

EA Panel's - KEY RECOMMENDATIONS			YORK REGION RESPONSE
Recommendation 1: General Need for Principles, Policies and Procedures	Issue: Need for EA to better address green projects in the waste, energy and transportation sectors	The <i>Environmental Assessment Act</i> (EA Act) should deliver major improvements across three sectors – waste, energy, transportation – by immediate attention to three topics set out in detail below: (1) general EA principles within MOE policy guidelines on how to interpret and apply the purpose of the Act to specific undertakings; (2) provincial policies for each sector on what factors contribute to “green” undertakings and thereby merit priority compared to other undertakings in the sector; and (3) prescriptive sector-specific procedures which correlate EA requirements with the degree of societal benefits and environmental risks associated with an undertaking. Page 28.	See response in Section 4.2.1 (Overarching EA principles to guide the Process) of the Region of York Committee Report titled “Comments on Improving Environmental Assessment A Framework for Reform” dated June 15, 2005.
Recommendation 2: EA Act Principles	Issue: Need for guidance on how to interpret and apply the purpose of the EA Act.	In order to ensure that all EA participants – proponents, the public and decision-makers – have a common framework to assess specific undertakings and assign preferences among alternatives, it is essential that more attention be devoted to the purpose of the EA Act. The purpose seeks the “betterment of the people” of Ontario and requires “the protection, conservation and wise management in Ontario of the environment”. Based on this broad purpose, a set of general EA principles should be articulated in EA Act policy guidelines for specific application to all decisions made under the EA Act. Page 29.	See response in Section 4.2.1 (Overarching EA principles to guide the Process) of the Region of York Committee Report titled “Comments on Improving Environmental Assessment A Framework for Reform” dated June 15, 2005.
Recommendation 3: Sector-specific Policy	Issue: Need for provincial policy which prioritizes “green” undertakings, and which addresses need and alternatives.	The Government of Ontario should develop sector-specific policies which must be followed under the EA Act, just as the Provincial Policy Statement is issued and applied under the <i>Planning Act</i> . These sectoral policies should include a hierarchy of preferences based on degree of benefit and risk of impact (e.g. policy preference for renewable energy, public transit, and waste diversion). As an immediate measure the Province should ensure that EA decisions are consistent with PPS provisions respecting renewable energy systems, transit, and waste reduction, reuse and recycling. Page 39.	See response in Section 4.2.2 (Sector specific EA Policies that would identify and prioritize “green projects” within the sector for expedited treatment) of the Region of York Committee Report titled “Comments on Improving Environmental Assessment A Framework for Reform” dated June 15, 2005.
Recommendation 4: Establishment of Sector working groups	Issue: Need to establish working groups to develop sectoral policy	The MOE should immediately establish small sectoral working groups for Energy, Transportation and Waste sectors. Members should be experienced in EA to expeditiously develop each sectoral policy, which can be forwarded to the Minister for review and adoption under the EA Act. Page 39.	See response in Section 4.2.2 (Sector specific EA Policies that would identify and prioritize “green projects” within the sector for expedited treatment) of the Region of York Committee Report titled “Comments on Improving Environmental Assessment A Framework for Reform” dated June 15, 2005.
Recommendation 5: EA Procedures	Issue: Need for EA	a) A procedural framework should be developed such that the nature and extent of EA documentation, notification, and planning depend on the	See response in Section 4.2.3 (A new sector specific EA procedure that matches

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procedures which correlate assessment requirements to the degree of benefit and risk associated with an undertaking.	environmental benefits and risks associated with a particular undertaking. Undertakings that pose benefits without corresponding risks should be given priority under the EA Act in the sense that their process and approval standards are easier to meet than undertakings that create risks and produce few or no benefits. For each sector, existing Class EA and regulatory instruments should be adapted accordingly. b) Guided by the procedural charts in Chapter 3 and the principle that sector rules should be consistent across sectors, the Minister should ask the proposed working groups to recommend binding rules for EA triggers and processes for each sector. Thus, the procedural charts should be adopted as a future regulation, as amended by working group recommendations that treat similar projects within all sectors consistently. In particular, as suggested by the Waste Sector Table, the waste sector working group should consider the following issues: i. designate certain waste management facilities (e.g. all landfills and incinerators accepting municipal and IC&I waste) as being subject to the EA Act, regardless of proponenty; ii. exempt certain facility-related proposals from EA obligations (e.g. Category 1 projects); iii. establish an appropriate EA process for smallscale or less environmentally significant projects within prescribed thresholds or categories; iv. ensure that individual EAs are conducted for large-scale or environmentally significant waste management undertakings; v. provide prescriptive details on undertakings that require the highest level of assessment(e.g., TOR content or category 5 projects); and, vi. compile and update a comprehensive provincial database on waste management. c) Pending the completion of the revised sectoral procedures, as an interim measure the MOE should immediately revise the draft TOR guideline to ensure consistency with this Report (especially in relation to "need" and "alternatives to"), and should post the revised TOR guideline on the EBR Registry for public review and comment prior to finalization. Page 42-43.	EA effort to the expected environmental benefits and risks associate with a particular undertaking) of the Region of York Committee Report titled "Comments on Improving Environmental Assessment A Framework for Reform" dated June 15, 2005.
Recommendation 6:	Issue:	An advisory independent body to solicit

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Provincial Advisory Body *	Need for impartial expert advice on a broad range of EA related matters.	advice to the provincial government and solicit public input in relation to EA matters as may be warranted. Page 66.	broad public input and to provide expert advice to the Minister on a number of contentious EA issues seems appropriate. However four issues must be addressed, 1) the mandate (role and function) of the advisory body must be clearly defined, 2) selection of members to this advisory body must not be politically appointed and must be at arms length (i.e. truly independent), 3) the advisory body must in no way slow down any EAs and 4) members must be experienced in delivering the services studied in the EA. Given the scarcity in staff and financial resources, the idea of a Provincial Advisory body requires further discussion to determine how to implement an already understaffed EAAB and a Provincial Advisory Board. The first priority should be the EAAB.
Recommendation 7: Funding for Advisory Body **	Issue: Financial support for advisory body.	Funding for the advisory body should be drawn, at least in part, from revenues generated from EA application fees (as described below in Recommendation 23). Page 66.	To sustain the advisory body, MOE must provide appropriate funding to serve the mandate of this body, hence revenue source funding is not recommended. It should be recognized that most EA's are undertaken by the public sector proponents, therefore it would appear to be redundant for one Ministry to tax another Ministry or lower level government (i.e. York Region). York Region strongly opposes any type of proponent fee which would be contrary to the AMO-Provincial MOU regarding unfunded downloading.
Recommendation 8: Public participation	Issue: Finalizing MOE consultation guideline.	The MOE should revise the draft consultation guideline to reflect the recommendations in this report, paying particular attention to the following issues: a) identification of "interested persons" within the meaning of the EA Act;	Any revisions to the draft consultation guidelines should enhance public participation and allow appropriate timeline for commenting. Any timelines established should not be onerous upon the proponent

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	b) provision of timely and effective public notices; c) ensuring public access to relevant documents and information; d) provision of adequate comment periods; e) effective methods and techniques for soliciting public input (including using municipal council proceedings where applicable); f) provision of adequate resources to members of the public to participate meaningfully in the EA process; and g) methods for accommodating public concerns and resolving issues in dispute. Following this revision the MOE should consult widely on their guideline before finalizing. Page 69.	and once established should be strictly adhered to. Given that an EA is a tool for planning public infrastructure, the purpose of consultations is to inform, obtain feedback, gather information and assist in the decision making process. Further, any guidelines should recognize that most of the participants in EA planning are those directly affected by the EA and not necessarily those that benefit from the project. Therefore, the definition of "interested persons" and what their rights and responsibilities are will be critical to the EA process. York Region may need to comment further on this issue. No objection.
Recommendation 9: <i>Public participation</i>	Issue: Public participation rights and responsibilities under the EA Act.	Once the consultation guideline has been finalized, the MOE should organize workshops and undertake other measures to ensure that proponents, participants and agencies understand public participation rights and responsibilities under the EA Act. Page 69.
Recommendation 10: <i>Public participation</i>	Issue: First Nations and aboriginal community participation in EA planning and decision-making.	The Ontario government should develop, with First Nations and aboriginal community input, appropriate protocols, procedures and collaborative agreements to facilitate meaningful participation by First Nations and aboriginal communities in the EA planning and decision-making process, particularly in relation to: a) improving notice requirements; b) enhancing comment opportunities; c) resolving funding issues; and d) involving First Nations and aboriginal communities as part of the government review team where appropriate under the EA Act. Page 69-70. Currently, it is the proponents responsibility to determine which First Nations and aboriginal community wishes to be involved or participate in an EA planning and decision making process. This leads to significant confusion and delays to determine what group(s) require involvement/participation in the EA planning. A one window approach for the proponents would assist in resolving this issue. Therefore, this recommendation is supported if it provides the one window approach.
Recommendation 11: <i>Public participation</i>	Issue: Review options for obtaining or confirming community acceptance	The proponent should not be responsible for funding participants in EA planning and decision making. Given that extensive resources are already applied to contentious issues, including peer review funding (to

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	(e.g., willing host) for undertakings.	seek resolution to such matters), to request the proponent to provide additional funding to project opponents would be redundant. This would result in increased costs of already costly EA undertakings. More details are required to comment on the issue of acceptance of willing host in EA undertakings.
Recommendation 12: <i>Green project facilitator</i>	Issue: Need for high-level facilitation of 'green projects' through EA process.	As part of York Region's transitway EA projects (i.e. Yonge St, Highway 7, etc), MOE staff have requested extensive Air Quality Impact Assessment for projects that should be considered a green project. A facilitator for green projects would assist in resolving these types of issues. A clear mandate of the provincial facilitator office will be required (i.e. what is considered a green project and who makes that determination). The focus of the Panel recommendation should be on improvements to the EA process to facilitate all projects as all infrastructure projects are important to serving Provincially mandated growth. Further, York Region opposes any municipal funding or fees to fund the facilitator.
Recommendation 13: <i>Hearings, ADR, mediation</i>	Issue: Finalize MOE draft mediation guideline.	No objection to revising the draft mediation guidelines. Alternative dispute resolution and mediation (if fair, timely and efficient) can play an important role in Ontario's EA program. A clear distinction between the responsibility and the mandate of mediation (ADR) and that of an independent advisory body (expert advice to the minister) is required. Further, it is critical to recognize that for certain projects, it is unrealistic to expect all issues to be resolved. This does not mean that the process or to determine the

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			solution is wrong. Additional details and consultation will be required to comment further on this recommendation.
Recommendation 14: <i>Hearings, ADR, mediation</i>	Issue: Referral of certain individual EA applications to the ERT.	Pending the completion of the sectoral procedural framework, as an interim measure the Minister should ensure that there are public hearings before the ERT on individual EA applications where: a) ADR and mediation efforts have been employed; and, b) there is significant unresolved public controversy about substantive and procedural issues arising from the proposed undertaking. Page 80.	Referral to Environmental Review Tribunal should be tool of last resort. If the public are properly consulted and their concerns are accommodated by the proponent, then the likelihood of a hearing request is diminished.
Recommendation 15: <i>Integration</i>	Issue: Need to integrate PPS and EA.	The Minister should, as soon as reasonably possible, ensure the EA Act: a) adopts by cross-reference the <i>Provincial Policy Statement</i> ("PPS") that is issued by Cabinet under section 3 of the <i>Planning Act</i>; b) specifies that all statutory decisions under the EA Act shall be consistent with the PPS, as may be amended from time to time; and c) provides that, in cases of conflict between the PPS and EA policies, the latter shall prevail. Page 84.	This appears to be a good idea, to improve the integration of the EA program with other approvals that may be required. It should be noted that Provincial Policy Statements (PPS) are usually written for broad areas of interest and not linear facilities such as roadways which by nature are continuous and difficult to shift the alignment. Further, the PPS focus is primarily for development applications under the Planning Act. Hence, the Panel must ensure that there is flexibility as sometimes linear government infrastructure may not be 100% consistent with certain PPS. The current PPS requires the provision of waste management infrastructure which industry and municipalities have been unable to deliver under existing EA policy.
Recommendation 16: <i>Integration</i> *	Issue: Need for guidelines on harmonization of CEAA and EA Act.	The MOE should develop, with proponent and EA participant input, clear and concise guidelines that explain when and how the EA Act will be harmonized with CEAA in relation to undertakings that are potentially subject to both statutes. Page 85.	Notwithstanding the recent federal-provincial agreement that sets out the cooperative framework, notification, consultation and communication procedures, their is still a lack of clarity regarding joint assessment. There are significant differences in the nature of the Acts (EA planning act for government projects vs. due diligence/impact assessment for specific federal approvals). This key

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	difference has to be recognized. Given that the two processes are fundamentally different, then full harmonization is difficult to achieve. Some level of "coordination" is likely more realistic. Nevertheless, for coordination to be successful, the federal agencies must understand: ➤ the difference between commenting on government infrastructure versus commenting on a private undertaking. Government undertakings are often required to serve the demands generated by approved planning policies. Often those policies have already been approved and are not subject to consideration during the EA. ➤ the difference between making a decision under CEAA (i.e. is the project likely to result in a significant adverse environmental effect that can not be justified) versus the information required to issue a specific permit. The CEAA process has to become more streamlined. Often federal agencies will not provide input until a 'project description' is provided. This typically occurs halfway through the Ontario's EA process once "alternatives to" have been evaluated and some work on alternative methods have been undertaken. The timelines to get feedback on 'scope of project' and 'scope of assessment' is often too lengthy. Some thought should be given to reviewing the need for CEAA requirements on government infrastructure that has gone through an Ontario Environmental Assessment process. It could be suggested that this review is redundant as the federal government does not necessarily want to comment on planning decisions made by lower levels of government. This would not necessary 'short-change' federal

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		responsibility as the federal government would still have the right to not issue a specific permit if they felt the impacts on that feature were too significant and could not be mitigated or compensated for.
Recommendation 17: <i>Integration</i>	Issue: Need to amend section 32 of the EBR.	York Region is concerned that the proposed amendment may result in the requirement to post Schedule A Maintenance projects. Further detail is required to comment on this issue.
Recommendation 18: <i>Class Environmental Assessment</i>	Issue: Need for mechanism to resolve issues during project planning under Class EAs or Electricity Projects Regulation.	York Region finds the current practice acceptable, however, the issues is with MOE's timely review of Part II order request. A third party review to decide on the bump-up request is not necessary given that the EA process is iterative and often needs to loop back or needs to be completed in order to address the concerns regarding need and/or alternative. Further, opponents may request an interim ruling using procedure to object early (and perhaps often) so delay the EA process. York Region goes through great lengths to address/solve and facilitate concerns of the public, agencies and interested parties. It should be recognized that there are issues for which consensus may never be obtainable (i.e. stakeholders agree to disagree). York Region EA staff go through great lengths to address, solve and facilitate stakeholder concerns. These recommendations would cause more problems than it addresses.
Recommendation 19: <i>Class environmental assessment</i>	Issue: Need for procedures to address 'bump-up' (Part II orders) and elevation requests.	

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Recommendation 20: <i>Timelines</i>	Issue: Adequacy and enforcement of current timeframes and deadlines under certain regulations.	The MOE should review, with proponent and stakeholder input, the adequacy and enforcement of the current timeframes and deadlines within the Deadlines Regulation (O.Reg. 616/98), approved Class EAs, and the Electricity Projects Regulation (O.Reg. 116/01) and Guide. Page 99.	Currently timeframes and deadlines are routinely not adhered to by MOE. Hence these recommendations neither capture nor resolve the problem.
Recommendation 21: <i>Timelines</i>	Issue: Amendment to extend prescribed deadlines where warranted.	The MOE should develop, with proponent and stakeholder input, regulatory amendments that authorize the EAAB Director to extend prescribed deadlines where warranted, provided that: a) written notice of the extension, with reasons, is provided to the proponent and stakeholders; and b) the extension notice identifies a new final deadline for the making of the EA decision under consideration. Page 99-100.	See comments above:
Recommendation 22: <i>EA Website</i> *	Issue: Transparency, clarity and timely access to information.	The MOE should establish a new EA website to include means to enable proponents and stakeholders to electronically track the status of the matter under consideration (i.e. government review, bump-up request, etc.) and to access information or supporting documentation about the matter, and other documentation relating to Ontario's EA program. Page 100.	No objection. York Region posts the Adobe format of the ToR and EA reports on www.York.ca website, and this information could be forwarded to the MOE for posting on their website. The cost must be funded by the province.
Recommendation 23: <i>Fees</i> **	Issue: Need for fees to support EA program delivery and efficiency.	The EA Act should be amended to authorize the making of regulations that prescribe fees (or the method for calculating fees) for certain matters under the Act. Fee revenue should be directed towards EA program delivery and efficiency. Page 104.	York Region does not support the concept of fees. It should be recognized that most EA's are undertaken by the public sector proponents, therefore it would appear to be redundant for one Ministry to tax another Ministry or lower level government (i.e. York Region). If greater funding is required by MOE to support their program delivery, then it should come from Provincial revenues and not the local municipal tax base.
Recommendation 24: <i>Fees</i>	Issue: Development of fee schedule.	Once authorized to impose fees under the EA Act, the MOE should develop, with proponent and stakeholder input, a regulation that establishes an appropriate fee schedule for EA actions including hearings. Such regulation should also govern the use, retention, payment or refund of prescribed fees. Page 104.	The EA Act, sets out process, and, for most projects there is no application, no provincial approval and often little provincial involvement so an "application fee" is entirely inappropriate.
Recommendation 25: <i>Fees</i>	Issue: Need for dedicated EA	Application fees collected under the EA Act should be used to fund or undertake specified EA-related activities. Page 104.	

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	funding.		
Recommendation 26: Monitoring and reporting	Issue: Improving effects/effectiveness monitoring and reporting.	The MOE should, with public input, revise its draft EA compliance strategy, especially in relation to cumulative impacts. Among other things, the revisions should consider the following tools: a) third party audits; b) third party notification; c) electronic access to monitoring reports on proponent websites (or a new EA registry to be established by MOE: see Recommendation 22); d) "model" monitoring/reporting provisions that can be imposed as conditions for approval in the context of individual EAs, Class EAs, declaration (exemption) orders, and other EA decisions; e) periodic review and/or revision of terms and conditions in instruments issued under the EA Act to ensure they remain current, effective and enforceable. Page 106.	Recommendations 26 to 31 appears to have some good principles. However, there are concerns that these requirements for monitoring will become onerous for municipalities. There is no clear evidence that a problem exists that requires the imposition of these recommendations therefore, they should be re-examined before imposing these conditions. The reference to monitoring cumulative effects needs to be defined in a clear and concise manner. Operational monitoring and reporting is adequately dealt with under EPA provisions and should not be duplicated in an EA process.
Recommendation 27: Monitoring and reporting **	Issue: Amendments to EA Act re: powers and roles of provincial officers.	The MOE should, with public input, develop amendments to the EA Act that: a) provide provincial officers with inspection and enforcement powers that are currently available under other environmental laws; b) increase fines to make them consistent with fine levels that are currently available under other environmental laws; c) empower the courts to impose innovative sentencing orders that are currently available under other environmental laws; d) impose a "reasonable care" duty upon corporate officers and directors to ensure compliance with the Act, regulations, or terms and conditions in EA approvals; and e) prescribe a two-year limitation period for the prosecution of offences under the EA Act. Page 106.	Operational monitoring and reporting is adequately dealt with under EPA provisions and should not be duplicated in an EA process.
Recommendation 28: Monitoring and reporting	Issue: Development of EA compliance programs and procedures.	The MOE should, with public input, develop EA compliance programs and procedures that include substantive guidance on: a) voluntary abatement and other measures to address relatively minor problems where the noncompliance poses no direct risk to the environment; b) mandatory abatement and other measures to address all other instances of non-compliance with the Act, regulations or terms and	Operational monitoring and reporting is adequately dealt with under EPA provisions and should not be duplicated in an EA process

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		conditions in EA approvals; c) prosecutions to enforce EA obligations imposed by law; and, d) inspection protocols (i.e. frequency, follow up measures, MOE record-keeping, announced vs. unannounced visits, integration with MOE district work plan inspections, etc). Page 106-107.	
Recommendation 29: <i>Monitoring and reporting</i>	Issue: Need for compliance training and education programs.	The MOE should ensure that the finalized EA compliance strategy is accompanied by appropriate training and educational programs for all MOE staff involved in EA monitoring, inspection and enforcement activities. Page 107.	Operational monitoring and reporting is adequately dealt with under EPA provisions and should not be duplicated in an EA process
Recommendation 30: <i>Monitoring and reporting</i>	Issue: Review/revise MOE administrative practices.	The MOE's current administrative practices/procedures should be reviewed and/or revised to ensure that they adequately reflect or integrate the essential elements of the finalized EA compliance strategy. Page 107.	
Recommendation 31: <i>Monitoring and reporting</i>	Issue: Review/upgrade current EAIMS.	The MOE's current EAIMS (environmental assessment information management systems) should be reviewed and/or upgraded to ensure that it is electronically accessible by all MOE regional and district offices. Page 107.	
Recommendation 32: <i>Training</i> **	Issue: Need for EA training and educational programs on cost-recovery basis.	The MOE should develop, with proponent and stakeholder input, appropriate EA training and educational programs under the EA Act, and should recover the cost of developing and delivering EA training and educational programs by charging appropriate fees to participants in such programs. The MOE should ensure that EA training and educational programs are available to all Ontario government staff (including but not limited to MOE EAAB, Regional Office, and District Office staff) involved in the delivery of the province's EA program. Page 114-115.	No objection. There is a need to ensure that those involved in developing training have recent, relevant project experience as opposed to more generic policy experience. Those on the front line are often able to provide more valuable insight to specific challenges of the EA Planning and processes.
Recommendation 33: <i>EA Review Protocols</i>	Issue: Need for cross-ministry/agency protocols.	The MOE should develop appropriate collaborative protocols with other provincial ministries and agencies in order to ensure that government reviews under the EA Act are undertaken by qualified persons in accordance with specified parameters and timeframes. Page 115.	No objection.
Recommendation 34: <i>Consolidated approvals</i> *	Issue: Need to permit consolidated hearings of EA and other approvals.	The MOE should amend regulations under the <i>Consolidated Hearings Act</i> to facilitate one consolidated hearing for matters subject to EA and other approvals, (e.g., <i>Environmental Bill of Rights, Aggregate Resources Act, Ontario Water Resources Act</i>). Page 119.	Any changes to the regulation should recognize that some projects are very long term infrastructure planning projects and consolidated approvals may not be appropriate as standards and requirements

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		may change before a project is implemented.
Recommendation 35: <i>Relationship between EPA and EA</i> *	Issue: Need to permit consolidated hearings of EA and EPA approvals.	The MOE should amend O.Reg. 206/97 and 207/97 to remove the automatic prohibition on EPA and OWRA hearings to ensure that: (a) mandatory and/or discretionary hearings under the EPA and OWRA may be held in relation to waste disposal sites, waste management systems and sewage works which are subject to approval (or exempted) under the EA Act, depending upon the environmental significance (i.e. risks and benefits) posed by such facilities; and (b) joint board hearings under the EA Act, EPA and/or OWRA are available pursuant to the Consolidated Hearings Act where applicable. Page 119.
Recommendation 36: <i>Refinements to the Electricity Projects Regulation and Guide</i>	Issue: Need to review and refine Electricity Projects Regulation and Guide.	The MOE should post a notice on the EBR Registry to solicit public comment on changes to the Electricity Projects Regulation and Guide proposed by Section 5 of the Energy Table Report. Page 122.
Recommendation 37: <i>Refinement to Municipal Class EA</i>	Issue: Need to facilitate municipal transit projects.	In collaboration with the Municipal Engineers Association (MEA), the MOE should immediately initiate amendments to the MEA Class EA to include municipal transit projects. Page 122.
Recommendation 38: <i>Research undertakings</i>	Issue: Need to review and revise research exemption category	The MOE should review and revise the "research" exemption under the EA Act to include emerging green technologies, and to clearly define appropriate parameters on "research" undertakings (i.e. temporal limits or operational capacity). Page 123.
RECOMMENDATIONS REQUIRING FURTHER CONSULTATION/REVIEW		
Recommendation 39: <i>General Regulation</i>	Issue: Need to revise Regulation 334	The MOE should consider revising Regulation 334 in accordance with suggested changes found in Volume II. Page 124. Significant additional consultation is required on the many of the Panel's recommendations. The following are just some comments: A.1.1 – Definition of EA. The proposed definition does not accurately

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	reflect what the Ontario EA Act requires. A.1-2 – Strategic EAs and Master Plans. Additional consultation is required to understand the implications of this recommendation. A.1-3 – Scoping “Terms of Reference”. Many proponents prior to the Richmond Landfill Decision were not “scoping- out” alternatives to the undertaking. They were providing the evaluation of advantages and disadvantages of alternatives to the undertaking early in the EA process to allow for an early decision on appropriateness prior to expending significant resources and time exploring alternatives methods. The wording of this recommendation is additionally concerning as it states that alternatives can only be “scoped-out” if there has been consensus by all parties and participants that it can be excluded. There is often never “consensus” by all parties and participants in any government decision making process. This is a reality of the process, not a failure. It is not realistic to expect to reach a consensus amongst all parties particularly on controversial projects, whether they are “Green” or not. That is why the existing principles of good EA planning are so important and extremely valid and why the Ontario EA Act requires a consideration of the advantages and disadvantages and trade-offs. Also see previous comments in Recommendations 1 and 2 regarding the value of Terms of Reference.

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	A.1-4 – Identifying when Class EAs are appropriate. This definition may apply to a “typical” Class project. However, the definition cannot be all inclusive as it is presented here and therefore is not accurate. From our experience, the Municipal Class EA appropriately describes the types of the projects / activities within the “Class” and the circumstances for changing the status of a specific project. It also explains why this can vary depending on the type of project and issues. A.1-5 – There is a suggestion to include “demonstrable need” in defining “rationale”, however, no definition is provided. A.2-1 – Changing how cost is determined in Section 5(1.1). This could cause significant additional work for many municipalities that already go through a community planning process (i.e. parks, community centres etc). B.1-1 – Participant Funding. It is York Region’s experience, proponents go to substantial lengths to involve the public in the EA process. Participant funding is not recommended. If it is to be considered, then it should be reviewed across all provincial government programs, not just under the Ontario EA Act. Participant funding will raise concerns for many proponents. B.1-2 – While ADR can be beneficial to resolve some disputes, it should be noted that proponents have their own legal responsibilities which should not be subject to ADR – e.g. construction of infrastructure to meet legal

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		standards. Also, who determines if a dispute should be referred to ADR? B.2.2 - Unsure of definition of affect on a significant wetland.
Recommendation 40: <i>Municipal EA community/advisory liaison committees</i>	Issue: Potential role for municipal EA community advisory committees in EA process.	The MOE should request that the advisory body consider the option of creating local or regional standing EA advisory and/or liaison committees, with a role in the EA development and review process (for projects subject to Class EAs as well as for individual EAs) within delineated study areas. Page 125. York Region does not support the creation of these committees given the numerous opportunities that the public (including community interest groups, Committees of Council and Council itself) have to provide input during the EA Studies. The roles and responsibility of those involved in the EA process needs to be clearly understood. Further, Schedule "C" project provides two opportunities for the public to make written or oral deputations to Council. In addition staff reports are made available to the public for review. At the municipal level the Class EA is transparent and staff is made accountable through Council deliberations regarding a project particularly as print and television media routinely cover Council and General Committee meetings in many municipalities. A local EA committee is unlikely to prevent a bump-up request. This is just another time delay in the process.
Recommendation 41: <i>Incorporating master plans into EA process</i> *	Issue: Need to review relationship between master plans and EA process.	The MOE should request the advisory body to review the relationship between infrastructure master plans (e.g., transportation) and the EA process. Page 126. Agree, there is a need to establish clear and consistent guidelines as to what is required under a Master Planning EA project. The proponent and the public need to understand the level of detail anticipated and required

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			as part of this process. There should be greater recognition of the role of Master Plans and once approved should form the need and justification for infrastructure EAs.