

# Class Environmental Assessment for Provincial Transportation Facilities

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2023

Ontario Ministry of Transportation

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# 1 Introduction to MTO's Class EA

## 1.1 Introduction

A Class Environmental Assessment (EA) is a document that has been approved under the Ontario *Environmental Assessment Act* (EA Act). An approved Class EA sets out the planning and decision-making process requirements that must be completed in order to fulfill the requirements of the EA Act. Provided the process set out in the Class EA is followed, proponents may be able to proceed with a project without seeking further approval from the Ministry of the Environment, Conservation and Parks (MECP) Minister under the EA Act for the project.

The Ontario Ministry of Transportation (MTO) is responsible for managing, administering, and operating provincial transportation facilities, which include provincial highways, freeways, associated transitways, and ferries; private controlled access toll highways that are not part of the King's Highway; other transportation corridors which have strategic and economic importance to the province; and related service, maintenance and operation facilities. MTO has prepared the MTO Class EA to establish a streamlined EA approach for routine transportation projects and to facilitate provincial transportation-related infrastructure projects. This document has been written in accordance with the requirements of the EA Act and related codes and practices to describe the processes that relate to provincial transportation facilities.

## 1.2 Background on the Class Environmental Assessments

A Class EA is a document that applies to similar groups ("classes") of projects that are carried out routinely and have predictable environmental effects that can be readily managed. An approved Class EA outlines both how the classes of activities are distinguished from one another and the planning and decision-making process for each. Defining the planning process in a Class EA document ensures that the environmental assessment for projects falling within a class of project will be carried out in accordance with an approved planning and decision-making process set out in the Class EA.

A Class EA document includes a streamlined self-assessment process in order to fulfill the requirements of the EA Act for those projects that occur on a frequent basis, are generally small in scale, and the potential impacts are generally low, predictable or well understood.

MECP's Code of Practice "Preparing, Reviewing and Using Class Environmental Assessments in Ontario, 2014" outlines the expectations and requirements of the Class

EA process. The following excerpt from the MECP's Code of Practice provides context for Ontario's approach to environmental assessment.

*“Environmental assessment is a planning and decision-making process used to promote environmentally responsible decision-making. In Ontario, this process is defined and finds its authority in the Environmental Assessment Act. The purpose of the Environmental Assessment Act is to provide for the protection, conservation and wise management of Ontario's environment. To achieve this purpose, the Environmental Assessment Act promotes responsible environmental decision-making and ensures that interested persons have an opportunity to comment on undertakings that may affect them. In the Environmental Assessment Act, environment is broadly defined to include the natural, social, economic, cultural, and built environments.*

*It should be noted that environmental assessment is a planning process that allows proponents to assess the potential for environmental effects using best information available in order to make an informed decision about whether a project should proceed. It is not the proponent's responsibility to achieve consensus about whether a project should proceed or attempt to resolve issues outside the scope of the project. While the objective is to avoid or minimize potential negative environmental effects, it may not always be possible to do so. There will be times where individuals may be affected by a project that would benefit society as a whole. The objective is to ensure that projects are planned in an environmentally responsible manner so that the environment is protected.”*

### **1.3 Reasons for Using the MTO Class EA Process**

There are a number of reasons for using the MTO Class EA process. The Class EA groupings include routine projects with predictable environmental impacts that are managed through standard mitigation measures. These projects do not warrant MECP Minister approval.

The Class EA provides:

- A streamlined process that has been successfully used for provincial transportation projects since 1979;
- A familiar consultation process;
- A self-assessment process that gives proponents the flexibility to plan and implement a range of projects without requiring approval by the Minister of MECP under the EA Act for each project;



- Clear and consistent direction on how to complete and document the assessment process for a range of projects;
- Significant efficiencies and cost-savings for proponents, delivery partners, agencies, and the public, because it allows them to follow a pre-approved, predictable process for a large number of projects of a similar nature; and,
- Flexibility for proponents to adapt the process to the level of interest and complexity of each project.

## 1.4 Proponents Eligible to Use the MTO Class EA

A proponent is defined as a person who carries out or proposes to carry out a project, or is the owner or person having charge, management, or control of a project.

Only the following proponents may proceed with projects in accordance with this Class EA:

- The Ontario Ministry of Transportation (MTO);
- Infrastructure Ontario;
- A board, as defined under the *Local Roads Boards Act*; and,
- Other proponents (in their own right, and under their own responsibility) of work on the provincial transportation system for which there is no current MTO need and/or construction commitment, and where that work is defined under the terms of this Class EA (e.g., new freeway interchange needed by a municipality or developer for access to a new development).

Non-MTO proponents who work on MTO's provincial transportation system must notify MTO prior to undertaking a project under this Class EA, and must keep MTO apprised throughout the EA process as oversight and to ensure requirements from MTO's standards and practices are fulfilled.

Regardless of who the proponent may be, it is recognized that the project may either be carried out by the proponent itself or its employees, or by service providers, contractors, consortia or other parties who may be retained by the proponent from time to time to carry out the project, and who assumes responsibility for project implementation (in compliance with EA commitments).

The proponent may choose to deliver the project using in-house service providers or consultants, or any combination thereof.

## 1.5 The MTO Class EA

### 1.5.1 History of the MTO Class EA

MTO has used the Class EA process for provincial transportation projects since 1979. The most recent version of the MTO Class EA document (entitled “Class Environmental Assessment for Provincial Transportation Facilities”) was approved by the Lieutenant Governor in Council on October 6, 1999, under Order in Council 1653/1999. The approval included conditions requiring a minor amendment of the document in 2000.

This updated version of the MTO Class EA document includes major and minor amendments recommended by both MTO and MECP, including administrative amendments made by MECP in 2020, and ensures consistency with the amended EA Act.

### 1.5.2 Overview of the MTO Class EA

Provincial transportation projects that are eligible to follow the MTO Class EA are categorized into groupings. The groupings of projects are described in detail in Chapter 5, and are generally as follows:

- Group A projects are new provincial transportation facilities and highway/freeway realignments;
- Group B projects modify access or add capacity to existing provincial transportation facilities, and new service/maintenance/operations facilities
- Group C projects are improvements to existing provincial transportation facilities; and,
- Group D projects are the operation, maintenance, administration and miscellaneous work required to facilitate the provincial transportation system.

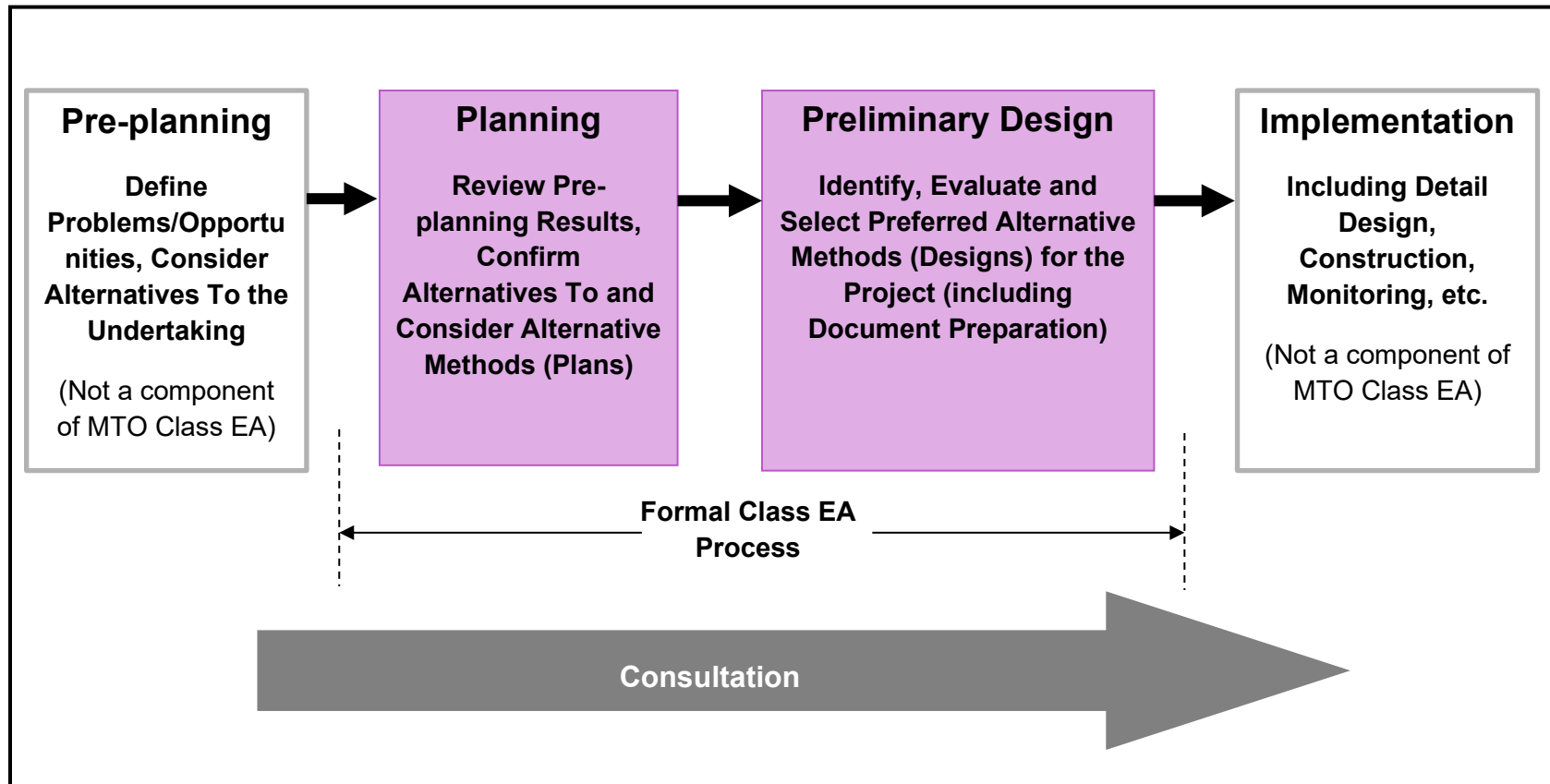
The project groupings are largely organized by their relative complexity and potential for impacts. The MTO Class EA processes for Group A, B and C projects are not prescriptive. Rather, the MTO Class EA gives proponents a pre-approved process for planning and carrying out specified projects in an environmentally responsible manner. Group D activities identified in the MTO Class EA 1999, as amended in 2000, have been exempted from the MTO Class EA process through the *More Homes, More Choice Act*, 2019, and the amended EA Act. Group D activities have no requirements under the MTO Class EA to fulfil prior to implementation because they are exempt. Proponents of Group D activities therefore have no requirements under the MTO Class EA to fulfil prior to the implementation of the Group D projects.

Additional safety, rehabilitation, reconstruction and replacement projects, and improvements and upgrades to existing facilities within existing MTO property or MTO designated right-of-way have been reclassified to a list of exempt projects in accordance with the provisions in Section 15.3(1) and (2) of the EA Act. Projects and activities exempt from the EA Act are identified in Section 5.7.

### **1.5.3 MTO Class EA Process**

The MTO Class EA process provides a consistent framework for planning, decision-making, and consultations to address a transportation problem and/or opportunity in an environmentally responsible manner. Figure 1.1 shows the four stages of MTO's planning and decision-making process from pre-planning through to implementation. As the figure indicates, there are only two stages within the Class EA process: Planning and Preliminary Design.

Figure 1.1 Overview of MTO's Planning and Decision-Making Process



Within each of these stages, there are a number of phases that involve the consideration of alternatives, their evaluation, and the selection of a preferred alternative. Environmental protection is an element of each study stage and phase, as well as the project type and complexity which influences the duration and intensity of the work and associated documentation and consultation for each project.

The Pre-Planning stage, or Transportation Needs Assessment (TNA), is described in Chapter 4: Provincial Transportation Problems, Opportunities and Needs Assessment. This stage examines the Alternatives To a project. The results of the Alternatives To work is reviewed and confirmed as part of the Planning stage.

The Planning and Preliminary Design stages are described in Chapters 6, 7 and 8 for Groups A, B, and C projects respectively and examine the Alternative Methods (Plans or Designs) of a project. The Planning and Preliminary Design stages may be combined depending on the complexity of the project and potential impacts.

Implementation (Detail Design and construction) occurs after the Class EA process is complete. However, as described in Chapters 6, 7, 8, and Appendix C: Detail Design, there may be instances where some or all elements of Detail Design can be included in the Class EA process.

Further information regarding the considerations for environmental protection, consultation and documentation are outlined in Chapters 2 and 3. An overview of typical transportation engineering and environmental protection activities for the stages is provided in Tables 1.1 to 1.3.

**Table 1.1 Overview of Typical Transportation Engineering Decisions - Groups A, B, and C Linear Facilities**

<b>Planning Stage*</b> <b>(Chapter 6, 7, and 8)</b>	<b>Preliminary Design Stage*</b> <b>(Chapter 6, 7, and 8)</b>	<b>Implementation Stage (Detail Design)**</b> <b>(Chapter 6, 7, and 8, Appendix C)</b>
<b>Purpose:</b> Develop plan to design concept level of detail (typically at 1:10,000 scale)	<b>Purpose:</b> Develop plan to design criteria level of detail (typically at 1:2,000 or 1:1,000 scale)	<b>Purpose:</b> Develop plan to design implementation level of detail (typically at 1:500 scale), and develop construction documentation
<b>Typical Transportation Engineering Decisions/Alternatives/Elements, and Issues:</b>  Facility Type: <ul style="list-style-type: none"> <li>• roadway (freeway vs. highway);</li> <li>• transitway technology (rail vs. bus etc.); and/or</li> <li>• access control.</li> </ul> Basic plan and profile (including route location); design speed; typical project cross-section covering elements such as: <ul style="list-style-type: none"> <li>• typical right-of-way requirements;</li> <li>• number of lanes/tracks; and/or</li> <li>• median width and type.</li> </ul> Need/location/type of interchanges, intersections  Need/location/type of transit stations (if applicable)  Need/location of bridges & culverts	<b>Typical Transportation Engineering Decisions/Alternatives/Elements and Issues:</b>  Calculated horizontal and vertical alignment, design speed & typical project cross-section covering elements such as: <ul style="list-style-type: none"> <li>• typical right-of-way requirements;</li> <li>• number of lanes/tracks (including auxiliary and turning lanes);</li> <li>• median width and type;</li> <li>• shoulder type; and/or</li> <li>• ditches.</li> </ul> Need/location/type of: <ul style="list-style-type: none"> <li>• interchanges and intersections;</li> <li>• bridges and culverts (including span &amp; width);</li> <li>• stormwater management facilities;</li> <li>• illumination and traffic signals; and/or</li> <li>• safety infrastructure.</li> </ul> Initial property acquisition plan  Preliminary staging of major work activities  Preliminary assessment of waste materials generation and disposal options  Agreements in principle for road assumptions, transfers, closures, and the resolution of major rail and utility conflicts	<b>Typical Transportation Engineering Decisions/Alternatives/Elements, and Issues:</b>  Calculated horizontal and vertical alignment and segment-specific cross-section details covering elements such as: <ul style="list-style-type: none"> <li>• roadway, including shoulders, median, ramps;</li> <li>• pavement;</li> <li>• ditches; and/or</li> <li>• construction staging, detours, and construction access.</li> </ul> Surveyed structure and culvert location/span/width  Details of illumination, traffic signals and safety infrastructure  Application of project-specific standards, and calculation of quantities for all of the above items  Signed agreements for road assumptions, transfers, closures and the resolution of major rail and utility conflicts  Final property requirements

**Notes:** Project stages can be expanded /contracted/combined based upon project specifics and complexity. \*Planning and Preliminary Design are combined in Group B and C projects. \*\*Implementation is included for information purposes only to illustrate possible considerations if Detail Design is included in the Class EA process for a project. Transportation engineering decisions are balanced with environmental protection decisions (See Table 1.3).

**Table 1.2 Overview of Typical Transportation Engineering Decisions - Group A, B, and C Service, Maintenance and Operations Facilities**

<b>Planning Stage*</b> <b>(Chapter 6, 7, and 8)</b>	<b>Preliminary Design Stage*</b> <b>(Chapter 6, 7, and 8)</b>	<b>Implementation Stage (Detail Design)**</b> <b>(Chapter 6, 7, and 8, Appendix C)</b>
<b>Purpose of Stage:</b> Develop plan to design concept level of detail (typically 1:2,000 scale)	<b>Purpose of Stage:</b> Develop plan to design criteria level of detail (typically 1:1,000 scale)	<b>Purpose of Stage:</b> Develop plan to design implementation level of detail (typically at 1:500 scale), and develop construction documentation
<b>Typical Transportation Engineering Decisions/Alternatives/Elements, and Issues</b>  Need/type of facility  Site location (new facility only), considering: <ul style="list-style-type: none"> <li>• visibility, accessibility;</li> <li>• availability of utilities;</li> <li>• difficult to bypass (Commercial Vehicle Inspection Facility); and/or</li> <li>• maximum opportunity to support transportation system with minimum disruption.</li> </ul>	<b>Typical Transportation Engineering Decisions/Alternatives/Elements, and Issues:</b>  Need/location/type of site components: <ul style="list-style-type: none"> <li>• connection with transportation system (ramps, roads, shipping lanes, transitway);</li> <li>• docking requirements (ferry ports), platform requirements (transitway);</li> <li>• buildings;</li> <li>• internal roads;</li> <li>• parking</li> <li>• illumination;</li> <li>• safety infrastructure; and/or</li> <li>• auxiliary facilities (storage, washrooms).</li> </ul> Initial property acquisition plan  Staging of major work activities	<b>Typical Transportation Engineering Decisions/Alternatives/Elements, and Issues:</b>  Detailed and surveyed site plan for all components  Building architectural drawings  Application of project-specific standards, and calculation of quantities for all of the above items  Final property requirements

**Notes:** Project stages can be expanded/contracted/combined based upon project specifics and complexity. \*Planning and Preliminary Design are combined in Group B and C projects. \*\*Implementation is included for information purposes only to illustrate possible considerations if Detail Design is included in the Class EA process for a project. Transportation engineering decisions are balanced with environmental protection decisions (See Table 1.3).

**Table 1.3 Overview of Typical Environmental Protection Activities and Decisions - Group A, B and C Projects**

<b>Planning Stage*</b> <b>(Chapter 6, 7, and 8)</b>	<b>Preliminary Design Stage*</b> <b>(Chapter 6, 7, and 8)</b>	<b>Implementation Stage (Detail Design)**</b> <b>(Chapter 6, 7, and 8, Appendix C)</b>
<b>Purpose of Stage:</b> Develop plan to design concept level of detail (typically at 1:10,000 scale)	<b>Purpose of Stage:</b> Develop plan to design criteria level of detail (typically at 1:2,000 or 1:1,000 scale)	<b>Purpose of Stage:</b> Develop plan to design implementation level of detail (typically at 1:500 scale), and develop construction documentation
<b>Typical Environmental Protection Activities:</b> <ul style="list-style-type: none"> <li>• Identify environmental constraints to project objectives;</li> <li>• Identify environmental deficiencies (e.g., contaminated properties); and/or</li> <li>• Develop environmental protection strategies:               <ul style="list-style-type: none"> <li>○ avoidance/prevention through Planning alternatives,</li> <li>○ environmental design strategies, and/or</li> <li>○ environmental remediation strategies.</li> </ul> </li> </ul>	<b>Typical Environmental Protection Activities:</b> <ul style="list-style-type: none"> <li>• Identify environmental constraints to design;</li> <li>• Develop environmental design concepts;</li> <li>• Develop environmental mitigation concepts; and/or</li> <li>• Obtain agreements in principle for formal environmental approvals and permits.</li> </ul>	<b>Typical Environmental Protection Activities:</b> <ul style="list-style-type: none"> <li>• Identify environmental constraints to construction;</li> <li>• Complete/modify environmental design elements;</li> <li>• Complete/modify environmental mitigation;</li> <li>• Develop environmental construction constraints;</li> <li>• Sign agreements for formal environmental approvals and permits; and/or</li> <li>• Develop environmental monitoring approaches.</li> </ul>
<b>Typical Environmental Protection Decisions/Alternatives/Elements, And Issues</b> <ul style="list-style-type: none"> <li>• Avoidance/Prevention of:               <ul style="list-style-type: none"> <li>○ footprint impacts, and/or</li> <li>○ interference impacts.</li> </ul> </li> </ul>	<b>Typical Environmental Protection Decisions/Alternatives/Elements, and Issues</b> <ul style="list-style-type: none"> <li>• Avoidance/Prevention/Control/Mitigation of:               <ul style="list-style-type: none"> <li>○ footprint impacts,</li> <li>○ interference impacts, and/or</li> <li>○ traffic access modification impacts.</li> </ul> </li> <li>• Avoidance/Prevention of:               <ul style="list-style-type: none"> <li>○ emissions impacts, and/or</li> <li>○ timing impacts.</li> </ul> </li> <li>• Compensation/Offsetting/Overall Benefit and Enhancement concepts</li> </ul>	<b>Typical Environmental Protection Decisions/Alternatives/Elements, and Issues</b> <ul style="list-style-type: none"> <li>• Control/Mitigation of:               <ul style="list-style-type: none"> <li>○ footprint impacts,</li> <li>○ interference impacts,</li> <li>○ traffic access modification impacts,</li> <li>○ emissions impacts, and/or</li> <li>○ timing impacts.</li> </ul> </li> <li>• Compensation for Impacts/Offsetting/Overall Benefit and Enhancement details</li> </ul>

**Notes:** The stage in which activities occur and decisions are made may vary depending on the project. The expectations for environmental protection and mitigation are provided in Chapter 2. \*Planning and Preliminary Design are combined in Group B and C projects. \*\*Implementation is included for information purposes to illustrate considerations if Detail Design is included in the Class EA process for a project. Typical environmental protection and mitigation measures are outlined in Appendix A.



## **1.6 Environmental Assessment and Other Environmental Legislation**

The MTO Class EA process does not replace or exempt the proponent from the formal approval processes of other applicable federal and provincial legislation. These other processes may require permits/approvals and specific consultation outside of the Class EA process.

### **1.6.1 Coordination with Federal Assessment**

It is possible that a project eligible for MTO's Class EA process also requires approval under a federal assessment process. In this case it is likely a coordinated EA will be conducted. The intent of coordination is to avoid duplication in processes for the same project, address information and consultation requirements of both the Class EA and the federal process, and to ensure that the project receives the appropriate level of review.

In such cases, the MTO Class EA process should be coordinated with other applicable formal approval processes as effectively as possible to avoid duplication. The intent of these coordinating efforts is to produce a single body of documentation of environmental impacts and mitigation measures that will meet the information needs of both the federal and provincial governments.

### **1.6.2 Coordination with Other EA Processes**

Similar to MTO's Class EA, other Ministries and organizations have Class EA documents that are approved under the EA Act. It is possible that a project under MTO's Class EA process may also have requirements under one of these other Class EA documents. Where possible, a coordinated EA will be conducted. The intent of the coordination is to avoid duplication in processes for the same project. This is achieved by addressing information and consultation requirements of both Class EAs and ensuring the project is subject to appropriate review. Where possible and feasible, the intent of this coordination effort is to produce a single body of documentation on environmental impacts and mitigation measures that will meet the needs of both Classes. If a project has components that are subject to several other Class EA requirements, a proponent may consider voluntarily undertaking a comprehensive EA.

### **1.6.3 Other Environmental Documentation Supporting the MTO Class EA Process**

The MTO Class EA is supported by the MTO Environmental Standards and Practices documents. These documents provide MTO staff and service providers working on

behalf of MTO with the requirements, guidance, and tools to make decisions that will protect the environment during all stages of highway provincial transportation facility management, including transportation planning, design, construction, operations and maintenance. The documents can be accessed as Technical Publications on MTO's website: [MTO Technical Publications](#). It is the responsibility of non-MTO proponents to engage with MTO to confirm the Environmental Standards and Practices documents that may apply to a specific project being carried out on provincial transportation facilities under the MTO Class EA.

## 2 MTO Class EA Process Overview

### 2.1 Introduction

This chapter provides an overview of the key planning and decision-making process requirements that must be met in order to fulfill the requirements of the MTO Class EA process. The detailed processes for Groups A, B and C projects are provided in Chapters 6, 7 and 8 respectively.

### 2.2 Consultation

Effective and meaningful involvement of interested and impacted individuals, organizations\* and Indigenous communities is an integral part of the MTO Class EA process. Participants in consultation can often play a significant role in informing the MTO Class EA decision-making process and determining the outcome of a project by providing information and raising issues about the proposed project. While the MTO Class EA process will not always achieve consensus amongst those who are consulted, consultation at decision points provides a formal process for the collection and dissemination of information and provides an opportunity for the resolution of issues. The proponent must make reasonable efforts throughout the Class EA process to resolve issues and minimize the potential for outstanding issues at the end of the Class EA process. This promotes environmentally responsible decision-making.

The consultation process allows for:

- Appropriate opportunities for individuals, organizations and Indigenous communities to provide input and/or identify issues and concerns;
- Providing information about the MTO Class EA process and the project, including opportunities to formally challenge decisions made during the process;
- Opportunities for proponents to gather information on existing conditions and identify issues and concerns that can be addressed through the planning and design process;
- The development of solutions to environmental issues, including possible mitigation measures; and,
- The resolution of any outstanding concerns or issues at the conclusion of the process.

\*NOTE: For the purposes of the MTO Class EA document, the phrase ‘individuals and organizations’ includes: interested members of the public, interest groups, businesses, property owners, and government agencies.

Please refer to the list found in Section 3.1.1 – Interested individuals and organizations for those typically consulted with as part of the MTO Class EA process.

## **2.3 Identification and Consideration of Alternatives**

During the MTO Class EA process, a reasonable range of alternatives must be considered, including both “Alternatives To” (Alternatives To) and “Alternative Methods” (Alternative Methods). Alternatives To the project are functionally different ways of approaching and dealing with the defined problem or opportunity. Alternatives To the project are discussed in Chapter 4. It should be noted, however, that depending on the nature of the problem or opportunity identified, there may be limited or no reasonable Alternatives To the project.

Consideration must be given to the “Do Nothing” (Do Nothing) alternative which represents what is expected to happen if none of the alternatives being considered during the MTO Class EA process are carried out. The Do Nothing alternative is considered as the benchmark against which the advantages and disadvantages of each of the alternatives being considered are compared to demonstrate the rationale for proceeding with a particular alternative.

The proponent must also consider Alternative Methods, different approaches, or ways of carrying out the preferred Alternative To. Alternative Methods are discussed in Chapters 6 (Group A), 7 (Group B), and 8 (Group C).

## **2.4 Considering all Aspects of the Environment - Environmental Protection**

The EA Act broadly defines environment to include the natural, social, economic, cultural, and built environments, and the interrelationships between them.

During the preparation of the Class EA for a project, the proponent must not only consider the potential impacts on the natural environment, but also the project’s potential impact on the social, economic, cultural, and built environments. Proponents may identify both beneficial and detrimental environmental effects.

A study area is established for each project. The study area represents the geographical area within which impacts are likely to occur as a result of the alternatives being considered. In addition to direct impacts, the indirect impacts of alternatives must also be considered. The establishment of a study area is a requirement for each stage of the Class EA process. Early in the Planning stage it may be referred to as the preliminary study area or analysis area. As the Class EA process progresses from one stage to the next, the boundaries of the study area change, generally moving from broad to more defined.

Determining impacts and selecting environmental protection measures will vary depending on the significance of the potential environmental impact and the stage in the MTO Class EA process. In general, environmental assessment is based on a phased sequence of decision-making in which alternatives are assessed at an increasing level of detail as the project progresses. Preliminary assessments are undertaken to support comparison of Alternatives To the project. For the consideration of Alternative Methods for the project, the proponent undertakes more detailed studies to provide a clearer understanding of the potential impacts on the environment from various Alternative Methods. Once the proponent has selected a Preferred Alternative Method, more focused data is collected to refine and complete the design.

The proponent will consider all aspects of environmental protection when assessing the project's potential impacts on the environment.

### **2.4.1 Hierarchy of Environmental Protection**

The hierarchy of environmental protection is the application of the following protection approaches in order of decreasing preference:

- Avoid, mitigate, or prevent negative environmental impacts;
- Reduce the severity of environmental impacts through control or mitigation measures; and,
- Provide equivalent environmental features through compensation or enhancement.

Proponents often combine these approaches to minimize net environmental impacts.

### **2.4.2 Sources of Information for Addressing Impacts**

Potential sources for identifying environmental impact mitigation and protection measures are:

- Environmental legislation and government environmental policy documents;
- Manuals, guidelines, and standards prepared by government agencies and the proponent;
- Standard environmental best practices;
- Consultation with interested individuals, organizations and Indigenous communities; and,
- Project-specific approaches developed by the proponent.

Examples of environmental impacts and typical environmental protection measures are provided in Appendix A. Typical transportation planning and design elements used to create Alternative Methods and related environmental protection activities and decisions from Groups A, B, and C projects are provided in Appendix B.

## **2.5 Considering all Aspects of the Environment - Transportation Engineering**

Transportation engineering planning and design decisions for provincial transportation facilities are based on the following principles:

- Provide for the efficient movement of people and goods;
- Meet the needs of the travelling public, by maximizing opportunities for access and mobility;
- Address the identified transportation problems and opportunities;
- Maximize the opportunity to satisfy existing and future provincial travel demand;
- Reflect sound engineering judgement, site-specific transportation engineering and/or environmental constraints, transportation demand capacity of existing and future transportation facilities, network resiliency, traffic composition, trip length, population density and land development, and traffic habits of the overall transportation system users, in meeting or exceeding current provincial design standards and practices;
- Ensure compatibility with the existing and future municipal, provincial and federal transportation system and system needs, including alternative modes and improve the level of service, safety and operation for the provincial transportation system users;
- Ensure compatibility with other transportation infrastructure in the vicinity to ensure rational and predictable behaviour of users;
- Ensure the technical feasibility of construction, operation, and maintenance are considered to the extent possible;
- Minimize known and typical environmental impacts and the use of non-renewable natural resources;

- Minimize property requirements and impacts on adjacent properties;
- Minimize adverse impacts to established or credibly asserted Aboriginal and treaty rights;
- Minimize net energy usage of the transportation system;
- Maximize opportunities to make the facility safer; and,
- In consideration of all the above, provide the maximum benefit for the lowest cost (considering construction, maintenance, and operation costs).

## **2.6 Evaluation of Alternatives**

Net environmental impacts mean the environmental impacts that remain after environmental protection and/or mitigation measures have been applied. In addition to direct impacts, the indirect impacts of alternatives must also be considered. Potential net environmental impacts are estimated for a project based on the understanding of the relevant aspects of the environment and the potential protection measures. Net environmental impacts are refined throughout the project.

The proponent will systematically evaluate the net environmental impacts for each alternative considered under the MTO Class EA.

The MTO Class EA does not prescribe an approach to evaluation as different qualitative or quantitative approaches may be appropriate for different types of projects. Evaluation factors that may be considered at one stage of a project may not be appropriate at other stages and may change as the project progresses through the Class EA and planning and design process.

For the evaluation of Alternative Methods (Plans and Designs) for the project, the proponent determines how to compare the advantages and disadvantages of the alternatives with the goal of selecting the Alternative Method that maximizes the transportation benefit while minimizing the overall negative net impacts on the environment (i.e., the Preferred Alternative Method (Plan/Design)). During the evaluation of alternatives, the proponent determines the relative importance of the various features and functions of the environment potentially affected by the project, and the significance of the potential impacts.

The evaluation process is established to assist with project decision-making. The evaluation process is based on the following principles:

- The evaluation process must be traceable, replicable, and must be understandable by those who may be affected by the decisions;

- All relevant factors, including transportation engineering and environmental protection, will be given due consideration; and,
- The evaluation may be subjective (based on reasoned argument) or objective (using quantifiable data).

## 2.7 Documentation

Documentation of the Class EA process is an important element of the MTO Class EA process for each of the groups (see Chapters 6, 7 and 8). Documentation must describe the Class EA process followed, as well as the application of the consultation, environmental protection, transportation engineering, and evaluation principles and processes.

MTO Class EA documentation includes the:

- Transportation Environmental Study Report (TESR) and post-TESR Record of Consultation;
- TESR Addendum (if applicable); and,
- Study Design Report (SDR) (if applicable).

In addition, the proponent may decide to produce supplementary documents to address project-specific needs in support of the MTO Class EA process.

All documentation as part of the Class EA process will:

- Provide clear, simple, complete, and precise Class EA project-specific information;
- Fulfil the document content requirements prescribed by the Class EA process for the Group under which a project is designated;
- Include project-specific details and issues;
- Summarize the results of the study; and,
- For TESRs and TESR Addenda, provide an opportunity to review and comment upon the Class EA process and conclusions.

## 2.8 Principles for Project Management

The MTO Class EA includes project management principles which are aligned with MECP's Code of Practice, "Preparing and Reviewing Environmental Assessments in Ontario," 2014. When followed, these principles can assist a proponent with navigating the MTO Class EA process successfully for a specific project. These project



management principles result in efficient progression through the process and timelier decisions. The Class EA process consists of a systematic evaluation of the potential environmental effects of alternatives and assessing the advantages and disadvantages of proceeding with the proposed project.

These project management principles include:

- Timeliness;
- Clarity and consistency;
- Openness and transparency;
- Minimize potential harm and enhance benefits to the environment;
- Coordination of approvals;
- Best available information; and,
- Appropriate level of detail.

### **2.8.1 Timeliness**

The proponent should commence its EA as early in the planning process as possible. This will allow sufficient time to assess the project implications, to make modifications as required, and allow for possible coordination with other processes.

Timeliness is also important from the perspective of consultation. The proponent should involve interested individuals or organizations early in the EA planning process to identify and consider issues or concerns.

Expectations for a timely process also apply to interested persons. Interested individuals, organizations and Indigenous communities participating in the EA process should make their submissions about proposed projects in a timely manner and by the prescribed deadlines so that there is sufficient time for the proponent to evaluate the submission and consider it in the decision-making process.

### **2.8.2 Clarity and Consistency**

The MTO Class EA process will be applied consistently to similar projects, and the proponent's expectations of all participants in the process will be articulated clearly. Proponents, individuals, organizations and Indigenous communities should be able to expect how the MTO Class EA process will be carried out in similar circumstances in a manner that is rational and transparent.

### **2.8.3 Openness and Transparency**

The MTO Class EA process will be open and transparent. This enables all interested individuals, organizations, and Indigenous communities to follow the process through its various stages of planning and decision-making until a preferred project is selected. Anyone should be able to trace the results of the MTO Class EA process using the evaluation approaches set out therein. Means of achieving transparency can include, but are not limited to:

- Using appropriate, well-established, and easily understood evaluation methods;
- Making the process clear and rational;
- Sharing information with individuals, organizations and Indigenous communities to support conclusions and recommendations at each phase in the process; and,
- Documenting the process in easy-to-understand language with explanations of the rationale for making certain choices.

### **2.8.4 Minimize Potential Harm and Enhance Benefits to the Environment**

Proponents are expected to attempt to prevent, avoid or minimize adverse environmental effects through the application of environmental impact mitigation and protection measures. At the same time, proponents should consider societal benefits of the project to the environment in their evaluation process. Proponents should make every effort to avoid or minimize potential adverse environmental effects through the application of environmental impact mitigation and protection measures; however, it may not be possible to manage all of them. There will be times when some individuals may be affected by a project that would benefit society as a whole and this will have to be considered during the Class EA process.

### **2.8.5 Coordination of Approvals**

As early as possible in the planning process, proponents must determine whether approvals under municipal legislation (e.g., municipal road closures), provincial legislation (e.g., *Environmental Protection Act*, *Public Lands Act*, *Lakes and Rivers Improvement Act*, *Conservation Authorities Act*) or federal legislation (e.g., *Impact Assessment Act*, *Fisheries Act*, *Canadian Navigable Waters Act*) are applicable and required.

Where an EA is required by another jurisdiction, to the extent possible and appropriate, multiple EA approvals should be coordinated. Coordination is beneficial however there

are instances where differences in approval requirements may make it impossible or inappropriate to fully coordinate EAs.

### **2.8.6 Best Available Information**

The proponent will provide information about the potential environmental impacts (both positive and negative) of a proposed project. Proponents shall prepare technical studies using the best available data, carefully select their assessment and evaluation methods to analyze their proposal, and use sound scientific, engineering and planning practices in their work. Although available and published data can be used in the earlier steps in the MTO Class EA process, it is expected that there will be a transition to original field work, surveys and studies for analysis and evaluation in the later stages of the process, as appropriate. The level of detail and the requirement for project specific information will increase as the MTO Class EA process proceeds. Consultation with interested individuals, organizations and Indigenous communities may assist the proponent in selecting appropriate analytical tools or information to be included in the planning and design process.

### **2.8.7 Appropriate Level of Detail**

The level of information required for each Class EA project will vary by project or stage in the planning and design process. The appropriate level of detail depends on a number of factors such as the approvals required, the nature and complexity of the proposed project, the potential for environmental impacts, and the level of interest from individuals, organizations and Indigenous communities. The level of detail presented must be sufficient to fulfil the requirements of the MTO Class EA and to inform interested individuals, organizations and Indigenous communities that the proposed project is technically feasible, and the environment is protected.

## 3 Processes and Requirements of MTO's Class EA

This chapter provides an overview of the processes and requirements of MTO's Class EA. It includes guidance on how proponents may carry out certain activities during the MTO Class EA process and requirements to fulfill the conditions of the MTO Class EA.

### 3.1 Consultation Processes and Requirements

Consultation with government agencies, Indigenous communities, members of the public, and other interested persons is mandatory. The consultation process includes the following steps:

- Identify potentially interested or impacted Indigenous communities through the preparation of a Consultation Plan;
- Issue a Notice of Commencement to announce the start of the MTO Class EA process for all Group A, B and C projects;
- Consult with individuals, organizations and Indigenous communities most directly affected or interested;
- Elicit information from individuals, organizations and Indigenous communities to assist in understanding the nature of the project study area;
- Constructively address the input received during the consultation process;
- Identify the issues and concerns of individuals, organizations, and Indigenous communities that may have an interest in the project or that may be adversely impacted;
- Collect information about the existing environment (natural, social, economic, cultural, and built);
- Document in the Transportation Environmental Study Report (TESR) how the input received in earlier stages has affected the project, and include a Consultation Summary;
- Document comments received during the 30-day TESR comment period, including the response to the comments and supporting materials in a post-TESR Record of Consultation;
- Select appropriate methods of notification based on the nature of the study area, the interested parties to be contacted, the stage of the project and the issues to be addressed;
- Make reasonable efforts to resolve concerns throughout the Class EA process;
- Issue a Notice of Completion to announce the conclusion of the MTO Class EA process. The Notice of Completion will signal the start of a 30-day review and comment period on the TESR; and,

- Use an issues resolution process to attempt to resolve significant issues that are identified during the 30-day comment period on the TESR, TESR Review or TESR Addendum. While reasonable efforts will be made to resolve the issue, there may be situations where a consensus is not reached, or the resolution is not agreeable to all parties. If this is the case, the proponent will clearly explain this and document the issues resolution process, the outcome and the reasons for making a certain decision. See Chapter 9 for information on Issues Resolution.

NOTE: The amount, extent, and timing of the consultation on each project will vary according to the complexity of the project, the nature of the specific environmental issues, and the concerns expressed. The opportunities and extent of consultation are specific to the project groupings defined in the MTO Class EA in Chapters 6 (Group A), 7 (Group B) and 8 (Group C).

### **3.1.1 Interested Individuals and Organizations**

The Class EA process typically includes consultation with all persons that express an interest and various individuals and organizations, including:

- Applicable provincial and federal government agencies;
- Applicable municipal and local government bodies;
- Indigenous communities and organizations;
- Other public and private service providers that have infrastructure in the area affected;
- Francophone communities in designated areas;
- Property owners;
- Environmental groups or clubs;
- Naturalist organizations;
- Agricultural organizations;
- Sports or recreational groups;
- Local community organizations;
- Municipal heritage committees and/or local heritage organizations;
- Ratepayer associations;
- Cottage associations; and,
- Business and commercial associations.

The proponent is responsible for determining the appropriate individuals and organizations to consult for each project. Proponents must consult with all persons that express an interest.

Note: This list is from MECP's Code of Practice, "Preparing and Reviewing Environmental Assessments in Ontario," 2014.

### **3.1.2 Timing of Consultation**

The proponent will involve interested individuals, organizations and Indigenous communities as early as possible in the project.

When determining the timing of consultation, proponents should consider that the project must not be advanced to a point at which irreversible decisions and commitments have been made, which would prevent concerns from being considered.

Interested parties are encouraged to participate in the consultation opportunities the proponent makes available. Issues and concerns brought forward early in the Planning or Preliminary Design stages are more likely to be successfully resolved.

### **3.1.3 Consultation Methods**

Consultation is a two-way exchange of information between proponents and persons who may be affected or interested by a proposed project. Consultation methods are determined by the proponent and based on several considerations including:

- Project complexity;
- Interested individuals, organizations, and Indigenous communities potentially impacted by the project; and,
- Nature and extent of potential environmental impacts.

Examples of consultation include, but are not limited to, such things as meetings, workshops, public information centres, or town halls.

Examples of ways proponents notify interested persons about opportunities for consultation include, but are not limited to, newspaper advertisements, brochures, posters, letters, or through electronic means. Proponents of Group A, B and C projects are required to issue a Notice of Commencement (to announce the start of the MTO Class EA process) and a Notice of Completion (to announce the conclusion of the MTO Class EA process and the start of a 30-day review and comment period on the TESR).

### **3.1.4 Extent of Consultation**

The proponent will determine the extent of consultation required, which will vary from project to project, depending on:

- The group under which a project is designated;
- The complexity of a project;
- The results of previous consultation;
- The nature of the environmental issues/significance of predicted impacts;
- The concerns expressed/sensitivity of the project; and/or,
- Length of time that has elapsed since any previous consultation efforts took place.

The extent of consultation and key decision-making milestones at which consultation will occur varies for each project grouping defined in the MTO Class EA. Refer to Chapters 6 (Group A), 7 (Group B) and 8 (Group C) for a detailed explanation. Proponents must consult with all persons that express an interest, and consultation with interested persons must take place regardless of the potential for impact to the project.

For projects with potential environmental impacts, the proponent will identify:

- External agencies for obtaining legislative or regulatory approvals, and pertinent technical information in subsequent stages;
- Adjacent property owners, where the proposed work is likely to have an impact on their property; and,
- Affected property owners, where the permanent and/or temporary purchase of property may be required.

### **3.1.5 Consulting with Indigenous Communities and Organizations**

Indigenous communities and organizations must be engaged during the Class EA process when they may be interested in the project and its potential environmental impacts. Indigenous communities and organizations must also be consulted when there is an established or credibly asserted Aboriginal or treaty right that may be impacted by the project (see Section 3.1.5.3).

#### **3.1.5.1 Interest-Based Consultation**

The proponent must include Indigenous communities and organizations that may be interested in the list of individuals and organizations to consult when developing the Consultation Plan.

For Indigenous communities and organizations that may be interested in the project, the proponent will, at a minimum, provide:

- The required Notice of Commencement under this MTO Class EA;

- Notification of consultation opportunities available;
- Project documentation, on request; and,
- The required Notice of Completion under this MTO Class EA.

Note: The results of consultation with Indigenous communities and organizations will be documented as a separate section in the TESR.

### **3.1.5.2 Rights-Based Consultation**

A project may also have an adverse impact on constitutionally protected Aboriginal and treaty rights including Aboriginal title rights.

The Crown has a constitutional obligation to consult with Indigenous communities when it has real or constructive knowledge of an established or credibly asserted Aboriginal or treaty right and contemplates conduct that may adversely impact the right. This is called the 'Duty to Consult'. The source of the Duty to Consult is the honour of the Crown and the constitutional protection accorded Aboriginal and treaty rights under section 35 of the *Constitution Act, 1982*.

When there is a potential for an adverse impact to Aboriginal and/or treaty rights, a deeper level of consultation than what is required through the MTO Class EA process may be owed.

If an Indigenous community raises concerns with respect to a project's potential impact on an Aboriginal and/or treaty right, proponents shall refer to MECP's Code of Practice titled: "Environmental Assessments: Consulting Indigenous Communities."

Section 9.3 of this Class EA describes Section 16 Orders. Anyone can ask the MECP Minister to make a Section 16 Order if:

- they have outstanding concerns that a project going through a Class EA process may have a potential adverse impact on constitutionally protected Aboriginal and/or treaty rights; and
- they believe that an Order may prevent, mitigate or remedy this impact.

A request for a Section 16 Order for a project can be made following the Notice of Completion or Notice of Addendum.

### **3.1.5.3 Duty to Consult**

Projects that are undertaken and decisions that are made by the government may, in some circumstances, have the potential to affect constitutionally protected Aboriginal or treaty rights. In these situations, the ministry proposing to make a decision or undertake a project is responsible for fulfilling the Crown's Duty to Consult regardless of whether



the decision or project is subject to requirements of the MTO Class EA or where the MTO Class EA process may not require consultation, and would continue to ensure that meaningful consultation occurs and the Crown's Duty to Consult is met. The Crown takes its Duty to Consult with Indigenous peoples seriously. The MTO consults with Indigenous communities in different ways, depending on the nature of the project and decision in question and the significance of the potential adverse impacts to Aboriginal and treaty rights. The more significant the potential impact of the project and decision on Aboriginal and treaty rights, the more extensive the consultation. This would also apply to Detail Design regardless of whether Detail Design is included as part of the Class EA process for the project.

### **3.1.6 Consultation Requirements – The Consultation Plan**

At the beginning of the project, a Consultation Plan may be established, depending on the requirements outlined in Sections 6.2.1, 7.2.1, and 8.2.1. The proponent will identify:

- The extent, frequency, and timing of the consultation;
- The consultation methods and points of notification;
- Interested individuals, organizations and Indigenous communities to consult; and,
- The transportation and environmental issues and related factors that may require special or separate consultation efforts.

The proponent will consider flexibility to allow additional time to review documents, and the unique needs of interested individuals, organizations and Indigenous communities when designing the Consultation Plan.

Proponents are required to include a Consultation Summary in the TESR (see Section 3.3.2).

## **3.2 Systematic Evaluation of Environmental Impacts**

The following processes support responsible environmental decision-making through the Class EA process. Proponents are required to:

- Delineate boundaries of a project study area, within which the impacts of a project will be assessed. This should include a description of the boundaries that represent the geographical area in which a project is anticipated to result in a potential impact;

- Identify existing environmental conditions within the project study area for each component of the environment defined under the EA Act, which includes the natural, social, economic, cultural, and built environments;
- Identify the anticipated impacts, both direct and indirect, that are likely to result from a project on each component of the environment defined under the EA Act;
- Identify and meet any federal, provincial or municipal legislative requirements that may apply and obtain any permits, approvals, or authorizations for a project, recognizing that some of this work may be undertaken outside of the Class EA process;
- Have regard for government-approved policy and inter-ministerial protocols;
- Conduct studies with an inherent approach of avoiding or minimizing overall environmental impacts through consideration of alternatives;
- Recognize that it may not be possible to satisfy all interests in the EA process, and that no single environmental factor is always paramount;
- Identify how any potential impacts to each component of the environment can be managed, avoided, or mitigated using standard environmental protection and mitigation measures;
- Provide mitigation effort in proportion to environmental significance and ability to reasonably mitigate;
- Recognize that environmental mitigation measures may have environmental impacts which offset their benefit;
- Provide a high-level description of anticipated net effects to each component of the environment that may remain after the application of proposed environmental protection and mitigation measures; and,
- Monitor the implementation of environmental protection and mitigation measures during implementation, after the formal Class EA process has ended.

### **3.2.1 Expected Range of Environmental Impacts**

Time and proximity have the largest influence on the severity of the environmental impacts. In the case of time, the severity of the impacts is influenced by their duration (e.g., hours, days, weeks or permanent), and by the timing of the impacts (e.g., during the spawning cycle for local fish populations). In the case of proximity, the severity of some effects is related to the distance of the project from sensitive receptors. For example, the impact of factors such as noise is typically greater for sensitive receptors located closer to the transportation project or facility. Proponents should also consider the potential for cumulative impacts.

The types of impacts, along with considerations about their severity, are discussed below.

### 3.2.2 Types of Impact

Projects covered by this Class EA have a wide range of potential environmental impacts. These impacts are determined by the project type, size, and complexity; and by the existing conditions for all components of the environment defined under the EA Act. The potential environmental impacts can be generally categorized as follows:

- **Footprint Impact** - Footprint impacts are caused by physical intrusion of the transportation facility into adjacent lands, water bodies, etc. Considerations related to footprint impact include the boundaries of features, the need for buffers, and the impact of reducing the size and severing of areas.
- **Interference Impact** - Interference impacts are caused when the transportation facility obstructs or hinders the natural flow or balance of the affected area for example by hampering fish and wildlife migration, or by disturbing water flow, creating light pollution, impeding traffic and pedestrian access, etc.
- **Traffic Access Modification Impacts** - Traffic access modification impacts (to property, neighbourhoods, commercial areas etc.) are caused by the closure or redirection or opening up of a previous inaccessible area of traffic access to or from an area.
- **Emissions Impact** - Emissions impacts (to air, water, soil, and their utilization) are caused by the release or escape from the transportation facility of noise, dust, sediment, chemicals, odours, light, etc. These impacts can have significant effects on human, plant and animal health, as well as on land-use.
- **Timing Impacts** - Timing impacts (relative to season, week, day, hour, duration) relate to the timing of the footprint, interference, traffic access modification, and emissions impacts, and combinations of the above.
- **Cumulative Impacts** - Cumulative impacts are caused by the interaction of factors over space and time. These impacts can have negative effects on the ecosystem.

**NOTE:** Appendix A includes examples of environmental impacts and typical environmental protection measures.

## **3.2.3 Process for Evaluating Environmental Impacts**

### **3.2.3.1 Evaluating Net Environmental Impacts Systematically**

Environmental assessment typically includes the systematic evaluation of alternatives, and a clear discussion of the advantages and disadvantages of each alternative. Proponents may use either qualitative (based on reasoned argument) or quantitative (based on quantifiable data) evaluation methods. During the MTO Class EA process, there are distinct points at which proponents are expected to identify and evaluate Alternatives To and Alternative Methods, and the net environmental impacts associated with each alternative.

It is important to understand that for some routine MTO Class EA projects, there may either be limited Alternative Methods (Plans and/or Designs) or only one Alternative Method (Plan or Design) that can effectively address the transportation problem or opportunity. Even if there is only one reasonable Alternative Method (Plan or Design), proponents must still consider the net environmental impacts associated with that Alternative Method (Plan or Design).

Net environmental impacts are assessed and evaluated based on the following criteria, including the:

- Severity of potential impacts (including their scale and duration);
- Sensitivities of the various environmental components to the potential impacts;
- Degree of uncertainty in the estimate of the potential impacts; and,
- Anticipated success of mitigation or enhancement measures in offsetting potential impacts.

### **3.2.3.2 Identifying Factors**

Factors are identified to assess the effects of the alternatives and the project. Transportation engineering factors consider the impacts of the alternatives on relevant transportation engineering standards and practices as part of providing a safe and efficient provincial transportation system. The transportation engineering factors will be project-specific and will include relevant highway design standards, including level of service standards and safety standards. The environmental factors will be derived from the definition of “environment” in the EA Act (the natural, social, economic, cultural and built environments). The factors selected for each project will vary based on matters such as the characteristics of the study area, the potential significance of impacts, and the degree of concern expressed by interested individuals, organizations and Indigenous communities.

### **3.2.3.3 Considering the Factors**

Efforts are made to understand the functions of the various factors and interrelationships between factors. The environmental issues are considered in the context of the principles set out above and the guidelines discussed in Appendix A. Depending on project specifics, some factors may be more significant than others. The evaluation process will reflect this. In order to ensure that appropriate consideration is given to the various factors and/or groups of factors, relative “weights” or “measures” may be assigned to reflect the importance of the different factors. Quantitative and/or qualitative assessment methodologies may be used, which may also involve “weights” or “measures”. Factors may be used to evaluate the environmental impacts of alternatives. Factors related to cost, constructability, operation, and maintenance may be used to evaluate impacts related to transportation engineering.

### **3.2.3.4 Refining Factors at Different Phases**

Factors considered at one phase of a study may not be appropriate at others. At each decision point, the factor list may be refined by considering such matters as the:

- Characteristics of the alternatives under review;
- Level of detail of the analysis;
- Characteristics of the potentially affected environment;
- Types of potential effects of the alternatives;
- Types of environmental mitigation and protection measures which may be applied to the alternatives;
- Consistency with other decision points in the process;
- Purpose of the decision point; and/or,
- EA process goals, objectives, and principles.

### **3.2.3.5 Criteria and Indicators**

In order to identify the impacts on various factors, criteria are developed for each factor, and indicators are used to identify how the potential impacts will be measured for each criterion. Indicators are ways of identifying, describing, and measuring environmental impacts, costs, and level of service. Even if the same criteria is used throughout a study, the indicators may change to reflect the anticipated level of impact. There is no minimum number of criteria or indicators, as that is dependent on the scale of the proposal and the environment potentially affected.

## **3.3 Documentation Requirements**

### **3.3.1 Notices of Commencement and Completion**

Notices of Commencement and Completion are required for all Group A, B and C projects. At a minimum, the Notices of Commencement and Completion must include the following information:

- Name of the project;
- Brief description of the problem, opportunity, and project;
- The geographical location of the project study area;
- Name of the proponent and reference to using the MTO Class EA;
- An invitation to participate in the planning process/provide comment on the results;
- Name and contact information for individuals who can provide further information; and,
- Where additional information can be obtained (e.g., website, physical location).

In addition to including all of the above information, the following must also be included in the Notice of Completion: beginning and end dates for comment period, MECP's required information about Section 16 Orders, and the name and contact information for individuals for issues to be raised for resolution (Section 9.2 Issues Resolution).

### **3.3.2 Transportation Environmental Study Report (TESR)**

The level of detail in the TESR will change depending on project scope, complexity, and/or if the proponent has decided to include some or all elements of Detail Design in the TESR. The level of detail is specific to each project Group defined under the MTO Class EA. Group B and C projects may have a less detailed TESR than a Group A due to the project's complexity and scope.

The TESR must include:

- Study objectives and description of the project;
- A summary of project-specific earlier and related work;
- Significant transportation engineering issues;
- Significant environmental issues;
- The identification, comparison and systematic evaluation of alternatives;
- Consultation Summary;
- Changes made as a result of external consultation;

- Preferred Alternative Method (selected transportation alternative incorporating environmental protection measures); and,
- Anticipated impacts, mitigation, and commitments to future action for construction and operation, including external approvals known to be required.

Proponents are required to include an Appendix with copies of relevant studies or reports that were completed to inform and support the decision-making process that was carried out as required by the MTO Class EA.

The Consultation Summary, which is part of the TESR documentation, will need to include the following:

- A description of the consultation activities that took place (methods, schedule of events, notification that was given about the activity and materials used);
- A description or identification of all persons consulted during the preparation of the environmental assessment (personal names not required) and how they were notified;
- A description of how interested Indigenous communities or organizations were identified and how they were consulted;
- A summary of the comments and concerns raised during the consultation activities and during the preparation of the environmental assessment;
- A description of the proponent's response to comments and how concerns were considered in the preparation of the environmental assessment;
- A description of any outstanding concerns; and,
- Minutes from any meetings held with interested persons, organizations, and Indigenous communities and, copies of written comments received from interested persons, organizations and Indigenous communities. This can be included in an Appendix.

### **3.3.2.1 Level of Project Design and TESR Timing**

Although the MTO Class EA requires that a project only be advanced to a level of Preliminary Design, the process allows for proponents to advance a project to a level of Detail Design if needed.

The TESR is usually issued at the completion of Preliminary Design. In some instances, it may be more appropriate for it to be published at the completion of Detail Design, or at the completion of part of Detail Design when the proponent has decided to include Detail Design in the Class EA process.

Issuance at the completion of Preliminary Design eliminates uncertainty about the location and character of future improvements, enabling affected parties to plan accordingly with knowledge of proposed transportation improvements, the extent of property requirements, etc. The proponent can also choose to include some or all Detail Design elements in the Class EA process to provide more detail on design decisions and mitigation measures, which would be incorporated into construction.

It is important to note that the Class EA process is focused on the Planning and Preliminary Design stages of provincial transportation projects. Implementation (Detail Design and construction activities) is typically undertaken after the Class EA process is complete.

### **3.3.2.2 TESR Review**

The TESR Review and Addendum requirements, including information on the relevant documentation and Notice, are detailed in Chapter 10.

### **3.3.2.3 Study Design Report (SDR)**

For complex projects, it may be helpful to establish a formal record of the completion of the TNA through an optional SDR. The SDR documents the summary of the TNA. See Chapter 4 for more information.



## 4 Provincial Transportation Problems, Opportunities and Needs Assessment

### 4.1 Introduction

The province regularly undertakes reviews and studies of the function, operation, and needs of the provincial transportation network. These studies are part of the province's ongoing management and administration of the transportation system and are referred to as TNA.

The TNA process is completed as "research" or a "feasibility study," as described in section 15.1.2 (1)(c) of the EA Act.

TNA is a process that occurs outside the MTO Class EA process. It may include recommendations to initiate further detailed transportation studies, initiate improvements, continue routine maintenance, monitor situations, or do nothing, etc. The proponent can determine the level of consultation undertaken for TNA.

The MECP Codes of Practice confirms that a proponent is permitted to prepare a feasibility study (such as a TNA) and engage in research in connection with a project before commencing the MTO Class EA process.

TNA vary in complexity, size, scale and scope. The assessment of a "need" can be determined through large complex studies of an area; however, it can also pertain to smaller studies that discuss the need for rehabilitation or repair of the existing transportation infrastructure. For less complex projects, the "need" is identified by MTO's internal processes, which are conducted to ensure that the provincial transportation infrastructure is safe and in good condition. The results of TNA identify transportation needs or opportunities and may develop and evaluate Alternatives To and ultimately recommend an alternative for further assessment as part of the MTO Class EA process.

NOTE: Another proponent may identify a provincial transportation need or opportunity through their own TNA. MTO may consider the results of other proponent's work.

Planning and assessment requirements that are part of an approved Class EA process may have been completed by a proponent through work undertaken outside of the Class EA process. Where proponents use previous planning and assessment work to limit the range of alternatives examined in the Class EA process, the proponent must provide sufficient rationale and documentation to demonstrate that the previous work reflects the requirements of the MTO Class EA and MECP's Codes of Practice. The

proponent may accept, modify/refine, or reject TNA results as part of the Class EA Planning stage.

The proponent may limit the range of alternatives assessed in the Class EA process if previous planning and assessment work included the following:

- An examination of alternatives, including both “Alternatives To” and “Alternative Methods”;
- Regard for the environment and environmental effects;
- Public consultation with interested persons such as government agencies, Indigenous communities and the public; and,
- Ability for interested persons to inspect the planning and assessment document in its entirety.

## **4.2 Identify Transportation Problems and Opportunities**

### **4.2.1 Problems**

Existing and future transportation problems may include deficiencies in the following:

- Effectiveness and efficiency of the transportation network and auxiliary facilities;
- Traffic capacity;
- Operational and safety conditions;
- Infrastructure condition; and,
- Service, operations, and maintenance facilities.

### **4.2.2 Opportunities**

Transportation opportunities are improvements that can be made to the provincial transportation system both now and in the future. There may be opportunities in one or any combination of the following:

- Identification of future transportation corridors that may be required to support growth in population and employment;
- Right-of-way designation/property acquisition to ensure availability of land for transportation purposes in developing areas;
- Optimization of existing transportation infrastructure;
- Facility rehabilitation and/or preventative maintenance to avoid/delay replacement;
- Support of other government initiatives such as regional planning/economic development and tourism/resource access;

- Partnerships with other proponents to co-operatively address common problems and/or multiple objectives; and/or,
- Income generation or cost reduction.

### **4.2.3 Sources of Information**

Transportation problems and opportunities are identified from one or more of the following:

- Transportation network plans;
- Area transportation system reviews;
- Area or corridor planning studies;
- Inventories of the provincial transportation system;
- Highway assessment reports;
- Scope and cost reports;
- Traffic, collision, infrastructure service and maintenance data;
- Modelling/projection of future transportation demands and desires based upon planned future conditions as articulated in provincial plans, municipal official plans, etc.;
- Federal, provincial, and municipal agency liaison; and/or,
- Other transportation planning activities.

In addition to identifying problems and opportunities, information will be used to identify and evaluate Alternatives To to address the problems and opportunities as well as select the preferred transportation projects.

## **4.3 Identify and Evaluate Alternatives**

### **4.3.1 Projects with No Reasonable Alternatives To**

As the concept of needs assessment is broad, there may be smaller and less complex projects where there is only one reasonable Alternative To and the rationale to support this determination will be provided in the needs assessment and/or as part of the MTO Class EA process. In these cases, the process of identification and evaluation of alternatives outlined below would not be followed and would conclude with the identification, assessment and description of the preferred Alternative To.

There are also times when proposed projects result from a provincial government priority initiative, throne speech, budget announcements, or initiatives outlined in provincial plans. In these cases, it may be difficult to examine the usual range of

alternatives as the actual project has been defined by the initiative. If this is the case, the project documentation should outline the rationale for not examining alternatives and the extent to which any previous planning supports the provincial government priority initiative.

### 4.3.2 Identification of Alternatives To the Project

Alternatives To the project are defined in MECP's Code of Practice, as follows: "alternatives to the proposed project that are functionally different ways of approaching and dealing with a problem or opportunity".

For larger and more complex projects, a reasonable range of Alternatives To is developed to address the identified problems and opportunities. A "Do Nothing" alternative is an inherent part of the process of developing a range of alternatives. Alternatives To can include, but are not limited to the following:

- **Do Nothing** – "Do Nothing" is considered the status quo, where improvements to the transportation system are limited to maintenance of current infrastructure and the implementation of approved provincial, regional and local municipal initiatives.
- **Travel Demand Management (TDM)** – TDM refers to a variety of strategies to reduce demand and congestion at peak periods, reduce reliance on single occupant vehicles and achieve a more sustainable transportation system. The objectives of TDM strategies include reducing the overall demand on the existing network, shifting demand away from peak periods, and shifting demand to alternative modes of transportation, principally transit, cycling and walking.
- **Transportation System Management (TSM)** – The objective of TSM is to improve the efficiency and safety of the transportation system and optimize the use of existing and planned infrastructure, through a wide range of strategies and technology policies and initiatives. Measures include transit priority facilities, intelligent transportation system (ITS) strategies, carpooling, high occupancy vehicle (HOV) lanes and reserved bus lanes (RBL), park and ride facilities, and intersection improvements.
- **Improved or New Freight Rail Service** – Increased freight rail services for goods movement within existing rail corridors and/or along new rail corridors may be an alternative to highway improvements in some areas. Expanded rail service and the diversion of longer haul goods to rail may provide some relief to congestion on the roads network.
- **Improved or New Passenger Rail Service** – Increased or new passenger rail service (commuter and tourist travel) within existing rail corridors and/or along new rail corridors may also be able to address some transportation problems

and/or opportunities. Expanded passenger rail service offers modal choice and may provide some congestion relief to the road network.

- **Improved or New Transit Services** – Expanding the capacity of the transit system through increased services within the existing transportation network and/or accommodating new transit services on new corridors will enhance modal choice and may relieve congestion and increase the performance of the transportation network.
- **Improved or New Roadways/Transitways** – The provision of improved capacity and operations on existing facilities and/or accommodating capacity needs on new corridors may enhance the performance of the transportation network. Congestion may be relieved through additional capacity on existing roadways/transitways or by introducing new corridors for provincial highways, transitways, or both.
- **Improved or New Marine/Air Transport Services** – Modifications to existing marine and/or air transport services and new marine and/or air transport infrastructure may result in changes to travel patterns for both passengers and freight. These changes may reduce congestion and enhance the performance of the transportation network.
- **Combinations** – In some cases, a single transportation infrastructure improvement may not be able to fully address the identified problems and opportunities. In these cases, a combination of various Alternatives To the project may be developed to address the identified problems and opportunities more effectively.

Each Alternative To is assessed against the following questions:

- Does the Alternative To address the identified problem(s) and/or opportunity(ies)?
- Does the Alternative To, when used in conjunction with other Alternatives To, make a significant contribution towards addressing the identified problems and opportunities?

Those that satisfy at least one of the above-noted questions are considered to be reasonable Alternatives To and may be carried forward for evaluation through the MTO Class EA process or another streamlined process if applicable.

### **4.3.3 Evaluating Reasonable Alternatives To and Selecting the Recommended Alternative To**

Reasonable Alternatives To undergo a comparative evaluation. This includes a review of the advantages and disadvantages of each Alternative To in relation to the ability to

address the identified transportation problems and opportunities and study objectives, and the potential for environmental impacts (natural, social, economic, cultural, and built environments) that can be determined at this high level of transportation planning. Impacts are determined after appropriate impact mitigation measures are considered.

During evaluation, Alternatives To may be discarded or modified. The evaluation process will result in a preferred Alternative To. The recommended Alternative To may be a combination of the Alternatives To considered to address the identified problems and opportunities. The evaluation and decision may be made in consultation with individuals, organizations, and Indigenous communities.

Alternatives To that are part of the recommended solution but are not covered by the MTO Class EA may require other approval processes.

## **4.4 Provincial Transportation Needs Assessment and the MTO Class EA Process**

Where proponents use previous planning and assessment work to limit the range of alternatives to be examined in the Class EA process, the proponent must provide sufficient rationale and documentation to demonstrate that the previous work reflects the requirements of the MTO Class EA as well as the expectations set forth in MECP's Codes of Practice.

There are also times when proposed projects result from a provincial government priority initiative. Provincial government priority initiatives include announcements in throne speeches, budget announcements or initiatives in provincial plans, such as Provincial Transportation Network Plans, Transportation or Infrastructure Master Plans, Growth Plans under the *Places to Grow Act*, 2005, Official Plans and business plans.

In these cases, the proponent shall identify the results of previous work or initiatives as the rationale for the proposed project. Supporting documentation shall outline the rationale for limiting scope, any decisions related to the process or initiative, and the consultation that took place. The outcome of the needs assessment process may result in separate projects that may be carried forward as a combined study under the MTO Class EA process, or may be individually assessed through the appropriate project groupings as identified in the MTO Class EA.

## **4.5 Study Design Report**

For complex projects, it may be helpful to establish a formal record of the completion of the TNA through an optional SDR. The SDR documents the summary of the TNA.

The SDR is made available for a 30-day comment period when a Notice of Study Design Report is issued. The SDR is then finalized by the proponent, with a record of decisions and consultation, and a summary is included in the TESR. Class EA work may proceed during public review of the SDR. At a minimum, the Notice of Study Design Report must include the following information:

- Name of the project;
- Brief description of the project;
- Brief description of the problem, opportunity and project;
- The location of the project study area;
- Name of the proponent;
- Reference to using the MTO Class EA;
- An invitation to participate in the planning process/provide comment on the results;
- Name and contact information for individuals who can provide project information;
- Location of where additional information can be reviewed and/or obtained (e.g., website, physical location, etc.); and,
- Beginning and end dates for 30-day comment period.

# 5 Classification of Projects

## 5.1 Introduction

The MTO Class EA classifies projects into four groups. These groupings reflect the complexity and potential for net environmental impacts of the projects that fall within each group.

The groups in MTO's Class EA are as follows:

- Group A projects are new provincial transportation facilities and highway/freeway realignments (see Section 5.3);
- Group B projects modify access or add capacity to existing provincial transportation facilities, and new service/maintenance/operations facilities (see Section 5.4);
- Group C projects are improvements to existing transportation facilities (see Section 5.5); and,
- Group D projects are the operation, maintenance, administration and miscellaneous work for provincial transportation facilities. Group D projects have no requirements under the MTO Class EA because they are exempt (see Section 5.6).

NOTE: New provincial freeways and associated transitways, including extensions to existing freeways and associated transitways, must be undertaken through the individual/comprehensive EA process and do not form part of this Class. For more information, refer to Section 5.10.1.

Select safety, rehabilitation, reconstruction and replacement projects, and improvements and upgrades to existing facilities within MTO property or MTO designated right-of-way have been reclassified to a list of exempt projects in accordance with the provisions of Section 15.3(1) and (2) of the EA Act. These projects are exempt from the MTO Class EA process (see Section 5.7).

If the appropriate classification of a project is not apparent, the classification of a project will be based on the similarity to projects within a specific group, the anticipated net environmental impacts, and the need for and level of consultation that is appropriate. The exception is for the list of exempt projects in accordance with Section 15.3(1) and (2) of the EA Act, which are limited to those specifically identified in Section 5.7 (i.e., there is no option to include other analogous projects).



In specific cases, a project may have a greater environmental impact than indicated by a group. In these cases, the proponent may, at its discretion, change the project status by elevating it to a higher group (e.g., from Group C to Group B). This does not apply to Group D projects as they are exempt from the MTO Class EA process. The Class EA documentation will identify the project classification and how it was determined.

For the projects under this MTO Class EA, the following sections of this chapter describe:

- The similarities and differences between Group A, B, C, and D projects;
- A list of projects included within Groups A, B, C and D;
- A list of exempt projects in accordance with the provisions in Section 15.3(1) and (2) of the EA Act;
- Project “bundling”;
- Division of a Project; and,
- Projects for which this Class EA does not apply.

## **5.2 Similarities and Differences Between Group A, B, C and D Projects**

Because Group A, B, and C projects covered by this MTO Class EA are all part of the same provincial transportation network, these groups share the following similarities:

- The types of problems and opportunities represented by the projects are recurring in nature;
- A common set of Alternatives To the project and Alternative Methods (Plans/Designs) for the project apply;
- Projects follow the same general study process with similar stages and phases;
- The same transportation planning and design principles are applied on an ongoing basis;
- The types of environmental impacts, mitigation measures and approaches to environmental protection are recurring in nature; and,
- The documentation requirements for Group A, B, and C projects (i.e. Transportation Environmental Study Report (TESR)), although the scope and scale of the document may change with the complexity of the project.

The differences among Group A, B, and C projects covered by this MTO Class EA include:

- Group A projects involve new routes for transportation facilities, while Group B and C projects involve existing facilities;
- Group A projects are the most complex, while Group C are the least complex, in terms of:
  - The scale and extent of engineering requirements;
  - Potential environmental impacts;
  - Public concerns; and,
  - Alternatives.
- Consultation is an important component for Group A, B and C projects. However, the requirements vary by group (see Table 5.1 for a comparison between the Class EA process for each group).

Group D activities involve operation, maintenance, administration and miscellaneous work for provincial transportation facilities as well as select safety, rehabilitation, reconstruction and replacement projects and improvements and upgrades to existing facilities within existing MTO property or MTO designated right-of-way. Group D activities have no requirements under the MTO Class EA because they are exempt (see Section 5.6).

**Table 5.1 Comparison between the MTO Class EA Process for Group A, B, C and D Projects**

<b>MTO Class EA Stage</b>	<b>MTO Class EA Process for:</b>			
	<b>Group A Projects</b>	<b>Group B Projects</b>	<b>Group C Projects</b>	<b>Group D Projects (exempt from requirements of MTO Class EA)</b>
<b>Planning Stage</b>	Usually, a separate stage in the process, in which the problems, opportunities and Alternatives To the project are reviewed and confirmed and Alternative Methods (Plans) are considered.	Planning and Preliminary Design are usually one stage. The problems, opportunities and Alternatives To the project are reviewed and confirmed. Alternative Methods (Plans) are usually only considered for those projects or portion of projects where more than one reasonable alternative exists.	Planning and Design (Preliminary and Detail Design) can be grouped as one stage.  The problems, opportunities and Alternatives To the project are reviewed and confirmed.	Group D projects are exempt.
<b>Preliminary Design Stage</b>	A separate stage in the process, in which Alternative Methods (Designs) are considered.	Alternative Methods (Designs) are considered in the combined Planning and Preliminary Design stage. There may be a limited number of Alternative Methods (Designs) for some projects.		

MTO Class EA Stage	MTO Class EA Process for:			
	Group A Projects	Group B Projects	Group C Projects	Group D Projects (exempt from requirements of MTO Class EA)
<b>Consultation</b>	<p>Consultation points include the Notice of Commencement and Notice of Completion plus a minimum of one consultation round prior to selecting the preferred Alternative Method (Plan) and a minimum of one consultation round prior to selecting the preferred Alternative Method (Design). Additional consultation rounds may be included on a project-specific basis.</p>	<p>Consultation points include the Notice of Commencement and Notice of Completion plus a minimum of one other consultation round prior to selecting the Preferred Alternative Method (Design) Additional consultation rounds may be included on a project-specific basis.</p>	<p>Consultation points include the Notice of Commencement and Notice of Completion. Additional consultation rounds may be included on a project-specific basis.</p> <p>NOTE: Even in cases where no public consultation is required, consultation with Indigenous communities may still be required if the project has the potential to adversely impact Aboriginal and treaty rights.</p>	<p>Group D projects are exempt.</p>

## 5.3 Group A Projects

### **New Provincial Transportation Facilities and Highway/Freeway Realignments**

Group A projects include the following:

- New provincial highways, including extensions to existing highways;
- New provincial transitways, including extensions, associated with an existing provincial highway;
- New ferryboat docks and terminals; and,
- Major realignments of highways/freeways and bypasses that do not substantially follow the existing right-of-way (ROW).

NOTE: New provincial freeways and associated transitways, including extensions to existing freeways and associated transitways, must be undertaken through the individual/comprehensive EA process and are not part of the Class. For more information, refer to Section 5.10.1.

Proponents may follow the MTO Class EA or the Transit Project Assessment Process (i.e., Ontario Regulation 231/08) for provincial transit infrastructure projects included in the MTO Class EA (see Section 5.10.2). A new provincial transitway (planning and design) that is not combined with a highway or freeway project will follow the Transit Project Assessment Process (i.e., Ontario Regulation 231/08).

NOTE: Detours and staging activities are not considered to be stand-alone projects for the purposes of the Class EA process.

## 5.4 Group B Projects

### **Projects that Modify Access or Add Capacity to Existing Provincial Transportation Facilities, and New Service/Maintenance/Operations Facilities**

Group B projects include the following:

- Highway and freeway expansions, including:
  - Widening, including associated structures, for the purposes of adding lane capacity;
  - Bridge and culvert replacement with major design changes, including changes that accommodate future increases to traffic capacity;

- Highway or freeway widening that includes both through traffic lanes and a transitway or transit lanes;
- New interchange, intersection or roundabout;
- Modifications to existing interchanges, intersections or roundabouts that introduce or eliminate moves to or from any direction and/or include changes that accommodate future increases to traffic capacity; and,
- Modification of an existing highway for the purpose of conversion to a freeway, including new service roads.
- Adding capacity (i.e., new or expanded infrastructure) to existing transitways, transit control centres, provincial transitway stations, ferryboat docks and terminals;
- New service, maintenance, and operations facilities, including:
  - Commuter parking lots;
  - Freeway/highway service centres and travel information centres;
  - Picnic sites and rest areas;
  - Patrol yards, and material storage sub-yards;
  - Traffic management centres and transit control centres;
  - Truck Inspection Stations (Commercial Vehicle Inspection Facilities);
  - Toll plazas; and,
  - Provincial transitway stations.

Proponents may follow the MTO Class EA or the Transit Project Assessment Process (i.e., Ontario Regulation 231/08) for provincial transit infrastructure projects included in the MTO Class EA (see Section 5.10.2).

NOTE: Detours and staging activities are not considered to be stand-alone projects for the purposes of the Class EA process.

## 5.5 Group C Projects

### Improvements to Existing Provincial Transportation Facilities

Group C projects include the following:

- Highway and freeway improvements, including:
  - Addition of, or extension, to turning/passing/auxiliary traffic/truck-climbing lanes that do not increase traffic capacity;
  - Rehabilitation, reconstruction, replacement, or new placement of roadside barriers that requires addition of a new through traffic lane, or requires pavement of a vegetated median, or installation of drainage infrastructure

- or requires additional property beyond MTO existing property or MTO designated right-of-way;
- New or replaced lighting systems that require additional property beyond MTO existing property or MTO designated right-of-way;
  - New or replaced Advanced Transportation Management System (ATMS) or Electronic Tolling (ET) infrastructure, or other electronic traffic/communications equipment infrastructure that require additional property beyond MTO existing property or MTO designated right-of-way;
  - New, relocated, or rehabilitated emergency vehicle access requiring additional property beyond MTO existing property or MTO designated right-of-way and/or adjacent municipal road right-of-way;
  - New, relocated, or rehabilitated snow plow turnarounds that require additional property beyond MTO existing property or MTO designated right-of-way;
  - New or replaced traffic control systems, including upgraded traffic signals, message signs, and ramp closure gates that require additional property beyond MTO existing property or MTO designated right-of-way;
  - Horizontal and vertical alignment shifts that require additional property beyond MTO existing property or MTO designated right-of-way;
  - Lane and shoulder width increases (granular and paved) that involve shifting utilities or that require additional property beyond MTO existing property or MTO designated right-of-way;
  - Addition of bike or pedestrian lanes or facilities that require additional property beyond MTO existing property or MTO designated right-of-way;
  - New fencing to control access by people or livestock to provincial transportation infrastructure and/or to support safe passage for reptiles and amphibians that requires additional property beyond MTO existing property or MTO designated right-of-way;
  - Replaced fencing that requires additional property beyond MTO existing property or MTO designated right-of-way;
  - New fencing to control highway access of wildlife other than reptiles or amphibians.;
  - New at-grade median crossovers;
  - Rehabilitation, reconstruction, or replacement of drainage ditches, storm sewers, and stormwater management facilities (also includes erosion and sediment control measures and watercourse erosion corrections) that involve land and water bodies outside of the MTO right-of-way or require additional property beyond MTO existing property or MTO designated right-of-way;

- Culvert rehabilitation, reconstruction or replacement including minor design changes (i.e., minor extension, increase flow capacity, etc.) for projects with no changes to traffic capacity that have local and/or provincial heritage value or that require additional property beyond MTO existing property or MTO designated right-of-way;
  - Bridge rehabilitation, reconstruction or replacement including minor design changes (i.e., minor widening, increase flow capacity, etc.) for projects with no changes to traffic capacity that have local and/or provincial heritage value or require additional property beyond MTO existing property or MTO designated right-of-way;
  - Rehabilitation, reconstruction, and replacement of intersections or roundabouts (for projects that do not introduce or eliminate moves to or from any direction) that require additional property beyond MTO existing property or MTO designated right-of-way;
  - Interchange, intersection or roundabout relocations, including conversion of an intersection to a roundabout, that do not introduce or eliminate moves to or from any direction;
  - Rehabilitation or reconstruction of interchanges that do not increase traffic capacity (for projects that do not introduce or eliminate moves to or from any direction) that require additional property beyond MTO existing property or MTO designated right-of-way;
  - Replacement of interchanges that do not increase traffic capacity (for projects that do not introduce or eliminate moves to or from any direction) that require property;
  - Rehabilitation, reconstruction, and replacement of existing noise barriers that require additional property beyond MTO existing property or MTO designated right-of-way;
  - Landscape improvements that require additional property beyond MTO existing property or MTO designated right-of-way;
  - New bridges or culverts for agriculture and recreation;
  - New or replaced signage that requires additional property beyond MTO existing property or MTO designated right-of-way; and,
  - New noise barriers that require additional property beyond MTO existing property or MTO designated right-of-way.
- Improvements and Upgrades to Existing Facilities:
    - Improvements to existing service facilities such as commuter parking lots, freeway/highway service centres, picnic sites, rest areas, tourist information centres, and provincial transitway stations that involve major



- footprint impacts, or significant increases to traffic and/or truck layover capacity or property;
  - Improvements to existing maintenance facilities such as patrol yards and material storage sub-yards that involve major footprint impacts, or significant increases to traffic and/or truck layover capacity or property; and,
  - Improvements to existing operations facilities such as traffic management centres, truck inspection stations (Commercial Vehicle Inspection Facilities), truck lay-by areas, trucker rest areas, truck brake check/load check areas, and transit control centres that involve major footprint impacts, or significant increases to traffic and/or truck layover capacity or property.
- Operational and service improvements to existing provincial transitways and ferryboat dock/terminals and associated access routes to/from the facility.

Proponents may follow the MTO Class EA or the Transit Project Assessment Process (i.e., Ontario Regulation 231/08) for provincial transit infrastructure projects included in the MTO Class EA (see Section 5.10.2).

NOTE: Detours and staging activities are not considered to be stand-alone projects for the purposes of the Class EA process.

## 5.6 Group D Projects

Group D projects have been exempted from the requirements of the MTO Class EA through the *More Homes, More Choice Act*, 2019 and amendments to the EA Act. Proponents of Group D projects therefore have no requirements under the MTO Class EA to fulfil prior to the implementation of the Group D projects.

The following is a list of Group D projects:

- Operation activities for provincial transportation facilities such as:
  - use of highways and freeways, transitways and ferryboats for transportation of people/goods
  - use of maintenance, service and operations facilities as centres for facility and equipment maintenance, materials storage, service to the travelling public, and operations activities
  - conversion of highway and freeway lanes from general purpose to special purpose and vice-versa

- monitoring and enforcement of vehicle and driver/operator safety standards
- monitoring of traffic flow and user “origin/destination”
- collection of fees for use.
- Routine maintenance activities (that do not meet the definition of Group C projects) for provincial transportation facilities and infrastructure such as:
  - highway and freeway surface such as snow plowing, salting, sanding, pothole repair, crack filling, road sweeping
  - bridges and culverts
  - lighting and electrical systems
  - ditches, storm sewers, stormwater management facilities and other drainage facilities (including removal of beaver dams)
  - traffic safety and control systems (such as guide rail and median barrier)
  - service, maintenance and operations facilities
  - fencing
  - noise barriers
  - vegetation (maintenance and control).
- Emergency work and response activities such as:
  - transportation and environmental emergency repair work/response (Note: under severe circumstances this could include work that would otherwise be a Group B or C project)
  - traffic accident response
  - spill response.
- Facility administration activities such as:
  - proactive and reactive "corridor control" on and adjacent to provincial transportation facilities (under the *Public Transportation and Highways Improvement Act*), which may include the issuance of permits and licences and the levy of charges and fees for the facilities and projects of other proponents in their own right and under their own responsibility, such as road access, entrances, drainage, grading, excavation, utilities, buildings and signing
  - modifications to highway, freeway or roadway ownership
  - property acquisition and disposal
  - introduction of controlled access status to king’s highways.
- Waste management activities for Group A, B, C projects and Group D activities.
- Property management activities such as:
  - routine building and grounds maintenance
  - upgrading of property that is not defined as Group A, B or C project work
  - contamination clean-up

- demolition and removal of buildings, in advance of environmental clearance for Group A, B and C work, when those buildings are derelict and a danger to the public, or are in such poor condition that they cannot be economically tenanted
- well abandonment and septic system decommissioning.
- Pre/post construction field work activities for Groups A, B and C projects, such as:
  - engineering activities such as foundation, geotechnical, soils and legal surveys
  - environmental activities such as archaeology survey and salvage, fisheries surveys, mitigation/compensation
  - management of contamination within the Right-of-Way and other property contamination.
- Extraction of earth, rock and aggregate from sites not specified by the proponent or design-build consortium retained by the proponent; and disposal of excess earth, rock and aggregate at locations not specified by the proponent or design build consortium retained by the proponent.

These projects generally have low potential for environmental impacts, have minimal environmental effects that can be fully mitigated or significantly reduced through standard impact management measures and best practices, and typically do not result in any public or agency concerns. Since these projects are system-wide, the application of impact management measures is carried out on a generic basis and MTO does not have a history of undertaking a Class EA process for these projects.

## **5.7 Exempt Projects**

Select safety, rehabilitation, reconstruction and replacement projects and improvements and upgrades to existing facilities within existing MTO property or MTO designated right-of-way reclassified to a list of exempt projects in accordance with Section 15.3(1) and (2) of the EA Act are those that have:

- Few or no Alternatives To that address the need to improve safety or maintain the operational viability of existing transportation infrastructure;
- Limited Alternative Methods (Plans and Designs) determined by previous technical assessments completed by MTO;
- Standard mitigation approaches to address potential environmental impacts that have been developed by MTO through extensive experience with planning, design, and construction of these types of projects and in consultation with relevant regulatory agencies;

- Minimal potential environmental impacts as the work is focused on existing transportation infrastructure;
- Standard mitigation approaches supplemented by specific design decisions required to obtain any approvals, authorizations or permits required by all federal and provincial environmental protection legislation, regulation and policy; and/or,
- A requirement to meet a safety commitment, maintain effective operating standards, or work for which there is an expedited need (emergency work, risk of imminent failure of infrastructure).

Exempt projects in accordance with the provisions in Section 15.3(1) and (2) of the EA Act may be grouped (bundled) together for construction and maintenance efficiencies. Exempted projects are limited to those specifically identified. The list of exempt projects in accordance with the provisions in Section 15.3(1) and (2) of the EA Act are as follows:

Safety projects within existing MTO property/MTO designated right-of way:

- Rehabilitation, reconstruction, replacement, or new placement of roadside barriers that do not require addition of a new through traffic lane, that do not require pavement of a vegetated median or installation of drainage infrastructure and take place within existing MTO property or MTO designated right-of-way;
- Replacement or new placement of roadside barriers that involve paving a vegetated area and installation of drainage infrastructure to facilitate barrier placement, that does not require addition of a new through traffic lane, and is within existing MTO property or MTO designated right-of-way;
- New or replaced lighting systems within existing MTO property or MTO designated right-of-way;
- New or replaced Advanced Transportation Management System (ATMS) or Electronic Tolling (ET) infrastructure, or other electronic traffic/communications equipment infrastructure within existing MTO property or MTO designated right-of-way;
- New, relocated, or rehabilitated emergency vehicle access within existing MTO property or MTO designated right-of-way and/or adjacent municipal road right-of-way);
- New, relocated, or rehabilitated snow plow turnarounds within existing MTO property or MTO designated right-of-way;
- New or replaced traffic control systems, including upgraded traffic signals, message signs, and ramp closure gates within existing MTO property or MTO designated right-of-way;

- Extensions to turning/passing/auxiliary traffic/truck-climbing lanes that do not increase traffic capacity within existing MTO property or MTO designated right-of-way;
- Horizontal and vertical alignment shifts within existing MTO property or MTO designated right-of-way;
- Lane and shoulder width increases (granular and paved) within existing MTO property or MTO designated right-of-way that do not involve shifting utilities;
- Addition of bike or pedestrian lanes or facilities within existing MTO property or MTO designated right-of-way;
- New fencing to control access by people or livestock to provincial transportation infrastructure and/or to support safe passage for reptiles and amphibians within existing MTO property or MTO designated right-of-way; and,
- Replaced fencing within existing MTO property or MTO designated right-of-way.

Rehabilitation, reconstruction, and replacement projects within existing MTO property/MTO designated right-of-way:

- Rehabilitation or reconstruction of existing at-grade median crossovers within existing MTO property or MTO designated right-of-way;
- Rehabilitation, reconstruction, or replacement of drainage ditches, storm sewers, and stormwater management facilities (also includes erosion and sediment control measures and watercourse erosion corrections) within existing MTO property or MTO designated right-of-way;
- Freeway and highway resurfacing/rehabilitation;
- Culvert rehabilitation or reconstruction without increasing flow through capacity for projects with no changes to traffic capacity and that do not have local and/or provincial heritage value, and that are within existing MTO property or MTO designated right-of-way;
- Culvert replacement which results in an increased flow through capacity for projects with no changes to traffic capacity and that do not have local and/or provincial heritage value, and that are within existing MTO property or MTO designated right-of-way;
- Culvert replacement and/or extension without increasing flow through capacity for projects with no changes to traffic capacity and that do not have local and/or provincial heritage value, and that are within existing MTO property or MTO designated right-of-way;
- Bridge rehabilitation and reconstruction for projects with no changes to traffic capacity and that do not have local or provincial heritage value, and that are within existing MTO property or MTO designated right-of-way;

- Rehabilitation, reconstruction, and replacement of intersections or roundabouts (for projects with no changes to existing access) within existing MTO property or MTO designated right-of-way;
- Rehabilitation or reconstruction of interchanges that do not increase traffic capacity (for projects with no changes to existing access) within existing MTO property or MTO designated right-of-way;
- Replacement of interchanges that do not increase traffic capacity (for projects with no changes to existing access) within existing MTO property or MTO designated right-of-way;
- Rehabilitation, reconstruction, and replacement of existing noise barriers within existing MTO property or MTO designated right-of-way; and,
- Landscape improvements within existing MTO property or MTO designated right-of-way.

Improvements and upgrades to existing facilities within existing MTO property/MTO designated right-of-way:

- Improvements to existing service facilities such as commuter parking lots, freeway/highway service centres, picnic sites, rest areas, tourist information centres, and provincial transitway stations that are within existing MTO property or MTO designated right-of-way;
- Improvements to existing maintenance facilities such as patrol yards and material storage sub-yards that are within existing MTO property or MTO designated right-of-way;
- Improvements to existing operations facilities such as traffic management centres, truck inspection stations (Commercial Vehicle Inspection Facilities), truck lay-by areas, trucker rest areas, truck brake check/load check areas, and transit control centres that are within existing MTO property or MTO designated right-of-way;
- New or replaced signage within existing MTO property or MTO designated right-of-way; and,
- New noise barriers within existing MTO property or MTO designated right-of-way.

NOTE: Detours and staging activities are not considered to be stand-alone projects for the purposes of the Class EA process.

Exemption from the EA Act does not exempt the proponent from the requirements of planning principles, project-specific consultation (which considers many factors including anticipated level of potential public interest and potential environmental impacts (based on MTO's extensive experience)), fulfilling the requirements of other legislation (e.g., obtaining permits and authorizations), directives, policy and protocols in

accordance with MTO's Environmental Standards and Practices, conducting any consultation required by permitting or approval processes, mitigating potential negative environmental impacts as appropriate, and fulfilling constitutional Aboriginal consultation requirements (i.e., Duty to Consult) where they apply.

### **5.7.1 Screening Criteria**

A screening process has been developed to enable certain Group C projects to be screened and, subject to the outcome of the screening process, reclassified to fall under the list of exempt projects in accordance with the provisions of Section 15.3(1) and (2) of the EA Act (therefore exempting them from the EA Act). Projects that meet the following criteria are eligible to be evaluated through the screening process:

1. The project is classified prior to screening as a Group C project;
2. If the project did not extend beyond MTO's existing property or designated right-of-way the project would be exempt;
3. The project extends beyond MTO's existing property or designated right-of-way within a localized and minimal area.

The screening process, if applicable, shall be undertaken prior to proceeding with the project and the process will apply to the entire project, including any lands that may extend beyond the existing MTO right-of-way. The screening will be completed using the project characteristics, available secondary sources of information, and information available from any pre-existing research or feasibility studies (e.g., TNA) done outside of the EA process. Additional investigation or studies are not required unless further information is necessary to answer the screening questions. The proponent may also use secondary source information such as consultation with Indigenous communities, regulatory agencies, municipalities and other stakeholders as appropriate as part of the evaluation of the assessment. Potential adverse impacts to any established or credibly asserted Aboriginal or treaty rights are to be assessed by the proponent as part of the project.

The proponent shall determine whether the project may:

- Result in additional impacts on natural heritage resources, after application of standard mitigation measures used within existing MTO property or right-of-way;
- Result in additional impacts on cultural heritage resources (which may include built heritage resources, cultural heritage landscapes, and/or archaeological resources), after application of standard mitigation measures used within existing MTO property or right-of-way;
- Cause interference with the movement of any resident or migratory fish, wildlife species, species at risk, or their respective habitats, after application of standard mitigation measures used within existing MTO property or right-of-way; and,

- Result in additional impacts on air or water quality, or on ambient noise levels, for adjacent areas, after application of standard mitigation measures used within existing MTO property or right-of-way.

Should the proponent determine that none of the above criteria are met (i.e., mitigation measures used within existing property or right-of-way are applicable within the localized property), then the project is exempt from the EA Act in accordance with the provisions of Sections 15.3(1) and (2). If it is determined that any one or more of the above noted criteria area met, the project must be undertaken in accordance with this document as a Group C undertaking.

The proponent must prepare documentation to illustrate the outcome of the screening process which shall include the conclusion of the proponent's determination to exempt the project or continue with the Group C EA process if any of the screening criteria are met. This documentation shall be kept on file and made available upon request.

## **5.8 Project “Bundling”**

The MTO Class EA classifies projects into Group A, B, C or D projects. These groupings reflect the complexity and potential for net environmental impacts of the projects that fall within each group.

Multiple projects of a similar nature (e.g., bridges and/or culverts) or projects in close proximity to each other are grouped (“bundled”) together and awarded to a single service provider for the Class EA process. If lower-order projects are needed to implement a higher-order project, the projects should be bundled together and must be classified as the higher-order group. One TESR can be produced for all of the “bundled” projects and must reflect the highest-Class EA grouping. If separate TESRs are produced for each Group A, B or C project, the projects cannot be bundled and are classified into the appropriate Class EA group.

## **5.9 Division of a Project**

Based on the project complexity and level of interest, a proponent can combine stages of the project as it proceeds through the MTO Class EA process. When stages are combined, the most rigorous consultation and documentation requirements of the combined stages is applied.

As a study proceeds, the proponent has the option of dividing it into distinct projects after the Planning stage; a project may be split into a number of Preliminary Design projects conducted over several years with separate TESRs being produced for



each Preliminary Design project. A project may also be separated into a number of construction contracts over several years.

NOTE: If the proponent decides to include some or all of Detail Design in the Class EA process, the results of this work would be included in the TESR. Advancing a project to a level of Detail Design may be required for less complex projects, where alternatives are limited, to promote efficiencies where a more immediate need for improvements has been identified, and/or where the proponent decides including all or parts of Detail Design is helpful to understanding the predicted environmental impacts, mitigation, and environmental protection.

## **5.10 Projects for Which this Class EA Does Not Apply**

The MTO Class EA does not apply to individual/comprehensive Environmental Assessments, and transit projects other than transitways, Provincial Transitway Stations and Transit Control Centres. Proponents may follow the MTO Class EA or the Transit Project Assessment Process (i.e., Ontario Regulation 231/08) for provincial transit infrastructure projects included in the MTO Class EA (see Section 5.10.2).

### **5.10.1 Individual/Comprehensive Environmental Assessments**

New provincial freeways and associated transitways, including new extensions to existing freeways and transitways are subject to an individual/comprehensive EA and are not included under this MTO Class EA.

Proponents are required to undertake these projects in accordance with the EA Act. MECP's Code of Practice: Preparing and Reviewing Environmental Assessments in Ontario provides an understanding and sets forth the expectations about how the requirements of the EA Act can be met.

### **5.10.2 Transit Projects**

Transit projects set out in Schedule 1 of O. Reg. 231/08 are exempt from Part II and subsection 15.1.1(1) of the EA Act if proponents commence the transit project assessment process and comply with that process. Other transit projects are unconditionally exempt from Part II and subsection 15.1.1(1) of the EA Act.

The exemptions cease to apply if proponents notify MECP's Director, Environmental Assessment Branch that they will proceed with the transit project in accordance with the MTO Class EA.

## 6 Class EA Process for Group A Projects

### 6.1 Introduction

Group A projects are new provincial transportation facility projects, and highway/freeway realignments and are defined in detail in Chapter 5. Using the MTO Class EA process for Group A projects, the proponent applies a systematic decision-making approach to identify, evaluate and select the preferred Alternative To and Alternative Method that addresses the problem or opportunity while minimizing the overall negative net environmental impacts.

This is accomplished through the following steps:

- Establish a study area and identify environmental functions and features that may be impacted by alternatives;
- Prepare Consultation Plan and issue Notice of Commencement;
- Review and confirm the problems, opportunities and Alternatives To the project;
- Consider Alternative Methods (Plans and Designs) to the project by:
  - Identifying a reasonable range of Alternative Methods (Plans and Designs), and considering all aspects of the environment for each,
  - Evaluating the Alternative Methods (Plans and Designs) and net environmental impacts in a systematic manner, and
  - Selecting the Preferred Alternative Method (Plan and Design).
- Consult with individuals, organizations, and Indigenous communities as part of the decision-making process; and,
- Prepare documentation (i.e., TESR, Notice of Completion) for public review and comment.

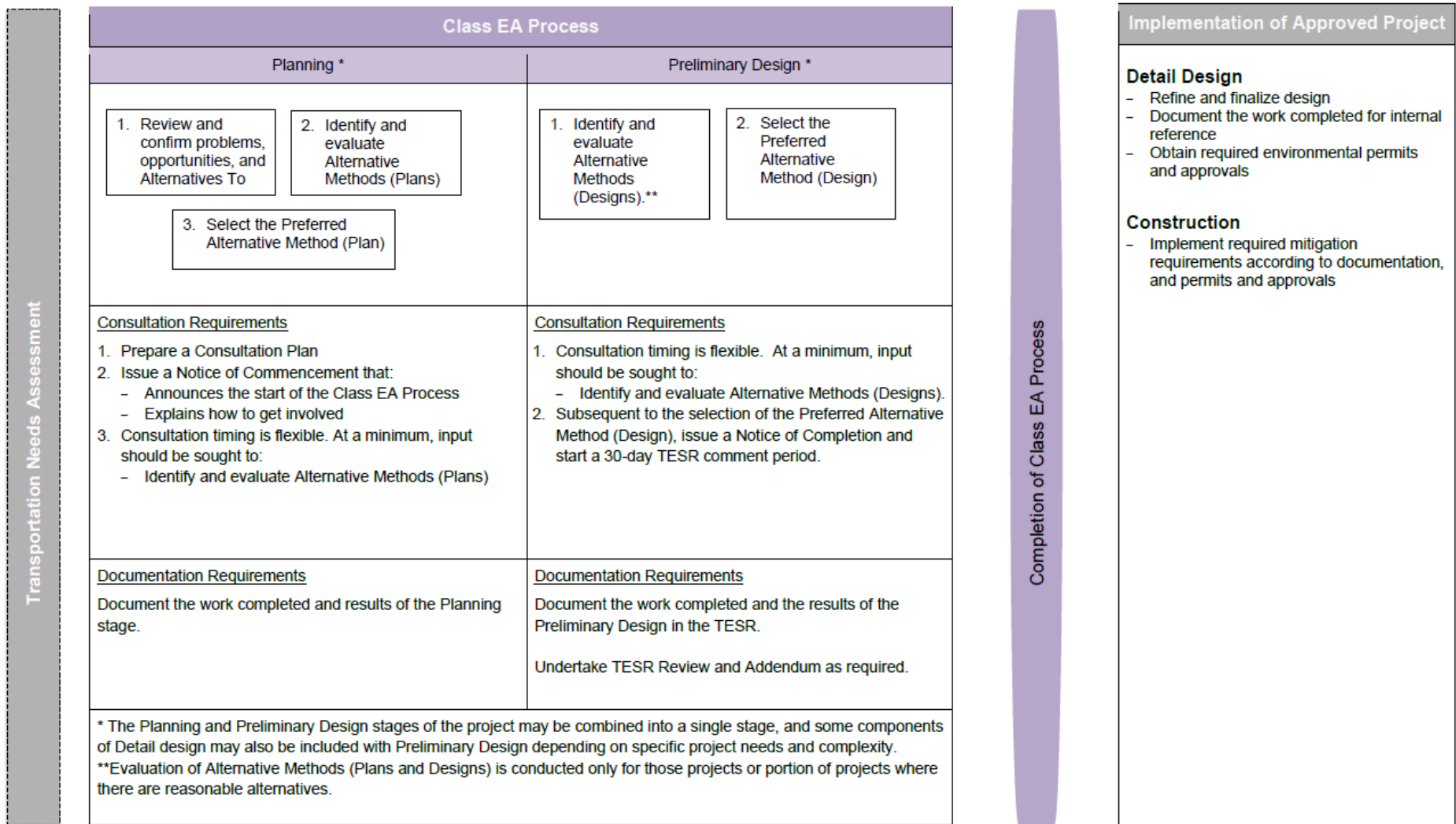
The proponent may combine steps as needed and where appropriate. The decision-making process is iterative, which means the proponent may repeat steps as new information becomes available.

As shown in Figure 6.1, the Class EA process for a Group A project consists of two stages: a Planning stage and a Preliminary Design stage. As a project proceeds, the proponent has the option of dividing it into distinct projects as outlined in Section 5.9.

**Figure 6.1 Class EA Process for Group A Projects**

**Class EA Process for Group A Projects**

Note: The flowchart should be read in conjunction with the corresponding section of this Class EA document.



## 6.2 Planning Stage

The amount of planning work that is required will vary according to the scope and complexity of the specific project including the potential for impacts and public interest. The proponent generally develops the project to a level of detail in the Planning stage that is adequate to define things such as the facility type; basic plan and profile (see Appendix B for examples). The preliminary study area is established for the Planning stage and is adjusted/refined as the study progresses.

As shown in Figure 6.1, the proponent completes the Planning stage by undertaking the following:

- Preparing the Consultation Plan and issuing the Notice of Commencement;
- Reviewing and confirming problems, opportunities, and Alternatives To;
- Consulting on Alternatives To (as required);
- Evaluating Alternatives To (as required) and net environmental effects of alternatives in a systematic manner;
- Selecting/confirming the preferred Alternative To;
- Identifying Alternative Methods (Plans);
- Evaluating Alternative Methods (Plans) and net environmental effects of alternatives in a systematic manner;
- Consulting on the identification, assessment, and evaluation of Alternative Methods (Plans); and,
- Selecting the Preferred Alternative Method (Plan) that will be carried forward for further evaluation and assessment.

Under certain conditions, the proponent may identify a preferred Alternative To and limit the number of Alternative Methods (Plans) in the Planning stage, based on previous planning work or changes in government priorities.

For complex projects, the proponent may prepare an optional SDR that may be completed outside of the Class EA process. The SDR documents the summary of the TNA and may be helpful to establish a formal record of completion of the TNA. Refer to Chapter 4 for more information.

### 6.2.1 Prepare the Consultation Plan and Issue the Notice of Commencement

A Consultation Plan will be prepared to provide guidance regarding the consultation approach for the project. This plan should be flexible to account for new information as

the project progresses, while providing some structure for expected points of consultation. More information regarding the Consultation Plan is outlined in Section 3.1.6.

As further described in Section 3.3.1, the Notice of Commencement announces the formal start of the MTO Class EA process. The proponent will issue a Notice of Commencement prior to consulting and engaging with individuals, organizations and Indigenous communities. In some instances, the proponent may collect background information pertinent to the project prior to issuing the Notice of Commencement.

## **6.2.2 Review and Confirm Problems, Opportunities, and Alternatives To**

As described in Chapter 4, the TNA consists of research and feasibility work carried out by the proponent or others before the MTO Class EA process begins. The proponent will review the results of the TNA to determine whether it is sufficient to represent the needs assessment required as part of the Class EA process. Planning and assessment requirements that are part of an approved Class EA process may have been completed by a proponent through work undertaken outside of the Class EA process. Where proponents use previous planning and assessment work to limit the range of alternatives to be examined in the Class EA process, the proponent must provide sufficient rationale and documentation to demonstrate that the previous work reflects the requirements of the MTO Class EA, as well as the expectations set forth in MECP's Codes of Practice. To conduct the review, the proponent will identify and assess the:

- Transportation problems and opportunities and the statement of objectives;
- Reasonable Alternatives To the project evaluated and the preferred Alternative To selected;
- The conclusions of the systematic evaluation of net environmental effects evaluation for Alternatives To and Alternative Methods; and,
- Preliminary study area and corridors, where appropriate to the project.

Based on this review, the proponent may reject, modify, refine, and/or confirm the TNA results. As part of the Class EA process, the proponent may need to augment the considerations of Alternatives To the project carried out during the TNA, in order to meet the requirements of the MTO Class EA during the Planning stage, as described in Sections 4.2, 4.3 and 4.4.

There are also times when proposed projects result from a provincial government priority initiative. Provincial government priority initiatives include announcements in throne speeches, budget announcements or initiatives in provincial plans. In these

cases, it may be difficult to examine the usual range of alternatives as the actual project has been defined by the initiative. If this is the case, the project documentation should outline the rationale for not examining alternatives and the extent to which any previous planning supports the provincial government priority initiative.

If a TNA has not been completed, the assessment and evaluation of reasonable Alternatives To must be considered at the beginning of the Planning stage.

### **6.2.3 Identify Alternative Methods (Plans)**

After a preferred Alternative To is selected, the proponent will identify a reasonable range of Alternative Methods (Plans) to develop a reasonable range of planning options to consider. Examples of Alternative Methods (Plans) are provided in Appendix B.

In some cases, the project being considered under the MTO Class EA may be the result of previous planning work carried out either by the proponent or by other government agencies. The MTO Class EA process can recognize this work and incorporate it, to avoid duplication. The proponent may use such previous planning work to limit the number of Alternative Methods (Plans) being considered in the Planning stage of the MTO Class EA. Where proponents use previous planning and assessment work to limit the range of alternatives to be examined in the Class EA process, the proponent must provide sufficient rationale and documentation to demonstrate that the previous work reflects the general intent of the MTO Class EA.

For the initial identification of Alternative Methods (Plans), typically the proponent will gather information necessary to consider all components of the environment within the preliminary study area. The proponent will develop an overview of the “existing conditions” of the preliminary study area and use this information to identify major opportunities and constraints related to transportation planning, design, and environmental protection.

Based on the “existing conditions”, and following the approaches detailed in Chapter 2, the proponent will develop initial Alternative Methods (Plans). Alternative Methods (Plans) may include:

- Corridor options (linear areas within which one or more route alternatives may be considered). Corridor options are typically generated for larger or more complex study areas. Corridor options may overlap or be coordinated with other improvements to existing provincial transportation facilities;

- Route options within the corridor. Route options may overlap or be coordinated with other improvements to existing provincial transportation facilities. Route options will include:
  - Geometrics:
    - Design Speed;
    - Horizontal Alignment;
    - Vertical Profile;
    - Right of Way Requirements; and,
    - Cross-Section (number of lanes/tracks/shoulders).
  - Access Points:
    - Access Type (intersection/interchange);
    - Transit Stations; and,
    - Structure Locations.
- Options for new ferryboat docks and terminals:
  - Need/type of facility; and,
  - Site location (new facility only).

#### **6.2.4 Evaluate Alternative Methods (Plans)**

The proponent will evaluate each Alternative Method (Plan) to:

- Identify significant beneficial and detrimental features, that include transportation planning and design and the anticipated net environmental impacts;
- Obtain transportation planning and environmental protection input through consultation;
- Make any necessary modifications; and,
- Ensure the feasibility of any Alternative Method (Plan) that is carried forward.

At the end of this part of the process, the proponent will identify a reasonable range of Alternative Methods (Plans). The proponent will also describe the extent to which project-specific conditions had an effect on limiting the Alternative Methods (Plans) to be evaluated.

The reasonable range of Alternative Methods (Plans) carried forward will be evaluated to compare the advantages and disadvantages of each plan with the goal of selecting the Preferred Alternative Method (Plan) (i.e., the one that maximizes the transportation benefit while minimizing the overall negative net environmental impacts). Different approaches to evaluation may be appropriate for different types of Group A projects. At the beginning of the evaluation process, the proponent will develop a systematic and clear approach to evaluating the Alternative Methods (Plans). As part of the evaluation, the proponent will determine the relative importance of the various environmental

factors and/or specific elements within those factors potentially affected by the project, and the significance of the potential impacts.

Depending on project specifics, some factors may be more significant than others. The evaluation process will reflect this. To ensure appropriate consideration is given to the various factors and/or groups of factors, the quantitative and/or qualitative assessment methodologies may include analysis of weights or measures to help reflect the importance of the different factors.

The proponent will establish a “Do Nothing” scenario as a baseline for evaluating the Alternative Methods (Plans).

The proponent may determine during the evaluation phase that the Alternative Methods (Plans) should be modified or discarded, that additional alternatives should be identified, or that additional engineering and/or environmental studies are necessary to support the evaluation and support the decision-making process.

The proponent will document the development of the evaluation process and the evaluation results in the TESR.

### **6.2.5 Consult on the Evaluation of Alternative Methods (Plans)**

The proponent will complete a minimum of one round of consultation in the Planning stage that facilitates input and feedback on the identification, assessment, and evaluation of Alternative Methods (Plans). Additional consultation can be included based on project complexity, timing of the project, potential for environmental impacts, and feedback from individuals, organizations and Indigenous communities participating in the project.

The timing and extent of consultation is flexible, as long as the minimum consultation requirements have been met, as set out in Chapter 2.

Input and feedback received may be used to establish the relative importance of various environmental factors and the significance of potential impacts.

The proponent will document the consultation process, including the responses to feedback, in the TESR.



## **6.2.6 Select the Preferred Alternative Method (Plan)**

From the alternatives, the proponent will select the Preferred Alternative Method (Plan) by:

- Comparing Alternative Methods (Plans) using typical protection measures (predicted net environmental impacts) as a baseline;
- Removing Alternative Methods (Plans) that have significant (negative) net environmental impacts and no significant transportation benefit (result: a short-list of Alternative Methods (Plans));
- Assessing overall transportation benefit (how well each meet transportation objectives) of short-listed Alternative Methods (Plans); and,
- Selecting the Preferred Alternative Method (Plan) that achieves the greatest overall transportation benefit while minimizing the overall negative net environmental impacts.

Consultation on transportation planning and environmental protection issues may result in the proponent deciding to modify or re-examine the Preferred Alternative Method (Plan). Once the Preferred Alternative Method (Plan) has been finalized, the proponent may assess it in more detail before moving on to the Preliminary Design stage.

## **6.2.7 Documentation During Planning**

The Notice of Commencement is issued in the Planning stage.

The Planning stage is documented in the TESR, including the:

- Summary of results of the SDR (if completed);
- Results of the review and confirmation of the problems, opportunities, Alternatives To and the preferred Alternate To;
- Method for identification and evaluation of the Alternative Methods (Plans) (including the assessment methods and criteria);
- Consultation Summary; and,
- Identification of the Preferred Alternative Method (Plan).

## **6.3 Preliminary Design Stage**

In the Preliminary Design stage for Group A projects, the proponent refines the project concept determined in the Planning stage. The proponent will complete the Preliminary Design to a level of detail that is specific enough to determine the project is technically,

environmentally and economically feasible to construct. The study area will be refined and adjusted as the study progresses.

As shown in Figure 6.1, the proponent undertakes the following during the Preliminary Design stage:

- Identification of Alternative Methods (Designs);
- Evaluation of Alternative Methods (Designs);
- Consultation with individuals, organizations and Indigenous communities on the identification, assessment, and evaluation of the Alternative Methods (Designs);
- Selection the Preferred Alternative Method (Design);
- Systematic evaluation of net environmental effects of the preferred alternative Method (Design);
- Preparing the Transportation Environmental Study Report; and,
- Issuing the Notice of Completion and starting the 30-day comment period.

### **6.3.1 Identify Alternative Methods (Designs)**

The proponent will identify a reasonable range of Alternative Methods (Designs) that support the Preferred Alternative Method (Plan).

When identifying Alternative Methods (Designs), the proponent may decide to re-evaluate and modify the Preferred Alternative Method (Plan) from the Planning stage considering new information that has become available.

The proponent will identify a reasonable range of Alternative Methods (Designs) in accordance with the approaches detailed in Chapter 2. The number of Alternative Methods (Designs) considered for any given project varies with the nature of the project's problems and opportunities, the type and complexity of the project and the nature of the study area.

To identify alternatives, the proponent typically considers design elements such as:

- For linear facilities:
  - Geometrics:

- Design Speed;
  - Horizontal Alignment;
  - Vertical Profile;
  - Right of Way Requirements;
  - Cross Section (i.e., number of lanes/tracks/shoulders); and,
  - Median width/type.
- Access Points:
  - Type of Intersection/Interchange; and,
  - Type of Structure.
- For ferryboat docks and terminals, transitways and service, maintenance, and operations facilities:
  - The need/location/type of site components;
  - Connection with transportation system (ramps, roads, shipping lanes, transitway);
  - Docking requirements (ferry ports), platform requirements (transitway);
  - Buildings;
  - Internal roads;
  - Parking;
  - Illumination;
  - Safety infrastructure; and,
  - Auxiliary facilities (e.g., storage, washrooms).

Typically, the proponent will also gather more detailed information on specific environmental factors within the study area to support the evaluation and consideration of net environmental impacts.

The proponent will identify and describe a reasonable set of Alternative Methods (Designs) in sufficient detail (in terms of design and net environmental impacts) to perform evaluation. The proponent will document the Alternative Methods (Designs) and supporting information in the TESR.

Some Alternative Methods (Designs) may be dropped from further consideration in the evaluation process if predicted impacts are not acceptable, or the alternative is not technically feasible or constructible.

### **6.3.2 Evaluate Alternative Methods (Designs)**

The proponent will assess the Alternative Methods (Designs) by:

- Identifying and gathering data about specific features of the environment that may be affected in enough detail for determination of potential impacts;

- Identifying the potential environmental effect of each Alternative Method (Design) and typical mitigation and protection measures; and,
- Determining the substantial expected net environmental impacts (i.e., after mitigation) of each Alternative Method (Design) to allow for evaluation.

The proponent may modify Alternative Methods (Designs) as needed as the process progresses.

The remaining reasonable set of Alternative Methods (Designs) will be carried forward and evaluated. The proponent undertakes comparative evaluation of the Alternative Methods (Designs) to provide a basis for selecting a Preferred Alternative Method (Design). The proponent will ensure a systematic and clear approach to evaluating the Alternative Methods (Designs). As part of the evaluation, the proponent will determine potential environmental impacts for each alternative and will identify impact management measures including mitigation (see Appendix A).

The following is an example of a typical approach to evaluating Alternative Methods (Designs) in consultation with individuals, organizations and Indigenous communities:

- For each component of the environment, identify environmental functions and features (e.g., fisheries) that may be impacted by the alternatives. Transportation functions and features are also identified.
- Establish criteria for evaluation. Criteria are examples of potential effects an alternative may have on an environmental feature or function (e.g., changes to water quantity) and/or transportation features or functions (e.g., level of service).
- Select indicators for each criterion that will identify how potential environmental and transportation effects will be measured (whether qualitatively or quantitatively) for each criterion (e.g., increased flow rates or reduced level of service).
- Develop weightings, if appropriate, and/or measures to the quantitative and/or qualitative assessment methodologies that will be used. A weighting is a qualitative and/or quantitative value assigned to a transportation or environmental function or feature that reflects its relative importance in the evaluation (e.g., if fisheries is greater importance than vegetation).

Using criteria and indicators, the proponent conducts a comparative analysis of advantages and disadvantages for each Alternative Method (Design), based on the environmental and transportation functions and features.

The proponent will document the evaluation process and results in the TESR.

During the evaluation, the proponent may determine that:

- Alternative Methods (Designs) should be modified or discarded;
- Additional Alternative Methods (Designs) should be identified; or,
- Additional Preliminary Design and/or environmental studies are needed to support the evaluation.

After undertaking any of the above, the proponent will re-evaluate the Alternative Methods (Designs).

### **6.3.3 Consult on the Evaluation of Alternative Methods (Designs)**

During the identification and evaluation of Alternative Methods (Designs), the proponent will consult and engage with individuals, organizations and Indigenous communities. The proponent will complete a minimum of one round of consultation in the Preliminary Design stage that facilitates input and feedback on the identification, assessment, and evaluation of the Alternative Methods (Designs). Additional consultation can be included based on project complexity, timing of the project, potential for environmental impacts and feedback from individuals, organizations, and Indigenous communities participating in the project. The timing and extent of consultation is flexible, as long as the minimum consultation requirements have been met.

This consultation is intended to gather input on the identification, evaluation and/or selection process to ensure the concerns have been adequately considered and addressed. Input and feedback received may be used to establish the relative importance of various environmental factors and the significance of potential impacts.

The proponent will document the process and results of all consultation, including responses to feedback, in the TESR.

### **6.3.4 Select the Preferred Alternative Method (Design)**

The proponent will undertake a selection process that includes the following steps:

- Comparison of Alternative Methods (Designs) using typical mitigation and protection measures (predicted net environmental impacts) as a baseline;
- Removal of Alternative Methods (Designs) that have significant negative predicted net environmental impacts and no significant transportation benefit to create a short-list of reasonable Alternative Methods (Designs);

- Assessment of the overall transportation benefit (how well each meet transportation objectives) of the short-listed Alternative Methods (Designs);
- Selection of the (Preferred Alternative Method (Design) that achieves the greatest overall transportation benefit while minimizing the overall negative net environmental impacts;
- Documentation of the assessment, evaluation, and selection process for the Preferred Alternative Method (Design) in the TESR; and,
- Further development of the selected Preferred Alternative Method (Design) to the Preliminary Design level of detail.

### **6.3.5 Documentation During Preliminary Design**

Documents required for completion of the Preliminary Design stage are described below.

#### **6.3.5.1 Prepare the TESR**

The proponent will prepare the TESR to summarize the MTO Class EA decision making process that was used during the Planning and Preliminary Design stages, and the evaluation process and consultation that was completed. The TESR will describe:

- How the requirements of the MTO Class EA for the project were met during the Planning and Preliminary Design process;
- How the project achieves the greatest overall transportation benefit while minimizing overall negative net environmental impacts through the assessment of reasonable alternatives;
- Other key decisions;
- Consultation Summary; and,
- Commitments for consultation and environmental protection to carry forward.

Proponents are required to include copies of relevant studies or reports that were used to support the decision-making process. Additional requirements of the TESR are provided in Section 3.3.2.

#### **6.3.5.2 Issue the Notice of Completion and Start the Comment Period**

The Notice of Completion informs individuals, organizations and Indigenous communities that the TESR has been completed and is available for comment. A minimum 30-day comment period is provided for Group A, B, and C projects following the completion of the TESR and issuance of the Notice of Completion. This period allows individuals or groups an opportunity to provide comments on the TESR to the proponent. Comments received during the 30-day TESR comment period, and

responses to comments as well as any supporting materials, shall be consolidated into a post-TESR Record of Consultation.

The comment period is the last opportunity for individuals and organizations to comment on a project and any outstanding issues to be resolved. The proponent shall use an issues resolution process (as described in Chapter 9) to attempt to resolve significant issues that are identified during the 30-day TESR review and comment period. While reasonable efforts will be made to resolve the issue, there may be situations where a consensus is not reached, or the resolution is not agreeable to all parties. If this is the case, the proponent will clearly explain and document in the project file the issues resolution process, the outcome and the reasons. See Chapter 9 for information on Issues Resolution.

The MECP Minister (or delegate) may also, on their own initiative and within a time limited period, require a proponent to undertake a comprehensive EA (referred to as a Section 16(1) Order), or may impose conditions on a project, referred to as a Section 16(3) Order. Refer to Section 9.3 for more information on Section 16 Orders.

In addition, the EA Act allows a person to request a Section 16 Order on the grounds that granting the order may prevent, mitigate or remedy adverse impacts on Aboriginal or treaty rights. Requests that are not made on these grounds will not be considered by the MECP Minister. For more information, refer to Section 9.3.

## **6.4 Combining Preliminary Design and Including Detail Design into the Class EA Process**

Detail Design is usually the first part of the implementation phase of a project following completion of the Class EA process. In Detail Design, the proponent refines and finalizes the design of the project and obtains other environmental permits and approvals applicable to the project(s) and required prior to construction.

In some cases, new information becomes available during the Detail Design stage that prompts the proponent to re-evaluate the completed project. In such cases, the proponent will follow the process for reviewing the TESR as detailed in Chapter 10 which may lead to the need to prepare a TESR Addendum.

In the MTO Class EA process, the proponent may choose to include all or part of Detail Design in the Class EA process. Advancing a project to a level of Detail Design may be required for less complex projects, where alternatives are limited, to promote efficiencies where a more immediate need for improvements has been identified, and/or

where the proponent decides including all or parts of Detail Design is helpful to understanding the predicted environmental impacts, mitigation, and environmental protection.

If both Preliminary Design and Detail Design stages are included in the Class EA process, the proponent undertakes all of the components of both stages and documents decision-making and consultation in the TESR. For more information on Detail Design outside the Class EA process, please refer to Appendix C.



# 7 Class EA Process for Group B Projects

## 7.1 Introduction

Group B projects are defined as projects that modify access or add capacity to existing provincial transportation facilities and new service, maintenance, and operations facilities, and are described in detail in Chapter 5. Using the MTO Class EA process for Group B projects, the proponent applies a systematic decision-making approach to identify, evaluate, and select a Preliminary Design Alternative Method (Design) that addresses the specific problem or opportunity while minimizing the overall negative net environmental impacts. This is accomplished through the following steps:

- Establish a study area and identify environmental functions and features that may be impacted by alternatives;
- Prepare Consultation Plan and issue Notice of Commencement;
- Review and confirm the problems, opportunities and Alternatives To the project;
- Consider Alternative Methods (Plans and Designs) of project the project by:
  - Identifying a reasonable range of Alternative Methods (Plans and Designs) considering all aspects of the environment for each alternative;
  - Evaluating the Alternative Methods (Plans and Designs) and net environmental impacts of alternatives in a systematic manner; and
  - Selecting the Preferred Alternative Method (Plan and Design).
- Consult with individuals, organizations, and Indigenous communities as part of the decision-making process; and,
- Prepare project documentation (i.e., TESR, Notice of Completion for public review and comment).

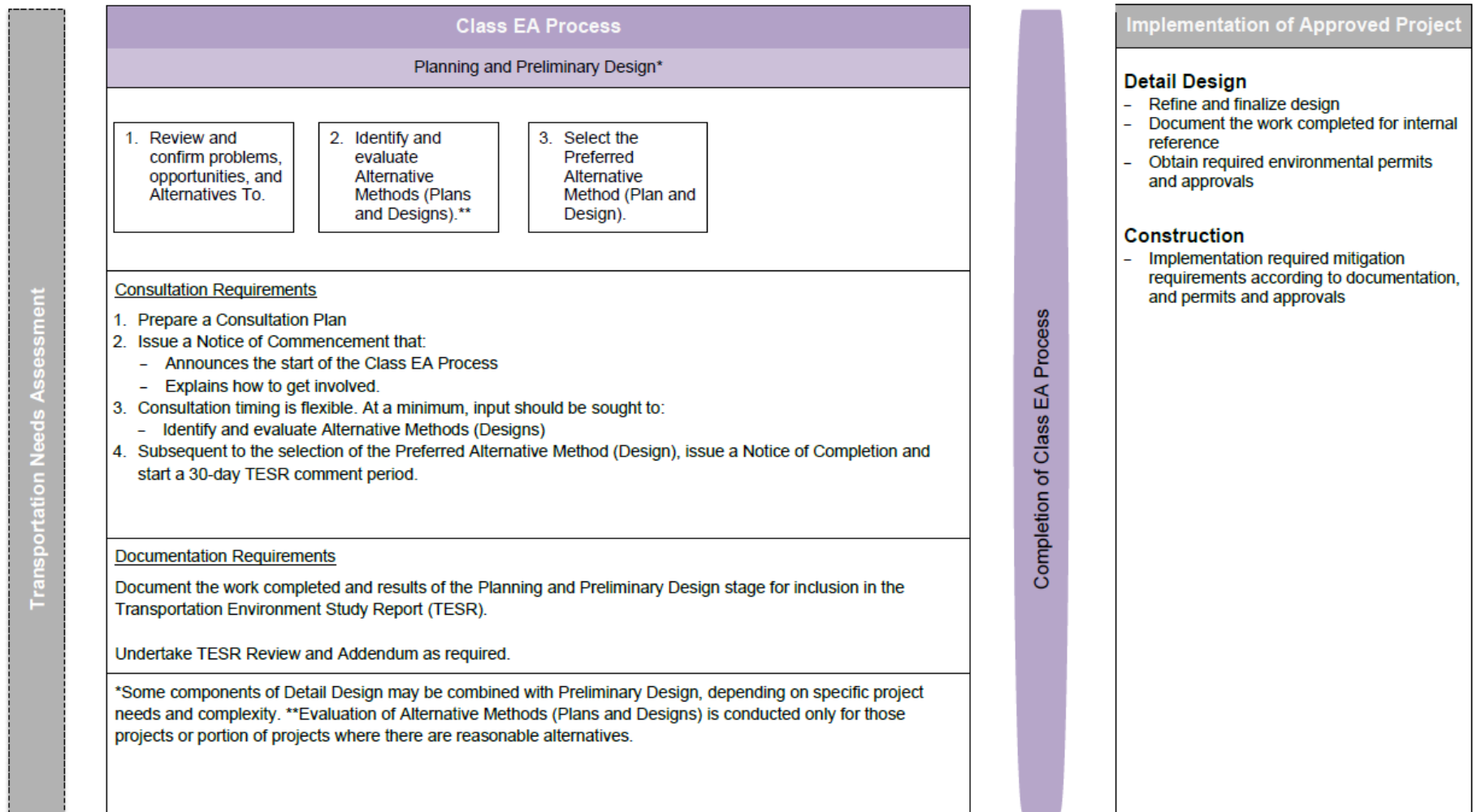
The proponent may combine steps as needed. The decision-making process is iterative, which means the proponent may repeat steps as new information becomes available.

As shown in Figure 7.1, the Class EA process for a Group B project consists of the Planning and Preliminary Design stage. As a project proceeds, the proponent has the option of dividing it into distinct projects as outlined in Section 5.9

**Figure 7.1 Class EA Process for Group B Projects**

**Class EA Process for Group B Projects**

Note: The flowchart should be read in conjunction with the corresponding section of this Class EA document.



## 7.2 Planning and Preliminary Design Stage

Depending on the scale and complexity of the projects, the Planning aspect may be limited. Proponents may limit the number of alternatives being considered in the Planning stage, based on previous planning work or changes in government priorities. Planning and assessment work completed outside of the MTO Class EA process may be relied upon by proponents to limit the discussion of alternatives. Where proponents use previous planning and assessment work to limit the range of alternatives to be examined in the Class EA process, the proponent must provide sufficient rationale and documentation to demonstrate that the previous work reflects the requirements of the MTO Class EA, as well as expectations set forth in MECP's Codes of Practice. For example, it may be determined through the MTO Class EA process that there is only one reasonable Alternative Method (Plan) that can be carried forward for further consideration. Work may therefore be focused on Preliminary Design components. The study area is established for the Planning and Preliminary Design stage and adjusted/revised as the study progresses.

At the end of the Planning and Preliminary Design stage, the proponent will have completed the design to a level of detail where the proponent can determine the technical and economic feasibility of implementing the project, have an understanding of the potential impacts and the measures to address them, and the need to secure environmental permits, approvals, and authorizations required to implement the project.

As shown in Figure 7.1, the proponent undertakes the MTO Class EA process by completing the following steps:

- Establishing a study area and identify environmental functions and features that may be impacted by alternatives.
- Preparing the Consultation Plan and issuing the Notice of Commencement;
- Undertaking Planning and Preliminary Design, through:
  - Review and confirmation of the Alternatives To;
  - Consultation on Alternatives To (as required);
  - Evaluation of Alternatives To (as required) and net environmental effects of alternatives in a systematic manner;
  - Selection/confirmation of the preferred Alternative To (as required);
  - Identification and evaluation of Alternative Methods (Plans) and net environmental effects of alternatives in a systematic manner;
  - Selection of the Preferred Alternative Method (Plan) that will be carried forward for further evaluation and assessment;
  - Identification of Alternative Methods (Design);

- Evaluation of Alternative Methods (Designs);
- Consultation on Alternative Methods (Designs);
- Selection of the Preferred Alternative Method (Design); and,
- Further development of the Preferred Alternative Method (Design) to the Preliminary Design level of detail;
- Documentation of Planning and Preliminary Design through preparation of the TESR.

### **7.2.1 Prepare a Consultation Plan and Issue the Notice of Commencement**

A Consultation Plan shall be prepared to provide guidance regarding the consultation approach for the project. This plan should be flexible to account for new information as the project progresses, while providing some structure for expected point(s) of consultation. More information regarding the Consultation Plan is outlined in Section 3.1.6.

The Notice of Commencement announces the formal start of the MTO Class EA process, and provides information about what is being proposed and how to get involved in the process. It may refer to upcoming consultation opportunities. The proponent will issue a Notice of Commencement prior to consulting and engaging with individuals, organizations and Indigenous communities. In some instances, the proponent may collect background information pertinent to the project prior to issuing the Notice of Commencement.

### **7.2.2 Review and Confirm Problems, Opportunities, and Alternatives To**

As described in Chapter 4, the TNA is a process that occurs outside the MTO Class EA process. It may include recommendations to initiate transportation studies, improvements, continue routine maintenance, monitor situations, or do nothing. Where proponents use previous planning and assessment work to limit the range of alternatives to be examined in the Class EA process, the proponent must provide sufficient rationale and documentation to demonstrate that the previous work reflects the requirements of the MTO Class EA, as well as the expectations set forth in MECP's Codes of Practice.

During the review, the proponent will identify and confirm the:

- Transportation problems and opportunities and the statement of the objectives;

- Reasonable Alternatives To the project selected and selection of the preferred Alternative To;
- The conclusions of the systematic evaluation of net environmental effects evaluation of Alternatives To; and,
- Preliminary study area and corridors, where appropriate for the project.

Based on the review, the proponent may reject, modify, refine, and/or confirm the TNA results as part of the MTO Class EA process.

There are also times when proposed projects result from a provincial government priority initiative. Provincial government priority initiatives include announcements in throne speeches, budget announcements or initiatives in provincial plans. In these cases, it may be difficult to examine the usual range of alternatives as the actual project has been defined by the initiative. If this is the case, the project documentation should outline the rationale for not examining alternatives and the extent to which any previous planning supports the provincial government priority initiative.

If a TNA has not been completed, an assessment and evaluation of reasonable Alternatives To must be conducted at the beginning of the Planning and Preliminary Design stage, as described in Sections 4.2, 4.3 and 4.4.

### **7.2.3 Identify and Evaluate Alternative Methods (Plans)**

The planning process for Group B projects generally focuses on Alternative Methods when a preferred Alternative To has been selected as part of previous work. Where proponents use previous planning and assessment work to limit the range of alternatives to be examined in the Class EA process, the proponent must provide sufficient rationale and documentation to demonstrate that the previous work reflects the general intent of the MTO Class EA.

In general, proponents will only consider Alternative Methods (Plans) for projects or portions of projects for which there are reasonable Alternative Methods (Plans) due to the scale or complexity of the project. For some Group B projects, the proponent would need to consider a range of reasonable Alternative Methods (Plans) to establish the fundamentals of the project, including such things as facility type, basic plan and profile (see Appendix B for examples of elements that are combined for Alternative Methods (Plans and Designs) for Group B projects). By contrast, other Group B projects have the fundamentals established by the scope and nature of the project, and there may not be any reasonable Alternative Methods (Plans) for the proponent to consider.

To assess alternatives at this stage (Plans) and select the Preferred Alternative, the proponent will:

- Identify Alternative Methods (Plans) that meet the transportation objectives to develop a reasonable range of Alternative Methods (Plans) to consider (a “short-list”).
- Evaluate the Alternative Methods (Plans). At the beginning of the evaluation process, the proponent will develop a systematic and clear approach to evaluating the Alternative Methods (Plans). As part of the evaluation, the proponent will determine potential environmental impacts for each alternative and will identify impact management measures including mitigation (see Appendix A). The following is an example of a typical approach to evaluating Alternative Methods (Plans):
  - For each component of the environment, identify environmental functions and features (e.g., fisheries) that may be impacted by the alternatives. Transportation functions and features are also identified.
  - Establishing criteria for evaluation. Criteria are examples of potential effects an alternative may have on an environmental feature or function (e.g., changes to water quantity) and/or transportation features or functions (e.g., level of service).
  - Develop weightings or measures as applicable to the quantitative and/or qualitative assessment methodologies that will be used. A weighting is a qualitative and/or quantitative value assigned to a transportation or environmental function or feature that reflects its relative importance in the evaluation (e.g., if fisheries is greater importance than vegetation).

Using the criteria and indicators, the proponent conducts a comparative analysis of advantages and disadvantages for each Alternative Method (Design), based on the environmental and transportation functions and features.

#### **7.2.4 Select the Preferred Alternative Method (Plan)**

From the alternatives, the proponent will select the Preferred Alternative Method (Plan) in accordance with the steps outlined in Section 6.2.6. The Preferred Alternative Method (Plan) will be carried forward for refinement through the Class EA process.

#### **7.2.5 Identify Alternative Methods (Designs)**

In a Group B project, the proponent refines the project to a level of detail that is specific enough to determine that the design of the project is technically, environmentally, and

economically feasible to construct. Appendix B includes examples of typical Alternative Methods (Designs) for Group B projects.

The proponent will identify a reasonable range of Preliminary Design Alternative Methods (Design) that meet the transportation objectives. The proponent will identify, evaluate and refine the list of Alternative Methods (Designs) to:

- Identify important advantages and disadvantages of each Alternative Method (Design), in relation to transportation planning and design benefits and potential net environment impacts;
- Make any necessary modifications to Alternative Methods (Designs) as a result of the consultation; and,
- Ensure that the Alternative Methods (Designs) selected for evaluation are feasible.

### **7.2.6 Evaluate Alternative Methods (Designs)**

The remaining Alternative Methods (Designs) will be carried forward and evaluated. The proponent will undertake a comparative evaluation of the Alternative Methods (Designs) to provide a basis for selecting a Preferred Alternative Method (Design). At the beginning of the evaluation process, the proponent will develop a systematic and clear approach to evaluating the Alternative Methods (Designs). As part of the evaluation, the proponent will determine potential environmental impacts for each alternative and will identify impact management measures including mitigation (see Appendix A). The following is an example of a typical evaluation process of Alternative Methods (Designs) for a Group B project:

- For each component of the environment, identify environmental functions and features (e.g., fisheries) that may be impacted by the alternatives. Transportation functions and features are also identified.
- Establish criteria for evaluation. Criteria are examples of potential effects an alternative may have on an environmental function or feature (e.g., changes to water quantity) and/or transportation function or feature (e.g., level of service);
- Select indicators for each criterion that will identify how potential environmental and transportation effects will be measured (whether qualitatively or quantitatively) for each criterion (e.g., increased flow rates or reduced level of service).
- Develop weightings and/or measures as applicable to the quantitative and/or qualitative assessment methodologies that will be used. A weighting is a qualitative and/or quantitative value assigned to a transportation or

environmental function or feature that reflects its relative importance in the evaluation (e.g., if fisheries is greater importance than vegetation).

Using the criteria and indicators, the proponent conducts a comparative analysis of advantages and disadvantages for each Alternative Method (Design), based on the environmental and transportation functions and features.

The proponent will document the evaluation process and results in the TESR.

During the evaluation, the proponent may determine that:

- Alternative Methods (Designs) should be modified or discarded;
- Additional Alternative Methods (Designs) should be identified; or,
- Additional design and/or environmental studies are needed to support the evaluation.

After undertaking any of the above, the proponent will re-evaluate the Alternative Methods (Designs).

### **7.2.7 Consultation - Alternative Methods (Designs)**

As part of the evaluation, the proponent will seek input on the Alternative Methods (Designs). At a minimum, the proponent will consult with directly impacted individuals, organizations and Indigenous communities. Additional consultation can be included based on project complexity, timing of the project, potential for environmental impacts and feedback from individuals, organizations and Indigenous communities participating in the project.

The proponent will document the process and results of all consultation, including responses to feedback, in the TESR.

### **7.2.8 Select the Preferred Alternative Method (Design)**

The proponent will select the Alternative Method (Design) that achieves the greatest overall transportation benefit while minimizing the overall negative net environmental impacts. Section 6.3.4 includes additional details on selecting a Preferred Alternative Method (Design).

The proponent may decide to continue to refine the project and undertake components of Detail Design before completing the MTO Class EA. This is discussed further in Section 7.3



The proponent will document the above process in the TESR.

### **7.2.9 Documentation During Planning and Preliminary Design**

Following the selection of the Preferred Alternative Method (Design), there are two documents required to fulfill the requirements of the Class EA process for Group B projects, a TESR and a Notice of Completion. Comments received during the 30-day TESR comment period, including the response to the comments and supporting materials, shall be consolidated into a post-TESR Record of Consultation.

Details regarding the requirements for preparing the TESR can be found in Sections 3.3.2 and 6.3.5.1. Details regarding the issuance of the Notice of Completion and starting the 30-day comment period can be found in Sections 3.3.1 and 6.3.5.2.

## **7.3 Including Detail Design in the EA Process**

Detail Design is not typically considered within MTO's Class EA process. However, a proponent may choose to include all or parts of Detail Design in the Class EA process. Advancing a project to a level of Detail Design may be required for less complex projects where alternatives are limited to promote efficiencies where there is an immediate need for improvements, and/or where a proponent decides that including all or parts of Detail Design is helpful to understanding the predicted environmental impacts, mitigation, and environmental protection.

If Detail Design is not included in the Class EA process, no Class EA related consultation is conducted during Detail Design. However, there may be other reasons that the proponent conducts consultation during the Detail Design phase (e.g., requirement of permits or approvals).

For more information on Detail Design outside the Class EA process, refer to Appendix C.

## 8 Class EA Process for Group C Projects

### 8.1 Introduction

Group C projects are improvements to existing provincial transportation facilities and are described in detail in Chapter 5. Using the MTO Class EA process for Group C projects, the proponent applies systematic decision-making to identify, evaluate and select an Alternative Method (Design) that achieves the greatest overall transportation benefit to address a specific problem or opportunity while minimizing the overall negative net environmental impacts. The study area is established for the Planning and Design stage and adjusted/refined as the study progresses. As shown in Figure 8.1, the proponent undertakes the MTO Class EA process by completing the following steps:

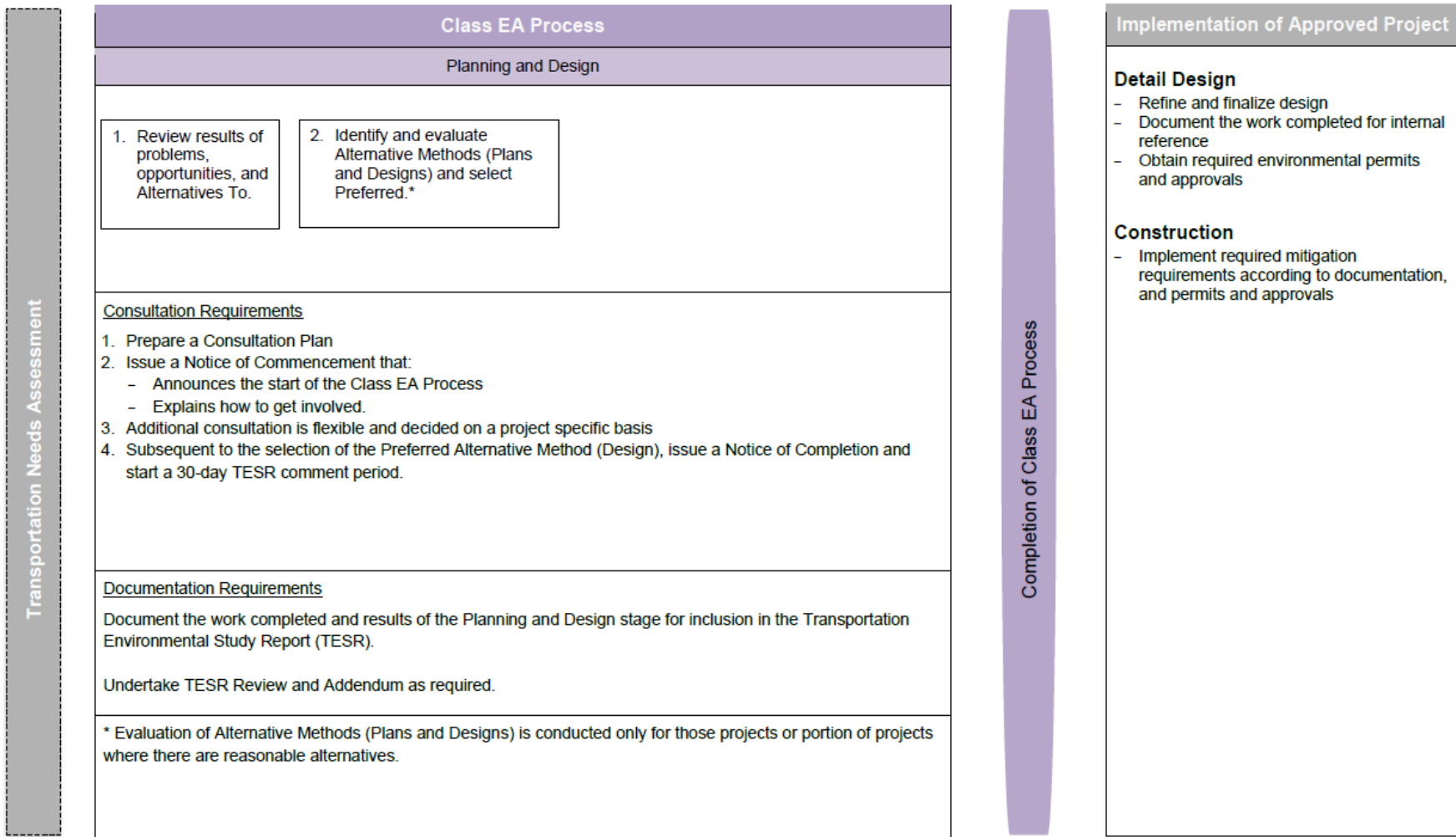
- Preparing the Consultation Plan and issuing the Notice of Commencement;
- Reviewing and confirming problems, opportunities and Alternatives To the project;
- Considering Alternative Methods (Plans and Designs) for undertaking the project by:
  - Identifying a reasonable range of Alternative Methods (Plans and Designs), where possible;
  - Assessing and evaluating the Alternative Methods (Plans and Designs) and net environmental impacts in a systematic manner; and
  - Selecting the Preferred Alternative Method (Plan and Design).
- Consulting with directly affected individuals, organizations and Indigenous communities, throughout the process as required; and,
- Preparing project documentation (i.e., TESR, Notice of Completion for public review and comment).

The proponent may combine steps as needed. The decision-making process is iterative, which means the proponent may repeat steps as new information becomes available.

**Figure 8.1 Class EA Process for Group C Projects**

**Class EA Process for Group C Projects**

*Note: The flowchart should be read in conjunction with the corresponding section of this Class EA document.*



## **8.2 Planning and Design Stage**

For Group C projects, there may be limited Planning and elements of Detail Design are often brought into the process to supplement Preliminary Design. Planning and Preliminary Design can be completed in one stage. The proponent reviews any previous planning work done on a project and completes the design of the project by carrying out the following steps:

- Preparing the Consultation Plan and issuing the Notice of Commencement;
- Reviewing and confirming problems, opportunities and Alternatives To the project;
- Evaluating Alternative Methods (Plans and Designs);
- Undertaking consultation, as needed; and,
- Preparing project documentation (i.e., TESR, Notice of Completion for public review and comment).

### **8.2.1 Prepare the Consultation Plan and Issue Notice of Commencement**

A Consultation Plan shall be prepared to provide guidance regarding the consultation approach for the project based on the scope of the project, potential environmental impacts and potentially interested persons. This plan should be flexible to account for new information as the project progresses, while providing some structure for expected points of consultation. More information regarding the Consultation Plan is outlined in Section 3.1.6.

The Notice of Commencement announces the formal start of the MTO Class EA process. It provides information about what is being proposed and how to get involved in the process. It may refer to upcoming consultation opportunities. The proponent will issue a Notice of Commencement prior to consulting. In some instances, the proponent may collect background information pertinent to the project prior to issuing the Notice of Commencement. Section 3.3.1 contains further details about the content of the Notice of Commencement.

### **8.2.2 Review and Confirm Problems, Opportunities, and Alternatives To**

As described in Chapter 4, the TNA process is completed as “research” or a “feasibility study”, as described in Section 15.1.2(1)(c) of the EA Act. The TNA is a process that occurs outside of the MTO Class EA process. It may include recommendations to initiate transportation studies, improvements, continue routine maintenance, monitor situations, or do nothing.

At the beginning of the Design stage, the proponent reviews the results of the TNA to identify and confirm the transportation problems and opportunities, and the general components of the plan for carrying out the minor improvements needed. Group C projects are improvements to existing provincial transportation facilities. There are typically no reasonable Alternatives To the project for a Group C project (i.e., functionally different ways of approaching and dealing with a problem or opportunity). Therefore, evaluation of Alternatives To the project during the Class EA process for Group C projects is not usually required. For less complex Group C projects, the 'need' is identified through MTO's internal review processes, conducted to ensure that the provincial transportation infrastructure is safe and in good condition.

### **8.2.3 Alternative Methods (Plans and Designs, as appropriate)**

The purpose of this step in the Group C Class EA process is to identify Alternative Methods (Plans and Designs) of meeting the project's objectives. Examples of such Alternative Methods (Plans and Designs) are included in Appendix B.

Where proponents use previous planning and assessment work to limit the range of alternatives to be examined in the Class EA process, the proponent must provide sufficient rationale and documentation to demonstrate that the previous work reflects the general intent of the MTO Class EA. The MTO Class EA process can recognize this work and incorporate it, to avoid duplication and document the rationale in the TESR.

Typically, Alternative Methods (Plans and Designs) are various combinations of specific design elements. It should be noted that in some cases the work required in Group C projects is such that only one solution is available. The proponent will use the Preferred Alternative Method (Plan) and ensure the Alternative Method (Design) is refined to a level of detail that is specific enough to determine that the design of the project is technically, environmentally, and economically feasible to construct. The proponent may also choose to refine the project further by including some or all elements of the Detail Design, as outlined in Appendix C.

While considering Alternatives Methods (Plans and Designs), the proponent will:

- Identify Alternative Methods (Plans and Designs) for evaluation. Typically, there are a limited number of alternatives for Group C projects. The number of Alternative Methods (Plans and Designs) will vary with each specific project, depending on the type and complexity of the project and the nature of the study area (i.e., only one reasonable alternative);
- Develop a methodology that is appropriate for the project and the number of alternatives;

- If there is more than one alternative, for each component of the environment, identify environmental functions and features (e.g., fisheries) that may be impacted by the alternatives. Transportation functions and features are also identified;
- Establish criteria for evaluation. Criteria are examples of potential effects an alternative may have on an environmental function or feature (e.g., changes to water quantity) and/or transportation function or feature (e.g., level of service);
- Select indicators for each criterion that will identify how potential environmental and transportation effects will be measured (whether qualitatively or quantitatively) for each criterion (e.g., increased flow rates or reduced level of service); and,
- Develop weightings or measures as applicable to the quantitative and/or qualitative assessment methodologies that will be used. A weighting is a qualitative or quantitative value assigned to a transportation or environmental function or feature that reflects its relative importance in the evaluation (e.g., if fisheries is greater importance than vegetation)

Using the criteria and indicators, the proponent conducts a comparative analysis of advantages and disadvantages for each Alternative Method (Plans and Designs), and will select the Preferred Alternative Method (Design).

Details on any of the above steps are outlined further in Chapter 6. The proponent will document the results of any factor-specific studies in the TESR.

#### **8.2.4 Consultation - Alternative Methods (Design)**

The proponent will determine the need for consultation on a project-specific basis based on potential environmental impacts and potentially interested persons and any feedback to the Notice of Commencement. The proponent will determine the extent of consultation needed and the appropriate timing for each project. Such consultation will be focused on assessing and mitigating the potential impacts associated with the preferred project design. The proponent will document the process and results of all consultation, including responses to feedback, in the TESR.

#### **8.2.5 Documentation During Planning and Design**

To complete the Group C project, a TESR and Notice of Completion are required. Details regarding the requirements for preparing the TESR can be found in Sections 3.3.2 and 6.3.5.1. The scope and scale of the TESR shall reflect the project complexity. Details regarding the issuance of the Notice of Completion and starting the 30-day comment period can be found in Sections 3.3.1 and 6.3.5.2.

## **9 Class EA Completion and Issues Resolution**

### **9.1 Class Environmental Assessment Process Completion**

The Class EA process is typically complete 30 days after the conclusion of the 30-day public comment period for the Notice of Completion of the TESR for a Group A, B or C project. The completion of the Class EA process may be delayed in relation to a Section 16 Order. Proponents cannot proceed if the MECP Minister (or delegate) issues an order and the terms of the order have not yet been met, and/or the MECP Director issues a Notice of Proposed Order. See Section 9.3 for more details on Section 16 Orders.

Comments received during the 30-day TESR comment period for a Group A, B or C project, including the responses to the comments, will be consolidated into a post-TESR Record of Consultation document prepared by the proponent and kept on file. The post-TESR Record of Consultation shall also document any meetings or other forms of communication between the proponent and the commenter(s). Documentation shall be made available for viewing on the proponent's project website or at a physical location (e.g., an MTO office or local municipal office, etc.). Comments received outside of the 30-day TESR comment period, and any responses, will not be included in the post-TESR Record of Consultation document, but will be kept on file as part of the project's consultation record.

After the conclusion of the 30-day TESR comment period, changes or updates to the information in the TESR may be required to address any outstanding issues or concerns raised. If any minor changes or updates are required to the information in the TESR as a result of comments provided during the 30-day TESR comment period or an issues resolution process, shall be documented in an Errata. The Errata shall identify specific sections in the TESR that are being changed or updated, and will include any revised wording. The Errata and post-TESR Record of Consultation shall be kept on file and be made available for viewing on the proponent's project website or at a physical location (e.g., an MTO office or local municipal office, etc.).

The intent of the Errata is to make corrections to the information presented in the TESR, incorporate additional clarification to support the conclusions presented in the TESR, or to document additional commitments. Certain revisions to the conclusions presented in the TESR about a project's design or potential for impacts may warrant a TESR Review and Addendum. Refer to Chapter 10 for more information.

### **9.1.1 Utility Relocation**

Utility relocation may be required to support a project. Moving utilities is often minimally intrusive and may require long lead times. Early planning should be undertaken to ensure that Class EA milestones will support the scheduling of utility relocation.

Utilities may be relocated no earlier than 30 days after the conclusion of the public comment period that follows the issuance of the Notice of Completion of the TESR for Group A, B, and C projects.

Utility companies are responsible for obtaining all the permits and approvals necessary for carrying out the work.

## **9.2 Issues Resolution**

Early consultation and consultation at significant decision points ensures environmental impacts are minimized to the extent possible and are understood and acceptable.

The proponent makes reasonable efforts throughout the Class EA process to resolve issues and minimize the potential for outstanding issues at the end of the Class EA process through:

- Open sharing and availability of relevant information early in the Class EA process and throughout, and by providing opportunities for individuals, organizations and Indigenous communities to review and provide comments on key documentation;
- Tracking issues as the decision-making process proceeds;
- Providing direct responses, where appropriate, to issues raised;
- Using appropriate methods of communication and consultation, working with the commenter to attempt to address concerns by revising elements of the project, mitigation measures, etc. as appropriate;
- Refining decisions where appropriate and revising documentation to address comments;
- Pursuing further discussion to clarify scope, where responses do not satisfy a commenter to provide additional information or in some cases, defer consideration to a more appropriate, later phase; and,
- Providing the rationale to support that decision, where a comment does not result in a change.

Objections to the conclusions reached in the decision-making process may occur from time to time. The proponent shall use an issues resolution process to attempt to resolve



significant issues that are identified during the 30-day TESR review and comment period or during the 30-day TESR Addendum review and comment period. This is through:

- Acknowledging the commenter and the issue and ensuring the issue is clearly understood;
- Using appropriate methods of communication and consultation, work with the commenter to make reasonable efforts to resolve the issue; and,
- Demonstrating that an issue has been adequately considered and that appropriate and reasonable mitigation measures have been developed, or that the issue is in fact not outstanding and that a reasonable approach to addressing the issue has been developed and incorporated into the MTO Class EA decision-making process.

While reasonable efforts will be made to resolve the issue, there may be situations where a consensus is not reached, or the resolution is not agreeable to all parties. If this is the case, the proponent will clearly explain and document in the project file the issues resolution process, the outcome and the reasons.

### **9.3 Section 16 Orders**

The EA Act provides the MECP Minister, or delegate, with the authority to make two types of orders with respect to a project proceeding in accordance with a Class EA.

The following summarizes the MECP Minister's (or delegate's) authority under Section 16 and associated rules in Sections 15.1.1 and 16.1 of the EA Act. To the extent that there is a conflict between what is set out below and the provisions in the EA Act, the provisions in the Act prevail.

The MECP Minister (or delegate) may require a proponent to undertake an individual/comprehensive EA process, referred to as a Section 16(1) Order, or impose conditions on an undertaking, referred to as a Section 16(3) Order. These Orders may be made on the Minister's own initiative (within a limited time period) or in response to a request under Section 16(6) of the Act.

#### **Section 16(1) and 16(3) Orders on Minister's Own Initiative**

The MECP Minister (or delegate) may make an order of their own initiative no later than 30 days after the end of the comment period set out in the Notice of Completion or Notice of Addendum, unless a Notice of Proposed Order is provided to the proponent. If the MECP Director provides a Notice of Proposed Order to the proponent, within the 30-

day period, advising the proponent that the MECP Minister is considering making an order (Notice of Proposed Order) the MECP Minister may make the order within 30 days of the Director's notice being provided to the proponent unless the notice includes a request for information.

If the Notice of Proposed Order includes a request for information, the proponent must provide that information to the MECP Director within the deadline contained in the notice. When received, the MECP will review the information and if the MECP Director is satisfied that the submitted information meets the request, the MECP Director will notify the proponent (Notice of Satisfactory Response). The MECP Minister (or delegate) will then have 30 days to make an order. In this case, the following outcomes could apply:

- If the MECP Minister (or delegate) issues a Section 16(1) Order, the proponent cannot proceed with the project without first seeking and obtaining approval through a comprehensive EA process.
- If the MECP Minister (or delegate) issues a Section 16(3) Order, the proponent must meet the conditions outlined in the order in proceeding with their project.
- If the MECP Minister (or delegate) does not issue an order within 30 days of the MECP Director giving a Notice of Satisfactory Response, the proponent can proceed with their project (subject to the possibility of a request, considered below).

If the MECP Director is not satisfied with the information provided (the proponent fails to provide the information requested within the timeline provided in the MECP Director's notice or the information is not complete), the MECP Director will issue a Notice of Unsatisfactory Response and the proponent will be required to issue a new Notice of Completion or Notice of Addendum. The new Notice of Completion (or Addendum), providing for a new comment period of at least 30 days, must be issued within the time period and following any directions specified by the MECP Director in the notice (e.g., post information to the proponent's website). In addition, the information specified in the Notice of Unsatisfactory Response must be provided to the MECP Director for review. If the MECP Director is satisfied with the information provided to the MECP with the new Notice of Completion or Addendum, the MECP Director will issue a Notice of Satisfactory Response. Once the Notice of Satisfactory Response is given, the MECP Minister (or delegate) may issue an order within 30-days if the MECP Minister (or delegate) chooses to do so. In this case, the following outcomes could apply:

- If the MECP Minister (or delegate) issues a Section 16(1) Order, the proponent cannot proceed with the project without obtaining approval through a comprehensive EA process.
- If the MECP Minister (or delegate) issues a Section 16(3) Order, the proponent must meet the conditions outlined in the order in proceeding with their project.
- If the MECP Minister (or delegate) does not issue an order within 30 days of the MECP Director giving a Notice of Satisfactory Response, the proponent can proceed with their project (subject to the possibility of a request, considered below).

However, if the MECP Director remains unsatisfied with the information provided when a new Notice of Completion (or Addendum) is issued or the proponent fails to provide the requested information, the MECP Director will issue another Notice of Unsatisfactory Response, thereby requiring the proponent to again issue a new Notice of Completion (or Addendum) in accordance with any directions specified by the MECP Director and provide the requested information to the MECP Director. The time limit for the Minister to make an order of their own initiative continues to be extended accordingly.

Requests for Section 16 orders on the grounds that the order may prevent, mitigate or remedy adverse impacts on Aboriginal and treaty rights

The EA Act allows a person to request the MECP Minister make a Section 16(1) Order requiring an individual/comprehensive EA process or a Section 16(3) Order imposing conditions on the project on the grounds that it may prevent, mitigate or remedy adverse impacts to Aboriginal or treaty rights. This is known as requesting a Section 16 Order. Purported requests that are not made on these grounds will not be considered by the MECP Minister.

If a Section 16 Order request is received to the MECP Minister, no one is permitted to proceed with their project until a decision is made by the MECP Minister on the request.

The proponent of a project proceeding in accordance with the MTO Class EA shall provide accurate and detailed information on the Section 16 Order request process to the public and to Indigenous communities. At a minimum, proponents must include information on the Section 16 Order request process in the Notice of Completion and any Notice of Addendum. The information in the Notices should include: what the grounds for a request must be (i.e., that the order may prevent, mitigate or remedy adverse impacts on aboriginal or treaty rights), how to submit a request for a Section 16 Order, and information that must be submitted to the MECP in making a request. This includes:

- Requestor contact information, including full name;
- Project name;
- Proponent name;
- The type of order that is being requested (requiring a comprehensive EA approval before being able to proceed, or that conditions be imposed on the project);
- Specific reasons on how an order may prevent, mitigate or remedy potential adverse impacts on Aboriginal and treaty rights;
- Information about efforts to date to discuss and resolve concerns with the proponent; and,
- Any other information in support of statements in the request.

# 10 TESR Review and Addendum

## 10.1 Changes to the Project

Due to unforeseen circumstances, it may not be feasible to implement the project in the manner outlined in the TESR. Any significant modification to the project or in the environmental setting for the project which occurs after the Notice of Completion of the TESR must be reviewed by the proponent (TESR Review) and the proponent must prepare a TESR Addendum in respect of the change. The TESR Addendum must describe the circumstances necessitating the change, the environmental implications of the change, and what, if anything, can and will be done to mitigate any negative environmental impacts. The proponent must file a TESR Addendum and issue a Notice of Addendum to interested and impacted individuals, organizations, and Indigenous communities.

A TESR Addendum must include:

- A description of the study area;
- Circumstances necessitating the change(s);
- The identification, comparison and systematic evaluation of alternatives, as appropriate to the scope of the TESR Review and Addendum;
- Consultation summary;
- Changes made to the design concept, the net environmental impacts, or the commitments that differ from those documented in the original TESR; and,
- The anticipated environmental impacts associated with the change(s), mitigation and commitments to future action for construction and operation, including external approvals known to be required.

The Notice of Addendum must be issued for a minimum 30-day comment period to provide interested and impacted individuals, organizations and Indigenous communities an opportunity to raise issues regarding the TESR Addendum and must include the following information:

- Name of the project;
- Brief description of the problem, opportunity and project;
- The geographical location of the project study area;
- Name of the proponent and reference to using the MTO Class EA;
- The reason for the TESR Addendum;
- An invitation to provide comment on the results of the TESR Addendum;
- Beginning and end dates for 30-day comment period;

- MECP's required information about Section 16 Orders (in relation to the content of the TESR Addendum);
- Name and contact information for individuals who can provide further information or for issues to be raised for resolution; and,
- Where additional information can be obtained (e.g., website, physical location).

Proponents must consolidate comments received during the 30-day comment period, including the responses to the comments, into a TESR Addendum Record of Consultation document and keep it on file. The TESR Addendum Record of Consultation must also document any meetings or other forms of communication between the proponent and the commenter(s).

Note that the EA Act prohibits a person from proceeding with a change to a project until after a certain date, generally at least 30 days after the end of the comment period provided for in the Notice of Addendum.

## **10.2 10-Year TESR Review**

A time lapse may occur between the Notice of Completion of the TESR and the implementation of the project. In such cases, the proposed project and the environmental mitigation measures proposed may no longer be valid.

If the period of time from the latter of (i) the issuance the Notice of Completion of the TESR or (ii) a decision on an order request under Section 16, to the proposed commencement of construction for the project exceeds 10 years, no person may proceed with the project until the proponent has completed a 10-year TESR Review. Commencement of construction as used in this section means a circumstance where meaningful physical work has begun such that it would be obvious to a reasonable observer that the project is proceeding.

As part of the 10-year TESR Review, the proponent must review the planning and design process and the current environmental setting to ensure that the project and the mitigation measures are still valid given the current planning context. The proponent must document the review and make it available upon request for public review.

If, following the review, the proponent determines that there has been a significant modification to the project or in the environmental setting for the project as described above under "Changes to the Project", the proponent must prepare a TESR Addendum and issue a Notice of Addendum as described there.

# 11 Class EA Administration

This chapter describes features related to the administration of the Class EA process:

- Amending procedures;
- A description of how the proponent will transition projects from the process described in the MTO Class EA 1999, as amended in 2000, to the process described in this Class EA amendment; and,
- How the proponent will monitor the effectiveness of the MTO Class EA process.

## 11.1 Amending the MTO Class Environmental Assessment

The following summarizes the process for requesting amendments to Class Environmental Assessments and the authority for the MECP Director and MECP Minister to make amendments to the Class Environmental Assessment. To the extent that there is a conflict between what is set out below and the provisions in the *Environmental Assessment Act* in respect of the authority of the MECP Minister or MECP Director, the provisions in the Act prevail.

Section 15.4 of the EA Act sets out the authority for the Minister of the Environment, Conservation and Parks (MECP Minister) and the Director of the Environmental Assessment Branch (EAB) at MECP to amend the Class EA. An amendment may be made at any time and may be initiated by the MECP Minister or the MECP Director, or as a result of a request for an amendment.

The MECP Minister may amend the Class EA if the MECP Minister is satisfied that the amendments are consistent with the purpose of this Act and the public interest.

Examples of the types of amendments that the MECP Minister may make include:

- Improving the efficiency or the effectiveness of the process described in the document;
- Adding new projects to the Class EA;
- Recategorizing existing projects/projects in the Class EA; and
- Updating the Class EA to be consistent with new or updated guidelines, policies, regulations, or legislation.

The MECP Director may amend the Class EA to make any of the administrative changes set out in Section 15.4(5) of the EA Act as described in Section 11.1.1 – Director of MECP Amendments.

Written requests for amendments to a Class EA must be submitted to the Director of the EAB at MECP. In some cases, the MECP Minister may not consider a requested amendment until the next review period, as described in Section 11.1.2 – Minister of MECP Amendments.

If an amendment is made, the proponent shall incorporate the amendment into a revised Class EA document. Amendments can be appended to the Class EA document or incorporated directly into the body of the document.

## **Amendment Process**

The two types of amendments, MECP Director and Minister of MECP Amendments, are described in the following sections.

### **11.1.1 Director of MECP Amendments**

The MECP Director of the Environmental Assessment Branch (EAB) may make the following administrative amendments to the Class EA, including:

- Correcting errors that are editorial or typographical in nature;
- Updating references to a guideline, Act or regulation, or provisions or other portions of an Act or regulation;
- Updating references to bodies, offices, persons, places, names, titles, locations, websites, or addresses; or
- Clarifying the existing text of the Class EA.

To request an MECP Director amendment, a formal written request must be submitted to the MECP Director and must include details on the proposed amendment and the reason for the request.

Based on the information provided, the MECP Director will decide whether to amend the Class EA. The MECP Director will notify the proponent of any amendments so that the proponent can update the Class EA document and make the amended document available.

The MECP Director may also initiate an administrative amendment on their own initiative. The proponent will be advised in writing if an administrative amendment is made by the MECP Director. The amendment will come into effect upon publication of a notice of the amendment in the registry under the *Environmental Bill of Rights, 1993*.



### **11.1.2 Minister of MECP Amendments**

Requests for MECP Minister amendments should be made in writing to the EAB. The request should include the current text in the Class EA, the proposed changes and rationale for the changes, and revised text. The MECP may request additional information regarding the requested amendment.

The MECP Minister may also initiate an amendment on their own initiative. The proponent will be advised by the MECP in writing if a Minister's amendment is being considered.

As part of the request for an amendment, a Consultation Plan must be submitted to the MECP. The Consultation Plan may outline the method for consultation on the proposed amendments and identify the persons, agencies, ministries, and Indigenous communities to be consulted. The proponent will undertake consultation in accordance with the plan and is required to address and respond to any concerns that are raised during the consultation and provide those concerns and responses to the MECP for consideration. This consultation will be relevant to the MECP Minister's obligation to ensure adequate public notice and an opportunity for public comment has been given in respect of any proposed amendments.

The MECP will undertake consultation on any MECP Minister initiated amendments and may undertake additional consultation on requested amendments.

Based on the information before the MECP Minister, the MECP Minister may:

- Amend the Class EA, as requested or amend with changes to what was requested; or,
- Refuse to amend the Class EA.

The MECP Minister will give notice of the MECP Minister's decision, together with written reasons to the proponent of the Class EA and any other person the MECP Minister determines appropriate. The MECP Minister's amendments to the Class EA come into effect following publication of notice of the amendment in the Environmental Registry in accordance with the *Environmental Bill of Rights, 1993*.

## **11.2 Transition Provisions**

There is a 12-month implementation period for Planning and Preliminary Design projects that have not issued a Notice of Commencement. Within 12-months after the

date the 2023 amendment to this Class EA comes into effect, proponents may follow the requirements and procedures of either the MTO Class EA 1999, as amended in 2000, or the amended Class EA. Following the 12-month implementation period, projects will comply with the requirements and procedures specified in the amended Class EA.

For projects initiated (i.e., issued a Notice of Commencement for Preliminary Design, or Initial Notice) prior to the date the 2023 amendment to this Class EA comes into effect, the proponent will decide on a project-by-project basis whether to continue following the MTO Class EA 1999 process, as amended in 2000, or transition to the applicable process in the amended Class EA. Transition of initiated projects to the amended MTO Class EA process shall take place within 2 years after the date the 2023 amendment to this Class EA comes into effect.

Sections 11.2.1 and 11.2.2 provide transition eligibility provisions for projects that have been initiated under the MTO Class EA 1999, as amended in 2000.

The Crown's Duty to Consult remains the same regardless of whether a project continues under the MTO Class EA 1999, as amended in 2000, transitions to the requirements of this amended Class EA, or is exempt from the MTO Class EA process.

### **11.2.1 Projects Not Eligible to Transition**

The following projects that have been initiated under the MTO Class EA 1999, as amended in 2000, are not eligible to transition. These projects shall continue to follow the process set out in the MTO Class EA 1999, as amended in 2000.

- Group B projects with a combined Preliminary Design and Detail Design Class EA process already initiated\*;
- Group A or B projects with a Detail Design Class EA process already initiated\*, or where a Notice of Commencement of Detail Design was issued;
- Group A or B projects where a Notice of Addendum for a Design and Construction Report (DCR) was issued;
- Group A or B projects where a Notice of Addendum for a TESR was issued after the Notice of Commencement of Detail Design;
- Group C projects with a Class EA process already initiated (even if a Notice of Study Commencement, or Initial Notice, has not been issued);
- Any initiated\* projects (a Notice of Study Commencement, or Initial Notice, has been issued) that will be exempt in accordance with the provisions of Section 15.3(1) and (2) of the EA Act, as part of the Class EA amendments;

- Any projects where a Notice of Submission of a TESR or a Notice of Completion of a TESR has been issued and an Addendum is required, and the Addendum process is underway;
- Any projects where a Notice of a TESR Addendum has been issued but the Addendum process has not been completed; and,
- Projects that are subject to a Section 16 Order request in respect of which the MECP Minister's direction is still pending; and
- Projects in respect of which the time limit for the MECP Minister to make a Section 16 Order of their own initiative has not yet elapsed.

\*NOTE: For the purposes of the MTO Class EA transition provisions, the term 'initiated' suggests projects where a Notice of Study Commencement, or Initial Notice, has been issued under the MTO Class EA 1999, as amended in 2000.

### **11.2.2 Projects Eligible to Propose to Transition**

All other projects under the MTO Class EA 1999, as amended in 2000, are eligible to transition. Non-MTO proponents must notify MTO prior to proposing to transition a project.

As part of the transition process, the proponent may use any work completed (e.g., technical studies, fieldwork, PIC materials, etc.) under the MTO Class EA 1999, as amended in 2000, to satisfy the requirements of this Class EA amendment.

### **11.2.3 Transition Process**

MTO has the final decision on whether to transition a project. At a minimum, the transition process shall include appropriate consideration and a review to ensure that transitioning would not result in any changes to the conclusions about a project's design, potential for impacts, or the potential effects that are anticipated after the application of standard impact management measures designed to avoid, reduce, manage, or mitigate potential impacts. Projects that are not transitioned shall continue to follow the process set out in the MTO Class EA 1999, as amended in 2000.

Consultation requirements will be identified through the project's Consultation Plan (see Section 3.1.6) or from the existing contact list, including any new contacts from the project. As part of the transition process, examples of consultation include, but are not limited to, the following:

- Notices;

- External communications with stakeholders, including interested members of the public, government agencies, and Indigenous communities and organizations;
- Inquiries from the public and general consultation;
- Public information centre(s); and,
- Sharing information on the project website.

### **11.2.3.1 Transition Requirements for Projects in Preliminary Design (i.e., Notice of Submission/Completion of the TESR has not been issued)**

A Notice of Proposed Transition is to be issued and made available for a minimum 30-day comment period. The purpose of this notice is to inform interested individuals, organizations and Indigenous communities about the proponent's intent to transition and invite comments from stakeholders. The Notice shall include the following:

- Project-specific information, including description, geographical location, etc.;
- How the transition would affect the Class EA process that had commenced and supporting rationale for the proposal to transition from the requirements of the MTO Class EA 1999, as amended in 2000, to this amended MTO Class EA;
- A statement that any commitments made during the MTO Class EA 1999, as amended in 2000, process will be considered and addressed or fulfilled under this amended MTO Class EA process;
- Beginning and end dates for 30-day comment period;
- Name and contact information for individuals who can provide further information; and,
- Where additional information can be obtained (e.g., website, physical location).

The proponent will make reasonable efforts to address comments and resolve issues identified during the comment period. Should impacted Indigenous communities and/or organizations raise concerns related to existing or asserted Aboriginal and treaty rights during the 30-day comment period, the proponent may consider extending the consultation timeline by an additional 30-days to ensure Indigenous communities and/or organizations have the opportunity to meaningfully participate in the transition process. The proponent will make reasonable efforts to provide responses and rationale, discuss options, and resolve concerns raised after the 30-day comment period.

Comments received during the 30-day comment period, including the responses to the comments, will be consolidated into a Transition Record of Consultation document by the proponent and kept on file. The Transition Record of Consultation shall also document any meetings or other forms of communication between the proponent and the commenter(s). In addition, this documentation shall be made available for viewing

on the proponent's project website or at a physical location (e.g., an MTO office or local municipal office, etc.). Comments received outside of the 30-day comment period, and any responses, will not be included in the Transition Record of Consultation document, but will be kept on file as part of the project's consultation record.

Following the 30-day comment period, a Notice of Transition combined with a Notice of Commencement is to be issued to inform stakeholders of the proponent's decision to transition. The Notice shall include the following:

- The same information as was included in the Notice of Proposed Transition, as appropriate;
- Clear description of the transition process results and the rationale for the proponent's decision to transition to the amended Class EA;
- Reference to how the Class EA process will proceed for the project (i.e., the project will follow the requirements and procedures specified within the amended Class EA);
- Name and contact information for individuals who can provide further information; and,
- Where additional information can be obtained (e.g., website, physical location).

#### **11.2.3.2 Transition Requirements for Projects that Completed Preliminary Design (i.e., Notice of Submission/Completion of the TESR has been issued)**

The proponent may initiate an optional consultation event (e.g., PIC, webinar, letters, notice on project website, etc.) prior to issuing the Notice of Proposed Transition. During the consultation, the proponent may present a summary of EA work previously completed under the Class EA 1999, as amended in 2000.

Once 30-days lapses after issuing the Notice of Submission or Notice of Completion of the TESR, a Notice of Proposed Transition is to be issued and made available for a minimum 30-day comment period. The purpose of this notice is to inform interested individuals, organizations and Indigenous communities about the proponent's intent to transition and invite comments from stakeholders. The Notice shall include the following:

- Project-specific information, including description, geographical location, etc.;
- How the transition would affect the Class EA process that had commenced and supporting rationale for the proposal to transition from the requirements of the MTO Class EA 1999, as amended in 2000, to this amended MTO Class EA;

- A statement that any commitments made during the MTO Class EA 1999, as amended in 2000, process will be considered and addressed or fulfilled under this amended MTO Class EA process;
- Beginning and end dates for 30-day comment period;
- Name and contact information for individuals who can provide further information; and,
- Where additional information can be obtained (e.g., website, physical location).

In addition, the proponent must prepare documentation to illustrate the transition process, consultation plan, and rationale for the proponent's proposal to transition. The documentation shall be filed alongside the Notice of Proposed Transition and is to be made available on the project website. The proponent will attempt to address comments and resolve issues identified during the comment period. Should impacted Indigenous communities and/or organizations raise concerns related to existing or asserted Aboriginal and treaty rights during the 30-day comment period, the proponent may consider extending the consultation timeline by an additional 30-days to ensure Indigenous communities and/or organizations have the opportunity to meaningfully participate in the transition process. The proponent will make reasonable efforts to provide responses and rationale, discuss options, and resolve concerns raised after the 30-day comment period.

Following the 30-day comment period, a Notice of Transition is to be issued to inform stakeholders of the proponent's decision to transition. The Notice shall include the following:

- The same information as was included in the Notice of Proposed Transition, as appropriate;
- Clear description of the transition process results and the rationale for the proponent's decision to transition to the amended Class EA;
- Beginning and end dates for 30-day comment period;
- Name and contact information for individuals who can provide further information; and,
- Where additional information can be obtained (e.g., website, physical location).

Comments received during the 30-day comment period, including the responses to the comments, will be consolidated into a Transition Record of Consultation document by the proponent and kept on file. The Transition Record of Consultation shall also document any meetings or other forms of communication between the proponent and the commenter(s). In addition, this documentation shall be made available for viewing on the proponent's project website or at a physical location (e.g., an MTO office or local

municipal office, etc.). Comments received outside of the 30-day comment period, and any responses, will not be included in the Transition Record of Consultation document, but will be kept on file as part of the project's consultation record.

### **11.2.3.3 Transition Requirements for Projects that Have Not Commenced Construction Within 5-Years**

The following conditions must be met for a project to be eligible to transition to the amended MTO Class EA process:

1. A Notice of Submission or a Notice of Completion of the TESR for Group A or B projects must be issued; and,
2. The TESR must be completed at least 5 years from the date of approval of this Class EA amendment.

#### *Considerations:*

- If a Notice of TESR Addendum has been issued prior to the issuance of a Notice of Commencement of Detail Design, the project is eligible to propose to transition.
- For Group A or B projects where the proponent has issued a Notice of Submission or Notice of Completion of the TESR (i.e., completed the Planning and/or Preliminary Design Class EA process), the proponent may initiate one consultation event (e.g., PIC, webinar, project website etc.) prior to transitioning to the amended MTO Class EA. During the consultation, the proponent may present a summary of EA work previously completed under the Class EA 1999, as amended in 2000. In addition, the proponent may extend the consultation timeline to provide stakeholders the opportunity to meaningfully participate in the transition process.
- If a project has not commenced construction within a 10-year period following the issuance of the Notice of Submission or a Notice of Completion of the TESR for Group A or B projects, a TESR Review must be conducted. The TESR Review shall include a clear description that the project will follow the requirements and procedures specified within this amended Class EA, to enhance transparency and understanding regarding how the Class EA process will proceed for the project. Depending on project complexity and the potential for impacts, the proponent may initiate one consultation event (e.g., PIC, webinar, project website, etc.) as part of the TESR Review process. During the consultation, the proponent may present a summary of EA work previously completed under the Class EA 1999, as amended in 2000. In addition, the proponent may extend the consultation timeline to provide stakeholders the opportunity to meaningfully participate in the transition process.

## 11.3 MTO Class EA Process Monitoring

The overall goal of the monitoring program is to ensure the Class EA is working well and identify any opportunities for improvement. The objectives are to:

- Evaluate the overall effectiveness of the process described in the MTO Class EA document;
- Measure the effectiveness of the MTO Class EA in providing an effective and efficient planning process for the protection of the environment;
- Identify any changes to the MTO Class EA document or changes to the practices and procedures that would improve the MTO Class EA or its administration;
- Identify any problems experienced with projects that may suggest a problem with the MTO Class EA practices, procedures, or administration;
- Identify specific problems with the MTO Class EA process;
- Identify any action that MTO has or will be proposing to address problems, deficiencies, and issues of non-compliance with the MTO Class EA practices, procedures, or administration;
- Provide a summary (in table form) of all projects that have completed the MTO Class EA process in a given year;
- Provide a summary and percentage of the MTO Class EA projects for which a Section 16 Order request was made in a given year;
- Report on any findings and recommendations resulting from internal audits or third-party audits completed during the course of the year; and,
- Report how the MTO has complied with any conditions in the Notice of Approval for the MTO Class EA.

Each of the above objectives is to be reported on annually. These objectives will be achieved through ongoing review of the application of the principles for environmental protection, consultation, evaluation, and documentation.

Where MTO is the proponent, MTO will prepare a monitoring report on the MTO Class EA process used for projects that completed the MTO Class EA process set out in this MTO Class EA amendment document during the previous year. The first MTO Class EA monitoring report will be submitted to MECP 24-months from the date of approval of this MTO Class EA amendment document (to provide a reasonable phase-in and monitoring timeframe). Thereafter monitoring reports will be provided to MECP annually. Non-MTO proponents using the MTO Class EA are required to prepare and provide a monitoring report to MECP annually for projects in the previous year and provide a copy to MTO's Environmental Policy Office for consideration in the MTO Class EA Five Year Review.



## **11.4 MTO Class EA Five Year Review Period**

MTO will commence a review of this MTO Class EA every five years from the date this amended Class EA takes effect, unless otherwise indicated by the MECP Director. The review is to ensure that the MTO Class EA remains compliant with applicable legislation, regulations and policies. The results from the MTO Class EA process monitoring will also be considered in this review.

## **Appendix A Examples of Environmental Impacts and Typical Environmental Protection Measures**

In this appendix, the examples of environmental protection are provided for the Planning and Preliminary Design stages of all projects (Detail Design is not required within the Class EA process but can be included at the discretion of the proponent). The Implementation stage includes construction, operation, and maintenance. Environmental protection for the implementation stage has been included in this appendix to fulfill requirements of what should be included in the Class EA under the EA Act.

The examples are for illustrative purposes only and are not all-inclusive. Actual environmental protection will be applied based on project specifics. In cases where the proponent includes components of Detail Design in the Class EA for a project, environmental protection for Detail Design would be included in the Class EA. The MTO Class EA is supported by the MTO Environmental Standards and Practices (ESP) documents. The ESP documents provide MTO staff and service providers working on behalf of MTO or other proponents, with the requirements, guidance, and tools to make environmentally responsible decisions during all stages of a project. A link to these documents can be found on MTO's public website.

<b>FISHERIES</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Planning Stage (Alternative Methods (Plans))</b>	
Direct loss or harmful alteration of fish habitat	<ul style="list-style-type: none"> <li>• Protect through alternate route to avoid significant fish habitat, meander bends, braided watercourses, active floodplains, or any other area that is inherently unstable or select route with the least impact on sensitive watercourses.</li> </ul>
Changes to water quality and quantity	<ul style="list-style-type: none"> <li>• Protect through alternate route to avoid ground water recharge areas or select route with the least impact on ground water recharge areas.</li> </ul>
<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
Direct loss or harmful alteration of fish habitat	<ul style="list-style-type: none"> <li>• Avoid loss of critical fish habitat through alternative culvert/structure types and designs;</li> <li>• Minimize all other in-stream and floodplain habitat loss, through alternative culvert/structure types and designs;</li> <li>• Restore disturbed vegetation and aquatic habitat features (e.g., substrate);</li> <li>• Minimize stream relocations and channelization;</li> <li>• Design stream relocations and channelization in such a manner that habitat features are maintained or enhanced;</li> <li>• Minimize changes to stream gradients;</li> <li>• Minimize trees and other vegetation removals adjacent to streams;</li> <li>• Stabilize existing unstable banks and reaches to compensate for lost/altered habitat;</li> <li>• Enhance existing in-stream and floodplain habitat to compensate for lost/altered habitat;</li> <li>• Enhance stream flow characteristics (e.g., flow deflectors) to compensate for lost/altered habitat; and</li> <li>• Remove existing barriers to fish passage to compensate for lost/altered habitat.</li> </ul>

<b>FISHERIES</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
Changes to water quality and quantity	<ul style="list-style-type: none"> <li>• Stormwater control through Stormwater Best management Practices (e.g., grassed swales, extended detention ponds); and</li> <li>• Design of culverts/stormwater facilities to account for groundwater upwelling areas.</li> </ul>
<b>Implementation Stage</b>	
Direct loss or harmful alteration of fish habitat	<ul style="list-style-type: none"> <li>• Minimize work within watercourses;</li> <li>• Minimize access to and across watercourses; and</li> <li>• Enhance existing fish habitat to offset for lost or altered habitat.</li> </ul>
Indirect loss of fish habitat through sedimentation and debris	<ul style="list-style-type: none"> <li>• Prevent sediment from entering the watercourse;</li> <li>• Prevent debris from entering the watercourse;</li> <li>• Isolate work area from watercourse; and</li> <li>• Stabilize disturbed soils.</li> </ul> <p>Also see "Erosion and Sediment Control"</p>
Inhibit fish passage	<ul style="list-style-type: none"> <li>• Ensure culvert/structure design permits fish passage; and</li> <li>• Monitor during construction to ensure culvert/structure installed according to the design, with any necessary field-fitting, to ensure fish passage.</li> </ul>

<b>TERRESTRIAL ECOSYSTEMS (WILDLIFE HABITATS AND MOVEMENTS)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Planning Stage (Alternative Methods (Plans))</b>	
Loss of wildlife habitat	<ul style="list-style-type: none"> <li>• Protect through alternate route or, if it is a valley crossing, then use of higher structure to provide adequate clearance and limit footprint impacts; and</li> <li>• Select route with least impact on habitat.</li> </ul>
Obstructing wildlife movement	<ul style="list-style-type: none"> <li>• Avoidance, as above; and</li> <li>• Select route with fewest crossings of wildlife corridors.</li> </ul>
Effect on Species at Risk	<ul style="list-style-type: none"> <li>• Protect through alternate route for known locations; and</li> <li>• Control through appropriate setback from known habitat.</li> </ul>
Severance of/encroachment on identified upland ecosystems	<ul style="list-style-type: none"> <li>• Protect through alternate route; and</li> <li>• Select route with least impact.</li> </ul>
Severance of/encroachment of identified aquatic/wetland ecosystems	<ul style="list-style-type: none"> <li>• Protect through alternate route; and</li> <li>• Select route with least impact.</li> </ul>
<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
Loss of wildlife habitat	<ul style="list-style-type: none"> <li>• Protect through alignment modification;</li> <li>• Minimize impact by following edges of habitat areas and/or crossing habitat areas at narrowest location; and</li> <li>• Minimize impact on edge or any part of area using appropriate design measures.</li> </ul>
Obstructing wildlife movement	<ul style="list-style-type: none"> <li>• Protect corridors to provide wildlife access across right of way using appropriate design measures (e.g., under/overpasses, culverts, wildlife fencing to direct flow, etc.).</li> </ul>
Wildlife mortality	<ul style="list-style-type: none"> <li>• Same as above.</li> <li>• Mitigate using appropriate signage to increase driver awareness.</li> </ul>

<b>TERRESTRIAL ECOSYSTEMS (WILDLIFE HABITATS AND MOVEMENTS)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
Severance of/encroachment on identified upland ecosystems	<ul style="list-style-type: none"> <li>• Minimize intrusion by use of design measures (e.g., horizontal/vertical alignments); and</li> <li>• Mitigate with additional property acquisition and/or plantings and other design measures.</li> </ul>
Severance of/encroachment on identified aquatic/wetland ecosystems	<ul style="list-style-type: none"> <li>• Minimize intrusion by use of design measures (e.g., alignments, design of structures).</li> </ul>
<b>Implementation Stage</b>	
Intrusion into sensitive area	<ul style="list-style-type: none"> <li>• Protect area using silt fence/tree protection;</li> <li>• Protect area by prohibiting access;</li> <li>• Prohibit/restrict open burning;</li> <li>• Minimize tree removal;</li> <li>• Employ wildlife deterrence measures to prevent nesting or roosting in areas of potential disturbance; and</li> <li>• Conduct work outside nesting or roosting periods, where possible.</li> </ul>

<b>TERRESTRIAL ECOSYSTEMS (WETLANDS)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Planning Stage (Alternative Methods (Plans))</b>	
Severance of/loss of wetlands	<ul style="list-style-type: none"> <li>• Protect through alternate route; and</li> <li>• Select route with least impact.</li> </ul>
<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
Severance of/loss of wetlands	<ul style="list-style-type: none"> <li>• Minimize intrusion by use of design measures (e.g., alignments, design of structures).</li> </ul>
<b>Implementation Stage</b>	
Intrusion into sensitive area	<ul style="list-style-type: none"> <li>• Protect area using silt fence/tree protection;</li> <li>• Protect area by prohibiting access; and</li> <li>• Restore sensitive area or compensate for impact if unavoidable as applicable.</li> </ul>

<b>TERRESTRIAL ECOSYSTEMS (VEGETATION)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Planning Stage (Alternative Methods (Plans))</b>	
Impacts on woodlands and other vegetated areas	<ul style="list-style-type: none"> <li>• Protect through alternate route that would avoid/minimize encroachment.</li> </ul>
<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
Impacts on woodlands and other vegetated areas	<ul style="list-style-type: none"> <li>• Minimize impacts through horizontal/vertical alignments, and grading design to permit maximum retention of existing resources, including inserting vegetated buffer requirements and clearing restrictions;</li> <li>• Utilize landscape planting plan to mitigate impact resulting from tree removal, consider snowdrift mitigation, and provide ecological restoration where possible or feasible; and</li> <li>• Staging of work to salvage vegetation material.</li> </ul>
<b>Implementation Stage</b>	
Impacts on woodlands and other vegetated areas	<ul style="list-style-type: none"> <li>• Avoid/mitigate impacts through enforcement of retention/protection measures, exercise careful work habits, and implementation of landscape plan; and</li> <li>• Time construction activities to minimize side impacts to wildlife/vegetation.</li> </ul>



<b>WATER (SOURCEWATER)</b>	
<b>Example of Effect</b>	<b>Example of Impact Management Measure</b>
<b>Planning Stage (Alternative Methods (Plans))</b>	
Potential for significant risk to vulnerable areas identified in approved Source Protection Plan	<ul style="list-style-type: none"> <li>Adjust alignment to comply with approved Plan in consultation with responsible Source Protection Authority.</li> </ul>
<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
<b>Implementation Stage</b>	
Interference with vulnerable areas identified in approved Source Protection Plan	<ul style="list-style-type: none"> <li>Apply contingency planning to address unexpected occurrences.</li> </ul>

<b>WATER (GROUNDWATER)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Planning Stage (Alternative Methods (Plans))</b>	
Impacts of groundwater quality (increased pollutants) and quantity (fluctuation of ground water levels)	<ul style="list-style-type: none"> <li>• Adjust alignment to avoid source water protection areas, areas with high groundwater table, recharge areas and wells.</li> </ul>
<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
Increased pollutants to groundwater recharge areas	<ul style="list-style-type: none"> <li>• Carry out Stormwater Management Plan (Study) to minimize water quality impacts to groundwater recharge areas, and incorporate recommended stormwater management practices into the design package; and</li> <li>• Avoid infiltration measures.</li> </ul>
Increased/Decreased runoff (water quantity) to groundwater recharge areas	<ul style="list-style-type: none"> <li>• Carry out Stormwater Management Study and incorporate recommendation in design package; and</li> <li>• Reduce depth of cuts in areas of shallow groundwater.</li> </ul>
Increased pollutants to groundwater in source water protection areas/recharge area	<ul style="list-style-type: none"> <li>• Carry out Stormwater Management Plan (Study) to minimize water quality impacts to groundwater recharge areas, and incorporate recommended stormwater management practices into the design package; and</li> <li>• Avoid infiltration measures.</li> </ul>
Potential impacts to well water levels and quality due to the proposed design	<ul style="list-style-type: none"> <li>• Identify wells of high potential for impacts due to the proposed design; and</li> <li>• Consider pre-construction monitoring (sampling) of wells.</li> </ul>

<b>WATER (GROUNDWATER)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Implementation Stage</b>	
Interference with the quality and/or quantity of water supply (wells) due to construction activities; or removal of wells	<ul style="list-style-type: none"> <li>• Provide temporary water supply;</li> <li>• Monitoring (sampling) of wells; and</li> <li>• Decommission wells.</li> </ul>
Contamination of groundwater due to contractor activities (refuelling spills, etc.)	<ul style="list-style-type: none"> <li>• Require equipment refuelling restrictions;</li> <li>• Remove or contain contaminated material;</li> <li>• Minimize disturbance of septic systems;</li> <li>• Utilize good management practices for the establishment and abandonment of wells and septic systems;</li> <li>• Ensure positive drainage; and</li> <li>• Conduct monitoring of problems or potential problems as necessary.</li> </ul>
Impacts to or removal of septic system	<ul style="list-style-type: none"> <li>• Repair septic system and ensure septic systems removed from service are properly abandoned/decommissioned.</li> </ul>

<b>WATER (SURFACE WATER)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Planning Stage (Alternative Methods (Plans))</b>	
Increased water quantity to receiving watercourse (flood levels and erosion)	<ul style="list-style-type: none"> <li>• Adjust alignment to avoid sensitive watercourse crossings (flooding and erosion);</li> <li>• Property acquisition/protection for stormwater management ponds (flooding and erosion); and</li> <li>• Minimize amount of impervious area.</li> </ul>
Increased pollutants to receiving watercourse (water quality)	<ul style="list-style-type: none"> <li>• Adjust alignment to avoid erodible soils;</li> <li>• Adjust alignment to avoid sensitive watercourse crossings;</li> <li>• Property acquisition/protection for stormwater management facilities; and</li> <li>• Maximize grassed areas (median ditches and outside ditches).</li> </ul>
<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
Potential increase in upstream/downstream flood levels and erosion at watercourses	<ul style="list-style-type: none"> <li>• Design of watercourse crossings (culverts and bridges) in accordance with Ministry Standards, Policies and Directives to minimize flood risk and erosion;</li> <li>• Via stormwater management study, include facilities to control peak flow (runoff); and</li> <li>• Identify locations requiring erosion protection and incorporate erosion protection measures into the design package.</li> </ul>
Potential increase of pollutants to receiving watercourses (increase imperviousness) and resulting damage to water quality	<ul style="list-style-type: none"> <li>• Carry out a stormwater management study to identify stormwater management practices (SWMPs) to be incorporated into the design package, including promoting infiltration and incorporating vegetation/planting, where it is determined to limit impervious areas.</li> </ul>
Potential increase in surface erosion to receiving watercourses	<ul style="list-style-type: none"> <li>• Incorporate erosion and sediment control measures into contract package.</li> </ul>

<b>WATER (SURFACE WATER)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Implementation Stage</b>	
Increase runoff from construction site to receiving watercourses	<ul style="list-style-type: none"> <li>• Require temporary detention basin/pond;</li> <li>• Require contractor to have an adequate drainage conveyance system during construction; and</li> <li>• Monitor to ensure erosion and sediment control measures are installed and maintained.</li> </ul>
Contamination of surface waters	<ul style="list-style-type: none"> <li>• Remove or contain contaminated material;</li> <li>• Clean out catch basins in storm sewer systems;</li> <li>• Restrict equipment from entry into water;</li> <li>• Utilize equipment refuelling setbacks from water bodies and other precautions;</li> <li>• Stockpile setbacks from water bodies;</li> <li>• Use enclosures on structural rehabilitation work and containment of spent blasting media;</li> <li>• Prohibit use of hydraulic cleaning methods in sensitive areas;</li> <li>• Prohibit stockpiling of materials in sensitive areas (e.g., within floodplain of watercourse or other designated areas);</li> <li>• Direct run-off away from sensitive areas;</li> <li>• Contain and clean-up spills quickly and effectively; and</li> <li>• Report spills quickly and accurately.</li> </ul>

<b>AIR QUALITY</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Planning Stage (Alternative Methods (Plans))</b>	
Potential effect of long-term exposure, if exceedances of current air quality standards on: <ul style="list-style-type: none"> <li>• health impacts</li> <li>• plant and crop damage</li> </ul>	<ul style="list-style-type: none"> <li>• Control impacts through maintaining a setback from homes, schools, etc., from the proposed route, for air quality problem areas, based on variables of topography, wind, etc.; and</li> <li>• Avoid residential areas/homes/hospitals, long-term care facilities etc.</li> </ul>
<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
Potential effect of long-term exposure, if exceedances of current air quality standards on: <ul style="list-style-type: none"> <li>• health impacts</li> <li>• plant and crop damage</li> </ul>	<ul style="list-style-type: none"> <li>• Determine need to model impact of highway improvements on air quality, based on criteria for modelling developed by MTO and determine the need for mitigation measures; and</li> <li>• Improve traffic flow to reduce "stop and go" driving.</li> </ul>

<b>AIR QUALITY</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Implementation Stage</b>	
<p>Short-term impacts of construction operations on adjacent sensitive receivers (e.g., residences, schools, hospitals, flora and fauna, etc.)</p>	<ul style="list-style-type: none"> <li>• Include special provisions in contract to ensure no unnecessary idling of vehicles;</li> <li>• Provide dust control/suppression;</li> <li>• Locate contractors' yards away from sensitive areas; and</li> <li>• Use incentive/disincentive clauses in contract to reduce the duration of construction.</li> </ul>

<b>NOISE</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Planning Stage (Alternative Methods (Plans))</b>	
Increased highway noise levels	<ul style="list-style-type: none"> <li>• Avoid residential areas/homes; and</li> <li>• Avoid other Noise Sensitive Areas (e.g., hospitals, long-term care facilities, etc.).</li> </ul>
<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
Increased highway noise levels	<ul style="list-style-type: none"> <li>• Minimize impacts through adjustments to highway gradient and/or vertical alignment;</li> <li>• Use quieter pavement type; and</li> <li>• Install noise barriers in accordance with provincial policy.</li> </ul>
<b>Implementation Stage</b>	
Construction noise disturbance	<ul style="list-style-type: none"> <li>• Restrict night-time operations;</li> <li>• Require equipment to be in good repair; and</li> <li>• Prohibit equipment yards in Noise Sensitive Areas.</li> </ul>



<b>LAND USE (GENERAL)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Planning Stage (Alternative Methods (Plans))</b>	
Severance of communities	<ul style="list-style-type: none"> <li>• Protect through alternative alignment; and</li> <li>• Maintain local roads (e.g., provide underpasses/overpasses) for delivery of community services (i.e., emergency vehicles, school buses).</li> </ul>
Loss of homes/businesses/mixed-use facilities	<ul style="list-style-type: none"> <li>• Avoid through alternative route selection to bypass urban areas and clustered rural settlements to decrease the number of people affected.</li> </ul>
Fragmentation of designated environmentally sensitive areas	<ul style="list-style-type: none"> <li>• Avoid alignments that fragment environmentally sensitive areas, including areas with potential for minerals/aggregates.</li> </ul>
Impacts on Niagara Escarpment Plan Area, Oak Ridges Moraine Plan Area, ANSI's, ESA's, etc.	<ul style="list-style-type: none"> <li>• Protect through alternate route that would avoid/minimize encroachment.</li> </ul>
<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
Loss of homes/businesses/mixed-use facilities	<ul style="list-style-type: none"> <li>• Mitigate impacts by: <ul style="list-style-type: none"> <li>○ acquiring property at fair market value, and</li> <li>○ considering advance purchase.</li> </ul> </li> <li>• Providing appropriate notice period (per lease agreements) if land is in public ownership.</li> </ul>
Impacts to property	<ul style="list-style-type: none"> <li>• Minimize direct impacts to property by following lot/concession/field lines or existing ROW;</li> <li>• Compensate for “injurious affection.” Where land is taken MTO may compensate landowners for damages resulting from both construction and use of the highway. Where no land is taken, MTO is only responsible for damages resulting from construction of the highway;</li> <li>• Restoration of/improvement to access, where possible;</li> <li>• Restoration of/improvement to visibility, where possible; and</li> <li>• Use of construction and timing methods to limit noise, dust, light and vibration impacts.</li> </ul>

<b>LAND USE (GENERAL)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
Disrupting character of area	<ul style="list-style-type: none"> <li>• Preserve existing amenities as much as possible;</li> <li>• Retain and/or plant vegetative buffer areas;</li> <li>• Grade site to pleasing lines, utilize berms; and</li> <li>• Employ context-sensitive design and site structures to blend with adjacent areas.</li> </ul>
Potential impacts on environmentally sensitive areas	<ul style="list-style-type: none"> <li>• Use of construction and timing methods to limit noise, dust, light and vibration impacts;</li> <li>• Consider relevant provincial plans for more detailed requirements in sensitive areas (e.g., Niagara Escarpment, Oak Ridges Moraine);</li> <li>• Avoid mineral/petroleum resource areas where possible; and</li> <li>• Use appropriate landscaping.</li> </ul>
Potential impacts on public transit routes	<ul style="list-style-type: none"> <li>• Consult with transit authorities to minimize conflicts/enhance opportunities.</li> </ul>
Potential impacts on emergency response routes	<ul style="list-style-type: none"> <li>• Consult with response agencies during design to minimize disruption, coordinate activities.</li> </ul>
Reduced ability to proceed with approved private developments	<ul style="list-style-type: none"> <li>• Consider alternative alignments, cross-sections to minimize impacts on approved developments.</li> </ul>
Higher intensity of land use than previously existed	<ul style="list-style-type: none"> <li>• Corridor control to ensure that entrances and exits on the highway remain at a safe level.</li> </ul>
Impacts on Niagara Escarpment Plan Area, Oak Ridges Moraine Plan Area, ANSI's, ESA's, etc.	<ul style="list-style-type: none"> <li>• Protect through horizontal/vertical alignments, grading and structural design that would avoid incursion; and</li> <li>• Utilize landscape planting plan to provide buffer.</li> </ul>
<b>Implementation Stage</b>	
Loss of/encroachment on environmentally sensitive areas	<ul style="list-style-type: none"> <li>• Prohibit entry and equipment storage in environmentally sensitive areas.</li> </ul>

<b>LAND USE (GENERAL)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
Disruption of residents	<ul style="list-style-type: none"> <li>• Provide community relations program (e.g., provision of information on timing of construction, project schedule, contact person to deal with day-to-day issues);</li> <li>• Provide contractor incentives to maintain or shorten construction schedule; and</li> <li>• Schedule construction to avoid disruption of peak outdoor activities of residents.</li> </ul>
Potential impacts on public transit routes	<ul style="list-style-type: none"> <li>• Maintain liaison/coordinate construction with transit authorities.</li> </ul>
Potential impacts on emergency response routes	<ul style="list-style-type: none"> <li>• Maintain liaison/coordinate construction with responding agencies.</li> </ul>
Dust accumulation on private property	<ul style="list-style-type: none"> <li>• Provide dust control/suppression; and</li> <li>• Utilize temporary erosion control methods on staged construction.</li> </ul>
Smoke impairing visibility/air	<ul style="list-style-type: none"> <li>• Prohibit/restrict open burning in vicinity of dwellings; and</li> <li>• Prohibit open burning on days weather conditions prevent dissipation of smoke.</li> </ul>
Impacts on Niagara Escarpment Plan Area, Oak Ridges Moraine Plan Area, ANSI's, ESA's, etc.	<ul style="list-style-type: none"> <li>• Mitigate impacts through enforcement of retention/protection measures, exercise careful work habits, and implementation of landscape plan.</li> </ul>

<b>LAND USE (AGRICULTURE)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Planning Stage (Alternative Methods (Plans))</b>	
Loss of prime agricultural land (including specialty crop lands and class 1,2, and 3 agricultural soils),  capital improvements, or  fragmentation of designated prime agricultural areas	<ul style="list-style-type: none"> <li>• Avoid/protect through alternative route selection.</li> </ul>
<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
Loss of prime agricultural land (including specialty crop lands and class 1,2, and 3 agricultural soils) or  capital improvements	<ul style="list-style-type: none"> <li>• Minimize direct impacts to property by following lot/concession/field lines or existing right of way; and</li> <li>• Compensate for “injurious affection” where land is taken, MTO may compensate landowners for damages resulting from both construction and use of the highway; where no land is taken, MTO is only responsible for damages resulting from construction of the highway.</li> </ul>
Permanently removing existing access	<ul style="list-style-type: none"> <li>• Provide new access.</li> </ul>

<b>LAND USE (AGRICULTURE)</b>	
<b>Implementation Stage</b>	
Decrease in agricultural productivity because of blocked drainage	<ul style="list-style-type: none"> <li>• Repair construction damage to agricultural field tiles.</li> </ul>
Disrupting agricultural operations	<ul style="list-style-type: none"> <li>• Schedule construction to avoid work during active farm periods (e.g., cultivation, harvesting, etc.) and rehabilitate areas disturbed by construction;</li> <li>• Provide signage to direct potential customers;</li> <li>• Replacement of fences; and</li> <li>• Use non-invasive and agriculturally supportive plant species for landscaping.</li> </ul>
Temporarily closing agricultural access	<ul style="list-style-type: none"> <li>• Provide alternative access.</li> </ul>
Disrupting livestock by creating noise and dust	<ul style="list-style-type: none"> <li>• Management of dust, vibration, noise and light;</li> <li>• Require equipment to be in good repair; and</li> <li>• Minimize the impacts of blasting.</li> </ul>
Contaminants in run-off affecting crops	<ul style="list-style-type: none"> <li>• Direct run-off away from sensitive areas.</li> </ul>
Injury to crops and livestock due to particulate matter in air from open burning	<ul style="list-style-type: none"> <li>• Prohibit/restrict open burning during sensitive crop periods and in vicinity of livestock.</li> </ul>

<b>LAND USE (COMMERCIAL/INDUSTRIAL)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Planning Stage (Alternative Methods (Plans))</b>	
Business Interruption	<ul style="list-style-type: none"> <li>• Protect through alternate route; and</li> <li>• Avoid impacting core business areas.</li> </ul>
<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
Loss of business	<ul style="list-style-type: none"> <li>• Acquiring property at fair market value; and</li> <li>• Considering advance purchase.</li> </ul>
Impacts to property	<ul style="list-style-type: none"> <li>• Minimize direct impacts to property by following lot/concession/field lines or existing ROW;</li> <li>• Compensate for “injurious affection.” Where land is taken, MTO may compensate landowners for damages resulting from both construction and use of the highway. Where no land is taken, MTO is only responsible for damages resulting from construction of the highway;</li> <li>• Consider context-sensitive design solutions;</li> <li>• Minimize potential of extraordinary isolation of operations; and</li> <li>• Consider transit and emergency routes in planning and staging of work.</li> </ul>
Permanently removing existing entrance/exit	<ul style="list-style-type: none"> <li>• Provide alternate entrance/exit.</li> </ul>
<b>Implementation Stage</b>	
Disrupting business operations	<ul style="list-style-type: none"> <li>• Schedule construction to avoid work during business hours/peak tourist periods;</li> <li>• Provide signage to direct potential customers;</li> <li>• Compensate for business losses; and</li> <li>• Minimize impacts of noise, vibration, dust and light.</li> </ul>
Temporarily closing entrance/exit	<ul style="list-style-type: none"> <li>• Provide alternate entrance/exit.</li> </ul>

<b>LAND USE (COMMUNITY FACILITY/INSTITUTIONAL/RECREATION/TOURISM)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Planning Stage (Alternative Methods (Plans))</b>	
Severance of Trails/Paths/etc.	<ul style="list-style-type: none"> <li>• Avoid/protect through alternative route selection.</li> </ul>
Presence of recreational/community facilities	<ul style="list-style-type: none"> <li>• Avoid sensitive land uses through alternative route selection.</li> </ul>
<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
Preferred location in institutional/recreational area	<ul style="list-style-type: none"> <li>• Employ context-sensitive design solutions.</li> </ul>
Severance of Trails/Paths/etc.	<ul style="list-style-type: none"> <li>• Shift alignment to avoid impact;</li> <li>• Design structure to span area; and</li> <li>• Establish alternative trail linkages.</li> </ul>
Loss of recreation/community facilities	<ul style="list-style-type: none"> <li>• Mitigate impacts by acquiring property at fair market value.</li> </ul>
Permanently removing existing driveway/business access	<ul style="list-style-type: none"> <li>• Provide new access.</li> </ul>
Permanently closing pedestrian/bicycle access	<ul style="list-style-type: none"> <li>• Provide alternative route/access.</li> </ul>
Permanently closing driveway/business access	<ul style="list-style-type: none"> <li>• Provide alternative access.</li> </ul>
Disruption of community infrastructure/services	<ul style="list-style-type: none"> <li>• Consult with utilities (electricity/water/sewer/gas/telephone/cable) during design to minimize disruption, coordinate activities.</li> </ul>

<b>LAND USE (COMMUNITY FACILITY/INSTITUTIONAL/RECREATION/TOURISM)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Implementation Stage</b>	
Intrusion on Trails/Paths/etc.	<ul style="list-style-type: none"> <li>• Protect area using silt fence/tree protection;</li> <li>• Protect area by prohibiting access; and</li> <li>• Restore damage areas by repair, grading, landscaping.</li> </ul>
Temporarily closing driveway/business access	<ul style="list-style-type: none"> <li>• Provide alternative access;</li> <li>• Utilize signing and detours to minimize inconvenience for both businesses and potential customers;</li> <li>• Minimize the time when access is affected; and</li> <li>• Stage construction to minimize inconvenience where possible, and be as responsive as possible to the needs of individual businesses.</li> </ul>
Temporarily closing pedestrian/bicycle routes/access	<ul style="list-style-type: none"> <li>• Provide alternative routes/access.</li> </ul>
Disruption of community infrastructure/services	<ul style="list-style-type: none"> <li>• Maintain liaison with utilities; and</li> <li>• Consider coordinating construction and utility maintenance/upgrading to minimize disruption.</li> </ul>



<b>LAND USE (COMMUNITY/RECREATION)</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Planning Stage (Alternative designs (plans))</b>	
Loss of recreational/community facilities	<ul style="list-style-type: none"> <li>• Avoid through alternative route selection.</li> </ul>
<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
Loss of recreation/community facilities	<ul style="list-style-type: none"> <li>• Mitigate impacts by acquiring property at fair market value.</li> </ul>
Permanently removing existing driveway/business access	<ul style="list-style-type: none"> <li>• Provide new access.</li> </ul>
Permanently closing pedestrian/bicycle access	<ul style="list-style-type: none"> <li>• Provide alternative route/access.</li> </ul>
Permanently closing driveway/business access	<ul style="list-style-type: none"> <li>• Provide alternative access.</li> </ul>
Disruption of community infrastructure/services	<ul style="list-style-type: none"> <li>• Consult with utilities (electricity/water/sewer/gas/telephone/cable) during design to minimize disruption, coordinate activities.</li> </ul>

<b>Implementation Stage</b>	
Temporarily closing driveway/business access	<ul style="list-style-type: none"> <li>• Provide alternative access;</li> <li>• Utilize signing and detours to minimize inconvenience for both businesses and potential customers;</li> <li>• Minimize the time when access is affected; and</li> <li>• Stage construction to minimize inconvenience where possible, and be as responsive as possible to the needs of individual businesses.</li> </ul>
Smoke impairing visibility/air	<ul style="list-style-type: none"> <li>• Prohibit/restrict open burning in vicinity of dwellings; and</li> <li>• Prohibit open burning on days weather conditions prevent dissipation of smoke.</li> </ul>
Temporarily closing pedestrian/bicycle routes/access	<ul style="list-style-type: none"> <li>• Provide alternative routes/access.</li> </ul>
Disruption of community infrastructure/services	<ul style="list-style-type: none"> <li>• Maintain liaison with utilities; and</li> <li>• Consider coordinating construction and utility maintenance/upgrading to minimize disruption.</li> </ul>

<b>CONTAMINATED PROPERTY AND EXCESS MATERIAL MANAGEMENT</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Planning Stage (Alternative Methods (Plans))</b>	
Encroachment upon waste disposal sites, and contaminated or potentially contaminated property	<ul style="list-style-type: none"> <li>• Avoid waste disposal sites and contaminated property.</li> </ul>

<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
Encroachment upon waste disposal sites and contaminated property	<ul style="list-style-type: none"> <li>• Remediate contaminated property as necessary; and</li> <li>• Minimize encroachment through design measures (e.g., alignment shift).</li> </ul>
Contamination of groundwater	<ul style="list-style-type: none"> <li>• See Groundwater.</li> </ul>
Contamination of surface waters	<ul style="list-style-type: none"> <li>• See Surface Water.</li> </ul>
Contamination of ROW from waste disposal sites or contaminated properties	<ul style="list-style-type: none"> <li>• Design drainage measures to prevent landfill leachate from mixing with Highway drainage;</li> <li>• Design measures to prevent waste material from impacting/entering the ROW;</li> <li>• Design measures to prevent construction activities from impacting site, or contacting contaminated areas; and</li> <li>• For combustible gas, design measures to prevent explosive build-up in confined spaces on ROW.</li> </ul>
Release of asbestos or lead into the air/environment	<ul style="list-style-type: none"> <li>• Controlled removal of asbestos/lead-containing materials; and</li> <li>• Proper handling and disposal of asbestos/lead waste.</li> </ul>
Generation of excess materials (e.g., earth, concrete, asphalt, or natural wood) from the ROW.	<ul style="list-style-type: none"> <li>• Incorporate/re-use excess materials into the design where possible and applicable.</li> </ul>

<b>Implementation Stage</b>	
Encroachment upon waste disposal sites and contaminated property	<ul style="list-style-type: none"> <li>• Monitor work in vicinity of waste disposal site or contaminated property as necessary to ensure absence of contamination;</li> <li>• Site or item-specific monitoring and/or testing to identify contamination and determine viable options where necessary;</li> <li>• Remediation of contamination in accordance with legislation and guidelines; and</li> <li>• Ensure good property and materials management practices to minimize negative impacts to the environment.</li> </ul>
Contamination of ground or surface water	<ul style="list-style-type: none"> <li>• See Groundwater or Surface Water.</li> </ul>

<b>CULTURAL HERITAGE RESOURCES</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Planning Stage (Alternative Methods (Plans))</b>	
Disturbance or destruction of archaeological resources	<ul style="list-style-type: none"> <li>• Undertake archaeological assessment(s) to identify and evaluate resources. All archaeological assessment work must be carried out by licensed archaeologists; and</li> <li>• Avoidance, through alternative route selection.</li> </ul>
Displacement of built heritage resources and/or cultural heritage landscapes by removal and/or demolition and/or disruption	<ul style="list-style-type: none"> <li>• Identify, evaluate, and manage significant built and landscape heritage resources as per <i>Standards and Guidelines for Conservation of Provincial Heritage Properties</i>;</li> <li>• Avoidance, through alternative route selection;</li> <li>• Prevent significant built heritage resources from undergoing demolition by neglect, with the consideration of property maintenance measures; and</li> <li>• Carry out impact assessment and appropriate public engagement, given removal and demolition of significant cultural heritage resources is considered to be a last resort.</li> </ul>
Impacts to registered and unregistered cemeteries which have been identified and documented	<ul style="list-style-type: none"> <li>• Avoidance, through alternative route selection; and</li> <li>• Compliance with the <i>Funeral, Burial and Cremation Services Act</i>.</li> </ul>
Impacts on cultural heritage landscape features, and disruption of resources by the introduction of physical, visual, audible or atmospheric elements that are not in keeping with the character and setting of the cultural heritage resource	<ul style="list-style-type: none"> <li>• Protect through alternate route to avoid/minimize encroachment;</li> <li>• Consider alternative alignment to retain and maintain the visual settings and physical relationships of heritage features; and</li> <li>• Retain and maintain the visual settings and other physical relationships that contribute to the cultural heritage value.</li> </ul>

<b>CULTURAL HERITAGE RESOURCES</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Preliminary Design Stage (Alternative Methods (Designs))</b>	
Disturbance or destruction of archaeological resources	<ul style="list-style-type: none"> <li>• Complete archaeological assessment(s) if not undertaken or completed at the earlier Planning stage;</li> <li>• Avoid and protect an archaeological site as a preferred alternative;</li> <li>• If a preferred alternative is not possible, excavate the archaeological site; and</li> <li>• All archaeological assessments and excavations must be carried out by licensed archaeologists and shall include consultation and engagement with First Nations, where necessary.</li> </ul>
Displacement of built heritage resources and/or cultural heritage landscapes by removal and/or demolition and/or disruption	<ul style="list-style-type: none"> <li>• Avoid and preserve built heritage resources and/or cultural heritage landscape features in-situ and consider adaptive reuse alternatives;</li> <li>• Relocate heritage buildings(s) and/or structures, and consider adaptive re-use alternatives; and</li> <li>• Document and salvage features from heritage buildings and/or structures prior to demolition.</li> </ul>
Deterioration of significant cultural heritage resources as a result of environmental changes	<ul style="list-style-type: none"> <li>• Decrease harmful environmental condition changes such as vibration, altered water table, etc. to built heritage resources, cultural heritage landscapes, and archaeological sites.</li> </ul>
Impacts on cultural heritage landscape features, and Disruption of resources by the introduction of physical, visual, audible or atmospheric elements that are not in keeping with the character and setting of the cultural heritage resource	<ul style="list-style-type: none"> <li>• Minimize impact through horizontal/vertical alignments, and grading design to permit maximum retention of existing features;</li> <li>• Utilize landscape planting plan to provide mitigation, screening and enhancement;</li> <li>• Explore alternative alignments that retain and maintain the visual settings and physical relationships of heritage features; and</li> <li>• Ensure the design of new construction, visual intrusions, or other interventions that do not adversely affect the heritage attributes or characteristics of a property.</li> </ul>

<b>CULTURAL HERITAGE RESOURCES</b>	
<b>Example of Effect</b>	<b>Example of Protection Measure</b>
<b>Implementation Stage</b>	
Disturbance or destruction of cultural heritage resources including built heritage, cultural heritage landscape and archaeological resources	<ul style="list-style-type: none"> <li>• Include provisions in contract to stop construction in areas where archaeological resources are discovered during construction;</li> <li>• Ensure avoidance of archaeological sites with the use of protective fencing and/or barriers, to be monitored by a licensed archaeologist;</li> <li>• Protect sites by restricting access, to reduce noise/vibration and control dust;</li> <li>• Avoid and preserve heritage buildings and/or cultural heritage landscape features in-situ and consider adaptive reuse alternatives;</li> <li>• Relocate heritage buildings(s) and/or structures and consider adaptive re-use alternatives if not completed in the earlier Detail Design stage;</li> <li>• Document and salvage features from heritage buildings and/or structures prior to demolition if not completed in earlier Detail Design stage;</li> <li>• Retain and maintain the visual settings and other physical relationships that contribute to the cultural heritage value; and</li> <li>• Ensure construction activities and other interventions do not affect the heritage attributes or characteristics located on or adjacent to a property.</li> </ul>
Impacts on cultural heritage landscape features	<ul style="list-style-type: none"> <li>• Mitigate impacts through enforcement of retention/protection measures, exercise careful work habits, and implementation of landscape plan.</li> </ul>

## Appendix B Typical Transportation Planning and Design Elements Used to Create Alternative Methods (Plans and Designs) and Related Environmental Protection Activities and Decisions

<b>GROUP A &amp; B PROJECTS: Typical Transportation Planning and Design Elements Used to Create Alternative Methods (Plans and Designs) and Related Environmental Protection Activities and Decisions</b>				
Stage	Typical Elements that are considered to develop Alternative Methods (Plans and Designs)		Environmental Protection Activities	Typical Environmental Protection Decisions
	Linear Facilities	Service, Maintenance and Operations Facilities		
<p><b>Planning</b></p> <p>Purpose: To establish the fundamentals of a project</p>	<ul style="list-style-type: none"> <li>• Facility Type:                             <ul style="list-style-type: none"> <li>○ new highway/extension to highway</li> <li>○ access control</li> </ul> </li> <li>• Basic plan and profile (including route location); design speed; typical project cross-section</li> <li>• Need/location/type of interchanges, intersections</li> <li>• Need/location of bridges and culverts</li> </ul>	<ul style="list-style-type: none"> <li>• Need/type of facility</li> <li>• Site location (new facility only), considering such things as visibility and accessibility</li> </ul>	<ul style="list-style-type: none"> <li>• Identify environmental constraints to project objectives</li> <li>• Identify environmental deficiencies (e.g., contaminated properties)</li> <li>• Develop environmental protection strategies:                             <ul style="list-style-type: none"> <li>○ avoidance/prevention through planning alternatives</li> <li>○ environmental design strategies</li> <li>○ environmental remediation strategies</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Avoidance/prevention of:                             <ul style="list-style-type: none"> <li>○ footprint impacts</li> <li>○ interference impacts</li> </ul> </li> </ul>



**GROUP A, B and C PROJECTS: Typical Transportation Planning and Design Elements Used to Create Alternative Methods (Plans and Designs) and Related Environmental Protection Activities and Decisions**

Stage	Typical Elements that are considered to develop Alternative Methods (Plans and Designs)		Environmental Protection Activities	Typical Environmental Protection Decisions
	Linear Facilities	Service, Maintenance and Operations Facilities		
<p><b>Preliminary Design</b></p> <p>Purpose:</p> <p>To develop the project to a level of detail that is specific enough to determine that the design is technically and economically feasible to construct, and that it is feasible to secure environmental permits, approvals and authorizations</p>	<ul style="list-style-type: none"> <li>• Calculated horizontal and vertical alignment, design speed and typical project cross-section covering elements such as:                             <ul style="list-style-type: none"> <li>○ typical right-of-way requirements</li> <li>○ number of lanes/tracks</li> <li>○ median width and type</li> <li>○ shoulder type</li> <li>○ ditches</li> </ul> </li> <li>• Need/location/type of:                             <ul style="list-style-type: none"> <li>○ interchanges and intersections</li> <li>○ bridges and culverts (including span and width)</li> <li>○ stormwater management facilities</li> <li>○ illumination and traffic signals</li> <li>○ safety infrastructure</li> </ul> </li> <li>• Preliminary staging of major work activities</li> <li>• Agreements in principle for road assumptions, transfers, closures, and the resolution of major rail and utility conflicts</li> <li>• Initial property acquisition plan</li> </ul>	<ul style="list-style-type: none"> <li>• Need/location/type of site components:                             <ul style="list-style-type: none"> <li>○ connection with transportation system (ramps, roads, shipping lanes, transitway)</li> <li>○ docking and platform requirements</li> <li>○ buildings</li> <li>○ internal roads</li> <li>○ parking</li> <li>○ illumination</li> <li>○ safety infrastructure</li> <li>○ auxiliary facilities</li> </ul> </li> <li>• Initial property acquisition plan</li> <li>• Staging of major work activities</li> </ul>	<ul style="list-style-type: none"> <li>• Identify environmental constraints to design</li> <li>• Develop environmental design concepts</li> <li>• Develop environmental mitigation concepts</li> <li>• Identify environmental approvals and permits required to be obtained</li> </ul>	<ul style="list-style-type: none"> <li>• Avoidance/prevention of:                             <ul style="list-style-type: none"> <li>○ footprint impacts</li> <li>○ interference impacts</li> </ul> </li> <li>• Control/mitigation of:                             <ul style="list-style-type: none"> <li>○ footprint impacts</li> <li>○ interference impacts</li> <li>○ traffic access modification impacts</li> <li>○ emissions impacts</li> <li>○ timing considerations</li> </ul> </li> <li>• Compensation and Enhancement details</li> </ul>

**GROUP A, B and C PROJECTS: Typical Transportation Planning and Design Elements Used to Create Alternative Methods (Plans and Designs) and Related Environmental Protection Activities and Decisions**

Stage	Typical Elements that are considered to develop Alternative Methods (Plans and Designs)		Environmental Protection Activities	Typical Environmental Protection Decisions
	Linear Facilities	Service, Maintenance and Operations Facilities		
<p><b>Detail Design</b></p> <p>Purpose: To complete the design of the project</p>	<ul style="list-style-type: none"> <li>• Calculated horizontal and vertical alignment and segment-specific cross-section details</li> <li>• Surveyed structure and culvert location/span/width</li> <li>• Details of illumination, traffic signals and safety infrastructure</li> <li>• Application of project-specific standards, and calculation of quantities for all of the above items</li> <li>• Signed agreements for road assumptions, transfers, closures and the resolution of major rail and utility conflicts</li> <li>• Final property requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Detailed and surveyed site plan for all components</li> <li>• Building architectural drawings</li> <li>• Application of project-specific standards, and calculation of quantities for all of the above items</li> <li>• Final property requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Identify environmental constraints to construction</li> <li>• Complete/modify environmental design elements</li> <li>• Complete/modify environmental mitigation</li> <li>• Develop environmental construction constraints</li> <li>• Sign agreements for formal environmental approvals and permits</li> </ul>	<ul style="list-style-type: none"> <li>• Control/mitigation of: <ul style="list-style-type: none"> <li>○ footprint impacts</li> <li>○ interference impacts</li> <li>○ traffic access modification impacts</li> <li>○ emissions impacts</li> <li>○ timing considerations</li> </ul> </li> <li>• Compensation and enhancement details</li> </ul>

# Appendix C Detail Design

## 1 Including Detail Design in the MTO Class EA Process

Detail Design is part of the implementation stage of a project undertaken following the completion of the MTO Class EA process and is carried out in accordance with the Preliminary Design and any commitments included in the TESR. The proponent, however, may decide to incorporate some or all of Detail Design into the Preliminary Design stage of the Class EA process.

In Detail Design, the proponent typically:

- Refines and finalizes the design of the project;
- Obtains environmental permits and approvals applicable to the project(s) required prior to construction;
- Meets the commitments applicable to the design made during the MTO Class EA process as documented in the TESR;
- Prepares the construction contract package, where applicable; and,
- Maintains records for internal reference.

During Detail Design proponents conduct appropriate project-specific consultation, including conducting any consultation required by permitting or approval processes. As noted in section 3.1.5.3, the Duty to Consult also applies to Detail Design regardless of whether Detail Design is included as part of the Class EA process for a project.

If the proponent decides to include some or all elements of Detail Design in the MTO Class EA process, they are documented in the evaluation and selection of the Preferred Alternative Method (Design) in the TESR. These elements of the design are subject to consultation as outlined for the given project group, and public review and comment following the Notice of Completion.

### 1.1 Identify Detail Design Alternative Methods

The proponent may identify a reasonable range of Alternative Methods (Detail Design) that support the Preferred Alternative Method identified in Planning and/or Preliminary Design.

When identifying Alternative Methods (Detail Design), the proponent may decide to re-evaluate and modify the Preferred Alternative Method from the Planning and/or Preliminary Design stage considering new information that has become available.

If applicable, the proponent will identify a reasonable range of Alternative Methods (Detail Design) in accordance with the approaches detailed in Chapter 2. The number of Alternative Methods (Detail Design) considered for any given project varies with the nature of the project's problems and opportunities, the type and complexity of the project and the nature of the study area.

To identify alternatives, the proponent typically considers design elements such as:

- For linear facilities:
  - Cross-section details covering elements such as:
    - Roadway, including shoulders, median, ramps;
    - Pavement;
    - Ditches; and
    - Construction staging, detours and construction access.
  - Surveyed structure and culvert location/span/width;
  - Details of illumination, traffic signals and safety infrastructure; and
  - Application of project-specific standards, and calculation of quantities for all of the above items.
- For ferryboat docks and terminals, transitways and service, maintenance, and operations facilities:
  - Detailed and surveyed site plan for all components;
  - Building architectural drawings;
  - Application of project-specific standards and calculation of quantities for all of the above items; and,
  - Final property requirements.

For projects which had a Planning and/or Preliminary Design stage, the gathering of information is typically carried out to fill in information gaps, update information, and enhance the information level of detail acquired during the previous stages.

The proponent may identify and describe a reasonable set of Alternative Methods (Detail Design) in sufficient detail (in terms of design and net environmental impacts), and the proponent will document the Alternative Methods (Detail Design) and additional refined information in the TESR.

## **1.2 Evaluate Alternative Methods (Detail Design)**

The proponent may assess the Alternative Methods (Detail Design) by:

- Identifying and gathering data about specific features of the environment that may be affected in enough detail for determination of potential impacts;

- Identifying the potential environmental effect of each Alternative Method (Detail Design) and typical mitigation and protection measures; and,
- Determining the substantial expected net environmental impacts (i.e., after mitigation) of each Alternative Method (Detail Design) to allow for evaluation.

The proponent may modify Alternative Methods (Detail Design) as needed as the process progresses.

The remaining reasonable set of Alternative Methods (Detail Design) may be carried forward and evaluated. The proponent undertakes comparative evaluation of the Alternative Methods (Detail Design) to provide a basis for selecting a Preferred Alternative Method (Detail Design). The proponent may evaluate Alternative Methods (Detail Design) in consultation with individuals, organizations and Indigenous communities by:

- Identifying potential environmental and transportation engineering effects.
- Establishing criteria for evaluation. Criteria are examples of potential effects an alternative may have on an environmental feature or function (e.g., changes to water quantity) and/or transportation features or functions (e.g., level of service).
- Selecting indicators for each criterion that will identify how potential environmental and transportation effects will be measured (whether qualitatively or quantitatively) for each criterion (e.g., increased flow rates or reduced level of service).

Using the criteria and indicators, the proponent conducts a comparative analysis of advantages and disadvantages for each Alternative Method (Detail Design), based on the environmental and transportation functions and features. Quantitative and/or qualitative assessment methodologies may be used, which may involve “weights” and/or “measures”.

The proponent will document the evaluation process and results in the TESR.

During the evaluation, the proponent may determine that:

- Alternative Methods (Detail Design) should be modified or discarded;
- Additional Alternative Methods (Detail Design) should be identified; or,
- Additional engineering and/or environmental studies are needed to support the evaluation.

After undertaking any of the above, the proponent will re-evaluate the Alternative Methods (Detail Design).

### **1.3 Consult on the Evaluation of Alternative Methods (Detail Design)**

During the identification and evaluation of Alternative Methods (Detail Design), the proponent will consult and engage with individuals, organizations and Indigenous communities. Additional consultation can be included based on project complexity, timing of the project, potential for environmental impacts and feedback from individuals, organizations, and Indigenous communities participating in the project. The timing and extent of consultation is flexible, as long as the minimum consultation requirements have been met during the process.

This consultation is intended to gather input on the identification, evaluation and/or selection process, to ensure the concerns have been adequately considered and addressed. Input and feedback received may be used to establish the relative importance of various environmental factors and the significance of potential impacts.

The proponent will document the process and results of all consultation, including responses to feedback, in the TESR.

### **1.4 Select the Technically Preferred Alternative Method (Detail Design)**

The proponent may undertake a selection process that includes the following steps:

- Compare Alternative Methods (Detail Design) using typical mitigation and protection measures (predicted net environmental impacts) as a baseline;
- Remove Alternative Methods (Detail Design) that have significant negative predicted net environmental impacts and no significant transportation engineering benefit to create a short-list of reasonable Alternative Methods (Detail Design);
- Assess the overall transportation benefit (how well each meet transportation objectives) of the short-listed Alternative Methods (Detail Design);
- Select the Preferred Alternative Method (Detail Design) that achieves the greatest overall transportation benefit while minimizing the overall negative net environmental impacts; and,
- Document the assessment, evaluation, and selection process for the Preferred Alternative Method (Detail Design) in the TESR.

The proponent will prepare the TESR to summarize the MTO Class EA decision making process that was completed. The TESR will describe:

- How the requirements of the MTO Class EA for the project were met;

- How the project achieves the greatest overall transportation benefit while minimizing overall negative net environmental impacts through the assessment of reasonable alternatives;
- Other key decisions;
- Consultation Summary; and,
- Commitments for consultation and environmental protection to carry forward.

Proponents are required to include copies of relevant studies or reports that were completed to inform and support the decision-making process that was carried out as required by the MTO Class EA. Additional requirements of the TESR are provided in Section 3.3.2.

## **1.5 Develop the Preferred Detail Design Alternative**

Development of the preferred Detail Design alternative involves refinement of the preferred Detail Design and the production of a construction package which typically includes:

- Detailed engineering drawings to support construction, typically at the 1:500 scale;
- Detailed quantities and cost estimates;
- Specifications and standards for transportation engineering and environmental protection components of the design and construction; and,
- Construction staging requirements.

In some cases, the proponent may determine that additional engineering and/or environmental studies are necessary to complete the development of the preferred Detail design alternative. The final Detail Design package should have sufficient detail to carry out construction without any changes being required.

## Appendix D Glossary

Term or Acronym	Definition or Meaning
<b>MTO Class EA 1999, as amended in 2000</b>	MTO's Class Environmental Assessment for Provincial Transportation Facilities approved by the Lieutenant Governor in Council on October 6, 1999 under Order in Council 1653/1999 and as subsequently amended in 2000 and 2020.
<b>Aboriginal Community/Indigenous Communities</b>	<p>The terms 'Indigenous' and 'Aboriginal' are both terms that refer to First Nation, Inuit and Métis peoples collectively. It is always best to be as specific as possible and only use the term 'Indigenous/Aboriginal' when referring to First Nation, Métis and Inuit peoples/communities as a group (e.g., when referring to only First Nation communities, do not use the term 'Indigenous').</p> <p>Generally speaking, it is usually more appropriate to use the term 'Indigenous'; however, in some circumstances 'Aboriginal' is the correct term to use (e.g., 'Aboriginal' rights, because the term 'Aboriginal' has legal meaning).</p> <p>A First Nation community is sometimes referred to as a First Nation 'reserve'. Generally speaking, it is usually more appropriate to use the term 'community'; however, in some circumstance, 'reserve' is the correct term to use (e.g., 'on-reserve' road infrastructure').</p>
<b>Aboriginal Peoples</b>	First Nation, Inuit and Métis peoples of Canada who have rights pursuant to s. 35 of the <i>Constitution Act</i> , 1982. Note: There are no rights-bearing Inuit communities in Ontario.



Term or Acronym	Definition or Meaning
<b>Aboriginal Rights</b>	The Courts have established that Aboriginal rights are collective rights. For an activity to be an Aboriginal right, it must be an element of a practice, custom or tradition which is integral and of central significance to the distinctive culture of the Aboriginal community holding the right. For First Nation and Inuit communities the activity must have existed at the time of their first contact with Europeans, and for Métis communities the activity must have existed prior to the time of effective European control. In both instances, the current practice, custom or tradition must have continuity with the historic practice, custom or tradition, although an unbroken chain of continuity is not required. Aboriginal rights must also remain integral to the community's culture. Aboriginal rights are not frozen in time and include present-day activities that are a modern form of a historical practice, custom or tradition. Examples of Aboriginal rights include the right to hunt, fish, trap and gather. Aboriginal title is a particular type of Aboriginal right.
<b>Advanced Traffic Management System (ATMS)</b>	Part of an Intelligent Transportation System, it is the process of monitoring traffic and controlling the flow of traffic using a variety of detectors, cameras, and communication systems managed by a control centre.
<b>Alignment</b>	The vertical and horizontal position of a road.

Term or Acronym	Definition or Meaning
<b>Alternative Methods</b>	<p>Alternative Methods of carrying out the proposed project are different ways of doing the same activity.</p> <p>Alternative Methods could include consideration of one or more of the following: alternative technologies; alternative methods of applying specific technologies; alternative sites for a proposed project; alternative design methods; and alternative methods of operating any facilities associated with a proposed project referenced in the Class as Alternative Methods (Plans) and Alternative Methods (Designs).</p>
<b>Alternative Methods (Plans)</b>	<p>Consideration of alternatives that bring the project to a design concept level of detail. (i.e., 1:10,000 scale) (e.g., facility types, basic plan and profile, interchange need, need for bridges or culverts)</p>
<b>Alternative Methods (Designs)</b>	<p>Consideration of alternatives that bring the project to a design criteria level of detail. (i.e., 1:2,000 or 1:1,000 scale) (i.e., typical cross-section including alignments, number of lanes/tracks, interchanges and intersections, staging, right of way needs)</p>
<b>Alternatives</b>	<p>Both Alternative Methods (Plans/Designs) and Alternatives To a proposed project.</p>
<b>Alternatives To the Project</b>	<p>Alternatives To the proposed project are functionally different ways of approaching and dealing with a problem or opportunity (i.e., doing nothing, choosing road improvements or transit)</p>
<b>Analysis Area</b>	<p>See Study Area</p>

Term or Acronym	Definition or Meaning
<b>Completed Project</b>	A completed project is used in the MTO Class EA to mean that a project has complied with and completed the class environmental assessment process for the applicable Group.
<b>Bus Bypass Shoulders</b>	Highway shoulders that have been widened and strengthened so public transit buses can use them when roads are congested.
<b>Bypass</b>	A form of realignment in which the route is intended to go around a particular feature or collection of features.
<b>Class Environmental Assessment (Class EA)</b>	A document that sets out a standardized planning process for those classes or groups of activities for which the applicant is responsible. It is also known as a “parent” document in some class environmental assessments. A class environmental assessment is approved under the <i>Environmental Assessment Act</i> and applies to projects that are carried out routinely and have predictable environmental impacts that can be readily managed. Projects defined within a class environmental assessment require no further environmental approval under section 5 of the <i>Environmental Assessment Act</i> , conditional upon being planned according to the procedures set out in the document.
<b>Class Environmental Assessment Process (Class EA Process)</b>	The process by which a person can proceed with a project in accordance with the Class Environmental Assessment.

Term or Acronym	Definition or Meaning
<b>Commitment</b>	Represents a guarantee from a proponent about a certain course of action, that is, “I will do this, at this time, in this way.” Proponents acknowledge these guarantees by documenting obligations and responsibilities, which they agree to follow, in environmental assessment documentation. Commitments are found in environmental reports for class environmental assessment projects. Although not approved by the Minister and Cabinet, they represent guarantees from a proponent about a certain course of action.
<b>Compensation (Environmental or Property Related)</b>	The act of providing mitigation or monies for the following purposes: <ul style="list-style-type: none"> <li>• in return for land or use of the land required for a project; and/or</li> <li>• to fulfill legislative requirements to limit the effect on an environmental feature or species.</li> </ul>
<b>Concerned Person</b>	Any individuals or organizations who raise a concern about a project during the comment period.
<b>Consortium</b>	A group of businesses or organizations contracted to design and/or construct and/or maintain a project.

Term or Acronym	Definition or Meaning
<b>Consultation</b>	<p>A two-way communication process to involve interested individuals or organizations in the planning, implementation and monitoring of a proposed project, or in the context of class environmental assessments, in the determination of the planning process itself.</p> <p>Consultation is intended to:</p> <ul style="list-style-type: none"> <li>• Identify concerns, relevant information, and guidelines, policies and standards pertinent to the project;</li> <li>• Facilitate the development of a list of all required approvals, licenses or permits;</li> <li>• Provide guidance to the proponent about the preparation of the class environmental assessment;</li> <li>• Ensure that relevant information is shared about the proposed project;</li> <li>• Encourage the submission of requests for further information and analysis early in the class environmental assessment process; and</li> <li>• Enable the proponent to make a fair and balanced decision.</li> </ul> <p>Minimum consultation requirements for each Group are included in the Class EA. Depending on the project, the proponent may exceed these minimum requirements. Consultation methods will be selected based on the scope, scale and complexity of the project and the general context.</p> <p>The approach to consultation will vary according to the specific circumstances of each project.</p> <p>'Consultation' also has a specific legal meaning when a project has the potential to have an adverse impact on Aboriginal and treaty rights. See Duty to Consult and Accommodate.</p>

Term or Acronym	Definition or Meaning
<b>Consultation Summary</b>	<p>A comprehensive description of the consultation activities that took place during the MTO Class EA process. The Consultation Summary will:</p> <ul style="list-style-type: none"> <li>• Describe the consultation activities that took place (methods, schedule of events, notification that was given about the activity and materials used);</li> <li>• Identify all persons consulted during the preparation of the environmental assessment (personal names not required) and how they were notified;</li> <li>• Describe how interested Indigenous communities or organizations were identified and how they were consulted;</li> <li>• Clearly and accurately summarize the comments and concerns raised during the consultation activities and during the preparation of the environmental assessment;</li> <li>• Describe the proponent's response to comments and how concerns were considered in the preparation of the environmental assessment;</li> <li>• Describe any outstanding concerns; and</li> <li>• Include in an Appendix minutes from any meetings held with interested persons and organizations and, copies of written comments received from interested persons and organizations.</li> </ul>
<b>Corridor</b>	<p>In transportation studies, a corridor is a defined area where a new or improved transportation facility might be located.</p>
<b>Designation</b>	<p>Formal identification of the right-of-way for a proposed highway, through the provisions of the <i>Public Transportation and Highway Improvement Act</i>. The route is registered in the appropriate land registry office, so that those wishing to purchase or develop property will be aware of the intended use.</p>

Term or Acronym	Definition or Meaning
<b>Detail Design</b>	The final stage in MTO’s design process where engineering and environmental components of Preliminary Design are refined and details concerning, for example, property, and drainage are prepared, and contract documents and drawings are produced. Detail Design is typically done outside of the Class EA process.
<b>Do Nothing Alternative</b>	An alternative that is typically included in the evaluation of alternatives that identifies the implications of doing nothing to address the problem or opportunity that has been identified. Also referred to as the “null” alternative in some class environmental assessments.
<b>Duty to Consult and Accommodate</b>	The Ontario Crown (i.e., a ministry) has a legal obligation to consult with First Nation and Métis communities when it has knowledge of an established or credibly asserted Aboriginal or treaty right and contemplates conduct that may adversely impact the right in question (e.g., a bridge replacement project may adversely impact fishing rights). This is called the ‘Duty to Consult and accommodate’. The source of the Duty to Consult is the honour of the Crown and the constitutional protection accorded Aboriginal and treaty rights under section 35 of the <i>Constitution Act, 1982</i> . The Duty to Consult may include a duty to accommodate in some circumstances. This means the Crown must make genuine efforts to identify and avoid or mitigate the adverse impacts of the proposed decision or conduct on Aboriginal and treaty rights. The Crown must be prepared to change the initiative in a way that will reduce adverse impacts on rights.
<b>Emergency Response</b>	Activities undertaken when emergency work is required.

Term or Acronym	Definition or Meaning
<b>Emergency Work</b>	The actions taken immediately after detection of a situation where there is an imminent risk to life, public safety, damage or loss of property (such as a collision, natural disaster [including beaver dam failure], catastrophic structural failure, or the detection of a pending failure [including containment, cleanup and disposal of material]).
<b>Environment</b>	The <i>Environmental Assessment Act</i> defines environment to mean: (a) Air, land or water; (b) Plant and animal life, including human life; (c) The social, economic and cultural conditions that influence the life of humans or a community; (d) Any building, structure, machine or other device or thing made by humans; (e) Any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from human activities; or, (f) Any part or combination of the foregoing and the interrelationships between any two or more of them.
<b>Environmental Assessment (EA)</b>	Environmental assessment is a study, which assesses the potential environmental impacts (positive and negative) of an individual proposal. Key components of an environmental assessment include consultation with individuals and groups; consideration and evaluation of alternatives; and the management of potential environmental impacts. Conducting an environmental assessment promotes good environmental planning before decisions are made about proceeding with a proposal.



Term or Acronym	Definition or Meaning
<b>Environmental Assessment Act (EA Act)</b>	The <i>Environmental Assessment Act</i> (and amendments and regulations thereto) is a provincial statute that sets out a planning and decision-making process to evaluate the potential environmental impacts of a proposed project. Proponents wishing to proceed with a project subject to the Act, must document their planning and decision-making process and submit the results from their environmental assessment to the Minister of the Environment Conservation and Parks for approval or follow an approved Class EA process.
<b>Environmental Impact</b>	The effect that a proposed project or its alternatives has or could potentially have on the environment, either positive or negative, direct or indirect, short- or long-term.
<b>Environmental Factors</b>	MTO uses environmental factors as a way of organizing environmental effect assessment during MTO Class EA projects. Environmental factors include the various features and functions of the broad environment (see definition) and include fisheries, terrestrial ecosystems, ground and surface water, source water, noise, land use, contaminated property and excess material management, built heritage and cultural heritage landscapes, archaeology, air quality and GHGs, and landscape architecture.
<b>Environmental Sensitivities</b>	A term used to recognize that a project may affect an environmental factor or factors in a manner not addressed by standard environmental protection measures.
<b>Environmental Protection Measures (Impact Management Measures)</b>	Measures which can lessen potential negative environmental impacts or enhance positive environmental impacts. These measures could include mitigation, compensation, or community enhancement. MTO uses the term “environmental protection measures” to mean the same as “impact management measures”.

Term or Acronym	Definition or Meaning
<b>Environmentally Sensitive Areas</b>	Those areas identified by any agency or level of government which contain natural features, ecological functions or cultural, historical or visual amenities which are susceptible to disturbance from human activities, and which warrant protection.
<b>Expansion</b>	The act of increasing the size or function of a transportation facility to increase potential capacity, access, or support other modes in addition to the original (i.e., a new travel lane to a highway).
<b>Extension</b>	The act of lengthening a linear facility, or structures, culverts, bridges, and lanes.
<b>External Agencies</b>	Include Federal departments and agencies, Provincial ministries and agencies, conservation authorities, municipalities, Crown corporations or other agencies other than MTO. External agencies are considered part of individuals and organizations.
<b>Excess Materials</b>	Materials which are surplus to the requirements of a highway construction or maintenance operation. These materials shall be used on site or re-used locally where possible.
<b>Factor-Specific Studies</b>	Studies of the various aspects of the environment (see definition) undertaken during the MTO Class EA process to identify environmental sensitivities, determine potential impacts and anticipated protection measures, and determine the importance of any net environmental impacts of alternatives in accordance with the direction and guidance provided in MTO's Environmental Standards and Practices documents. A link to the documents can be found on MTO's public website.

Term or Acronym	Definition or Meaning
<b>Footprint</b>	The physical area occupied by a facility (i.e., area of land covered by the existing roadbed).
<b>Freeway</b>	Freeways are controlled access median divided highway facilities with grade separated crossings and interchanges (i.e., QEW and 400 series highways).
<b>Grade Separation</b>	A crossing of a rail and a road at different levels or a crossing of two roads at different levels.
<b>High Occupancy Vehicle (HOV) Lane</b>	A roadway lane designated for use only by vehicles with a specified minimum number of occupants, usually two or three. High Occupancy Vehicle (HOV) lanes can also be opened to buses, or others using Green Vehicle Plates or who have paid a toll on High Occupancy Toll (HOT) lanes.
<b>Highway</b>	Highway includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof. This includes all components, i.e., structures, drainage works, traffic and safety devices or any other structure incidental there to.
<b>Highway Facilities</b>	Any facility that is ancillary to a provincial highway/freeway including service, maintenance, and operations facilities such as patrol yards, truck inspection stations (Commercial Vehicle Inspection Facilities (CVIF)), facilities where road maintenance materials such as salt or sand are stored, rest areas, commuter parking lots, travel information centres and service centres, road weather information stations, or any other facility related to the maintenance or operation of the provincial highway/freeway.

<b>Term or Acronym</b>	<b>Definition or Meaning</b>
<b>Impact Management Measures</b>	Measures which can lessen potential negative or enhance positive environmental impacts. These measures could include mitigation, compensation, or community enhancement.
<b>Indigenous Community</b>	See definition for Aboriginal Community.
<b>Individual/Comprehensive Environmental Assessment</b>	An environmental assessment for a project that requires review and approval under the <i>Environmental Assessment Act</i> .
<b>Individuals and Organizations</b>	A broad term meant to capture all persons or organizations who may have an interest or concern in a project. Individuals and organizations may include interested persons, external agencies, interest groups, property owners, and businesses.
<b>Interchange</b>	The grade-separated intersection between two roadways at different levels with structures and connecting ramps for traffic turning between them.
<b>Interested Persons</b>	Individuals or organizations with an interest in a particular project, often including neighbours and individuals, environmental groups or clubs, naturalist organizations, agricultural organizations, sports or recreational groups, organizations from the local community, municipal heritage committees, ratepayers associations, cottage associations, Indigenous communities and organizations, Francophones and businesses.
<b>Issue (in the context of Notices)</b>	For the purposes of this document, issue means to make a document available to interested persons and the public (e.g., the proponent will issue the Notice of Commencement).

Term or Acronym	Definition or Meaning
<b>Issues Resolution</b>	A general process the proponent uses to resolve issues raised by individuals and organizations during the consultation of a project. The process offers an opportunity to reach consensus and build collaboration in attaining a solution. While reasonable efforts will be made to resolve the issue, there may be situations where a consensus is not reached or the resolution reached by the proponent is not agreeable to all parties.
<b>King's Highway</b>	An administrative classification referring to all highways Provincially numbered lower than 500, and including the Queen Elizabeth Way (Q.E.W.).
<b>Master Plans</b>	Master Plans are long range transportation plans, integrating transportation infrastructure requirements for present and future land use with environmental planning principles. These plans examine the whole provincial transportation system in order to outline a framework for planning for subsequent projects and/or developments. Transit infrastructure, and that of other jurisdictions (i.e., federal/municipal/international/private), is included in Master Transportation Plans where sufficient information is available. Transportation Master Planning is done outside of the Class EA process as part of Needs Assessment.
<b>MECP</b>	Ministry of the Environment, Conservation and Parks
<b>Median</b>	A reserve, including shoulders, between lanes carrying traffic in opposite directions. See also 'median strip' below.
<b>Median Barrier</b>	A longitudinal barrier placed in the median to prevent a vehicle from crossing the median.

Term or Acronym	Definition or Meaning
<b>Median Strip</b>	The portion of a highway so constructed as to separate the traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or raise or depressed paved or unpaved separation area that is not intended to allow crossing vehicle movement.
<b>Mediation</b>	A dispute resolution process in which a neutral third party (mediator) who is acceptable to all parties assists disputants in reaching a mutually acceptable agreement. The mediator has no authority to impose a settlement and participation in the process is voluntary.
<b>Mitigation Measure</b>	A measure that is incorporated into a project to reduce, eliminate or ameliorate detrimental environmental impacts.
<b>Monitoring</b>	<p>The activities carried out by the proponent after approval of a project to determine the environmental impacts of the project ('impacts monitoring'). Monitoring can also refer to those activities carried out by MECP to ensure that an applicant complies with the conditions of approval of the class environmental assessment ('compliance monitoring').</p> <p>Effectiveness monitoring is a third type of monitoring in which a proponent evaluates how effectively its class environmental assessment is working in the planning and implementation of its class environmental assessment projects.</p>
<b>MTO</b>	Ontario Ministry of Transportation
<b>MTO Class EA</b>	The Class Environmental Assessment for Provincial Transportation Facilities approved by the Lieutenant Governor in Council on October 6, 1999 under Order in Council 1653/1999, as amended or renamed from time to time

Term or Acronym	Definition or Meaning
<b>MTO Class EA Project</b>	A project that does not require any further approval under the <i>Environmental Assessment Act</i> if the planning process set out in the class environmental assessment document is followed and successfully completed.
<b>MTO Environmental Standards and Practices (ESPs)</b>	A comprehensive set of technical guidance documents addressing all environmental requirements and factors, and developed in partnership with Fisheries and Oceans Canada (DFO), Ministry of Natural Resources and Forestry (MNRF), and others. A link can be found on MTO's public website.
<b>Network Resiliency</b>	The principle that roads, railways, airports, ferries, etc. will be able to survive changing conditions and maintain functionality.
<b>Net Environmental Effect</b>	The estimated or actual environmental effect after application of environmental protection measures.
<b>New Route</b>	New provincial transportation facility created where no such facility existed previously within an identified corridor.
<b>Notice of Commencement</b>	A formal notice issued to mark the initiation of a Class EA process.
<b>Notice of Completion</b>	A formal notice issued to mark the completion of the TESR for a project.
<b>Planning</b>	The first part of MTO's planning and design process for projects where the fundamentals of the project are determined or reviewed. Planning is generally separate for Group A projects but can be combined with Preliminary Design as is common for Group B and C projects. Planning work is documented in the TESR.

Term or Acronym	Definition or Meaning
<b>Preliminary Design (PD)</b>	The part of MTO’s planning and design process for Group A, B and C projects where the proponent refines the project from the fundamentals to a level of detail specific enough to determine that the design project is technically and economically feasible to construct and that it is feasible to secure environmental permits, approvals and authorizations. Preliminary Design work is documented in the TESR.
<b>Project</b>	All activities necessary to solve a specific transportation problem or need.  Has the same meaning as the word “undertaking” as defined in the <i>Environmental Assessment Act</i> .
<b>Property Boundaries</b>	The area of land owned by MTO designated for the provincial highway/freeway and the operation of service, maintenance and operations transportation facilities, such as a ferry terminal, or patrol yard. In addition, this includes lands for the provincial highway/freeway and the operation of service, maintenance and operations transportation facilities but not owned by MTO in cases where a highway/freeway crosses a federally regulated rail line or navigable waterway and lands owned by MTO for uses such as a ferry terminal or patrol yard but not designated (e.g., an MTO patrol yard along a municipal road at a short distance from the highway or a ferry terminal not connected to a provincial highway). See definition for ‘Designation’.



Term or Acronym	Definition or Meaning
<b>Proponent</b>	A person, agency, group or organization that carries out or proposes to carry out a project or is the owner or person having charge, management or control of an undertaking (defined in the <i>Environmental Assessment Act</i> ). In the context of the Class Environmental Assessment Code of Practice, the proponent is the person, agency, group or organization that proposes to carry out a class environmental assessment project, rather than the development of the class environmental assessment itself.
<b>Provincial Highways</b>	Roadways under the jurisdiction of MTO including King's highways, secondary highways and tertiary roads. This includes all components, i.e., structures, drainage works, traffic and safety devices or any other structure incidental thereto.
<b>Provincial Transportation System</b>	Provincial highways; provincial freeways; provincial transitways (separate transit facilities directly associated with a provincial highway/freeway); provincial ferryboats; private controlled access toll highways that are not part of the King's Highway; other transportation corridors which have strategic and economic importance to the province; and the service, maintenance and operations facilities to support the above.
<b>Realignment</b>	Replacement or upgrading of an existing highway/freeway on a new or revised alignment.
<b>Reconstruction</b>	Significant improvements to the condition of a transportation facility that extends the functional life of a facility and that may include upgrades to comply with current standards.

Term or Acronym	Definition or Meaning
<b>Rehabilitation</b>	Improving condition of a transportation facility and restoring it to near original condition. Rehabilitation is often done to extend the functional life of a facility.
<b>Repair</b>	Restoring a transportation facility to a safe condition after damage has occurred. Repairs may be done as part of routine maintenance, to extend the life of a facility, or after an emergency situation.
<b>Roadbed</b>	The graded portion of a highway or road usually considered as the area between the intersections of top and side slopes upon which the base course, surface course, shoulders, and median are constructed.
<b>Roadside Barrier</b>	A longitudinal device placed adjacent to a roadway, intended to contain a vehicle leaving the normal travel path and/or used to shield roadside obstacles or non-traversable terrain features. It includes median barriers (see definition above). It may occasionally be used to protect pedestrians from vehicle traffic.
<b>Roadway</b>	That portion of a highway which is improved, designed or ordinarily used for vehicle travel, inclusive of the shoulder.
<b>Route Alternatives</b>	Location alternatives within a provincial transportation corridor.
<b>Route Planning</b>	The extensive planning of the placement of highway systems.
<b>Safety</b>	Refers to the methods and measures used to prevent road users from being killed or seriously injured. Examples include lighting, medians, etc.
<b>Section 16 Order</b>	An order issued by the Minister of MECP (or the Minister's delegate) pursuant to Section 16 of the EA Act.

Term or Acronym	Definition or Meaning
<b>Service Road:</b>	A road connecting to a through road so designed as to intercept, collect and distribute traffic desiring to cross, enter or leave the through road and to provide access to property.
<b>Statement of Environmental Values</b>	Each of the ministries subject to the Environmental Bill of Rights has a Statement of Environmental Values (SEV). The SEV is the framework used by the MTO when it makes decisions that may affect the environment. Each ministry has its own SEV, reflecting the environmental issues and considerations specific to its own mandate. The SEVs for MTO and each of the ministries subject to the EBR are published on the Environmental Registry.
<b>Study Area</b>	<p>The study area is the broad area within which information is to be collected for the environmental factors. Except where a specific factor area is more explicit through the Environmental Standards and Practices documents, it includes all lands potentially impacted/disturbed by the proposed transportation facility within the proposed right of way/property bounds plus the following:</p> <ul style="list-style-type: none"> <li>• access roads, detours, staging and storage areas, directly and indirectly impacted;</li> <li>• areas of other works and activities associated with the construction; and</li> <li>• adjacent lands, when impacts may occur, to a reasonable distance.</li> </ul> <p>When early in the Planning stage, it is often referred to as the preliminary study area or the analysis area.</p>
<b>Study Design Report (SDR)</b>	A report prepared for complex projects that details the results of the evaluation of Alternatives To and the Consultation Plan for subsequent phases of the Class EA process. The proponent determines the need for preparation of an SDR.

<b>Term or Acronym</b>	<b>Definition or Meaning</b>
<b>Traffic Capacity</b>	In general, it is the maximum sustainable flow of traffic passing in a time period under favourable road and traffic conditions.
<b>Traffic Access</b>	The ability of users in vehicles to reach desired destinations.
<b>Transit Infrastructure associated with a provincial highway/freeway</b>	Includes transitways, reserved bus lanes, bus bypass shoulders, transit stations, park-and-ride lots, pick-up/drop-off areas, transit storage yards and maintenance facilities, transit control centres and all ancillary facilities.
<b>Transitway</b>	A separate transit facility directly associated with a provincial highway/freeway. The transitway right-of-way may be shared with a highway/freeway right-of-way.
<b>Transportation Environmental Study Report (TESR)</b>	The report prepared for all Group A, B and C class environmental assessment projects which describes how the class environmental assessment project was planned to meet the requirements of the MTO Class EA.
<b>Transportation Environmental Study Report Addendum (TESR Addendum)</b>	This is a supplement to the TESR to document the key decisions made and consultation undertaken by the proponent to support making changes to the conclusions in a TESR for a Group A, B, or C project.
<b>Transportation Environmental Study Report Review (TESR Review)</b>	A review described in Section 10.
<b>Transportation Needs Assessment (TNA) Process</b>	The collection of different programs, studies, etc. that are part of the ongoing management and administration of the transportation system by the province.
<b>Treaty Rights</b>	Treaty rights are the specific collective rights of Aboriginal communities embodied in the treaties they entered into with the Crown.

Term or Acronym	Definition or Meaning
<b>Truck Inspection Station (Commercial Vehicle Inspection Facility (CVIF))</b>	Facilities include but are not limited to, buildings, weigh scales, parking areas, ramps and storage areas for the inspection of commercial vehicles.
<b>Twinning</b>	The addition of one or more lanes to a highway facility where the new lanes are on their own alignment separated from the existing lanes by a median strip or other technique and substantially following the existing right-of-way.
<b>Undertaking</b>	When used as a noun, has the same meaning as in the <i>Environmental Assessment Act</i> . See 'project'.