

ENVIRONMENTAL ASSESSMENT ACT

SECTION 9

NOTICE OF APPROVAL TO PROCEED WITH THE CLASS ENVIRONMENTAL ASSESSMENT

RE: Class Environmental Assessment for Minor Transmission Facilities (Class EA)

Applicant: Hydro One Networks Inc.

EAIMS No.: 05070

TAKE NOTICE that the period for requesting a hearing, provided for in the Notice of Completion of the Review for the above-noted Class EA, expired on October 24, 2014.

I received five submissions before the expiration date, and one submission after the expiration date, none of which requested a hearing by the Environmental Review Tribunal.

Having considered the purpose of the *Environmental Assessment Act*, the approved Terms of Reference, the Class EA, the Review of the Class EA and the submissions received, I hereby give approval to proceed with the Class EA, subject to the conditions set out below.

REASONS

My reasons for giving approval are as follows:

- (1) The applicant prepared the Class EA in accordance with the approved Terms of Reference and the requirements of the *Environmental Assessment Act*.
- (2) The applicant consulted on the Class EA and demonstrated that its Class EA is consistent with the current legislative requirements and planning practices, and will provide an effective planning process to enable the delivery of transmission-related infrastructure in an efficient and environmentally sustainable manner.

- (3) All comments provided, or concerns raised, from the public review of the applicant's Class EA, or from government agencies and Aboriginal communities, have been adequately considered and addressed by the applicant through its responses and/or commitments made, through amendments to the Class EA, or through conditions of approval.

- (4) All relevant issues raised in the submissions regarding the applicant's Class EA have been addressed, or will be addressed during the preparation of individual Class EA projects.
- (5) On the basis of the applicant's Class EA, the Review and the conditions of approval, I am satisfied that the assessment of minor transmission facilities within the class of undertakings covered by the Class EA, in accordance with the process set out in the Class EA, will be consistent with the purpose of the *Environmental Assessment Act* and in the public interest.

CONDITIONS

Definitions

1. For the purposes of these conditions:
 - (a) "applicant" means Hydro One Networks Inc., its agents, successors, and assigns.
 - (b) "MOECC" means the Ontario Ministry of the Environment and Climate Change.
 - (c) "EAB" means the Environmental Approvals Branch of the Ministry of the Environment and Climate Change.
 - (d) "Director" means the Director of the Environmental Approvals Branch.
 - (e) "the Class EA" means the Class Environmental Assessment for Minor Transmission Facilities.
 - (f) "FOIPPA" means the Freedom of Information and Protection of Privacy Act.

Public Record

2. Where a document is required for the Public Record File, the applicant shall provide the document to the Director for filing within the specific Public Record File maintained for the Class EA. The applicant shall also provide copies of all documents for the purpose of public review to:
 - a) the Director of the MOECC Eastern Region Office;
 - b) the Director of the MOECC Central Region Office;
 - c) the Director of the MOECC West Central Region Office;
 - d) the Director of the MOECC Southwestern Region Office; and
 - e) the Director of the MOECC Northern Region Office.
3. Within 21 days of the approval of this Class EA, the applicant shall incorporate the amendments required by Conditions 8 through 14 in the Class EA, and provide:

- 3.1 forty (40) copies of the amended Class EA document to the EAB;
- 3.2 one (1) copy of the amended Class EA document, or more than one (1) copy if requested, to each government agency to which the Class EA was circulated for comment;
- 3.3 one (1) copy of the amended Class EA document to any group, individual, or Aboriginal community which submitted comments during either of the two comment periods for the Class EA; and,
- 3.4 the amended Class EA on the applicant's web site.

General Conditions

4. The applicant shall complete a review of the Class EA, as required in Subsection 5.6 of the Class EA (Five-Year Review), every five years. The first review shall be completed 5 years after the date of this approval, with each subsequent review following every five years, until such time as is otherwise indicated in writing by the Director to the applicant. Each review shall be submitted to the Director and placed in the Public Record File.
5. The applicant shall submit Annual Monitoring Reports to the Director for placement on the Public Record File as described in Subsection 5.5 of the Class EA (Monitoring). The Monitoring Report shall be submitted on or before April 1 of each year, with the first report being due one year after the date of this approval, and shall cover all activities of the previous calendar year.
6. The applicant shall comply with all the provisions of the Class EA which are hereby incorporated in this approval by reference except as provided in these conditions and as provided in any other approvals or permits that may be issued.
7. These conditions do not prevent more restrictive conditions being imposed under other statutes.

Amendments

8. To accurately reflect the change in this ministry's name, the applicant shall replace all references to "Ministry of the Environment" with "Ministry of the Environment and Climate Change", and the applicant shall replace all uses of the acronym "MOE" with "MOECC." This includes, but is not limited to, all references to the Code of Practice.
9. The applicant shall remove all of the text presented on page 2 and shall replace it with the following text:

"Ontario Regulation 116101- Electricity Projects and Ontario Regulation 231/08- Transit Projects and Metrolinx Undertakings

O.Reg.116/01 is one of the regulations under the EA Act that outlines EA requirements for electricity projects. O.Reg.116/01 came into effect on April 23, 2001 and applies to public and private sector electricity projects.

The Guide to Environmental Assessment Requirements for Electricity Projects (2011) classifies the transmission projects described in O.Reg.116/01, based on voltage and length of transmission lines, into three distinct categories, each with different requirements as follows:

- a. Category A projects are those which are expected to have minimal environmental effects. These projects do not require approval under the EA Act, and are not designated as being subject to the EA Act in O.Reg.116/01. Although projects in this category are not subject to EA requirements under O.Reg.116/01, they are required to comply with any other applicable existing legislative requirements such as the Species at Risk Act, Ontario Heritage Act (for example, a project in this category may cause a significant ground disturbance in areas of archaeological potential), etc.. In addition, if Crown resources are necessary to carry out a project, there are requirements under the EA Act related to the disposition of Crown resources that must also be fulfilled (e.g., an environmental review by the Ministry of Natural Resources and Forestry prior to the occupation or sale of Crown land). If there are significant environmental effects associated with a project in Category A, the MOECC (with the approval of the Lieutenant Governor) could designate it as being subject to an Individual EA under the EA Act.
- b. Category B projects are those which have potential environmental effects that can likely be mitigated. These projects (listed in Section 4 of O.Reg.116/01) are subject to the EA Act, but proponents of these projects are not required to prepare an Individual EA on the condition that they complete the Environmental Screening Process (set out in Part 8 of the Guide to Environmental Assessment Requirements for Electricity Projects, 2011). There are provisions in the Environmental Screening Process to elevate projects from Category B to Category C. This Class EA Process is equivalent to what O.Reg.116/01 refers to as the Environmental Screening Process.
- c. Category C projects are major projects with known significant environmental effects that require an Individual EA.

This Class EA Document is relevant to Category B transmission projects that are not associated with a Category B generation project

This Class EA Document is also relevant to certain projects under the Transit Projects and Metrolinx Undertakings Regulation (O.Reg.231/08) which sets out the EA requirements for public transit projects, and designates as subject to the EA Act certain power supply infrastructure projects for the electrification of commuter rail corridors. Proponents of these power supply infrastructure projects are subject to the Transit Project Assessment Process under O.Reg.231/08 but have the option to instead proceed with their projects in accordance with this Class EA Document if written notice of their intention to do so is provided to the appropriate MOECC officials under subsection 2(6) of O.Reg. 231/08. (O.Reg. 231/08 also contains transition rules).

For more information, proponents should refer to O.Reg 116/01, O.Reg. 231/08, and Chart 1 -Electricity Project Classification and Section A.5.2 of the Guide to Environmental Assessment Requirements for Electricity Projects

(2011)."

10. The applicant shall remove the first four paragraphs presented in section 1.0 (Introduction) on page 3 and shall replace them with the following text:

"The purpose of the Class Environmental Assessment for Minor Transmission Facilities (also referred to as "Class EA Document") is to provide information that will enable the Minister of the Environment and Climate Change (Minister) to approve, following a single review, certain types of frequently occurring transmission projects specified in the Guide to Environmental Assessment Requirements for Electricity Projects (2011) and in O. Reg. 231/08. The project will be relatively small in scale, have predictable environmental effects that can be likely mitigated, and can be planned and constructed in accordance with a common process.

The current version of this document has been developed following the requirements of the approved Terms of Reference (ToR), 2004 and is in alignment with O. Reg. 116/01, O. Reg. 231/08, other applicable legislation that came into force after 2004 (e.g., *Canadian Environmental Assessment Act, 2012*), the Ministry of the Environment and Climate Change's (MOECC) Code of Practice: Preparing, Reviewing and Using Class Environmental Assessment in Ontario, 2014 (Code of Practice), and other Class EA documents.

The previous versions of this Class EA Document applied specifically to Ontario Hydro and its much broader mandate. The current version has been revised to be consistent with the mandate and accountabilities of Hydro One Networks Inc. (Hydro One), local distribution companies (LDCs), licenced transmitters, industrial customers, etc., who may design, construct and operate transmission facilities.

This Class EA Document makes use of Ontario Hydro's and Hydro One's experience completing numerous Class EAs. It is also prepared in accordance with O. Reg. 116/01, O. Reg. 231/08, and the MOECC Code of Practice, and takes into consideration other Class EA documents from other sectors, as well as valuable input from a variety of government agencies and other organizations."

11. The applicant shall remove the following text presented in section 1.1 on page 3:

"As previously noted, this Class EA Document applies to Category 8 transmission projects that are not associated with Category 8 generation facilities (see Class EA History of this Document and/or Guide to Environmental Assessment Requirements for Electricity Projects, 2011). These projects are defined to include the following:"

and shall replace it with the following text:

"As previously noted, this Class EA Document applies to Category 8 transmission projects that are not associated with Category 8 generation facilities (see Class EA History of this Document and/or Guide to Environmental Assessment Requirements for Electricity Projects (2011). This Class EA

Document also applies to certain power supply infrastructure projects for the electrification of commuter rail corridors that are designated as subject to the EA Act in O.Reg. 231/08, if the proponent provides written notice to the appropriate MOECC officials under subsection 2(6) of O.Reg. 231/08 that it will instead proceed with the project in accordance with this Class EA Document.

The projects that are subject to this Class EA Document are defined as follows:"

12. The applicant shall replace the three occurrences of the term "multiple Class EAs" with "multiple environmental assessment processes" in Subsection 5.7 of the Class EA (Coordination with Other Approval Processes) on page 36.
13. The applicant shall remove the following text presented in Subsection 6.4 of the Class EA (Consideration of Climate Effects) on page 51:

"Hydro One considers the potential environmental effects of climate change in the design of its transmission facilities. Facilities are designed in accordance with North American engineering standards and are able to operate effectively over a wide range of temperatures, precipitation and other weather conditions. Other proponents should consider climate change effects on their projects."

and shall replace it with the following text:

"All proponents must consider the potential environmental effects of climate change (storms, flooding, drought or other severe weather events) in the design, siting, construction and operation of minor transmission facilities. Proponents are encouraged to consider provincial, national and international industry best practices in the design of minor transmission facilities as they relate to climate change and the increasing frequency of severe weather abnormalities."

14. The applicant shall remove the following text presented in Subsection 3.3.2 of the Class EA (Initial Notification) on page 17:

"h. Freedom of information (FOI) statement advising how written submissions will be handled for the purposes of freedom of information. (see below paragraph for statement that must be included in notices)"

and shall replace it with the following text:

"h. Freedom of information (FOI) statement advising how written submissions will be handled for the purposes of freedom of information requests and for compliance with the Freedom of Information and Protection of Privacy Act. (see Subsection 4.3)

15. The applicant shall remove the following text presented in Subsection 3.3.2 of the Class EA (Initial Notification) on page 17:

"As stated in the MOE Code of Practice (section 6, pp. 47), to comply with *Freedom of Information and Protection of Privacy Act* requirements, notices must contain the following statement:

'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*. 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 Project Officer or the Ministry of the Environment and Climate Change's Freedom of Information and Privacy Coordinator at 416-327-1434.'

16. The applicant shall relabel Subsection 4.3 on page 30 as Subsection 4.4, and will insert a new Subsection 4.3 on page 30 titled "*Freedom of Information and Protection of Privacy Act* Notice Requirements" that includes the following:

"As stated in the MOECC Code of Practice (subsection 6.1.6, page 56), to comply with *Freedom of Information and Protection of Privacy Act* requirements, all project notices must contain the following statement:

'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*. 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 and Climate Change's Freedom of Information and Privacy Coordinator at 416-327-1434.'

Additionally, the applicant shall add the following at the end of the list of Final Notification requirements in Subsection 3.4.2 of the Class EA (Final Notification) on page 22:

"o. FOI statement advising how written submissions will be handled for the purpose of freedom of information requests and for compliance with the Freedom of Information and Protection of Privacy Act. (see Subsection 4.3)"

17. The applicant shall include another item in the list of required content for a Part II Order request in Subsection 3.4.4 of the Class EA (Review and Decision by the Minister / Part II Order Request) on page 23, listed first and labelled as follows:

"a. A clear indication that a request for a Part II Order is being made."

18. The applicant shall replace the phrase "The Part II Order must be made in writing to the Minister or delegate with a copy to the Project Evaluator at the EAB, and the proponent, and must include the following" with "The Part II Order must be

made in writing to the Minister or delegate with a copy to the proponent, and must include the following" in Subsection 3.4.4 of the Class EA (Review and Decision by the Minister /Part II Order Request) on page 23.

19. The applicant shall remove the following text presented in Subsection 3.4.4 of the Class EA (Review and Decision by the Minister /Part II Order Request) on page 24:

"Upon receipt of a valid Part II Order request, the Project Evaluator at the EAB at the MOECC shall request that the proponent provide a copy of any relevant project documentation. The Minister or delegate will consider the information submitted by the proponent, the requester(s) and any person the Minister or delegate chooses to consult before making a decision. The review of any Part II Order requests will be commenced upon receipt of all information (from proponent\requestor(s)\other agencies) after the review period following the issuance of the Final Notification. A decision will be made normally within 45 days of receipt of all project documentation provided by the proponent, and will be one of the following:"

and shall replace it with the following text:

"Upon receipt of a Part II Order request, the Project Evaluator may request that the proponent provide a copy of any relevant project documentation to the Ministry within a specified time frame. The Minister or delegate will consider the information submitted by the proponent, the requester(s) and any person the Minister or delegate chooses to consult before making a decision. The review of any Part II Order requests will be commenced upon receipt of all information (from proponent\requestor(s)\other agencies) after the review period following the issuance of the Final Notification. The Minister or delegate will consider the evaluation criteria for Part II Order requests as set forth in section 16(4) of the *Environmental Assessment Act*. The ministry review of a Part II Order request will normally be completed within 45 days of receipt of all project documentation provided by the proponent and after any required consultation by the ministry. After the ministry review, the Minister will make a decision, which will be one of the following:"

20. The applicant shall insert the following after the last paragraph in Subsection 3.4.4 of the Class EA (Review and Decision by the Minister /Part II Order Request) on page 24:

"If none of the above has occurred by the required decision deadline, the proponent is entitled to proceed with the project; however, before proceeding, proponents must confirm with the Ministry of the Environment and Climate Change that no decision has been made on the Part II Order request. Should the proponent proceed with the project without a Part II Order decision having been made, 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."

21. The applicant shall remove the following text presented in Subsection 6.5 of the Class EA (Consideration of Cumulative Effects) on page 51:

"Class EA proponents will consider cumulative effects when planning projects. The assessment will include the proposed undertaking and any other proposed undertakings in the immediate project area where documentation is available (e.g., other environmental assessments)."

and shall replace it with the following text:

"All proponents will consider cumulative effects when planning projects. The assessment will include the proposed undertaking and any other proposed undertakings in the immediate project area where documentation is available (e.g., other environmental assessments)."

22. The applicant shall add 'Biodiversity' as an item to the list of Typical Data Types under the "Natural Environment Resources" in Appendix C on page 68.
23. The applicant shall replace Section 5.3, Phase-in Period with the following text:

5.3 Phase-in Periods

Phase-in from 1992 Class EA

If Initial Notification for a project was issued under the 1992 Class EA, the project would continue to be subject to the 1992 Class EA for the life of that project. An Addendum to an Environmental Study Report for such a project would also be subject to the 1992 Class EA.

Phase-in to Future Amendments to this Class EA

In some situations, during a review or amendment of this Class EA Document, some projects may be in the process of being planned using the existing Class EA Process or already had the Initial Notification issued. For the purpose of consistency and process flow, such projects will be broken into two categories: those for which Initial Notification has not yet been issued and those for which Initial Notification has been issued.

If the Initial Notification for the project has not been issued before the amendments to this Class EA Document are approved by the Minister, or Director of the EAB at the MOECC, the project is not considered to be in progress and must follow the Class EA Process outlined in the amended document.

If the Initial Notification for a project has been issued before the amendments to this Class EA Document are approved by the Minister, or Director of the EAB at the MOECC, the project is considered to be in progress. The project should continue using the previous Class EA Process that was in place at the time of the issuance of the Initial Notification. An Addendum to an Environmental Study Report for such a project would also be subject to the version of the Class EA that was in place at the time of the issuance of the Initial Notification for that project.

The project has the option to proceed under the newly revised provisions of this Class EA Document through discussions with the Director of the

EAB and the appropriate Regional Offices at the MOECC and by providing rationale.

24. The applicant shall replace all references to the Ontario Power Authority, with references to the Independent Electricity System Operator, wherever such references occur throughout the Class EA.

Dated the 31st day of October 2016 at TORONTO.



Minister of the Environment and Climate Change
77 Wellesley St. W., 11th Floor
Toronto, Ontario
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Approved by O.C. No. 1726/2016

Date O.C. Approved Nov 16, 2016