

ENVIRONMENTAL ASSESSMENT ACT

NOTICE OF AMENDMENTS

Class Environmental Assessment for Provincial Transportation Facilities

RE: Amendments to the Class Environment Assessment for Provincial Transportation Facilities

Proponent: Ministry of Transportation (MTO)

EA File No.: EA-02-10-02-02

The Ministry of Transportation, as part of the Ministry of the Environment, Conservation and Parks' (ministry) modernization initiative, submitted proposed amendments to its approved Class Environmental Assessment for Provincial Transportation Facilities for a decision under the *Environmental Assessment Act* (EAA) by the Minister of the Environment, Conservation and Parks.

The ministry also proposed amendments to the Class Environmental Assessment for Provincial Transportation Facilities, including administrative amendments and updates to address the 2019 and 2020 amendments to the EAA.

Section 15.4 of the EAA establishes the authority and process for making amendments to a class environmental assessment, including amendments made on the Minister's own initiative. To amend a class environmental assessment, the Minister must be satisfied that the amendments are consistent with the purpose of the Act and the public interest.

The ministry consulted on the proposed amendments with Indigenous communities, members of the public, government agencies, and stakeholders. Information on the proposed amendments was posted on Ontario's Environmental Registry and Ontario.ca. Indigenous communities, government agencies and other stakeholders were directly notified and provided with information on the proposed amendments.

The ministry reviewed the proposed amendments and recommended amendments be made to the Class Environmental Assessment for Provincial Transportation Facilities that would be consistent with the purpose of the EAA and the public interest, taking into account the feedback received during the consultations, potential impacts to the environment, and other criteria established for the review of the proposed amendments.

Having considered the amending procedures set forth in section 15.4 of the EAA and the Class Environmental Assessment for Provincial Transportation Facilities, the proposed amendments to the Class Environmental Assessment for Provincial Transportation Facilities, the submissions on the proposed amendments, the purpose of the EAA and the public interest, I am hereby amending the Class Environmental Assessment for Provincial Transportation Facilities. The

amendments are incorporated in the December 15, 2023 Class Environmental Assessment for Provincial Transportation Facilities, to which this notice is attached.

REASONS

My reasons for amending the Class Environmental Assessment for Provincial Transportation Facilities are as follows:

- (1) I am satisfied that adequate public notice of the proposed amendments has been provided and members of the public have had an opportunity to comment on the proposed amendments. The public, provincial government agencies, and all Indigenous communities and organizations in Ontario had an opportunity to submit comments to the ministry during the 45-day comment period, from July 8, 2020, until August 22, 2020. The proposal was posted on the Ontario.ca website and the Environmental Registry of Ontario and identified this 45-day comment period.
- (2) I am also satisfied that adequate consultation with proponents of projects that proceed pursuant to the Class Environmental Assessment for Provincial Transportation Facilities, has occurred, with an appropriate opportunity provided to proponents to review the proposed substantive amendments and to provide their comments.
- (3) The ministry has directly engaged with Indigenous communities and organizations on the proposed amendments, providing communities and organizations with information, an opportunity to attend webinar sessions or individualized meetings, an opportunity to comment and raise any concerns and has considered those comments and concerns. The Class Environmental Assessment for Provincial Transportation Facilities provides a formal, recognized process for Indigenous communities and organizations to learn about projects and to be consulted on those projects both on an interest basis and in terms of potential impacts to existing Aboriginal and treaty rights recognized and affirmed in section 35 of the *Constitution Act, 1982*. Additional information was provided in response to questions or concerns from Indigenous communities and organizations, and concerns about the potential impacts of proposed amendments on rights was considered by the ministry in their analysis and by me in my decision.
- (4) The ministry has responded to concerns raised with respect to the proposed amendments by provincial government agencies, interested stakeholders and Indigenous communities with respect to the proposed amendments, including proposing changes and other amendments.
- (5) The ministry has assessed the proposed amendments based on the criteria established by the ministry and has made its recommendations based on that analysis. The ministry has demonstrated that the final recommended amendments are consistent with current legislative requirements and align the assessment requirements with a project's potential for environmental impacts, reduces duplication of the process with other permitting and approval processes and will provide for a more effective planning process to deliver transportation infrastructure in a more efficient and environmentally sustainable manner.
- (6) The administrative amendments proposed by the ministry reflect the legislative and administrative amendments made to the EAA in 2019 and 2020 and update references

to terminology, legislation, and process requirements that may be outdated or no longer relevant.

- (7) The ministry, based on its analysis of the proposed amendments, concluded that the amendments are consistent with the purpose of the EAA and the public interest and based on my reasons set out above, I concur with this conclusion.

Notice of my decision to amend the class environmental assessment will be posted in the Environmental Registry of Ontario to bring the amendments into effect, as required by the EAA, and to provide public notice of the changes made to the class environmental assessment.

Dated the 15 day of December 2023 at TORONTO.



Minister of the Environment, Conservation and
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