



Appendix C Record of Engagement

Environmental Review Report

York Energy Centre Upgrades Project

Capital Power Corporation

SLR Project No.: 241.030524.00026

July 15, 2024

List of Attachments

Note to reader:

For navigation purposes, we recommend using the bookmarks available within this document.

(To view bookmarks, select View > Show/Hide > Navigation Panes > Bookmarks)

Appendix C.1 Project Contact List

Appendix C.2 Project Notices

Appendix C.3 Public Engagement

Attachment 1: Public Correspondence Log

Attachment 2: Public Correspondence

Ontario Clean Air Alliance

Appendix C.4 Agency Engagement

Attachment 1: Agency Correspondence Log

Attachment 2: Agency Correspondence

Ministry of Conservation and Parks (MECP)

Ministry of Citizenship and Multiculturalism (MCM)

Township of King

Appendix C.5 Indigenous Community Engagement

Attachment 1: Indigenous Community Correspondence Log





Appendix C.4 Agency Engagement

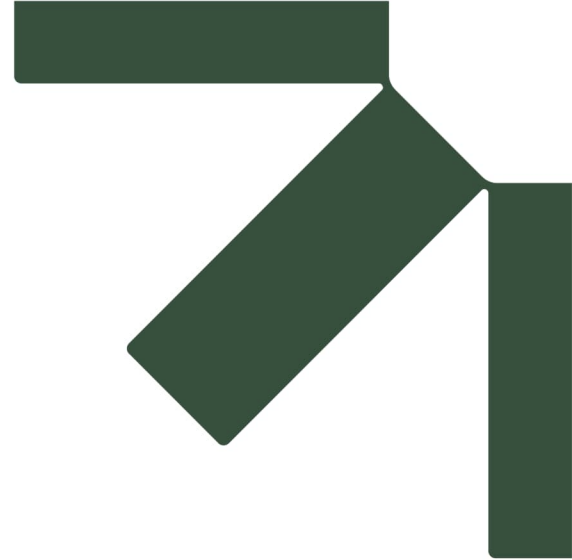
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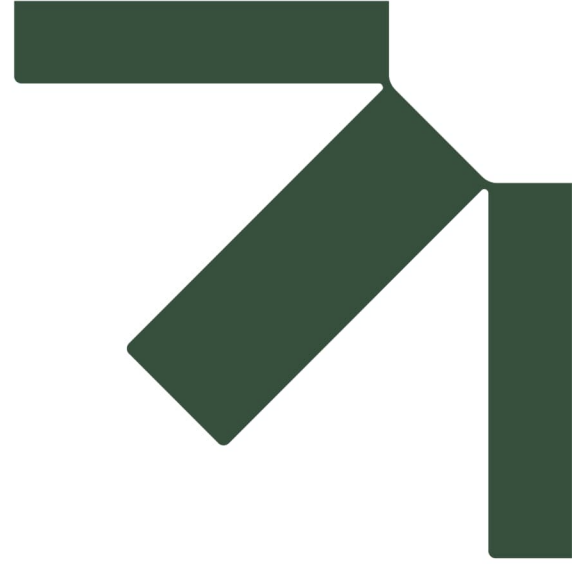
Attachment 1: Agency Correspondence Log

York Energy Centre Upgrades Project

CONSULTATION AND ENGAGEMENT LOG

INCLUDED IN ROC (Y/N)*	CORRESPONDENCE AUTHOR	DATE	CAPITAL POWER SENT/ RECEIVED	CONTACT MODE/ FILE TYPE	SUMMARY OF CONTACT / TOPIC
REGULATORY AGENCIES					
Ministry of the Environment, Conservation and Parks (MECP)					
N	K. Hearne	11/15/2022	SENT	EML	Provided preliminary Project information and requested meeting to discuss proposed EA process, Capital Power legal entities, and Indigenous groups to be contacted.
N	-	12/16/2022	-	MEETING	Meeting held with MECP staff to provide an overview of the IESO RFP process, Capital Power's proposed Projects, and EA Act requirements.
N	Z. Romic	12/16/2022	RECEIVED	PHONE & EML	Telephone discussion and follow-up regarding distinctions between the Class EA and ESP processes. Requested written project description and EA process rationale for MECP review to ensure interpretations are consistent.
N	K. Hearne	2/6/2023	SENT	EML	Written project description and EA process rationale submitted, requesting confirmation regarding EA process and Indigenous groups with whom to consult.
N	K. Hearne	2/21/2023	SENT	EML	Feedback requested regarding proposed Uprate Projects EA process and list of Indigenous Groups.
Y	K. Hearne	3/21/2023	SENT	EML	Project Description and proposed list of Indigenous groups with whom to consult re-submitted.
Y	Z. Romic	3/24/2023	RECEIVED	EML	Confirmed EA process, identified other MECP contacts, and provided list of Indigenous Groups with whom to consult.
Y	J. Shukin	5/4/2023	SENT	EML	Sent Notices of Commencement for both the York BESS and YEC Upgrades Projects.
Y	T. Bell	5/25/2023	RECEIVED	EML & LET	Response to Notice of Commencement, including Areas of Interest document & supporting attachments.
N	L. Nasen	6/9/2023	SENT	EML	Provided brief project overview/status & request for clarifications and meeting.
N	T. Bell	6/12/2023	RECEIVED	EML	Requested list of specific questions for meeting to be scheduled.
N	-	7/28/2023	-	MEETING	Meeting held to provide a Project overview and update, outline the technical studies underway, and discuss the Project timelines and future ECA application process.
Y	G. Milne	8/1/2023	-	EML	Distribution of the July 28th meeting slides, and the IESO Project Prioritization Letter for YEC to the MECP.
Ministry of Citizenship and Multiculturalism (MCM)					
Y	J. Shukin	5/4/2023	SENT	EML	Sent Notices of Commencement for both the York BESS and YEC Upgrades Projects.
Y	K. Barbosa	6/12/2023	RECEIVED	EML & LET	Response to Notice of Commencement.
Township of King					
Y	W. Danek	5/3/2023	SENT	EML	Sent Notices of Commencement for both the York BESS and YEC Upgrades Projects.
Y	S. Naylor	7/7/2023	RECEIVED	EML	Inquiry from Township of King
Y	W. Danek	7/10/2023	SENT	EML	Indicated there is no requirement for municipal support resolution for the upgrade.
Y	S. Naylor	7/12/2023	RECEIVED	EML	Township of King thanking CP for their clarification regarding if a support resolution was needed for the upgrades.
N	D. Timm	7/14/2023	RECEIVED	EML	Denny Timm and Jennifer Caietta requesting to be added to the mailing list.
N	J. Shukin	7/14/2023	SENT	EML	Confirming Denny and Jennifer will be added.

* Correspondence not included in white is available upon request as applicable, if required.



Attachment 2: Agency Correspondence

**Ministry of the Environment,
Conservation and Parks (MECP)**

March 21, 2023

Zeljko Romic
Supervisor - Environmental Assessment Program Support
Environmental Assessment and Permissions Division
Ministry of the Environment, Conservation and Parks

SENT VIA EMAIL (zeljko.romic@ontario.ca)

Dear Mr. Romic,

**Re: Proposed York Energy Centre (YEC) Upgrade Project
Preliminary List of Potentially Affected and/or Interested Indigenous Communities**

Capital Power is seeking the Ministry's guidance regarding Indigenous communities that we are proposing to consult with regarding equipment upgrades for which we will be seeking provincial regulatory approval. Further details are provided below.

Project Title: Proposed York Energy Centre (YEC) Upgrade Project

Location: 18781 Dufferin Street (44.0761, -79.5316), Township of King, Regional Municipality of York (**Figure 1**)

Project Description: Capital Power has received a contract from Ontario's Independent Electricity System Operator (IESO) for equipment upgrades at the existing YEC for a combined total of up to approximately 55 MW of additional electricity generating capacity. These upgrades will include:

- Turbine upgrades which will require less cooling air and improve component aerodynamics, which will provide an increased capacity of approximately 25-40 MW (dependent on ambient conditions above 0°C); and
- Inlet fogging which will cool hot ambient (outside) air before it enters the turbine, resulting in an increased capacity of approximately 10-15 MW in ambient conditions 15°C and warmer.

In addition, as a result of the proposed upgrades, the following new component will be required:

- Transformer cooling fans for more cooling of the transformer to accommodate the extra MWs from the above two upgrade projects.

Project construction work is related only to equipment upgrades within the plant; therefore, no physical earthworks and associated disturbance-related activities are required (e.g., vegetation removal, hazardous materials, water use or discharge). The construction phase is comprised of the component delivery and installation activities scheduled to occur during a scheduled maintenance outage of the YEC facility. Once the installation of the system components upgrades is complete, YEC operations will resume.

Environmental Assessment Process and Anticipated Provincial Approvals: According to the Guide to Environmental Assessment Requirements for Electricity Projects (2011) and Ontario Regulation (O. Reg.) 116/01, a change to natural gas-fired generating facilities that would increase the name plate capacity of the facility by 5 MW or more are subject to the Environmental Screening Process (ESP). Since the proposed increase in nameplate capacity for the YEC Upgrades Project is approximately 55 MW, Capital Power intends to complete an Environmental Review under the ESP for this Project.

In addition, it is anticipated that an amendment to the facility's existing Environmental Compliance Approval (Air and Noise) will be required.

Proposed Indigenous Communities List: Capital Power has identified a preliminary list of potentially affected and/or interested Indigenous communities and groups that are proposed to be consulted on the project. The preliminary list was compiled through a desktop review of online resources, including the Aboriginal and Treaty Rights Information System (ATRIS), Ontario Treaties Map (2019), and other publicly available information. Based on this review, it is our current understanding that the Project is located on the traditional Williams Treaties (1923) territory, and the following Treaty signatories have recognized rights and interests in this area:

- Alderville First Nation
- Beasoleil First Nation
- Chippewas of Georgina Island First Nation
- Curve Lake First Nation
- Hiawatha First Nation
- Mississaugas of Scugog Island First Nation
- Rama First Nation

In addition, we understand that the following communities may also have recognized rights in the Project area:

- Métis Nation of Ontario

We would appreciate the Ministry's review of the proposed list to confirm it is correct, or if any changes are recommended.

Please feel free to contact me if you have questions.

Sincerely,



Jay Shukin
Manager, Indigenous and Stakeholder Engagement
Capital Power
250-882-5188 | jshukin@capitalpower.com

Cc: Wilhelm Danek, Capital Power
Kara Hearne, SLR

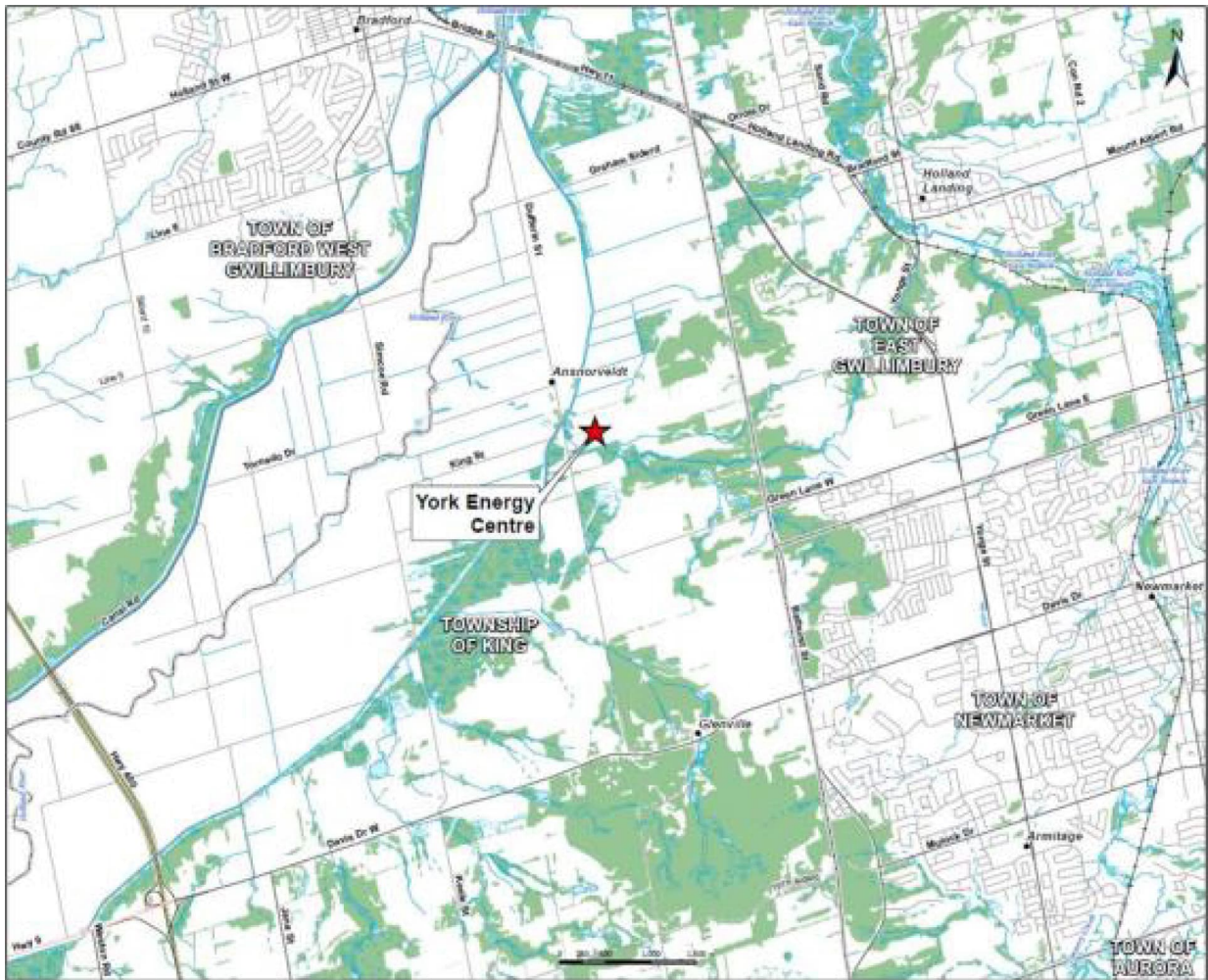


Figure 1: General Location of the YEC

From: Romic, Zeljko (MECP) <Zeljko.Romic@ontario.ca>

Sent: March 24, 2023 4:53 PM

To: Kara Hearne <khearne@slrconsulting.com>

Subject: Additional Feedback re: Goreway & YEC

Hi Kara,

As a follow-up to our earlier conversations, here are some additional comments on the Goreway and YEC materials that you shared.

For battery energy storage systems (BESS), we've outlined the requirements and key consideration in this attached 2-pager for your reference purposes. You will note that the requirements vary depending on whether the BESS is considered "stand-alone" vs. integrated with a generation facility (and also what type of generation facility...REA or non-renewable).

The table also outlines other requirements/processes that may be triggered if transformers and transmission lines are needed. Your interpretation of requirements that would apply to your proposed projects as outlined in the materials you shared is consistent with this 2-pager.

For the two upgrade projects, here are some comments from our Indigenous Consultation Advisors on the lists you provided:

Proposed Goreway Power Station Upgrade

The proposed Goreway Power Station Upgrade project located at 8600 Goreway Drive in Brampton is located in a developed commercial area less than a 1 KM just to the North- Northwest of the Toronto International Airport. To the North of the site, is the Clairville Conservation Area and according to google imagery, a small tributary of the Humber River lies adjacent to the property. There appears to be a small wetland complex fronting the property.

The site is located in treaty 19, 1818 w/Mississaugas of the Credit, within the traditional territory of the Mississaugas of the Credit and within the 1701 Nanfan deed. According to the project description provided, project construction work is related only to equipment upgrades within the plant, and there will be no physical earthworks and associated disturbance related activities to the environment.

Based on this information, it is unlikely that the associated work will impact Aboriginal or treaty rights and consultation would be at the low end of the spectrum (notification). However, given the location and treaty rights in the area, there are a couple of communities that may have an interest in the project:

- Mississaugas of the Credit First Nation
- Six Nations of the Grand River (both elected and traditional council-HCCC)

Proposed York Energy Centre Upgrade

The proposed York Energy Centre upgrade located at 18781 Dufferin Street is located in an area that appears to be zoned agricultural, limited residential, and mixed forests. It is located within close proximity to the Holland Marsh

The site is located within the Williams Treaty w/the Chippewa 1923, and within the Johnson-Butler Purchase/Gunshot Treaty. According to the project description provided, project construction work is related only to equipment upgrades within the plant, and there will be no physical earthworks and associated disturbance related activities to the environment. **Based on this information, it is unlikely that the associated work will impact Aboriginal or treaty rights and consultation would be at the low end of the spectrum (notification).** However, given the location and treaty rights in the area, there are a number of communities that may have an interest in the project:

- Curve Lake First Nation
- Alderville First Nation
- Mississaugas of Scugog Island First Nation
- Hiawatha First Nation
- Chippewas of Rama First Nation
- Chippewas of Georgina Island First Nation
- Beausoleil First Nation

The advisor also noted that for the proposed BESS installations at both locations, the Huron-Wendat may have an interest should there be a potential or presence of archaeological resources and that Kawartha Nishnawbe may have an interest in the YEC BESS as it lies within an area asserted by KN...but the advisor is aware that you are connecting with Ministry of Energy on that directly.

Hope this information is helpful. Have a nice weekend and you can always reach out to me if you have additional questions.

Subject: FW: Notices of Commencement – York Energy Centre Upgrades Project & York Battery Energy Storage System
Sent: 5/4/2023, 6:50:16 PM
From: Jay Shukin<jshukin@capitalpower.com>
Attachments: [York Energy Centre BESS NOC Final May 2023.pdf](#)
[York Energy Centre Upgrade NOC Final May 2023.pdf](#)

Hi there – apologies to all if you have already received, but I did get a bounce-back note with your email address and so am sending again.

All the best,

Jay

Jay Shukin
Manager, Indigenous & Stakeholder Engagement
Capital Power
1-855-703-5005

From: Jay Shukin **On Behalf Of** info@capitalpower.com
Sent: Thursday, May 4, 2023 12:44 PM
Cc: CPC Information <cpcinfo@capitalpower.com>
Subject: Notices of Commencement – York Energy Centre Upgrades Project & York Battery Energy Storage System

Hello:

Please find attached two Notices of Commencement per the Ontario *Environmental Assessment Act* for the following projects:

York Energy Centre Upgrades Project

We are initiating the Environmental Screening Process for Electricity Projects.

More information at: <https://www.capitalpower.com/operations/york-energy-centre-upgrade>

York Battery Energy Storage System (BESS)

We are initiating the Class Environmental Assessment for Minor Transmission Facilities process,

More information at: <https://www.capitalpower.com/operations/york-energy-centre-bess>

Please contact us if you wish to learn more about either of these projects or to set-up a technical briefing with our team.

Regards,

Jay Shukin
Manager, Indigenous & Stakeholder Engagement
Capital Power
1-855-703-5005 | info@capitalpower.com

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NOTICE OF COMMENCEMENT OF AN ENVIRONMENTAL REVIEW

York Energy Centre Upgrades Project



York Energy Centre LP, a subsidiary of Capital Power Generation Services Inc. (Capital Power) and Manufacturers Life Insurance Company (Manulife), are proposing to undertake equipment upgrades at the existing York Energy Centre (YEC), located at 18781 Dufferin Street, Township of King.

The purpose of this notice is to inform any interested parties that Capital Power is beginning an environmental study to assess the potential environmental effects of the equipment upgrades.

Ontario's Independent Electricity System Operator has identified a significant need for new power supply in the province. The upgrades will provide operational flexibility and approximately 50 megawatts (MW) of additional electricity generating capacity depending on ambient temperature. The upgrades will be limited to the replacement of a variety of gas turbine parts with more advanced technology, upgradable materials, and/or higher performance levels. Upgrades include power augmentation systems in the form of inlet air cooling. To accommodate these modifications, gas turbine controls will be updated accordingly. The upgrades would be completed during a regularly scheduled maintenance outage in 2025.

PLANNING PROCESS

According to Ontario Regulation 116/01 (the Electricity Projects Regulation) and as described in the *Guide to Environmental Assessment Requirements for Electricity Projects (2011)*, modifications to a natural gas-fired generating facility that increase the facility's capacity by 5 MW or more are classified as Category B projects and are subject to review under the Environmental Screening Process (ESP).

The ESP has two tiers of assessment: Screening Stage and Environmental Review Stage. Capital Power intends to voluntarily complete an Environmental Review.

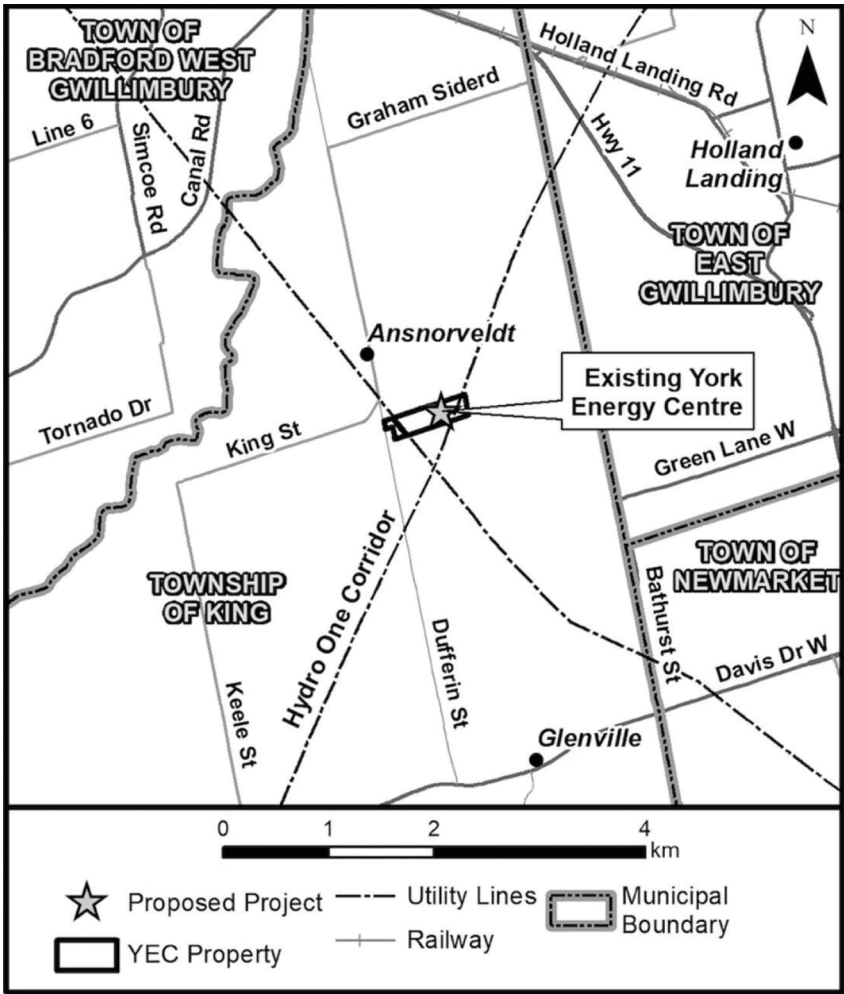
The Environmental Review will assess potential environmental impacts of the equipment upgrades, which are expected to be limited to air and noise emissions that will meet provincial emission requirements. The results of the assessment will be documented in an Environmental Review Report that will be made available for public review. The Environmental Review will assess any potential effects of the equipment upgrades but will not re-evaluate the previously approved, operating YEC facility.

INVITATION TO PROVIDE COMMENTS

Your input is important to us. We are interested in hearing any questions or feedback you may have with respect to this Project. Comments received throughout the course of this study will inform the Environmental Review process.

If you have any comments or questions, or to be added to the Project mailing list, please contact:

Jay Shukin	Phone: 1-855-703-5005
Manager, Indigenous and Stakeholder Engagement	Fax: 780-392-5927
	Email: info@capitalpower.com
Capital Power	For more information, please visit our
18781 Dufferin Street	project webpage at: capitalpower.com/operations/york-energy-centre-upgrade
Newmarket, ON	
L3Y 4V9	



From: Bell, Trevor (MECP) <Trevor.Bell@ontario.ca>
Sent: Thursday, May 25, 2023 2:38 PM
To: Jay Shukin <jshukin@capitalpower.com>
Cc: Battarino, Gavin (MECP) <Gavin.Battarino@ontario.ca>; Dugas, Celeste (MECP) <Celeste.Dugas@ontario.ca>; Lawrence Nasen <lnasen@capitalpower.com>
Subject: York energy Centre Upgrades - Environmental Screening Process for Electricity Projects

Notice: External Email. Please do not click links, open attachments, or take any other action on this email unless you recognize the source of this email and know the content is safe.

Good afternoon,

Please find attached a letter and supporting documents from the Ministry of the Environment, Conservation and Parks, Environmental Assessment Branch, regarding the above mentioned project. Feel free to contact me directly with any questions or concerns you may have.

Sincerely,

Trevor Bell | Regional Environmental Planner
Project Review Unit, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
5775 Yonge Street, 8th floor, Toronto ON, M2M 4J1
New Phone: 437-770-3731 | trevor.bell@ontario.ca

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Ministry of the Environment, Conservation
and Parks

Ministère de l'Environnement, de la
Protection de la nature et des Parcs

Environmental Assessment Branch

Direction des évaluations environnementales

1st Floor
135 St. Clair Avenue W
Toronto ON M4V 1P5
Tel.: 416 314-8001
Fax.: 416 314-8452

Rez-de-chaussée
135, avenue St. Clair Ouest
Toronto ON M4V 1P5
Tél. : 416 314-8001
Télééc. : 416 314-8452

May 25, 2023

Jay Shukin
Manager, Indigenous and Stakeholder Engagement
Capital Power Corporation
jshukin@capitalpower.com
BY EMAIL ONLY

Re: **York Energy Centre Upgrades
Capital Power Corporation
Electricity Projects Regulation, O. Reg. 116/01 (Category B)
Acknowledgement of Notice of Commencement**

Dear Mr. Shukin,

This letter is in response to the Notice of Commencement for the above noted project. The Ministry of the Environment, Conservation and Parks (MECP) acknowledges that Capital Power Corporation (proponent) has indicated that the study is following the approved environmental planning process for a Category B project set out in the *Electricity Projects Regulation*, O. Reg. 116/01 (the “Environmental Screening Process”), made under the Environmental Assessment (EA) Act.

The **updated (August 2022)** attached “Areas of Interest” document provides guidance regarding the ministry’s interests with respect to the Environmental Screening Process. Please address all areas of interest in the Environmental Screening and Environmental Review at an appropriate level for the Environmental Screening Process. Proponents who address all the applicable areas of interest can minimize potential delays to the project schedule. **Further information is provided at the end of the Areas of Interest document relating to recent changes to the Environmental Assessment Act through Bill 197, Covid-19 Economic Recovery Act 2020.**

The Crown has a legal duty to consult Aboriginal communities when it has knowledge, real or constructive, of the existence or potential existence of an Aboriginal or treaty right and contemplates conduct that may adversely impact that right. Before authorizing this project, the

Crown must ensure that its duty to consult has been fulfilled, where such a duty is triggered. Although the duty to consult with Aboriginal peoples is a duty of the Crown, the Crown may delegate procedural aspects of this duty to project proponents while retaining oversight of the consultation process.

The proposed project may have the potential to affect Aboriginal or treaty rights protected under Section 35 of Canada's *Constitution Act* 1982. Where the Crown's duty to consult is triggered in relation to the proposed project, **the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter.** The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Based on information provided to date and the Crown's preliminary assessment the proponent is required to consult with the following communities who have been identified as potentially affected by the proposed project:

- **Chippewas of Georgina Island First Nation**
- **Chippewas of Rama First Nation**
- **Beausoleil First Nation**
- **Curve Lake First Nation**
- **Mississaugas of Scugog Island First Nation**
- **Hiawatha First Nation**
- **Alderville First Nation**

- **Huron-Wendat (as it relates to archaeology)**

Steps that the proponent may need to take in relation to Aboriginal consultation for the proposed project are outlined in the "[Code of Practice for Consultation in Ontario's Environmental Assessment Process](#)". Additional information related to Ontario's Environmental Assessment Act is available online at: www.ontario.ca/environmentalassessments.

Please also refer to the attached document "A Proponent's Introduction to the Delegation of Procedural Aspects of consultation with Aboriginal Communities" for further information, including the MECP's expectations for Screening/Environmental Review Report documentation related to consultation with communities.

The proponent must contact the Director of Environmental Assessment Branch (EABDirector@ontario.ca) under the following circumstances after initial discussions with the communities identified by the MECP:

- Aboriginal or treaty rights impacts are identified to you by the communities;
- You have reason to believe that your proposed project may adversely affect an Aboriginal or treaty right;
- Consultation with Indigenous communities or other stakeholders has reached an

impasse; or

- An elevation request is expected on the basis of outstanding environmental concerns.

The MECP will then assess the extent of any Crown duty to consult for the circumstances and will consider whether additional steps should be taken, including what role you will be asked to play should additional steps and activities be required.

A draft copy of the Screening/Environmental Review Report may be sent directly to me prior to the filing of the final report, allowing a minimum of 30 days for the ministry's technical reviewers to provide comments.

Please ensure a copy of the final notice is sent to the ministry's Central Region EA notification email account (eanotification.cregion@ontario.ca).

Should you or any members of your project team have any questions regarding the material above, please contact me at trevor.bell@ontario.ca.

Sincerely,



Trevor Bell
Regional Environmental Planner – Central Region
Project Review Unit, Environmental Assessment Branch

Cc: Gavin Battarino, Supervisor (A), Project Review Unit, MECP
Celeste Dugas, Manager, York Durham District Office, MECP
Lawrence Nasen, Senior Specialist, Environment, Capital Power

Enclosed: Areas of Interest

Attached: Client's Guide to Preliminary Screening for Species at Risk
A Proponent's Introduction to the Delegation of Procedural Aspects of Consultation with Aboriginal Communities

AREAS OF INTEREST (v. August 2022)

It is suggested that you check off each section after you have considered / addressed it.

☐ Planning and Policy

- Applicable plans and policies should be identified in the report, and the proponent should describe how the proposed project adheres to the relevant policies in these plans.
 - Projects located in MECP Central, Eastern or West Central Region may be subject to [A Place to Grow: Growth Plan for the Greater Golden Horseshoe \(2020\)](#).
 - Projects located in MECP Central or Eastern Region may be subject to the [Oak Ridges Moraine Conservation Plan \(2017\)](#) or the [Lake Simcoe Protection Plan \(2014\)](#).
 - Projects located in MECP Central, Southwest or West Central Region may be subject to the [Niagara Escarpment Plan \(2017\)](#).
 - Projects located in MECP Central, Eastern, Southwest or West Central Region may be subject to the [Greenbelt Plan \(2017\)](#).
 - Projects located in MECP Northern Region may be subject to the [Growth Plan for Northern Ontario \(2011\)](#).
- The [Provincial Policy Statement \(2020\)](#) contains policies that protect Ontario's natural heritage and water resources. Applicable policies should be referenced in the report, and the proponent should describe how the proposed project is consistent with these policies.
- In addition to the provincial planning and policy level, the report should also discuss the planning context at the municipal and federal levels, as appropriate.

☐ Source Water Protection

The *Clean Water Act*, 2006 (CWA) aims to protect existing and future sources of drinking water. To achieve this, several types of vulnerable areas have been delineated around surface water intakes and wellheads for every municipal residential drinking water system that is located in a source protection area. These vulnerable areas are known as a Wellhead Protection Areas (WHPAs) and surface water Intake Protection Zones (IPZs). Other vulnerable areas that have been delineated under the CWA include Highly Vulnerable Aquifers (HVAs), Significant Groundwater Recharge Areas (SGRAs), Event-based modelling areas (EBAs), and Issues Contributing Areas (ICAs). Source protection plans have been developed that include policies to address existing and future risks to sources of municipal drinking water within these vulnerable areas.

Projects that are subject to the Environmental Assessment Act that fall under a Class EA, or one of the Regulations, have the potential to impact sources of drinking water if they occur in designated vulnerable areas or in the vicinity of other at-risk drinking water systems (i.e.

systems that are not municipal residential systems). Projects may include activities that, if located in a vulnerable area, could be a threat to sources of drinking water (i.e. have the potential to adversely affect the quality or quantity of drinking water sources) and the activity could therefore be subject to policies in a source protection plan. Where an activity poses a risk to drinking water, policies in the local source protection plan may impact how or where that activity is undertaken. Policies may prohibit certain activities, or they may require risk management measures for these activities. Municipal Official Plans, planning decisions, Class EA projects (where the project includes an activity that is a threat to drinking water) and prescribed instruments must conform with policies that address significant risks to drinking water and must have regard for policies that address moderate or low risks.

- The proponent should identify the source protection area and should clearly document how the proximity of the project to sources of drinking water (municipal or other) and any delineated vulnerable areas was considered and assessed. Specifically, the report should discuss whether or not the project is located in a vulnerable area and provide applicable details about the area.
- If located in a vulnerable area, proponents should document whether any project activities are prescribed drinking water threats and thus pose a risk to drinking water (this should be consulted on with the appropriate Source Protection Authority). Where an activity poses a risk to drinking water, the proponent must document and discuss in the report how the project adheres to or has regard to applicable policies in the local source protection plan. This section should then be used to inform and be reflected in other sections of the report, such as the identification of net positive/negative effects of alternatives, mitigation measures, evaluation of alternatives etc.
- While most source protection plans focused on including policies for significant drinking water threats in the WHPAs and IPZs it should be noted that even though source protection plan policies may not apply in HVAs, these are areas where aquifers are sensitive and at risk to impacts and within these areas, activities may impact the quality of sources of drinking water for systems other than municipal residential systems.
- In order to determine if this project is occurring within a vulnerable area, proponents can use [Source Protection Information Atlas](#), which is an online mapping tool available to the public. Note that various layers (including WHPAs, WHPA-Q1 and WHPA-Q2, IPZs, HVAs, SGRAs, EBAs, ICAs) can be turned on through the “Map Legend” bar on the left. The mapping tool will also provide a link to the appropriate source protection plan in order to identify what policies may be applicable in the vulnerable area.
- For further information on the maps or source protection plan policies which may relate to their project, proponents must contact the appropriate source protection authority. **Please consult with the local source protection authority to discuss potential impacts on drinking water. Please document the results of that consultation within the report and include all communication documents/correspondence.**

More Information

For more information on the *Clean Water Act*, source protection areas and plans, including specific information on the vulnerable areas and drinking water threats, please refer to [Conservation Ontario's website](#) where you will also find links to the local source protection plan/assessment report.

A list of the prescribed drinking water threats can be found in [section 1.1 of Ontario Regulation 287/07](#) made under the *Clean Water Act*. In addition to prescribed drinking water threats, some source protection plans may include policies to address additional "local" threat activities, as approved by the MECP.

☐ **Climate Change**

The document "[Considering Climate Change in the Environmental Assessment Process](#)" (Guide) is now a part of the Environmental Assessment program's Guides and Codes of Practice. The Guide sets out the MECP's expectation for considering climate change in the preparation, execution and documentation of environmental assessment studies and processes. The guide provides examples, approaches, resources, and references to assist proponents with consideration of climate change in their study. Proponents should review this Guide in detail.

- **The MECP expects proponents of projects under a Class EA or EA Act Regulation to:**

1. Consider during the assessment of alternative solutions and alternative designs, the following:
 - a. the project's expected production of greenhouse gas emissions and impacts on carbon sinks (climate change mitigation); and
 - b. resilience or vulnerability of the undertaking to changing climatic conditions (climate change adaptation).
2. Include a discrete section in the report detailing how climate change was considered in the EA.

How climate change is considered can be qualitative or quantitative in nature and should be scaled to the project's level of environmental effect. In all instances, both a project's impacts on climate change (mitigation) and impacts of climate change on a project (adaptation) should be considered. **Please ensure climate change is considered in the report.**

- The MECP has also prepared another guide to support provincial land use planning direction related to the completion of energy and emission plans. The "[Community Emissions Reduction Planning: A Guide for Municipalities](#)" document is designed to educate stakeholders on the municipal opportunities to reduce energy and greenhouse gas emissions, and to provide guidance on methods and techniques to incorporate consideration of energy and greenhouse gas emissions into municipal activities of all types. We encourage you to review the Guide for information.

□ Air Quality, Dust and Noise

- If there are sensitive receptors in the surrounding area of this project, a quantitative air quality/odour impact assessment will be useful to evaluate alternatives, determine impacts and identify appropriate mitigation measures. The scope of the assessment can be determined based on the potential effects of the proposed alternatives, and typically includes source and receptor characterization and a quantification of local air quality impacts on the sensitive receptors and the environment in the study area. The assessment will compare to all applicable standards or guidelines for all contaminants of concern.
Please contact this office for further consultation on the level of Air Quality Impact Assessment required for this project if not already advised.
- If a quantitative Air Quality Impact Assessment is not required for the project, the MECP expects that the report contain a qualitative assessment which includes:
 - A discussion of local air quality including existing activities/sources that significantly impact local air quality and how the project may impact existing conditions;
 - A discussion of the nearby sensitive receptors and the project's potential air quality impacts on present and future sensitive receptors;
 - A discussion of local air quality impacts that could arise from this project during both construction and operation; and
 - A discussion of potential mitigation measures.
- As a common practice, "air quality" should be used as an evaluation criterion for all road projects.
- Dust and noise control measures should be addressed and included in the construction plans to ensure that nearby residential and other sensitive land uses within the study area are not adversely affected during construction activities.
- The MECP recommends that non-chloride dust-suppressants be applied. For a comprehensive list of fugitive dust prevention and control measures that could be applied, refer to [*Cheminfo Services Inc. Best Practices for the Reduction of Air Emissions from Construction and Demolition Activities*](#) report prepared for Environment Canada. March 2005.
- The report should consider the potential impacts of increased noise levels during the operation of the completed project. The proponent should explore all potential measures to mitigate significant noise impacts during the assessment of alternatives.

☐ **Ecosystem Protection and Restoration**

- Any impacts to ecosystem form and function must be avoided where possible. The report should describe any proposed mitigation measures and how project planning will protect and enhance the local ecosystem.
- Natural heritage and hydrologic features should be identified and described in detail to assess potential impacts and to develop appropriate mitigation measures. The following sensitive environmental features may be located within or adjacent to the study area:
 - Key Natural Heritage Features: Habitat of endangered species and threatened species, fish habitat, wetlands, areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars.
 - Key Hydrologic Features: Permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs, and wetlands.
 - Other natural heritage features and areas such as: vegetation communities, rare species of flora or fauna, Environmentally Sensitive Areas, Environmentally Sensitive Policy Areas, federal and provincial parks and conservation reserves, Greenland systems etc.

We recommend consulting with the Ministry of Natural Resources and Forestry (MNRF), Fisheries and Oceans Canada (DFO) and your local conservation authority to determine if special measures or additional studies will be necessary to preserve and protect these sensitive features. In addition, for projects located in Central Region you may consider the provisions of the Rouge Park Management Plan if applicable.

☐ **Species at Risk**

- The Ministry of the Environment, Conservation and Parks has now assumed responsibility of Ontario's Species at Risk program. Information, standards, guidelines, reference materials and technical resources to assist you are found at <https://www.ontario.ca/page/species-risk>.
- The Client's Guide to Preliminary Screening for Species at Risk (Draft May 2019) has been attached to the covering email for your reference and use. Please review this document for next steps.
- For any questions related to subsequent permit requirements, please contact SAROntario@ontario.ca.

□ Surface Water

- The report must include enough information to demonstrate that there will be no negative impacts on the natural features or ecological functions of any watercourses within the study area. Measures should be included in the planning and design process to ensure that any impacts to watercourses from construction or operational activities (e.g. spills, erosion, pollution) are mitigated as part of the proposed undertaking.
- Additional stormwater runoff from new pavement can impact receiving watercourses and flood conditions. Quality and quantity control measures to treat stormwater runoff should be considered for all new impervious areas and, where possible, existing surfaces. The ministry's [Stormwater Management Planning and Design Manual \(2003\)](#) should be referenced in the report and utilized when designing stormwater control methods. **A Stormwater Management Plan should be prepared as part of the Environmental Screening Process** that includes:
 - Strategies to address potential water quantity and erosion impacts related to stormwater draining into streams or other sensitive environmental features, and to ensure that adequate (enhanced) water quality is maintained
 - Watershed information, drainage conditions, and other relevant background information
 - Future drainage conditions, stormwater management options, information on erosion and sediment control during construction, and other details of the proposed works
 - Information on maintenance and monitoring commitments.
- Any potential approval requirements for surface water taking or discharge should be identified in the report. A Permit to Take Water (PTTW) under the *Ontario Water Resources Act* (OWRA) will be required for any water takings that exceed 50,000 L/day, except for certain water taking activities that have been prescribed by the Water Taking EASR Regulation – *O. Reg. 63/16*. These prescribed water-taking activities require registration in the EASR instead of a PTTW. Please review the [Water Taking User Guide for EASR](#) for more information. Additionally, an Environmental Compliance Approval under the OWRA is required for municipal stormwater management works.

□ Groundwater

- The status of, and potential impacts to any well water supplies should be addressed. If the project involves groundwater takings or changes to drainage patterns, the quantity and quality of groundwater may be affected due to drawdown effects or the redirection of existing contamination flows. In addition, project activities may infringe on existing wells

such that they must be reconstructed or sealed and abandoned. Appropriate information to define existing groundwater conditions should be included in the report.

- If the potential construction or decommissioning of water wells is identified as an issue, the report should refer to Ontario Regulation 903, Wells, under the OWRA.
- Potential impacts to groundwater-dependent natural features should be addressed. Any changes to groundwater flow or quality from groundwater taking may interfere with the ecological processes of streams, wetlands or other surficial features. In addition, discharging contaminated or high volumes of groundwater to these features may have direct impacts on their function. Any potential effects should be identified, and appropriate mitigation measures should be recommended. The level of detail required will be dependent on the significance of the potential impacts.
- Any potential approval requirements for groundwater taking or discharge should be identified in the report. A Permit to Take Water (PTTW) under the OWRA will be required for any water takings that exceed 50,000 L/day, with the exception of certain water taking activities that have been prescribed by the Water Taking EASR Regulation – *O. Reg. 63/16*. These prescribed water-taking activities require registration in the EASR instead of a PTTW. Please review the [Water Taking User Guide for EASR](#) for more information.
- Consultation with the railroad authorities is necessary wherever there is a plan to use construction dewatering in the vicinity of railroad lines or where the zone of influence of the construction dewatering potentially intercepts railroad lines.

☐ **Excess Materials Management**

- In December 2019, MECP released a new regulation under the Environmental Protection Act, titled “On-Site and Excess Soil Management” (O. Reg. 406/19) to support improved management of excess construction soil. This regulation is a key step to support proper management of excess soils, ensuring valuable resources don’t go to waste and to provide clear rules on managing and reusing excess soil. New risk-based standards referenced by this regulation help to facilitate local beneficial reuse which in turn will reduce greenhouse gas emissions from soil transportation, while ensuring strong protection of human health and the environment. The new regulation is being phased in over time, with the first phase in effect on January 1, 2021. For more information, please visit <https://www.ontario.ca/page/handling-excess-soil>.
- The report should reference that activities involving the management of excess soil should be completed in accordance with O. Reg. 406/19 and the MECP’s current guidance

document titled “[Management of Excess Soil – A Guide for Best Management Practices](#)” (2014).

- All waste generated during construction must be disposed of in accordance with ministry requirements.

☐ **Contaminated Sites**

- Any current or historical waste disposal sites should be identified in the report. The status of these sites should be determined to confirm whether approval pursuant to Section 46 of the EPA may be required for land uses on former disposal sites. We recommend referring to the [MECP’s D-4 guideline](#) for land use considerations near landfills and dumps.
 - Resources available may include regional/local municipal official plans and data; provincial data on [large landfill sites](#) and [small landfill sites](#); Environmental Compliance Approval information for waste disposal sites on [Access Environment](#).
- Other known contaminated sites (local, provincial, federal) in the study area should also be identified in the report (Note – information on federal contaminated sites is found on the Government of Canada’s [website](#)).
- The location of any underground storage tanks should be investigated in the report. Measures should be identified to ensure the integrity of these tanks and to ensure an appropriate response in the event of a spill. The ministry’s Spills Action Centre must be contacted in such an event.
- Since the removal or movement of soils may be required, appropriate tests to determine contaminant levels from previous land uses or dumping should be undertaken. If the soils are contaminated, you must determine how and where they are to be disposed of, consistent with *Part XV.1 of the Environmental Protection Act* (EPA) and Ontario Regulation 153/04, Records of Site Condition, which details the new requirements related to site assessment and clean up. Please contact the appropriate MECP District Office for further consultation if contaminated sites are present.

☐ **Servicing, Utilities and Facilities**

- The report should identify any above or underground utilities in the study area such as transmission lines, telephone/internet, oil/gas etc. The owners should be consulted to discuss impacts to this infrastructure, including potential spills.
- The report should identify any servicing infrastructure in the study area such as wastewater, water, stormwater that may potentially be impacted by the project.

- Any facility that releases emissions to the atmosphere, discharges contaminants to ground or surface water, provides potable water supplies, or stores, transports or disposes of waste must have an Environmental Compliance Approval (ECA) before it can operate lawfully. Please consult with MECP's Environmental Permissions Branch to determine whether a new or amended ECA will be required for any proposed infrastructure.
- We recommend referring to the ministry's [environmental land use planning guides](#) to ensure that any potential land use conflicts are considered when planning for any infrastructure or facilities related to wastewater, pipelines, landfills or industrial uses.

☐ **Mitigation and Monitoring**

- Contractors must be made aware of all environmental considerations so that all environmental standards and commitments for both construction and operation are met. Mitigation measures should be clearly referenced in the report and regularly monitored during the construction stage of the project. In addition, we encourage proponents to conduct post-construction monitoring to ensure all mitigation measures have been effective and are functioning properly.
- Design and construction reports and plans should be based on a best management approach that centres on the prevention of impacts, protection of the existing environment, and opportunities for rehabilitation and enhancement of any impacted areas.
- The proponent's construction and post-construction monitoring plans must be documented in the report.

☐ **Consultation**

- The report must demonstrate how the consultation provisions of the Environmental Screening Process have been fulfilled, including documentation of all stakeholder consultation efforts undertaken during the planning process. This includes a discussion in the report that identifies concerns that were raised and **describes how they have been addressed by the proponent** throughout the planning process. The report should also include copies of comments submitted on the project by interested stakeholders, and the proponent's responses to these comments (as directed by the Guide to Environmental Assessment Requirements for Electricity Projects to include full documentation).
- Please include the full stakeholder distribution/consultation list in the documentation.

□ **Environmental Screening Process**

- The purpose of the Environmental Screening report is to document the process followed and the conclusions reached. It should provide clear and complete documentation of the planning process in order to allow for transparency in decision-making and to allow for its timely review by government agencies, and interested persons, including Indigenous communities.
- The Environmental Screening Process requires the consideration of the effects of the project on all aspects of the environment (including planning, natural, social, cultural, economic, technical). The report should include a level of detail (e.g. hydrogeological investigations, terrestrial and aquatic assessments, cultural heritage assessments) such that all potential impacts can be identified, and appropriate mitigation measures can be developed. Any supporting studies conducted during the Environmental Screening Process should be referenced and included as part of the report.
- There are two possible stages of review required under the Environmental Screening Process, depending on the environmental effects of a project: a Screening stage and an Environmental Review stage.
 - All projects that are subject to the process are required to go through the Screening stage, which requires proponents to apply a series of screening criteria to identify the potential environmental effects of the project.
 - A more detailed study (an Environmental Review) is required if potential concerns are raised during the Screening stage that could not be readily addressed.
- Please include in the report a list of all subsequent permits or approvals that may be required for the implementation of the project, including but not limited to, MECP's PTTW, EASR Registrations and ECAs, conservation authority permits, species at risk permits, MTO permits and approvals under the *Impact Assessment Act*, 2019.
- Proponents are encouraged to circulate a draft of the Environmental Review Report, or relevant sections of the report, to the appropriate agencies and key stakeholders for comment prior to the formal review periods.
- Ministry guidelines and other information related to the issues above are available at <http://www.ontario.ca/environment-and-energy/environment-and-energy>. We encourage you to review all the available guides and to reference any relevant information in the report.

Once the Environmental Screening Report is finalized, the proponent must issue a Notice of Completion providing a minimum 30-day period during which documentation may be reviewed and comment and input can be submitted to the proponent. The Notice of Completion must be sent to the appropriate MECP Regional Office email address.

The public can submit an elevation request, which requests a higher level of assessment on a project if they have outstanding environmental concerns. In addition, at any point in the Environmental Screening Process, if it is determined that a project is likely to have significant negative environmental effects, and that the scope and scale of these effects are such that an individual EA is warranted, the Minister of the Environment may of his or her own initiative require that a project be made subject to Part II of the *Environmental Assessment Act* (an individual EA). If the Minister requires an individual EA, the proponent will be informed in writing, stating reasons for the decision.

The proponent cannot proceed with the project until at least 30 days after the end of the comment period provided for in the Notice of Completion. Further, the proponent may not proceed after this time if:

- an elevation request has been submitted by any interested person including Indigenous communities to the ministry regarding outstanding environmental concerns, or
- the Minister has given notice to the proponent requiring that an environmental assessment be prepared.

Please ensure that the Notice of Completion advises that outstanding concerns are to be directed to the proponent for a response, and that in the event there are outstanding environmental concerns, elevation requests should be addressed in writing to:

Director, Environmental Assessment Branch
Ministry of Environment, Conservation and Parks
135 St. Clair Ave. W, 1st Floor
Toronto ON, M4V 1P5
EABDirector@ontario.ca

For more information on the Environmental Screening Process and environmental assessment requirements for Electricity Projects, please visit the following link: [Guide to Environmental Assessment Requirements for Electricity Projects | ontario.ca](#)

A PROPONENT'S INTRODUCTION TO THE DELEGATION OF PROCEDURAL ASPECTS OF CONSULTATION WITH ABORIGINAL COMMUNITIES

DEFINITIONS

The following definitions are specific to this document and may not apply in other contexts:

Aboriginal communities – the First Nation or Métis communities identified by the Crown for the purpose of consultation.

Consultation – the Crown's legal obligation to consult when the Crown has knowledge of an established or asserted Aboriginal or treaty right and contemplates conduct that might adversely impact that right. This is the type of consultation required pursuant to s. 35 of the *Constitution Act, 1982*. Note that this definition does not include consultation with Aboriginal communities for other reasons, such as regulatory requirements.

Crown – the Ontario Crown, acting through a particular ministry or ministries.

Procedural aspects of consultation – those portions of consultation related to the process of consultation, such as notifying an Aboriginal community about a project, providing information about the potential impacts of a project, responding to concerns raised by an Aboriginal community and proposing changes to the project to avoid negative impacts.

Proponent – the person or entity that wants to undertake a project and requires an Ontario Crown decision or approval for the project.

I. PURPOSE

The Crown has a legal duty to consult Aboriginal communities when it has knowledge of an existing or asserted Aboriginal or treaty right and contemplates conduct that may adversely impact that right. In outlining a framework for the duty to consult, the Supreme Court of Canada has stated that the Crown may delegate procedural aspects of consultation to third parties. This document provides general information about the Ontario Crown's approach to delegation of the procedural aspects of consultation to proponents.

This document is not intended to instruct a proponent about an individual project, and it does not constitute legal advice.

II. WHY IS IT NECESSARY TO CONSULT WITH ABORIGINAL COMMUNITIES?

The objective of the modern law of Aboriginal and treaty rights is the *reconciliation* of Aboriginal peoples and non-Aboriginal peoples and their respective rights, claims and interests. Consultation is an important component of the reconciliation process.

The Crown has a legal duty to consult Aboriginal communities when it has knowledge of an existing or asserted Aboriginal or treaty right and contemplates conduct that might adversely impact that right. For example, the Crown's duty to consult is triggered when it considers

issuing a permit, authorization or approval for a project which has the potential to adversely impact an Aboriginal right, such as the right to hunt, fish, or trap in a particular area.

The scope of consultation required in particular circumstances ranges across a spectrum depending on both the nature of the asserted or established right and the seriousness of the potential adverse impacts on that right.

Depending on the particular circumstances, the Crown may also need to take steps to accommodate the potentially impacted Aboriginal or treaty right. For example, the Crown may be required to avoid or minimize the potential adverse impacts of the project.

III. THE CROWN'S ROLE AND RESPONSIBILITIES IN THE DELEGATED CONSULTATION PROCESS

The Crown has the responsibility for ensuring that the duty to consult, and accommodate where appropriate, is met. However, the Crown may delegate the procedural aspects of consultation to a proponent.

There are different ways in which the Crown may delegate the procedural aspects of consultation to a proponent, including through a letter, a memorandum of understanding, legislation, regulation, policy and codes of practice.

If the Crown decides to delegate procedural aspects of consultation, the Crown will generally:

- Ensure that the delegation of procedural aspects of consultation and the responsibilities of the proponent are clearly communicated to the proponent;
- Identify which Aboriginal communities must be consulted;
- Provide contact information for the Aboriginal communities;
- Revise, as necessary, the list of Aboriginal communities to be consulted as new information becomes available and is assessed by the Crown;
- Assess the scope of consultation owed to the Aboriginal communities;
- Maintain appropriate oversight of the actions taken by the proponent in fulfilling the procedural aspects of consultation;
- Assess the adequacy of consultation that is undertaken and any accommodation that may be required;
- Provide a contact within any responsible ministry in case issues arise that require direction from the Crown; and
- Participate in the consultation process as necessary and as determined by the Crown.

IV. THE PROPONENT'S ROLE AND RESPONSIBILITIES IN THE DELEGATED CONSULTATION PROCESS

Where aspects of the consultation process have been delegated to a proponent, the Crown, in meeting its duty to consult, will rely on the proponent's consultation activities and documentation of those activities. The consultation process informs the Crown's decision of whether or not to approve a proposed project or activity.

A proponent's role and responsibilities will vary depending on a variety of factors including the extent of consultation required in the circumstance and the procedural aspects of consultation the Crown has delegated to it. Proponents are often in a better position than the Crown to discuss a project and its potential impacts with Aboriginal communities and to determine ways to avoid or minimize the adverse impacts of a project.

A proponent can raise issues or questions with the Crown at any time during the consultation process. If issues or concerns arise during the consultation that cannot be addressed by the proponent, the proponent should contact the Crown.

a) What might a proponent be required to do in carrying out the procedural aspects of consultation?

Where the Crown delegates procedural aspects of consultation, it is often the proponent's responsibility to provide notice of the proposed project to the identified Aboriginal communities. The notice should indicate that the Crown has delegated the procedural aspects of consultation to the proponent and should include the following information:

- a description of the proposed project or activity;
- mapping;
- proposed timelines;
- details regarding anticipated environmental and other impacts;
- details regarding opportunities to comment; and
- any changes to the proposed project that have been made for seasonal conditions or other factors, where relevant.

Proponents should provide enough information and time to allow Aboriginal communities to provide meaningful feedback regarding the potential impacts of the project. Depending on the nature of consultation required for a project, a proponent also may be required to:

- provide the Crown with copies of any consultation plans prepared and an opportunity to review and comment;
- ensure that any necessary follow-up discussions with Aboriginal communities take place in a timely manner, including to confirm receipt of information, share and update information and to address questions or concerns that may arise;

- as appropriate, discuss with Aboriginal communities potential mitigation measures and/or changes to the project in response to concerns raised by Aboriginal communities;
- use language that is accessible and not overly technical, and translate material into Aboriginal languages where requested or appropriate;
- bear the reasonable costs associated with the consultation process such as, but not limited to, meeting hall rental, meal costs, document translation(s), or to address technical & capacity issues;
- provide the Crown with all the details about potential impacts on established or asserted Aboriginal or treaty rights, how these concerns have been considered and addressed by the proponent and the Aboriginal communities and any steps taken to mitigate the potential impacts;
- provide the Crown with complete and accurate documentation from these meetings and communications; and
- notify the Crown immediately if an Aboriginal community not identified by the Crown approaches the proponent seeking consultation opportunities.

b) What documentation and reporting does the Crown need from the proponent?

Proponents should keep records of all communications with the Aboriginal communities involved in the consultation process and any information provided to these Aboriginal communities.

As the Crown is required to assess the adequacy of consultation, it needs documentation to satisfy itself that the proponent has fulfilled the procedural aspects of consultation delegated to it. The documentation required would typically include:

- the date of meetings, the agendas, any materials distributed, those in attendance and copies of any minutes prepared;
- the description of the proposed project that was shared at the meeting;
- any and all concerns or other feedback provided by the communities;
- any information that was shared by a community in relation to its asserted or established Aboriginal or treaty rights and any potential adverse impacts of the proposed activity, approval or disposition on such rights;
- any proposed project changes or mitigation measures that were discussed, and feedback from Aboriginal communities about the proposed changes and measures;
- any commitments made by the proponent in response to any concerns raised, and feedback from Aboriginal communities on those commitments;
- copies of correspondence to or from Aboriginal communities, and any materials distributed electronically or by mail;

- information regarding any financial assistance provided by the proponent to enable participation by Aboriginal communities in the consultation;
- periodic consultation progress reports or copies of meeting notes if requested by the Crown;
- a summary of how the delegated aspects of consultation were carried out and the results; and
- a summary of issues raised by the Aboriginal communities, how the issues were addressed and any outstanding issues.

In certain circumstances, the Crown may share and discuss the proponent's consultation record with an Aboriginal community to ensure that it is an accurate reflection of the consultation process.

c) Will the Crown require a proponent to provide information about its commercial arrangements with Aboriginal communities?

The Crown may require a proponent to share information about aspects of commercial arrangements between the proponent and Aboriginal communities where the arrangements:

- include elements that are directed at mitigating or otherwise addressing impacts of the project;
- include securing an Aboriginal community's support for the project; or
- may potentially affect the obligations of the Crown to the Aboriginal communities.

The proponent should make every reasonable effort to exempt the Crown from confidentiality provisions in commercial arrangements with Aboriginal communities to the extent necessary to allow this information to be shared with the Crown.

The Crown cannot guarantee that information shared with the Crown will remain confidential. Confidential commercial information should not be provided to the Crown as part of the consultation record if it is not relevant to the duty to consult or otherwise required to be submitted to the Crown as part of the regulatory process.

V. WHAT ARE THE ROLES AND RESPONSIBILITIES OF ABORIGINAL COMMUNITIES' IN THE CONSULTATION PROCESS?

Like the Crown, Aboriginal communities are expected to engage in consultation in good faith. This includes:

- responding to the consultation notice;
- engaging in the proposed consultation process;
- providing relevant documentation;

- clearly articulating the potential impacts of the proposed project on Aboriginal or treaty rights; and
- discussing ways to mitigate any adverse impacts.

Some Aboriginal communities have developed tools, such as consultation protocols, policies or processes that provide guidance on how they would prefer to be consulted. Although not legally binding, proponents are encouraged to respect these community processes where it is reasonable to do so. Please note that there is no obligation for a proponent to pay a fee to an Aboriginal community in order to enter into a consultation process.

To ensure that the Crown is aware of existing community consultation protocols, proponents should contact the relevant Crown ministry when presented with a consultation protocol by an Aboriginal community or anyone purporting to be a representative of an Aboriginal community.

VI. WHAT IF MORE THAN ONE PROVINCIAL CROWN MINISTRY IS INVOLVED IN APPROVING A PROPONENT'S PROJECT?

Depending on the project and the required permits or approvals, one or more ministries may delegate procedural aspects of the Crown's duty to consult to the proponent. The proponent may contact individual ministries for guidance related to the delegation of procedural aspects of consultation for ministry-specific permits/approvals required for the project in question. Proponents are encouraged to seek input from all involved Crown ministries sooner rather than later.

Client's Guide to Preliminary Screening for Species at Risk

***Ministry of the Environment, Conservation and Parks
Species at Risk Branch, Permissions and Compliance
DRAFT - May 2019***

Table of Contents

1.0 Purpose, Scope, Background and Context	3
1.1 Purpose of this Guide.....	3
1.2 Scope.....	3
1.3 Background and Context.....	4
2.0 Roles and Responsibilities	5
3.0 Information Sources	6
3.1 Make a Map: Natural Heritage Areas	7
3.2 Land Information Ontario (LIO)	7
3.3 Additional Species at Risk Information Sources.....	8
3.4 Information Sources to Support Impact Assessments	8
4.0 Check-List	9

1.0 Purpose, Scope, Background and Context

1.1 Purpose of this Guide

This guide has been created to:

- help clients better understand their obligation to gather information and complete a preliminary screening for species at risk before contacting the ministry,
- outline guidance and advice clients can expect to receive from the ministry at the preliminary screening stage,
- help clients understand how they can gather information about species at risk by accessing publicly available information housed by the Government of Ontario, and
- provide a list of other potential sources of species at risk information that exist outside the Government of Ontario.

It remains the client's responsibility to:

- carry out a preliminary screening for their projects,
- obtain best available information from all applicable information sources,
- conduct any necessary field studies or inventories to identify and confirm the presence or absence of species at risk or their habitat,
- consider any potential impacts to species at risk that a proposed activity might cause, and
- comply with the *Endangered Species Act* (ESA).

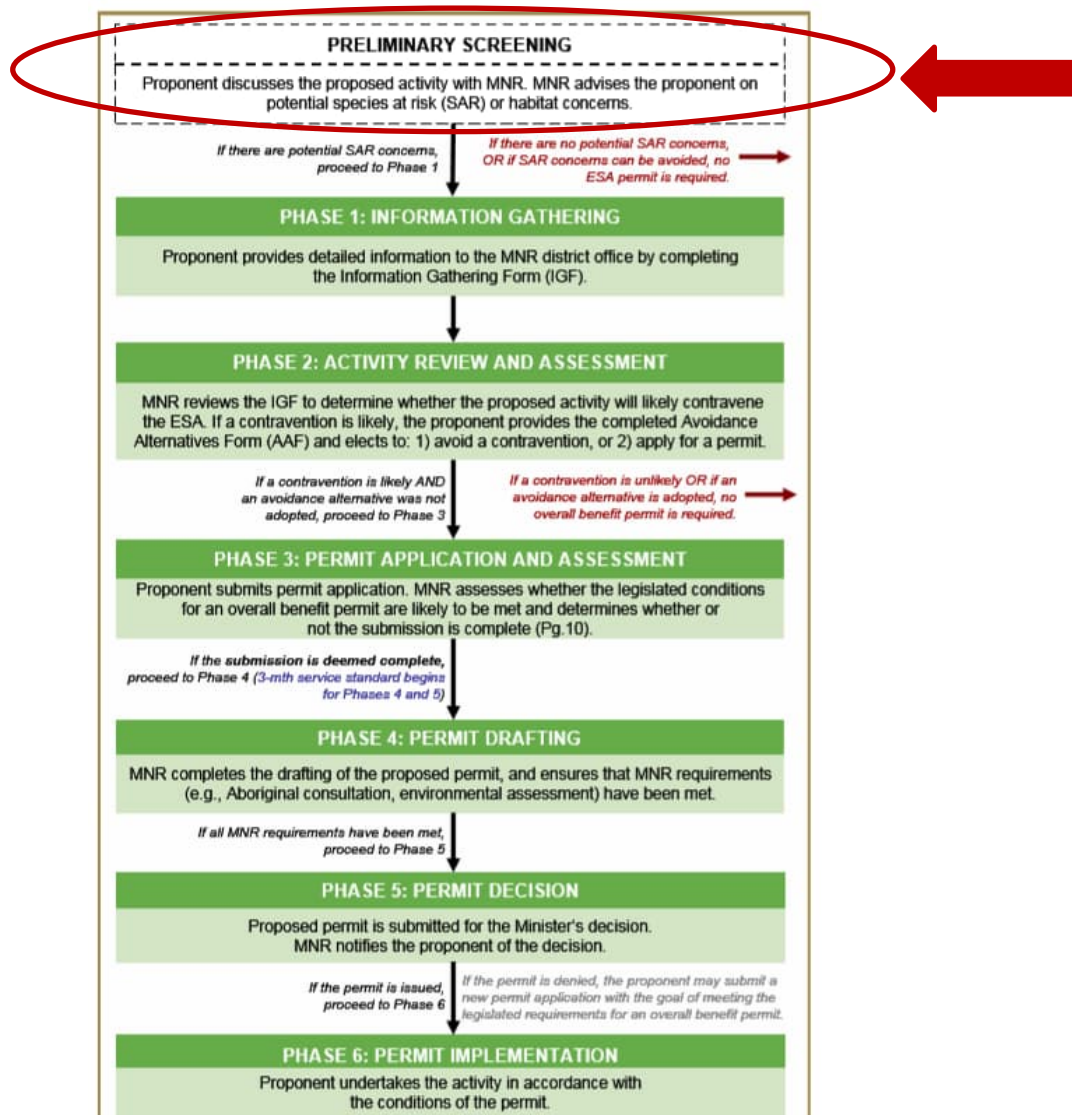
To provide the most efficient service, clients should initiate species at risk screenings and seek information from all applicable information sources identified in this guide, at a minimum, prior to contacting Government of Ontario ministry offices for further information or advice.

1.2 Scope

This guide is a resource for clients seeking to understand if their activity is likely to impact species at risk or if they are likely to trigger the need for an authorization under the ESA. It is not intended to circumvent any detailed site surveys that may be necessary to document species at risk or their habitat nor to circumvent the need to assess the impacts of a proposed activity on species at risk or their habitat. This guide is not an exhaustive list of available information sources for any given area as the availability of information on species at risk and their habitat varies across the province. This guide is intended to support projects and activities carried out on Crown and private land, by private landowners, businesses, other provincial ministries and agencies, or municipal government.

1.3 Background and Context

To receive advice on their proposed activity, clients must first determine whether any species at risk or their habitat exist or are likely to exist at or near their proposed activity, and whether their proposed activity is likely to contravene the ESA. Once this step is complete, clients may contact the ministry at SAROntario@ontario.ca to discuss the main purpose, general methods, timing and location of their proposed activity as well as information obtained about species at risk and their habitat at, or near, the site. At this stage, the ministry can provide advice and guidance to the client about potential species at risk or habitat concerns, measures that the client is considering to avoid adverse effects on species at risk or their habitat and whether additional field surveys are advisable. This is referred to as the “Preliminary Screening” stage. For more information on additional phases in the diagram below, please refer to the *Endangered Species Act Submission Standards for Activity Review and 17(2)(c) Overall Benefit Permits* policy available online at <https://www.ontario.ca/page/species-risk-overall-benefit-permits>



2.0 Roles and Responsibilities

To provide the most efficient service, clients should initiate species at risk screenings and seek information from all applicable information sources identified in this guide prior to contacting Government of Ontario ministry offices for further information or advice.

Step 1: Client seeks information regarding species at risk or their habitat that exist, or are likely to exist, at or near their proposed activity by referring to all applicable information sources identified in this guide.

Step 2: Client reviews and consider guidance on whether their proposed activity is likely to contravene the ESA (see section 3.4 of this guide for guidance on what to consider).

Step 3: Client gathers information identified in the checklist in section 4 of this guide.

Step 4: Client contacts the ministry at SAROntario@ontario.ca to discuss their preliminary screening. Ministry staff will ask the client questions about the main purpose, general methods, timing and location of their proposed activity as well as information obtained about species at risk and their habitat at, or near, the site. Ministry staff will also ask the client for their interpretation of the impacts of their activity on species at risk or their habitat as well as measures the client has considered to avoid any adverse impacts.

Step 5: Ministry staff will provide advice on next steps.

Option A: Ministry staff may advise the client they can proceed with their activity without an authorization under the ESA where the ministry is confident that:

- no protected species at risk or habitats are likely to be present at or near the proposed location of the activity; or
- protected species at risk or habitats are known to be present but the activity is not likely to contravene the ESA; or
- through the adoption of avoidance measures, the modified activity is not likely to contravene the ESA.

Option B: Ministry staff may advise the client to proceed to Phase 1 of the overall benefit permitting process (i.e. Information Gathering in the previous diagram), where:

- there is uncertainty as to whether any protected species at risk or habitats are present at or near the proposed location of the activity; or
- the potential impacts of the proposed activity are uncertain; or
- ministry staff anticipate the proposed activity is likely to contravene the ESA.

3.0 Information Sources

Land Information Ontario (LIO) and the Natural Heritage Information Centre (NHIC) maintain and provide information about species at risk, as well as related information about fisheries, wildlife, crown lands, protected lands and more. This information is made available to organizations, private individuals, consultants, and developers through online sources and is often considered under various pieces of legislation or as part of regulatory approvals and planning processes.

The information available from LIO or NHIC and the sources listed in this guide should not be considered as a substitute for site visits and appropriate field surveys. Generally, this information can be regarded as a starting point from which to conduct further field surveys, if needed. While this data represents best available current information, it is important to note that a lack of information for a site does not mean that species at risk or their habitat are not present. There are many areas where the Government of Ontario does not currently have information, especially in more remote parts of the province. The absence of species at risk location data at or near your site does not necessarily mean no species at risk are present at that location. On-site assessments can better verify site conditions, identify and confirm presence of species at risk and/or their habitats.

Information on the location (i.e. observations and occurrences) of species at risk is considered sensitive and therefore publicly available only on a 1km square grid as opposed to as a detailed point on a map. This generalized information can help you understand which species at risk are in the general vicinity of your proposed activity and can help inform field level studies you may want to undertake to confirm the presence, or absence of species at risk at or near your site.

Should you require specific and detailed information pertaining to species at risk observations and occurrences at or near your site on a finer geographic scale; you will be required to demonstrate your need to access this information, to complete data sensitivity training and to obtain a Sensitive Data Use License from the NHIC. Information on how to obtain a license can be found online at <https://www.ontario.ca/page/get-natural-heritage-information>.

Many organizations (e.g. other Ontario ministries, municipalities, conservation authorities) have ongoing licensing to access this data so be sure to check if your organization has this access and consult this data as part of your preliminary screening if your organization already has a license.

3.1 Make a Map: Natural Heritage Areas

The Make a Natural Heritage Area Map (available online at http://www.gisapplication.lrc.gov.on.ca/mamnh/Index.html?site=MNR_NHLUPS_NaturalHeritage&viewer=NaturalHeritage&locale=en-US) provides public access to natural heritage information, including species at risk, without the user needing to have Geographic Information System (GIS) capability. It allows users to view and identify generalized species at risk information, mark areas of interest, and create and print a custom map directly from the web application. The tool also shows topographic information such as roads, rivers, contours and municipal boundaries.

Users are advised that sensitive information has been removed from the natural areas dataset and the occurrences of species at risk has been generalized to a 1-kilometre grid to mitigate the risks to the species (e.g. illegal harvest, habitat disturbance, poaching).

The web-based mapping tool displays natural heritage data, including:

- Generalized Species at risk occurrence data (based on a 1-km square grid),
- Natural Heritage Information Centre data.

Data cannot be downloaded directly from this web map; however, information included in this application is available digitally through Land Information Ontario (LIO) at <https://www.ontario.ca/page/land-information-ontario>.

3.2 Land Information Ontario (LIO)

Most natural heritage data is publicly available. This data is managed in a large provincial corporate database called the LIO Warehouse and can be accessed online through the LIO Metadata Management Tool at <https://www.javacoeapp.lrc.gov.on.ca/geonetwork/srv/en/main.home>. This tool provides descriptive information about the characteristics, quality and context of the data. Publicly available geospatial data can be downloaded directly from this site.

While most data are publicly available, some data may be considered highly sensitive (i.e. nursery areas for fish, species at risk observations) and as such, access to some data maybe restricted.

3.3 Additional Species at Risk Information Sources

- The Breeding Bird Atlas can be accessed online at <http://www.birdsontario.org/atlas/index.jsp?lang=en>
- eBird can be accessed online at <https://ebird.org/home>
- iNaturalist can be accessed online at <https://www.inaturalist.org/>
- The Ontario Reptile and Amphibian Atlas can be accessed online at <https://ontarionature.org/programs/citizen-science/reptile-amphibian-atlas>
- Your local Conservation Authority. Information to help you find your local Conservation Authority can be accessed online at <https://conservationontario.ca/conservation-authorities/find-a-conservation-authority/>

Local naturalist groups or other similar community-based organizations

- Local Indigenous communities
- Local land trusts or other similar Environmental Non-Government Organizations
- Field level studies to identify if species at risk, or their habitat, are likely present or absent at or near the site.
- When an activity is proposed within one of the continuous caribou ranges, please be sure to consider the caribou Range Management Policy. This policy includes figures and maps of the continuous caribou range, can be found online at <https://www.ontario.ca/page/range-management-policy-support-woodland-caribou-conservation-and-recovery>

3.4 Information Sources to Support Impact Assessments

- Guidance to help you understand if your activity is likely to adversely impact species at risk or their habitat can be found online at <https://www.ontario.ca/page/policy-guidance-harm-and-harass-under-endangered-species-act> and <https://www.ontario.ca/page/categorizing-and-protecting-habitat-under-endangered-species-act>
- A list of species at risk in Ontario is available online at <https://www.ontario.ca/page/species-risk-ontario>. On this webpage, you can find out more about each species, including where it lives, what threatens it and any specific habitat protections that apply to it by clicking on the photo of the species.

4.0 Check-List

Please feel free to use the check list below to help you confirm you have explored all applicable information sources and to support your discussion with Ministry staff at the preliminary screening stage.

- ✓ Land Information Ontario (LIO)
- ✓ Natural Heritage Information Centre (NHIC)
- ✓ The Breeding Bird Atlas
- ✓ eBird
- ✓ iNaturalist
- ✓ Ontario Reptile and Amphibian Atlas
- ✓ List Conservation Authorities you contacted: _____

- ✓ List local naturalist groups you contacted: _____

- ✓ List local Indigenous communities you contacted: _____

- ✓ List any other local land trusts or Environmental Non-Government Organizations you contacted: _____

- ✓ List and field studies that were conducted to identify species at risk, or their habitat, likely to be present or absent at or near the site: _____

- ✓ List what you think the likely impacts of your activity are on species at risk and their habitat (e.g. damage or destruction of habitat, killing, harming or harassing species at risk): _____

From: Greg Milne <GDMilne@capitalpower.com>

Sent: August 01, 2023 11:48 AM

To: Trevor.Bell@ontario.ca; Gavin.Battarino@ontario.ca; Nick.Colella@ontario.ca; Jon.Averill@ontario.ca; shareen.han@ontario.ca

Cc: Lawrence Nasen <lnasen@capitalpower.com>; Wilhelm Danek <wdanek@capitalpower.com>; Chris Sutherland <csutherland@capitalpower.com>; Kara Hearne <khearne@slrconsulting.com>; Jay Shukin <jshukin@capitalpower.com>; Emma Coyle <ecoyle@capitalpower.com>

Subject: July 28 Meeting Follow-up: Capital Power Goreway & York Upgrade and BESS Projects

Hi all,

Thanks again for taking the time to meet with us last week to discuss the four projects at York and Goreway. On behalf of Capital Power, we found the meeting to be very helpful.

I've attached for your reference the slide deck that we reviewed in the call, as well as the IESO's prioritization letters for York and Goreway.

If you have any questions on any of the projects, please do not hesitate to reach out to either Lawrence Nasen or myself. In case you don't already have it, Lawrence's contact information is:

Lawrence Nasen M.Sc., P.Biol | Senior Specialist, Environment

Capital Power Corporation

Gulf Canada Square 1200 | 1200, 401 -9th Ave SW | Calgary, AB | T2P 3C5

Mobile: (403) 835-0032 | Email: lnasen@capitalpower.com

We look forward to working with you in the coming months.

Best Regards,
Greg

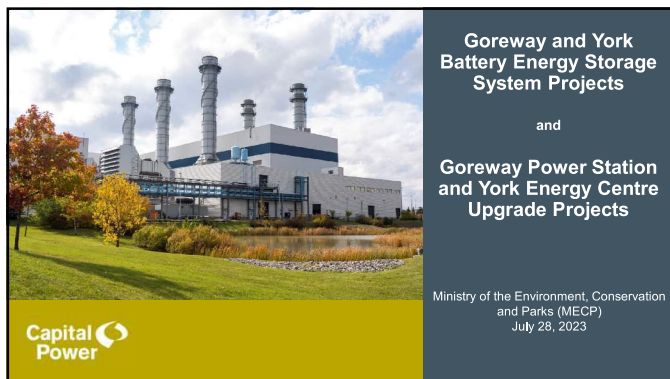
Greg Milne, M.Sc., P.Eng. | Senior Consultant, Environment

Capital Power Corporation

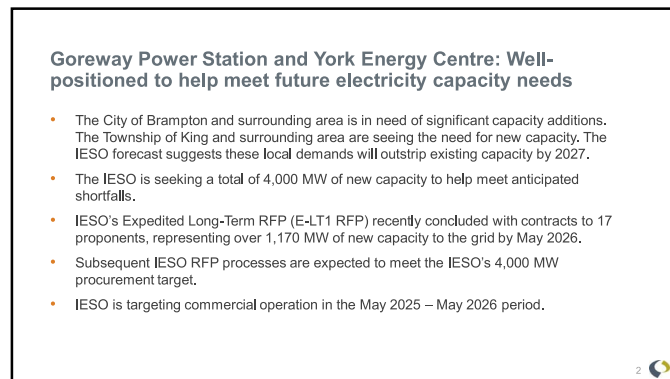
1200 – 10423 101 St. NW | Edmonton, AB | T5H 0E9

C 780-504-9128 | gdmilne@capitalpower.com | capitalpower.com

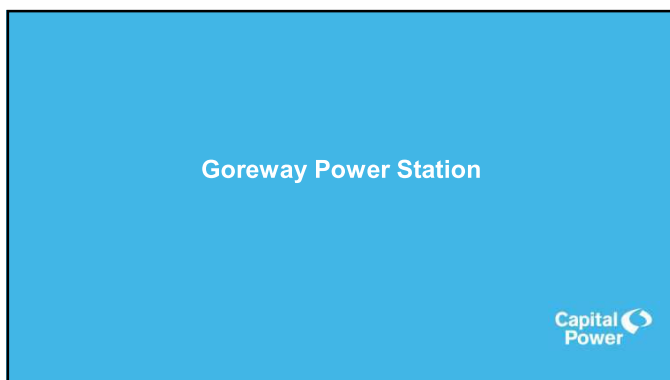
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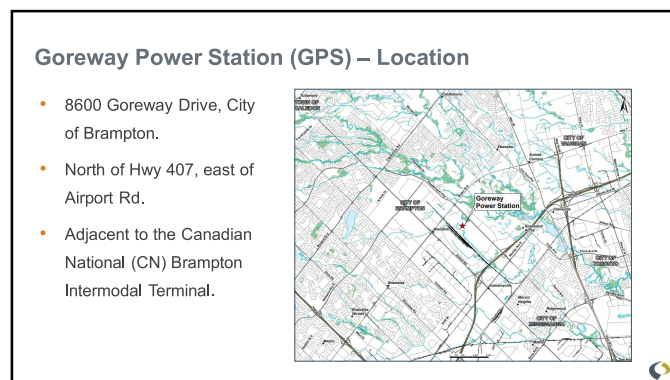
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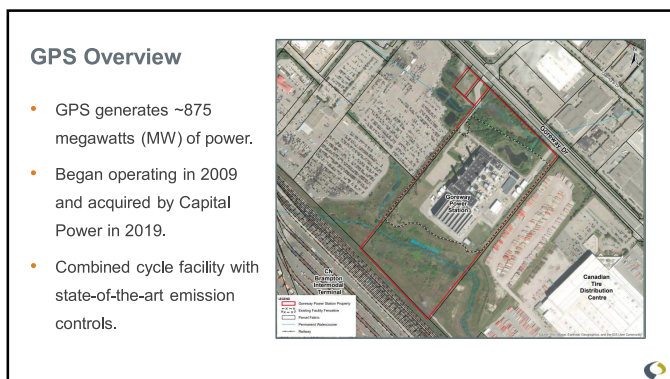
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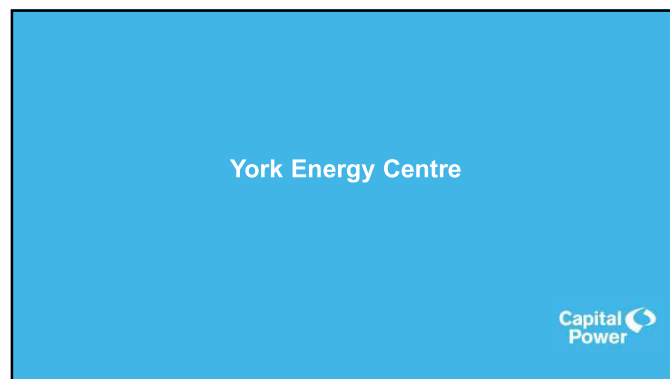
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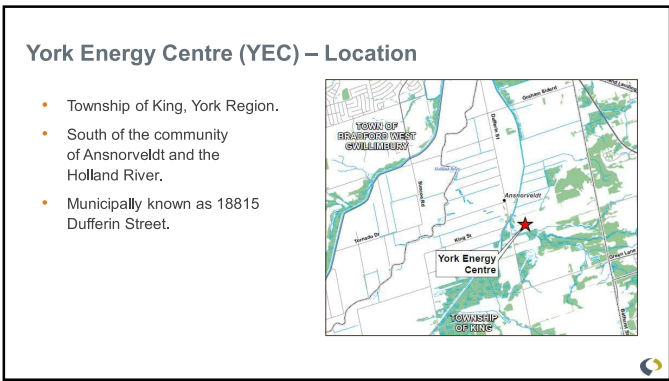
6

York Energy Centre (YEC) – Location

- Township of King, York Region.
- South of the community of Annsorveldt and the Holland River.
- Municipally known as 18815 Dufferin Street.

The map displays the York Energy Centre (YEC) location, marked by a red star. The YEC is situated in the Township of King, York Region, south of the community of Annsorveldt and the Holland River. The map also shows the Holland River, the community of Annsorveldt, and the location of the YEC marked by a red star. Surrounding areas include Township of King, Township of York, and Township of Richmond Hill.

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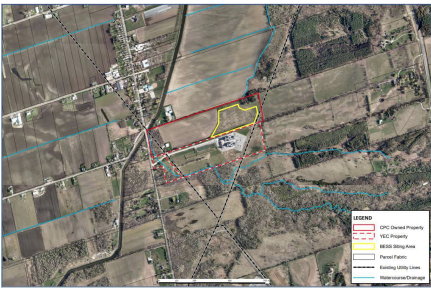
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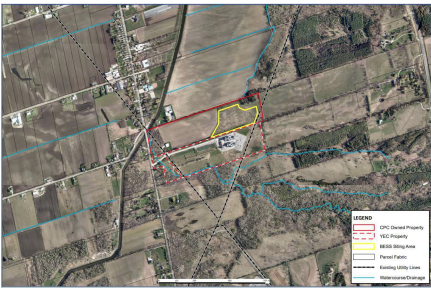
YEC Overview

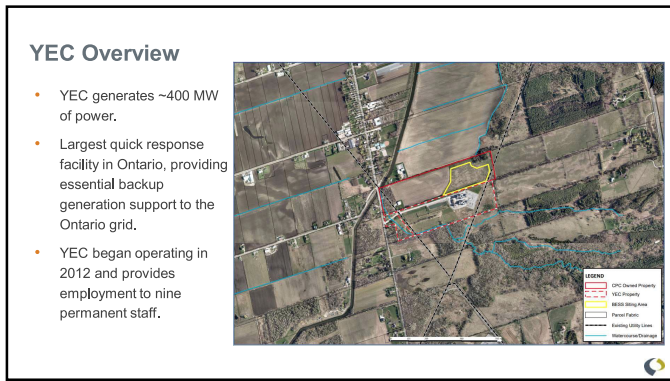
- YEC generates ~400 MW of power.
- Largest quick response facility in Ontario, providing essential backup generation support to the Ontario grid.
- YEC began operating in 2012 and provides employment to nine permanent staff.



LEGEND

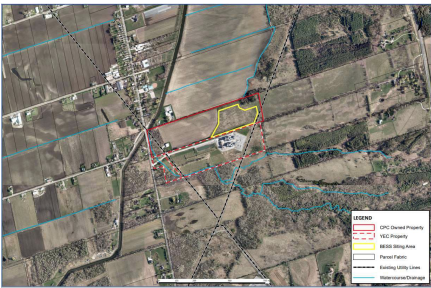
- YEC Overall Property
- YEC Property
- MSW Biting Area
- Proposed Biting Area
- Existing Utility Lines
- Watercourse Channel

- ## YEC Overview
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- LEGEND**
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LEGEND

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Proposed Upgrade Projects

Proposed Upgrade Projects


Proposed Upgrade Projects



GPS and YEC Upgrade Projects

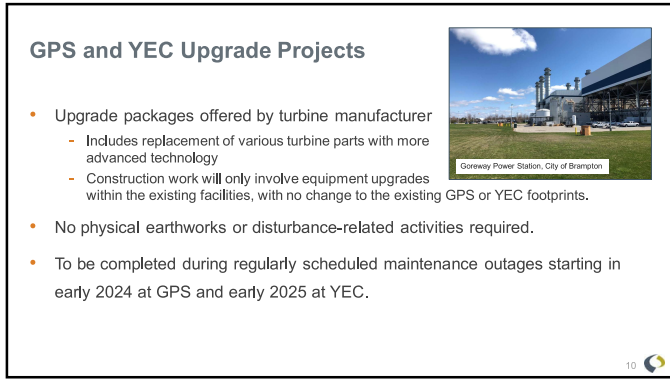
- Upgrade packages offered by turbine manufacturer
 - Includes replacement of various turbine parts with more advanced technology
 - Construction work will only involve equipment upgrades within the existing facilities, with no change to the existing GPS or YEC footprints.
- No physical earthworks or disturbance-related activities required.
- To be completed during regularly scheduled maintenance outages starting in early 2024 at GPS and early 2025 at YEC.



Goreway Power Station, City of Brampton


10 

- ## GPS and YEC Upgrade Projects
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- 
- Goreway Power Station, City of Brampton
- 10 




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Goreway Power Station, City of Brampton


10 

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Goreway Power Station, City of Brampton

10 

**Proposed Upgrade Projects
Regulatory Approvals & Timelines**

**Proposed Upgrade Projects
Regulatory Approvals & Timelines**

**Proposed Upgrade Projects
Regulatory Approvals & Timelines**

Regulatory Approvals

- Environmental Screening Process for Electricity Projects – Environmental Review
- Environmental Compliance Approval (ECA) Amendment – Air & Noise



York Energy Centre, Township of King

12 

- ## Regulatory Approvals
- Environmental Screening Process for Electricity Projects – Environmental Review
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- 
- York Energy Centre, Township of King
- 12 



Regulatory Approvals

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York Energy Centre, Township of King

12 

Regulatory Approvals

- Environmental Screening Process for Electricity Projects – Environmental Review
- Environmental Compliance Approval (ECA) Amendment – Air & Noise



York Energy Centre, Township of King

12 

Activities To-Date

Milestone	Timing
Pre-Consultation with Municipalities, Indigenous Communities and MECP	Initiated December 2022
Indigenous Community lists received from MECP	March 24, 2023
Project Information Packages sent to Indigenous Communities	April 5, 2023
Notices of Commencement of Environmental Review Issued	May 4, 2023
Community Outreach and Technical Studies	Ongoing

13

Overall Upgrade Project Timelines

Key Milestone	Anticipated Timing
Technical studies and discussions with MECP	Ongoing to early fall 2023
Notice of Completion	Goreway – Fall 2023 York – Early 2024
Applications for ECA (Air & Noise)	Goreway – Late 2023 York – Early 2024
MECP ECA Application Review	Goreway – Q4 2023 to Q1 2024 York – Q1 to Q3 2024
Installation – Scheduled Outage LMO	Goreway – Q2 2024 York – Q1 2025
IESO commercial operation target	May 1, 2025

14

Overall Upgrade Project Timelines

Key Milestone	2023		2024				2025			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Technical studies and discussions with MECP										
Notice of Completion										
Applications for ECA (Air & Noise)										
MECP ECA Application Review										
Installation – Scheduled Outage										
IESO commercial operation target										

15

Proposed Battery Energy Storage System (BESS) Projects

Capital Power

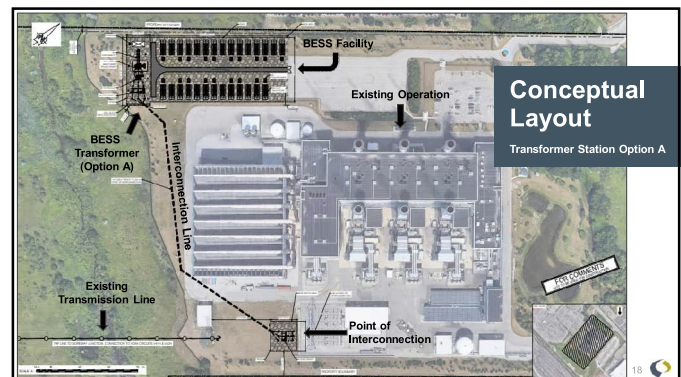
16

Goreway BESS Project Site & Key Components

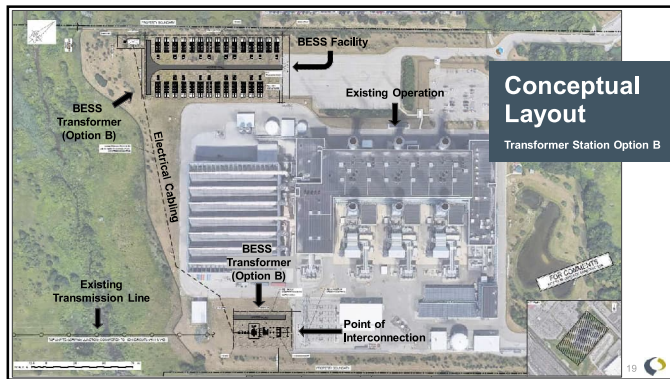
- Proposed in southwest corner of the site within the existing facility fence line:
 - Currently manicured lawn and parking area.
 - Footprint approximately 0.65 ha (or 1.6 ac).
- BESS would provide up to 50 MW of electricity for up to 4 hours.
- Key ancillary components:
 - High voltage transformer (230 kV)
 - Other electrical components
 - Internal graveled access laneways
 - Stormwater management
 - Temporary construction areas
 - Fencing
- Two potential configurations (locations for the transformer station).



17



18



19

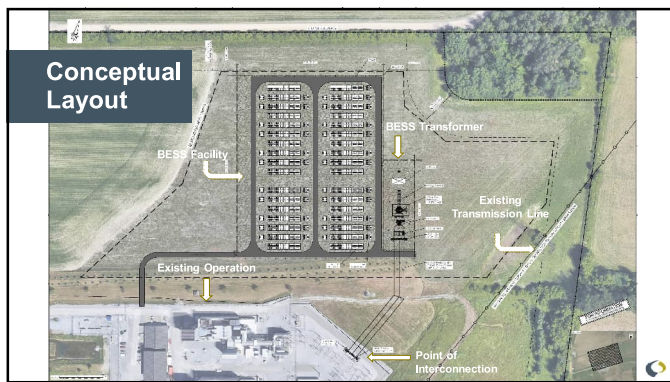
York BESS Project Site & Key Components

- Former laydown area used during construction of the YEC on adjacent property.
 - Currently a mowed field.
 - Footprint approximately 1.5 ha (4 acres).
- BESS has a nameplate capacity of 120 MW of electricity for up to 4 hours.
- Key ancillary components:
 - High voltage transformer (230 kV)
 - Other electrical components
 - Internal gravelled access laneways
 - Stormwater management
 - Temporary construction areas
 - Fencing
- A larger "BESS Siting Area" is shown to allow for micro-siting during detailed engineering.






20



21

Proposed BESS Projects Regulatory Approvals & Timelines



22

Regulatory Approvals

- Class EA for Minor Transmission Facilities process
- Site Plan Approval – City of Brampton and Township of King
- Noise – Environmental Activity and Sector Registry (EASR)
- Stormwater/Industrial Sewage Works (ISW) – Environmental Compliance Approval (ECA)
 - Current Goreway ECA (ISW): No. 4234-6L7M5V, January 30, 2006
 - Current York ECA (ISW): No. 3551-9FJS2H, October 28, 2014

Technical Studies to Support Regulatory Approvals:

- Land Use Planning
- Natural Environment (Ecology)
- Noise
- Stormwater Management
- Cultural Heritage Resources (Built Heritage, Heritage Landscapes, Archaeology)
- Landscaping (Visual Aesthetics)
- Emergency Response Planning
- Various construction and engineering plans and drawings
- Agricultural Impact Assessment (York only)



23

Activities To-Date

Milestone	Timing
Pre-Consultation with City of Windsor, Indigenous Communities and MECP	Initiated December 2022
Indigenous Community lists received from MoE	April 13, 2023
Project Information Package sent to Indigenous Communities	April 20, 2023
Notice of Commencement Issued	May 4, 2023
Community Outreach and Technical Studies	Ongoing

24

Overall BESS Project Timelines

Key Milestone	Anticipated Timing
Technical studies and discussions with MECP	Ongoing to early fall 2023
Public Open Houses	June 2023
Advise MECP of Successful Screening	Early Fall 2023
EASR Registration (Noise)	Late 2023
Applications for ECA (ISW)	Late 2023
MECP ECA Application Review	Late Fall 2023 to Early 2024
Construction mobilization	Early 2024 (pending regulatory approvals)
Delivery and installation of project components	Mid 2024
Technical commissioning activities	Early 2025
IESO commercial operation target	May 2025 to May 2026

25

Overall BESS Project Timelines

Key Milestone	2023			2024				2025			
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Technical studies, discussions with MECP											
Public Open House											
Advise MECP of Successful Screening											
EASR Registration (Noise)											
Applications for ECA (ISW)											
MECP ECA Application Review											
Construction mobilization											
Delivery, installation of project components											
Technical commissioning activities											
IESO commercial operation target											

26

Next Steps

- How best to engage and work with MECP during the EA and permitting process?
 - Does MECP generally expect to review draft reports or sections of reports for streamlined EA processes?
 - What is the MECP's recommended approach for early engagement with technical reviewers – would this be coordinated through the EAB?

27



28

Chris Sutherland
Director, Commercial Management
Capital Power
8600 Goreway Drive, Brampton, ON, L6T 0A8

Dear Mr. Sutherland

RE: MECP Request for Project Prioritization for York Energy Centre

Thank-you for participating in the IESO's Same Technology Upgrades Solicitation.

I am writing this letter in support of your discussions with the Ministry of Environment, Conservation and Parks (the Ministry) on obtaining the necessary environmental approvals for your project (York Energy Centre). The Ministry has notified the IESO that projects that are critical to meeting electricity system needs may be eligible for prioritization through their respective processes.

This letter serves to document the IESO's view of your project as critical in meeting Ontario's future electricity system needs. As Ontario's economy grows and businesses and individuals invest in electrification, the demands on the electricity system are expected to continue to increase over the next decade. Beginning in 2025, Ontario's electricity system is expected to surpass the capabilities of its existing resource fleet and enter a period of needing new resources and capacity on the system. Your project is critical in meeting these needs, particularly as it is expected to be in service in 2025.

Please note that this letter on its own does not qualify your project for any prioritization by the Ministry. Prioritization decisions remain the sole responsibility of the Ministry who will make decisions based on their processes and criteria. The IESO would encourage you to begin engaging with the Ministry as soon as possible. Requests to prioritize applications should be submitted to the Ministry's General Inquiry, Client Services and Permissions Branch, at enviropemissions@ontario.ca and should include the following information:

- Project description/ summary
- Project location
- Detailed rationale why the project requires priority review

Regards,



Chuck Farmer
Vice President, Planning, Conservation and Resource Adequacy
Independent Electricity System Operator

CC: Steen Hume, Assistant Deputy Minister, Energy Supply Policy Division, Ministry of Energy

Lisa Trevisan, Assistant Deputy Minister, Environmental Assessment and Permissions Division, Ministry of Environment, Conservation and Parks

Michael Lyle, Vice President, Legal Resources and Corporate Governance, Independent Electricity System Operator

Ministry of Citizenship and Multiculturalism (MCM)

From: Jay Shukin <jshukin@capitalpower.com>

Sent: May-04-23 6:50 PM

Subject: FW: Notices of Commencement – York Energy Centre Upgrades Project & York Battery Energy Storage System

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hi there – apologies to all if you have already received, but I did get a bounce-back note with your email address and so am sending again.

All the best,

Jay

Jay Shukin
Manager, Indigenous & Stakeholder Engagement
Capital Power
1-855-703-5005

From: Jay Shukin On Behalf Of info@capitalpower.com

Sent: Thursday, May 4, 2023 12:44 PM

Cc: CPC Information <cpcinfo@capitalpower.com>

Subject: Notices of Commencement – York Energy Centre Upgrades Project & York Battery Energy Storage System

Hello:

Please find attached two Notices of Commencement per the Ontario *Environmental Assessment Act* for the following projects:

York Energy Centre Upgrades Project

We are initiating the Environmental Screening Process for Electricity Projects.

More information at: <https://www.capitalpower.com/operations/york-energy-centre-upgrade>

York Battery Energy Storage System (BESS)

We are initiating the Class Environmental Assessment for Minor Transmission Facilities process,

More information at: <https://www.capitalpower.com/operations/york-energy-centre-bess>

Please contact us if you wish to learn more about either of these projects or to set-up a technical briefing with our team.

Regards,

Jay Shukin
Manager, Indigenous & Stakeholder Engagement
Capital Power
1-855-703-5005 | info@capitalpower.com

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From: Barboza, Karla (MCM) <Karla.Barboza@ontario.ca>
Sent: June 12, 2023 4:33 PM
To: Jay Shukin
Cc: CPC Information; CPC Information; Minkin, Dan (MCM)
Subject: MCM Comments: Notices of Commencement – York Energy Centre Upgrades Project & York Battery Energy Storage System
Attachments: York Energy Centre BESS NOC Final May 2023.pdf; York Energy Centre Upgrade NOC Final May 2023.pdf; 2023-06-12 YorkEnergyBESS_MTF_ClassEA_MCM Comments.pdf; 2023-06-12 YECUpgrades_ElectricityReg_MCM Comments.pdf

Notice: External Email. Please do not click links, open attachments, or take any other action on this email unless you recognize the source of this email and know the content is safe.

Hi Jay,

Thanks for sending the notices of commencement for the above referenced projects to the Ministry of Citizenship and Multiculturalism (MCM).

Please find our initial commenting letters for both projects. Let me know if you have any questions.

Regards,
Karla

Karla Barboza, RPP, MCIP, CAHP
Team Lead, Heritage | Heritage Planning Unit | Ministry of Citizenship and Multiculturalism | 416-660-1027 | karla.barboza@ontario.ca

**Ministry of Citizenship
and Multiculturalism**

Heritage Planning Unit
Heritage Branch
Citizenship, Inclusion and
Heritage Division
5th Flr, 400 University Ave
Tel.: 416-660-1027

**Ministère des Affaires civiques
et du Multiculturalisme**

Unité de la planification relative au
patrimoine
Direction du patrimoine
Division des affaires civiques, de
l'inclusion et du patrimoine
Tél.: 416-660-1027



June 12, 2023

EMAIL ONLY

Jay Shukin
Manager, Indigenous and Stakeholder Engagement
Capital Power
18781 Dufferin Street
Newmarket, ON L3Y 4V9
Email jshukin@capitalpower.com

MCM File : **0019408**
Proponent : **Capital Power Corporation**
Subject : **Electricity Projects Regulation (Ontario Regulation 116/01) – Notice of Commencement of an Environmental Review**
Project : **York Energy Centre Upgrades Project**
Location : **18815 Dufferin Street, Township of King, York Region**

Dear Jay Shukin

Thank you for providing the Ministry of Citizenship and Multiculturalism (MCM) with the Notice of Commencement for the above-referenced project.

MCM's interest in this project relates to its mandate of conserving Ontario's cultural heritage, which includes:

- archaeological resources, including land and marine);
- built heritage resources, including bridges and monuments; and
- cultural heritage landscapes.

Under the EA process, the proponent is required to determine a project's potential impact on known (previously recognized) and potential cultural heritage resources.

Project Summary

York (Battery) LP, a subsidiary of Capital Power Generation Services Inc. (Capital Power) and Manufacturers Life Insurance Company (Manulife), are proposing to undertake equipment upgrades at the existing York Energy Centre (YEC), located at 18781 Dufferin Street, Township of King.

According to Ontario Regulation 116/01 (the Electricity Projects Regulation) and as described in the *Guide to Environmental Assessment Requirements for Electricity Projects* (2011), modifications to a natural gas-fired generating facility that increase the facility's capacity by 5 MW or more are classified as Category B projects and are subject to review under the Environmental Screening Process (ESP).

The ESP has two tiers of assessment: Screening Stage and Environmental Review Stage. Capital Power intends to voluntarily complete an Environmental Review.

The Environmental Review will assess potential environmental impacts of the equipment upgrades, which are expected to be limited to air and noise emissions that will meet provincial emission requirements.

The results of the assessment will be documented in an Environmental Review Report that will be made available for public review. The Environmental Review will assess any potential effects of the equipment upgrades but will not re-evaluate the previously approved, operating YEC facility.

Identifying Cultural Heritage Resources

While some cultural heritage resources may have already been formally identified, others may be identified through screening and evaluation.

Archaeological Resources

The following archaeological assessments have been undertaken for this project area and reports have been entered into the Ontario Public Register of Archaeological Reports:

D.R. Poulton & Associates Inc., The 2008 Stage 1 Archaeological Assessment of the Proposed York Energy Centre, 18781 Dufferin Street, King Geographic Township, Regional Municipality of York, Ontario – Recommendations for Stage 2 assessment. PIF#: P053-160-2008

D.R. Poulton & Associates Inc., 2009. REVISED - The 2009 Stage 2 Archaeological Assessment of the Proposed York Energy Centre, 18781 Dufferin Street, 65R-23427, King Geographic Township, Regional Municipality of York, Ontario. PIF#: P316-011-2009, P316-011-2009-STG3

D.R. Poulton & Associates Inc., ADDENDUM: The 2010 Stage 1-2 Archaeological Assessment of the Proposed Construction Laydown Area for the York Energy Centre, 18815 Dufferin Street, King Geographic Township, Regional Municipality of York, Ontario. PIF# P316-056-2010, P316-056-2010-STG3

Please note that the reports do not clear the properties of further archaeological concerns (see Figure 5 in Poulton, 2010). There are areas of provincial wetland and an associated buffer that have not been assessed, and it is recommended that these areas not be impacted.

MCM recommends that a Stage 1&2 archaeological assessment be completed to address the outstanding archaeological concerns during the Environmental Review process and prior to any ground disturbing activities. Please note that Indigenous communities were not engaged by the licensed archaeologist for the above-referenced archaeological assessment reports.

Built Heritage Resources and Cultural Heritage Landscapes

The Ministry's [Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes](#) should be completed to help determine whether this EA project may impact known or potential built heritage resources and/or cultural heritage landscapes.

If there is potential for built heritage resources and/or cultural heritage landscapes on the property or within the project area, a Cultural Heritage Evaluation Report (CHER) should be undertaken by a qualified person to determine the cultural heritage value or interest of the property (or project area). If the property (or project area) is determined to be of cultural heritage value or interest and alterations or development is proposed, MCM recommends that a Heritage Impact Assessment (HIA), prepared by a qualified consultant, be completed to assess potential project impacts. Please send the HIA to MCM, the local municipality and Indigenous communities for review and comment and make it available to local organizations or individuals who have expressed interest in review.

Community input should be sought to identify locally recognized and potential cultural heritage resources. Sources include, but are not limited to, municipal heritage committees, historical societies and other local heritage organizations.

Cultural heritage resources are often of critical importance to Indigenous communities. Indigenous communities may have knowledge that can contribute to the identification of cultural heritage resources, and we suggest that any engagement with Indigenous communities includes a discussion about known or potential cultural heritage resources that are of value to them.

Environmental Assessment Reporting

All technical cultural heritage studies and their recommendations are to be addressed and incorporated into EA projects. Please advise MCM whether any technical cultural heritage studies will be completed for this EA project and provide them to MCM before issuing a Notice of Completion and commencing any work on the site. If screening has identified no known or potential cultural heritage resources, or no impacts to these resources, please include the completed checklists and supporting documentation in the EA report.

Please note that the responsibility for administration of the *Ontario Heritage Act* and matters related to cultural heritage have been transferred from the Ministry of Tourism, Culture and Sport (MTCS) to the Ministry of Citizenship and Multiculturalism (MCM). Individual staff roles and contact information remain unchanged. Please continue to send any notices, report and/or documentation to both Dan Minkin and myself.

- Karla Barboza, Team Lead - Heritage | Heritage Planning Unit (Citizenship and Multiculturalism) | 416-660-1027 | karla.barboza@ontario.ca
- Dan Minkin, Heritage Planner | Heritage Planning Unit (Citizenship and Multiculturalism) | 416-786-7553 | dan.minkin@ontario.ca

Thank you for consulting MCM on this project and please continue to do so throughout the EA process. If you have any questions or require clarification, please do not hesitate to contact me.

Sincerely,

Karla Barboza
Team Lead, Heritage
karla.barboza@ontario.ca

Copied to: CPC Information cpcinfo@capitalpower.com

Capital Power info@capitalpower.com
Dan Minkin, Heritage Planner, MCM

It is the sole responsibility of proponents to ensure that any information and documentation submitted as part of their EA report or file is accurate. The Ministry of Citizenship and Multiculturalism (MCM) makes no representation or warranty as to the completeness, accuracy or quality of the any checklists, reports or supporting documentation submitted as part of the EA process, and in no way shall MCM be liable for any harm, damages, costs, expenses, losses, claims or actions that may result if any checklists, reports or supporting documents are discovered to be inaccurate, incomplete, misleading or fraudulent.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out an archaeological assessment, in compliance with Section 48(1) of the *Ontario Heritage Act*.

The *Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33* requires that any person discovering human remains must cease all activities immediately and notify the police or coroner. If the coroner does not suspect foul play in the disposition of the remains, in accordance with *Ontario Regulation 30/11* the coroner shall notify the Registrar, Ontario Ministry of Public and Business Service Delivery, which administers provisions of that Act related to burial sites. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified (at archaeology@ontario.ca) to ensure that the archaeological site is not subject to unlicensed alterations which would be a contravention of the *Ontario Heritage Act*.

Township of King

From: Wilhelm Danek <wdanek@capitalpower.com>

Sent: Wednesday, May 3, 2023 6:15 PM

To: Daniel Kostopoulos <dkostopoulos@king.ca>

Cc: Robert Wydareny <rwydareny@capitalpower.com>; Jay Shukin <jshukin@capitalpower.com>; Stephen Naylor <snaylor@king.ca>

Subject: Notices of Commencement: York Battery Energy Storage System and York Energy Centre Upgrades

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Hello Daniel:

Please find attached public notices that will appear tomorrow (May 4, 2023) in the King Weekly Sentinel newspaper regarding environmental assessment processes for two projects: 1) York Battery Energy Storage System (BESS) and 2) the York Energy Centre Upgrades Project.

As you may recall, we held an on-line virtual public information meeting on the proposed BESS project in December 2022, as part of the IESO RFP process. As we formally commence our environmental assessment process, we will be looking to hold another information meeting in the community on this proposed project.

The proposed YEC upgrade project would allow for additional generation capacity to the facility without any changes to the existing physical footprint. The proposed upgrades would be limited to the replacement of a variety of gas turbine parts with more advanced technology, upgradable materials, and/or higher performance levels. The proposed upgrades would be completed during a regularly scheduled maintenance outage in 2025.

Capital Power is providing a copy of the public notices ahead of them being made public, so you remain informed on the projects that are proposed at YEC under the IESO's RFP process. As part of the Environmental Screening process, we will be sharing additional information with staff as that process advances. These notices have also been mailed to residents living within 500 metres of the YEC.

Please let us know if you have questions or comments on these two proposed projects.

Wil

Wilhelm Danek | Sr. Business Development Manager

Capital Power Corporation | Commercial Services Canada

Gulf Canada Square | Suite 1200, 401-9th Ave SW | Calgary, Alberta | T2P 3C5
C 403.836.7205 | P 403.736.3305 |

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From: Stephen Naylor <snaylor@king.ca>

Sent: Friday, July 7, 2023 7:24 AM

To: Wilhelm Danek <wdanek@capitalpower.com>

Cc: Robert Wydareny <rwydareny@capitalpower.com>; Jay Shukin <jshukin@capitalpower.com>

Subject: RE: Notices of Commencement: York Battery Energy Storage System and York Energy Centre Upgrades

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Hi Wilhelm

Hope you are well. Sorry for the delay in responding to this. I do have a question. The upgrade project – does it require municipal (Council) support for the expansion, similar to the resolution provided for the BESS project?

Thanks.

Stephen



STEPHEN NAYLOR, MCIP RPP
DIRECTOR OF GROWTH MANAGEMENT SERVICES

2585 King Road, King City, Ontario L7B 1A1

t: 905-833-4060

email: snaylor@king.ca

www.king.ca



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From: Wilhelm Danek <wdanek@capitalpower.com>

Sent: Monday, July 10, 2023 12:06 PM

To: Stephen Naylor <snaylor@king.ca>

Cc: Robert Wydareny <rwydareny@capitalpower.com>; Jay Shukin <jshukin@capitalpower.com>; Chris Sutherland <csutherland@capitalpower.com>

Subject: RE: Notices of Commencement: York Battery Energy Storage System and York Energy Centre Upgrades

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Hi Stephen – thanks for reaching out.

To answer your question, there was no requirement under the IESO process to receive municipal support for the uprate projects; these projects are improvements on the existing machine and do not increase the footprint of the facility. The intent is to make the existing facility more efficient. There is also no change expected to the operational characteristics, as it will continue to be dispatched by the IESO according to system need. The increase in IESO contract length will ensure that the plant continues to operate and provide grid reliability for a long period of time, along with the economic benefits that it provides.

If you would like to talk more in detail about the uprates, I have CC'd Chris Southerland, who is the project lead.

Wil

Wilhelm Danek | Sr. Business Development Manager
Capital Power Corporation | Commercial Services Canada

Gulf Canada Square | Suite 1200, 401-9th Ave SW | Calgary, Alberta | T2P 3C5
C 403.836.7205 | P 403.736.3305 |

Subject: RE: Notices of Commencement: York Battery Energy Storage System and York Energy Centre Upgrades
Sent: 7/12/2023, 9:19:19 AM
From: Stephen Naylor<snaylor@king.ca>
To: Wilhelm Danek
Cc: Robert Wydareny; Jay Shukin; Chris Sutherland

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Hi Wilhelm

Thank you for the clarification.

Stephen



STEPHEN NAYLOR, MCIP RPP
DIRECTOR OF GROWTH MANAGEMENT SERVICES
2585 King Road, King City, Ontario L7B 1A1
t: 905-833-4060
email: snaylor@king.ca
www.king.ca



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