

EA Modernization Project Team

Environmental Assessment Modernization Branch
Ministry of the Environment, Conservation and Parks
135 St Clair Ave West, 4th Floor
Toronto, ON M4V 1P5

Online Submission: [Environmental Registry of Ontario \(ERO\)](#)

February 3, 2026

**Re: New Regulation to Focus Municipal Environmental Assessment Requirements
Updated Notice (December 5, 2025)
ERO #019-7891**

Thank you for the opportunity to review the updated, proposed Environmental Assessment regulation for municipal infrastructure, which was posted to the Environmental Registry of Ontario (ERO) on December 5, 2025, for a 60-day public review period (ERO #019-7891). The City of Mississauga submits the following comments for the Ministry's consideration.

1. Introduction of an archaeological assessment process

a. Provide guidance on how to determine an acceptable level of disturbance

The proposal details state that proponents must determine whether the project area may have archaeological potential. Proponents may refer to the *Criteria for Evaluating Archaeological Potential: A Checklist for the Non-Specialist* unless they retain a licensed archaeologist to undertake an archaeological assessment.

The Checklist has been, and continues to be, a faulty tool for determining archaeological potential. For example:

- It does not provide guidance on how to appropriately identify if the entire project area has been extensively disturbed, and
- A project area that is 100% disturbed does not require further mitigation of archaeological resources; however, the Checklist criteria does not address the depth of disturbance.

Numerous infrastructure projects within the Province have faced delays over months and years as it was thought an area was disturbed, only to find that it was not. The proposed regulations should contain clear definitions, determined in consultation with Indigenous communities and other stakeholders, to allow for appropriate screening of projects. Otherwise, these regulations, as proposed, create undue risk and potential delays to infrastructure projects.

b. Ensure licensed archaeologists prepare archaeological analysis, reports & documentation

Some information, such as known registered archaeological sites, is protected by the Ministry of Citizenship and Multiculturalism and can only be accessed by individuals with an archaeological license. As such, the *Criteria for Evaluating Archaeological Potential: A Checklist for the Non-Specialist* cannot be relied on as a method of determining archaeological potential.

c. Consider Provincially led modelling of archaeological potential

The Province, through the Ministry of Municipal Affairs and Housing, has suggested archaeological management plans which contain archaeological potential modeling for several decades. The Province

should consider mapping all archaeological potential, province-wide, as archaeology is a resource of provincial interest.

d. Provide guidance on how to meet timelines for review by Indigenous communities

The proposed regulations currently hold a 30-day period for review of any reporting related to archaeological resources by Indigenous communities. The proposed regulations do not speak to how First Nations and Indigenous communities are to meet this timeline, and whether the Province will be providing capacity funding for these reviews or if it will fall upon proponents to provide capacity funding.

e. Include mechanisms for extending timelines for further discussion

The proposed regulations, as written, provide a single methodology for addressing any differences of opinion between the proponent and Indigenous communities and does not provide adequate timelines for negotiation and discussion after report submission. Furthermore, the proposed regulation only provides five days for the Minister of Environment, Conservation and Parks to issue orders should there be a concern raised by Indigenous communities. This could potentially increase the risk to projects as communities may feel compelled to apply alternative pressures to proponents and the Province unless successful resolution can be negotiated prior to project commencement.

2. Projects proposed to be subject to the archaeological assessment process

The City would like to refer the Ministry to the comments submitted by the Association of Municipalities of Ontario (AMO) dated December 11, 2025, and the Municipal Engineers Association (MEA) dated January 23, 2026.

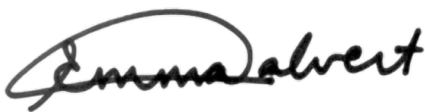
The City supports AMO's recommendations for the Ministry to collaborate with Indigenous communities to find the right balance between exemptions and protection, and to invest in resources that support thorough and timely risk and archaeological assessments (e.g. investing in archaeological management plans or province-wide mapping of archaeological potential).

The City reiterates the MEA's concerns that a more rigorous Archaeological Assessment Process could overwhelm available resources and result in significant project delays. MEA has also raised questions and concerns for *Table 2: Projects proposed to be subject to the Archaeological Assessment Process* that need clarification before moving forward. This includes consideration of all possible applications for each of the project descriptions in the Table.

The City would welcome the opportunity to participate in future engagement with the Ministry, as the proposed regulation is reviewed and refined, to help further inform the streamlined Environmental Assessment (EA) process. We also request that the Ministry consider offering workshops to all EA practitioners in Ontario to ensure that the regulations are applied consistently throughout the province.

We appreciate the opportunity to comment on this updated, proposed EA regulation. Please do not hesitate to contact the undersigned if you have any questions or would like to discuss these comments further. We look forward to the Ministry's response.

Sincerely,



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