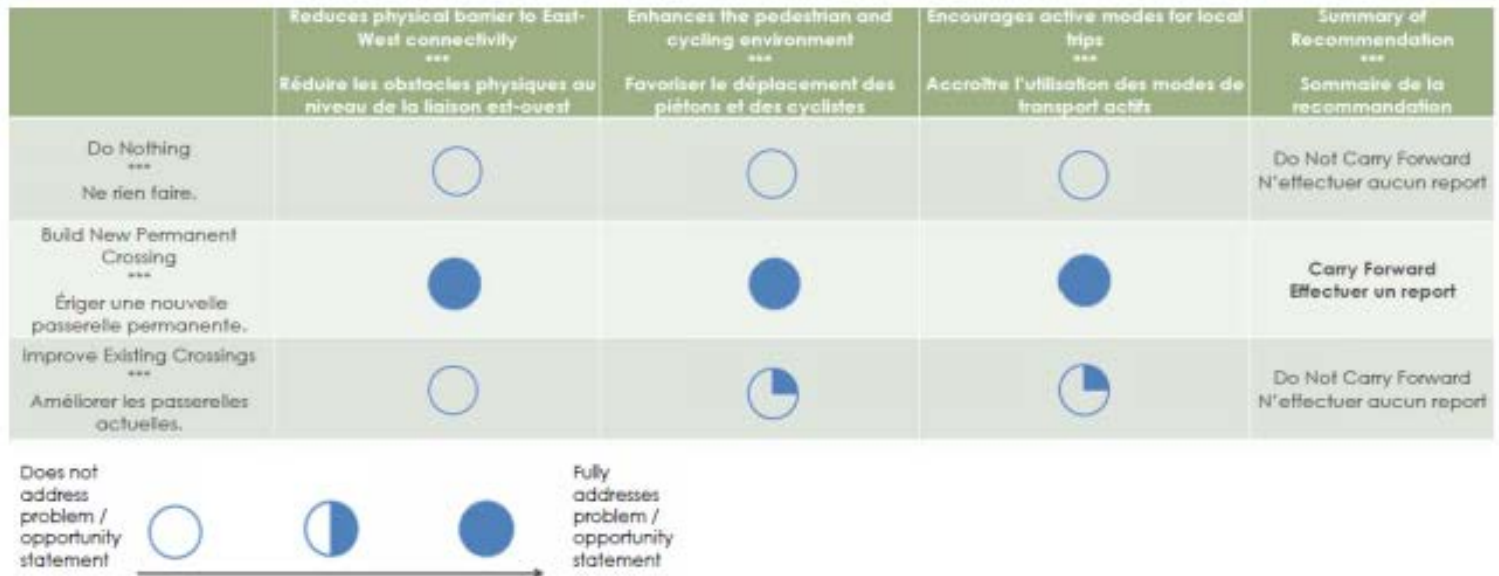


Figure 5-1: Evaluation of alternative planning solutions

Developing frameworks

More detailed assessment (e.g. Schedule C)

- Evaluation of alternative design concepts
- Quantitative tools and description to add rigour
- Weighting as a prioritization tool – use correctly

FACTOR AREA	FACTOR WEIGHTING	CRITERIA	CRITERIA WEIGHTING	SCALE	INDICATOR	% of Criteria	OVERALL WEIGHTING	OVERALL FACTOR WEIGHTING	1		2		3	
									SCORE	WEIGHTED SCORE	SCORE	WEIGHTED SCORE (WITHIN)	SCORE	WEIGHTED SCORE (WITHIN)
NATURAL		Natural Environment	10%	0 = no impact 1 = minor impact 3 = moderate impact 5 = significant impact	Impacts to designated natural areas (ANSI, PSW, significant woodlands)	40.0%	4.00%	1.6%	0	0.0	0	0.0	0	0.0
					Notes: includes Earth Science ANSI; Cataraqui River Marsh; significant woodland				No impact to significant woodlands, ANSI or PSW.	No impact to significant woodlands, ANSI or PSW.	No impact to significant woodlands, ANSI or PSW.			
					Impacts to significant wildlife or wildlife habitat, including SAR and migratory birds	40.0%	4.0%	1.6%	0	0.0	0	0.0	0	0.0
					Notes: includes Cataraqui River Marsh habitat				No wetland habitat impacted.	No wetland habitat impacted.	No wetland habitat impacted.			
					Impacts to vegetation communities	5.0%	0.5%	0.2%	1	0.0	1	0.0	1	0.0
				Notes:				Approx. 2.0 ha of vegetation to be cleared in NE quadrant.	Approx. 15 ha of vegetation to be cleared in NE/NW quadrants.	Approx. 20 ha of vegetation to be cleared in NE quadrant.				
				Impact to potentially contaminated properties	15.0%	1.5%	0.6%	0	0.0	0	0.0	0	0.0	
				0 = no impact 1 = minor impact 3 = moderate impact 5 = significant impact				None.	None.	None.				

Developing frameworks

Advancing evaluation frameworks

- “Building block” approach
- Recognizes no single solution in isolation can work
- Addresses provincial policy objective for best use of existing infrastructure

GTA West Corridor EA Study

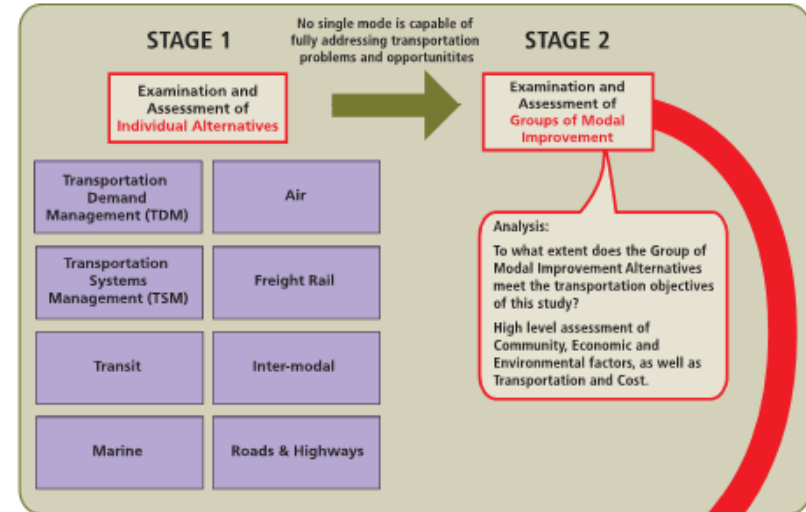


Exhibit 3-1a: Assessment of Individual Modes

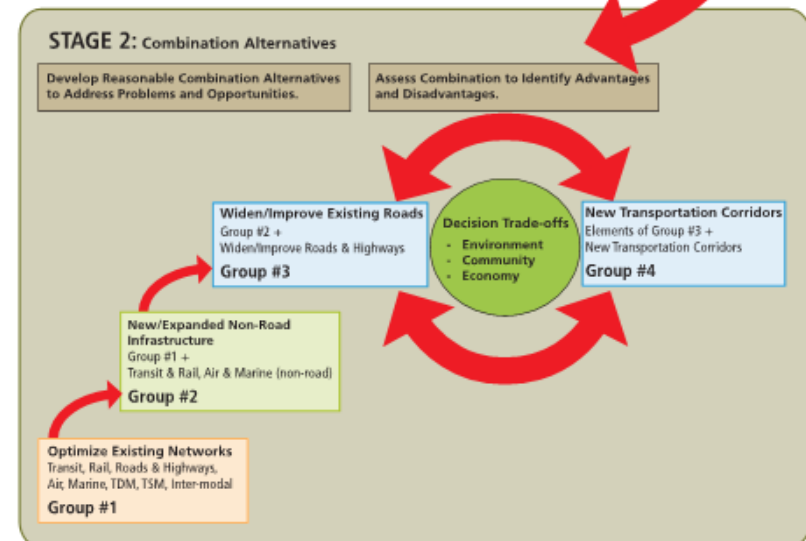


Exhibit 3-1b: Building Block Approach to Groups of Alternatives

Developing frameworks

Introducing innovation –climate change

- Provincial commitment to reduce GHG emissions to 80% below 1990 levels by 2050
- MOECC (now MECP) mandate to consider climate change mitigation (effects of project) and adaptation (effects on project)

Undertake evaluation as a team involving all the required specialists*

*Helps to understand potential trade-offs, net effects, cumulative effects

**“What level of
engagement is
required?”**

Developing notification

Key points

- Contact details of proponent
- Description of project and problem /opportunity
- Reference to EA process being followed
- Details of when and where information available
- Right to request a Part II Order ('bump up')

New: Send notice and Project Information Form to MECP regional office.

<https://www.ontario.ca/page/preparing-environmental-assessments#section-1>

Developing notification

Notice of Commencement

- Not strictly mandatory but good practice
- Could integrate with Notice of Public Meeting

Notice of Completion

- **Mandatory** for completion of EA process
- Must advise of 30-day review period and deadline for Part II Order requests

Published notice means 2 notices published in separate issues of the same local newspaper.

Developing notification

Agency distribution

- Must be sent to MECP regional office
- Must be sent to directly affected municipalities
- Contact other agencies as appropriate

Landowner/stakeholder distribution

- Contact affected landowners
- Maintain mailing list of interested parties

Determine preferred method for each affected Indigenous community to encourage engagement.

Engagement methods

Traditional

- Notices / Letters
- Open Houses
- Workshops / Meetings
- Static website

Are you reaching a wide audience and engaging them?

Engagement methods

Innovative

- Interactive maps/surveys
- Visualizations
- Future of virtual reality?

<https://ajaxitmp-demo.metroquest.ca/>

<https://view.mylumion.com/?p=4ikckc3mc7o526cc>



“What are some other quirks to the process?”

Private sector proponentcy

Exemption if...

- Private sector developer as sole proponent
- Involves a Schedule B project or below

No exemption if...

- Private sector developer as sole proponent and involves a Schedule C project
- Co-proponentcy with a municipality

Not to be used to avoid EA requirements.

Class EA master plans

4 approaches

- Approach 1 – broadly follows Phases 1 and 2 but does not fulfill Schedule B or C requirements
- Approach 2 – follows Phases 1 and 2 and fulfills Schedule B requirements
- Approach 3 – follows Phases 1 to 4 and fulfills both Schedule B and C requirements
- Approach 4 – integration with Planning Act (e.g. TMP to accompany OP)

This has potentially significant EA implications and is a very common question.

EA addenda

2 key triggers for an EA Addendum

- Significant change in project or environment
- Lapse of 10 years from Notice of Completion or denial of Part II Order request to implementation

Determining 'significance'

- Up to the proponent...

Notification requirements

- Notice of Addendum and 30-day review period

Additional engagement above the minimum may be warranted.

Integration with Planning Act

Affords a level of coordination

- OP, OPA, Secondary Plans, Plan of Subdivision
- Shared notification and engagement
- Shared technical analyses
- Must still fulfill requirements of both Acts

Requires common schedule and things to go pretty smoothly.

Part II Order requests

A request to elevate level of assessment

- Must be made during 30 -day review period
- *New: Must use Part II Order Request Form*
- Must have basis and without intent to delay
- Proponent advised by MEC P within 10 days of receipt
- Proponent to provide responses and additional information requested to MEC P
- 45-day target to review and make recommendation to Minister

Part II Order requests

Possible outcomes

1. Require proponent to comply
2. Deny the request
3. Deny the request with conditions
4. Refer to mediation

A 'last resort' –responsibility on affected party and proponent to have dialogue during EA.

**“Where can I get
further help?”**

Where can I get further help?

Variety of useful sources

- Ask an Environmental Planner!
- Check out the MCEA website

<http://www.municipalclassea.ca/index.html>

- Review MECP guidelines

<https://www.ontario.ca/page/preparing-environmental-assessments>

- Review other EA studies – precedence
- Engage with Ontario Association for Impact Assessment (OAIA)

<https://oaia.on.ca/>

Thank you

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