

Long-Term 2 RFP Stakeholder Engagement on the Agricultural Impact Assessment Process



Purpose

- 1. Presentation by the Ontario Ministry of Agriculture, Food and Agri-business on Agricultural considerations for the Long-Term 2 Procurements
- 2. To provide a high-level overview of the Agricultural Impact Assessment (AIA) Process in the draft Long-Term 2 Request for Proposals



Ontario Ministry of Agriculture, Food and Agribusiness



Agricultural considerations for Long-Term 2 (LT2) Procurements

Ontario Ministry of Agriculture, Food and Agribusiness, 2024



Agricultural considerations

Purpose: Provide an overview of key considerations for agriculture that may affect proposed energy projects in LT2.

Outline:

- Prime agricultural areas
- Specialty crop areas
- Agricultural Impact Assessments (AIAs)
- Resources





Re-capping LT2 procurement context

- Two government letters (June 6, 2024 and August 28, 2024) outlined expectations for the design of LT2 that would:
 - o provide rated criteria points for projects that avoid prime agricultural areas;
 - o ensure no new energy projects may be built in specialty crop areas;
 - o prohibit ground-mounted solar projects in prime agricultural areas; and,
 - require the completion of an Agricultural Impact Assessment (AIA) to the satisfaction of the municipality, if a project were proposed to locate in a prime agricultural area.
- The following slides build on the foundational information provided by OMAFA at two previous IESO sessions held February 22, 2024 and June 13, 2024.
- To further support the procurement, guidance material for LT2-specific AIAs is being developed by OMAFA.



What are Prime Agricultural Areas (PAAs)?

- The draft LT2 request for proposal (RFP) and Contract indicate that 'prime agricultural areas' mean the same as the defined term in the Provincial Planning Statement, 2024 and are designated in the applicable municipal or northern planning board's official plan (OP).
- An OP may identify, one or both, of the following land use designations outside settlement area boundaries:
 - prime agricultural areas, which are areas intended for the long-term protection of agriculture uses; and/or,
 - <u>rural lands</u>, which are lower capability lands located outside prime agricultural areas and settlement areas.
- Prime agricultural areas are a common land use designation established in an OP, describing a defined area of land within which a specific set of policies apply.
- It is important to refer to both OP mapping and policies, and when in doubt, contact the municipality or northern planning board to determine if a site is in a PAA or not.



Terminology

- Not all municipalities label their local designation as "prime agricultural area".
 - While the policy intent or outcome may be the same, sometimes other similar labels or terms are used to describe the prime agricultural area (e.g., "agriculture area", "agricultural land base", "agricultural protection area", etc.).
 - For this reason, it is important to read OP policies, along with reviewing maps of designations.
 - Again, when in doubt, consult the municipality.

Where can I find mapping of Prime Agricultural Areas?

- OMAFA does not provide mapping of PAAs.
- Municipalities map PAAs in their OP.
 - Proponents are encouraged to contact the municipality in which they are considering a project to request a copy of the relevant OP mapping.
- LT2 rules for PAAs would not apply areas outside of PAAs or where there are no PAAs designated. For example:
 - in some parts of the province, there may not be a PAA designation in the local OP.
 - $_{\circ}~$ in other parts of the province, there may be no OP in place at all.



Specialty Crop Areas (SCAs)

- Specialty crop areas are distinct, extremely finite regions in Ontario where highvalue crops such as tender fruit and grapes are grown.
 - Their extent is limited based on a unique combination of climate and soil conditions.
 - These areas have seen large, long-term investments made to support the production of specialty crops and are characterized by a local concentration of farmers skilled in the production of those crops.
- The Province has identified two SCAs: 1. The Niagara Tender Fruit and Grape Lands and 2. the Holland Marsh.
 - As they form part of the Greenbelt Plan, provincial land use policies apply and maps of these two areas can be found <u>here.</u>
- There are also a limited number of municipally-identified specialty crop areas (e.g., Grey County, Lambton County, etc.). Mapping of these SCAs is reflected in local municipal official plans, which can be obtained by visiting municipal websites or contacting the municipal planning department.
- For more information, visit: <u>www.ontario.ca/page/specialty-crop-areas</u>



Urban Areas

Rural Settlements

To learn more...

- It is important to work closely with municipal staff (e.g., planning department or clerk) to confirm land use designations, ask local policy questions or arrange for a preconsultation meeting to discuss your proposed project.
 - List of municipalities in Ontario (including status as an upper-, lower- or singl tier municipality)
- Project proponents may also wish to retain the services of a land use planning consultant or professional agrologist, to prepare reports, represent their interehelp interpret local planning documents and navigate any applications that m² sought (e.g., site plan, etc.).
 - <u>The OPPI Consultant Directory</u> lists professional planning consulting firms in Ontario
 - Find a member of the Ontario Institute of Agrologists





Agricultural Impact Assessments (AIAs)



What is an AIA?

- An AIA is a study that identifies and evaluates the potential impacts of non-agricultural development on agriculture.
- An AIA recommends ways to avoid, or where avoidance is not possible, minimize and mitigate adverse impacts.
- An AIA is a tool to inform where and how development can occur in a way that recognizes the importance of the agri-food sector.
 - For example, by including measures to maximize the amount of agricultural land that is available to remain in production and to enhance compatibility with agricultural operations and agribusinesses.
- Like technical studies for other disciplines (e.g., archaeology, noise, traffic, natural heritage, etc.), AIAs are proponent led and are submitted to the delegated approval authority under the *Planning Act* (e.g., a municipality) to support a proposed project.

Who prepares an AIA and where is it submitted?

- AIAs are typically prepared by professionals knowledgeable in Ontario's agri-food sector
 - This includes consulting firms involved in the disciplines of development, engineering, land use planning, environmental assessments, agrology and agronomy.
- AIAs are submitted to municipalities and are to be completed to the satisfaction of the municipality.
- The Province is not an AIA approver but supports through data-sharing, providing mapping and other resources to guide the completion of AIAs.



Hierarchy of measures

- 1. Avoid: Impacts are prevented
 - Consider alternative locations; with preference to sites outside of prime agricultural areas (i.e., rural lands) or those that avoid key elements of the agri-food network.
- 2. Minimize: Impacts are not fully prevented, but kept to a minimum
 - For example, if a site is chosen in a PAA and it has been demonstrated that it must locate in a PAA (e.g., due to other siting constraints, etc.), then reasonable locations on lower priority agricultural lands must also be considered (e.g., Class 3, 4 or 5 rated soils prior to Class 1 or 2 rated soils).
 - Limiting the extent of the project area to the minimum size necessary to support the proposed structures or facilities.
- **3. Mitigate:** There will be impacts, but they are managed through different techniques/tools, for example:
 - vegetative screening and buffers;
 - configuring internal access roads to align with existing field boundaries;
 - establishing decommissioning plans and filing them for long-term rehabilitation;
 - managing temporarily disturbed areas during construction to lessen impacts to surrounding agricultural operations, etc.





Outcomes of an AIA

- AIAs do not prohibit development/non-agricultural uses.
- AIAs help decision-makers understand what will be impacted by a proposed development.
- In turn, they:
 - build public support for projects;
 - o minimize agricultural land taken out of production;
 - o promote compatibility between agricultural and non-agricultural uses; and,
 - support the long-term viability of the agri-food sector.
- AIAs result in proposals which are designed in a manner that considers agricultural impacts.
- Actions and measures from the AIA are carried forward into the design and implementation stages of project development.





What is involved in preparing an AIA?

- The draft AIA Guidance Document includes detailed information on how to complete an AIA.
- While the scope of certain elements in an AIA may vary depending on the type and complexity of the project being proposed, in general, an AIA covers:
 - an introductory section, including a brief description of the proposal (i.e., what is being proposed, by whom and why);
 - a discussion of how alternative locations were evaluated;
 - a section focused on defining the primary and secondary study area(s);
 - o an assessment of potential impacts, including actionable measures to avoid, minimize or mitigate impacts; and,
 - recommendations and conclusions.
- See Appendix A for an example of typical content contained in an AIA report.

Equivalent analysis

- Certain components of an AIA may be drawn from, and align with, other analysis that are also being undertaken or, in some cases, municipalities may be satisfied if agricultural impacts are assessed via an equivalent analysis being undertaken to support the project.
 - For example, through other multidisciplinary studies required in the approval process (e.g., planning justification report, environmental assessment, etc.).
- Municipalities must be satisfied that the applicable information contained in the proxy study addresses all elements of an AIA, including recommendations for measures to avoid, minimize and mitigate impacts to agriculture.

Scoping elements of an AIA

- Subject to municipal discretion, elements of an AIA may be scoped to be proportional to the type, complexity and scale of a proposed project, as well as the anticipated degree or magnitude of impacts from the project.
- Individual project specifics will influence the detail and type of information provided in order to satisfy the municipality.
 - For example, avoiding PAAs may not be feasible for projects which are inextricably linked to agriculture and therefore the process for evaluating alternative locations could be streamlined.
- Where fewer adverse impacts are identified through the AIA, it is anticipated fewer measures will be necessary to document.
 - For example, projects which demonstrate a high-degree of compatibility with agricultural uses (e.g., by establishing or enhancing a symbiotic relationship) may not warrant as detailed analysis or as many measures to minimize and mitigate.
 - This may include projects which are located on farms or those which are necessarily integrated into agricultural activities common in the area, including, but not limited to: managing agricultural source materials, utilizing agricultural feedstocks, offering opportunities for flexible forms of continued agricultural production, improving erosion risks or other soil conditions, generating byproducts such as soil amendments, heat or CO² that are primarily utilized by surrounding farm operations, etc.



Defining AIA study areas

Primary study area(s):

- includes project footprint/site and parcel on which project is located
- temporary (e.g., during construction) and long-term (e.g., during project operation) direct impacts are anticipated (e.g., farmland taken out of production, soil disturbance, rehabilitation and decommissioning, etc.)
- may include soil sampling to document pre-disturbance agricultural conditions or "baseline information" to support planned rehabilitation

Secondary study area(s):

- a specified distance, or "buffer" from the primary study area, as determined by project proponent
 - distance varies according to project type, nature, scale and extent; and the surrounding agricultural lands and operations that might be impacted
- includes project's area of influence where offsite impacts are plausible, but where soil may not be directly disturbed during construction or operation of project (e.g., soil sampling not typically undertaken)
- offsite impacts may consider odour, traffic, noise, safety, visual or linkages to agricultural operations in the area, etc.





Ontario

AIA process for LT2

• The AIA is proponent-driven and can be completed as early in the development process as a Supplier may choose; however, two parts are guided by firm milestones.

Part 1: AIA Pre-submission Filing (i.e., evaluating alternative locations)

- As part of engaging with municipalities, proponents are expected to offer evidence of how alternative locations were evaluated as part of their site selection process, including:
 - o siting options that avoid prime agricultural areas; or where avoidance was not possible,
 - siting options that minimize impacts, such as alternative locations in prime agricultural areas with lower priority agricultural lands, based on Canada Land Inventory (CLI) soil mapping.

<u>Timing</u>: Information shared with municipalities at, or before, seeking their support.

<u>Milestone</u>: Attestation included at time of bid submission.



Part 1: Considering alternative locations

- Where possible, evaluate alternative locations, such as rural lands or settlement areas that avoid prime agricultural areas (PAAs).
- This is an important early step, because if a site can be found that is not in a PAA, then an AIA is not required.
- If it is determined that no reasonable alternatives exist, prepare evidence explaining why. Information provided to the municipality documenting evaluation process and justifying chosen site.
- The process is flexible and recognizes that project siting is driven by many factors: sites with good fuel availability, transmission availability, cost to develop, etc.
- However, exploring non-PAA land use designations in official plans should also inform project siting (e.g., during screening stage, pre-site selection), among other possible constraints.



Northumberland County Official Plan Land Use Schedule

To learn more...

...see examples in *Appendix B* and visit OMAFA's <u>online story map</u> about evaluating alternative locations for non-agricultural uses.



AIA process for LT2, continued

- After Part 1 is completed and a project is selected by the IESO for contracting, Part 2 must be fulfilled.
 - However, the AIA is proponent-driven and can be completed as early in the development process as a Supplier may choose.

Part 2: Fulfillment of the complete AIA (i.e., impact assessment and mitigation measures)

• Consultation and field work are completed and the full AIA report, with any supporting data (e.g., fieldwork observations, soil sampling results, reasons for selecting the chosen site, etc.), is deposited with municipality for their review.

<u>Timing</u>: Full report shared with municipalities as early as possible to support review capacity. <u>Milestone</u>: Confirmation AIA is satisfactory to the municipality provided to the IESO no later than 18-month anniversary of Contract Date.

Part 2: Identifying and mitigating impacts

- AIA measures are implemented through the detailed design stages of a project, which will incorporate measures for minimizing and mitigating impacts, including:
 - specific layout and design elements of site plan to maximize compatibility, minimize the amount of land taken out of agricultural production;
 - construction and operational plans includes elements to address temporary practices, ongoing maintenance and monitoring to address impacts identified for agricultural sector;
 - decommissioning plan includes details to support rehabilitation, including record of predisturbance agricultural conditions, as necessary.



To learn more...

...download a copy of Ontario's <u>Guidelines on Permitted Uses in</u> <u>Prime Agricultural Areas</u>, which provides information on possible impacts to the agri-food sector.



Source/credit: Boralex

Resources and contact information

Minister of Municipal Affairs and Housing

- <u>Official plan chapter of the Citizen's Guide to Land Use Planning</u>
- Land use planning chapter of the The Ontario Municipal Councillor's Guide
- Provincial Planning Statement (PPS)
- List of Ontario municipalities

Ontario Ministry of Agriculture, Food and Agribusiness

- Prime agricultural areas
- Specialty crop areas

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- <u>Agricultural Impact Assessments</u>
- <u>Story map</u> for evaluating alternative locations for non-agricultural uses
- <u>Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas</u>
- Agricultural information atlas (AgMaps)

For more information, or to speak to a Ministry staff person, please reach out to the Agricultural Information Contact Centre (AICC) at 1-877-424-1300 or *ag.info.omafa@ontario.ca*



Appendices



Appendix A: Sample AIA Table of Contents

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- 5.5 Conclusions

Appendices



Appendix B: Examples of evaluating alternative locations

<u>Key Term:</u>

- **Canada Land Inventory (CLI)**: a 7-class system for classifying soil based on suitability for growing field crops.
- Visit these Ontario soil-related websites to learn more:
 - Use of soil and Canada Land Inventory information for agricultural land use planning in Ontario
 - Soil capability for agriculture in Ontario
 - o Guidelines for detailed soil surveys in Ontario
- The process will differ slightly for contained or contiguous projects (e.g., battery storages, biogas, etc.) versus distributed projects (e.g., wind turbines).
 - The next four slides provide hypothetical examples for each type of project.



Example 1: Contiguous/contained project - evaluating alternative locations that avoid prime agricultural areas



Example 1: Contiguous/contained project - evaluating alternative locations on lower-priority agricultural land



Example 2: Non-contiguous/distributed project - evaluating alternative locations that avoid prime agricultural areas



Example 2: Non-contiguous/distributed project - evaluating alternative locations on lower-priority agricultural land



Overview of the AIA Process in the Draft LT2 RFP



Overview of the AIA Process in the Draft LT2 RFP (1)

Prior to Proposal Submission

- A Proponent must confirm with the Local Municipality whether the proposed Project Site is located within a PAA, which is included in the Pre-Engagement Confirmation Notice requirement.
- If the proposed Project Site is in a PAA a Proponent must meet the Pre-AIA Submission Filing Requirement by;
 - 1. Evaluating alternative locations within the Local Municipality outside of the PAA and/or on lower-priority soil within the Local Municipality for the selection of the Project Site and;
 - 2. Providing a description of the manner in which such alternative locations were evaluated, in writing, to the Local Municipality.



Overview of the AIA Process in the Draft LT2 RFP (2)

At time of Proposal Submission

- A Proponent will be required to submit the following Prescribed Forms:
- **Prescribed Form: Proponent Information Declaration and Workbook**, where the Proponent declares that their project meets the eligibility requirements specified in the RFP [section 2.1 of the LT2 RFP].
 - The eligibility requirements include the Proponent providing a Municipal Support Confirmation (see slide 33 for details of Prescribed Form: Evidence of Municipal Support), which includes confirmation from the Municipality that the Pre-AIA Submission Filing Requirement has been completed to its satisfaction, where applicable.



Overview of the AIA Process in the Draft LT2 RFP (3)

At time of Proposal Submission

- Prescribed Form: Evidence of Municipal Support, where the Local Municipality confirms whether the Municipal Project Lands are designated as PPA as set out in the Local Municipality's Official Plan and if the Municipal Project Lands are designated as PAA:
 - The Municipal Project Lands are not designated as Specialty Crop Areas;
 - The project is not a Non-Rooftop Solar Project;
 - The Proponent has competed the Pre-AIA Submission Filing Requirement to the satisfaction of the Municipality; and
 - If the Proponent is selected as a Selected Proponent under the LT2 RFP, the Municipality will
 engage in good faith with the Selected Proponent to enable the Selected Proponent to complete an
 Agricultural Impact Assessment.



Overview of the AIA Process in the Draft LT2 RFP (4)

Post Contract Award

 If the Proponent is awarded an LT2 Contract and the Municipal Project Lands are designated as PAA, they will be required to provide the IESO with a Form of AIA Confirmation Certificate (Exhibit S of the LT2 Contract) confirming that the AIA has been reviewed to the satisfaction of the Local Municipality, by no later than the [18] month anniversary of the Contract Date.

For further clarification on the AIA process, Proponents are encouraged to review the AIA Q&A that has been jointly prepared by the IESO and OMAFA and posted on the LT2 webpage on November 13, 2024.



Next Steps





The IESO invites written feedback on the materials presented by **December 6, 2024**. All written feedback should be submitted to <u>engagement@ieso.ca</u> utilizing the IESO Feedback Form posted on the engagement webpage.

In the coming days, the IESO intends to release revised drafts of:

- LT2(e) and LT2(c) RFP and Contract
- LT2(e) and LT2(c) Prescribed Form: Evidence of Municipal Support

The IESO expects to release another substantive set of drafts in December 2024. Final drafts for the first window are expected to be posted early 2025.





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