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Ministry of Environment, Conservation and Parks
EA Modernization Project Team
Environmental Assessment Modernization Branch
135 St. Clair Ave. West, 4th Floor
Toronto, ON
M4V 1P5
By email: EAModernization.MECP@Ontario.ca

Re: ERO-019-7891: New regulation to focus municipal environmental assessment requirement

Dear EA Modernization Project Team:

The Ontario Rivers Alliance (ORA) is a province-wide, not-for-profit grassroots organization dedicated to protecting, conserving, and restoring Ontario's riverine ecosystems. ORA advocates for science-based legislation, transparent planning processes, and meaningful public and Indigenous engagement in decisions affecting Ontario's riverine ecosystems.

Background Context:

ORA previously submitted detailed [comments on this proposal on 16 March 2024](#), during the earlier consultation phase. In that submission, ORA strongly opposed the revocation of the Municipal Class Environmental Assessment (MCEA) and the introduction of a time-limited, project-list-based "Municipal Project Assessment Process" (MPAP), identifying it as an unjustified and dangerous rollback of environmental oversight. Having reviewed the Ministry's updated proposal, webinar materials, and revised regulatory approach released in December 2025 and January 2026, **ORA maintains and strengthens its opposition.**

Despite minor procedural refinements, the updated proposal remains fundamentally weaker than the existing MCEA and would significantly undermine environmental protection, public safety, public accountability, and long-term infrastructure resilience across Ontario.

The MCEA Remains a Superior Planning Framework

ORA recognizes that the MCEA is not perfect. However, it remains a transparent, planning-based framework that embeds environmental foresight at the **front end** of municipal decision-making.

In practice, MCEAs are overwhelmingly undertaken by municipalities or municipal agencies acting on behalf of the public, using public funds, and making decisions for which municipal councils are ultimately accountable.



Critically, the MCEA requires proponents to:

- Clearly define the problem or opportunity;
- Evaluate reasonable alternatives to a project;
- Compare alternative methods of implementation; and
- Engage the public and Indigenous communities early, before preferred solutions are locked in.

These elements are not procedural formalities. They are the core mechanisms by which environmental assessment prevents harm, identifies better solutions, and avoids costly mistakes.

Revoking the MCEA rather than reforming it abandons decades of environmental assessment evolution in Ontario and replaces a comprehensive and preventive planning tool with a process that evaluates impacts only after key decisions have already been made, limiting assessment to mitigation rather than meaningful choice.

The Proposed MPAP Is Structurally Proponent-Driven

The proposed MPAP removes the early planning phases of the MCEA and replaces them with a process that begins only after the proponent has prepared a draft project report and selected a preferred solution.

The Ministry's own materials confirm that:

- The regulated 120-day timeline begins only once the proponent's draft report is published;
- The proponent controls the scope and depth of the environmental impact assessment;
- "Time-out" extensions are unlimited and entirely at the proponent's discretion; and
- Determinations of the significance of project changes are made by the proponent.

This structure fundamentally shifts environmental assessment from an independent planning safeguard to a proponent-managed compliance exercise. Speed and predictability are prioritized over environmental rigour, cumulative effects analysis, and long-term public interest.

Public and Indigenous Participation Is Reduced to Late-Stage Commenting

While the proposal retains formal notice and comment requirements, it strips away the substantive role that public participation plays in responsible municipal planning.

Municipal infrastructure projects shape the physical form of communities for generations. They influence how cities grow, how neighbourhoods function, how rivers and shorelines are treated, how heritage is respected, and how public space is experienced. Decisions of this magnitude are not merely technical exercises; they are inherently public choices about the kind of communities Ontarians wish to live in.

Residents are not passive observers in this process. They are taxpayers who fund municipal infrastructure, rely on it for their safety and well-being, and live with its consequences long after project proponents, consultants and municipal councillors have moved on. Environmental assessment has historically provided a structured and transparent mechanism through which the



public can understand proposed projects, contribute local knowledge, raise concerns, and participate meaningfully in shaping outcomes.

The proposed MPAP undermines this role by deferring engagement until after a preferred solution has already been selected, eliminating early problem definition and alternatives analysis, and provides no requirement to demonstrate how public input influenced decisions. This reduces participation to a procedural formality rather than a genuine component of municipal planning. Public participation is not an obstacle to infrastructure delivery. It is a safeguard against poor siting, maladaptive design, unintended environmental harm, and loss of cultural and heritage values. Weakening it increases the risk of public opposition, erodes trust in municipal decision-making, and transfers long-term social, environmental, and financial risk to communities and future councils.

A regulatory framework that treats public engagement as optional or as late-stage consultation fails to respect citizens' role in shaping their communities and is incompatible with transparent and accountable municipal governance.

While the proposal retains notice and comment requirements, it removes the structural conditions necessary for meaningful participation.

The regulated 120-day timeline does not begin until after the proponent has prepared and published a draft project report, effectively front-loading key decisions before public or Indigenous scrutiny occurs. Within this framework, the proponent determines the scope and depth of environmental impact assessment, retains full discretion over whether additional time is required through unlimited “time-out” extensions, and is solely responsible for determining whether subsequent project changes are “significant.”

Collectively, these design features concentrate decision-making authority in the hands of the proponent and substantially reduces independent oversight. Environmental assessment is thereby transformed from a precautionary planning safeguard into a proponent-managed compliance exercise, where speed and predictability are prioritized over environmental rigour, cumulative effects analysis, public safety, and the long-term public interest.

Consultation without the ability to influence decisions is not meaningful engagement. This approach undermines public trust and increases the likelihood of conflict, delay, and long-term liability.

The proposed MPAP relies almost entirely on proponent self-assessment, with no independent review body, third-party verification, or mandatory external audit of conclusions. Environmental risks are identified, scoped, and deemed “acceptable” by the same entity proposing and delivering the project.

This concentration of discretion undermines the credibility of the assessment process and weakens its defensibility. Environmental assessment is intended to provide an independent check on infrastructure decisions — not a proponent-authored justification with limited external scrutiny.



Narrowing Ministerial Intervention Weakens Environmental Protection

The proposal explicitly limits requests for Ministerial Orders to circumstances involving potential adverse impacts on constitutionally protected Aboriginal or treaty rights.

While protection of Aboriginal and treaty rights is essential, restricting Ministerial intervention to this single category removes public safety, heritage values, environmental harm, cumulative effects, climate resilience, and ecosystem degradation as independent grounds for oversight.

This narrowing of scope represents a fundamental shift in the purpose of environmental assessment—from environmental protection to procedural risk management.

Roads, Bridges, Dams and Water Crossings Are Inappropriately Downgraded

The proposal removes municipal roads, bridges, dams, and related linear infrastructure from full environmental assessment and relegates them, in limited circumstances, to a proposed Archaeological Assessment Process.

This is a serious regulatory failure.

Bridges, culverts, dams, and water crossings are among the most public safety critical and environmentally consequential forms of municipal infrastructure, as their failure—particularly in or upstream of populated communities—can result in catastrophic harm to people, property, and downstream ecosystems. They directly affect:

- Public safety;
- River health, flow regimes and channel stability;
- Fish passage and aquatic connectivity;
- Sediment transport and erosion; and
- Flood risk under increasingly extreme climate conditions.

They are long-lived, high-consequence structures whose failure can result in injury, loss of life, property damage, and downstream ecological harm. Environmental assessment has historically served a critical public safety function by requiring proponents to assess flood risk, erosion, sediment mobilization, and long-term system performance—particularly where infrastructure interacts directly with watercourses.

Under climate change, these risks are intensifying. Extreme precipitation, rapid snowmelt, freeze-thaw cycling, and altered seasonal flows are already exceeding historic design assumptions across Ontario. Removing these projects from full environmental assessment review significantly increases the likelihood that infrastructure will be under-designed, improperly sited, or maladapted to future conditions, transferring long-term risk and liability to municipalities and the public.

An archaeology-focused process is incapable of addressing these public safety concerns. Downgrading oversight for bridges and water crossings represents not only an environmental failure, but a serious abdication of preventative infrastructure planning.



Archaeological Assessment Cannot Substitute for Environmental Assessment

ORA acknowledges the Ministry's introduction of a proposed Archaeological Assessment Process in response to concerns raised during earlier consultations. However, this process does not address — and cannot compensate for — the loss of comprehensive environmental assessment under the Municipal Class EA.

Archaeological assessment is inherently site-specific and heritage-focused. It does not evaluate hydrology, aquatic ecosystem function, water quality and quantity, cumulative watershed effects, infrastructure failure risk, or climate-driven changes to flow regimes and flood behaviour. These are precisely the risks that environmental assessment is designed to identify and manage before irreversible harm occurs.

Presenting archaeological review as a compensatory safeguard for the removal of environmental assessment requirements conflates two fundamentally different objectives and creates a false impression of protection. Cultural heritage considerations are important, but they are not a substitute for environmental, public safety, and systems-level analysis.

Climate Change and Infrastructure Resilience Are Inadequately Addressed

Neither the proposed regulation nor the supporting materials require explicit consideration of Ontario's Provincial Climate Change Impact Assessment¹ or future hydrologic conditions.

Municipal infrastructure planned using historic flow assumptions is increasingly vulnerable to failure under extreme precipitation, drought, and freeze-thaw variability. A regulatory framework that does not mandate climate resilience assessment is incompatible with responsible long-term planning.

Transition Provisions Undermine Process Integrity

The proposal allows proponents, in many circumstances, to terminate an ongoing MCEA process and transition into the new streamlined regime or, in some cases, exit the Environmental Assessment Act entirely.

This undermines procedural fairness for the public and Indigenous communities who have engaged in good faith under the existing framework and erodes confidence in environmental decision-making.

Cumulative Effects Are Rendered Invisible

Environmental harm to rivers, floodplains, and downstream communities rarely results from a single project in isolation. It emerges cumulatively—through repeated channel modifications, incremental flow constrictions, serial bridge replacements, and layered infrastructure decisions made over decades.

The MCEA, while imperfect, at least provides a planning framework capable of considering projects within a broader watershed and temporal context. The proposed MPAP does not. It



assesses projects individually, within artificially constrained timelines, without any requirement to consider cumulative effects across a watershed, municipality, or region.

This is particularly concerning for river systems, where multiple “small” or “routine” projects can collectively alter flow regimes, sediment dynamics, flood behaviour, and aquatic habitat in ways that no single assessment would capture. A regulatory framework that cannot see cumulative effects cannot manage risk.

This concern is especially acute for dams and water control structures, where cumulative effects on flow regulation, sediment retention, downstream erosion, and ecological connectivity may only become evident over decades.

Recommendations:

The Ontario Rivers Alliance recommends that the Ministry:

1. Withdraw the proposal to revoke the Municipal Class Environmental Assessment.
2. Retain mandatory problem definition, alternatives analysis, and evaluation of alternative methods for municipal infrastructure projects.
3. Preserve environmental grounds — including cumulative effects and climate resilience — for Ministerial oversight and intervention.
4. Maintain full environmental assessment requirements for roads, bridges, dams, and water crossings.
5. Require explicit climate change impact and resilience assessment for municipal infrastructure.
6. Reform the MCEA through transparent, targeted improvements rather than wholesale replacement.

Conclusion

By weakening environmental assessment requirements, the proposed regulation transfers long-term risk and liability away from proponents and onto municipalities, taxpayers, and future councils. When infrastructure fails—due to flooding, erosion, maladaptation to climate change, or cumulative environmental degradation — it is local governments that bear the financial, legal, and public safety consequences.

A regulatory framework that accelerates approvals while externalizing risk is neither efficient nor responsible.

Ontario does not need faster approvals at the expense of environmental protection, public accountability, and long-term resilience. The MCEA, while imperfect, remains a defensible and improvable planning framework. The proposed MPAP represents a significant regression—one that would set environmental governance, public participation, and infrastructure accountability back by decades.

ORA urges the Ministry to abandon this proposal and work collaboratively to strengthen, rather than dismantle, Ontario’s environmental assessment system.



Respectfully,

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¹ *Ontario Provincial Climate Change Impact Assessment, Technical Report, January 2023. Online:*
<https://www.ontario.ca/files/2023-11/mecp-ontario-provincial-climate-change-impact-assessment-en-2023-11-21.pdf>