

August 8, 2003

EBR Coordinator  
Provincial and Environmental Planning Office  
301 St. Paul Street, 2<sup>nd</sup> Floor  
St. Catharines, Ontario L2R 7R4

**RE: Ontario Association of Impact Assessment Submission**  
**EBR Registry Number: AE03E4512**  
**Bill 25 – An Act to Enhance Public Transit and Provide for a Smart Transportation System in Ontario**

Dear Sir or Madam:

The Ontario Association of Impact Assessment (OAIA) is pleased to provide the following submission in response to the EBR posting of the proposed Bill 25. The OAIA is a forum for advancing innovation, development and communication of best practice in impact assessment through the exchange of ideas and experiences among its members and with other organizations with compatible interests. We promote development of local, provincial, national and global capacity for the application of impact assessment in which sound science and full public participation provide a foundation for equitable and sustainable development. OAIA is an affiliate of the International Association of Impact Assessment and its goals are consistent with those of that organization

OAIA addresses the full spectrum of impact assessment, including its environmental, social, and economic aspects. Its membership is consequently diverse, and at any given time may include managers, engineers, planners and consultants from the private sector; managers, officials, scientists and analysts from the public sector; public interest advocates; lawyers, health professionals; educators, researchers; students; and interested citizens.

OAIA seeks to:

- Improve the practice of impact assessment to better meet the needs of the 21<sup>st</sup> century, particularly with respect to its use as a tool for achieving sustainable development objectives
- Develop partnerships with other organizations and institutions involved in impact assessment
- Enhance multi-disciplinary cooperation in impact assessment
- Expand professional development opportunities for impact assessment practitioners

In the context of the above, OAIA members are well suited to participate in any discussion at the provincial level on environmental planning proposals. Recently, for example, the OAIA collaborated with the Ontario Society for Environmental Management on a forum to discuss the state of impact assessment in this province now and in the future. Over sixty practitioners, educators and students met to discuss and debate environmental assessment practice. The overriding concern at the forum was the lack of support by proponents for good quality

and meaningful environmental assessments and particularly for meaningful participation. Attendees also began the debate to develop solutions to the issues that surround impact assessment. Many ideas were generated. There was a general recognition that in order to be effective, the debate on how to achieve good quality, effective environmental assessments and environmental planning must continue. At the forum, it came to the attention of many of our members and associates that Bill 25 had received first reading in the Legislature. Only a few of the practitioners at the forum had been aware that the bill had been drafted.

Our members fundamentally understand and support the need for provincial level transportation planning to address the existing and future needs of central southern Ontario. However, it is important that this be done in a way that meets the principles of good planning practice and impact assessment. There is also a general recognition that we need to be working with public agencies such as the Ministry of Transportation to develop better policies, plans and programs to contribute to a more effective environmental process in Ontario.

OAIA is focusing its response to Bill 25 on the exemption of infrastructure/transportation corridor planning from the Ontario Environmental Assessment Act but we also recognize the importance of the implications to the Ontario Planning and Development Act and the Planning Act. It is our understanding that the Ontario Professional Planners Institute and other municipalities have provided comments on the land use planning implications of this proposed legislation.

OAIA does not support Bill 25 for the following reasons:

- There has been little or no involvement of Ontario environmental impact assessment practitioners or educators in the development of the legislation and therefore there is a poor understanding among members of the underlying rationale for the Bill (e.g. why do infrastructure corridor plans need to be exempt from the EA Act?) and the full implications of the Bill. There needs to be an opportunity for practitioners to understand the issues that this Bill is addressing and how this Bill will influence the future of the Environmental Assessment Act and of the environment in the Province of Ontario. These concerns extend to major provincial highway infrastructure planning that is currently in the early stages of environmental assessment (i.e. the needs assessment stage).
- The Bill does not appear to support the principles of the Environmental Assessment Act, in particular, the requirements to identify the rationale/justification, assess alternatives and to involve the public and other stakeholders at the very earliest stages of plan development, to be able to fully debate issues at a public hearing and to appeal decisions that are made.
- Internationally, there has been a great deal of progress in implementing Strategic Environmental Assessment (i.e. the assessment of policies, plans and programs at a state/provincial or national level). Moreover, a number of jurisdictions are integrating land use planning and environmental assessment legislation. In Maryland, for example, there is a law requiring state highway proposals to defer to municipal Smart Growth plans. Bill 25 appears to be moving completely in the opposite direction to these very desirable world-wide trends. It should be noted that the Environmental Assessment Act already allows for the assessment of plans, policies and programs of public agencies, and could readily be used for the development of infrastructure and transportation corridor planning.

The EA Act currently provides a mechanism to assess major provincial plans such as those proposed by the Ministry of Transportation. OAIA believes that any proposal needs to incorporate good planning principles which are already embodied in the existing Environmental Assessment Act. The OAIA would be supportive of a

more collaborative problem-solving approach on infrastructure and transportation corridor planning that involves professional organizations, educators, the public sector and other key stakeholders such as other government agencies and municipalities.

We understand that our colleagues in the Association Québécoise pour l'évaluation d'impacts (AQÉI) have on a number of occasions hosted discussion forums on evolving environmental policy issues, with the full support, encouragement and involvement of the Government of Quebec. The Quebec government has found these forums most useful tool for helping to formulate well balanced legislative and policy initiatives related to environment, planning and economic development. This could serve as a model that could be applied to great advantage in Ontario. We would be more than happy to assist in such an initiative as our members possess the expertise to bring innovation, creativity as well as practical approaches to problem solving. We have successfully collaborated with other Ontario organizations on previous occasions and feel that this is the way to move Ontario public policy forward.

In summary, the OAIA supports long range provincial transportation planning and believes that it is important for the Ministry of Transportation to carry out this activity in partnership with other affected government ministries and key groups of stakeholders within the province. However, Bill 25 appears to be regressive in its treatment of environmental assessment and land use planning and OAIA cannot support this Bill.

Yours sincerely,

Pamela Hubbard, MCIP, RPP  
Director, Board of Ontario Association of Impact Assessment  
Chair, Bill 25 Review Committee

Cc: Minister Jim Wilson, Ministry of the Environment  
Minister Frank Klees, Ministry of Transportation  
Minister David Young, Ministry of Municipal Affairs and Housing  
Ray Lamoureux, President, Ontario Association of Impact Assessment