



Impact Assessment
Agency of Canada

Ontario Region
600-55 York Street
Toronto ON M5J 1R7

Agence d'évaluation
d'impact du Canada

Région de l'Ontario
600-55 rue York
Toronto ON M5J 1R7

January 27, 2021

Sent by email

Request for Federal Expert Advice

- Jennifer McKay, Environment and Climate Change Canada
- Thomas Hoggarth, Fisheries and Oceans Canada
- Chantal Roberge, Health Canada
- Vera Haslett, Transport Canada
- Tom Oommen, Canadian Transportation Agency

Dear Colleague:

Subject: Designation Request for the Proposed Ontario Line Project under the *Impact Assessment Act*

On January 19, 2021, the Minister of Environment and Climate Change (the Minister) received a request to designate the proposed Ontario Line Project (the Project) under subsection 9(1) of the *Impact Assessment Act* (IAA).

The designation request is enclosed (Enclosure 1).

The Proposed Project

The Project would be located in Toronto, Ontario. The Ontario Line Project includes a new 16-kilometre transit line in Toronto that would connect the Ontario Science Centre in the northeast to Exhibition/Ontario Place in the southwest. Over half of the route would run through underground tunnels and the remainder would run along elevated and at-grade rail corridor sections. Fifteen stations are proposed, with numerous connections to the broader transit network. The Project also includes ancillary facilities used to support or facilitate the transportation of passengers by rail and ancillary works needed to establish, construct, operate, change or retire those facilities or services¹. The Project as proposed is not a designated project as described in the *Physical Activities Regulations*. The impact assessment process under IAA only applies to designated projects.

Further information on the Project can be found on the proponent's website (<http://www.metrolinx.com/en/greaterregion/projects/ontario-line.aspx>), including their Final Environmental Conditions Report (<https://www.metrolinxengage.com/en/content/ontario-line-final-environmental-conditions-report>).

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¹ Sources: Infrastructure Ontario and Ontario Regulation 341/20: Ontario Line Project

Designation Request

Under subsection 9(1) of IAA the Minister may, by order, designate a physical activity that is not prescribed in the *Physical Activities Regulations*. The Minister may do this, if, in the Minister's opinion, the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (resulting from federal decisions, including funding), or public concerns related to those effects warrant the designation. In accordance with subsection 9(4) of IAA, it is expected that the Minister will respond, with reasons, to the request by April 19, 2021.

The Impact Assessment Agency of Canada (the Agency) will review information about the Project; any concerns expressed from the public (that the Agency is aware of) and Indigenous groups; and expert advice from federal authorities and input from provincial ministries in order to inform the Minister on whether the Project should be designated. If designated, to proceed with the Project Metrolinx would be required to submit an Initial Project Description, thereby commencing the planning phase of IAA. In that case, the planning phase would include the Agency determining whether a federal impact assessment is required.

Additional information regarding the process for designation requests can be found at the following link: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>.

Seeking Federal Authority Advice

The Agency is requesting that you complete and return the attached Federal Authority Advice Record by **February 11, 2021**.

In the coming days, a Registry page for the Project will be available on the Canadian Impact Assessment Registry Internet site at <https://iaac-aeic.gc.ca/050/evaluations>. Please use the *submit a comment* feature on the Project's Registry page to provide the Agency with information regarding this file. Letters can be uploaded using this feature. If you have difficulties with this feature, immediately contact Chiara Calabrese, Project Manager, at chiara.calabrese@canada.ca or 416-476-8915.

Important Note: All records produced, collected or received in relation to the designation request process – unless prohibited under the *Access to Information Act* or *Privacy Act* – will be considered public and may be released. Should you wish to provide any comments or documents that contain confidential or sensitive information that you believe should be protected from release to the public, please contact the Agency before submitting the information. Information marked as confidential will not be accepted without prior contact made with the Agency.

If you have any questions regarding the designation process or the response sheet, please do not hesitate to contact Chiara Calabrese by telephone or email.

Sincerely,

<Original signed by>

Anjala Puvananathan
Regional Director

Enclosures: 1) Designation request letter from Save Jimmie Simpson! And
Lakeshore East Community Advisory Committee
2) Federal Authority Advice Record – Designation Request under
IAA – Ontario Line Project

Cc: Wesley Plant, Environment and Climate Change Canada
Sara Eddy, Fisheries and Oceans Canada
Jennifer Thomas, Fisheries and Oceans Canada
Kitty Ma, Health Canada
David Zeit, Transport Canada
Yusra Khota, Transport Canada
John Woodward, Canadian Transportation Agency

Enclosure 2 - Federal Authority Advice Record: Designation Request under IAA
Response due by February 11, 2021

Ontario Line Project

Department/Agency	
Lead Contact	
Full Address	
Email	
Telephone	
Alternate Departmental Contact	

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1. Has your department or agency considered whether it has an interest in the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

Specify as appropriate.

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2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

If yes, specify that power, duty or function and its legislative source.

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3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

Specify as appropriate.

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4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

Specify as appropriate.

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5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

Provide an overview of the information or advice exchanged.

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6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of IAA? If yes:
- Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?
 - Based on the information provided by the proponent, are the proposed mitigation measures appropriate to address potential adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of IAA?

Specify as appropriate.

7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Project? In particular, the following issues have been raised by the requestor (see Attachment 1 for a copy of the request):
- Potential impacts to human health, particularly from changes in air quality, and noise and vibration levels, during project construction and operation
 - Potential impacts to public safety and rail safety, particularly for nearby residential areas
 - Potential impacts to aesthetics and local recreation
 - Potential adverse socio-economic impacts from loss of greenspace and urban division
 - Potential impacts on human health, including mental health, from changes to aesthetics and recreation level

If yes, please specify the program or authority and how it could be applied for the Project.

8. Does your department or agency have information about the interests of Indigenous groups in the vicinity of the Project; the exercise of their rights protected by section 35 of the *Constitution Act, 1982*; and/or any consultation and accommodation undertaken, underway, or anticipated to address adverse impacts to the section 35 rights of the Indigenous groups?

If yes, please specify.

9. If applicable to your department, please comment on the applicability of the recommendations in the Canadian Transportation Act Review Report² to this project, and whether the matters raised in the letter from the requester, with respect to rail safety, and project design and location, are consistent with the report recommendations. Please provide context to explain your views.

- If not consistent with the recommendations, provide advice to the Agency on clarifying to the requester that the Project is not a contravention of the recommendations.
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10. If your department has guidance material that would be helpful to the proponent or the Agency, please include these as attachments or hyperlinks in your response.

Name of departmental / agency responder

Title of responder

Date

² <https://tc.canada.ca/en/corporate-services/acts-regulations/canada-transportation-act-review-report>