

*Ministry of the Environment and Climate Change / Ontario Waterpower Association / Ministry of Natural Resources and Forestry*

*Roles and Responsibilities With Respect to the Class Environmental Assessment for Waterpower Projects Process*

**FACT SHEET**

The purpose of this fact sheet is to outline the different roles and responsibilities of the Ontario Waterpower Association (OWA), Ministry of the Environment and Climate Change (MOECC) and Ministry of Natural Resources and Forestry (MNRF) during the *Class Environmental Assessment for Waterpower Projects* (herein referred to as Class EA) process. It is recognized that there are other government agencies that have a role in the Class EA process; however their roles are not contained within this fact sheet. Please refer to the Ontario Waterpower Association *Class Environmental Assessment for Waterpower Projects* document for specific details on the Class EA process and requirements.

Class EA projects do not require any further approval under the Environmental Assessment Act (EAA), as long as the proponent follows and successfully completes the process set out in the approved Class EA document and the project is not elevated to a higher level of assessment. The proponent must consult with various stakeholders according to the requirements set out in its Class EA.

The objective of the Class EA is to help ensure that projects are planned in an environmentally responsible manner. An additional objective is to coordinate and integrate the multiplicity of environmental approvals that may be required and public involvement processes that are relevant to planning a waterpower project. The Class EA is designed to facilitate coordination with other directly relevant federal and provincial requirements to help ensure efficient and effective public and agency involvement.

Effective and meaningful involvement of government agencies, including pre-consultation, in the assessment of projects throughout the class environmental assessment process is imperative and will assist proponents in meeting the Class EA objectives. Various government ministries and agencies (e.g. federal, provincial, municipal), herein referred to as government agencies, may have an interest in a proposed undertaking that may be subject to laws, regulations, policies and programs for which they have responsibility. Government agencies should be notified of a proposed undertaking early in and throughout the proponent's planning process. Government agencies provide valuable input and professional expertise and may

identify opportunities to coordinate other federal, provincial and municipal requirements throughout the environmental assessment process that will assist a proponent in making its decisions on the level of technical detail to include in the Class EA process.

### **Ontario Waterpower Association**

While the OWA is not a commenting agency on individual projects, there are defined responsibilities for the organization under the Class EA:

**As the Class EA Administrator:** As defined in the Class EA, the OWA has a number of defined administrative responsibilities focused on ensuring an effective and efficient EA process on an ongoing basis. Examples include:

- Posting of Notices of Commencement, Completion and Inspection and Statements of Completion on the OWA website;
- Preparing and submitting an Annual Report to the MOECC Director of Environmental Approvals Branch and, as appropriate, proposing improvements;
- Recommending and/or responding to third party requests for amendments to the Class EA; and
- Preparing and submitting Five-Year reviews of the implementation of the Class EA.

**As the Class EA Proponent:** the OWA is responsible for monitoring the implementation of the Class EA to ensure that it is satisfying its purpose, and that it remains relevant and current (section 2.6 Class EA). In practice, this involves:

- Working with appropriate parties to clarify the Class EA for project proponents, regulatory agencies and the public;
- Developing and delivering communications, education and training programs and products with key partners;
- Creating and/or incorporating new “Best Management Practices” into the Class EA framework; and
- Working directly with project proponents to identify and seek to resolve common and recurrent implementation issues.

### **Ministry of the Environment and Climate Change**

While the Class EA process is proponent-driven, MOECC has several distinct roles related to ensuring proponents meet the requirements of the Class EA, reviewing EA documents to ensure that proponents have adequately considered MOECC’s mandate

based on provincial legislation, policies and procedures, and as a regulator. During the Class EA process, MOECC's comments could reflect one of the following roles:

**As an EA Administrator:** While the OWA is the proponent for the Class EA, MOECC has a responsibility to ensure that the requirements of the EAA are met. MOECC is responsible for administering the EAA by:

- Approving the established Class EA process and proposed amendments to it;
- Monitoring and advising on Class EA processes, provisions and requirements;
- Conducting a review of documentation from Waterpower proponents to ensure that it demonstrates that the Class EA process has been properly completed.
- Delegating procedural aspects of the Crown's Duty to Consult with First Nations and Métis communities to proponents.
- Reviewing and providing recommendations to the Minister of the Environment and Climate Change on Part II Order requests that may be submitted to the MOECC by a third party.
- Ensuring compliance with the EAA.

Each waterpower Class EA project is assigned a regional EA Coordinator who has the lead for that project review (e.g. main MOECC contact, receipt of notices).

**As a Regulator:** As a Regulator, MOECC works to ensure compliance with Ministry legislative and regulatory requirements. During the proponent's Class EA process, the MOECC will provide guidance to the proponent regarding legislative and regulatory requirements, as well as appropriate policy, methodologies, standards, guidelines and other materials within its mandate that may be of relevance or applied to obtain subsequent approvals. In order to assist the proponent during its EA process, the MOECC will also participate in meetings or working groups and review submitted materials as appropriate.

MOECC must also determine the adequacy of the proponent's efforts to meet the procedural aspects of the Duty to Consult obligation if a Part II Order is received on Class EA projects. MOECC will also assess the Duty to Consult before it issues a permit or approval.

MOECC will assist in identifying applicable legislative and regulatory requirements that must be satisfied prior to completing the Class EA process and to obtain its necessary permits and approvals for the construction and operation of the proposed facility.

**As a Technical Advisor:** MOECC has technical knowledge and experience of its policies, the local environment and best management practices. MOECC can provide technical advice to waterpower proponents related to identifying potential effects associated with waterpower projects and considering mitigation options and establishing

monitoring measures. MOECC may provide technical advice on water quality and other matters related to its mandate. Where MOECC has information available (e.g., records related to surface water or groundwater conditions) it will identify for the proponent any issues, uses, and interests known, or reasonably believed to be associated with the proposed project. MOECC may also direct the proponent to additional sources of information. MOECC is not responsible for identifying all known project-specific environmental, social and economic values that may be impacted by the proposed project. Completing a thorough assessment of potential impacts is the responsibility of the project proponent, its staff and/or consultants.

### **Ministry of Natural Resources and Forestry**

MNRF participates in the Class EA planning process to provide guidance and advice to assist proponents in their consideration of MNRF's mandate and interests during project planning in advance of permitting and approvals. During the EA process, MNRF acts as a commenting agency and may comment under the following roles:

**As a Regulator:** Where a project is subject to Ministry legislative and regulatory requirements, MNRF will identify any applicable legislative and regulatory requirements within MNRF's mandate that must be satisfied prior to the construction and operation of the proposed facility. MNRF will direct the proponent to any approved policy, methodologies, standards or guidelines that must be followed to obtain approvals. Depending on the legislative/regulatory mandate MNRF is commenting on as a regulator, comments made under this role may incorporate some of the additional roles outlined below. MNRF will also participate in meetings or working groups as required and as scheduled by the proponent.

**As a Natural Resource Manager:** Where MNRF has natural resource information available, it will identify for the proponent any potential issues, values and interests known, or reasonably believed to be associated with the proposed project. MNRF may also direct the proponent to additional sources of information. MNRF is not responsible for identifying all known project-specific environmental, social and economic values that may be impacted by the proposed project, but will provide all relevant information known at the time. Completing a thorough assessment of potential impacts is the responsibility of the project proponent, its staff and/or consultants.

**As a Technical Advisor:** MNRF will provide the proponent with scientific and/or technical knowledge related to the identification of potential effects associated with the construction and operation of a dam and the development of mitigation and post-construction monitoring measures relevant to MNRF's mandate. Where no approved standards, guidelines, or methodologies exist, MNRF may provide scientific and/or

technical advice on methodologies selected by the proponent.

**As a Provincial Land Administrator:** Where a proposed project is located on or adjacent to Crown land, MNRF will identify known authorized occupations or uses of the land and any existing known activities on the adjacent Crown land. Where there are existing Crown land users, MNRF may, where appropriate, provide potentially affected parties with contact information for the project proponent.

**As a Dam Owner/Operator:** Where MNRF owns and/or operates a dam located upstream or downstream of a proposed project, or where the proposed project directly involves an MNRF owned dam, MNRF will identify any interests it has associated with the construction and operation of the proposed project to the proponent.

For more information on the Class Environmental Assessment for Waterpower Projects, please visit:

<http://www.owa.ca/class-ea/>

For more information about environmental assessment in Ontario, please visit:

[www.ontario.ca/environmentalassessments](http://www.ontario.ca/environmentalassessments)

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