

Infrastructure & Environmental Services
Public Works
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February 3, 2026

EA Modernization Project Team
Environmental Assessment Modernization Branch
Ministry of the Environment, Conservation and Parks
135 St Clair Ave West, 4th Floor
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Via Email: EAmodernization.mecp@ontario.ca

RE: Environmental Registry of Ontario: ERO #019-7891 (Updated December 5, 2025)

EA Modernization Project Team,

Thank you for the opportunity to provide further comment on the proposed changes to the Environmental Assessment (EA) requirements for municipal infrastructure projects as outlined in Environmental Registry of Ontario (ERO) Posting #019-7891.

ERO Posting #019-7891 advises that the Province is proposing to revoke the current Municipal Class Environmental Assessment (MCEA) regulation and replace it with a streamlined regulation, referred to as the Municipal Project Assessment Process (MPAP). This new regulation would be applied to a limited list of higher-risk municipal infrastructure projects, with other municipal infrastructure projects no longer subject to regulation.

This proposal was originally posted to the ERO in February 2024. Halton Region provided comments on the original posting in a letter dated March 15, 2024. Based on the feedback received by the Province, in December 2025 the proposal was reposted to the ERO, with updates that, among other things:

- introduce a new Archaeological Assessment Process for certain projects that were previously proposed to no longer have any requirements under the EA Act;
- refine the list of projects proposed to be designated as subject to the streamlined EA framework;
- revise the previously proposed streamlined EA framework; and
- establish transition provisions.

Halton Region welcomes the opportunity to modernize and streamline the EA framework, recognizing improvements to the process can help accelerate infrastructure projects needed to support new housing and local growth priorities. However, it is important to

acknowledge that introducing new and unclear processes may impede the Region's ability to efficiently deliver critical growth-enabling infrastructure. If implemented without further refinement, the proposed EA Modernization framework could unintentionally make it more challenging for municipalities to deliver drinking water, wastewater and transportation infrastructure that supports community growth.

There are several areas where the proposed EA framework could be enhanced to more effectively support growth-enabling municipal infrastructure, including addressing matters that are not currently contemplated, clarifying process expectations, and offering greater detail and direction for consultation with First Nations and Indigenous Communities. We offer the following comments below, which outline these considerations and recommend enhancements.

General Comments

- **Ongoing Infrastructure Planning Obligations**

Exempting projects from EA requirements or subjecting them only to the new Archaeological Assessment Process, does not absolve a municipality from its obligations to the public or the environment. It is understood that municipalities are expected to continue undertaking appropriate steps to engage the public, regulatory agencies, and First Nations and Indigenous Communities on projects that may be of interest to them and make environmentally responsible decisions, irrespective of project exemptions.

A municipal specific process to infrastructure planning, assessing and mitigating potential environmental impacts, and public consultation, will be required to maintain an open and transparent decision-making process to deliver municipal infrastructure. This may result in an inconsistent approach to infrastructure delivery across the province.

- **Impacts on Timeframes**

The proposal to apply EA requirements to only certain projects is presented as an opportunity to complete those projects within a shortened timeframe. A 120-day regulated process period for documentation and consultation is identified for this purpose.

However, the 120-day timeline assumes that all required technical and field investigations, as well as pre-consultation with First Nations and Indigenous Communities and interested parties for early identification of potential issues, has been completed prior to the 120-days starting.

As these items remain necessary, and considering a typical Schedule B or C project that would be subject to the proposed MPAP process may take anywhere from 12 to 24 months, it does not appear that the proposed process will result in a noticeably faster delivery of infrastructure projects.

- **Impacts on Downstream Requirements**

Completion of a MCEA traditionally involves a structured planning and consensus-building process, supported by detailed technical studies. This process helps to streamline downstream permit and approval procedures with various regulatory agencies, such as Conservation Authorities, utilities, and Provincial Ministries. Coordination with regulatory agencies is critical to achieving a similar or improved streamlining of permit processing and identification of approval requirements to avoid delay in project delivery. Approval agencies may be impacted by varying municipal approaches to permit application submissions.

- **Master Plans Not Addressed in New Framework**

The Master Planning process for Region-wide infrastructure has not been clearly defined or identified as part of the proposed EA Modernization. A Region-wide Master Plan spans a large geographic area, with technical studies undertaken at a higher level of detail. Projects are planned for and implemented over a 25 year+ timeframe.

Under the current EA framework, a Region-wide Master Plan leads to many infrastructure projects that would each require a separate MCEA study, where the detailed technical studies and consultation are completed to support implementation. An overview and flow chart with the Master Planning process is requested to provide clarity on how Master Plans are intended to function under the proposed EA Modernization.

Consultation with First Nations and Indigenous Communities

- **Provide Clarity on Process for Establishing Required Consultation List**

The proposed changes to EA requirements provide an opportunity for the Province to enhance the clarity of the decision-making process regarding how the list of First Nations and Indigenous Communities requiring consultation is determined. This clarity would support more effective engagement and consultation opportunities that enable expediting project timelines and strengthened relationships between proponents and First Nations and Indigenous Communities.

- **Provide Funding to Support Enhanced Engagement Requirements**

The requirement for enhanced engagement with First Nations and Indigenous Communities is welcome and necessary. However, as noted, timelines are problematic under the proposed changes. Given the broader scope and proposed timelines, this will increase capacity demands on municipalities, First Nations and Indigenous Communities that are already under significant resourcing and financial constraints. The Province should consider funding or other supports to ensure consultation is meaningful, timely, and aligned with the updated regulatory intent.

Archaeological Assessment Process

- **Consideration of Environmental and Natural Heritage Impacts**

Projects that are proposed to be subject to the Archaeological Assessment Process include many municipal road, water, and wastewater projects. The Archaeological Assessment Process provides a framework for consultation with First Nations and Indigenous Communities and mitigation of potential impacts to archaeological resources, but does not enable consideration of the environmental and natural heritage impacts that have also been raised as areas of concern.

An integrated process and framework similar to the existing MCEA would support the identification of cultural and natural heritage resources, adaptation and mitigation strategies and would establish a consistent approach across the province – particularly as they relate to a transparent decision-making process, investigations, consultation and engagement, and to support downstream regulatory permit and approval processes.

- **Implementation Considerations**

Several practical considerations related to implementing the Archaeological Assessment Process are highlighted below:

- There is no clear process to resolve disputes where a proponent and a First Nation or Indigenous Community cannot agree on archaeological potential, mitigation measures, or the significance of potential impacts. Guidance on potential approaches that could be taken to support resolution of these kinds of conflicts would support improved outcomes and the intention of the streamlined EA process.
- A significant amount of planning and technical work is required to inform the Archaeological Assessment Process. The evaluation of alternative solutions and environmental considerations would still be necessary in advance of the determination of archaeological potential, and for the development of mitigation measures which would not support the goal of expediting project timelines.
- Whether there is no potential for archaeological resources, or a Stage 1 or Stage 2 archaeological assessment is completed, a Summary Report is required to be submitted to First Nations and Indigenous Communities, Ministry of Citizenship and Multiculturalism (MCM), and Ministry of the Environment, Conservation and Parks (MECP).

Given that the streamlined proposal will result in an increased number of projects submitting Summary Reports or Archaeological Assessments to MCM, there is concern about the capacity of the Ministry to process the increased volume of reports in a timely manner, which could have implications on municipal infrastructure timelines. Greater clarity is required on the timelines associated with provincial review and approval of these documents. In addition, the required content of the Summary Report needs to be further defined and details provided.

Municipal Project Assessment Process

- **Pre-Consultation**

To meaningfully engage with First Nations, Indigenous Communities, and interested parties, consultation is required throughout the development of technical studies and design prior to the commencement of the 120-day regulated process period.

A framework for how pre-consultation is to be conducted and documented is requested. The absence of a regulatory guideline may result in substantial re-work and project delays if issues are identified within the 120-day regulated timeframe, following completion of all technical work. As noted above, the Province should consider providing funding or other supports to ensure consultation is meaningful, timely, and aligned with the updated regulatory intent.

- **Consultation Sufficiency**

The Region requests that the Province provide clarity and define what would be considered sufficient consultation and engagement during the 120-day regulatory process period, as well as guidance on the requirements for the consultation record within the draft and final reports to ensure expectations can be met and consistency is achieved across the province.

The MCEA process promotes a structured and predictable framework for public and agency consultation in the planning and preliminary design phases of water, wastewater, and transportation infrastructure. This ensures infrastructure is planned in a transparent way, risk is minimized during implementation, and projects are cost-effective.

Halton Region remains committed to supporting opportunities to improve and streamline the EA process to enable the acceleration of infrastructure in support of the new housing and local growth priorities. To support this shared goal, and to ensure the beneficial aspects of the current MCEA process are maintained, the proposed EA Modernization framework should be strengthened by addressing the considerations and recommended enhancements outlined above.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lee Anne Jones', with a stylized flourish at the end.

Lee Anne Jones, P.Eng.
Commissioner, Public Works

Halton Region