



**INVESTING IN CANADA INFRASTRUCTURE PROGRAM:
PUBLIC TRANSIT STREAM**

Program Guide

July 2019

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1. Program Overview

The Investing in Canada Infrastructure Program (ICIP) is a federal infrastructure program designed to create long-term economic growth, build inclusive, sustainable and resilient communities and support a low-carbon economy.

Through ICIP, the federal government is providing \$11.8 billion in federal infrastructure funding to cost-share projects under the following four streams:

- **Public Transit**
- Green Infrastructure
- Community, Culture and Recreation
- Rural and Northern Communities

The Public Transit stream of ICIP will primarily build new urban transit networks and service extensions that will transform the way that Canadians live, move and work. This stream will fund construction, expansion and improvement of public transit networks. Approximately \$8.3 billion in federal funding will be allocated across municipalities and Metrolinx.

The following breakdown defines the maximum cost share percentages of the total eligible costs:

	Percentage
Federal Contribution	40.00
Provincial Contribution	33.33
Municipal Contribution	26.67

Projects eligible for the Public Transit stream will be assessed using an outcomes-based approach. Applicants are strongly encouraged to submit projects which increase connectivity to existing transit infrastructure and/or collaborate with other applications.

To be considered for funding, a project must be aligned with at least one of the following transit improvement outcomes:

- Improved **capacity** of public transit infrastructure
- Improved **quality and/or safety** of existing or future transit systems
- Improved **access** to a public transit system

Additional background information for the outcomes and indicators can be found in Appendix A.

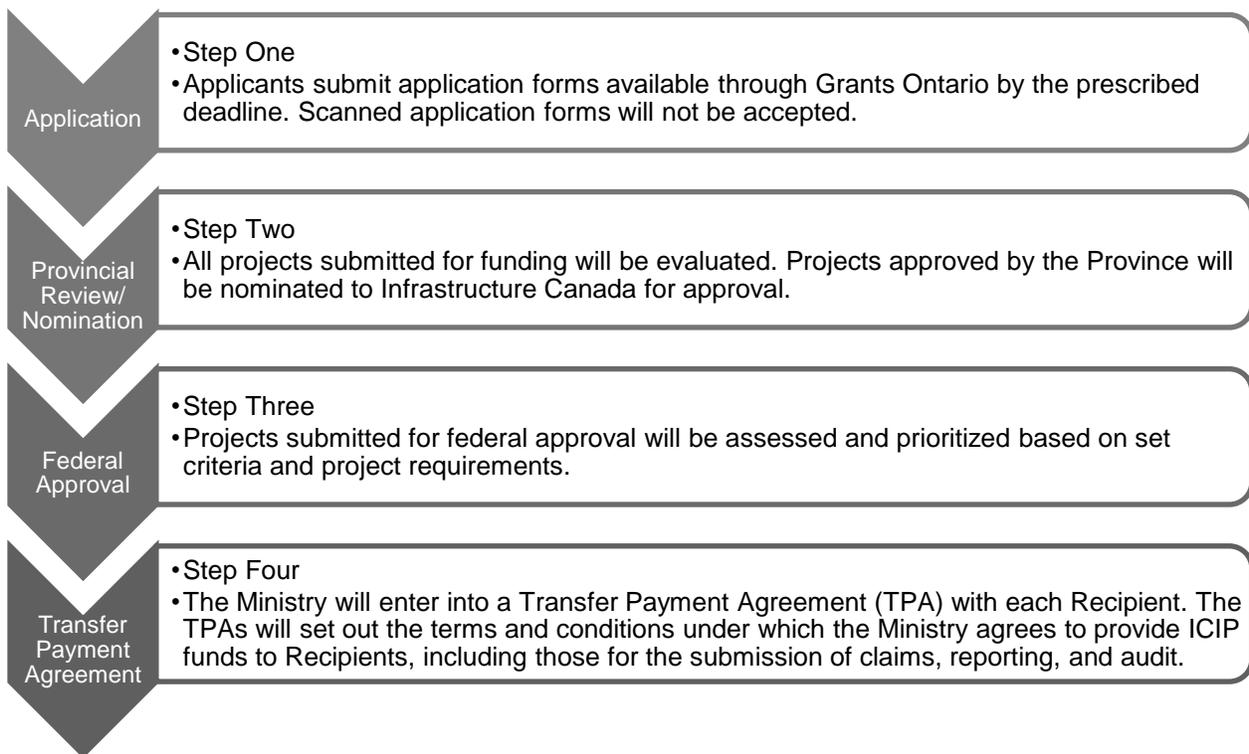
The provision of ICIP funds is governed by the Integrated Bilateral Agreement for the Investing in Canada Infrastructure Program between the Government of Canada and the Government of Ontario that was signed on March 26, 2018 (the “Bilateral Agreement”). The Ontario Ministry of Transportation will be responsible, in addition to providing funding under the program, for the administration of the ICIP Public Transit stream, including recommending projects for Federal approval and executing transfer payment agreements (“TPAs”) between the Ministry and

Recipients. The TPAs will set out the terms and conditions under which the Ministry agrees to provide ICIP Funds to Recipients, and will provide additional details on claims, reporting, and audit requirements.

Grants Ontario, a web-based program administration site run by the Government of Ontario, will facilitate the administration of ICIP.

Once Canada’s review and approval are completed, the Ministry will notify each applicant whether or not its project has been approved.

Overall Process



For the purpose of this guide, an applicant refers to an eligible municipality and Metrolinx that submitted an application, and a Recipient refers to an applicant whose project(s) have been approved by Ontario and Canada and have entered into a transfer payment agreement with Ontario.

2. Program Intakes

Applications will be accepted through multiple program intakes, allowing applicants to determine their ongoing and long-term priorities within their allocation. Applicants are responsible for identifying, prioritizing and submitting projects in alignment with the intake schedule.

Scheduled intakes will be launched based on the balance of remaining allocations that have not been requested or approved.

3. Eligibility

3.1 Applicant Eligibility

Every municipality which receives Provincial Gas Tax funding and has reported ridership data to the Canadian Urban Transit Association (CUTA) for 2015, and Metrolinx, has received an allocation and is eligible to apply under the Public Transit stream.

3.2 Project Eligibility

Funding can be directed to new construction, rehabilitation or replacement of eligible infrastructure projects. Eligible transit infrastructure projects include rolling stock assets (e.g. buses, subway car, streetcars, light rail car, vehicles for transporting persons with disabilities), fixed assets (e.g. passenger stations), transit-exclusive infrastructure, and active transportation infrastructure that is directly connected to the public transit system.

All public transportation services and public transportation vehicles must be fully accessible in accordance with the requirements set out under the following statutes and regulations, as may be amended from time to time: the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11 and the *Integrated Accessibility Standards*, O. Reg. 191/11 made under that *Act*, the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and the *Accessible Vehicles*, R.R.O. 1990, Reg. 629 made under that *Act*, and the *Public Vehicles Act*, R.S.O. 1990, c. P. 54. In addition to the above, the acquisition of public transportation vehicles must comply with the Ministry Canadian Content Policy requirements, available upon request.

Additional details on the types of infrastructure projects eligible for funding can be found in [Appendix A](#).

3.3 Project Requirements

Projects must meet the following criteria to be considered eligible:

- ✓ Capital components must be owned by the applicant.
- ✓ Projects must be substantially completed by March 31, 2027.
- ✓ Projects should have been informed by an applicants' asset management plan.
- ✓ Projects must meet or exceed the requirement of the highest published accessibility standard in Ontario in addition to applicable provincial building codes and relevant municipal by-laws.

- ✓ Projects must meet or exceed any applicable energy efficiency standards for buildings outlined in the Pan-Canadian Framework on Clean Growth and Climate Change.
- ✓ For joint projects with other eligible applicants, all applicants must also secure the endorsement of their projects by their respective municipal council and provide the Ministry with evidence of such endorsement in the form of municipal by-laws/council resolutions.

It is the applicant's responsibility to ensure project submissions meet all eligibility requirements, and that requested funding, including contingency, not exceed a municipality's funding allocation. Applicants may be given the opportunity to resubmit projects in future intakes, should a proposed project be unsuccessful for funding in a previous intake.

3.4 Ineligible Projects

A project is not eligible for funding if it involves inter-city bus, rail, port or ferry infrastructure that is not part of a public transit system.

3.5 Interconnectivity

Applicants are strongly encouraged to submit projects which increase connectivity to existing transit infrastructure or collaborate with other municipalities, or both. Applicants are also strongly encouraged to connect new or expanded public transit systems to existing regional networks where available.

4. Application Process

Application requirements are based on the Bilateral Agreement, and any applicable provincial and federal directives, including the provincial expenditure directives.

ICIP will use an application submission process administered through Grants Ontario. This system will also be used after project approvals to submit claims and coordinate payments, once TPAs are in place with Recipients.

Applicants can submit multiple applications under this program. However, applicants are requested to bundle coordinated projects and submit those as one application.

The requirements for a project are based on the level of funding requested. These requirements are outlined in the table below. Please refer to Appendix B for descriptions of the application components.

ICIP Project Application Requirements	All Projects	
	<u>Under \$20M in provincial funding</u>	<u>Over \$20M in provincial funding</u>
Application Requirements Includes: <ul style="list-style-type: none"> • Application form • By-law(s)/council resolution(s) (if applicable for joint projects) • Supporting documentation (if applicable) • Climate Lens Assessment (if applicable) • Rationale for the use of Own Force Labour (if applicable) • Gender-Based Analysis (if applicable) • Aboriginal Consultation (AC) & Environmental Assessment (EA) smart form (if applicable) 	✓	✓
Business Case (if applicable)	X	✓

4.1 Application Form

Application forms are available through Grants Ontario and must be submitted through Grants Ontario by the prescribed deadline. Scanned application forms will not be accepted.

If an applicant is unable to submit the application form through Grants Ontario or has any additional questions, please contact us by email at ICIPTransit@ontario.ca.

The application consists of various sections within a fillable form. More details can be found in Appendix B.

Once the completed application has been submitted, an automated acknowledgement of receipt, with a file number for the application, will be sent to the applicant. If you do not receive this email, please send an email to ICIPTransit@ontario.ca.

If an application/project has been approved by the Ministry and the federal government, the municipality will be required to execute a TPA prior to any funds being provided to the municipality. For greater clarity, there will be no legally binding commitments between the provincial or the federal government and any applicants prior to such TPA having been executed.

4.2 Supporting Documentation (If Applicable)

A Municipal Council Resolution for endorsement of projects is not required, unless the project is a joint project submission.

Should a municipality opt to have Council endorse their project submission, a copy of the resolution/bylaw should be provided as well as any approved reports or applicable sections of budgets, as a demonstration of the rationale and support for the project.

4.3 Business Case (If Applicable)

Both the federal and provincial governments have different approval and due diligence requirements depending on the level of funding requested. For Ontario, the Province's Major Public Infrastructure Projects (MPIP) Directive, requires a detailed business case for all major public infrastructure projects to which the Province provides over \$20 million in provincial funding (excluding property acquisition). For the federal government, any project requesting over \$50 million in federal funding is subject to Federal Treasury Board approval, requiring a business case.

The Ministry is currently working with the federal government to streamline and align these processes where possible to reduce administrative burden on Recipients. If your project exceeds \$20 million in provincial contribution, please email the Ministry of Transportation at ICIPTransit@ontario.ca for details on business case requirements.

4.4 Other Federal Requirements

Additional federal government requirements are below. For additional clarity, see federal language in Appendix B.

- Applicants must complete a climate lens assessment for projects with total eligible costs of \$10 million or more. Climate Lens assessments are to be completed and submitted after federal approval of the project.
- Applicants may report on community employment benefits for projects with total eligible costs of \$10 million or more. Applicants not reporting on community employment benefits must provide a rationale and should be advised that the rationale may be posted publicly.
- Applicants may need to submit a streamlined gender-based analysis for projects with total federal funding contributions of \$50M and under \$250M.
- Applicants must submit an "Aboriginal Consultation (AC) and Environmental Assessment (EA) Smart Form", which is available through Grants Ontario.
- Applicants must adopt a value for money procurement approach.

- Any requests for sole source procurement exemptions will be evaluated on a case-by-case basis and requires **pre-approval** by the federal and provincial governments. **Sole source procurement is not encouraged as approval is not guaranteed.**

5. Assessment Process

All projects submitted for funding will be assessed by the provincial and the federal government. Ontario will assess projects primarily in relation to the following assessment criteria:

- a) Initial Review
- b) Asset Management Plan
- c) Financial Risk Assessment
- d) Provincial Land-Use Planning
- e) Business Case Review (If applicable)

Upon review, projects approved by the Province will be nominated to the federal government for approval. Projects selected for federal review and approval will be assessed and prioritized based on project requirements, and federal assessment criteria. All provincially nominated projects are subject to federal review and approvals.

a) Initial Review

Ontario will conduct a scope, eligibility and technical review of all applications. Projects must meet eligibility requirements and must be technically viable, and achievable in the project timeline noted. Third-party (i.e. engineers/architects) may be consulted to verify feasibility proposed timelines.

b) Asset Management Plan

Ontario Regulation 588/17- Asset Management Planning for Municipal Infrastructure, or the Asset Management Regulation, sets out new requirements for undertaking asset management planning. The regulation will be phased in over a 6-year period, with progressive requirements for municipalities with respect to their asset management plans. At the time of application, the asset management plan used to inform the proposed project can be developed according to either the Province's 2012 Guide ([Building together: guide for municipal asset management plans](#)) or the [new asset management planning regulation](#).

As part of project reporting requirements, and to remain eligible for funding, successful Recipients will be required to submit their updated asset management plans in accordance with the regulation for the duration of the project. For example, municipalities that have an active project in 2021 will be required to submit asset management plans developed in accordance with the first phase of the regulation. Additional information on the Regulation can be found in Appendix B.

Recipients will also be required to complete an Asset Management Self Assessment prior to signing their TPA.

c) Financial Risk Assessment and Due Diligence

The Province will conduct a financial risk assessment to ensure that sufficient municipal resources are available to support project completion, including coverage of any cost overruns. Projects should have a financial plan in place to operate the assets and not seek senior level government support for operational funding. The Province may request additional supporting documentation upon review of the application.

d) Provincial Land-Use Planning

Projects must be aligned and support the expected and required provincial priorities and outcomes, as set out in provincial land use policy, provincial land use plans, and municipal official plans and supported by policy direction in the Provincial Policy Statement (PPS).

e) Business Case Review (If Applicable)

Ontario will assess major infrastructure projects (projects with over \$20 million in provincial funding) for alignment with the principles and processes of the Ontario MPIP directive, including seeking provincial Treasury Board approval as needed.

6. Financial Matters

6.1 Recipient Allocations

ICIP funding is allocated to municipalities and the provincial transit agency, Metrolinx, using a federally determined ridership-based formula based on data from the 2015 Canadian Urban Transit Association (CUTA) Fact Book

6.2 Cost-Sharing

Notwithstanding the amount of transit allocation received, the maximum federal funding for projects will be:

- Up to 40% of total eligible cost for all other transit projects. This funding will be matched at 33.33% by the Province, with municipalities contributing 26.67%.
- Up to 50% of total eligible cost for transit rehabilitation projects. This funding will be matched at 33.33% by the Province, with municipalities contributing 16.67%.

The primary focus of ICIP is for new projects, however the federal government will allow rehabilitation projects up to a maximum of 15% of Ontario's public transit allocation, unless otherwise approved by Canada. The federal funding rate noted above will be applied on a

project basis as determined in the application, and not on an eligible expenditure basis. The Ministry will monitor submissions for rehabilitation projects and will work with Canada should additional approvals be required.

Applicants/Recipients are responsible and must pay for all ineligible project costs as well as any potential cost overruns experienced on a project.

6.3 Combining Funding from Other Sources

Municipalities will be able to use other provincial sources of funding (e.g. provincial gas tax) toward their municipal contribution. For the use of provincial gas tax funding, municipalities must ensure that the ICIP project meets the eligible criteria under the Gas Tax program.

The federal contribution level is noted above as a maximum regardless of the source of federal funding.

6.4. Joint Applications

Projects between multiple applicants are encouraged. Joint projects are those where all applicants contribute financially to the project. Financial contributions may include the use of an eligible applicant's ICIP Public Transit stream funding allocation. Eligible applicants may develop joint project applications with other partners who meet applicant eligibility criteria (i.e., municipalities).

If a joint project is proposed, it counts as a project put forward by all applicants (i.e. a municipality cannot submit a joint application in addition to a stand-alone application for the same project). The lead applicant will be required to enter into a TPA with the Ministry and, in addition to any other required documentations (e.g., by-laws/council resolutions) provide a copy of a project partnership agreement.

6.5 Eligible Project Costs

Project costs are eligible if they are incurred after federal approval. Eligible Expenditures will include the following:

- All costs considered by Canada and Ontario to be direct and necessary for the successful implementation of an eligible Project, and which may include capital costs, design and planning, and costs related to meeting specific Program requirements, including completing climate lens assessments and creating community employment benefit plans;
- The incremental costs of employees of a Recipient may be included as Eligible Expenditures for a Project under the following conditions:

- The Recipient is able to demonstrate that it is not economically feasible to tender a Contract; and
- The arrangement is approved in advance and in writing by Canada and Ontario.
- *Note: Applicants submitting for these costs must submit a rationale for the use of own-force labour when the application is submitted.*
- Costs will only be eligible as of Project approval, except for costs associated with completing climate lens assessments, which are eligible before Project approval, but can only be paid if and when a Project is approved by Canada for contribution funding under this Agreement.

6.6 Ineligible Project Costs

The federal government has determined the following costs as ineligible for funding:

- Costs Incurred before Project approval and any and all expenditures related to contracts signed prior to Project approval, except for expenditures associated with completing climate lens assessments;
- Costs Incurred for cancelled Projects;
- Costs of relocating entire communities;
- Land acquisition;
- Leasing land, buildings and other facilities; leasing equipment other than equipment directly related to the construction of the Project; real estate fees and related costs;
- Any overhead costs, including salaries and other employment benefits of any employees of the Recipient, any direct or indirect operating or administrative costs of Recipients, and more specifically any costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by the Recipient's staff, except in accordance with approved incremental costs of employees noted above;
- Financing charges, legal fees, and loan interest payments, including those related to easements (e.g. surveys);
- Any goods and services costs which are received through donations or in kind;
- Provincial sales tax, goods and services tax, or harmonized sales tax for which the Recipient is eligible for a rebate, and any other costs eligible for rebates;
- Costs associated with operating expenses and regularly scheduled maintenance work;
- Cost related to furnishing and non-fixed assets which are not essential for the operation of the Asset/Project; and
- All capital costs, including site preparation and construction costs, until Canada has confirmed in writing that environmental assessment and Aboriginal consultation obligations as required have been met and continue to be met.

6.7 Payments

Funding will be disbursed subject to the terms and conditions set out in a TPA, including a claim process. The claim process will require Recipients to submit claims for the Ministry's review, approval and submission to Canada and for Canada's review and approval once received from Ontario. Details will be included in the TPA.

6.8 Contractual Obligations

Each successful applicant will be expected to sign a TPA containing clauses regarding such items as insurance, arm's length requirements, communications (including project signage), obligations with respect to consultations with Aboriginal peoples and reporting, in addition to other relevant clauses.

Applicant for joint projects will be required to provide a copy of their partnership agreement.

7. Displacement

Applicants will be required to ensure that contribution received under Public Transit does not displace (in-plan) municipal spending on public transit. The application declaration includes this condition.

8. Reporting Requirements

Reporting requirements will be specified in the TPA.

9. Consultations with Aboriginal Communities

The Government of Canada, the Government of Ontario and municipalities may have a duty to consult and, where appropriate, accommodate Aboriginal communities (e.g., First Nation and Métis communities) where an activity is contemplated that may adversely impact an Aboriginal or treaty right.

Before providing funding to a project, the Government of Ontario will assess whether its duty to consult obligations are triggered. The day-to-day, procedural aspects of consultation may be delegated to applicants who may also have their own obligations. Ontario's delegation to proponents of aspects of consultation is a routine practice and the procedural aspects of consultation will be delegated to project proponents. Therefore, it is important that all applicants recognize this process and appropriately plan for this work (e.g., resources, time, etc.) as part of their funding submission. The application form contains preliminary questions to begin considering the potential that a duty to consult may exist.

Consultation requirements may vary depending on the size and location of the project in question, and the depth and scope of the project's potential adverse impacts on Aboriginal and treaty rights. For successful applications, the Province will provide further details in writing

surrounding specific consultation requirements, including which communities require consultation. Duty-to-consult requirements must be fulfilled prior to commencing the construction process.

10. Further Information

The Ministry of Transportation ICIP team can be reached by telephone at 1-888-999-4659 or by email at ICIPTransit@ontario.ca.

Appendix

A: Outcomes and Indicators

Immediate Outcome	Indicators
Improved capacity of public transit infrastructure	<p>Number and type of rolling stock assets receiving investment</p> <ul style="list-style-type: none"> • Buses <ul style="list-style-type: none"> • Diesel / bio-diesel / Electric / Natural gas / Other <ul style="list-style-type: none"> ▪ Hybrid (includes diesel, bio-diesel and natural gas) • Streetcars • Ferries • Heavy railcars (subway) • Commuter railcars (locomotives and passenger) • Light railcars • Specialized transit vehicles
	<p>Number and type of fixed assets receiving investments</p> <ul style="list-style-type: none"> • Passenger stations / terminal • Transit shelters / stops • Parking facilities • Car stalls, Bicycle racks, Passenger drop off facilities “kiss and ride” • Maintenance and Storage Facilities
	<p>Number, type and length (km) of transit-exclusive infrastructure</p> <ul style="list-style-type: none"> • Roadway • Tunnel • Bridge • Railway Track • Other/Shared
	<p>Number, type and length (km) of active transportation infrastructure</p> <ul style="list-style-type: none"> • Bike/pedestrian lanes and sidewalks • Footpaths and recreational trails • Active transportation support facilities (such as bike parking/storage facilities) • Other
Improved quality and safety of existing and future transit system	<p>Type of safety related improvements</p> <ul style="list-style-type: none"> • Video surveillance • Operator safety • Security support vehicles

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	<ul style="list-style-type: none"> • Passenger alarm system • Cloud intelligence sharing/Information management infrastructure • Video screens and PA system for passenger announcements • Barriers
	<ul style="list-style-type: none"> • Type of intelligence transportation system improvement • Fare system • Security enhancements • Internet of Everything technology • Mobile technology • Accessibility improvements • Data collection tools • Dispatching technologies • Maintenance information collection system • Wifi installation • AVL technology
Improved access to public transit systems	Number of people who live within 1000 metres of the proposed transit service (applies to rapid transit routes)
	Number of people that are within 400 metres of the proposed service / service area (i.e., applies to regular transit routes, bus stop, subway/train station/transit hub)
	The total number of people (i.e. population count) for the municipality(ies) serviced by the transit system (regular and rapid service)

B. Application Package Requirements

Application for ICIP Form

The Grants Ontario Application for ICIP form is required for all project submissions and is where you will provide general information about your project proposal. The form is broken into the following sections:

- a) Instructions
- b) Organization Information
- c) Organization Address Information
- d) Applicant Contact Information
- e) Project Information
- f) Project Financials
- g) Asset Management Plan
- h) Duty to Consult
- i) Procurement
- j) Risks
- k) Climate Lens
- l) Community Employment Benefits
- m) Outcomes
- n) Declaration / Signing

Asset Management Plan

Ontario Regulation 588/17- Asset Management Planning for Municipal Infrastructure, or the Asset Management Regulation sets out new requirements for undertaking asset management planning. The regulation will be phased in over a 6-year period, with progressive requirements for municipalities with respect to their asset management plans.

Asset Management Phase-in Schedule

Date	Regulation
July 1, 2019	Date for municipalities to have a finalized strategic asset management policy that promotes best practices and links asset management planning with budgeting, operations, maintenance and other municipal planning activities.
July 1, 2021	Date for municipalities to have an approved asset management plan for core assets (roads, bridges and culverts, water, wastewater and stormwater management systems) that identifies current levels of service and the cost of maintaining those levels of service.

July 1, 2023	Date for municipalities to have an approved asset management plan for all municipal infrastructure assets that identifies current levels of service and the cost of maintaining those levels of service.
July 1, 2024	Date for municipalities to have an approved asset management plan for all municipal infrastructure assets that builds upon the requirements set out in 2023. This includes an identification of proposed levels of service, what activities will be required to meet proposed levels of service, and a strategy to fund these activities.

Recipients will also be required to complete an Asset Management Self Assessment prior to signing their TPA.

For more information about asset management planning, as well as tools and supports available to help municipalities develop and improve their plans, please visit the <http://www.ontario.ca/assetmanagement>.

Climate Lens Assessment

A Climate Lens assessment is required for projects that have a total eligible cost of \$10 million or more **after federal government approval of the project**. In addition to providing the information requested in Section K) of the Application for ICIP form, applicants must also submit a greenhouse gas (GHG) mitigation assessment and a climate change resilience assessment. These assessments must use the methodologies developed by the federal government. For more information please view Infrastructure Canada’s [Climate Lens General Guidance](#).

Community Employment Benefits

Projects that have a total eligible cost of \$10 million or more are required to report on community employment benefits provided to at least three federal target groups (apprentices - from traditionally disadvantaged communities, Indigenous peoples, women, persons with disabilities, veterans, youth, new Canadians, or small-medium-sized enterprises and social enterprises). Initial information is completed in section L) of the Application for ICIP form. Visit the [Community Employment Benefits General Guidance](#) webpage for more information. Additional details on this reporting will be provided to Recipients when applicable.

Gender-Based Analysis

Projects with a federal contribution over \$50 million but less than \$250 million must complete a streamlined gender-based analysis to support the federal government’s internal analysis.

Projects with a federal contribution over \$250 million must complete a full analysis. All sources for research and data must be referenced. For more information on how to complete this

analysis please contact Infrastructure Canada's Gender-based Analysis Plus specialist via email: infc.gba-accs.infc@canada.ca.

Aboriginal Consultation (AC) & Environmental Assessment (EA) Smart Form

As part of the application process for funding, Applicants are required to complete the ICIP: Aboriginal Consultation (AC) and Environmental Assessment (EA) Smart Form to determine if there are any federal environmental assessment requirements that could apply to the project. In addition, the information provided will be used by INFC to determine if there is a requirement to consult with Indigenous Groups. The ACEA Smart Form is available through Grants Ontario.

For questions about the form please contact INFC at: INFC.AboriginalConsultEnv-Consultautochtonesenv.INFC@canada.ca