


1



Proposal: Developing a Project
Evaluation Policy (PEP) to Replace the
Class Environmental Assessment for
MNR Resource Stewardship and Facility
Development Projects (Class EA-RSFD)

Contents

- Introduction..... 1
- Part I: Proposing a Project Evaluation Policy to replace the Class EA-RSFD 2
 - What is the Class EA-RSFD? 2
 - Replacing the Class EA-RSFD with the PEP 2
 - Guiding Principles for Developing the PEP 3
- Part II: Aboriginal and Treaty Rights – The Duty to Consult..... 5
- Part III: The Project Evaluation Policy (PEP)..... 6
 - Section 1. Purpose of the PEP..... 6
 - Section 2. Definitions 6
 - Section 3. Application of the Project Evaluation Process 8
 - Section 3.1 Determining if a project evaluation is required..... 10
 - Section 4. Project Evaluation 15
 - Section 4.1 Project Evaluation Process..... 16
 - Section 4.2 Project Modifications 22
 - Section 4.3 Other Processes Outside of the PEP 23
 - Section 5. Project Evaluation Policy Amendment Process..... 24
- Appendix 1: PEP Would Not Apply – Another Process Applies 25
- Appendix 2: PEP Would Not Apply – Projects with Lower Potential for Impacts 26
- Appendix 3: PEP Would Apply – Projects with Higher Potential for Impacts 29
- Part IV: Next Steps and Discussion Questions 30

Introduction

This policy paper outlines Ontario's proposal to establish a new scoped and streamlined Project Evaluation Policy (PEP) to replace the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects (Class EA-RSFD). The proposed PEP is a targeted, risk-based process that would reduce delays for routine and lower-impact projects, while continuing to provide environmental oversight for higher-impact projects.

To support a smooth transition to the Project Evaluation Policy, the Ministry of Natural Resources (MNR) would seek to maintain Class EA-RSFD requirements for projects that are already approved or undergoing assessment under the Class EA-RSFD at the time of implementation.

Feedback from stakeholders, Indigenous communities and the public will be considered in the development of the PEP.

Overview of the Policy Paper

Part I describes Ontario's proposed approach to replacing the Class-EA RSFD with a streamlined PEP. It explains why this change is being considered, the goals of the PEP, and the principles that are guiding the development of the PEP, including a focus on risk-based environmental oversight, Aboriginal and treaty rights and coordination with other processes.

Part II outlines and acknowledges Ontario's constitutional duty to consult Aboriginal communities where the Crown contemplates decisions or actions that may adversely impact asserted or established Aboriginal or treaty rights.

Part III presents the details of the proposed PEP. It describes the PEP's purpose, key definitions, criteria for determining when project evaluations are required, and the steps in the project evaluation process. This section also outlines the proposed components of a project evaluation, including mitigation measures and engagement approaches.

Part IV provides discussion questions to help guide your feedback. Your input will help Ontario design a policy that is clear, practical, considers the environment, natural resource management and Indigenous values, and reduces administrative burden and supports streamlined implementation.

Part I: Proposing a Project Evaluation Policy to replace the Class EA-RSFD

What is the Class EA-RSFD?

The EA Act requires MNR to apply the Class EA-RSFD before certain projects can proceed to implementation. The Class EA-RSFD was approved on November 12, 2002 with an effective date of March 31, 2003 and has since been amended, most recently in February 2024. This process applies to:

- **Resource stewardship** (e.g., habitat restoration, fisheries management)
- **Facility development** (e.g., building or upgrading ministry facilities)
- **Approvals and permissions allowing the use of or granting of rights to public lands or natural resources** (e.g., permits, licences, land transactions)

The Class EA-RSFD assesses potential effects on the environment, facilitates dialogue with Indigenous communities, the public, and other interested parties and determines appropriate mitigation measures to be implemented.

MNR's experience with the Class EA-RSFD has shown that while most projects that are screened have low potential for environmental effects the process is often administratively heavy, duplicative and extends beyond MNR's core mandate, sometimes delaying projects unnecessarily.

Replacing the Class EA-RSFD with the PEP

Ontario is considering changes that would reduce delays for MNR's projects by focusing on those with higher potential for impacts on the environment, natural resource management and/or Indigenous values.

The proposed approach would replace the Class EA-RSFD with a PEP administered by MNR, that would:

- Maintain environmental oversight for projects with higher potential impacts by assessing impacts and recommending mitigation measures
- Reduce administrative burden for lower-impact projects
- Align with broader government priorities to streamline approvals

To enable the replacement of the Class EA-RSFD with a PEP, MECP is proposing changes to regulations under the EA Act (see ERO notice [026-0563](#)) that would if approved revoke the approval of the Class EA-RSFD. It is proposed that any new projects commenced after the

proposed revocation would be subject to the PEP. MECP is also proposing through regulation to exempt any new projects from Part II.1 of the EA Act.

MECP is proposing to provide through regulation that the Class EA-RSFD would continue to apply for a five-year transition period to projects with assessments already underway under the Class EA-RSFD (i.e., a public notice has been issued), or to projects where an assessment has been completed but the project has not yet been implemented.

It is proposed that where a section 16 order request has been submitted and is under consideration by the Minister at the end of the 5-year transition period, that a decision by the Minister must still be made and the assessment process completed under the Class EA.

It is also proposed that any other projects transitioned under the Class EA-RSFD where an assessment has not been completed at the end of the 5-year period would be subject to the PEP before being able to proceed.

The PEP would set out that if a project was assessed under the Class EA-RSFD but not yet implemented it could proceed to be implemented in accordance with the conclusions reached in the assessment and would not require an assessment under the PEP. It is proposed that the assessment under the Class EA-RSFD could be relied on for a period of 10 years from the completion date of the assessment, after which an assessment under the PEP may be required before a project can proceed.

Guiding Principles for Developing the PEP

The following principles are guiding the development of the proposed PEP:

- a) **Mandate-Driven** – Reflect MNR’s responsibility for managing natural resources to support Ontario’s economic prosperity, sustainable resource management, protection from natural hazards, and quality of life for the people of Ontario.
- b) **Modernization and Service Excellence** – Continuously improve internal processes and service delivery by streamlining steps, minimizing duplication, and providing clear guidance and standard conditions to support timely, consistent decisions across the ministry.
- c) **Proportional, Risk-Based Oversight** – Focus effort on projects with higher potential to affect the environment, natural resource management and/or Indigenous values. Reduce or remove process requirements for projects presenting a lower potential for impacts.
- d) **Environmental Protection** – Maintain strong environmental oversight for natural resources, biodiversity and ecosystems.

- e) **Opportunities for Engagement** – Facilitate engagement with interested parties and the public.
- f) **Respect for Aboriginal and treaty Rights** – Act in a manner consistent with Ontario's obligations under Section 35 of Canada's *Constitution Act, 1982*.
- g) **Alignment and Coordination** – Rely on related frameworks where appropriate to avoid overlapping requirements and leverage other evaluation processes.
- h) **Adaptability and Accountability** – Enable continuous improvement and monitoring of the PEP and undertake updates as priorities evolve and information is gathered through implementation.

Part II: Aboriginal and Treaty Rights – The Duty to Consult

Ontario, as the Crown, has a legal obligation to consult with Aboriginal peoples where it contemplates decisions or actions that may adversely impact established or credibly asserted Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult.

The duty to consult, and where appropriate accommodate, is rooted in:

- The Honour of the Crown (a legal principle that commits government to act with integrity).
- Respect for Aboriginal and treaty rights in a manner consistent with Ontario's obligations under Section 35 of *Canada's Constitution Act, 1982*

Ontario's consultation obligations and additional information is available at:

- [Duty to consult with Aboriginal peoples in Ontario | ontario.ca](#)
- [Draft guidelines for ministries on consultation with Aboriginal peoples related to Aboriginal rights and treaty rights | ontario.ca](#)

The proposed PEP may inform and assist with the Crown's obligations respecting its duty to consult with Aboriginal communities and its ability to meaningfully consult and accommodate, where appropriate.

The Crown's duty to consult exists regardless of PEP requirements where the Crown is considering decisions or actions that may adversely impact constitutionally protected Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult with Aboriginal communities.

Part III: The Project Evaluation Policy (PEP)

Section 1. Purpose of the PEP

The PEP would provide a clear, consistent, and risk-based process and serve as a project planning and decision-support tool for evaluating MNR projects. The PEP would help ensure that environmental oversight is applied where it matters most, while supporting timely and efficient decision-making.

The PEP would provide a process to:

- Identify which projects are subject to the PEP's project evaluation process based on defined inclusions and exclusions and factors such as location, scale, and potential impacts.
- Evaluate the potential of projects to affect the environment, natural resource management, and Indigenous values.
- Facilitate dialogue with Indigenous communities, the public and other interested parties.
- Recommend avoidance and mitigation measures and monitoring requirements to reduce potential impacts.

The PEP would apply a risk-based approach to distinguish between projects with a higher or lower potential for impacts. This distinction would be informed by consideration of factors such as the sensitivity of the environment, the scale and geographic extent of the project, the magnitude and duration of potential impacts (including reversibility), the likelihood of impacts occurring, and the potential implications for natural resource management, Indigenous values, and social and economic conditions.

Section 2. Definitions

The PEP would include key definitions. The following proposed definitions may be modified and new definitions may be added for clarity as the PEP is finalized.

Archaeological resources: includes artifacts, archaeological sites, and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Avoidance Measures: measures that can be taken to prevent the potential impacts on the environment, natural resource management and/or Indigenous values that may be caused by a project (e.g., re-routing a road around a wetland).

Environment: includes **natural resources** and **social and economic conditions**, in particular:

- land (in its natural or altered state), terrestrial and aquatic habitats, lakes and rivers and biodiversity
- ecological systems, processes, and functions
- community well-being, recreational land uses, local economies, employment, and access to natural resources

Facility: includes equipment, infrastructure, buildings, or improvements that are built, installed, placed or established to provide the physical means or assistance to make an action, operation, or course of conduct easier.

Implementation: the issuance of an MNR approval or authorization, or the commencement of physical works for a project carried out by or on behalf of MNR.

Indigenous values: include lands, waters, sites, and practices that Indigenous communities identify as having cultural, spiritual, social, historical, archaeological, or land use significance, including those associated with the exercise of Aboriginal or treaty rights. Indigenous values may be community-specific and may differ among Indigenous communities throughout Ontario.

Invasive Species: plants, animals and other organisms that are not native to the province or an area of the province and whose introduction or spread harms or is likely to harm the natural environment, society, or economy.

Mitigation Measures: measures to reduce potential impacts on the environment, natural resource management and/or Indigenous values (e.g., installing erosion controls).

Native Species: Species that occur naturally in an area, or which have migrated into an area and become established through natural mechanisms. Native species do not include species that have been transported by humans or have been able to establish themselves because of human alterations of the environment.

Project: an activity or approval determined to be in scope in accordance with Section 3.1, Step 1: Confirm the Project is in Scope of the Project Evaluation Policy.

Projects with Higher Potential for Impacts: projects where potential impacts are expected to be difficult to fully avoid or mitigate due to the widespread, longer-term, magnitude or complexity of impacts that may result in measurable changes to the environment, natural resource management and/or Indigenous values.

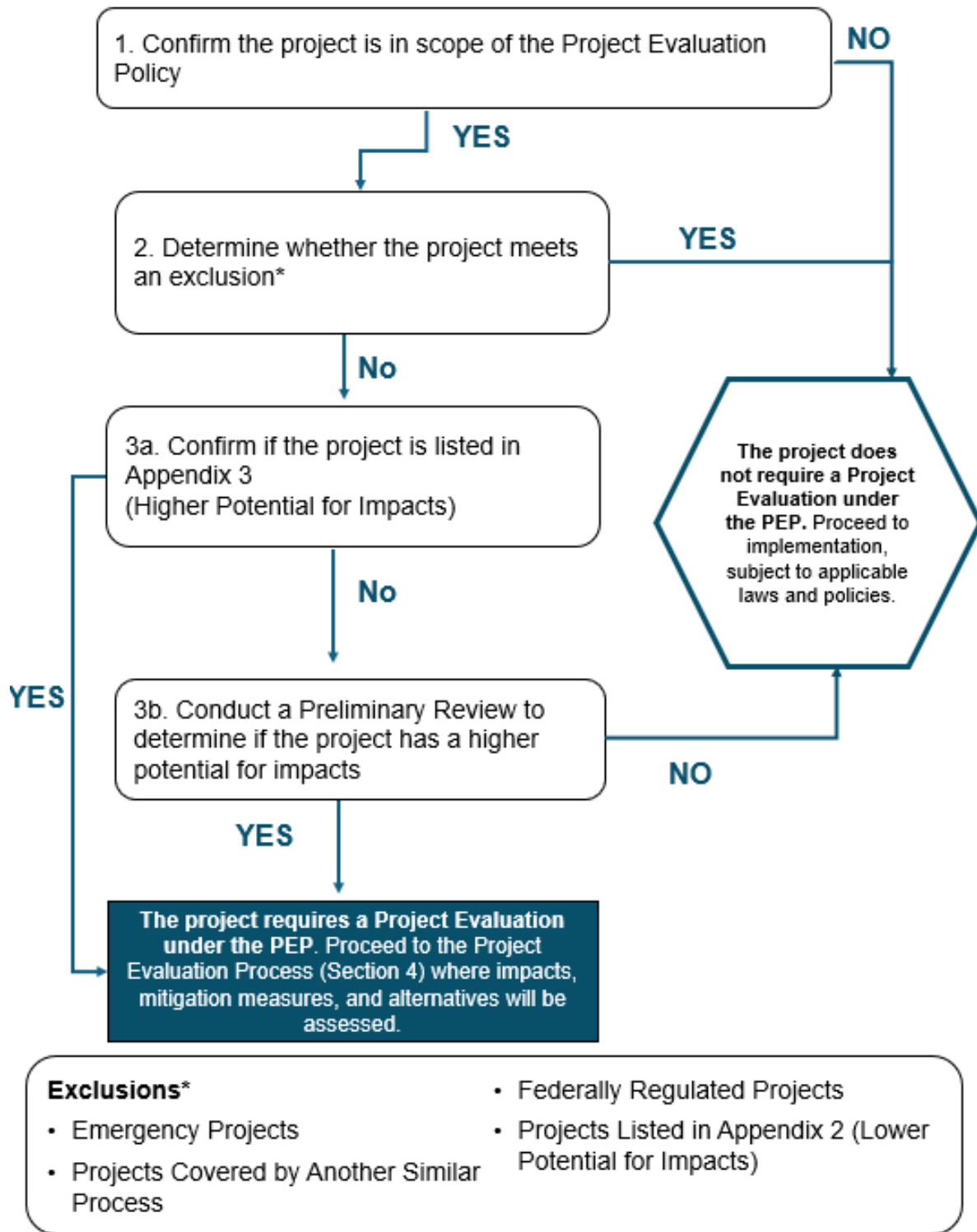
Projects with Lower Potential for Impacts: projects where potential impacts are expected to be minor, localized, temporary or readily avoidable or mitigable, with little measurable change to the environment, natural resource management and/or Indigenous values.

Research: Research includes measuring, monitoring, and testing and means a project that is carried out for the purposes of or that consists of research.

Section 3. Application of the Project Evaluation Process

This section outlines how MNR proposes to determine if a project is in scope of the PEP and whether or not a project evaluation is required. MNR would complete a project evaluation for projects that have a higher potential to affect the environment, natural resource management and/or Indigenous values. A project evaluation would not apply to projects that are subject to similar environmental oversight or are urgently required to address a known or potential threat.

Figure 1. Determining if a project evaluation is required



Section 3.1 Determining if a project evaluation is required

This section outlines the proposed process that MNR would follow to determine if a project evaluation is required. MNR may request information from a third party or applicant to support this determination.

Step 1: Confirm the project is in scope of the Project Evaluation Policy

Before applying the PEP, MNR would determine whether the activity is a **project** for the purposes of this policy.

A project would include:

- an activity carried out by or on behalf of MNR, including activities delivered by contractors, consultants, or third parties on MNR's behalf
- approvals or authorizations issued by MNR that:
 - allow work or activities to be undertaken on public lands or shore lands
 - allow the use or occupation of public lands or shore lands
 - grant rights to public lands or natural resources

A project would not include strategic, policy, or planning activities, including land use planning, community-based land use planning, or resource management planning.

A project would not include situations where MNR is exercising its authority to regulate a private person or entity carrying out an activity where that type of activity is regulated by MNR whether it occurs on public or private lands. This includes activities under the following statutes:

- *Lakes and Rivers Improvement Act*
- *Oil, Gas and Salt Resources Act*

Where an activity does not meet the description of a project, it would not be in scope of the PEP and could proceed in accordance with applicable legislation, policies, and procedures.

Where an activity is determined to be a project for the purposes of the PEP, MNR would proceed to the next steps to determine whether a project evaluation is required.

Step 2: Determine whether the project meets an exclusion

If a project meets one of the exclusions listed below, MNR may proceed with implementation of the project, provided all applicable laws and policies are met.

A. Emergency Projects

Projects urgently required to address threats to human life, health, safety, property, public services or the environment. This includes projects in response to:

- Wildlife disease outbreaks (e.g., chronic wasting disease)
- Invasive species requiring an immediate response
- Infrastructure failure (e.g., dams, bridges, fish culture tanks)
- Natural hazards (e.g., floods, drought, erosion)
- Oil and gas emergencies

B. Projects Listed in Appendix 1 (Another Process Applies)

Projects that are listed in Appendix 1 would be excluded from the PEP because they are considered to be subject to similar environmental oversight under another statutory or policy framework. Similar environmental oversight refers to processes that provide for the identification and consideration of potential environmental impacts and generally involves an engagement process.

Before approving the project, MNR would need to confirm the other process has been applied to the project. Information from the other process could support MNR's review of the project and inform decisions related to approvals or authorizations, including whether the approval or authorization should be issued and whether additional conditions or mitigation measures are required.

C. Federally Regulated Entities

Federally regulated entities may propose to use public lands for activities that fall under federal constitutional authority. These activities are governed by federal legislative powers and the federal government oversees the core purpose, operation, or regulation of the activity.

Examples of federally regulated activities include:

- interprovincial oil and gas pipelines
- nuclear waste storage or related nuclear facilities
- telecommunications infrastructure such as fibre-optic cables and cell towers

MNR manages the use of public lands for these activities through land licensing or land use agreements between the federally regulated entity and MNR.

D. Projects listed in Appendix 2 (Lower Potential for Impacts)

Through past experience and analysis, MNR has determined that certain routine projects typically have minor, localized and readily mitigated potential impacts, with little to no measurable effect on the environment, natural resource management and/or Indigenous values. These projects are listed in Appendix 2.

Projects that do not meet one of the above exclusions would be further reviewed to determine if a project evaluation is required.

Step 3: Determine whether the project evaluation process is required

There are two ways to determine if a project evaluation process is required.

a) Confirm if the project is listed in Appendix 3 (Higher Potential for Impacts)

Through past experience and analysis, MNR has determined that certain projects have a greater potential for impacts that are difficult to fully avoid or mitigate and may result in measurable changes to the environment, natural resource management and/or Indigenous values.

If the project is listed in Appendix 3, a project evaluation (Section 4) would be required.

b) Preliminary review to determine if the project has a higher potential for impacts

For projects not listed in Appendix 3, MNR would complete a preliminary review to determine whether a proposed project has a higher potential for impacts on the environment, natural resource management and/or Indigenous values, based on available information.

This step is intended to be high-level and not a detailed impact assessment. It relies on readily available information (e.g., information provided by the applicant, the MNR proposal, local knowledge and existing data and mapping, such as data available through the Crown Land Use Policy Atlas, GeoHub) to identify features and characteristics that could reasonably be affected by the proposed project. Detailed studies or field investigations would not be required to complete the preliminary review.

Where a project is determined to have a higher potential for impacts through the preliminary review, the project would require a project evaluation (Section 4), where impacts, avoidance and mitigation measures, and alternatives would be assessed in greater detail.

Collect General Project Information

To initiate the preliminary review, MNR would compile available information to understand the nature of the proposed project and where it is proposed to occur.

Information requirements would include:

- **Project Description and Rationale**

- Description of the proposed project (type, purpose, key components)
- Project timelines and phases (construction, operation, decommissioning)
- Any proposed/known avoidance and mitigation measures, including through other regulatory processes

- **Location Information**

- Map, geographic coordinates or mapping references
- General land ownership or control in the area and any permits or interests in land granted by the Crown (public lands administered by MNR, private land, protected area proximity)
- Existing and historical (where applicable) land uses on and adjacent to project area
- Known values (e.g., Geohub data, existing reports or studies)

Considering potential for impacts

In completing the preliminary review, MNR would consider whether the proposed project, could have a higher potential for impacts on identified features or characteristics.

As part of the review, MNR would take into account avoidance measures and any standard or well-established mitigation measures that are commonly applied to similar projects and are expected to form part of project design or authorization conditions. MNR would also consider the local context of the project, including other activities, land uses, or disturbances occurring in the immediate area that may reasonably interact with or influence the potential for impacts.

Projects with higher potential for impacts are those projects where potential negative effects are expected to be difficult to fully avoid or mitigate and may result in measurable changes to the environment, natural resource management and/or Indigenous values.

Projects with higher potential for impacts are expected to satisfy at least one of the following:

- The project may have potential for impacts on a sensitive or vulnerable feature (e.g., significant wildlife habitat, spawning habitat) with limited ability to recover.

- The magnitude of the potential impact is high, meaning the change would be significant enough to measurably alter the condition or function of the feature.
- The potential impacts may extend over a large geographic area (i.e., the project involves a large area or the impacts would extend beyond the immediate area or local site).
- The potential impacts may be long-term or irreversible with impacts that would be permanent, difficult to mitigate, or that could or would continue well beyond project completion.
- There is a high likelihood of potential impacts occurring based on the nature of the project, past experience and available evidence.

The preliminary review would not require confirmation of impacts or a detailed analysis of mitigation.

Values Identification and Assessment of Potential Impacts to Identified Values

Using the information available, MNR would review the proposed project to decide whether the project is likely to have a higher potential for impacts. This review looks at impacts to features or values within or near the project area (generally within 120 metres or other appropriate distances identified in existing MNR technical guidance), and beyond that area if impacts could reasonably occur, including:

- Natural environment values (e.g., wetlands, areas of natural and scientific interest, fish habitat)
- Natural resource management (e.g., fish and wildlife resource management objectives, mineral aggregate resource deposits and operations, mineral and petroleum operations and underground geologic storage operations, forestry resource management activities, resource-based tourism operations)
- Indigenous values (e.g., Indigenous sites of cultural significance, known cultural heritage values or archaeological sites)
- Social and economic conditions (e.g., public health and safety concerns, recreational uses, known user groups or businesses)

If the results of this review indicate that the project has higher potential for impacts, a project evaluation would be required.

A determination made through the preliminary review is intended to apply for a limited period of time. Where a substantially similar project (e.g., same activity at the same location) is proposed again within five years of completing a preliminary review, the previous preliminary

review would continue to apply for the purposes of the PEP and may be relied upon to determine whether a project evaluation is required.

Section 4. Project Evaluation

This section outlines the key components of the proposed project evaluation process and requirements to document, evaluate, and engage on a project.

- **Section 4.1 – Project Evaluation Process**
 - Direction on how a Project Evaluation Report (the report) would be prepared and engaged on
- **Section 4.2 – Project Modifications**
 - Direction for when modifications could occur after the report is approved
- **Section 4.3 - Other Processes Outside of the Project Evaluation Policy (PEP)**
 - Direction on the relationship of the evaluation process with other processes

The proposed evaluation process provides a structured project evaluation that would include an assessment of features, potential impacts on those features and possible avoidance or mitigation measures and monitoring requirements. The evaluation process should be coordinated with other requirements that are separate from the PEP, including duty to consult obligations and archaeological/cultural heritage resources assessments where applicable (Section 4.3).

MNR may delegate specific components of the evaluation process to a third party or applicant including:

- development of the draft evaluation report, analysis of impacts and avoidance and mitigation plan
- public and Indigenous community engagement
- revisions to the draft report based on engagement and MNR review
- finalization of the project evaluation report.

Review of the draft report must be completed by MNR and cannot be delegated (see details in Step 3 of Section 4.1).

Section 4.1 Project Evaluation Process

A Project Evaluation Report would be prepared for a project, following four steps:

1. Development of the draft Project Evaluation Report
2. Engagement
3. Completion of the Project Evaluation Report
4. Implementation of the Project

Step 1: Draft Project Evaluation Report

Building on the information collected during the preliminary review, a draft report would be prepared that identifies potential impacts of the proposed project on the environment, natural resource management, and Indigenous values and recommends appropriate avoidance and mitigation measures.

The draft report would include:

Project Details

- **Purpose and Rationale:** Summary of the project's purpose, rationale, and the risks of not proceeding.
- **Project Area:** Defined area with appropriate-scale mapping based on the expected geographic extent of the impacts being assessed (this area may be larger than the project footprint), geographic coordinates or relevant mapping references.
- **Project Description:** Overview of the proposed project, footprint, phases, schedule, and any ancillary infrastructure or activities.
- **Land Owners and Authorized Users :** Description of land ownership or management (e.g., public lands administered by MNR, private land, riparian rights, overlapping authorizations such as land use permits, traplines, etc.).
- **Existing Land Use:** Summary of current land uses (e.g., residential, commercial, agricultural, recreational) within and around the project area, including applicable land use policies for the area (e.g., provincial plan designations).
- **Existing Features:** Map and summary of existing natural heritage, environmental and resource management values in the project area.

- **Alternatives:** Where appropriate, a description of alternative approaches or designs that were considered to achieve the project objectives with fewer potential impacts and why the selected alternative was chosen.

Analysis of Potential Impacts

The report should identify natural environment values, natural resource management objectives, Indigenous values and social and economic values that may be affected by the project. It should describe the status and sensitivity of these values, their ecological functions, and the magnitude, extent and duration of potential impacts. Examples of values include:

Natural Environment

- Wetlands, including coastal wetlands
- Areas of natural and scientific interest
- Significant wildlife habitat
- Fish habitat and populations in waterbodies with enhanced management priorities or designations (e.g., lake trout lakes, natural brook trout lakes and watercourses)
- Plant communities, topography, riparian vegetation, protective vegetated buffers
- Landscape connectivity
- Biodiversity and ecosystems
- Wildlife populations
- Provincially-tracked species, including rare (S1-S3 ranking)
- Hazard-prone areas

Natural Resource Management

- Deposits of natural resources (e.g., mineral aggregate, mineral, petroleum)
- Existing aggregate operations
- Existing mineral, petroleum and underground geological operations (including storage)
- Forest operations within an approved forest management plan under the *Crown Forest Sustainability Act, 1994*
- Fish and wildlife resource management objectives (e.g., protect the composition of native fish communities)
- Resource-based tourism operations
- Existing public land use or access

Indigenous Values

- Known cultural heritage or archaeological sites, including results from previous archaeological assessments
- Indigenous sites of cultural significance
- Areas, resources, or practices connected to the exercise of Aboriginal or treaty rights
- Land-based activities and cultural practices identified by Indigenous communities

Social and Economic Conditions

- Known public, stakeholder, or social interests
- Recreational uses
- Public health and safety and/or property concern (natural hazards or hazard-prone areas)
- Established communities, user groups or stakeholders with an interest in the area
- Local, regional or provincial economic activities or businesses
- Resource-based- industries (e.g., renewable energy development)

Assessment of impacts on these features should include:

- Sensitivity of natural environment values, natural resource management and Indigenous values to disturbance (e.g., degree of tolerance to alteration)
- Potential short-term and long-term- impacts (e.g., habitat loss, fragmentation, loss or degradation of ecological services or functions, hydrological changes, invasive species introduction, access restrictions, constraints on future access to or use of resources)
- Spatial extent, magnitude, frequency, and duration of potential impacts
- Impacts during construction, operation and decommissioning (e.g., timing of vegetation removal, changes in shade cover or water temperature)
- Direct and indirect impacts (e.g., direct habitat loss or fragmentation, indirect introduction of invasive species)
- Existing conditions and activities in the project area, including other ongoing or planned activities, disturbances, or land uses, that may influence project impacts

Where existing information is insufficient to identify values within the study area or to assess potential impacts, additional site investigation or studies may be required to inform MNR's decision-making on the project.

For MNR approvals and authorizations, any studies required to support the evaluation, inform mitigation measures, or support decision-making would be the responsibility of the applicant, who may be required to retain a qualified professional to complete them. The need for studies would be discussed early in the process, including when determining whether components of the evaluation may be delegated.

Avoidance and Mitigation Plan

This section of the report would outline measures to avoid, minimize, and manage potential impacts identified through an evaluation.

Avoidance Measures

The report would describe actions to prevent impacts from occurring, such as:

- Adjustments to project location, routing, footprint, technology or design
- Timing restrictions (e.g., avoiding sensitive seasons or wildlife activity periods)
- Retention of key natural features or buffers (e.g., maintaining riparian vegetation for shading and bank stability)

Avoidance should be the preferred approach wherever feasible. Where avoidance is not feasible, rationale for this determination would be provided.

Mitigation Measures

Where avoidance is not possible, the report would provide mitigation measures designed to reduce or manage adverse impacts. Examples include:

- Erosion and sediment control measures
- Vegetation restoration and planting of appropriate native species that are adapted to their growing environment now and in the future
- Establishment of protective buffers or setbacks (e.g., 30 m vegetated setback from fish habitat and populations)
- Measures to maintain hydrological function and protect water quality
- Invasive species prevention measures, including equipment and vehicle cleaning protocols, use of certified weed-free materials and plans for post construction monitoring and control
- Measures to rehabilitate or restore lands following completion of project activities, where applicable (e.g., site stabilization, removal of infrastructure)

Mitigation would be designed to:

- Prevent or reduce impacts on the environment, natural resource management and/or Indigenous values
- Maintain the size, health, diversity, and ecological function of affected values

The report would describe how mitigation recommendations could be implemented and, where necessary, monitored to assess their effectiveness (e.g., through MNR approvals, permits, authorization conditions, or MNR program implementation where the project is led by MNR).

Engagement Plan

The report would outline proposed engagement activities, including:

- Summary of any engagement previously undertaken
- Parties to be notified and engaged (Indigenous communities, stakeholders, other government ministries and the public)
- Materials to be shared with identified parties
- Coordination with any duty to consult obligations and consultation being undertaken (see section 4.3)

For draft reports prepared by an applicant, prior to initiating Step 2 (Engagement), MNR would review the draft Project Evaluation Report to confirm that it is suitable to proceed to engagement, including that:

- the project is appropriately described and scoped for engagement
- potential impacts have been sufficiently identified to support meaningful engagement
- the Engagement Plan aligns with the requirements of the PEP

This review is not intended to assess the merits of the project proceeding to implementation or to determine the outcome of the evaluation but rather to ensure the necessary components of the draft report have been included to support meaningful engagement.

Step 2: Engagement

Identified Indigenous communities, stakeholders, other government ministries or agencies and the public would be engaged on the draft project evaluation report. A minimum 30-day comment period would be provided as part of the project evaluation process. The comment period may be extended to allow more time for engagement and/or to align with duty to consult obligations (should they arise) or coordination with other processes.

At a minimum, engagement would include direct notification to identified parties, consisting of:

- A notice and brief description of the proposed project
- A link to or copy of the draft Project Evaluation Report
- Instructions for submitting comments
- Information on the comment period
- An opportunity to request further notification upon completion of the project evaluation process

Additional consultation methods may be used, such as:

- Meetings or virtual sessions
- Social media or targeted digital outreach
- Other methods suited to the project context or audience

The Crown remains responsible for meeting the constitutional duty to consult Aboriginal communities. Procedural aspects of consultation may be coordinated with applicants or those undertaking a project for MNR, and consultation undertaken through the PEP may help inform the Crown's consultation record. This coordinated approach would integrate processes and reduce duplication. Section 4.3b outlines Ontario's duty to consult obligations and how they relate to the PEP.

Step 3: Completion of the Project Evaluation Report

There may be other process requirements that apply to a project outside of the PEP requirements that inform the final report (Section 4.3). These requirements should be coordinated with the report when possible.

Following engagement, the draft report would be updated to reflect information gathered through engagement and consultation, including issues raised, responses provided, and any refinements to the analysis, project description, or avoidance and mitigation measures.

The report would be reviewed to confirm the evaluation is complete, adequate and consistent with the requirements of the PEP. This review would be conducted by MNR and **could not be delegated**.

Based on the results of this review, the draft report would be updated as needed. Once MNR is satisfied that the evaluation is complete and meets PEP requirements, the report would be finalized and retained as part of the project file. Parties who requested further notification would be notified of the finalized report. Finalizing the report would mark the conclusion of the evaluation process and applicants would receive written confirmation that the PEP process has been completed.

No further opportunity to submit comments on the final report would be provided under the PEP. The PEP would not provide for any administrative review or reconsideration of the report.

Step 4: Implementation of the Project

The final report would be used to inform MNR decision-making. Avoidance or mitigation measures recommended in the report may be implemented and enforced through conditions of approval within applicable MNR permits or authorizations or incorporated into project design or agreements that may be entered into in respect of a project.

Information in the report may support a range of outcomes including a recommendation that a project not proceed or that an approval or authorization not be issued where potential impacts cannot be adequately avoided, mitigated, or addressed, or where significant issues remain unresolved.

Once the project evaluation report is finalized and if a decision is made to proceed with the project, the project may be implemented, subject to any applicable laws and policies.

The completed project evaluation report can be used for a period of 10 years from the date of completion for a project that requires assessment under the PEP. After 10 years from completion of the report, the project would be reviewed to document any changes in environmental conditions, legislation, policy, standards, or available technology. Based on this review, MNR would determine if amendments would be required to the report before implementation of the project (see Project Modifications in Section 4.2).

Where a substantially similar project (e.g., same activity at the same location) is proposed again within this ten-year period, the previously completed Project Evaluation Report would continue to apply for the purposes of the PEP and may be relied upon to inform decision-making related to the project, including decisions on approvals or authorizations.

Section 4.2 Project Modifications

If project modifications are proposed after the report has been finalized (e.g., changes that may increase potential impacts), an Addendum to the report would be prepared. The Addendum would describe the proposed modification, assess the implications, and identify any updates to mitigation measures, monitoring requirements, or other project conditions.

A notice with a minimum 30-day comment period would be issued and any additional consultation that is warranted/required based on the nature and scale of the modification would be undertaken. The notice would be provided to parties originally consulted on the proposal and any additional parties identified.

Minor modifications may proceed without an Addendum and would be documented.

For the purposes of the PEP, minor modifications are those that do not materially increase potential impacts by changing the nature, location, scale, or timing of the project as described in the finalized report. Examples of minor modifications may include administrative or design refinements, small adjustments within the assessed project footprint, or changes that reduce potential impacts.

Section 4.3 Other Processes Outside of the PEP

a) Provincial Heritage Resource Assessments

Statutory requirements that apply to MNR under the *Ontario Heritage Act* (OHA) would not be part of the PEP.

Where fulfilling OHA obligations involves consultation, consultation activities may be coordinated with engagement under the PEP, to support efficiency and consistency.

b) Duty to Consult

Ontario, as the Crown, has a legal duty to consult Aboriginal communities when it has knowledge of an established or credibly asserted Aboriginal or treaty right and contemplates conduct that may adversely affect that right. This duty flows from section 35 of the *Constitution Act, 1982* and is a constitutional obligation of the Crown. It operates independently of any environmental assessment process.

Relationship between the PEP and the Duty to Consult

As indicated above, the proposed PEP may inform and assist with the Crown's obligations respecting its duty to consult with Aboriginal communities and its ability to meaningfully consult and accommodate, where appropriate.

The Crown's duty to consult exists regardless of PEP requirements where the Crown is considering decisions or actions that may adversely impact constitutionally protected Aboriginal or treaty rights. Ontario is committed to meeting its duty to consult with Aboriginal communities.

MNR is responsible for ensuring the Crown's duty to consult is fulfilled including:

- identifying potentially affected Aboriginal communities
- determining the depth and extent of consultation
- assessing whether the duty has been fulfilled

It is advisable to identify any Aboriginal communities that may have an interest in the project and invite comments on the draft report during the 30-day comment period, while recognizing

that duty to consult timelines are independent of PEP timelines. Aboriginal communities may require additional time and/or resources or support to provide input on the draft report.

Accommodation and documentation

Any accommodation measures identified through the duty to consult process should be documented in the project evaluation report where possible.

Section 5. Project Evaluation Policy Amendment Process

The PEP could be updated on an as-needed basis and would be reviewed by MNR every five years.

Administrative amendments that would not change the purpose, scope, or substantive content of the PEP could be completed by the MNR. Amendments that would make a change to the purpose, scope, or content of the PEP and could result in new or greater potential impacts may require consultation and posting on the Environmental Registry of Ontario prior to finalization.

Appendix 1: PEP Would Not Apply – Another Process Applies

MNR's project evaluation process would not apply to Projects, as defined under the PEP, that would be subject to any of the following:

- A comprehensive environmental assessment under Part II.3 of the EA Act
- A streamlined environmental assessment under Part II.4 of the EA Act
- Any Class Environmental Assessment to which Part II.1 of the EA Act applies
- The Class EA-RSFD pursuant to a regulation made under the EA Act regarding transitioning of certain projects
- An impact assessment under the federal *Impact Assessment Act*
- Ontario's Indigenous Land Claims Consultation Process as set out on Ontario.ca related to land claim settlements and other agreements with Indigenous communities concerning land and which are described in s. 15 of O. Reg. 51/24 (Exemptions from the Act and From Part II.1 of the Act) under the EA Act
- MECP's Project Evaluation Policy dated September 13, 2023, applicable to provincial parks and conservation reserves
- A renewable energy approval and projects providing access to renewable energy under the *Environmental Protection Act* and O. Reg 359/09 (Renewable Energy Approvals under Part V.0.1 of the Act)
- An order/approval of the Ontario Energy Board under the *Ontario Energy Board Act, 1998*
- Forest management under the *Crown Forest Sustainability Act, 1994*
- *Aggregate Resources Act, 1990*
- *Geologic Carbon Storage Act, 2025*

Appendix 2: PEP Would Not Apply – Projects with Lower Potential for Impacts

The PEP would not apply to the following projects which have a lower potential for impacts:

Fish and Wildlife

- Fish habitat enhancement
- Ongoing fish stocking conducted in accordance with an approved fisheries management plan or established management direction
- Physical control of nuisance animals (e.g., caging and removing a skunk)
- Preventing and controlling invasive species
- Research, as defined in this policy
- Non-emergency wildlife disease management (e.g., rabies control activities)

Lands and Resource Use

- Prescribed burning carried out in accordance with an approved prescribed burn plan or code of practice
- Issuing a licence to harvest wild rice on public lands
- Removing or remediating unauthorized occupations of public lands and restoring affected Crown resources
- Installing signage
- Sale of parcels of public lands 0.5 hectares or less in size to authorize existing uses
- Sale of public shoreline reserves or road allowances less than 1.0 hectare in size to the upland property owner
- Sale or lease of public lands with existing MNR facilities (e.g., Ontario Ranger Camps)
- Installation and removal of submarine cables
- Water-related excavation, dredging and filling (e.g., cottage lots, waterfront development and shoreline stabilization), where undertaken in previously disturbed areas
- Operation, regular maintenance, repairs, upgrades or like-for-like replacement of docks, boathouses and boat launches provided the facility continues to serve the same purpose and function and the project remains within the existing footprint of the structures

Facilities and Infrastructure

- Small, private septic systems, except on at capacity lake trout lakes, where the system serves a single residential site and does not involve centralized collection, treatment, or disposal of sewage beyond the immediate site.
- Plugging of or temporary repairs to old oil and gas wells
- Operation of facilities, including regular maintenance, repairs, upgrades or replacement provided the facility continues to serve the same purpose and function in the same way (e.g., existing fish culture stations or sub-stations)
- Operation, regular maintenance, repairs, upgrades or like-for-like replacement of existing dams and bridges, provided the facility continues to serve the same purpose and function and the project maintains existing flows and levels under normal conditions and/or remains within the existing general footprint of the structures
- Temporary or short-lived activities associated with the operation of existing dams or bridges (for example, cofferdams or temporary access), provided these activities are fully reversible and the site is restored following completion
- Decommissioning of dams, dykes or other water control structures that do not hold back water and do not result in sustained change to flows and levels
- Upgrading (facility continues to serve the same purpose and function and the project remains within the existing general footprint) and granting permissions to construct or upgrade:
 - culverts, that are 1.2 m in diameter or less and cross a span less than 3 m (10 feet)
 - access points (excluding expansions and those on lake trout lakes), portages and off-line ponds
 - trails less than 250 metres in length

Forestry

- Personal Use Harvest
- Forest Resources Licences under *Crown Forest Sustainability Act, 1994*, Sections 29.2, 42 (2) and 47
- Permit to Remove
- Licenses for Trees Reserved to the Crown

Minor/Administrative Authorizations

- Crown land camping permits
- Transfer of tenure documents
- Severance of surplus lands
- Post disposition activities (e.g. consents to mortgage, sublet)
- Voidance certificates
- Building condition extensions
- Travel permits
- Hunting and fishing licences
- Scientific collectors permits
- Trapping licences
- Type B land use permits (RLUPs)
- Release of reservations for:
 - Trees of any species
 - Sand and gravel
 - conferring the right to use, for fishery purposes, the banks of a body of water
 - conferring a right of access and free passage along the shores of rivers, stream, and lakes
 - the surface rights in any public or colonization road crossing the land granted;
 - a percentage of surface rights for road purposes
 - a right of way for a railway line where the line is not constructed.
- Issuing a certificate under s. 38 of the *Public Lands Act* that, when registered, deems the lands to be public lands
- Renewing or re-issuing occupational authority for existing occupations of public lands
- Transfers of administration and control of land to, or receipt of administration and control of land from, any part of the federal Crown, or any part of the Provincial Crown
- Quit claims letters patent

Appendix 3: PEP Would Apply – Projects with Higher Potential for Impacts

The PEP would apply to the following projects which have a higher potential for impacts. This includes MNR permits and authorizations under the *Public Lands Act* or the *Fish and Wildlife Conservation Act, 1997* that may authorize any of the projects set out in the list below.

- Introductions of species into new environments (unless authorized for release under applicable federal legislation) involving:
 - fish stocking in waterbodies where the species or strain is not currently present
 - stocking of non-native or non-local strains of native species
 - introductions outside of an established natural or management range.
- Projects for solid waste disposal sites <40,000 cubic metres total capacity
- New sewage collection, treatment, or disposal systems on public lands, including systems that may result in new or increased effluent discharge to the environment
- Use by MNR of pesticides in aquatic environments (e.g., for invasive species control) excluding sea lamprey control under the Great Lakes Fishery Convention Act
- New MNR dam development or decommissioning of a dam that currently holds back water, or repairs to a dam where the project would result in sustained change to flows and levels or have potential for long-term or irreversible environmental impacts
- Reconstruct existing weir or dam at the same location that involves a change purpose or use or that would result in sustained change to flows and levels and a significant extension beyond the existing general footprint
- MNR approvals for the construction of certain roads (e.g., greater than 1 lane km such as a 1 km single lane road or 500 m double lane road) and energy/electricity transmission corridors not covered by other processes
- Upgrading of a road that changes its purpose, use and/or capacity
- Constructing, upgrading, or decommissioning of, and granting permissions to construct, upgrade or decommission, the following in the Far North:
 - Access points, portages, ponds or fishways
- Projects authorizing the sale of parcels of public lands (such as those exceeding 2 hectares south of the French River or 20 hectares north of the French River)
- New excavation, dredging and filling in waterbodies or on shorelands where undertaken in previously undisturbed areas
- Issuance of occupational authority under Part IV of the *Mining Act* for oil and/or gas exploration or production, solution-mined salt production or underground geological storage, that involves the construction of a new well.

Part IV: Next Steps and Discussion Questions

We want to hear from you

The Ontario government is seeking feedback on this policy paper for 45 days. All comments will be considered and used to finalize MNR's Project Evaluation Policy.

To guide your comments and feedback, we encourage you to consider these questions:

1. Does the PEP as proposed strike the right balance between being an efficient process and providing environmental oversight?
2. Are the proposed exclusions (in Part III S3 and Appendices 1 and 2) appropriate? Are there other regulatory processes that provide similar environmental oversight and consultation that should be included in the list of exclusions in Appendix 1?
3. What factors should be considered to determine if a project has a higher potential for impacts on the environment (as defined in this policy)? Does the PEP as proposed adequately consider these factors?
4. Do the projects listed in Appendix 3 (i.e., projects that have a higher potential for impacts) seem appropriate? Are there other MNR projects that should be added?
5. What are the benefits or challenges of the PEP as proposed?
6. Does the PEP process provide sufficient opportunity for public engagement?
7. How should developing mitigation and monitoring recommendations be built into the project evaluation process?

Please submit your comments on the Environmental Registry or email us at MNR.ProjectEvaluationPolicy@ontario.ca.