**MCEA Amendment Comments**

**Section 16 Orders**

Comment: The EA process is generally understood to be a self-assessment process if no Part II orders were received. Under Section 16, it indicates that the Minister (or delegate) may make an order on their own initiative. Does this mean it is no longer a self-assessment process and all EA studies are subject to review by the Minister?

**A.2.10.8 Ontario Regulation 231/08 – Transit Projects and Metrolinx Undertakings) made under the EAA (Transit Regulation)**

Comment: Although there appears to be no changes to Ontario Regulation 231/08, there is public confusion on the timing of issuing the “Notice of Commencement.” In general, a “Notice of Commencement” would be perceived to be at the beginning or start of a project. Under the TPAP process, this period signals the start of the public review period for the draft Environmental Project Report (EPR), in which, most of the key planning work has been completed, extensive public consultation has been carried out, a recommended plan has been prepared, and all of this work has been documented in the draft EPR. To avoid public confusion, we suggest changing the “Notice of Commencement” to “Notice of Review Period” or equivalent wording.

**Schedule B Process and Notice of Commencement**

Comment: The MCEA Process is not clear if a “Notice of Commencement” is required for Schedule B projects. If so, when would it be published?

**Hard Copies of Project File Report / Environmental Study Report**

Comment: Electronic copies are made available to the public and review agencies for a period of at least 30 calendar days. Is it mandatory for hard copies of the Project File Reports and Environmental Study Reports to be made available for the public to review? Given the highly technical nature of these documents, electronic reports:

* Are easily accessible from anywhere with an internet connection, while paper reports can be damaged and difficult to transport.
* Can be quickly searched, navigated and annotated, saving time and increasing efficiency compared to flipping through physical pages.
* Are accessible as per the Accessibility for Ontarians with Disabilities Act and avoids travelling to a location with limited hours. Furthermore, text and images can be enlarged on screen to improve/enhance viewing.
* Are more sustainable and saves cost as it avoids the need for printing.

**Appendix 1: Project Tables**

Comment: For Non-Vehicle Bridges Item 32a and 32b, it is not clear if underpasses also include tunnels.

**Appendix 1: 1.2 Archaeological Screening Process**

Comment:

A) The Archaeological Screening Process (ASP) requires consultation with Indigenous Communities and the Ministry of Citizenship and Multiculturalism. Should the process include a timeline within which stakeholder input must be provided to the proponent? If no deadlines are provided, the process may take a long time to complete and may vary from one project to another.

B) Would “lapse of time” apply to the the ASP results? It is assumed that, if a project is exempt as a result of screening, it remains exempt indefinitely?

**Appendix 1: 1.3 Collector Road Screening Process**

Comment: The Collector Road Screening Process (CR) requirements are quite notable, and very similar to the requirements of a Schedule B or Schedule C project. It is not clear what benefits there would be to a proponent with respect to resources, time and level of effort required for the CR. Can the CR be simplified?

**Appendix 1: Table A: Municipal Road Projects**

Comment: The cost thresholds are only imposed on municipal road projects. Why is this type of project being singled out? Why are cost thresholds informing the decision on which project schedule should apply? This seems arbitrary and ambiguous. The project cost estimate is not the best indicator of a project’s environmental impacts.

**A.1.5 Monitoring And Amendments (Page 31)**

Comment: Section A.1.5.1 Monitoring of MCEA (p-31) states, “Notifying the ministry is an important step in the streamlined EA process.” Is Notification to the Ministry required for projects identified as Exempt in Table A: Municipal Road Projects of Appendix –1?

**A.3.4 Timing of Contact (Page 76)**

Sub-section First Mandatory Point of Contact (p-76 & 77) states, “The first mandatory contact with Indigenous Communities, the public and review agencies therefore occurs towards the end of Phase 2 when a notice is issued inviting comment and input”.

Comment: Is it fair to assume that if the need for a road widening project is identified in the Transportation Master Plan:

1. The project is not required to reevaluate Phase 1 (Problem Or Opportunity) and Phase 2 (Alternative Solutions) of the EA process and therefore can directly proceed to Phases 3 and 4 of the EA process?
2. Publishing the mandatory Notice at the end of Phase 2 would not be required anymore?

**6.1 Sample Notices for MCEA Projects (Page 217)**

Comment: Section 6.1 Sample Notices for MCEA Projects (p-217) lists the requirement of including a project Map in all notices. Please confirm if inclusion of a map is a requirement in all Mandatory notices.

**Table A: Municipal Road Projects**

Comment: Why is item 34, construction of new roads or other linear paved facilities, in the “RECONSTRUCTION OF ROADS WITH INCREASE IN TRAVEL LANES” category? It’s a new road, not a reconstruction of an existing road.

Comment: Categories 19a, 28a and 28b in a way all deal with intersections. It is confusing to have many categories for what could be the same type of project. 19a says the project is exempt, but 28a and 28b apply a cost threshold. Why is the cost important? 19a also directs the reader to description 33 for projects that require property acquisition. However, description 33 doesn’t specifically address the case of property acquisition. How is 33 supposed to help someone interpret 19a?

Comment: For Item 34 in the table, are multi-use pathways considered as linear paved surfaces?

**A.1.4: Transition Provisions**

Comment: Transforming from a B or a C process requires a transition notice for a 60-day period for Indigenous Communities to review transition notice. Indigenous Communities may object.

* Does this mean everything stops for 60 days?
* Can we somehow have a timing for indigenous to review an environmental assessment?
* Do we use this transition notice to support archeological screening process?
* Does this pertain if a project goes from a C to a B?

**Table C: Municipal Transit Projects**

Comment: How do we determine if the project has potentially major or minor environmental effects?

**General Comments**

Will streamlined projects need to be registered?

The revisions and addenda required for lapse of time include all the stages of the previous EA? It only states that the addendum be placed on record for a thirty-day public review.