

The Duty to Enclosure: Provincial Advice Record: Summary of Issues and Potential Cooperation Plan

Project: Hydrogen Ready Power Plant Project

Proponent: Eastern Power Inc.

CIAR No.: 83696

Response invited by: July 13, 2022

All comments should be submitted via the **Submit a Comment** feature available on the Project's Canadian Impact Assessment Registry page (reference 83696)¹. Letters and forms can be uploaded using this feature. If you have any difficulties submitting this way, please contact the Agency at *Hydrogen-Hydrogene@iaac-aeic.gc.ca*.

1. Confirm whether your ministry would participate in the federal impact assessment process for this Project. **Yes** No

If yes, please provide contact details for the person(s) who will be working with the Agency.

Department/Agency: Ministry of Natural Resources and Forestry (MNR)	
Date of Advice: July 13, 2022	
Primary Contact Name, Title, Work Unit: Jeffrey Dennis, Resource Development Planning Coordinator, Southern Region	
Email: Jeffrey.dennis@ontario.ca	Phone: 437-998-4004
Alternate Contact Name, Title, Work Unit: Adam Kennedy, Regional Planner, Southern Region	
Email: adam.kennedy@ontario.ca	Phone: 705-761-3374
Generic Email (for public):	

2. Expertise

Please identify and describe the area of expertise within your ministry that is relevant to an assessment of the Project.

- MNR, Petroleum Operations Section, administers the *Oil, Gas and Salt Resources Act*. This Act provides the ministry authority to review and approve applications for all aspects of oil, gas and salt operations, as well as, determine ownership responsibility for plugged/abandoned wells.
- MNR has a mandated interest in Human-Made Hazards per the *Provincial Policy Statement 2020 (PPS)*, including those associated with prior oil and gas exploration and operations. MNR's role is to provide technical guidance and support to MMAH and planning authorities related to the implementation of human-made hazard policies within the PPS as part of the One Window Planning Service.
- MNR has a mandated interest in the management and protection of natural heritage features. MNR's role is to provide technical guidance and support to MMAH and planning

¹ <http://iaac-aeic.gc.ca/050/evaluations/proj/83696?culture=en-CA>.

authorities related to the implementation of natural heritage policies within the PPS as part of the One Window Planning Service.

- Implementation of the noted PPS policies above are the responsibility of Municipal planning authorities when developing Official Plans etc., as well as, considering development and site alteration applications under the *Planning Act*.
- Where a proposed development is subject to the PPS, the project must be consistent with its policies. Where a proposed development is not subject to the PPS, it is recommended the proponent consider the applicable PPS policies as a best-practice for project management and development.

3. Key issues and solutions

(a) From the perspective of the mandate and area(s) of expertise of your ministry, what are the key issues that are material and relevant to decision-making and should be addressed? In identifying key issues, be mindful of the Project's context (size, scope, geography, policy) and the definitions of *effects*,² *sustainability*³ and *public interest*.⁴

(b) For each **key** issue:

- i. Identify the relevant valued component(s) within your mandate and describe the key pathway of effect, or describe the nature of the issue. This may consider⁵ positive and negative effects on components of the environment or on health, social and economic conditions.
- ii. Identify any clarifications or commitments the Proponent could make in its Detailed Project Description and Response to the Summary of Issues that would build confidence that issues can be addressed and managed without further impact assessment⁶.

(c) For each issue and solution discussed, provide a concise, plain-language summary that is appropriate for inclusion in the Summary of Issues.

- A) The proposed project information MNRF has reviewed does not consider the known plugged and abandoned petroleum well on the subject property. Per the *Oil, Gas and Salt Resources Act*, the owner of the property is considered the 'operator' of the known plugged and abandoned well, as well as any other potential abandoned wells currently not known but located on the subject property. If there was any future work required on site regarding the known or future well it would be the responsibility of the landowner/operator.
- a. These wells are regulated by the *Oil, Gas and Salt Resource Act*, and the supporting regulations and operating standards. Any development within proximity

² Note: *effects*, *direct and incidental effects*, and *effects within federal jurisdiction* are defined in section 2 of the *Impact Assessment Act*, which can be found at <https://www.canada.ca/en/impact-assessment-agency/corporate/acts-regulations/legislation-regulations.html>

³ Guidance: Considering the Extent to which a Project Contributes to Sustainability <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-considering.html>

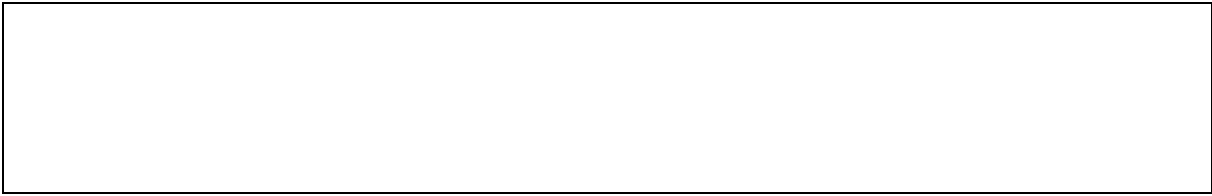
⁴ Policy Context: Public Interest Determination under the *Impact Assessment Act* <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/public-interest-determination-under-impact-assessment-act.html>

⁵ Other considerations may include sources of high uncertainty that complicate predictions; the purpose and need for the Project and selected alternatives.

⁶ This could mean that mitigation measures that the proponent has committed to in the Detailed Project Description are referenced in the potential Tailored Impact Statement Guidelines.

to plugged petroleum or salt solution mining wells, or former operations, should consider accessibility to the plugged well in case work on the well is required in the future.

- b. The official plans and zoning by-laws of a municipality may contain policies relevant to petroleum and salt resources, existing operations and associated human-made hazards, and should be referenced for specific guidance. It appears that the Township of St. Clair Official Plan, section 3.9 on Abandoned Petroleum Wells, and section 1.17 Petroleum Related Facilities provide pertinent information. The proponent should also review the Lambton County Official Plan for any related policy direction.
 - i. It is recommended the proponent consider accessibility to the plugged well, and any other currently unknown wells on the subject property, to determine conformity with the provisions of the *Oil, Gas and Salt Resources Act*, as well as any applicable policies under the PPS and Municipal Planning documents.
- B) Section 5.2 of the MECP screening table states the project is consistent with the 2014 Provincial Policy Statement. The Proponent should be advised the Provincial Policy Statement has been updated and the current version came into effect May 2020.
- C) The proponent's Initial Project Description, states in the MECP Screening (Natural Heritage section) there would be no negative impacts on wetlands or ANSI's as confirmed previously through a Baseline Natural and Environmental Site Impact Study (EIS) in 2012. The 2012 EIS seems to have only considered the initial site development proposed at that time, and not the proposed development footprint under consideration at this time.
 - a. Boundaries of natural heritage features can change over time and new development proposals should be assessed using the most current information available.
- D) The proposed project envelope may be considered adjacent to a Provincially Significant Wetland complex (120m), Bickford Oak Woods, and per the Provincial Policy Statement (2020) prior to any development or site alteration at the proposed project location it would need to be demonstrated that there would be no negative impacts on the natural feature or on its ecological function.
 - a. It is recommended the proponent use the most current wetland boundary information available when considering any potential impact to the wetland complex in consideration of the project footprint under consideration at this time, when determining conformity to any applicable municipal policies, local Conservation Authority requirements, and the PPS.
- E) The proposed project envelope may be considered adjacent to a Regionally Significant Area of Natural or Scientific Interest (ANSI). As a regionally significant feature, the ANSI is not subject to protection and controls under the Provincial Policy Statement 2020. However, the municipality may have some development restrictions or controls on lands adjacent to a regionally significant ANSI.
 - a. It is recommended the proponent confirm whether the Municipality has identified the regionally significant ANSI and implemented controls on development in its vicinity. If required, it is recommended the proponent use the most current information available in consideration of any potential impacts to the feature or its ecological function when considering the project footprint under consideration at this time.



4. Provincial policies, operational guidance, and permits and approvals

Within the mandate and area(s) of expertise of your ministry, list, along with a brief description, specific operational policies or guidance documents that could help address issues and manage effects relevant to the project context.

- The official plan(s) and zoning by-law(s) of the region or municipality where the proposed project is located may contain policies relevant to proposed development or site alteration in proximity to natural heritage features along with mapping identifying those features. The official plan and associated by-laws and policies should be referenced for specific guidance.
- The official plan(s) and zoning by-law(s) of the region or municipality where the proposed project is located may contain policies relevant to petroleum and salt resources, existing operations and associated human-made hazards, and should be referenced for specific guidance.
- Natural heritage features can be found through [Ontario's Make a Natural Heritage Map](#) online tool. This tool provides public access and allows users to view and identify natural heritage features, 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.
- Additional natural heritage information may be available through your local municipal or conservation authority office and through Land Information Ontario via [Ontario GeoHub](#). Not all data on Ontario GeoHub is publicly accessible. For more information, please contact Land Information Ontario by email at lio@ontario.ca, call 1-705-772-5891, or visit [Land Information Ontario](#).
- The [Oil, Gas and Salt Resources Library](#) website is where any public information about petroleum wells that may be on a specific property can be found. The proponent can use the [searchable well records](#) at the Library website to find information about wells regulated under the *Oil, Gas and Salt Resources Act*. The 'Definitions and Terminology Guide' listed in the publications on the library website can be referenced to better understand the well information available. The proponent may also contact the library at info@ogsrlibrary.com or 226-646-7414 or 519-686-2772 to obtain information about a specific well.
- The [Ontario Geohub-Petroleum Wells Dataset](#) (URL: <https://geohub.lio.gov.on.ca/datasets/petroleum-well/explore?location=50.926000%2C-84.745000%2C5.16>) where the public can view a map showing petroleum wells in Ontario.
- The Ontario Petroleum Institute (<https://www.ontariopetroleuminstitute.com/>), an industry association that may provide advice in obtaining a petroleum industry consultant, if necessary. It may be helpful for the proponent to refer to the list of companies in the [Ontario Petroleum Institute corporate directory](#) (URL: <https://www.ontariopetroleuminstitute.com/wp-content/uploads/2021/03/OPI-CORP-Directory2021.pdf>).
-

5. (a) List and provide a short description of provincial permits or regulatory approvals that might be applicable to the Project.

(b) For each provincial permit or regulatory approval that would be required for the Project, please provide the following information:

- i. Explain any associated framework to address effects on valued components within your mandate.
- ii. Describe any Indigenous consultation activities that would occur, potential timelines for Indigenous participation, and how potential impacts to Indigenous communities are addressed by your ministry.
- iii. Describe any public participation opportunities that would occur, and potential timelines for public participation.

- Per the submitted project description and mapping, no permits or approvals from MNRF have been identified.
- The duty to consult (DTC) is engaged when the government is contemplating a decision that has the potential to negatively impact Aboriginal or treaty rights. As the MNRF has no permits or approvals for the project there is no decision to trigger the DTC.

6. Is there any additional information related to the geographic context of the Project (e.g. potential effects to natural heritage features, Indigenous protected and conserved areas, provincial species at risk, provincial policy statements on planning or zoning in the area) for which your ministry has information or authority?

- Answered above