



Impact Assessment
Agency of Canada

Ontario Region
600-55 York Street
Toronto ON M5J 1R7

Agence d'évaluation
d'impact du Canada

Région de l'Ontario
600-55 rue York
Toronto ON M5J 1R7

March 8, 2021

Sent by email

Lisa Champion
Deputy Clerk
Corporation for the Town of Erin
5684 Trafalgar Road
Hillsburgh, ON N0B 1Z0

Dear Lisa Champion,

On February 25, 2021, the Minister of Environment and Climate Change (the Minister) received a request to designate the proposed Erin Wastewater Treatment Plant Project (the Project) under subsection 9(1) of the *Impact Assessment Act* (the IAA). The letter requesting designation (enclosed) and a description of the Project will be posted to the Canadian Impact Assessment Registry Internet site, publicly available at <https://iaac-aeic.gc.ca/050/evaluations>.

Under subsection 9(1) of the IAA the Minister may, by order, designate a physical activity that is not prescribed in the *Physical Activities Regulations*. The Minister may do this if, in the Minister's opinion, the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (resulting from federal decisions), or public concerns related to those effects warrant the designation. In accordance with subsection 9(4) of the IAA, it is expected that the Minister will respond, with reasons, to the request by May 26, 2021.

The Impact Assessment Agency of Canada (the Agency) will review information about the Project; any concerns expressed from the public and Indigenous groups; and expert advice from federal authorities and input from provincial ministries in order to inform the Minister on whether to designate the Project. If designated, to proceed with the Project the Town of Erin would be required to submit an Initial Project Description to the Agency, thereby commencing the planning phase of the IAA. In that case, the planning phase would include the Agency determining whether a federal impact assessment is required.

Additional information regarding the process for designation requests can be found at the following link: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>.

.../2



In accordance with subsection 9(3) of the IAA, and to inform its advice to the Minister, the Agency requests that you provide any available information you have about the Project. Given the 90-day legislated timeline, the Agency has broken its information requirements into two requests. To respond, the Agency strongly encourages you to carefully review the enclosed designation request letter.

REQUEST 1:

Please submit any readily available information described in this section **by Wednesday, March 10, 2021.**

For the Agency's Registry Internet site, provide the latitude and longitude of the project site, using an appropriate location point.

Please also provide any recent, relevant project documents and information so the Agency can begin its review of potential effects and the issues raised by the requester.

The Agency has accessed some information available on the Town of Erin website (www.wastewater.erin.ca). Please identify relevant sections of publically available information to focus the Agency's review. Please also submit any correspondence or information referenced in the designation request that is not publically available, or any other documents or information, that will help clarify or address the issues raised. In your response, point to precise documents, sections and page numbers.

In selecting readily available information of relevance for Request #1, you should consider the Project's potential to cause:

- adverse effects to fish and fish habitat, migratory birds, species at risk, federal lands and lands outside Ontario or Canada;
- adverse impacts, resulting from any change to the environment, on Indigenous peoples (including impacts to physical and cultural heritage; current use of lands and resources for traditional purposes; structures, sites or things of historical, archaeological, paleontological or architectural significance);
- any potential changes to the health, social or economic conditions of Indigenous peoples due to the Project; adverse effects (changes to the environment or to health, social or economic conditions) that are directly linked or necessarily incidental to a federal authority's exercise of a power, performance of a duty or function, or provision of financial assistance, that would enable the carrying out of the Project, in whole or in part; and

- adverse cumulative effects that may result from the Project, including in relation to climate change and population growth.

In your response to Request #1, you should also provide readily available information about:

- how you intend to manage the potential adverse effects of the Project, including proposed mitigation and/or follow-up program measures, or why such measures are not required;
- how you plan to (or have) engage(d) with Indigenous¹ and public groups, and federal, provincial, and municipal reviewers;
- a detailed and complete public and Indigenous consultation record demonstrating information shared and received;
- if applicable, how you intend to engage and keep the public and Indigenous groups involved during project implementation; and
- outstanding permits and approvals for the Project, and any municipal bylaws or requirements that apply to the Project, the effects that these may manage, and associated consultation mechanisms.

The information that you provide will inform² the Agency's advice to the Minister about the designation request. As such, providing detailed information in a timely fashion will enable the Agency to provide a well-evidenced and robust recommendation to the Minister.

.../4

¹ In doing some preliminary analysis, the Agency, based on information readily available on traditional territories, has identified the following Indigenous groups: Métis Nation of Ontario (MNO) Regional Consultation Committee 9; Six Nations of the Grand River; Huron-Wendat Nation; and Mississauga's of the Credit First Nation. The Huron-Wendat Traditional Territory Map is found here: <https://wendake.ca/cnhw/bureau-du-nionwentsio/wendake-sud-ontario/>; and the MNO consultation resources are found here: <https://www.metisnation.org/programs-and-services/lands-resources-consultations/duty-to-consult/> and the MNO's harvesting map: <https://www.metisnation.org/registry/harvesting/harvesting-map/>

² 1 As noted above, the Agency will also consider information from the public, Indigenous groups, federal authorities, provincial ministries and municipalities.

REQUEST 2:

Please submit comprehensive answers to the following questions^{3,4} before or by **Friday, March 19, 2021**. Your timely response will enable the Agency to proceed forward with completing its analysis:

1. Information about key project activities, maps and layouts of the location of project components, land tenure, zoning, and estimated timelines for planning, construction, operation, decommissioning and abandonment.
2. A list of all regulatory approvals (federal, provincial, municipal, other) and any federal financial assistance that would be required for the Project and the associated project components or activities.
3. a) For each licence, permit, authorization or approval that would be required, please provide the following information:
 - i. Name of the licence, permit, authorization or approval, the associated legislative framework, and the responsible jurisdiction.
 - ii. Whether it would involve an assessment of any of the effects outlined in Request #1, and if so, a general description of the assessment that you intend to undertake. Would conditions be set and if yes, what effects would those conditions address?
 - iii. Whether public and/or Indigenous consultation would be required and if yes, provide information on the approach you intend to take (if any steps have been taken, please provide a summary, including issues raised as well as your responses). If there is an issues resolution process associated with the consultation, please describe it.

.../5

³ In preparing a fulsome response to each question, if you wish to incorporate available information from documents you have provided, such as the Final Environmental Study Report dated October, 2019, please use precise references to the document, section and page number.

⁴ When asked to identify regulatory approvals that would be required for the Project, include any that have already been issued, as well as any completed environmental assessments.

- b) Confirm whether any licence, permit, authorization or approval listed above would address any of the following matters raised by the requestor, and describe how they would address the matters, including the benchmarks or standards that you intend to meet (or would be expected to meet), and any planned mitigation or follow-up measures:
- i. Potential impacts to fish and fish habitat (for instance in the West Credit River and Credit River), including
 - a. impacts to Brook Trout and cold water habitat from effluent discharge (such as water temperature increase, dissolved oxygen depletion, ammonia and chloride toxicity);
 - b. cumulative impacts to Brook Trout and cold water habitat from effluent combined with climate change, population growth and increased groundwater pumping;
 - c. impacts to reintroduced Atlantic Salmon; and
 - d. aquatic ecosystems in the Forks of the Credit Provincial Park and UNESCO Niagara Escarpment World Biosphere Reserve;
 - ii. Potential impacts on aquatic species at risk and their habitat, including Redside Dace;
 - iii. Potential impacts on terrestrial species at risk and migratory birds;
 - iv. Potential impacts on social and economic conditions, including related to angling;
 - v. Potential impacts on Indigenous peoples from changes to the environment;
 - vi. Potential cumulative effects, in general;
 - vii. Perceived lack of transparency and traceability in decision-making; and
 - viii. Perceived lack of public consultation.
4. For all federal licences, permits, authorizations, approvals, and/or financial assistance that may be provided for the Project, describe any anticipated adverse direct or incidental effects (including changes to health, social and economic conditions) that may occur as a result, and how they will be managed including mitigation and follow-up measures.

5. a) Describe the steps that you have taken to engage the public and any steps that you will take for engagement during all phases of the Project. To the extent possible, provide details on your plans.
b) Indicate whether you are aware of public concerns in relation to the Project. If yes, provide an overview of the issues, including those raised in the enclosed letter, and indicate in general terms how you intend to address these matters.
6. a) Describe the steps that you have taken and will take to consult with Indigenous groups (please list the groups included). Provide a record of engagement as well as planned engagement. Provide general information about your commitments to work with Indigenous groups to mitigate any potential impacts.
b) Indicate whether you are aware of general concerns from Indigenous groups in relation to the Project. If yes, provide an overview of the key issues and indicate how you plan to address these matters. If applicable, describe how you intend to keep Indigenous groups involved during project implementation.
7. Do you have any other comments in relation to environmental effects or impacts to the public or Indigenous peoples and how you intend to address and manage those, or have addressed and managed them?
8. Explain your views on whether the Project should be designated under the IAA.

Additional Notes

The Town of Erin is strongly encouraged to contact the Agency in the next few days to discuss the information required and ensure that it can be provided within the timelines.

Please use the Impact Assessment Agency Proponent Portal⁵ to provide the Agency with information regarding this file. Letters and other documents can be uploaded using this feature. You will require a profile to use the Proponent Portal; if you have difficulties with this feature, immediately contact Jeffrey Balsdon, Project Manager, at Jeffrey.Balsdon@Canada.ca or 902-219-4228.

In the coming days, a Registry page for the Project will also be available on the Canadian Impact Assessment Registry Internet site at <https://iaac-aeic.gc.ca/050/evaluations>.

.../7

⁵ www.portal-portail.iaac-aeic.gc.ca (iaac-aeic.gc.ca)

Important Note: Documents and data submitted to the Agency via the Proponent Portal will be circulated to relevant government departments and agencies. They may be made publicly available on the Canadian Impact Assessment Registry. Copies of the documents and data may be provided to interested parties. If any information should be considered confidential, please contact the Agency before submitting it.

Further questions regarding this request can be directed to Jeffrey Balsdon by telephone or email.

Sincerely,

<Original signed by>

Anjala Puvananathan
Director, Ontario Region

Enclosure: Designation request letter from the Coalition for the
West Credit River