

Guide to Ontario's Transit and Rail Project Assessment Process

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This guide is intended for information purposes only. It should not be used as a substitute for the *Environmental Assessment Act* or any of its regulations. In the event of any inconsistency between this guide and the act or regulations, the latter prevail.

Readers should check the Ministry of the Environment, Conservation and Parks' website or call the Environmental Assessment Branch to find out if there have been any revisions.

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Any comments, suggestions for revision or clarification are welcomed and should be sent to the Director of the Environmental Assessment Branch at the contact information listed above.

Under section 31(1)(e) of the *Environmental Assessment Act*, (EAA or Act) the Minister of the Environment, Conservation and Parks may gather, publish and disseminate information with respect to the environment or environmental assessments for the purposes of administering and enforcing the Act and regulations made thereunder. Therefore, the Ministry of the Environment, Conservation and Parks expects that this guide will be considered by proponents.

Ce document est aussi disponible en français.

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Glossary

The *Environmental Assessment Act* Part II.3 Projects – Designations and Exemptions Regulation (referred to hereafter as the Comprehensive Environmental Assessment (EA) Projects Regulation) sets out the transit and rail projects which are designated and exempted. Ontario Regulation 231/08 - Transit and Rail Project Assessment Process (the Transit and Rail Process Regulation) sets out the transit and rail project assessment process (transit and rail project assessment process) that must be followed for those projects that are conditionally exempted. The regulations also contain other relevant terms. The following are additional terms used in this guide. To understand these terms properly, the Ministry of the Environment, Conservation and Parks recommends that both the terms identified in here and, in the regulations and the EAA be consulted. In all cases, the wording and provisions in the EAA, the Comprehensive EA Projects Regulation, and the Transit and Rail Process Regulation prevail over what is set out in this Guide.

Aboriginal Peoples

The Constitution Act, 1982 specifies that Aboriginal peoples include First Nations, Inuit and Métis peoples of Canada. For the purposes of this guide, “Aboriginal peoples”, “Aboriginal communities”, and “Indigenous communities” are terms which are used interchangeably.

Branch

Environmental Assessment Branch, Ministry of the Environment, Conservation and Parks.

Class environmental assessment

A document that sets out a standardized planning process for those classes or groups of projects that proponents subject to the class EA must comply with before being authorized under the EAA to proceed with a project that is part of the class/group. It is also known as a “parent” document in some class environmental assessments. All the class EAs were approved under Part II.3 of the *EAA* and generally apply to projects that are carried out routinely and have predictable environmental impacts that can be readily managed.

Projects that are within a class or group in a class EA do not require approval under Part II.3 of the *EAA*. *The projects can proceed subject to complying with the applicable class EA* and provided no order is made by the Minister under s.16 declaring that the project is a Part II.3 project and thereby requiring the proponent to apply for approval under Part II.3 to be able to proceed with the project. Such an order can be made on the Minister’s own initiative or in response to a request for an order. A request for an order can only be made on the basis that

the order may prevent, mitigate, or remedy adverse impacts to existing Aboriginal and treaty rights. An order may also impose conditions in addition to what is set out in a class EA and if such an order is made, a proponent must comply with the class EA and any such additional conditions.

Class environmental assessment project

A project that does not require any approval under the EAA and that is required to follow the planning process set out in the class environmental assessment document in order to be authorized to proceed. Any interested person may request the Minister or delegate to order that a project subject to a class environmental assessment be effectively “bumped up” to a comprehensive environmental assessment by a Minister’s order under section 16, either on their own initiative or in response to a request on the grounds that the order may prevent, mitigate or remedy adverse impacts to existing Aboriginal and treaty rights.

Commitment

Represents an obligation of a proponent to undertake a certain course of action, that is, “I will do this, at this time, in this way.” A proponent acknowledges these obligations by documenting these, in its Environmental Project Report. The commitments described in the Environmental Project Report, Revised Environmental Project Report or Environmental Project Report Addendum are legally binding obligations.

Comprehensive environmental assessment

A term used to describe the application for and the process of seeking approval under Part II.3 of the EAA for approval to proceed. This term is equivalent to the term *individual environmental assessment* as the term that was used to describe the process under Part II.3 of the EAA before that Part was repealed.

Director

Director of the Environmental Assessment Branch, Ministry of the Environment, Conservation and Parks.

Interested persons

Persons with an interest in a particular project often include neighbours and individuals, environmental groups or clubs, naturalist organizations, agricultural organizations, sports or recreational groups, organizations from the local community, municipal heritage committees, ratepayers associations, cottage associations, Indigenous communities, and businesses. For the purposes of the Transit and Rail Process Regulation, in addition to those listed above,

municipalities, regulatory agencies and any persons identified by the Director are considered interested persons as well.

Minister

Minister of the Environment, Conservation and Parks.

Ministry

Ministry of the Environment, Conservation and Parks.

Proponent

A person who carries out or proposes to carry out a project or is the owner or person having charge, management or control of a project. Ministry of Transportation Ontario (MTO), municipalities, Metrolinx and Ontario Northland Transportation Commission (ONTC) are the proponents of the transit and rail projects which are designated under the Comprehensive EA Projects Regulation.

Public record file

A public record file is maintained by the Environmental Assessment Branch for every designated transit and rail project subject to the streamlined assessment process set out in O. Reg. 231/08 and every transit and rail project subject to the Municipal Class EA or the Class EA for Provincial Transportation Facilities and Municipal Expressways The purpose of the public record file is to promote transparency and to keep a record.

Regulatory agency

Government ministries, agencies, authorities, or departments (federal; provincial, including local conservation authorities; and, local or municipal bodies, including local boards of health) who may have an interest or participate in and contribute to the review of documentation prepared by the proponent for a transit or rail project by providing comments based on their mandate. For the purposes of O. Reg. 231/08 – Transit and Rail Project Assessment Process, regulatory agencies are interested persons.

Sensitive area

As defined in the Part II.3 - Designation and Exemptions Regulation, a sensitive area means:(a) an area of residential land use, or (b) an environmentally-sensitive area such as an area that includes natural heritage features, cultural heritage or archaeological resources, recreational land uses or other sensitive land uses.

Transit and rail project assessment process

The transit and rail project assessment process is set out in sections 6 through 17 of the Transit and Rail Process Regulation. This process applies to transit and rail projects undertaken by MTO, municipalities, Metrolinx and ONTC that are set out in the Part II.3 Designation and Exemption Regulation. The transit and rail project assessment process is a focused assessment process that includes requirements for consultation, an assessment of potential positive and negative impacts from the project, an assessment of measures to mitigate negative impacts, and environmental monitoring, and documentation requirements.

“Transit or rail project” means a project that is,

- (a) designated as a Part II.3 project under the Part II.3 Designation and Exemptions Regulation made under the EAA, or
- (b) deemed to be a Part II.3 project under clause 9 (a) of the General and Transitional Matters Regulation made under the EAA.

1.0 Introduction

This guide has been developed for proponents of public transit and rail projects, the public, and Indigenous communities. This guide highlights the key features of transit and rail project designations in the Comprehensive EA Projects Regulation as well as the key features of the “transit and rail project assessment process” that is set out in the Transit and Rail Process Regulation. It also outlines the Ministry of the Environment, Conservation and Parks’ (ministry’s) expectations. This guide will also help the public, other interested persons and Indigenous communities understand how they can get involved.

The Comprehensive EA Projects Regulation designates certain public transit and provincial rail projects undertaken by the MTO, ONTC, municipalities and Metrolinx under Part II.3 (comprehensive environmental assessment) of the EAA. The regulation then exempts these projects on the condition that the projects are carried out in accordance with the Transit and Rail Process Regulation.

The transit and rail project assessment process is a proponent-driven, self-assessment process and a transit or rail project that follows the process does not require an approval of the Minister of the Environment, Conservation and Parks (Minister) to proceed.

Proponents must complete the prescribed steps of the transit and rail project assessment process within the specified time frames. The process allows for an assessment of potential environmental impacts to be completed within six months.

Nonetheless, proponents should continue to carry out recognized best practices in the field of environmental assessment when planning and determining the scale and scope of a transit or rail project, before beginning the transit and rail project assessment process under the regulation. Conducting good planning, basing proponent choices on sound scientific approaches and methods, and informing and involving the local community and Indigenous communities may take longer than six months. Using these best practices can make the transit and rail project assessment process, once it commences, to move more quickly and smoothly.

The Transit and Rail Process Regulation provides a framework for focused consultation and objection processes. This process is intended to be focused, so that the assessment of potential environmental effects and decision-making can be completed within six months.

The process starts with the public transit or rail project that the proponent has selected. The Transit and Rail Process Regulation does not require proponents to look at the rationale and planning alternatives or alternative solutions to public transit or rail or the rationale and

planning alternatives or alternative solutions to the particular designated public transit or rail project.

Section 2 of this guide describes the main elements of the two regulations that apply to transit and rail projects. Section 3 describes in more detail the transit and rail project assessment process set out in the Transit and Rail Process Regulation,

Section 4 discusses other relevant topics and Section 5 provides a summary of roles and responsibilities.

2.0 Main elements of the regulations

2.1 What types of projects are designated?

Under the Comprehensive EA Projects Regulation all public transit and rail projects that are designated as Part II.3 projects are exempt from the *Environmental Assessment Act*. The regulation sets out the condition of exemption, namely the requirement to proceed with a project in accordance with the transit and rail project assessment process set out in the Transit and Rail Process Regulation.

To whom do the regulations apply?

The regulations apply to public sector proponents including MTO, Metrolinx, ONTC and municipalities.

The classes of projects that are conditionally exempted are set out in sections 14, 15, 16 and 17 of the Comprehensive EA Projects Regulation.

The definitions of the public transit and rail projects which are conditionally exempt subject to following the transit and rail project assessment process are provided in section 1 and Part III of the Comprehensive EA Projects Regulation.

The designation of certain transit and rail projects under the EAA is based on the project being on or adjacent to a sensitive area.

Sensitive area is defined in the Comprehensive EA Projects Regulation to mean:

- (a) an area of residential land use, or
- (b) an environmentally-sensitive area such as an area that includes natural heritage features, cultural heritage or archaeological resources, recreational land uses or other sensitive land uses.

If a transit or rail project is not set out in the Part II.3 Designation and Exemptions Regulation, there are no requirements under the EAA and it may proceed subject to any other required authorizations under other legislation.

Table 1 lists some examples of transit or rail projects that are covered by the Comprehensive EA Projects Regulation and transit or rail projects that have no EAA requirements.

It should be noted that proponents of transit or rail projects are not required to use the six-month process under the Transit and Rail Process Regulation (i.e., are not required to rely on

the exemption). They may choose to proceed through a comprehensive environmental assessment (Part II.3 of the Act) or, if their project is one to which an approved Class EA applies and the proponent provides notice to the Director of their intention to proceed through the Class EA process, they may proceed through the other process (comprehensive or Class EA) instead.

Table 1: Examples of some transit or rail projects and their requirements

Transit and Rail Project Assessment Process	Activities Not Subject to EAA
<p><u>Transit and Rail Projects</u></p> <ul style="list-style-type: none"> • Establishing a new streetcar line (sometimes referred to as light rail) • Establishing a new rail line (freight rail or passenger) subway line (sometimes referred to as heavy rail) • Constructing or making a change to tracks to increase service on an existing transit or rail line which would require altering certain infrastructure or constructing certain new infrastructure (e.g. constructing or relocating a storage yard) <p>Certain project types are designated only when they are proposed to be located in or adjacent to a sensitive area, for example:</p> <ul style="list-style-type: none"> • New passenger stations • New maintenance facility • New storage yard • New rail yard • New freight facility • Certain changes to projects <p>Things ancillary to transit or rail projects such as</p>	<p><u>Transit or Rail Projects</u></p> <ul style="list-style-type: none"> • Resurfacing, rehabilitation to existing transit-related buildings and facilities, which may include: <ul style="list-style-type: none"> – Parking lots – Lighting – Facility surveillance systems • Bus stopping lanes, bus access lanes, shelters for bus stops • Safety systems e.g., barriers, signs • Signals, traffic control devices • Temporary rail/bus service changes (e.g., for special events) on non-regular rail or bus routes • Changes to existing stations or changes to a rail yard or storage yard if the change does not require an extension of the site and that yard is not located in or adjacent to a sensitive area. • Establishing/re-establishing service on an existing transit or rail track that would not require any construction activity (constructing new or modifying existing infrastructure)

Transit and Rail Project Assessment Process	Activities Not Subject to EAA
<ul style="list-style-type: none"> • Landscaping • Other streetscape treatments • Parking lots • Pedestrian and Cycling Trails 	<ul style="list-style-type: none"> • Establishing, constructing or changing tracks including main tracks, passing tracks, bypass tracks and spur lines when undertaken by ONTC and <ul style="list-style-type: none"> - If the tracks are less than 1.5 km in length; and, - If they are not proposed to be located in or adjacent to a sensitive area. • Repairing or replacing a culvert associated with a rail line or a linear component of a transit system, if the repair or replacement changes the capacity of the culvert or drainage area when undertaken by a municipality.

The Comprehensive EA Projects Regulation applies to reconstructing a rail line or a linear component of a transit system if the reconstructed rail line or linear component of a transit system will not have the same location, purpose or use as it had before the reconstruction.

An example of what *same purpose, use and location* could mean is the replacement or upgrading of a structure or facility or its performance, where the objective and application remain unchanged, and the volume, size and capability do not exceed existing volume, size and capability and there is no material change in location.

Some examples of project types that would for same purpose, use and location and would not be subject to the EA requirements are provided below:

Example a) replacement of existing tracks with new tracks where the tracks are located, for example, in an existing rail or storage yard and no land acquisition is required and the replacement is for same purpose and use with no change to capacity (number of trains, passengers).

Example b) reconstruct a track to increase train speeds and improve safety – e.g., replace 80 lb rail with 100 lb rail.

Example c) Reconstruct (i.e., replace) crossings when they reach end of life, on same location with no change to the capacity, purpose or use.

Example d) Decommissioning, i.e., removal, of a facility without the intention of replacing it.

2.2 Pre-Planning Phase – Before Issuing Notice of Commencement

Before initiating the 6-month, time-limited transit and rail project assessment process set out in the Transit and Rail Process Regulation, for their designated transit and rail projects, proponents may undertake certain pre-planning activities. Because the transit and rail project assessment process is a time-limited process and the exemption of a particular project depends on following the prescribed steps in the regulation and complying with the prescribed time limits in the regulation, the ministry recommends that proponents be well prepared before initiating the process under the regulation.

Proponents are expected to identify and engage with the relevant regulatory agencies and potentially impacted and/or interested Indigenous communities during the project pre-planning phase before initiating the transit and rail project assessment process. This will assist in determining whether their project is in or adjacent to a sensitive area, particularly where this is relevant to whether a project is a designated project or not, identifying matters of provincial importance and any potential impacts on constitutionally protected Aboriginal or treaty rights from the designated project.

Proponents wishing to maintain or build positive relationships in communities where proposed transit or rail projects are to be implemented, should consider involving or consulting with a broad range of potentially interested persons in pre-planning, leading up to the proponent's decision about whether and what transit or rail project to proceed with. This may make the transit and rail project assessment process itself smoother and more expedient if and when it is commenced.

The transit and rail projects which are designated based on the project being in or adjacent to a "sensitive area" are the following and certain changes to projects:

- A new passenger station.
- A new passenger pick-up/drop off area.
- A new park-and-ride lot.
- A new grade separation in respect of a rail line or a linear component of a transit system.
- A new storage yard.
- A new maintenance facility.
- A new rail yard.
- A new rail freight facility.

Sensitive area is defined in the Comprehensive EA Projects Regulation as an area of residential land use, or an environmentally sensitive area including natural heritage features, cultural heritage or archaeological resources, recreational land uses or other sensitive land uses.

One of the activities that proponents would undertake during the pre-planning phase is to determine if their project is designated under the EAA based on being located to in or adjacent to a sensitive area. Proponents are expected to engage Indigenous communities that may potentially be impacted and/or interested in a project, as well as regulatory agencies as needed, in determining whether the proposed projects are located in or adjacent to a sensitive area. Indigenous communities and the Ministry of Citizenship and Multiculturalism (MCM) may assist in identifying, for example, the potential for archaeological resources.

During the pre-planning phase, the Branch can assist proponents by providing a list of Indigenous communities who may potentially be impacted and/or interested in any proposed project as well as a generic list of regulatory agencies that could be contacted. Proponents should contact the Branch at the beginning of the pre-planning phase to obtain or confirm these lists. It is requested that proponents provide the following information about the proposed project when contacting the Branch:

- Location

- Description
- Potential environmental effects
- Engagement and known concerns or interests from Indigenous communities or interested persons

For information on the meaning of natural and cultural heritage features, proponents should review information provided in municipal Official Plans, Provincial Policy Statements, certain provincial Plans or other documents published by municipalities as well as the information on the websites of Conservation Authorities, the Ministry of Northern Development (MND), Ministry of Mines, Ministry of Natural Resources and Forestry (MNRF), Ministry of the Environment, Conservation and Parks (MECP), Ministry of Agriculture, Food and Rural Affairs (OMAFRA), and the Ministry of Citizenship and Multiculturalism (MCM) (formerly the Ministry of Tourism, Culture and Sport).

The transit and rail project assessment process focuses on an environmental assessment of the selected transit or rail project only. A proponent is not required as part of the process to explain the rationale for a transit or rail project or revisit previous planning decisions made leading up to the selection of a particular transit or rail project. However, depending on the scale, scope, level of complexity and potential public or Indigenous community interest, a proponent's pre-planning activities may include preliminary studies to identify, assess, and evaluate rationale for alternatives to the transit or rail project e.g., strategic, conceptual, feasibility or demand analysis.

Strategic planning for public transit

Proponents may identify the rationale and alternatives to public transit, transit technology, and/or, transit corridors and routes in various ways:

- Transit or rail project is part of or is identified in provincial plans e.g. Growth Plan, Metrolinx Regional Transportation Plan, business plan
- Transit or rail project is part of or is included in a municipality's approved official plan or secondary plan.
- Feasibility, demand analysis is done through transportation planning studies, e.g., master transit/transportation plans, business plans.

Proponents should consider using some of the recommended approaches, identified below, before starting and during the transit and rail project assessment process. Please note that the following approaches are generally not regulatory requirements, but rather suggestions that may assist proponents in completing the transit and rail project assessment process.

Some approaches that may assist in completing the transit and rail project assessment process

Before issuing the Notice of Commencement

- Contact the ministry to obtain the name of a ministry representative who can assist, coordinate, or provide guidance about potential/expected requirements of the transit and rail project assessment process (project officer/ Transit Projects Coordinator from the Environmental Assessment Branch)
- Contact the Director to confirm the list of Indigenous communities that may be impacted by and/or interested in a proposed project.
- Prepare a consultation plan(s)/strategy(ies) and seek input on the best methods for consulting with Indigenous communities, adjacent property owners, regulatory agencies and municipalities
- Prepare a proposed project schedule for conducting the transit and rail project assessment process
- Start pre-notification activities with Indigenous communities, adjacent property owners, regulatory agencies and municipalities

- Identify potential issues that may be considered provincially important
- Identify issues that may be of particular interest to Indigenous communities, including as part of the initial project screening and identification of sensitive areas that a transit or rail project may be within or adjacent to, particularly where a project, but for being within or adjacent to a sensitive area, would not be subject to environmental assessment under the regulation and may be of concern to Indigenous communities.
- Engage communities on issues of importance to them, including areas for potential archeological resources as well as potential impact to constitutionally protected Aboriginal or treaty rights
- Identify other potential (e.g., federal) regulatory requirements
- Respond to issues and concerns that may be raised during pre-consultation, including potential impacts to Aboriginal or treaty rights
- Provide opportunities for Indigenous communities, adjacent property owners, regulatory agencies, municipalities to review any draft methodologies, approaches, results of any studies, documentation, etc.
- Conduct studies in respect of the transit or rail project (see section 3.4 in this guide):
 - Identify existing baseline environmental conditions
 - Identify environmental and land use constraints
 - Identify project-specific location or alignment
 - Identify parking strategies, infrastructure, construction staging, land requirements
 - Identify station, stop, intermodal locations
 - Identify other alternative methods considered (e.g. different design alignments)
 - Identify how the transit or rail project fits in with existing and future land uses, connects with other existing and future transportation facilities/services
 - Identify expected environmental impacts (both positive and negative) and proposed measures to mitigate potential negative impacts
- Explain and document why a potential negative impact may or may not be a negative impact on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right
- Prepare a preliminary draft of the Environmental Project Report and provide to persons who may be interested, and Indigenous communities, adjacent property owners, regulatory agencies, municipalities. Note: Communication with interested persons, including Indigenous communities about the draft should make it clear that a Notice of Commencement will follow and that providing the draft report does not preclude further comments in relation to studies and the assessment that can form part of the final Environmental Project Report that is required by the Transit and Rail Regulation and that is required to be made available following the publishing of a Notice of Completion of the report and in respect of which any outstanding objections can be made (within 30 days of the publishing).
- Go to municipal council with a draft Environmental Project Report
- Establish a transit or rail project website

After Issuing the Notice of Commencement

(During the transit and rail project assessment process):

- Maintain a project file and keep it current (e.g. include all notices prepared by the proponent and given by the Minister, addenda, additional studies or consultation as required by the Minister, correspondence)
- Keep a record of consultation and follow-up activities with all interested persons and Indigenous communities and update it regularly (especially for matters related to the natural environment, property of cultural heritage value or interest, and potential adverse impacts to constitutionally protected Aboriginal and treaty rights)
- Include in any notices distributed or published/posted:
 - Proponent's name and address
 - The name and phone number, and e-mail address if any, of a person who may be contacted on behalf of the proponent
 - A brief description of the transit or rail project
 - A map showing the site of the transit or rail project
 - Website address for transit or rail project where publicly available background information and transit or rail project documentation can be accessed
 - A statement that informs the public and Indigenous communities that comments and submissions will form part of a public record file and can be made available under the *Freedom of Information and Protection of Privacy Act*, where appropriate
- Consider sharing publicly available pre-planning and technical background studies (e.g. keep in project file, make available on transit or rail project website) with interested persons and Indigenous communities.
- Include in the Environmental Project Report copies of responses received from regulatory agencies and Indigenous communities, including statements of no concern
- Indicate significance of impacts, both positive and negative, and reasoning
- Consider publishing a notice of construction well in advance of construction or installation starting
- Post monitoring and/or compliance report(s) on proponent's or project website

2.3 Key Components of the Process – After Issuing Notice of Commencement

The transit and rail project assessment process is a 6-month time limited process that starts when proponents issue a Notice of Commencement for their designated transit or rail projects.

The Transit and Rail Process Regulation sets out timelines, notification, consultation and documentation requirements. Section 3 in this guide provides detailed information on the process.

Other key elements of the process including the time out process, objection process as well as considerations related to provincially important matters and potential impacts to Aboriginal and treaty rights and lapse of time related matters are explained below. The Minister’s powers are also described below.

2.3.1 “Time out” process

Once a proponent initiates the transit and rail project assessment process set out in the regulation with the issuance of a Notice of Commencement, timelines apply with respect to consultation, document completion, and the Minister’s authority to act. However, if certain issues specified in the regulation arise during the 120-day period, following the issuance of the Notice of Commencement, the proponent will have the option of “stopping the clock” to take a “time out” before continuing with the process. In deciding whether to take a time out in respect of the issue, the proponent should consider whether there is time to address the issue within the 120 days without having to take a “time out”.

Proponents can use the “time out” provision only when issues are associated with:

- A potential negative impact on a matter of provincial importance (refer to section 2.3.4 in this guide for further information).
- A potential negative impact on a constitutionally protected Aboriginal or treaty right.

In determining whether to use the “time out” provision, proponents should contact and consult with the appropriate interested persons (e.g., regulatory agencies and municipalities) and Indigenous communities to get information or guidance, including obtaining information on matters that may be considered provincially important or related to constitutionally protected Aboriginal or treaty rights. This consultation may form the basis or need for a “time

“Time out” provisions

- Taking a “time out” for certain issues and the length of time to deal with concerns raised is a matter for the proponent to determine.
- Proponent considers whether an issue fits the criteria in the Transit and Rail Process Regulation.
- A proponent cannot take a “time out” to deal with issues that are not contemplated by the Regulation.
- A proponent cannot issue a Notice of Completion if it has taken a “time out” and it has not given a notice that it is resuming the process.

out” from the regulated timeline and will allow the proponent to address any outstanding issues.

As described above, as part of the pre-planning activities, the Branch can assist proponents by providing a list of regulatory agencies that could be contacted as well as a list of Indigenous communities. Based on the nature of the project and the potential environmental impacts, the proponent is responsible for identifying regulatory agencies which may have an interest in a specific project. See also Table 3 in this guide for potentially interested persons (e.g., examples of regulatory agencies with a mandate relevant to the natural environment and /or cultural heritage value or interest).

Table 3 provides some examples of potentially interested persons and it is for reference only.

If a proponent proposes to take a “time out,” based on the considerations above, the proponent must provide a notice describing the issue to the Director and post the notice on its website.

When the proponent is of the opinion that reasonable efforts have been made to deal with the issue, the proponent may resume the transit and rail project assessment process by notifying the Director. The proponent should consult with the Branch about the resumption of regulated timelines prior to issuing the notification. The proponent may also update its documentation as a result of the timeout including any required additional assessment work or updating its consultation record in finalizing the proponent’s Environmental Project Report.

2.3.2 Objection process

If a person, entity, regulatory agency or Indigenous community has concerns about a potential negative impact of a transit or rail project on a matter of provincial importance that relates to the natural environment or has cultural heritage value or interest (matter of provincial interest) or on constitutionally protected Aboriginal or treaty rights, objections can be submitted to the Branch for the Minister to consider.

Persons wishing to submit an objection for the Minister to consider should provide the following information:

Any outstanding objections to a transit or rail project must be provided in writing and as soon as possible after the finalization of the Environmental Project Report (Notice of Completion).

Objections received after the 30-day review period following the finalization of the Environmental Project Report will not be considered by the Minister.

- Name, mailing address, organization, or affiliation (where applicable), daytime phone number, and e-mail address.
- Name and address of the proponent (individual or organization as appropriate), proponent contact name and phone number, proponent's agent/representative and phone number (where applicable).
- Brief description of the proponent's proposed project, including the location.
- Basis for why further study is required, including any identification of negative impacts that relate to a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right that was not identified or considered in the proponent's Environmental Project Report.
- Summary of how the person(s) objecting to the transit or rail project has participated and been involved in the proponent's consultation process (e.g. meetings, phone calls, notifications).

Persons or entities (regulatory agencies, members of the public, and Indigenous communities) have 30-day from the time a proponent publishes its Notice of Completion of the Environmental Project Report for a final review of what a proponent has done and to submit objections to the Minister. To ensure that there is adequate time to consider objections, the objection should also be provided to the Director and the proponent.

If an objection is submitted to the Minister during the 30-day review period, the proponent will be given an opportunity to comment on the concerns raised in an objection(s) before the Minister acts. The proponent should consider providing any comments about the objection(s) to the ministry as soon as possible or in the time frame specified by the ministry. In providing comments to the ministry on an objection(s), the proponent should:

The ministry will forward a copy of the objection(s) for the proponent to consider. Proponents will be given less than one week to comment on the objection(s).

- Identify or extract and reference, the appropriate sections in the Environmental Project Report that are relevant to the objection (e.g. record of consultation, supporting documentation).
- Provide the ministry with relevant information, where such information is not identified or included in the Environmental Project Report (e.g. any information that may have been prepared before starting the transit and rail project assessment process).

A person can withdraw their objection by providing the Minister written notice.

After the 30-day review period has ended, the Minister has 35 days within which they may exercise certain authority (see section 2.3.3, Minister’s powers). A proponent may not proceed with the transit or rail project before the end of the 35-day period unless the Minister gives a notice allowing the proponent to proceed.

2.3.3 Minister’s powers

The Transit and Rail Process Regulation sets out the circumstances in which the Minister may exercise their discretion to act concerning a proposed transit or rail project. Following the 30-day review period for an Environmental Project Report, the Minister will have 35 days to consider whether the transit or rail project may have a negative impact on:

- A matter of provincial importance; or,
- A constitutionally protected Aboriginal or treaty right.

Under the Transit and Rail Process Regulation, the Minister does not have the authority to either approve or refuse to approve a transit or rail project. There is no approval involved but the Minister can take certain action within the specified time period.

Before the Minister acts, the Minister is required to consider any objections submitted during the 30-day review period.

Whether there is an objection or not, if the Minister acts within the 35-day period, one of three notices may be issued to the proponent:

The Minister cannot act after the 35-day period has expired.

1. A notice to proceed with the transit or rail project as planned in the Environmental Project Report;
2. A notice that requires the proponent to take further steps, which may include further study or consultation; or,
3. A notice allowing the proponent to proceed with the transit or rail project subject to conditions.

If the Minister does not act within the 35-day period, the transit or rail project may proceed as planned in the proponent’s Environmental Project Report. However, generally the Minister will exercise their discretion to act and will give one of these notices to a proponent for each transit or rail project that follows the transit and rail project assessment process.

If the Minister is of the opinion that additional studies are required to consider the project further, in relation to a potential negative impact on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right, the Minister has authority to give a proponent a notice requiring that further steps be taken within a specified period.

If the Minister is of the opinion that conditions will appropriately address a potential negative impact on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right, the Minister has authority to give a proponent a notice to proceed, subject to conditions.

If the Minister gives a notice requiring that further steps be taken (e.g., conduct additional studies), the proponent is required to prepare a Revised Environmental Project Report and submit it to the Minister, with a copy to persons who may be specified in the Minister's notice, as well as post the Revised Environmental Project Report on its website within the specified time frame.

If, within 30 days after receiving the Revised Environmental Project Report the Minister is of the opinion that it still does not reflect that any potential negative impacts on matters of provincial importance or constitutionally protected Aboriginal and treaty rights will be appropriately addressed, the Minister can terminate the transit and rail project assessment process and require the proponent to comply with Part II.3 of the *Environmental Assessment Act* (i.e. prepare a comprehensive environmental assessment, including a terms of reference) or to comply with an approved class environmental assessment that may apply to the project before proceeding with the transit or rail project.

If the Minister is of the opinion that the Revised Environmental Project Report has addressed the negative impacts, the Minister may give the proponent notice allowing it to proceed with the transit or rail project according to the Revised Environmental Project Report.

The Minister has the authority to amend or revoke conditions in a notice given to the proponent. The Minister can only amend or revoke a condition, in the case of a revocation of a

The Minister may also terminate the proponent's transit and rail project assessment process and require that either an environmental assessment or a class environmental assessment process be followed:

- When the Minister is of the opinion that the Revised Environmental Project Report does not appropriately address the negative impact; or,
- When the Minister is of the opinion that the revised addendum to the Environmental Project Report does not appropriately address the negative impact.

condition, if they are satisfied that the condition is no longer needed to address the negative impact that it was originally imposed to address and in the case of an amendment to a condition, if they are satisfied that the amendment will appropriately address the impact that the original condition was intended to address.

2.3.4 Considering matters of provincial importance and constitutionally protected Aboriginal or treaty rights.

Considering and addressing potential negative impacts on matters of provincial importance or on constitutionally protected Aboriginal or treaty rights during the transit and rail project assessment process may occur at any point, but are particularly relevant in the following situations:

1. When a proponent is preparing the ESR, including Identifying expected environmental impacts (both positive and negative) and proposed measures to mitigate potential negative impacts.
2. When a proponent is considering whether to take a “time out” during the 120-day consultation and documentation time frame.
3. When persons or entities, including property owners and members of the public, regulatory agencies, and Indigenous communities are considering submitting an objection to a proposed transit or rail project to the Minister.
4. If the Minister exercises their discretion to act on a proposed transit or rail project.

Remember, the term matter of provincial importance means the following phrase in its entirety:
“A matter that relates to the natural environment or has cultural heritage value or interest.”

In forming an opinion, the Minister may use Table 2 as a guide in considering whether a transit or rail project could negatively impact a matter of provincial importance.

Please note that the list in Table 2 is not exhaustive. Proponents are expected to contact and consult with the appropriate persons or entities (e.g., regulatory agencies, Indigenous communities and municipalities) to get information and guidance, including obtaining information on matters that may be considered provincially important or related to constitutionally protected Aboriginal or treaty rights. Information, specific requirements and guidance that proponents might receive from regulatory agencies may include a proponent being asked to conduct appropriate studies, consultation, etc. to find out whether a natural

environment feature is significant or might be considered significant, or whether a property (or area or district) has cultural heritage value or interest.

Proponents are required to identify and contact potentially interested persons or entities including, regulatory agencies (provincial and federal), municipalities, and Indigenous communities. The Branch can assist by providing a list of regulatory agencies which have an interest in reviewing transit projects. A list of potentially interested persons or entities is provided in Table 3 of this guide for reference.

Table 2: Some matters that may be relevant in determining “provincial importance”¹

Some matters that may be relevant in determining “provincial importance”
<ul style="list-style-type: none">• A park, conservation reserve or protected area• Extirpated, endangered, threatened, or species of special concern and their habitat• A wetland, woodland, habitat of wildlife or other natural heritage area (e.g., prairie)• An area of natural or scientific interest (earth or life science)• A stream, creek, river or lake containing fish and their habitats• An area or region of surface water or groundwater or other important hydrological feature• Areas that may be impacted by a known or suspected on- or off-site source of contamination such as a spill, a gasoline outlet, an open or closed landfill site, etc.• Protected heritage property²• Built heritage resources³• Cultural heritage landscapes³• Archaeological resources and areas of potential archaeological interest³

¹ Please note that the examples in Table 2 are not exhaustive. Proponents are expected to contact and consult with regulatory agencies and other persons as appropriate.

² When dealing with any property of cultural heritage value or interest, “provincial importance” is not restricted to property meeting the criteria as set out under the *Ontario Heritage Act* in Ontario Regulation 10/06, Criteria for Determining Cultural Heritage Value or Interest of Provincial Significance.

Some matters that may be relevant in determining “provincial importance”

- An area designated as an escarpment natural area or an escarpment protection area by the Niagara Escarpment Plan under the *Niagara Escarpment Planning and Development Act*
- Property within an area designated as a natural core area or natural linkage area within the area to which the Oak Ridges Moraine Conservation Plan under the *Oak Ridges Moraine Conservation Act, 2001* applies
- Property within an area described as a key natural heritage feature or a key hydrologic feature in the Protected Countryside by the Greenbelt Plan under the *Greenbelt Act, 2005*

Regulatory agencies and Indigenous communities may also identify acceptable measures the proponent may use to avoid, prevent, and/or mitigate potential negative environmental effects, including potential effects in relation to a matter of provincial importance or potential impacts to constitutionally protected Aboriginal or treaty rights. In this guide, section 3.4 lists those studies that a proponent may be expected to carry out in order for a regulatory agency to advise on whether a matter is of provincial importance.

Proponents are also expected to identify and engage with the relevant regulatory agencies and potentially impacted and/or interested Indigenous communities in determining whether their project is in or adjacent to a sensitive area, particularly where this is relevant to whether a project is a designated project or not.

2.3.5 Addendum process

The Transit and Rail Process Regulation includes an addendum process (refer to section 15 of the Regulation) for proponents seeking to make changes to a transit or rail project after the Statement of Completion for the transit or rail project is submitted. This addendum process is intended to address the possibility that in implementing a transit or rail project, certain modifications may have to be made that are inconsistent with the Environmental Project Report.

If a proponent wishes to make a change to its transit or rail project in a way that is inconsistent with its Environmental Project Report, the proponent must prepare an addendum to the Environmental Project Report. The addendum must contain the following information:

- A description of the change.
- The reasons for the change.

- The proponent’s assessment and evaluation of any impacts that the change might have on the environment.
- A description of any proposed measures for mitigating any negative impacts that the change might have on the environment.
- A statement of whether the proponent is of the opinion that the change is significant (or not), and the reasons for the opinion.

If the proponent is of the opinion that the proposed change to the transit or rail project is significant, the proponent must distribute and publish a Notice of Environmental Project Report Addendum and post it on its website. The notice must also be provided to the Director, every property owner within 30 metres of the site of the change, Indigenous communities that were given a Notice of Commencement, and any other person who the proponent thinks may be interested in the change to the transit or rail project. The Transit and Rail Process Regulation also sets out what the addendum to the environmental project report must contain and also sets out certain requirements with respect to the giving of the notice to Indigenous communities.

Establishing a project-specific website and providing the public with access to project-specific information on a website is considered a best practice.

The process and timelines for making objections and for the Minister to act with respect to the proposed change are essentially the same for the addendum process as in the process leading to the Notice of Completion.

Written objections with respect to the significant change will be considered if the objection is given to the Minister within 30 days after the notice of addendum is first published. The Regulation sets out the circumstances under which the Minister may give a notice allowing the proponent to make the change or taking other action if the significant change may have a negative impact on a matter of provincial importance that relates to the natural environment or has cultural heritage value or interest, or on a constitutionally protected Aboriginal or treaty right.

If the proponent has not yet submitted its Statement of Completion, the proponent must conduct a review, at the earliest, ten years from when 65 days have passed after the Notice of Completion was first published.

2.3.6 Lapse of time

Proponents will be required to conduct a review of the transit or rail project if the project has not proceeded (e.g. construction or installation has not begun) within ten years from when the

proponent was able to submit a Statement of Completion (refer to sections 14 and 16 in the Transit and Rail Process Regulation).

The review should consider changes that have taken place since the submission of the Statement of Completion. Changes may include new conditions in the study area, new engineering standards, or new technologies for mitigation measures.

If, after ten years no changes are required to the transit or rail project as described in the Environmental Project Report, the proponent should document its results of the review, including making this information available on the proponent's website.

Where changes to the project are identified through the review, the proponent may be required to follow the addendum process set out in section 15 of the Transit and Rail Process Regulation described in section 2.3.5 of this guide.

Only significant changes identified through the review are eligible for objections.

3.0 Transit and rail project assessment process

3.1 What are the steps?

In a self-assessment process, the proponent must first determine whether the project is:

- A transit or rail project designated in the Comprehensive EA Projects Regulation, including those which are conditionally exempt subject to following the transit and rail project assessment process.

Proponents should contact the Environmental Assessment Branch before distributing the Notice of Commencement and starting the time-limited transit and rail assessment process.

Proponents should be well prepared before starting the time-limited transit and rail project assessment process (refer to section 2.2 of this guide with respect to recommended pre-planning activities proponents should carry out).

Proponents should contact ministry staff well in advance of issuing the Notice of Commencement or before consultation begins. If meeting with ministry staff, the proponent should provide an overview of the proposed transit or rail project, including if known, project timing, involvement of regulatory agencies (federal, provincial, municipal, conservation authorities, etc.), Indigenous concerns, public concerns, and any other issues that may be relevant to the transit or rail project. There could be follow-up meetings where the ministry can help the proponent understand regulatory requirements and provide guidance and/or identify gaps with respect to regulatory agencies to be notified, informed, and/or consulted.

As discussed in section 2.2. of this guide, the key steps during the pre-planning phase of the transit and rail project assessment process include:

- Contacting the Director for a list of Indigenous communities to be consulted on the transit or rail project as well as for a generic list of regulatory agencies.
 - Note: Early identification of potentially impacted and/or interested Indigenous communities and interested persons including regulatory agencies is expected. The Branch can assist proponents in obtaining or confirming the list of Indigenous communities to be consulted and a generic list of regulatory agencies as a pre-planning activity. This is especially important if the project is of a type that is designated based on being located in or adjacent to a sensitive area. In these cases, early consultation will be important to determining if the proponent's project is in or adjacent to a sensitive area.
- Consulting with Indigenous communities, regulatory agencies and other interested persons including municipalities on the project including for the purposes of determining if the project is located in or adjacent to a sensitive area i.e., if the project is one designated on

the basis of its proximity to such an area. Consultation to allow for the review of a draft Environmental Project Report should also be considered. A list of potentially interested persons is provided in Table 3 in this guide.

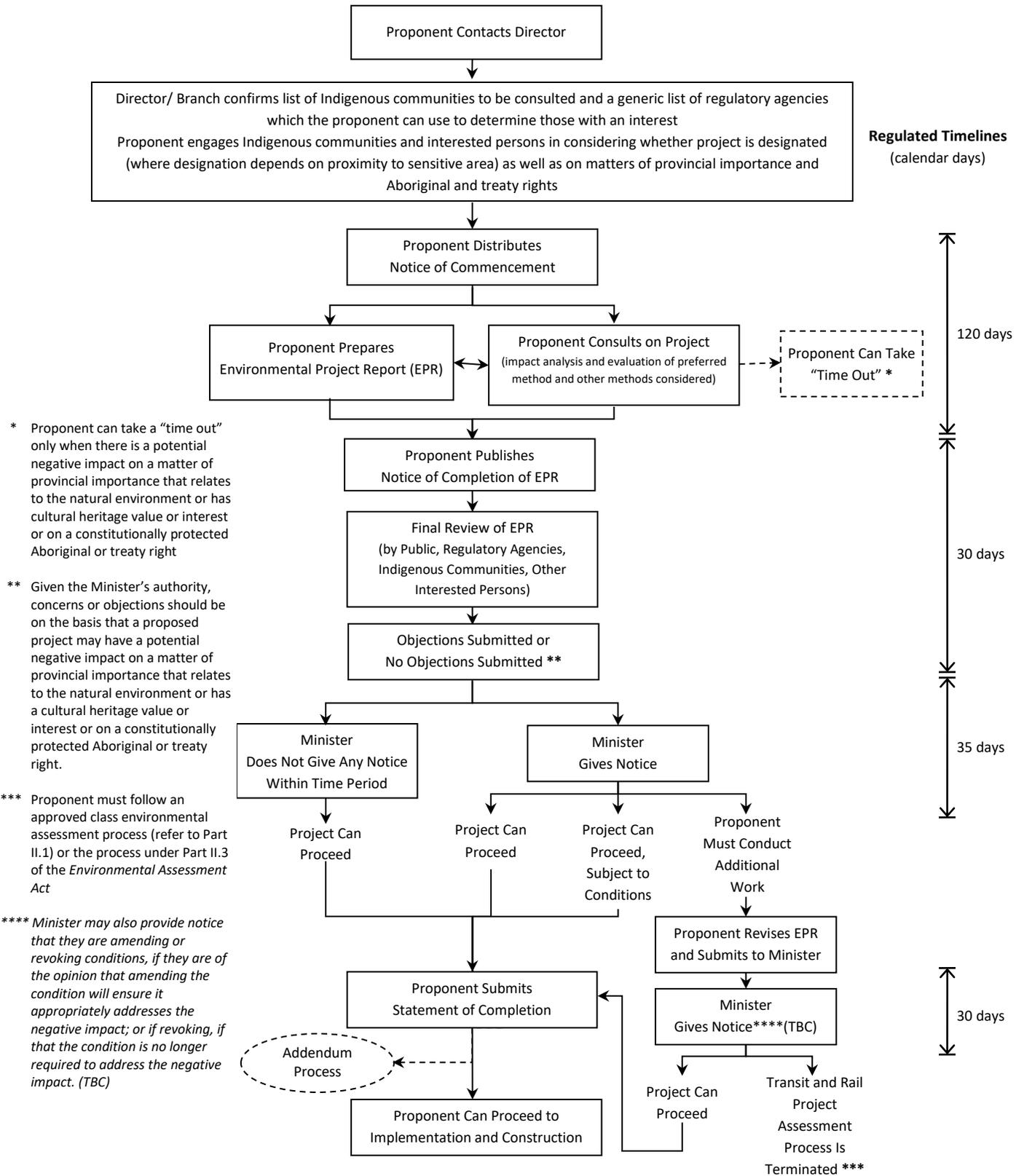
- Submitting a draft Environmental Project Report to regulatory agencies for their review. This report should include the information about the matters that the proponent is required to include as part of its consultation on its proposed project (see s.8 of the Regulation).

The key steps during the Transit and Rail Project Assessment Process are:

- Distribute Notice of Commencement (see section 3.2.2 in this guide).
 - Note: Notice distributed after proponent has determined the transit or rail project with which it wants to proceed and that project is designated.
- Take up to 120 days to consult with regulatory agencies, Indigenous communities, and other interested persons such as municipalities and document the process (see section 3.2.3 and section 3.2.4 in this guide).
- Consider any “time out” with respect to potential negative impacts on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right (see section 2.3.1 in this guide).
 - Note: A time out can only be taken prior to the Notice of Completion of the Environmental Project Report being issued and only for the reasons set out in the Regulation.
- Publish a Notice of Completion of the Environmental Project Report (see section 3.2.5 in this guide).
 - Note: Notice must be published within 120 days of the Notice of Commencement.
- Provide 30 days for the public, regulatory agencies, Indigenous communities, and other interested persons to review the final Environmental Project Report (see section 3.2.5 in this guide). Objections may be submitted to the Minister (see section 2.3.2.2 in this guide) during this period. 35 days for Minister to act in relation to certain objections (see section 2.3.3 in this guide).

Figure 1 illustrates the key steps in the transit and rail project assessment process.

Figure 1: Outline of transit and rail project assessment process



3.2 What is required in the transit and rail project assessment process?

Proponents must comply with sections 6 to 17 of the regulation if they want to rely on the conditional exemption in the Comprehensive EA Projects Regulation.

Because the transit and rail project assessment process is a time-limited process and the exemption of a particular project depends on following the prescribed steps in the Transit and Rail Process Regulation and complying with the prescribed time limits, the ministry recommends that proponents are well prepared before starting the transit and rail project assessment process. In this guide, section 2.2 (Pre-Planning Phase – Before Issuing Notice of Commencement) contains additional guidance on what proponents should consider doing.

3.2.1 Who should be consulted?

When identifying with whom the proponent must consult, during the pre-planning phase, the proponent must contact, at a minimum:

- The Environmental Assessment Branch (Branch)
- Indigenous communities confirmed and or identified by the Director, and any other Indigenous community the proponent thinks may be interested in the transit or rail project.
- Property owners within 30 metres of the location of the transit or rail project.
- Any other person, including regulatory agencies, municipalities and other members of the public, that the proponent thinks may be interested in the transit or rail project. Table 3 in this guide provides a list of potentially interested persons.

Note: Indigenous communities may be consulted as “interested persons” on the basis that they may be interested in a proposed project, and may also need to be consulted where there is a potential impact on their constitutionally protected Aboriginal or treaty rights. Please see ‘Consultation with Indigenous communities’, below.

Table 3: Identifying persons who may be interested

	Column 1 Situation	Column 2 Persons who may be interested
1.	All situations	<ul style="list-style-type: none">• Director and Transit Coordinator, Environmental Assessment Services, EAB• Local and regional transit operating agencies adjacent to project• Local municipality & upper-tier municipalities (List of Ontario municipalities)• Planning board

2.	<p>Transit or rail project potentially affects navigable waterways or permanent or intermittent watercourses (including water quantity and quality)</p> <p><u>Examples:</u></p> <p>Rivers</p> <p>Streams, creeks</p> <p>Marshes, bogs</p> <p>Lakes, ponds</p> <p>Outfalls, crossings</p> <p>Municipal drains</p>	<ul style="list-style-type: none"> • Conservation authority (Find a Conservation Authority) • Local municipalities & upper-tier municipalities (List of Ontario municipalities) • Relevant provincial ministries and agencies (List of Ministries) Examples: <ul style="list-style-type: none"> ○ Ministry of Tourism, Culture and Sport, Ministry of Citizenship and Multiculturalism, Ministry Natural Resources and Forestry • Relevant federal departments and agencies (List of Federal Departments and Agencies) Examples: <ul style="list-style-type: none"> ○ Transport Canada, Fisheries and Oceans Canada - The Fish and Fish Habitat Protection Program, Environment and Climate Change Canada, Parks Canada • Indigenous communities • Municipalities
3.	<p>Transit or rail project potentially affects groundwater</p> <p><u>Examples:</u></p> <p>Wells, aquifers</p> <p>Groundwater recharge areas</p>	<ul style="list-style-type: none"> • Local health unit (Public Health Unit Locations and Public Health Locator) • Relevant provincial ministries and agencies (List of Ministries) Examples: <ul style="list-style-type: none"> ○ Ministry Natural Resources and Forestry • Indigenous communities • Municipalities
4.	<p>Transit or rail project potentially affects extirpated, endangered, threatened or special concern species, provincially rare species, game wildlife, specially protected wildlife, regionally significant wildlife, fish or flora, migratory birds, or a significant assemblage of plant or animal species</p> <p><u>Examples:</u></p> <p>Species listed on the Species at Risk in Ontario List</p> <p>Species listed on the List of Wildlife Species at Risk under the <i>Species at Risk Act</i> (Canada)</p> <p>Species identified as provincially rare species by the Ministry of Natural Resources and Forestry — Natural Heritage Information Office</p>	<ul style="list-style-type: none"> • Conservation authority (Find a Conservation Authority) • Relevant provincial ministries, agencies, and panels(List of Ministries) Examples: <ul style="list-style-type: none"> ○ (Ministry of Tourism, Culture and Sport, Ministry Natural Resources and Forestry, Ministry of Citizenship and Multiculturalism, Committee on the Status of Endangered Wildlife in Canada (Cosewic), Committee on the Status of Species at Risk in Ontario (COSSARO)) • Relevant federal departments and agencies (List of Federal Departments and Agencies) Examples: <ul style="list-style-type: none"> ○ Environment and Climate Change Canada, Parks Canada • Indigenous communities • Municipalities

	<p>Game wildlife or specially protected wildlife under the <i>Fish and Wildlife Conservation Act, 1997</i></p> <p>Regionally significant wildlife, fish or flora</p> <p>Migratory birds protected under <i>Migratory Birds Convention Act, 1994</i> (Canada)</p>	
5.	<p>Transit or rail project potentially affects fisheries or fish habitat</p> <p><u>Examples:</u></p> <p>Rivers, lakes</p> <p>Navigable waters</p> <p>Highways</p>	<ul style="list-style-type: none"> • Conservation authority (Find a Conservation Authority) • Relevant provincial ministries, agencies (List of Ministries) Examples <ul style="list-style-type: none"> ○ Ministry Natural Resources and Forestry • Relevant federal departments and agencies (List of Federal Departments and Agencies) Examples <ul style="list-style-type: none"> ○ Fisheries and Oceans Canada — The Fish and Fish Habitat Protection Program, Parks Canada • Indigenous communities • Municipalities
6.	<p>Transit or rail project potentially affects environmentally sensitive areas (ESA) or areas of natural or earth scientific interest (ANSI or AESI)</p> <p><u>Examples:</u></p> <p>ESA as identified in an official plan or in a Natural Resources and Forestry plan or conservation authority plan</p>	<ul style="list-style-type: none"> • Conservation authority (Find a Conservation Authority) • Relevant provincial ministries and agencies (List of Ministries) Examples <ul style="list-style-type: none"> ○ (Ministry Natural Resources and Forestry) • Indigenous communities • Municipalities
7.	<p>Transit or rail project potentially affects air quality, noise or vibration</p> <p><u>Examples:</u></p> <p>Emissions from buses or vehicles in park n' rides</p> <p>Subways</p> <p>Light rail transit</p>	<ul style="list-style-type: none"> • Local health unit (Public Health Unit Locations and Public Health Locator) • Relevant federal departments and agencies (List of Federal Departments and Agencies) Examples: <ul style="list-style-type: none"> ○ (Health Canada) • Indigenous communities • Municipalities
8.	<p>Transit or rail project potentially affects hazard land</p> <p><u>Examples:</u></p> <p>Unstable soils</p> <p>Steep slopes</p>	<ul style="list-style-type: none"> • Conservation authority (Find a Conservation Authority) • Relevant provincial ministries, agencies, and panels (List of Ministries) (Ministry Natural Resources and Forestry) • Indigenous communities

	Floodplain land	<ul style="list-style-type: none"> • Municipalities
9.	<p>Transit or rail project potentially affects woodlots, Crown wildlife management areas, Crown land managed by the Ministry of Northern Development, Mines, Natural Resources and Forestry, or significant wildlife habitat</p> <p><u>Examples:</u> Agreement forests Significant woodland Wildlife Management Areas Crown Land</p>	<ul style="list-style-type: none"> • Relevant provincial ministries, agencies, and panels Examples <ul style="list-style-type: none"> ○ (Ministry Natural Resources and Forestry) • Indigenous communities • Municipalities
10.	<p>Transit or rail project potentially affects natural heritage features</p> <p><u>Examples:</u> Provincially, regionally and locally significant natural heritage features (such as significant woodlots and wetlands) and associated ecological functions National wildlife areas</p>	<ul style="list-style-type: none"> • Conservation authority (Find a Conservation Authority) • Relevant provincial ministries, agencies (List of Ministries) Examples • Ministry Natural Resources and Forestry, Ontario Heritage Trust • Relevant federal departments and agencies (List of Federal Departments and Agencies) Examples <ul style="list-style-type: none"> ○ Environment and Climate Change Canada, Parks Canada • Indigenous communities • Municipalities
11.	<p>Transit or rail project potentially affects ornamental or street trees</p> <p><u>Examples:</u> Trees on municipal land</p>	<ul style="list-style-type: none"> • Owners of property on which trees are located and owners of adjacent properties • Local municipalities and upper-tier municipalities (List of Ontario municipalities) • Indigenous communities
12.	<p>Transit or rail project potentially affects recreational areas</p> <p><u>Examples:</u> Provincial parks and conservation reserves Conservation areas Niagara Parks Commission National parks Heritage land</p>	<ul style="list-style-type: none"> • Conservation authority (Find a Conservation Authority) • Local municipalities and upper-tier municipalities (List of Ontario municipalities) • Relevant provincial ministries and agencies (List of Ministries) Examples: <ul style="list-style-type: none"> ○ (Ministry of Natural Resources and Forestry work centres, Ministry Natural Resources and Forestry, Ministry of Natural Resources and Forestry (NRF) — Policy Division, (for transit or rail projects in Niagara Escarpment Parks and Open Space

	<p>Municipal parks, open spaces and trail system</p> <p>Niagara Escarpment Parks and Open Space System (NEPOSS)</p> <p>Major municipal recreation areas</p>	<p>System, Ministry of Tourism, Culture and Sport, Ministry of Citizenship and Multiculturalism</p> <ul style="list-style-type: none"> • Relevant federal departments and agencies (List of Federal Departments and Agencies) Examples: <ul style="list-style-type: none"> ○ (Parks Canada) • Indigenous communities • Municipalities
13.	<p>Transit or rail project potentially affects tourist facilities</p> <p><u>Examples:</u></p> <p>Motels</p> <p>Restaurants, scenic lookouts</p>	<ul style="list-style-type: none"> • Relevant provincial ministries and agencies (List of Ministries) Examples: <ul style="list-style-type: none"> ○ (Ministry of Tourism, Culture and Sport) • Indigenous communities • Municipalities
14.	<p>Transit or rail project potentially affects cultural heritage resources</p> <p><u>Examples:</u></p> <p>Heritage buildings</p> <p>Heritage structures</p> <p>Scenic areas</p> <p>Archaeological sites including marine archaeological sites</p> <p>Known and potential archaeological resources (TBC)</p> <p>National historic sites</p> <p>Historic regions e.g. Rideau-Trent-Severn Corridor, designated heritage rivers</p> <p>Cultural heritage landscapes</p>	<ul style="list-style-type: none"> • Local municipal heritage committee • Local historical society • Architectural Conservancy Ontario • National Trust for Canada • Relevant provincial ministries and agencies (List of Ministries) Examples: <ul style="list-style-type: none"> ○ (Ministry of Tourism, Culture and Sport, Ministry of Citizenship and Multiculturalism Ontario, Heritage Trust) • Relevant federal departments and agencies (List of Federal Departments and Agencies) Examples: <ul style="list-style-type: none"> ○ (Parks Canada) • Indigenous communities • Municipalities
15.	<p>Transit or rail project potentially affects aboriginal interests, including aboriginal or treaty rights</p> <p><u>Examples:</u></p> <p>Places of importance for reasons of traditional use, sacred significance (archaeology sites), or cultural or natural heritage significance</p>	<ul style="list-style-type: none"> • Local Indigenous community • Relevant provincial ministries and agencies (List of Ministries) Examples: <ul style="list-style-type: none"> ○ (Ministry Natural Resources and Forestry, Ministry of Indigenous Affairs, Ministry of Tourism, Culture and Sport, Ministry of Citizenship and Multiculturalism) • Relevant federal departments and agencies (List of Federal Departments and Agencies) Examples: <ul style="list-style-type: none"> ○ (Crown-Indigenous Relations and Northern Affairs Canada)
16.	<p>Transit or rail project potentially affects social service or health facilities</p>	<ul style="list-style-type: none"> • Relevant provincial ministries and agencies (List of Ministries) Examples:

	<p><u>Examples:</u></p> <p>Long-term care homes</p> <p>Psychiatric homes</p> <p>Group homes</p> <p>Hospitals</p> <p>Assistive Living Settings</p>	<ul style="list-style-type: none"> ○ (Regional offices for the Ministry of Children, Community and Social Services, Ministry of Health, Ministry of Long-Term Care, Ontario Health) • Indigenous communities • Municipalities
17.	<p>Transit or rail project potentially affects transportation service facilities</p> <p><u>Examples:</u></p> <p>Highways</p> <p>Navigable waters</p> <p>Harbours</p> <p>St. Lawrence Seaway</p> <p>Airports</p> <p>Railway crossings</p>	<ul style="list-style-type: none"> • Owners of rail corridor • Relevant provincial ministries and agencies (List of Ministries) Examples: <ul style="list-style-type: none"> ○ (Ministry of Transportation, Metrolinx) • Relevant federal departments and agencies (List of Federal Departments and Agencies) Examples: <ul style="list-style-type: none"> ○ (Fisheries and Oceans Canada, Transport Canada, Canadian Transportation Agency) • Indigenous communities • Municipalities
18.	<p>Transit or rail project potentially affects provincial government property</p> <p><u>Examples:</u></p> <p>Provincially-owned or maintained buildings or property</p>	<ul style="list-style-type: none"> • Relevant provincial ministries and agencies (List of Ministries) Examples: <ul style="list-style-type: none"> ○ (Infrastructure Ontario-Real Estate Services) • Indigenous communities • Municipalities
19.	<p>Transit or rail project potentially affects utilities</p> <p><u>Examples:</u></p> <p>Electrical lines</p> <p>Telephone lines</p> <p>Oil pipelines</p> <p>Gas pipelines</p> <p>Water or sewage works</p>	<ul style="list-style-type: none"> • Local utility companies • Relevant provincial ministries and agencies (List of Ministries) Examples: <ul style="list-style-type: none"> ○ (Ontario Power Generation, Hydro One) • Indigenous communities • Municipalities
20.	<p>Transit or rail project potentially affects sensitive or special planning areas</p> <p><u>Examples:</u></p> <p>Regionally significant growth centres</p> <p>Major industrial parks or subdivisions</p> <p>Development in northern Ontario</p>	<ul style="list-style-type: none"> • Relevant provincial ministries and agencies (List of Ministries) Examples: <ul style="list-style-type: none"> ○ (Ministry of Municipal Affairs and Housing — Provincial Land Use Branch, Ministry Economic Development Job Creation and Trade, Ministry of Mines, Ministry of Northern Development, Ministry of Tourism, Culture and Sport, Ministry of Citizenship and Multiculturalism Ministry Natural Resources and Forestry), Niagara Escarpment Commission (NEC) (for transit and rail projects in Niagara Escarpment Planning Area)

	<p>Areas with potential for tourism development or designation</p> <p>Niagara Escarpment Planning Area</p> <p>Parkway Belt Planning Area</p> <p>Oak Ridges Moraine</p>	<ul style="list-style-type: none"> • Relevant federal departments and agencies (List of Federal Departments and Agencies) Examples: <ul style="list-style-type: none"> ○ (Parks Canada) • Indigenous communities • Municipalities
21.	<p>Transit or rail project potentially affects prime agricultural areas or specialty crop areas</p> <p><u>Examples:</u></p> <p>Areas designated for prime agricultural in municipal official plans or areas where, using the classifications of the Canada Land Inventory, soil classes 1, 2 and 3 predominate</p>	<ul style="list-style-type: none"> • Relevant provincial ministries and agencies (List of Ministries) Examples: <ul style="list-style-type: none"> ○ (Ministry of Agriculture, Food and Rural Affairs— Land use policy and stewardship) • Relevant federal departments and agencies (List of Federal Departments and Agencies) (Agriculture and Agri-Food Canada) • Indigenous communities • Municipalities
22.	<p>Transit or rail project is funded in whole or in part by the federal government or potentially affects federal land</p> <p><u>Examples:</u></p> <p>Federal infrastructure programs</p> <p>Sale or leasing of federal land</p>	<ul style="list-style-type: none"> • Funding agency or land owner • Indigenous communities
23.	<p>Transit or rail project potentially affects Great Lakes interconnecting channels</p> <p><u>Examples:</u></p> <p>St. Mary’s River</p> <p>St. Clair River</p> <p>Detroit River</p> <p>Niagara River</p> <p>St. Lawrence River</p>	<ul style="list-style-type: none"> • Relevant provincial ministries and agencies (List of Ministries) Examples: <ul style="list-style-type: none"> ○ (Ministry Natural Resources and Forestry) • Relevant federal departments and agencies (List of Federal Departments and Agencies) Examples: <ul style="list-style-type: none"> ○ (Fisheries and Oceans Canada — Canadian Coast Guard, The Fish and Fish Habitat Protection Program, Environment and Climate Change Canada, Global Affairs Canada, Transport Canada) • Indigenous communities • Municipalities

Note: The names above are subject to change. Proponents can reach out to the Environmental Assessment Branch to confirm current names of ministries and agencies.

A proponent is expected to consider the following in its consultations:

- Those matters identified in Table 2 of this guide that may be relevant in determining “provincial importance.”

- Any constitutionally protected Aboriginal or treaty right identified by an Indigenous community.
- Proponents should consider consulting Indigenous communities and local municipalities as well as relevant regulatory agencies in identifying whether their project is designated when the project is a type that is designated based on being located in or adjacent to a sensitive area.

Examples of other situations that regulatory agencies may identify and recommend that the proponent consider when identifying the potential impact of a proposed transit or rail project include vulnerable areas as defined under the *Clean Water Act*, heritage conservation districts and areas of archaeological potential, important aggregate deposits (e.g. shale) identified by the Ministry of Natural Resources and Forestry, and how the proposed project might interrelate with a potentially changing climate over time. For areas of archaeological potential, proponents can use the resources provided by the Ministry of Citizenship and Multiculturalism.

3.2.2 Notice of Commencement

Once the steps in the pre-planning phase are completed, the time-limited process can formally be started by posting and distributing a Notice of Commencement.

Proponents must prepare and distribute a Notice of Commencement to indicate that the assessment of a transit or rail project is proceeding under the transit and rail project assessment process. This notice must provide the following information:

- The proponent's name and address.
- The name and phone number, and e-mail address if any, of a person who may be contacted on behalf of the proponent.
- A description of the transit or rail project.
- A statement that the environmental impact of the transit project is being assessed according to the transit and rail project assessment process as set out in the Transit and Rail Process Regulation.
- A map showing the site of the transit or rail project.
- Information on how to obtain a description or summary of any preliminary work done by the proponent.

The Notice must also provide information on how to obtain a summary of publicly-available documents prepared by the proponent in connection with the transit or rail project, including any of the following documents prepared by the proponent that are publicly available:

- Any preliminary studies relating to transit or rail project.
- Any analysis of existing environmental conditions at the site of the transit or rail project.
- Any analysis of the impacts that the transit or rail project may have on the environment and, in the case of negative impacts, any analysis of potential mitigation measures.
- Any document relating to planning and consultation that have taken place with respect to the transit or rail project

Proponents are expected to provide a draft Notice of Commencement to the Environmental Assessment Branch (Transit Coordinator) first before finalizing and posting/distributing it.

The proponent is required to distribute this notice to:

- The Director.
- Every assessed property owner within 30 metres of the site of the transit or rail project.
- Every Indigenous community confirmed and or identified by the Director, and any other Indigenous community the proponent thinks may be interested in the transit or rail project.
- Any other person that the proponent considers may be interested in the transit or rail project. The proponent may rely on Table 3 in this document as reference but the Branch can assist by providing a generic list of regulatory agencies that may have an interest in participating in these types of projects and contacts for the agencies.

Regulated timelines start the day following the day the Notice of Commencement is published.

Proponents are strongly encouraged to maintain a project-specific website if the proponent does not already have a general website. If a website exists, the proponent shall post the Notice of Commencement, and any other relevant transit or rail project information on its website.

The proponent is expected to maintain a contact list of all persons, including regulatory agencies, and Indigenous communities that have been notified, provided comments and input, or otherwise expressed an interest in a transit or rail project.

The proponent must also publish this notice in a manner that, in the opinion of proponent, will promptly bring the notice to the attention of interested persons in the area of the site of the transit or rail project, including in local newspapers.

3.2.3 Consultation requirements and expectations

Public consultation is required for all projects that are subject to the transit and rail project assessment process. The transit and rail project assessment process requires proponents to consult with persons that the proponent considers may be interested in the transit or rail project. Consultation allows the proponent to:

- Properly identify, inform or notify persons, which include those potentially affected by the transit or rail project.
- Identify and assess the range of potential environmental impacts of the transit or rail project.
- Respond to the concerns of interested persons, which include adjacent property owners and others who may be affected by some aspect of the project.

It is the proponent's responsibility to design and implement an appropriate consultation program for consultations regarding a transit or rail project. The proponent's consultation program must include certain matters based on section 8 of the Transit and Rail Process Regulation:

It is up to the proponent to determine the best method to consult with interested persons.

- Providing information about the basis on which the transit or rail project was selected, which includes:
- The assessment and evaluation of the impacts of the transit or rail project and other methods considered;
 - The criteria for the assessment and evaluation of those impacts;
 - Any studies completed with respect to those impacts.
 - Providing information about the proposed measures for mitigating any potential negative impacts of the transit or rail project.
 - Providing information about the way the proponent intends to monitor and verify the effectiveness of the proposed mitigation measures.
 - Discussing with Indigenous communities any constitutionally protected Aboriginal or treaty right that is identified as potentially being negatively impacted by the transit or rail project.
 - Discussing with Indigenous communities any measures identified by the Indigenous community for mitigating potential negative impacts on constitutionally protected Aboriginal or treaty rights.

When consulting on a proposed transit or rail project and collecting information to document in the Environmental Project Report, proponents should also be consulting on those matters that are required to be documented. Examples of other topics proponents could consult on include (refer also to section 3.2.4, Documentation requirements in this guide) the purpose of the

transit or rail project, any background information relating to the transit or rail project if available, the local environmental conditions at the site of the transit or rail project.

When consulting on the transit or rail project, proponents should consider emphasizing the benefits and expected positive effects of the transit or rail project, and acknowledge that there may be some individual persons who may be affected by the transit or rail project to improve the community/society at large, despite all efforts to avoid or mitigate negative impacts.

Depending on the potential environmental impacts and level of public and Indigenous community interest associated with a transit or rail project, proponents may decide to use methods such as open houses, meetings, workshops, site visits, information bulletins, detailed fact sheets, newspapers or news releases, etc. Proponents should tailor the consultation program to reflect the nature of the project. Failure to carry out adequate public consultation is often the reason for opposition to a transit or rail project.

In order to conduct effective consultation, proponents should obtain information and input before starting the transit and rail project assessment process. Seeking information and input early and conducting effective consultation during the transit and rail project assessment process will assist in meeting the timelines specified in the Transit and Rail Process Regulation.

Nevertheless, proponents should consider carrying out other activities including providing additional information to make the consultation effective. For example,

- Identify a broad range of persons who may be interested.
- Solicit input on the consultation approaches and methods that would be the most effective.
- Inform interested persons where, when and how they can be involved.
- Follow up on notices given to interested persons, regulatory agencies and Indigenous communities, to ensure that information has been received and interest in a project has been accurately accommodated.
- Respond to concerns and issues raised during the program or identify why a response was not considered appropriate.

When distributing notices about a transit or rail project, for example, Notice of Commencement, notice of a public consultation session/event, proponents should follow up on such consultation efforts to ensure that information has been received.

Identifying interested persons

Potential persons who the proponent may consider as persons interested in a transit project include:

- Property owners within 30 metres of the site of the transit project.
- Regulatory agencies (provincial ministries and agencies, federal authorities and departments).
- Municipalities.
- Indigenous communities confirmed and or identified by the Director, and any other Indigenous community the proponent thinks may be interested in the transit or rail project.
- Members of the public.

The Table 3 in this guide provide a list of persons potentially interested in a transit or rail project.

Consultation with regulatory agencies

The purpose of consultation with regulatory agencies is to inform and receive input from all government agencies with jurisdiction or an interest related to a particular transit or rail project. This may include federal and provincial ministries and agencies. It is the proponent's responsibility to identify and determine which government agencies should be consulted. At a minimum, relevant regulatory agencies should be provided with copies of the mandatory notices.

The Branch can provide a generic list of relevant agencies at the early stages of the process. Proponents will identify all relevant agencies in consideration of the characteristics of their projects.

The proponent is responsible for contacting the appropriate government agency technical representatives. The mandates of regulatory agencies are such that their needs and requirements for information may be more prescriptive or extensive than other interested persons. Proponents should be prepared to provide regulatory agencies with detailed information when requested. Proponents are advised to contact and consult with appropriate regulatory agencies, including following up with the appropriate personnel to confirm that they are aware of the transit or rail project. Ideally, proponents should start notification and consultation activities with regulatory agencies during pre-planning activities. In order to provide sufficient time for their review and to meet the 120-day time limit in the transit and rail project assessment process, proponents should obtain information, guidance, and feedback

from regulatory agencies as soon as possible. Doing so will help identify potential matters of provincial importance or a constitutionally protected Aboriginal or treaty right that should be avoided.

Proponents should address issues raised by any regulatory agency before releasing the final Environmental Project Report for review (when the Notice of Completion is given). Doing so will help avoid fundamental concerns or disagreements being raised at a late stage in the transit and rail project assessment process. Providing regulatory agencies with an opportunity to comment on draft reports may help proponents meet timelines specified in the Transit and Rail Process Regulation.

For large, complex, and potentially controversial transit or rail projects, proponents are expected to circulate a draft of its Environmental Project Report to appropriate regulatory agency contacts for comment before starting the transit and rail project assessment process. Adequate time should be provided for regulatory agencies and others to comment on draft reports. Circulation of draft reports to regulatory agencies allows the proponent the opportunity to include comments from regulatory agencies in the final report, so that other interested persons have an opportunity to see whether regulatory agencies have any concerns about the project.

Information on which regulatory agencies were contacted and consulted, a summary of their comments, and a summary of what the proponent did to respond to concerns raised by regulatory agencies are required to be included in the Environmental Project Report. Proponents should attempt to obtain statements from regulatory agencies that there are no concerns with the transit or rail project or if there are concerns, that concerns have been appropriately addressed. Including such statements in the Environmental Project Report, particularly from those agencies whose mandate relates to the natural environment and/or has cultural heritage value or interest (e.g. Ministry of Natural Resources and Forestry, Ministry of the Environment, Conservation and Parks, local conservation authorities, federal agencies, and Ministry of Citizenship and Multiculturalism) will reassure the ministry that potential environmental issues and concerns have been appropriately responded to and addressed.

Consultation with federal agencies is only considered necessary when the transit or rail project is expected to cause impacts (pertinent to federal legislation) that are unknown and cannot be mitigated. Federal agency interests in transit or rail projects relate primarily to water quality, air quality and toxics management, migratory birds and terrestrial species at risk.

For more information about federal legislation and mandates, proponents can consult available guidance materials and visit the following website to at:
<https://www.canada.ca/en/impact-assessment-agency.html>.

Proponents can also reach out to appropriate federal agencies to determine their interest in a specific project. Relevant information can be obtained from the Impact Assessment Agency - Ontario Region Office:
E-mail: ontarioregion-regiondontario@iaac-aeic.gc.ca

Consultation with Indigenous communities

Consultation with Indigenous communities in the transit and rail project assessment process is intended to allow a proponent to identify and respond to concerns that may be raised by Indigenous communities and to provide an opportunity to receive information about and have meaningful input into the review and development of a transit or rail project. In addition, such consultation is important to any duty to consult that the Crown may have in relation to constitutionally protected Aboriginal or treaty rights that may be impacted by a transit or rail project, and may be relied upon by the Crown.

Proponents are expected to engage Indigenous communities during the pre-planning phase before the transit and rail project assessment process is initiated to determine whether a specific project is designated based on being located in or adjacent to a sensitive area.

This guide is not intended to describe fully how any Crown duty to consult may be discharged. However, where a duty exists, the Crown can delegate the procedural aspects of consultation to proponents; there is a corresponding responsibility of Indigenous communities to participate in this process, make their concerns known, and respond to efforts to address their concerns. To the extent that any Crown duty of consultation exists for a particular project, the transit and rail project assessment process sets out some of the actions and procedural aspects of consultation that proponents are required to take with respect to consultation with Indigenous communities.

It should be noted that whether or not the Crown has a constitutional duty to consult with an Aboriginal community, the community might be an interested person for the purposes of consultation in the transit and rail project assessment process and should be consulted.

The transit and rail project assessment process includes several specific requirements with respect to consulting with Aboriginal communities. Proponents are required to:

- Contact the Director for a list of Indigenous communities that may be interested in and/or impacted by a transit or rail project.
- Give each Indigenous community identified and any other Indigenous community that may be interested, a copy of the Notice of Commencement.
- Request the Indigenous community to advise the proponent in writing of the nature of any interest it may have in the transit or rail project when giving the Notice of Commencement.
- Ensure that the Indigenous community is given the opportunity to participate in the consultation.
- Discuss potential negative impacts of the transit or rail project on any constitutionally protected Aboriginal or treaty right that may be identified and the measures to mitigate these negative impacts.
- Respond to concerns expressed by the Indigenous community.

In discharging the requirements of the Transit and Rail Process Regulation, proponents are expected to make, at a minimum, good faith efforts to engage Indigenous communities, such as:

- Engaging in determining whether a project is a designated project.
- Following up with telephone calls to ensure that the Indigenous community is aware of the transit or rail project.
- Providing the Indigenous community with notification of consultation events such as open houses and meetings.
- Providing relevant transit or rail project documentation and other information when requested.
- Providing communities with information about the project, its potential effects and proposed mitigation to address effects specific to the interests of Indigenous communities.
- Considering providing flexibility and recognition of the unique needs of the Indigenous community, such as additional time to review documents, language requirements, communication styles/preferences and access to communication tools.

If the proponent or Indigenous community identifies that the transit or rail project may have a potential negative impact on a constitutionally protected Aboriginal or treaty right, the Director should be notified. This is to ensure that appropriate steps are taken so that the Crown's duty to consult, if it arises, is satisfied.

Where a significant change to a transit or rail project is required, proponents are also required to consult with Indigenous communities, similar to the process identified in sections 7, 8 and 15 of the Transit and Rail Process Regulation:

- Contact the Director to confirm the list of Indigenous communities that may be impacted by and/or interested in the change to the transit or rail project.
- Give a copy of the Notice of Environmental Project Report Addendum to each identified Indigenous community and any other Indigenous community that may be interested in a significant change to the transit or rail project.
- Request the Indigenous community to advise the proponent in writing of the nature of any interest it may have in the change to the transit or rail project when giving the Notice of Environmental Project Report Addendum.

3.2.4 Documentation requirements

Proponents must complete their documentation of the assessment of their transit and rail project and the documentation of the assessment process in the Environmental Project Report within 120 days of distributing the Notice of Commencement. The purpose of the Environmental Project Report is to document the process followed and the conclusions reached. It is recognized that the level of detail will vary among transit or rail projects and the detail is not necessarily dependent on the size of the project but rather is dependent on the potential environmental impacts (both positive and negative) and how negative impacts will be mitigated. A project that is more complex (e.g. has a greater number of potential negative impacts), will have a more detailed report. The ministry expects that proponents will adjust and rework their Environmental Project Report leading up to commencement of the process and throughout the 120-day period to reflect input from Indigenous communities, adjacent property owners, regulatory agencies and other interested persons.

A proponent is expected to develop a draft Environmental Project Report and share it, at minimum, with Indigenous communities and regulatory agencies before distributing the Notice of Commencement. Please see the pre-planning steps in sections in this guide for additional information.

Proponents may use the 120-day period to incorporate comments about the transit and rail project and to finalize its Environmental Project Report.

In order to satisfy the conditional exemption in the Comprehensive EA Projects Regulation, (i.e. proceeding under the transit and rail project assessment process), the proponent's Environmental Project Report will contain the following information:

- A statement of the purpose of the transit or rail project and a summary of any background information relating to the transit or rail project.
- A final description of the transit or rail project including a description of the preferred design method.
- A description of any other design methods that were considered once the project commenced the transit and rail project assessment process.
- Note: The requirements do not include setting out any alternatives considered during pre-planning as transit and rail project assessment process starts with a transit or rail project and is focussed on an impact assessment of that project.
- A map showing the site of the transit or rail project.
- A description of the local environmental conditions at the site of the transit or rail project.
- A description of all studies carried out, including a summary of all data collected or reviewed and a summary of all results and conclusions.
- The assessments, evaluation and criteria for any impacts of the preferred design method and any other design method (described above) that were considered once the project's transit and rail project assessment process commenced (does not include pre-planning work).
- A description of any proposed measures for mitigating any negative impacts the transit or rail project might have on the environment.
- If mitigation measures are proposed, a description of the proposal for monitoring or verifying the effectiveness of the mitigation measures.
- A description of any municipal, provincial, federal, or other approvals or permits that may be required.
- A consultation record, including:
 - A description of the consultations and follow up efforts carried out with interested persons, and Indigenous communities;
 - A list of the interested persons and Indigenous communities who participated in the consultations;
 - Summaries of the comments submitted by interested persons, and Indigenous communities;
 - A summary of any discussions with Indigenous communities including discussions of any potential impacts of the transit or rail project on constitutionally protected Aboriginal or treaty rights, and copies of all written comments submitted by Indigenous communities;
 - A description of what the proponent did to respond to concerns expressed by interested persons, and Indigenous communities.

Proponents will document the consultation process with Indigenous communities in the Environmental Project Report in accordance with the transit and rail project assessment process. In addition to the information identified above, the following information, as applicable and appropriate will be documented with respect to Indigenous consultation:

- any information that was shared by an Indigenous community in relation to its asserted or established Aboriginal or treaty rights and any potential adverse impacts of the proposed activity on such rights;
- any proposed project changes or mitigation measures that were discussed and feedback from Indigenous communities on those commitments;
- information regarding any financial assistance or other capacity support provided by the proponent to enable participation by Indigenous communities in the consultation;
- periodic consultation progress reports or copies of meeting notes if requested by the ministry; and
- a summary of how the delegated aspects of consultation were carried out and the results.
 - Proponents will keep a separate Indigenous community consultation record, which tracks consultation with Indigenous communities separately from consultation with interested persons and stakeholders. This will help the ministry assess the sufficiency of the proponent's consultation activities with Indigenous communities.

If a "time out" was taken during the transit and rail project assessment process, a summary of each issue including:

- A description of the issue;
- A description of what the proponent did to respond to the issue and the results of those efforts;
- The date that each notice for a "time out" was given to the Director.

Providing sufficiently detailed information as part of consultations can help assure regulatory agencies, Indigenous communities, adjacent property owners, and other interested persons that potential environmental impacts have been adequately considered, and may reduce the likelihood of the Minister receiving objections to the transit or rail project.

If there are negative impacts that cannot be mitigated or fully mitigated, the proponent should fully describe this in the Environmental Project Report, including the expected consequences of the resultant negative impacts of the project on the environment.

Where measures are proposed to mitigate negative impacts, the proponent is encouraged to reference any industry-recognized standards, guidelines, and procedures in the Environmental Project Report. Where measures are proposed to enhance a project's adaptation to its

environment or changing climatic conditions, the proponent should document these in the report. Including commitments to monitor and report on compliance efforts to ensure that subsequent contractual requirements accurately reflect the measures that will be adopted during the construction and operation of the transit or rail project will also be helpful.

The proponent should organize its report in a clear and comprehensive manner to allow for its timely review by regulatory agencies and interested persons, and Indigenous communities. The proponent should also provide a summary of the commitments made during the transit and rail project assessment process (in particular highlighting any monitoring and reporting commitments) in the report.

3.2.5 Notice of Completion

Once the proponent has completed and finalized its Environmental Project Report, the proponent must make it available for final review and comment by interested persons and Indigenous communities consulted and the public for 30 calendar days. The Notice of Completion must be given within 120 days of the distribution of the Notice of Commencement. (The 120 days is subject to any “time outs” that might have been taken).

The Notice of Completion must include the following information:

- Information as to where and how members of the public may examine the Environmental Project Report and obtain copies.
- A description of the objection process which includes:
 - A statement that there are circumstances in which the Minister has authority to require further consideration of the transit or rail project, or impose conditions on it, if they are of the opinion that:
 - The transit or rail project may have a negative impact on a matter of provincial importance that relates to the natural environment or has cultural heritage value or interest; or,
 - The transit or rail project may have a negative impact on a constitutionally protected Aboriginal or treaty right.
 - A statement that, before exercising the authority referred to above, the Minister is required to consider any written objections to the transit or rail project that they receives within 30 days after the Notice of Completion of the Environmental Project Report is first published.

Proponents must give their Notice of Completion of the Environmental Project Report within 120 days of starting the transit and rail project assessment process (Notice of Commencement).

Proponents can give the Notice of Completion at any time during the 120-day period, after completing the required consultation and after preparing the Environmental Project Report, but cannot give it after the 120 days have lapsed.

It is important to note that if the proponent fails to give the Notice of Completion within the 120-day period, the proponent will have failed to meet one of the conditions of the Transit and Rail Process Regulation and the transit or rail project cannot proceed until the process is recommenced and completed, a Class EA process is commenced and completed (where a Class EA process applies) or a Part II.3 approval is sought and given.

If restarting from the beginning, the proponent must meet all of the requirements of the Transit and Rail Process Regulation, including distributing a new Notice of Commencement and completion of all the steps that are required by the regulation, regardless of whether those steps were done under the previous process for the project. However, where appropriate, a proponent may be able to rely on substantive work (e.g. technical studies) that was done in respect of the project during the previous process.

The Notice of Completion should also include:

- The proponent's name and address.
- The name and phone number, and e-mail address if any, of a person who may be contacted on behalf of the proponent.
- A brief description of the transit or rail project.
- A map showing the site of the transit or rail project.

- The date by which written objections should be submitted to the Minister.

The proponent is required to give the Notice of Completion to:

- Every person to whom a Notice of Commencement was given.
- The Director.
- The Transit Coordinator and the Project Officer assigned to the project.
- Every person who has made a written request for a copy of the notice.
- Any other person the proponent considers may be interested in receiving a copy of this notice, including those persons who participated or provided comments during the 120-day consultation period.

Proponents should make the Environmental Project Report easily accessible and should provide a copy in a convenient location(s) near the site of the transit or rail project, such as a public library, community centre, or municipal office. The locations selected should provide opportunities for the document to be viewed both during and after normal office hours.

At each viewing location, it is recommended that proponents make more than one copy of the Environmental Project Report and supporting information available for review, especially for large transit or rail projects and transit or rail projects that are likely to generate significant public and Indigenous community interest. The Environmental Project Report should also be made available on the proponent's website.

The proponent must also publish this notice in a manner that, in the opinion of proponent, will promptly bring the notice to the attention of interested persons in the area of the site of the transit or rail project, for example on a project-specific website maintained by the proponent or in a local newspaper.

3.2.6 Statement of Completion

The transit and rail project assessment process is completed when a proponent submits a Statement of Completion to the Director

Proponents may submit a Statement of Completion under the following circumstances:

- The Minister gives a notice allowing the proponent to proceed with the project in accordance with the Environmental Project Report.
- The Minister gives a notice allowing the proponent to proceed with the project in accordance with the Environmental Project Report, subject to conditions.

- The Minister gives a notice requiring further consideration of the transit or rail project and subsequently gives a notice allowing the proponent to proceed with the project in accordance with a Revised Environmental Project Report.
- The Minister gives no notice within 65 days of the proponent giving the Notice of Completion.

The Statement of Completion should indicate that the proponent intends to proceed with the transit or rail project in accordance with either:

- The Environmental Project Report;
- The Environmental Project Report, subject to conditions set out by the Minister; or,
- The revised Environmental Project Report.

Providing the public with access to project-specific information on a website is considered a best practice.

The proponent must post the Statement of Completion on its website, or project website, if a website exists.

Please see Appendix A for a copy of the Statement of Completion forms. These forms are also found electronically on the environmental assessment page of the ministry's website³.

³ The environmental assessment page of the ministry's website can be found at www.ontario.ca/environmentalassessments.

Proceeding with (e.g. constructing or installation of) a transit or rail project subject to the transit and rail project assessment process cannot begin until the requirements of the transit and rail project assessment process have been met. Subject to these requirements, the transit or rail project may proceed subject to any other required approvals. The proponent shall implement the project in the manner described in the Environmental Project Report and in accordance with any commitments or modifications set out in any Revised Environmental Project Report or Environmental Project Report Addendum. The proponent shall also comply with any requirements that the Minister imposes in a notice allowing the proponent to proceed subject to conditions. The proponent may not proceed where the Minister gives a notice terminating the transit and rail project assessment process and requiring the proponent to comply with Part II.3 of the *Environmental Assessment Act* or an applicable approved class environmental assessment before proceeding with the transit or rail project.

3.3 Notices provided for in the transit and rail project assessment process

This section provides information about and summarizes the various notices that may be required during the transit and rail project assessment process. Table 4 lists the notices; when they may be required in the process; who is responsible for giving, distributing, publishing, posting or issuing these notices; and, how to do so.

Also, appended to this guide is a form and notification templates for proponents and interested persons to use at various steps in the transit and rail project assessment process. Appendix A contains several notification templates that indicate what kind of information the ministry expects to be provided and/or given.

To comply with *Freedom of Information and Protection of Privacy Act* requirements, notices must contain the following statement.

All personal information included in a submission – such as name, address, telephone number and property location – is collected, maintained and disclosed by the Ministry of the Environment, Conservation and Parks for the purpose of transparency and consultation. The information is collected under the authority of the Environmental Assessment Act or is collected and maintained for the purpose of creating a record that is available to the general public as described in section 37 of the Freedom of Information and Protection of Privacy Act. Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential. For more information, contact the Ministry of the Environment, Conservation and Parks (MECP) Freedom of Information and Privacy Coordinator.

When giving or distributing copies of a notice, proponents may provide a notice or copy of a notice by mail (post), delivering directly, or electronic mail. Proponents should choose the method that result in the least amount of time and that, in the opinion of proponent, will promptly bring the notice to the attention of interested persons and Indigenous communities in the area of the site of the transit or rail project.

Please note that section 36 of the *Environmental Assessment Act* states that when giving a notice by regular mail delivery, it will be deemed to be received on the fifth day after it is mailed. The regulation sets out certain deadlines that are calculated based on the day the related notice is published by the proponent.

Table 4: Summary of mandatory notices

Type of Notice	When Required	Issued/Given By	Given To / Distributed To / Published
<p>1. Notice of termination of the transit and rail project assessment process. <i>Environmental Assessment Act</i> or Approved Class Environmental Assessment</p> <p>Proponent either no longer intends to proceed with the project or does not want to rely on the conditional exemption (i.e does not want to use the transit and rail project assessment process) and instead will seek approval under Part II.3 of the EAA or proceed to assess and implement its project in accordance with</p>	<p>Any time before the Statement of Completion is submitted</p>	<p>Proponent</p>	<ul style="list-style-type: none"> • Director • Transit Coordinator

Type of Notice	When Required	Issued/Given By	Given To / Distributed To / Published
an applicable approved class environmental assessment			
<p>2. Notice of Commencement of Transit and Rail Project Assessment Process</p> <p>Proponent prepares and distributes a Notice of Commencement, which “starts the clock ticking” for the 120-day portion of the transit and rail project assessment process</p>	<p>At the start of the transit and rail project assessment process, after following the steps required in the Regulation to identify Indigenous communities and interested persons.</p>	<p>Proponent</p>	<ul style="list-style-type: none"> • Every property owner within 30 metres of the transit or rail project site • Director • Transit Coordinator • All interested and/or impacted Indigenous communities identified in the list confirmed by the Director and any other Indigenous community that in the proponent’s opinion may be interested. <p>Any other person identified on a list provided by the Director and any other person that, in the proponent’s opinion, may be interested. Published in a manner that would promptly bring the notice to the attention of interested persons in the area of the site of the project.</p> <ul style="list-style-type: none"> • Posted on proponent’s website • Local municipality
<p>3. Notice of Issue</p> <p>Proponent wishes to take a “time out” - to suspend the 120-day period regarding a potential negative impact on a matter of provincial importance</p>	<p>Any time during the 120-day period following the Notice of Commencement and before the Notice of Completion</p>	<p>Proponent</p>	<ul style="list-style-type: none"> • Director • Project Officer assigned to the project and Transit Coordinator • Posted on proponent’s website or project website

Type of Notice	When Required	Issued/Given By	Given To / Distributed To / Published
that relates to the natural environment or has cultural heritage value or interest, or on a constitutionally protected Aboriginal or treaty right			
<p>4. Notice of Resumption</p> <p>Proponent wishes to resume the transit and rail project assessment process following a “time out”</p>	<p>If a Notice of Issue is given, the Notice of Resumption must be given before a Notice of Completion can be given</p>	<p>Proponent</p>	<ul style="list-style-type: none"> • Director
<p>5. Notice of Completion of Environmental Project Report</p> <p>Signals that the Environmental Project Report has been prepared in accordance with section 9 of the regulation and indicates that the Environmental Project Report is available for final review and comment, including the opportunity for interested persons, including Indigenous communities to object to the transit or rail project</p>	<p>Within 120 days after the Notice of Commencement has been issued</p>	<p>Proponent</p>	<ul style="list-style-type: none"> • Every person to whom a Notice of Commencement was given • Every person who has made a written request for a copy of the notice • Any other person who, in the proponent’s opinion, may be interested, including persons who have commented previously • Published in a manner that would promptly bring the notice to the attention of interested persons (can be published in a local newspaper) • Posted on proponent’s website or project website

Type of Notice	When Required	Issued/Given By	Given To / Distributed To / Published
<p>6. Minister's Notice</p> <p>The Minister may:</p> <ul style="list-style-type: none"> • Allow the proponent to proceed with the transit or rail project in accordance with its Environmental Project Report; • Require the proponent to conduct further work and submit a Revised Environmental Project Report; or, • Allow the proponent to proceed with the transit or rail project in accordance with its Environmental Project Report, subject to conditions 	<p>Not earlier than 30 days and not later than 65 days after the Notice of Completion of the Environmental Project Report is first published</p> <p>* Where no notice is issued by the Minister before the 65-day period ends, a proponent may proceed with the transit or rail project in accordance with the Environmental Project Report.</p>	<p>Minister</p>	<ul style="list-style-type: none"> • Proponent
<p><u>Minister's Notice following preparation of Revised Environmental Project Report</u></p> <ul style="list-style-type: none"> • Allow the proponent to proceed with the transit or rail project in accordance with its Revised Environmental Project Report; or, • Terminate the transit and rail project assessment process and require the proponent to comply with Part II.3 of the <i>Environmental Assessment Act</i> or an approved class 	<p>Within 30 days after receiving the proponent's Revised Environmental Project Report</p>	<p>Minister</p>	<ul style="list-style-type: none"> • Proponent

Type of Notice	When Required	Issued/Given By	Given To / Distributed To / Published
environmental assessment before proceeding with the transit or rail project			
<p><u>Minister's Notice following Environmental Project Report Addendum for significant change</u></p> <ul style="list-style-type: none"> • Allow the proponent to proceed with the transit or rail project in accordance with its Environmental Project Report Addendum; • Require the proponent to conduct further work and submit a Revised Environmental Project Report Addendum; or, • Allow the proponent to proceed with the transit or rail project in accordance with its Environmental Project Report Addendum, subject to conditions 	<p>Not earlier than 30 days and not later than 65 days after the Notice of Environmental Project Report Addendum is first published.</p>	<p>Minister</p>	<ul style="list-style-type: none"> • Proponent
<p>Minister's Notice following Revised Environmental Project Report Addendum for significant change</p> <ul style="list-style-type: none"> • Allow the proponent to proceed with the transit or rail project in accordance with its Revised Environmental Project Report Addendum; or, 	<p>Within 30 days after receiving the proponent's Revised Environmental Project Report Addendum</p>	<p>Minister</p>	<ul style="list-style-type: none"> • Proponent

Type of Notice	When Required	Issued/Given By	Given To / Distributed To / Published
<ul style="list-style-type: none"> • Terminate the transit and rail project assessment process and require the proponent to comply with Part II.3 of the <i>Environmental Assessment Act</i> or an approved class environmental assessment before proceeding with the transit or rail project 			
<p>7. Notice of Objection Any person who has a concern(s) about the transit or rail project</p>	Not later than 30 days after the Notice of Completion of the Environmental Project Report is first published	Any person	<ul style="list-style-type: none"> • Minister of the Environment, Conservation and Parks • Director • Transit Coordinator
<p>8. Notice of Withdrawal Objector wishes to withdraw its objection(s) to the transit or rail project</p>	Not later than 65 days after the Notice of Completion of the Environmental Project Report is first published	Objector	<ul style="list-style-type: none"> • Minister of the Environment, Conservation and Parks • Director • Transit Coordinator
<p>9. Notice of Termination Proponent wishes not to proceed with the transit and rail project assessment process</p>	Any time before submitting a Statement of Completion	Proponent	<ul style="list-style-type: none"> • Director • Interested persons • Indigenous communities
<p>10. Statement of Completion Proponent states its intention to proceed with the transit or rail project in accordance with its Environmental Project</p>	Not earlier than 65 days after the Notice of Completion of the Environmental Project Report is first published	Proponent	<ul style="list-style-type: none"> • Director • Posted on proponent's website or project website

Type of Notice	When Required	Issued/Given By	Given To / Distributed To / Published
Report or Revised Environmental Project Report			
<p>11. Notice of Environmental Project Report Addendum</p> <p>Proponent wishes to make a change to the transit or rail project that is inconsistent with its Environmental Project Report and the proponent considers the change significant</p>	<p>After Statement of Completion is submitted, and before proceeding with the significant change to the transit or rail project, and after following the steps in the regulation for identifying potentially interested Indigenous communities and persons</p>	<p>Proponent</p>	<ul style="list-style-type: none"> • Every property owner within 30 metres of the site of the change • Director • Project Officer and Transit Coordinator • Every Indigenous community identified under subsection 15(6) of the Regulation and any other Indigenous community that, in the proponent's opinion, may be interested in the change • Any other person who, in the proponent's opinion, may be interested • Published in a manner that would promptly bring the notice to the attention of interested persons (can be published in local newspaper) • Posted on proponent's website or project website

3.4 What types of studies may be expected for a public transit or rail project?

The transit and rail project assessment process does not specify the studies that must be carried out for a transit or rail project; however, regulatory agencies may have specific information needs and requirements. Some examples of the sorts of studies for which proponents may be asked to conduct are listed below.

Examples of studies that may be requested

- Travel demand forecasting
- Traffic impact analysis
- Noise and vibration
- Air quality and climate change
- Natural resource inventories/assessments
 - Streams
 - Wetlands
 - Floodplains
 - Water quality, water quantity
 - Plant and animal species and related habitat
 - Rare, threatened, or endangered species and related habitat
 - Forests, woodlots
- Cultural heritage and archaeological assessments
- Cultural heritage impact assessments and conservation plans
- Land use
 - Proximity and effect on priority development areas, existing and planned uses
 - Prime agricultural areas
 - Aggregate resources
 - Environmental site assessments (soil, groundwater contamination)
- Visual assessments
 - Landscaping
 - Streetscaping
- Financial analysis
 - Capital costing
 - Operations and maintenance costing
 - Natural hazards analysis
 - Emergency response preparedness

The nature and extent of studies will vary from one project to another. Proponents must contact provincial ministries, other regulatory agencies (e.g. conservation authorities, federal authorities), municipalities, adjacent property owners, Indigenous communities and other interested persons to obtain information and to identify information needs.

The ministry recommends that proponents conduct comprehensive and balanced planning exercises in evaluating and determining the preferred transit or rail project. In addition, preparing and providing results of technical studies, such as those identified above, upfront and early will give regulatory agencies and others time to review and comment on required information as well as minimizing potential risks to proponents that could compromise the objective of a six-month process.

4.0 Other relevant topics

4.1 Changing the Environmental Project Report

Under the Transit and Rail Process Regulation certain changes to the proponent's Environmental Project Report may be required, either because of the addendum to the Environmental Project Report requirements applying (i.e. a change to the project) or when a proponent is required to prepare a Revised Environmental Project Report.

In the case of an addendum, the proponent initiates the change to its Environmental Project Report (see section 2.3.5 in this guide). Regulatory agencies may also identify acceptable measures the proponent may use to avoid, prevent and/or mitigate potential negative environmental impacts from the change. Section 3.4 in this guide lists those studies that a proponent may be expected to carry out in order for a regulatory agency to determine whether a matter is of provincial importance. The proponent then prepares an Environmental Project Report Addendum for those changes to a project that cannot be carried out in a manner consistent with the Environmental Project Report and that the proponent is of the opinion is significant.

In the case of a Revised Environmental Project Report, the Minister requires the proponent to change its Environmental Project Report. This occurs if the Minister gives notice to the proponent to carry out further work. The proponent must prepare a Revised Environmental Project Report within the time frame specified by the Minister (refer to section 13 of the Transit and Rail Process Regulation). If the Revised Environmental Project Report does not appropriately address the negative impact(s) on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right, the Minister may terminate the transit and rail project assessment process. The proponent would then be required to comply with either Part II.3 of the EAA (comprehensive environmental assessment) or the process in an applicable approved class environmental assessment.

4.2 Monitoring

4.2.1 Project-specific monitoring by the proponent

During implementation of the transit or rail project, the proponent must conduct any monitoring outlined in its Environmental Project Report or in subsequent modifications or commitments. If measures are proposed to mitigate potential negative impacts, proponents must include this in its Environmental Project Report and a description of the means for monitoring or verifying the effectiveness of the mitigation (refer to paragraph 7 and 8 of and subsection 9 (2) of the Transit and Rail Process Regulation).

A proponent must comply with any commitments, including effects, effectiveness and compliance monitoring activities for any measures to mitigate negative impacts identified in its Environmental Project Report (or any Revised Environmental Project Report).

Monitoring and reporting is necessary to ensure that the mitigation measures identified in the Environmental Project Report are carried out and are effective. The ministry expects that the results of monitoring will be made available to regulatory agencies and interested persons, and Indigenous communities, if requested.

4.2.2 Compliance monitoring by the ministry

The purpose of compliance monitoring is so the ministry can evaluate the transit and rail project assessment process and review a proponent's compliance with the Transit and Rail Process Regulation and the Comprehensive EA Projects Regulation.

The Branch will establish and maintain a public record for each transit or rail project for which the ministry has received a Notice of Commencement. Information that may be compiled includes:

Compliance monitoring should not be confused with monitoring the project-specific environmental impacts of a transit or rail project that followed the transit and rail project assessment process.

- The type of transit or rail project.
- Copies of notices distributed, given, submitted, issued, published.
- Copies of any objection(s).
- Any requirements imposed by the Minister.
- Any documentation provided by the proponent.

- Any documentation provided by interested persons including regulatory agencies municipalities and Indigenous communities, and members of the public.

Monitoring implementation will help the Branch identify any modifications or improvements that might be made to the transit and rail project assessment process.

If a proponent fails to meet a requirement of the Transit and Rail Process Regulation, for example, a proponent does not issue its Notice of Completion of the Environmental Project Report within 120 days of issuing the Notice of Commencement, the proponent must restart the transit and rail project assessment process (see also section 4.3 below) or proceed through an applicable Class EA or seek approval under Part II.3 if it wishes to proceed with its transit or rail project. If the proponent is restarting the transit and rail project assessment process, the proponent must start from the beginning and comply with sections 6 to 17 of the regulation.

4.3 Stopping and Restarting

At any point before submitting a Statement of Completion, a proponent can stop (terminate) the transit and rail project assessment process and restart it by distributing a new Notice of Commencement for the same transit or rail project.

Proponents may also terminate the transit and rail project assessment process and proceed with the transit or rail project in accordance with Part II.3 of the EAA or an applicable approved class environmental assessment by giving notice to the Director, if desired.

There may be circumstances where a proponent is of the opinion that it may be desirable to discontinue the transit and rail project assessment process in order to attempt to resolve matters that are not of provincial importance e.g. regional or local matters. In such cases, a proponent will have to start the transit and rail project assessment process again, including distributing a new Notice of Commencement.

Stopping (terminating) and starting the process again should not be confused with the “time out” provision in the regulation that allows proponents to pause the 120-day period (take a “time out”) to address potential negative impacts on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right, and to resume when the matter has been addressed.

In choosing to terminate and restart the transit and rail project assessment process, proponents will be required to start from the beginning with the distribution of a new Notice of Commencement and to complete the steps that are required by the Transit and Rail Process Regulation, regardless of whether those steps were done before abandoning the initial process. Nevertheless, and where appropriate, a proponent may be able to rely on substantive work (e.g. technical studies) that was done in respect of the project during the initial process.

Section 6 of the regulation allows proponents to terminate the transit and rail project assessment process by giving notices to that effect to the Director. The regulation does not require proponents to seek approval to end the transit and rail project assessment process. There are no restrictions on the time between stopping the transit and rail project assessment process and begin the process afresh.

Circumstances in which a proponent may wish to stop and restart may include unforeseen issues arising during the 120-day period that the proponent feels require significant additional time to address or the proponent feels that there is a need to revisit the proposed transit or rail project. However, the decision to terminate and restart should not be taken lightly as doing so will likely result in delays in the eventual implementation of the transit or rail project and additional costs associated with publishing new notices, restarting consultations, and redoing documentation. It may also cause confusion amongst members of the public, regulatory agencies, and Indigenous communities that participated in the initial consultation process.

It should be noted that the Minister may also terminate the proponent's transit and rail project assessment process. The Minister may require that the proponent comply with either the requirements of Part II.3 of the EAA or an applicable approved class environmental assessment process under the following circumstances:

- When the Minister is of the opinion that the Revised Environmental Project Report does not appropriately address the negative impact; or,
- When the Minister is of the opinion that the Environmental Project Report Addendum does not appropriately address the negative impact.

4.4 Federal requirements

Public transit or rail projects may also be subject to federal requirements. For specific information on the potential federal requirements, proponents can refer to the applicable federal legislation and associated regulations.

Proponents are encouraged to contact potential federal authorities as early as possible so that all requirements for their transit or rail project can be identified. Table 3 in this guide provides a list of potential federal authorities.

4.5 Considering the Needs of Francophone Communities

The Ministry of the Environment, Conservation and Parks is committed to consulting and communicating in French with Francophone individuals, organizations, municipalities and

communities in or near the 25 bilingual areas (<https://www.ontario.ca/page/government-services-french#section-1>) designated under the *French Language Services Act*.

While there is no statutory requirement for proponents to specifically engage the Francophone community in French, the ministry expects all members of the public to be adequately consulted and engaged during the environmental assessment process. The *Environmental Assessment Act* requires that a proponent consult with any person who is interested.

Accordingly, in conjunction with this guide, proponents should:

- Note that the Francophone population is included in the definition of interested persons,
- Follow the guidelines related to consultation and communication with Francophones outlined in the *Code of Practice: Consultation in Ontario's Environmental Assessment Process*.

5.0 Roles and responsibilities

This section outlines the roles and responsibilities of the various participants that may be involved in the planning and impact assessment for a public transit or rail project.

It is important to note that the information outlined here is not meant to be exhaustive and that other participants, roles, and/or responsibilities may apply depending on the nature and complexity of a proposed transit or rail project.

Participants who may be involved in a transit and rail project assessment process include:

- Proponents whose projects are designated by regulation
- Regulatory agencies
- Municipalities
- Indigenous communities
- Other interested persons
- Ministry of the Environment, Conservation and Parks staff

5.1 Proponents

Proponents are those who plan and develop transit or rail projects. MTO, municipalities, Metrolinx and ONTC are the public sector proponents undertaking the project designated by the Comprehensive EA Projects Regulation. Where a proponent seeks to rely on a conditional exemption provided for in that regulation, a proponent is required to follow the transit and rail project assessment process set out in the Transit and Rail Process Regulation.

The roles and responsibilities of proponents are set out in that regulation and further elaborated on in the rest of this guide.

5.2 Interested persons

It is expected that persons who are interested in a proposed transit or rail project will participate in any pre-planning activities a proponent carries out, as well as its consultation and documentation activities that form part of the transit and rail project assessment process.

Interested persons include:

- Adjacent property owners.
- Indigenous communities.
- Regulatory agencies.
- Municipalities
- Other members of the public (individuals, environmental groups or clubs, naturalist organizations, agricultural organizations, sports or recreational groups, organizations

from the local community, municipal heritage committees, historical societies, community heritage organizations, ratepayers' associations, Francophones, businesses, transportation management associations, organizations that support sustainable transportation, etc.).

Interested persons should consider participating in the transit and rail project assessment process by:

- Indicating to the proponent their level of interest and identifying how they prefer to participate.
- Identifying potential interests, issues and concerns, and informing the proponent (preferably in writing) as soon as possible.
- Participating in consultation opportunities provided by the proponent where possible.
- Suggesting changes to the specific transit or rail project or related documentation (e.g. draft and final Environmental Project Report, supporting documentation, technical documentation) that may address concerns. Members of the public may offer suggestions to proponents on various matters, for example, changing the orientation of the transit or rail project on the site, using other measures such as a screen to minimize visual impact, changing the location of access to the site.
- Submitting objections to the Branch for the Minister to consider within the 30-day Environmental Project Report review period if there is an outstanding concern(s) about potential negative impacts on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right.
- Withdrawing objections to the transit or rail project if the proponent has responded to or addressed outstanding concern(s).

5.2.1 Indigenous communities

It is expected that Indigenous communities who are interested in or may be potentially affected by a proposed transit or rail project will participate in any pre-planning activities a proponent carries out, as well as its consultation and documentation activities as part of the transit and rail project assessment process.

Interested or potentially affected Indigenous communities should:

- Identify for the proponent, an appropriate contact to maintain consistency throughout the planning process.
- Identify potential interests in the particular project in a timely manner.
- Provide information to help identify known and potential for archeological resources.

- Participate in consultation opportunities provided by the proponent where possible.
- Work with the proponent to try to address concerns, including using mediation or negotiation methods as necessary.
- Where there are no concerns with the project or the proponent has addressed concerns adequately, consider providing documentation indicating that there are no concerns or no outstanding concerns.
- Consider submitting objections in accordance with the regulation if, after all efforts during consultation have been exhausted, and there is an outstanding concern about a negative impact on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right.

Some proposed transit or rail projects may have potential impacts on constitutionally protected Aboriginal or treaty rights. It is important to note that where this is not the case, an Indigenous community may nevertheless be an interested person for the purpose of the transit or rail project. In either case, it is expected that interested Indigenous communities will participate early in pre-planning activities such as those outlined above, and to make concerns about the transit or rail project known to the proponent. Where impacts are specific to constitutionally protected Aboriginal or treaty rights, it is especially important that the Indigenous community:

- Outline the source, scope and nature of the constitutionally protected Aboriginal or treaty rights that may be impacted by the transit or rail project and the nature of the potential impact.
- Suggest mitigation measures, including modifications to the transit or rail project that could address their concerns.
- Respond to attempts to address their concerns and suggestions, and to try to reach some mutually satisfactory solution.

5.2.2 Regulatory agencies

Persons who may be interested in a transit or rail project include regulatory agencies. Regulatory agencies include provincial ministries and agencies, municipal agencies, local bodies, and federal authorities. Regulatory agencies can provide valuable input to a proponent by identifying requirements; sharing knowledge and guidance on issues within their mandate, and reviewing relevant information. It is expected that proponents will involve the appropriate regulatory agencies early in their planning and before starting the transit and rail project assessment process.

It is expected that regulatory agencies who indicate an interest in a transit or rail project will:

- Provide information and guidance in a timely manner and within their mandated areas of responsibility about matters that a proponent should consider e.g. statutory requirements, policies, standards, potential environmental criteria.
- Participate in the transit and rail project assessment process where possible.
- Provide specific advice as early as possible if there are concerns with the transit or rail project or the proponent's Environmental Project Report, including identifying how the concerns can be addressed or what additional information or study may be necessary.
- Participate in the review of both draft and final Environmental Project Report where possible.
- Where there are no concerns with a transit or rail project, consider providing a statement of no concern to the proponent.
- Consider submitting objections to the transit or rail project to the Branch for the Minister to consider within the 30-day Environmental Project Report review period if outstanding concern(s) related to potential negative impacts on a matter of provincial importance or on a constitutionally protected Aboriginal or treaty right still exist.

5.3 Ministry of the Environment, Conservation and Parks

Staff from a number of offices of the ministry are involved in various ways leading up to and during the transit and rail project assessment process. However, proponents must be in contact with the Branch as the Branch is the ministry's one-window for transit and rail projects.

Environmental Assessment Branch

One of the Branch's principal responsibilities is to administer the EAA and to provide information and guidance about its requirements, to allow proponents and the Minister to make informed decisions.

Specific responsibilities for Branch staff in the transit and rail project assessment process include:

- Acting as the one-window for transit and rail projects following the transit and rail project assessment process.
- Providing information and guidance about the requirements of the Transit and Rail Process Regulation and the Part II.3 Designation and Exemption Regulation.
- Providing information and guidance about other ministry environmental legislation, regulations, and procedures to proponents and interested persons.
- Informing and providing proponents with the opportunity to comment on objections.

- Reviewing and evaluating objections to transit or rail projects that are received by the ministry.
- Coordinating the ministry's noise, air and vibration technical comments.
- Maintaining a public record of information for transit or rail projects in respect of which the ministry receives a Notice of Commencement.
- Taking appropriate actions with respect to compliance by the proponent with any requirements of the regulations.
- Monitoring compliance with respect to the regulations.

The ministry's five regional offices administer and deliver province-wide programs to protect air quality, protect surface and ground water quality and quantity, manage the disposal of wastes, ensure an adequate quality of drinking water, and control the use of pesticides. As one-window, the Branch, coordinates and manages the ministry's technical review, ensuring that concerns specific to the ministry's mandate are provided to the proponent to be addressed. As part of the transit and rail project assessment process, the project officer assigned to a transit or rail project will:

- Coordinate the ministry's permission section comments and regional and district comments on technical issues such as air, water, contaminated sites, permissions and other matters that fall within the ministry's mandate, jurisdiction or areas of interest while taking into account relevant ministry legislation, policies, standards, guidelines.
- Provide suggestions to the proponent about contacting other regulatory agencies the proponent should contact if it is apparent, based on the proponent's available documentation for a transit or rail project that another regulatory agency should be informed and consulted on a particular matter.
- Provide comments and input to the Branch within specified timelines on objections received.

This guide is designed to assist proponents and interested persons in proceeding under the Transit and Rail Process Regulation.

Those interested in information about the Transit and Rail Process Regulation or the Comprehensive EA Projects Regulation or other aspects of Ontario's approach to environmental assessment should consult the Ministry of the Environment, Conservation and Parks' website or contact the ministry at the address below.

Ministry of the Environment, Conservation and Parks
Environmental Assessment Branch
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5 Canada

Telephone: 416-314-8001
Toll Free: 1-800-461-6290
Fax: 416-314-8452
E-mail: EABDirector@ontario.ca
Website: <https://www.ontario.ca/page/environmental-assessments>

In addition, the ministry has guidance materials for the following key elements of the environmental assessment framework in Ontario:

- Class environmental assessments
- Climate effects (draft)
- Consultation
- Coordinating federal and provincial environmental assessment requirements
- Electricity projects
- Environmental assessments
- Glossary
- How to make a Section 16 Order request
- Making a hearing request
- Mediation
- Terms of reference
- Waste management projects

Appendix A Notification Templates

(1) Notice That Project Will Proceed Template

<insert date this notice is given to the Ministry of the Environment, Conservation and Parks>

VIA E-MAIL <OR VIA FACSIMILE>

Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5
Fax: 416-314-8452
E-mail: EABDirector@ontario.ca

Re: Notice to Proceed Under <choose either: Part II.3 of the *Environmental Assessment Act* or approved class environmental assessment> for <insert Name of Transit or Rail Project, Name of Proponent(s)>

In accordance with Part II.3 Designations and Exemptions Regulation (Comprehensive EA Projects Regulation) <insert name of proponent(s)> does not want the exemption provided under this regulation to apply to the above-noted project.

<insert name of proponent(s)> intends to follow <choose either the comprehensive environmental assessment process under Part II.3 of the *Environmental Assessment Act* or the class environmental assessment process under an approved class environmental assessment – provide name of class environmental assessment document> for <insert name of project>.

A copy of this notice has also been posted on the project website <provide website address>.

If you have any questions or need further information about this project, please contact:

<insert proponent(s) and/or consultant contact information>

Yours truly,

<proponent(s) signature>

<name of proponent(s)>

cc. EAB Transit Coordinator

(2) Template for Contacting Director, Environmental Assessment Branch

<insert date>

VIA E-MAIL <OR VIA FACSIMILE>

Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5
Fax: 416-314-8452
E-mail: EABDirector@ontario.ca

And

EA Coordinator and/or EAB Transit Coordinator

Re: Request for List of Indigenous Communities for <insert Name of Transit or Rail Project, Name of Proponent(s)>

The <insert name of proponent(s)> is conducting pre-planning activities/proposing a <name of project>.

<include brief project description, and where available indicate area of study or map of project site>

It is expected that <insert name of proponent(s)> will follow Ontario Regulation 231/08 (Transit and Rail Project Assessment Process Regulation) for this proposal/project.

In accordance with subsection 7(4) of Ontario Regulation 231/08, the <insert name of proponent(s)> is requesting the list of Indigenous communities that may be interested in and/or impacted by the above-noted project.

A preliminary list of Indigenous communities that may be impacted by or interested in the proposed project is as follows:

<insert preliminary list of Indigenous communities>

If you have any questions or need further information about this project, please contact:

<insert proponent(s) and/or consultant contact information>

Yours truly,

<proponent(s) signature>

<name of proponent(s)>

(3) Notice of Commencement of Transit and Rail Project Assessment Process Template

Notice of Commencement of Transit and Rail Project Assessment Process

<insert Name of Project, Name of Proponent>

The Project

The <name of proponent(s)> is proposing <provide physical description of all components of transit or rail project, including a site map>. The purpose of <describe purpose of project>.

<provide additional pertinent information e.g. pre-planning studies carried out in support of the project, if any>

The Process

The environmental impact of this project will be assessed according to the transit and rail project assessment process as prescribed in Ontario Regulation 231/08, Transit and Rail Projects Assessment Process Regulation. As part of the transit and rail project assessment process, an Environmental Project Report is being prepared. All information produced as part of this project is available at <provide website address for viewing all project-related information, for example, posting all notices distributed; preliminary studies, environmental studies, impact analyses carried out; summaries of publicly available documents; etc.>

<identify other locations where all information and documents related to the project are available, for example, proponent office, project site, libraries>

Consultation

Members of the public, agencies and other interested persons are encouraged to participate actively in the transit and rail project assessment process by attending consultation opportunities or contacting staff directly with information, comments or questions. Consultation opportunities are planned <if known, indicate purpose, number, timing and nature of additional public contacts> and will be advertised <identify how – for example, on a project website, , direct mail out>.

<provide additional relevant information, for example, timing for an upcoming consultation event; seeking input, information, knowledge about the local community, environmental conditions; alternatives being investigated; draft Environmental Project Report has been prepared>

If you would like to be added to our project mailing list or have project-related questions, please contact:

<provide proponent(s) and/or consultant contact information>

All personal information included in a submission – such as name, address, telephone number and property location – is collected, maintained and disclosed by the Ministry of the Environment for the purpose of transparency and consultation. The information is collected under the authority of the Environmental Assessment Act or is collected and maintained for the purpose of creating a record that is available to the general public as described in section 37 of the Freedom of Information and Protection of Privacy Act. Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential. For more information, contact the Ministry of the Environment, Conservation and Parks (MECP) Freedom of Information and Privacy Coordinator.

<insert date this notice is first published/distributed>

(4) Notice of Issue Template

<insert date this notice is given to the Ministry of the Environment, Conservation and Parks>

VIA E-MAIL <OR VIA FACSIMILE>

Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5
Fax: 416-314-8452
E-mail: EABDirector@ontario.ca

Re: Notice of Issue for <insert Name of Designated Transit or Rail Project, Name of Proponent(s)>

The <name of designated project> is following the transit and rail project assessment process as prescribed in Ontario Regulation 231/08. <name of proponent(s)> is of the opinion that this transit project may have a negative impact on <describe the matter(s) of provincial importance that relates to the natural environment or has cultural heritage value or interest, or on a constitutionally protected Aboriginal or treaty right>.

Under subsection 10(1) of Ontario Regulation 231/08, if a notice of issue is given, the 120-day consultation period stops running and will resume when the above-noted issue(s) have been addressed and a notice of resumption has been provided to you.

A copy of this notice of issue has also been posted on the project website <provide website address>.

If you have any questions or need further information about this project, please contact:

<insert proponent(s) and/or consultant contact information>

Yours truly,

<proponent(s) signature>

<name of proponent(s)>

Cc; Project Officer, EAB Transit Coordinator

(5) Notice of Resumption Template

<insert date this notice is given to the Ministry of the Environment, Conservation and Parks>

VIA E-MAIL <OR VIA FACSIMILE>

Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5
Fax: 416-314-8452
E-mail: EABDirector@ontario.ca

Re: Notice of Resumption for <insert Name of Project, Name of Proponent(s)>

Further to our notice of issue <provide date when notice of issue was given>, indicating that a time out from the 120-day consultation period was being taken for this project, this notice is to advise you that we will be resuming the transit and rail project assessment process. As required under Ontario Regulation 231/08, the date by which the Notice of Completion of the Environmental Project Report for this project must be given has been extended to <provide new date of when notice must be given on or before>.

<describe issue or matter of provincial importance that relates to the natural environment or has cultural heritage value or interest, or on a constitutionally protected Aboriginal or treaty right>

<describe what actions were taken to deal with the issue and the results of those efforts>

A copy of this notice of resumption has also been posted on the project website <provide website address>.

If you have any questions or need further information about this project, please contact:

<insert proponent(s) and/or consultant contact information>

Yours truly,

<proponent(s) signature>

<name of proponent(s)>

Cc: Project Officer, Transit Coordinator

(6) Notice of Completion of Environmental Project Report Template

Notice of Completion of Environmental Project Report

<insert Name of Project, Name of Proponent(s)>

The Project

The <name of proponent(s)> has completed an Environmental Project Report in accordance with Ontario Regulation 231/08 for <name of project>.

<provide physical description of all components of project>
<insert site map>

The Process

The environmental impact of this project was assessed and an Environmental Project Report prepared according to the transit and rail project assessment process as prescribed in Ontario Regulation 231/08.

The Environmental Project Report for <name of project> is now available for a 30-day review period starting <insert date> at the following locations:

1. Ministry of the Environment, Conservation and Parks
Environmental Assessment Branch
135 St. Clair Avenue West, Toronto, Ontario M4V 1P5
416-314-8001/1-800-461-6290 Monday to Friday 8:30 a.m. – 5:00 p.m.
2. Proponent's office
3. Other public viewing locations (for example, municipal offices, libraries, project site)
4. Website address where the Environmental Project Report is posted

Interested persons are encouraged to review this document and provide comments by <insert date> to project contacts listed below:

<insert proponent and/or consultant contact information>

There are circumstances where the Minister of the Environment, Conservation and Parks has the authority to require further consideration of the project, or impose conditions on it. These include if the Minister is of the opinion that:

- The project may have a negative impact on a matter of provincial importance that relates to the natural environment or has cultural heritage value or interest; or,
- The project may have a negative impact on a constitutionally protected Aboriginal or treaty right.

Before exercising the authority referred to above, the Minister is required to consider any written objections to the project that he or she may receive within 30 days after the Notice of Completion of the Environmental Project Report is first published.

If you have discussed your issues with the proponent and you object to the identified change to the project, you can provide a written submission to the Minister of the Environment, Conservation and Parks no later than <insert date> to the address provided below. All submissions must clearly indicate that an objection is being submitted and describe any negative impacts to matters of provincial importance (natural/cultural environment) or Aboriginal rights.

Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West
Toronto ON M4V 1P5
Attention: <insert name>, Project Officer
Tel: 416-314-8001/1-800-461-6290
Fax: 416-314-8452
E-mail: EABDirector@ontario.ca

If not already provided, a copy of the objection will be forwarded to the proponent by the ministry.

All personal information included in a submission – such as name, address, telephone number and property location – is collected, maintained and disclosed by the Ministry of the Environment for the purpose of transparency and consultation. The information is collected under the authority of the Environmental Assessment Act or is collected and maintained for the purpose of creating a record that is available to the general public as described in section 37 of the Freedom of Information and Protection of Privacy Act. Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential. For more information, contact the Ministry of the Environment, Conservation and Parks (MECP) Freedom of Information and Privacy Coordinator.

(7) Notice of Termination Template

<insert date this notice is given to the Ministry of the Environment, Conservation and Parks>

Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5
Fax: 416-314-8452
E-mail: EABDirector@ontario.ca

Re: Notice of Termination of the Transit and rail assessment process for **<insert Name of Project>**

The **<name of transit project>** is following/has followed the transit and rail project assessment process as prescribed in Ontario Regulation 231/08.

The statement of completion for this transit project has not been submitted to the Ministry of the Environment, Conservation and Parks.

<describe what step the project is in or has completed, for example, in 120-day consultation phase; Notice of Completion of Environmental Project Report has been given; notice of Revised Environmental Project Report has been given>

In accordance with subsection 6(3) of Ontario Regulation 231/08, we wish to terminate the transit and rail project assessment process for **<name of project>**. However, in accordance with subsection 6(4), termination of the process transit and rail project assessment process for this transit project does not preclude **<insert name of proponent(s)>** from restarting the process again.

A copy of this notice of termination has also been posted on the project website **<provide website address>**.

If you have any questions or need further information about this project, please contact:

<insert proponent(s) and/or consultant contact information>

Yours truly,

<proponent(s) signature>

<name of proponent(s)>

(8) Notice of Environmental Project Report Addendum Template

Notice of Environmental Project Report Addendum

<insert Name of Project, Name of Proponent>

The Project

In accordance with Ontario Regulation 231/08, <name of proponent(s)> conducted an environmental impact assessment of <name of project>. An Environmental Project Report for this project was completed <insert date of Notice of Completion of Environmental Project Report> and a Statement of Completion submitted to the Ministry of the Environment, Conservation and Parks on <insert date>.

<describe project>

<describe the change(s) to the project>

<provide reasons for the change(s)>

<insert site map relevant to the change(s) to the project>

The Process

An addendum to the Environmental Project Report for <name of project> has been prepared and is now available for a 30-day review period starting <insert date> at the following locations:

1. Ministry of the Environment, Conservation and Parks
Environmental Assessment Branch
135 St. Clair Avenue West, Toronto, Ontario M4V 1P5
416-314-8001/1-800-461-6290 Monday to Friday 8:30 a.m. – 5:00 p.m.
2. Proponent's office
3. Other public viewing locations (for example, municipal offices, libraries, project site)
4. Website address where the Environmental Project Report Addendum is posted

Interested persons are encouraged to review this document and provide comments by <insert date> to project contacts listed below:

<insert proponent and/or consultant contact information>

There are circumstances where the Minister of the Environment, Conservation and Parks has the authority to require further consideration of the change to the project, or impose conditions on it. These include if the Minister is of the opinion that:

- The change to the project may have a negative impact on a matter of provincial importance that relates to the natural environment or has cultural heritage value or interest; or,
- The change to the project may have a negative impact on a constitutionally protected Aboriginal or treaty right.

Before exercising the authority referred to above, the Minister is required to consider any written objections to the change to the project that he or she may receive within 30 days after the Notice of Environmental Project Report Addendum is first published.

If you have discussed your issues with the proponent and you object to the identified change to the project, you can provide a written submission to the Minister of the Environment, Conservation and Parks no later than <insert date> to the address provided below. All submissions must clearly indicate that an objection is being submitted and describe any negative impacts to matters of provincial importance (natural/cultural environment) or Aboriginal rights.

Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West
Toronto ON M4V 1P5
Attention: <insert name>, Project Officer
Tel: 416-314-8001/1-800-461-6290
Fax: 416-314-8452
E-mail: EABDirector@ontario.ca

If not already provided, a copy of the objection will be forwarded to the proponent by the ministry.

All personal information included in a submission – such as name, address, telephone number and property location – is collected, maintained and disclosed by the Ministry of the Environment for the purpose of transparency and consultation. The information is collected under the authority of the Environmental Assessment Act or is collected and maintained for the purpose of creating a record that is available to the general public as described in section 37 of the Freedom of Information and Protection of Privacy Act. Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential. For more information, contact the Ministry of the Environment, Conservation and Parks (MECP) Freedom of Information and Privacy Coordinator at 416-327-1434

Appendix B Statement of Completion Form



Ministry of
the Environment

Statement of Completion Transit Projects

Ce formulaire est disponible en français

For Office Use Only		
Reference Number	Date Submitted (yyyy/mm/dd)	Initials

General Information and Instructions

General:

The information provided on this form is collected under the authority of the Ministry of the Environment's Transit Project Assessment Process as prescribed under Ontario Regulation 231/08 of the *Environmental Assessment Act*.

Instructions:

1. Questions regarding the completion and submission of this form should be directed to Customer Services and Outreach Unit at the Environmental Approvals Access and Service Integration Branch (416-314-8001 or 1-800-461-6290).
2. Please send the completed form to:

Ministry of the Environment
 Director, Environmental Approvals Branch
 2 St. Clair Avenue West, Floor 12A, Toronto, ON M4V 1L5
 Fax: 416-314-8452
3. If additional space is needed, please attach a separate sheet.
4. Please print or type all information clearly.

Proponent Information – For mailing address, complete A and C or B and C.

Proponent Name <i>(legal name of organization)</i>		Contact Name <i>(First, Last)</i>	
Telephone Number <i>(including area code and extension)</i>	Fax Number <i>(including area code)</i>	E-Mail Address	
Proponent Type <input type="checkbox"/> Municipal <input type="checkbox"/> Provincial <input type="checkbox"/> Federal <input type="checkbox"/> Other <i>(describe):</i> <input type="checkbox"/> Check here if more than one proponent <i>(List name(s) of co-proponent(s). Attach completed and signed Additional Proponent Information form for each co-proponent)</i> Name(s) of Co-proponent(s):			
A. Civic Address – Street Information <i>(applies to an address that has civic numbering and includes street number, name, type and direction)</i>		Unit Identifier <i>(identifies type of unit, such as suite and number)</i>	
B. Delivery Designator <input type="checkbox"/> Rural Route <input type="checkbox"/> Suburban Service <input type="checkbox"/> Mobile Route <input type="checkbox"/> General Delivery		Delivery Identifier <i>(a number identifying a Rural Route, Suburban Service or Mobile Route delivery mode)</i>	
C. Municipality/Unorganized Township	County/District	Province	Postal Code

Project Information – If project is a building, complete A. If project is a linear facility, complete B.

Project Name	
A. Site Address – Street Information <i>(applies to an address that has civic numbering and includes street number, name, type and direction)</i>	Unit Identifier <i>(identifies type of unit, such as suite and number)</i>
Non-Address Information <i>(includes any additional information to clarify physical project site location)</i>	
B. Brief Project Description	

Date Notice of Commencement distributed (yyyy/mm/dd) (date of first publication):
Date Notice of Completion of Environmental Project Report given (yyyy/mm/dd) (date of first publication):
Date Minister's Notice given (yyyy/mm/dd):
Were any conditions imposed by the Minister? <input type="checkbox"/> Yes <input type="checkbox"/> No
Were any notices to suspend the 120-day period given? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide number of days project timelines were suspended:
Were any objections submitted to the Minister? <input type="checkbox"/> Yes <input type="checkbox"/> No
Was a Revised Environmental Project Report prepared? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, date Revised Environmental Project Report submitted (yyyy/mm/dd); and date Minister's Notice given (yyyy/mm/dd):

Location of Public Available Documentation*

Civic Address – Street Information (applies to an address that has civic numbering and includes street number, name, type and direction)	<input type="checkbox"/> Same as Site Address	Unit Identifier (identifies type of unit, such as suite and number)
Municipality/Unorganized Township	County/District	Postal Code
Contact Name for information about project documentation (First, Last)	Telephone Number (including area code and extension)	
Website containing project documentation (if applicable)		

* Proponents are required to retain, either on site or in another location where they will be readily available, any publicly available pre-planning reports/information; Environmental Project Report; Revised Environmental Project Report; Addendum to Environmental Project Report; and all given or received notices and Statements of Completion prepared under the Transit Project Assessment Process, as well as documentation of any commitments made by the proponent to address concerns in any of the above-noted reports.

Statement of Proponent

I, the undersigned hereby declare that, to the best of my knowledge, the information contained in this Statement is complete and accurate and I have complied with the Transit Project Assessment Process requirements set out in Ontario Regulation 231/08 under the *Environmental Assessment Act*.

I, the undersigned, intend to proceed with the above-noted project in accordance with the: (check only one)

- Environmental Project Report
- Environmental Project Report, subject to the conditions set out in a Minister's Notice
- Revised Environmental Project Report

I have the authority to bind the proponent.

Name (please print)	Position Title
Signature	Signature Date (yyyy/mm/dd)



Statement of Completion Transit Projects Additional Proponent Information

Ce formulaire est disponible en français

General Information and Instructions

General:

The information provided on this form is collected under the authority of the Ministry of the Environment's Transit Project Assessment Process as prescribed under Ontario Regulation 231/08 of the *Environmental Assessment Act*.

Instructions:

- Questions regarding the completion and submission of this form should be directed to Customer Services and Outreach Unit at the Environmental Approvals Access and Service Integration Branch (416-314-8001 or 1-800-461-6290).
- Please send the completed form to:
 - Ministry of the Environment
 - Director, Environmental Approvals Branch
 - 2 St. Clair Avenue West, Floor 12A, Toronto, ON M4V 1L5
 - Fax: 416-314-8452
- Please print or type all information clearly.

Project Name

Proponent Information – For mailing address, complete A and C or B and C.

Proponent Name <i>(legal name of organization)</i>		Contact Name <i>(First, Last)</i>	
Telephone Number <i>(including area code and extension)</i>	Fax Number <i>(including area code)</i>	E-Mail Address	
Proponent Type			
<input type="checkbox"/> Municipal <input type="checkbox"/> Provincial <input type="checkbox"/> Federal <input type="checkbox"/> Other <i>(describe):</i>			
A. Civic Address – Street Information <i>(applies to an address that has civic numbering and includes street number, name, type and direction)</i>			Unit Identifier <i>(identifies type of unit, such as suite and number)</i>
B. Delivery Designator			Delivery Identifier <i>(a number identifying a Rural Route, Suburban Service or Mobile Route delivery mode)</i>
<input type="checkbox"/> Rural Route <input type="checkbox"/> Suburban Service <input type="checkbox"/> Mobile Route <input type="checkbox"/> General Delivery			
C. Municipality/Unorganized Township	County/District	Province	Postal Code

Statement of Proponent

I, the undersigned hereby declare that, to the best of my knowledge, the information contained in this Statement is complete and accurate and I have complied with the Transit Project Assessment Process requirements set out in Ontario Regulation 231/08 under the *Environmental Assessment Act*.

I, the undersigned, intend to proceed with the above-noted project in accordance with the: *(check only one)*

- Environmental Project Report
- Environmental Project Report, subject to the conditions set out in a Minister's Notice
- Revised Environmental Project Report

I have the authority to bind the proponent.

Name <i>(please print)</i>	Position Title
Signature	Signature Date <i>(yyyy/mm/dd)</i>