

Ambassador Bridge Enhancement Project

Federal Public Participation Plan for the Environmental Assessment Screening under the *Canadian Environmental Assessment Act*

1.0 Introduction

The existing Ambassador Bridge is a suspension bridge spanning the Detroit River between Windsor, Ontario and Detroit Michigan, and includes four highway lanes of traffic – two lanes traversing eastbound and two lanes traversing westbound.

In March 2006, the Detroit River International Bridge Company (DIBC) and the Canadian Transit Company (CTC), the proponents for the Ambassador Bridge Enhancement Project, submitted to the federal government a document entitled *Project Description and Type 2 Categorical Exclusion Environmental Documentation* (see Section 5.0). This project description outlines a proposal for the construction and operation of a new international bridge across the Detroit River, almost parallel to the existing Ambassador Bridge and connecting into the existing plazas and infrastructure.

The proponent's project description (p. 4) notes that the Ambassador Bridge Enhancement Project would include "a new six lane cable stayed bridge located in the same corridor near the existing Ambassador Bridge ..." that would "tie directly into the existing plazas in both Canada and the United States."

Transport Canada has confirmed that it is a Responsible Authority (RA) under the *Canadian Environmental Assessment Act* (CEAA) for this assessment because the project would require an approval under the *Navigable Waters Protection Act*, which is identified in the *Law List Regulations*. The Windsor Port Authority (WPA) has also identified a need for an environmental assessment (EA) of the project, as it would involve crossing over federal water lots in Windsor, Ontario. Since the WPA is a Prescribed Authority, the *Canada Port Authority Environmental Assessment Regulations* will apply. Transport Canada and the WPA will coordinate their activities, to ensure that a single federal EA is conducted.

Section 18(1) of the CEAA requires Transport Canada and the WPA to ensure that a screening-level assessment of the project is carried out before taking any action that would allow the project to proceed, in whole or in part.

2.0 Purpose

The purpose of this document is to outline a plan for providing members of the public with an opportunity to participate in the federal environmental screening being undertaken by Transport Canada and the WPA to meet the requirements of the CEAA for the Ambassador Bridge Enhancement Project, including a description of

opportunities to comment on the federal EA process and associated documentation. This document outlines the proposed federal public participation plan. Given the other border crossing projects that are also currently being planned in the Windsor area, this document will also describe the differences between the EAs that are underway, and clarify the roles and responsibilities of Transport Canada and the WPA in these processes.

3.0 How is the Ambassador Bridge Enhancement Project Different than the Detroit River International Crossing Project?

The Ambassador Bridge Enhancement Project is being proposed by the CTC and the DIBC, which own and operate the existing Ambassador Bridge. In this regard, the Ambassador Bridge Enhancement Project is a private-sector proposal. It is separate and distinct from the bi-national Detroit River International Crossing (DRIC) Project, which is being proposed by the Canada-U.S.-Ontario-Michigan Border Transportation Partnership, which is comprised of four transportation departments, including Transport Canada, the Ontario Ministry of Transportation, the United States Federal Highway Administration and the Michigan Department of Transportation.

The purpose of the DRIC project is to provide new border crossing capacity between Windsor, Ontario and Detroit, Michigan. The Canadian portion of the DRIC project includes the construction and operation of a new international bridge across the Detroit River (at a location different than the twinning of the Ambassador Bridge), the associated customs inspections facilities, and the connecting approach road to Highway 401. The study is being coordinated with a parallel effort in the U.S., which will include, in addition to the international bridge, a corresponding border services plaza and a roadway connection between the new bridge and the freeway system on the U.S. side of the Detroit River.

As part of the overall DRIC study, the Border Transportation Partnership considered the option of twinning the Ambassador Bridge. However, it concluded that this alternative did not meet the needs and objectives of the DRIC study, and the option was removed from further consideration. Additional information about this analysis is available in the Draft 2005 *Generation and Assessment of Illustrative Alternatives Report* (p. 115) prepared for the DRIC study¹. However, the DRIC study noted that:

“This decision does not prevent the owners of the Ambassador Bridge from continuing with its separate environmental studies ... for a new bridge at this location”.

The CTC and DIBC subsequently submitted a project description for the Ambassador Bridge Enhancement Project to federal authorities, to initiate a separate EA process.

¹ This study is available on the Partnership web site at:

<http://www.partnershipborderstudy.com>

4.0 What is the Role of Transport Canada and the WPA in these Projects?

The CEAA applies to both projects. Transport Canada is involved in the EAs of both projects as an RA, as a result of the department's legal obligations under the CEAA.

The CEAA applies to federal authorities, which are responsible for ensuring that an EA is carried out before they take certain actions in relation to a project. Both the DRIC Project and the Ambassador Bridge Enhancement Project would require an approval under the *Navigable Waters Protection Act*, which is administered by Transport Canada. As this approval is identified in the *Law List Regulations* of the CEAA, Transport Canada must ensure that an EA is conducted for each project before it can consider issuing such an approval.

As a co-proponent of the DRIC project, the CEAA also requires that Transport Canada ensure that an EA is conducted before taking an action on the project.

As a Prescribed Authority under the CEAA, the WPA also has EA responsibilities, pursuant to the *Canada Port Authority Environmental Assessment Regulations*. As both proposed bridge crossings would pass over federal lands that are administered by the WPA, the proponents will need to enter into an agreement with the WPA. In accordance with the CEAA, the WPA must ensure that an EA is conducted before it may consider entering into any such agreement.

Transport Canada and the WPA are coordinating their EA activities to ensure that a single federal EA is conducted for each project, in accordance with regulated federal coordination provisions. In the case of the DRIC project, Transport Canada and the WPA are also working with the Ontario Ministry of Transportation to coordinate the federal process with the requirements of the Ontario *Environmental Assessment Act*.

The remainder of this document deals only with the Ambassador Bridge Enhancement Project. Additional information about the DRIC project can be obtained from the Transport Canada contact provided in Section 8.0.

5.0 Federal Process to Date for the Ambassador Bridge Enhancement Project

A project description for the Ambassador Bridge Enhancement Project was first submitted to federal authorities in July 2004. Following revisions to the proposal, a new project description was submitted on March 31, 2006. The project description was circulated to federal authorities by the Canadian Environmental Assessment Agency, in accordance with the *Federal Coordination Regulations*. The project description provided background information on the project, as well as information on its proposed location.

Following the circulation of the project description, a number of federal authorities also identified themselves as having specialist or expert advice that may be necessary to conduct the assessment of the project, including: Environment Canada; Health Canada; Fisheries and Oceans Canada; and the Canada Border Services Agency (CBSA). These

departments will participate as expert federal authorities in the EA process and, along with the Canadian Environmental Assessment Agency, comprise the federal review team.

Since the assessment has the potential to be multi-jurisdictional (i.e., have both provincial and federal EA requirements), the Canadian Environmental Assessment Agency is serving as the Federal Environmental Assessment Coordinator (FEAC).

Consultation with the Ontario Ministry of the Environment is also taking place to ensure that federal EA requirements can be coordinated with any provincial EA requirements that may arise. Efforts were also undertaken to determine what EA requirements may exist in the United States, and to identify any opportunities for coordination. Although Transport Canada and the WPA have been advised by the U.S. Coast Guard that an EA will need to be prepared to meet U.S. regulatory requirements, there does not appear to be a direct opportunity for coordination at this time. However, opportunities to share information will continue to be explored.

6.0 Proposed Federal Public Participation Plan

6.1 Goal

The goal of the federal public participation plan is to outline the opportunities that will be provided for members of the public and interested stakeholders to participate in the federal EA process for the Ambassador Bridge Enhancement Project. These opportunities are being provided in accordance with section 55 and subsection 18(3) of the CEAA.

6.2 Key Components

The following outlines the key components of the public participation plan.

Public Registry

Transport Canada has established a Public Registry for the assessment, as required by section 55 of the CEAA. This includes the posting of the assessment on the Canadian Environmental Assessment Registry (CEAR), which can be accessed on the internet web site of the Canadian Environmental Assessment Agency (www.ceaa.gc.ca). The CEAR number for this project is 06-01-21100. The CEAR will include the following documentation:

- description of the project;
- notices of commencement and termination;
- scope of the factors to be considered;
- notices requesting public input;
- EA decisions; and
- follow-up information, if required

Interested parties can obtain copies of these documents as they become available by accessing the CEAR website and downloading the files.

Public Examination and Comment on Draft EA Guidelines

Transport Canada and the WPA, in collaboration with other federal departments, have developed *Draft EA Guidelines* for the Ambassador Bridge Enhancement Project. The purpose of the EA Guidelines is to provide guidance to the proponent on the requirements for the federal EA to be conducted for the Canadian portion of the Ambassador Bridge Enhancement Project. It outlines the scope of the project, scope of assessment and scope of the factors to be considered in the assessment. In addition, the document provides information on: the background of the project; the application of the CEAA; the identification of other federal and provincial expert departments; the preparation of the EA documentation; the public registry; the assessment methodology; the steps in the EA process; and contacts for the EA.

The *Draft EA Guidelines* describe the basis for the conduct of the federal EA, and for focussing the assessment on relevant issues and concerns. It also provides a means of communicating the federal EA process to the public and stakeholders.

Transport Canada and the WPA plan to provide the public with an opportunity to examine and comment on the *Draft EA Guidelines*. The *Draft EA Guidelines* will be made available to the public for a period of not less than 30 days.

A Public Notice of Opportunity to Examine and Comment on Draft Environmental Assessment Guidelines will be published in local papers in advance of the commencement of the comment period. This notice will serve to advise the public and stakeholders of the opportunity. It will also indicate where the document is available and the deadline for comments. A Transport Canada contact will also be identified in the event that members of the public have specific comments or questions. An electronic version of the *Draft EA Guidelines* will be posted on the CEAR.

Transport Canada and the WPA will review and consider all comments received, together with any other identified RAs, and will incorporate them to the extent possible. The revised *EA Guidelines* will be posted on the CEAR.

Meetings with the City of Windsor

The City of Windsor has expressed a specific interest in the EA process for this project. As such, Transport Canada and the WPA will continue to engage the City of Windsor in on-going project discussions and will schedule meetings with City of Windsor representatives at key points in the process, as required.

Meetings with Interested Stakeholder Groups and Individuals

Transport Canada and the WPA will meet with interested stakeholder groups and individuals, upon receipt of a request for a meeting. There are a number of stakeholder

groups who have expressed an interest in border crossing issues and may have a specific interest in the federal EA of the Ambassador Bridge Enhancement Project. Such meetings will provide an opportunity for effective dialogue on the project, providing a forum to address specific issues and concerns. To the extent possible, these meetings would be arranged to take place in concert with any public consultation activities held by the proponent.

Stakeholders who wish to meet with Transport Canada and the WPA should refer to the contact information provided in Section 8.0.

Meetings with First Nations

The Walpole Island First Nation has expressed an interest in the Ambassador Bridge Enhancement Project. Transport Canada will meet with representatives of the Walpole Island First Nation, as required, during the environmental screening process. Transport Canada will work with the First Nation to determine the best means of engaging them in dialogue to provide information on the project and to address any specific issues or concerns.

Public Examination and Comment on the Screening Report

Transport Canada and the WPA plan to provide an opportunity for the public to examine and comment on the screening report, in accordance with subsection 18(3) of the CEAA. The screening report will be made available to the public for a period of not less than 30 days. The provision of a subsection 18(3) opportunity is a responsibility of the RA and cannot be delegated. Transport Canada and the WPA, in coordination with any other RAs, will assume responsibility for the logistics of conducting the subsection 18(3) public participation. Transport Canada and the WPA will make the CEAA screening report available for public comment, in coordination with the MOE public review of the provincial EA, if required.

A Public Notice of Opportunity to Examine and Comment on the Screening Report will be published in local papers in advance of the commencement of the comment period. This notice will serve to advise the public and stakeholders of the opportunity. It will also indicate where the document is available and the deadline for comments. A Transport Canada and WPA contact will also be identified in the event that members of the public have specific comments or questions.

Comments received through the subsection 18(3) opportunity will be reviewed by Transport Canada, the WPA and any other RAs. The comments will be incorporated, to the extent possible, in a revised screening report. The revised screening report will be posted on the CEAR.

7.0 Proponent's Public Participation Initiatives

The proponent has prepared a draft public consultation plan outlining consultation activities that they plan to undertake for the Ambassador Bridge Enhancement Project.

Transport Canada and the WPA will work with the proponent in coordinating public participation initiatives, as appropriate. In addition, representatives from Transport Canada and/or the WPA may attend workshops or public meetings, sponsored by the proponent, to answer questions on the federal EA process.

Further details on the Ambassador Bridge Enhancement Project can be found on the proponent's web site at: <http://www.ambassadorbridge.com> .

8.0 For Further Information

Additional information on the federal EA for the Ambassador Bridge Enhancement Project can be obtained from:

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