

2023 National Water and Wastewater Conference

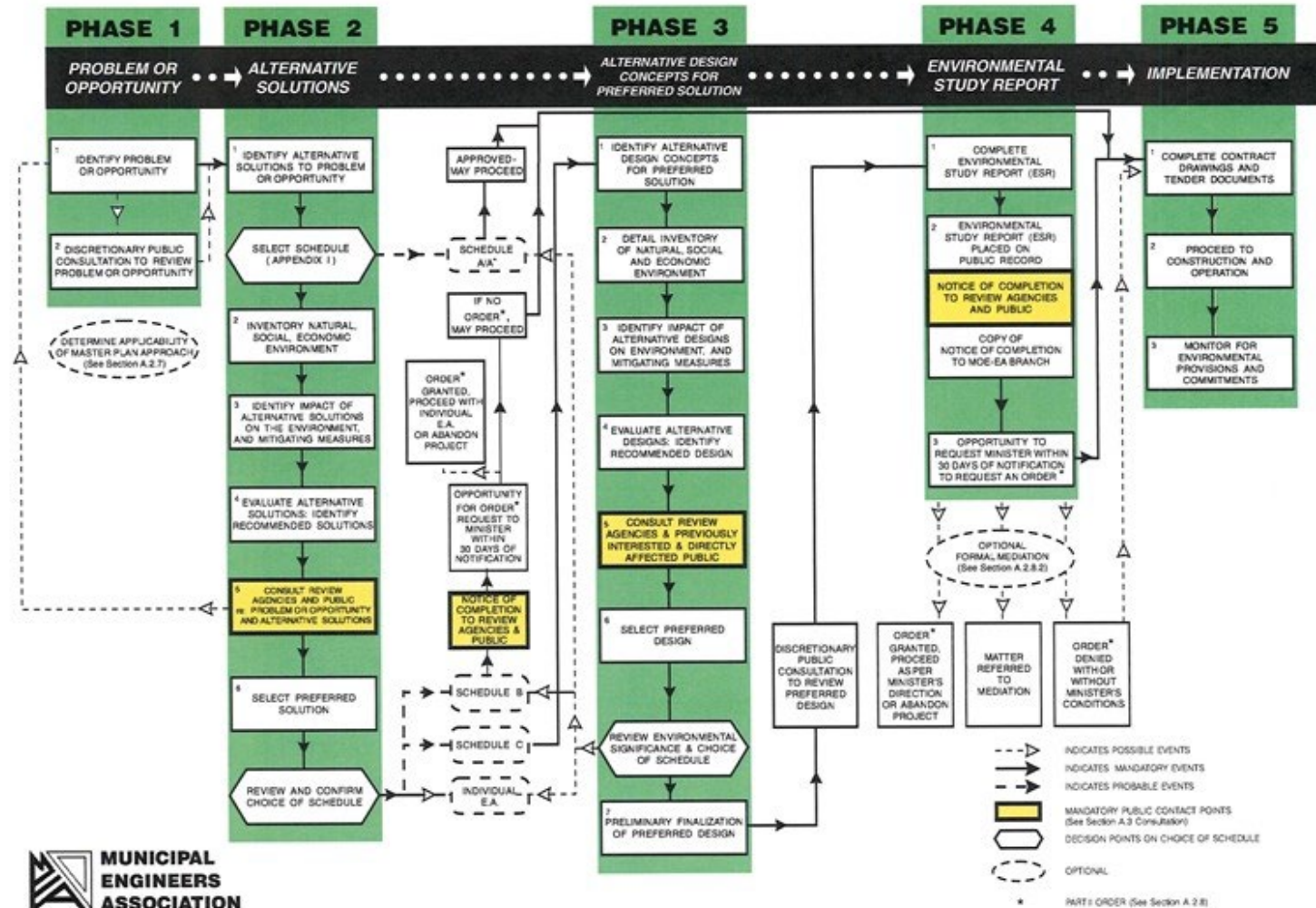
Engagement and Consultation in the Water and Wastewater Industry

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Class Environmental Assessment Process

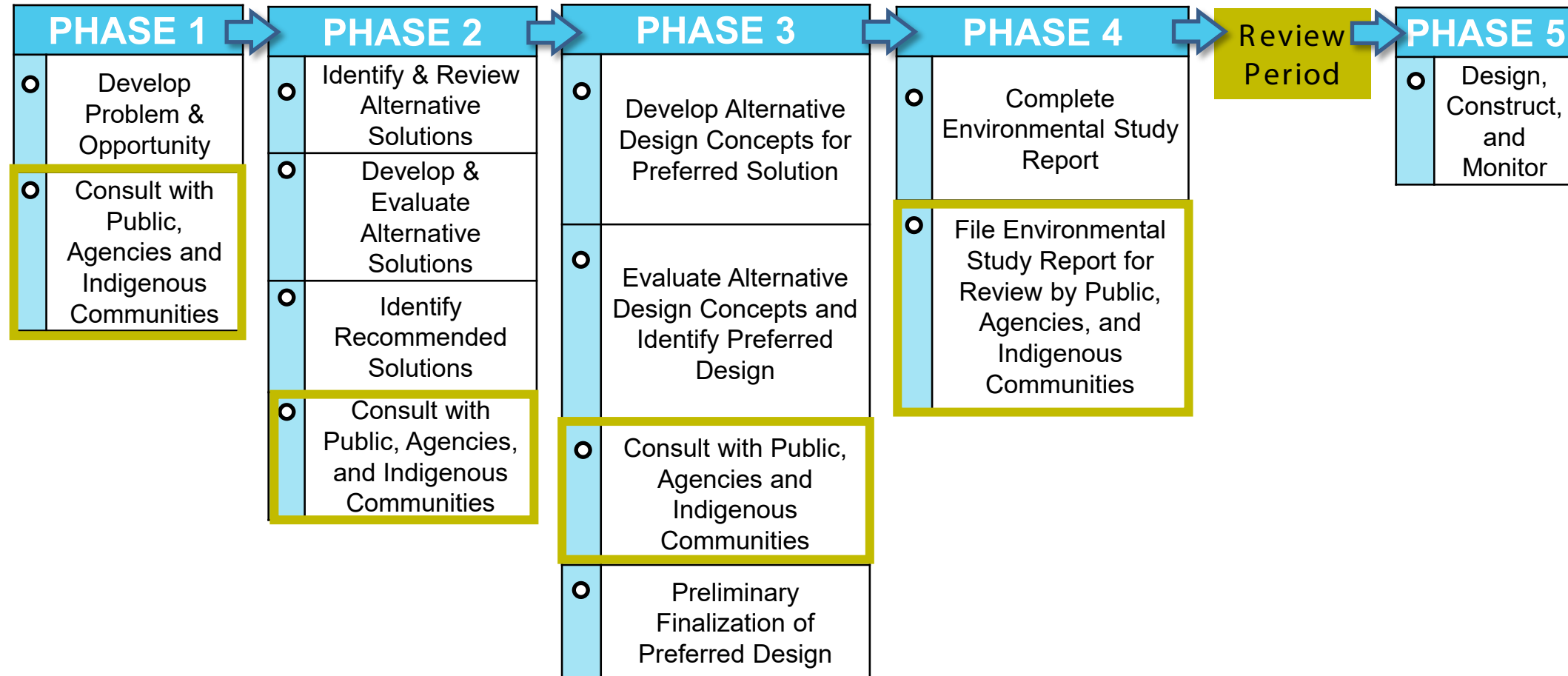
NOTE: This flow chart is to be read in conjunction with Part A of the Municipal Class EA



Class Environmental Assessment Process



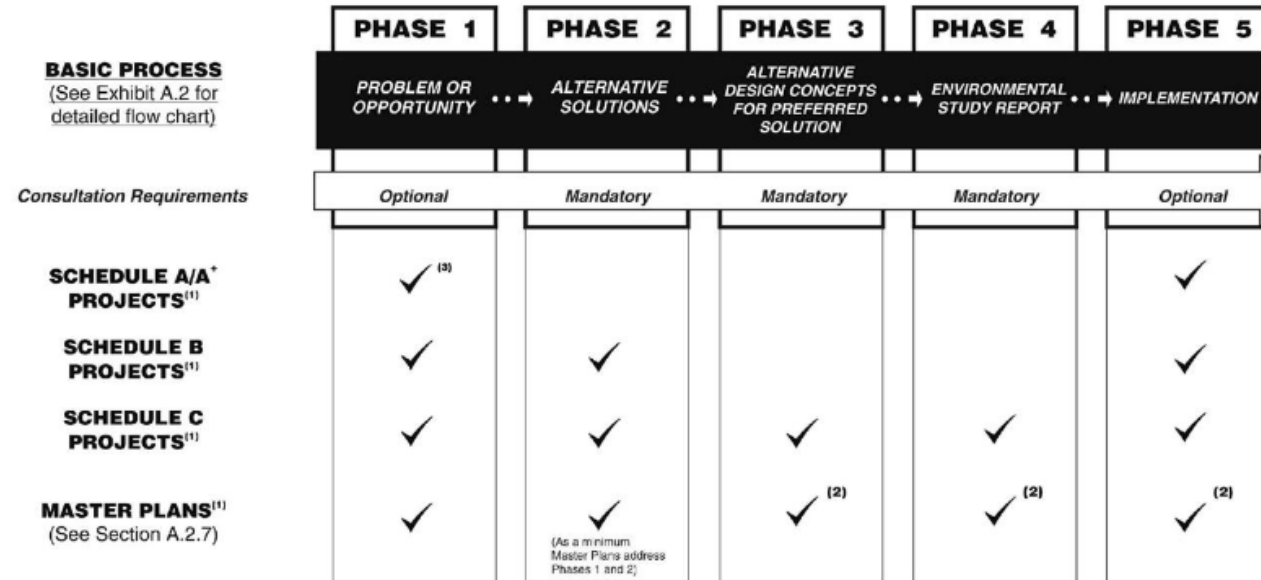
The Class Environmental Assessment (Class EA) planning process is followed by municipalities in Ontario when planning for new infrastructure. This process allows for public, technical agency, and Indigenous community consultation and input.



Class Environmental Assessment Process - Schedules



EXHIBIT A. 1 KEY FEATURES OF THE MCEA



NOTES:

- ✓ Actions required during relevant phase
- (1)** Schedule A, A*, B and C projects and Master Plans can also be integrated with the requirements of the Planning Act (See Section A.2.9)
- (2)** Complete Phases 3 and 4 for any Schedule C projects included in the Master Plan prior to implementation
- (3)** For Schedule A* projects, public to be advised. See Section A.1.2.2.

Class Environmental Assessment Process - Updates



- › Schedule A: normal or emergency operational and maintenance activities;
 - › Schedule A+: as above and public must be advised prior to implementation;
 - › Schedule B: upgrades/expansions to existing facilities; and
 - › Schedule C: new facilities and major expansions to existing facilities
-
- › June 6, 2019, More Homes, More Choice Act, the Environmental Assessment Act (EAA) amended
 - Schedule A and A+ projects exempt
 - Schedule B and C projects follow process
-
- › Project classification changes, e.g. intake pipe from Schedule B to A+

- › July 2020, Bill 197, streamline EA process, project list approach, Section 16 Order

- › March 2023, changes proposed to Ontario EA process
 - Class EA requirements evaluation of infrastructure projects
 - Project list approach under EAA
 - Streamlining comprehensive EA process

- › Municipal Class Environmental Assessment, Municipal Engineers Association, March 2023

Stakeholder Groups



- › Municipalities
- › Indigenous Communities or First Nations, Inuit and Métis Communities
- › Local Residents and Businesses
- › Local Interest Groups
 - Business Associations
 - Developer Groups
 - Environmental Protection Coalitions
- › Utilities
- › Approval Agencies
 - Provincial (e.g. Ministry of Environment, Conservation and Parks)
 - Federal (e.g. Fisheries and Oceans Canada)
 - Conservation Authorities

A.3.3 Indigenous Communities

Indigenous Communities should be directly contacted throughout the planning process. Indigenous Communities may be interested in a project generally or may have Constitutionally protected Aboriginal or Treaty rights that may be impacted by a project. Proponents should refer to section A.3.7.

A.3.7 Indigenous Communities

Proponents proceeding pursuant to the MCEA are required to consult with Indigenous Communities who may be affected by a proposed undertaking. Proponents are required to contact the ministry as early as possible to request a list of Indigenous Communities for consultation. Projects proceeding pursuant to the MCEA may have the potential to impact on Indigenous harvesting activities, or on archaeological resources.

In addition to a public consultation plan, proponents must develop a plan for how Indigenous Communities will be consulted. The consultation plan should be flexible and take into consideration the preferences of Indigenous Communities with respect to consultation with their Community. Indigenous Communities are to be contacted directly with respect to the project using various means (mail, email and phone) and at a minimum at the mandatory contact points identified in Exhibit A.2 and discussed in section A.3.4. Community-specific consultation opportunities, such as information on the project, meetings etc., should be offered to communities.

Proponents must document the consultation process with Indigenous Communities. In addition to the information required by section A.3.5.1 above. The following information, as

applicable, should be documented with respect to Indigenous consultation:

- any information that was shared by an Indigenous Community in relation to its asserted or established Aboriginal or treaty rights and any potential adverse impacts of the proposed activity on such rights;
- any proposed project changes or mitigation measures that were discussed and feedback from Indigenous Communities on those commitments;
- information regarding any financial assistance provided by the proponent to enable participation by Indigenous Communities in the consultation;
- periodic consultation progress reports or copies of meeting notes if requested by the ministry; and
- a summary of how the delegated aspects of consultation were carried out and the results.

Proponents may find it useful to keep a separate “Indigenous Community Consultation Record” which tracks consultation with Indigenous Communities separately from other consultation with other interested parties and stakeholders. This can help the Crown easily assess the proponent’s consultation activities with Indigenous Communities.

92. We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources.

This would include, but not be limited to, the following:

- › Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
- › Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.
- › Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

- > Treaties are legally binding agreements that set out the rights, responsibilities and relationships to federal and/or provincial governments (Treaties Recognition Week Nov 5-11, 2023)

ONTARIO



40+
treaties and
other agreements
cover Ontario



92%
of people live in
the Upper Canada
treaties area

500K+
people live in the
six treaty areas of
Northern Ontario

POPULATION



374,395
was the population
of Indigenous
people in 2016

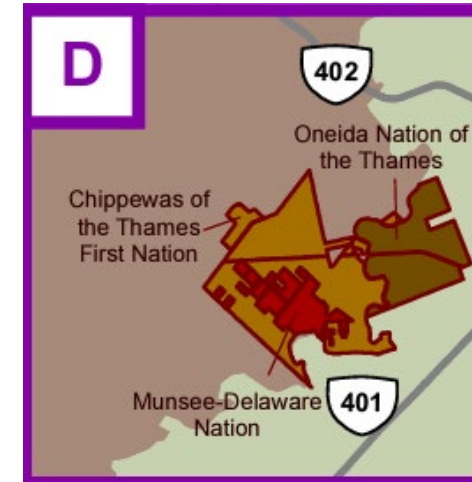
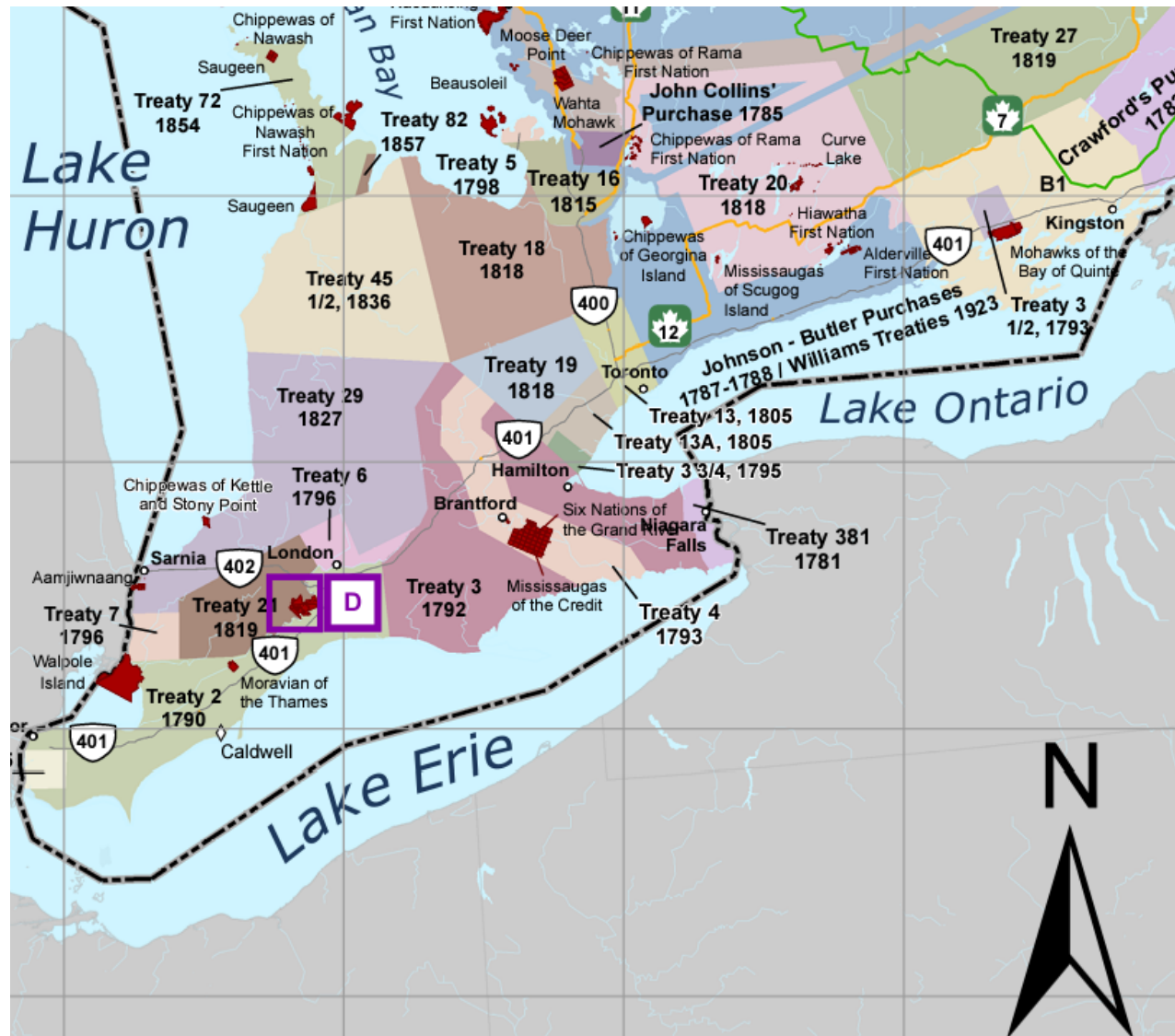


3.7M
people live in
the Toronto
Purchase area



130+
First Nations
and Métis
communities

First Nations, Inuit and Métis Rights Holders - Treaties

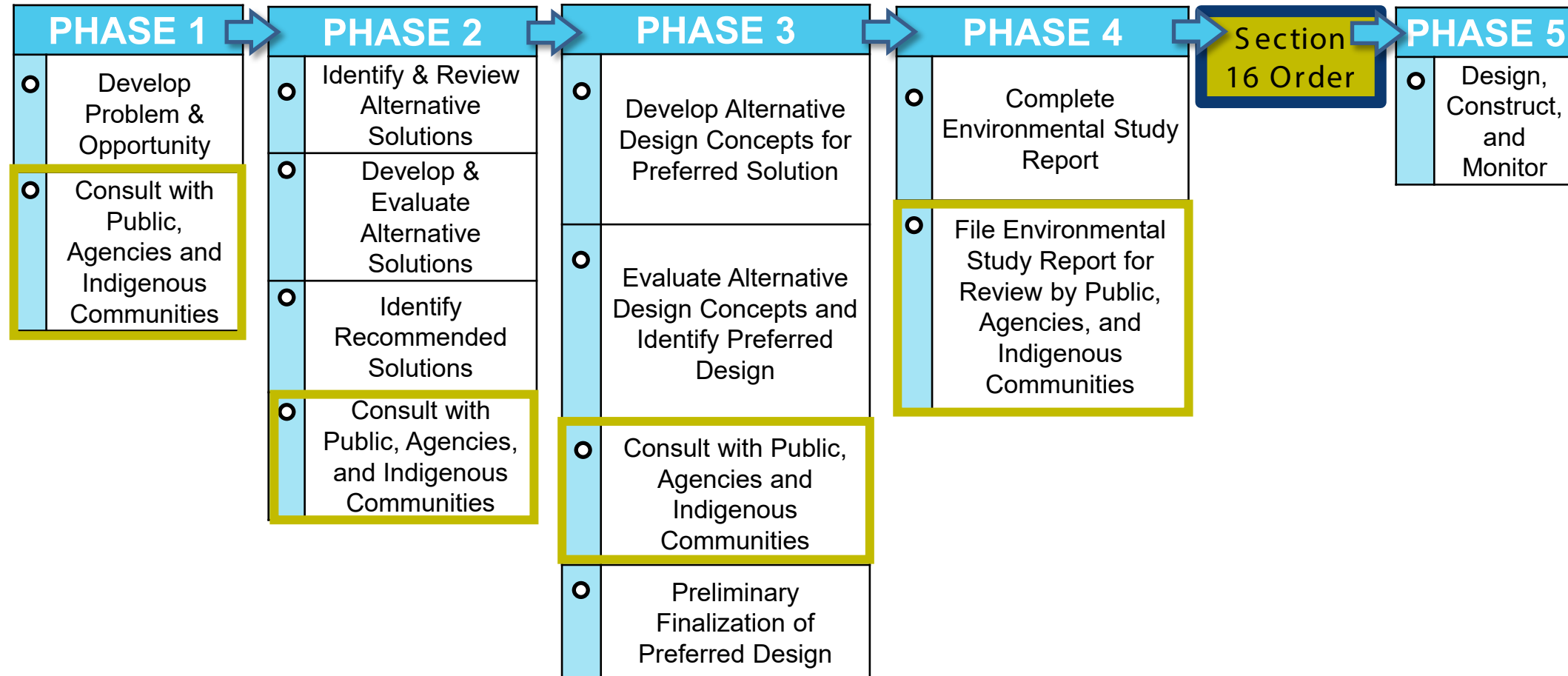


Treaty Map, Ministry of Indigenous Affairs, Oct 25, 2023:
<https://www.ontario.ca/page/treaties>

Class Environmental Assessment Process – Section 16 Order



The Class Environmental Assessment (Class EA) planning process is followed by municipalities in Ontario when planning for new infrastructure. This process allows for public, technical agency, and Indigenous community consultation and input.



Previously Part II Order

Section 16 Order if:

- › outstanding concerns that a project going through a Class EA process may have a potential adverse impact on “constitutionally protected Aboriginal and treaty rights”
- › an Order may prevent, mitigate or remedy this impact

A Section 16 Order may require proponent:

- › Submit an application for approval of the project before proceeding - Individual Environmental Assessment
- › Meet further conditions in addition to the conditions in the Class EA:
 - Further study
 - Monitoring
 - Consultation

Public Concerns

- › Aesthetics
- › Odour
- › Environmental Impacts

Mitigation, resolution

- › Education
- › Ongoing conversation
- › Engagement of municipal staff

Engagement

- › Field study and report review
- › Financial Compensation
- › Timely Consultation

Conflict Resolution

- › Education of peers and municipal staff
- › Culturally appropriate engagement



RVA

R.V. ANDERSON ASSOCIATES LIMITED