



February 2, 2026

EA Modernization Project Team
Environmental Assessment Modernization Branch
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Re: Conservation Ontario's comments on "New regulation to focus municipal environmental assessment requirements" (ERO#019-7891)

Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). We offer the following comments further to CA mandatory programs and services, including natural hazard management and drinking water source protection. These comments are not intended to limit comments submitted individually by CAs on this proposal.

CAs are involved in Ontario's Environmental Assessment (EA) framework as proponents of comprehensive (individual) and Class EAs, as prescribed public bodies under the *Environmental Assessment Act (EAA)*, and reviewing and commenting on EAs in accordance with Ontario Regulation 686/21. As watershed-based agencies, CAs and Source Protection Authorities (SPA) provide early technical input, using local and regional data related to natural hazards and water resources to inform timely, evidence-based EA decision-making.

The Ministry of the Environment, Conservation and Parks (MECP) is proposing to revoke the Municipal Class EA (MCEA) and O. Reg. 345/93 (Designation and Exemption – Private Sector Developers). The MCEA would be replaced by a new regulation designating certain municipal infrastructure projects as "streamlined EA projects" under Part II.4 of the EAA, as well as a regulation setting out the streamlined EA process for these Part II.4 projects (the "Municipal Project Assessment Process" or "MPAP").

The MECP is seeking feedback on the revised regulatory concepts, further to feedback received through previous consultations. Refinements include: a proposed archaeological assessment process (including a related project list for applicable projects), changes to the previous project list (including adding select projects by private sector developers), updated process requirements for consultation and project notices, and additional details for project addenda, review, and transition provisions.

Conservation Ontario offers the following comments on this proposal, which builds upon our submission to ERO#019-7891 (March, 2024).

Early Engagement and Pre-Consultation

Conservation Ontario's March 2024 comments emphasized the benefits of providing opportunities for agencies such as CAs and SPAs to provide early comments on constraints and potential mitigation measures to support selection of the preferred project alternative. For instance, Conservation Ontario noted that removing EA requirements for many activities currently covered by the Municipal Class EA (MCEA) process removes the ability for regulatory agencies and landholders like CAs to provide input on project constraints, regulatory requirements, and preferred alternatives early in the planning process.

The Environmental Registry posting notes that prior to initiating the time-bound regulatory process, proponents will be encouraged to engage in pre-consultation to identify potential issues and necessary seasonal studies. To support early engagement, the Ministry notes that guidance is forthcoming with respect to best practices for the pre-notification stage.

Where CAs and SPAs are engaged early in the process, input would be provided in the context of risks related to natural hazards, drinking water source protection and impacts to CA-owned lands (e.g., new easements required to facilitate the project). Early engagement and pre-consultation are especially important where new drinking water systems have the potential to impact neighbouring municipalities and/or need to be included in work planning for updates to Source Protection Plans and Assessment Reports.

Where projects require easements or other property acquisitions, early engagement with landowners such as CAs allows for discussion on preferred project siting, routes, and setbacks. Under the current proposal, only projects included on the streamlined EA project list would have public consultation requirements, whereas projects on the proposed Archaeological Assessment List do not. For either process, early engagement, including touchpoints with affected landowners, will help ensure better project outcomes, increase public transparency for ongoing infrastructure proposals, and support faster approvals.

Recommendation #1: THAT the MECP consults with applicable regulatory and advisory agencies, including Conservation Authorities/Source Protection Authorities, on the proposed "pre-notification stage" implementation guidance to ensure best practices are appropriately documented, including early engagement with potentially affected agencies and landowners on property acquisitions / easements.

Recommendation #2: THAT the forthcoming guidance provides a comprehensive list of all legislative, regulatory (e.g., CA permits), or provincial (e.g., Source Protection Plan) requirements outside of the EAA that may apply to projects.

Proposed Project List Refinements and Addition of Select Private Sector Developer Projects

Further to feedback received to date, the MECP is proposing to refine project descriptions and thresholds in the list of projects subject to the streamlined EA process. Among the proposed revisions, certain projects by private sector developers would become subject to the streamlined EA process.

Conservation Ontario strongly supports the proposal to include private sector proponents as being subject to the streamlined EA process for new drinking water treatment systems or plants, and new sewage systems, plants, or lagoons. Where a water and wastewater public corporation is completing the activities identified in Table 2, the municipal requirements, rather than the private sector requirements, should apply. Drinking water source protection vulnerable areas have the potential to expand past municipal boundaries and impact neighbouring properties, and significant water takings could potentially impact water quantity for municipal and private sources of drinking water. The EA process provides an opportunity for early input and discussion of alternatives, where warranted.

Updates to the Proposed Streamlined EA Process

Conservation Ontario appreciates the MECP's efforts to streamline municipal infrastructure projects, while maintaining and encouraging opportunities for public and agency feedback during the planning process. As noted in the 2023 Municipal Class Environment Assessment document, *"consultation early in, and during, the planning process is a key feature of successful EA program"*.

The updated streamlined EA process provides two key touchpoints with members of the public, Indigenous communities, and agencies (i.e., consultation on the draft project report and requiring proponents to provide written responses to all comments received, prior to publishing the final report). In the March 2024 proposal, the streamlined process concluded by filing a Statement of Completion directly with the Director of the EAB (no other required public or agency notification). Under the current proposal, this notice is provided in the form of filing of the final report, requiring proponents to notify the MECP, Indigenous Communities, as well as others who were notified of the draft report. Conservation Ontario is supportive of this change as it ensures CAs and other agencies in receipt of the draft report are kept informed as to the completion of the streamlined EA process and project implementation.

Additionally, Conservation Ontario is supportive of the proposed amendments to clarify the proposed addendum provisions. Conservation Ontario's March 2024 comments expressed concern regarding the proponent's responsibility to determine if a change is considered "significant", rather than have provincial guidance or requirements to standardize what constitutes a "significant change". The current proposal addresses this concern, stating that the regulation would set out what constitutes a "change", and a framework for determining

if the change is “significant”, including potential environmental impacts and mitigation measures. Establishing such criteria will increase public and agency confidence that determination of “significant changes” is consistent for all proponents under the EA framework for municipal infrastructure projects.

Transition Provisions

The MECP is proposing to set out transition rules in regulation for MCEA projects that are complete or underway at the time of transition to the new streamlined framework. Conservation Ontario supports the proposed transition provisions and flexibility for municipal proponents to select the preferred screening and assessment route for ongoing (active) MCEA projects.

Transparency in process transitions (e.g., termination) is recommended to ensure all parties involved understand how a project is proceeding. Further to the current proposal, forthcoming regulations would set out requirements to be satisfied prior to terminating an MCEA process in different circumstances. This regulation may specify notification and circulation requirements to ensure interested and affected parties are notified of such process transitions.

Recommendation #3: THAT proponents be required to send a notice to all involved parties (public, Indigenous Communities, agencies, etc.) to confirm termination of an MCEA process, including where the proponent is transitioning to the proposed streamlined EA process, archaeological assessment process, or where the project has no further requirements under the EAA.

Thank you for the opportunity to review and provide comments on the “New regulation to focus municipal environmental assessment requirements” (ERO#019-7891). Please contact the undersigned should this letter require any clarification.

Sincerely,

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c.c: Conservation Authority CAOs/GM