

February 11, 2021

Attention: Anjala Puvananathan Director, Ontario Region
Impact Assessment Agency of Canada

Dear Anjala Puvananathan:

Reference: Notification Regarding Potential Designation of the Ontario Line Project as a Designated Project Under the Impact Assessment Act

Metrolinx has reviewed the Impact Assessment Agency's letter dated January 27, 2021 notifying of the Minister of Environment and Climate Change's receipt of a request to designate the proposed Ontario Line Project under subsection 9(1) of the *Impact Assessment Act* and have prepared a detailed response to the requested information.

Metrolinx is completing a series of environmental assessments (EAs) for the Ontario Line to make sure it's the right fit for the communities it serves, ultimately enhancing quality of life and public health, promoting economic development, and reducing greenhouse gas emissions. Community interests are at the heart of design decisions across the entire Ontario Line, and Metrolinx will continue to work with community members and organizations, including the Lakeshore East Community Advisory Committee and Save Jimmie Simpson!, to understand and address concerns and questions.

It is important to note that the substantive assessment of anticipated impacts and recommended mitigations for the neighbourhood these groups represent is currently underway. Draft EA reports documenting this assessment will start to be released for public and Indigenous community review and comment later this year. In accordance with the project-specific EA regulation developed under the Ontario *Environmental Assessment Act*, these reports will then be updated to describe any concerns raised by interested persons and Indigenous communities, as well as Metrolinx's actions and commitments in response to these concerns.

The table below includes a summary response to the requested information, as well as the location of more detailed responses within the attached document.

Yours truly,

<Original signed by>

Jason Ryan
Vice-President, Pre-Construction Services
Capital Projects Group, Metrolinx

Enclosure: Response to Requested Information

cc: Pam Foster, Director, Environmental Programs and Assessment, Metrolinx
Carrie Sheaffer, Senior Manager, Environmental Programs and Assessment, Metrolinx
Josh Vandezande, Senior Manager, Community Relations, Metrolinx
Derrick Toigo, Executive Director, Transit Expansion Office, City of Toronto
James Nowlan, Assistant Deputy Minister, Ministry of Transportation

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- (within Paragraph 5)	The latitude and longitude of the endpoints of the preferred route alignment	Start point: Longitude -79.42525328, Latitude 43.63441114 End point: Longitude -79.33977442, Latitude 43.72413205
- (within Paragraph 5)	Description of potential adverse effects to fish and fish habitat, migratory birds, species at risk, federal land and lands outside of Canada	<p>As described in Section 2, the Project is undergoing a rigorous assessment and authorization process, in line with federal, provincial, and municipal processes as applicable. Preliminary work has been completed to characterize the existing environment and understand the potential for impacts. A detailed impact assessment is currently underway, which will document the specific potential for adverse effects to fish and fish habitat, migratory birds, species at risk, and federal lands. No impacts to lands outside of Canada are anticipated, as the project is located within the City of Toronto. The impact assessment information will be provided for review and comment in forthcoming environmental assessment reports, including Early Works Reports and the Environmental Impact Assessment Report. Based on the assessment completed to date, a summary of the potential for adverse effects on these areas within federal jurisdiction is described below.</p> <ul style="list-style-type: none"> • <u>Fish and Fish Habitat</u> – the Project will require crossing the Don River and its tributaries at 4 points resulting in the construction of new structures at three locations (Lower Don, Walmsley Creek, and the West Don). At these locations, it is anticipated that structures can be designed to limit the need for in-water works, and appropriate mitigation measures can be applied to manage the potential for impacts to fish and fish habitat. It is anticipated that regulatory standards will be met through Project design and implementation, and that standard mitigation measures will effectively limit or avoid the potential for adverse impacts on fish and fish habitat. • <u>Migratory Birds and Species at Risk</u> – the Project will require tree/vegetation removal, including within areas that may provide habitat for migratory birds and species at risk. It is anticipated that removals will be carefully governed by relevant regulatory standards, in particular by complying with the Migratory Birds Convention Act and the Species at Risk Act. In addition, Metrolinx has sought and obtained a permit (Permit CR-D-002-19) under Section 17(2)(d) of the Ontario <i>Endangered Species Act</i> for any potential impacts to endangered or threatened species that may be present in the Ontario Line study area. • <u>Federal Lands</u> – alignment opportunities that would require a subsurface easement on federal land (Armoury at Moss Park) are currently being explored with the Department of National Defence. • <u>Lands outside of Canada</u> – the Project is located within the City of Toronto, and there is no potential impact to lands outside of Canada. <p>Please see Section 3 of the attached document for additional detail.</p>

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- (within Paragraph 5)	Description of potential adverse effects to Indigenous peoples (including, physical and cultural heritage; current use of lands and resources for traditional purposes; structures, sites or things of historical, archaeological, paleontological or architectural significance; and health, social or economic conditions)	<p>The ongoing environmental assessment will identify potential impacts and associated mitigation measures to biophysical components of the environment as well as cultural heritage and archaeology. A list of Indigenous communities to engage on the Ontario Line project was confirmed by the Ministry of Environment, Conservation and Parks in accordance with the Ontario Line EA regulation. Indigenous Nations are being engaged to obtain feedback on the ongoing environmental assessment work for the project, including potential project impacts as well as proposed mitigation measures. While no specific concerns have been communicated on the environmental assessment work for the Project to date, Metrolinx has received concerns related to capacity of Indigenous Nations to review reports, and has been evaluating possible ways to facilitate these reviews.</p> <p>Please see Sections 3.5 and 5.2 of the attached document for additional detail.</p>
- (within Paragraph 6)	Available information regarding adverse effects that are directly linked or necessarily incidental to a federal authority's exercise of a power, performance of a duty or function, or provision of financial assistance, that would enable the carrying out of the Project, in whole or in part.	<p>The environmental assessment process for the Project is underway, and final conclusions on the potential for adverse effects have not been made. However, it is anticipated that the environmental assessment process will effectively identify and consider the potential for adverse effects that are directly linked or necessarily incidental to a federal authority's exercise of power performance of a duty or function, or provision of financial assistance. As relevant, this will include direct engagement with federal authorities through necessary review or authorization processes, and adherence to relevant federal legislation in the implementation of the Project. In relation to fish and fish habitat, migratory birds, species at risk, federal land and lands outside of Canada, the environmental assessment process will include evaluation of the potential for impacts to these potential adverse effects within federal jurisdiction, identification of strategies to avoid or limit adverse effects, and a multi-point consultation process to connect with federal authorities and Indigenous peoples throughout the assessment process. Metrolinx has undertaken initial outreach to federal authorities and will continue to engage federal authorities as potential impacts are confirmed through Early Works Report and Environmental Impact Assessment Report development. It is anticipated that significant adverse effects can be effectively avoided for the Project, and that limited impacts can be managed in accordance with relevant federal regulatory requirements and guidance.</p> <p>If federal funding to facilitate Project implementation is obtained, the potential adverse direct or incidental effects associated with the Project would be directly linked or necessarily incidental to a federal authority's provision of financial assistance that would</p>

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		enable the carrying out of the Project, in whole or in part. The environmental assessment work carried out for the Project to date indicates that all of these potential effects are well-understood and readily mitigable. Please see Sections 3 and 4 of the attached document for additional detail.
Q1	Information about key project activities, maps and layouts of the location of project components, land tenure, zoning, and estimated timelines for planning, construction, operation, decommissioning and abandonment.	Section 1 of the attached document provides information on the current design concept for the Project. Although project design is anticipated to be iteratively refined as the environmental assessment proceeds, details on the project location have been provided based on the latest information. Section 1.2 provides detail on the timing of Project phases including planning, construction and operation. Decommissioning and abandonment are not anticipated for the Project.
Q2	A list of all regulatory approvals (federal, provincial, municipal, other) and any federal financial assistance that would be required for the Project and the associated project components or activities.	Section 6 of the attached document provides a list of the federal, provincial and municipal approvals anticipated to be required for the Project. This list should be considered preliminary, as it will be refined as project planning advances, including through direct consultation with relevant approval authorities to confirm regulatory process requirements. Section 4 of the attached document discusses federal funding. Appendix C of the attached document provides a preliminary list of regulatory approvals associated with the Project that are not related to the environmental assessment.
Q3.a.	For each Permit, Licence, Authorization and Approval (PLAA): <ul style="list-style-type: none">i. Name of the PLAA, the associated legislative framework, and the responsible jurisdiction.ii. Whether it would involve an assessment of any of the effects outlined in the paragraphs above, and if so, a general description of the assessment that you intend to undertake. Would conditions be set and if	Section 6 of the attached document provides preliminary detail on the federal, provincial and municipal approvals anticipated to be required for the Project, including information related to assessment and consultation requirements, as well as potential conditions of approval. Prior to obtaining additional regulatory approvals for Project implementation, the environmental assessment will be completed to evaluate the potential impacts of the project and identify appropriate mitigation and monitoring approaches to address those impacts. This will include consultation with regulatory authorities, including related to project design and implementation, and planning for post-environmental assessment regulatory processes where further assessment, review and consultation may be required. The regulatory framework is anticipated to effectively address environmental impacts through a range of applicable approvals, including those related to noise and vibration, air quality, fisheries, species at risk, and other components of the biophysical environment. This information will continue to be refined as planning continues, and the environmental assessment will provide clear

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	<p>yes, what effects would those conditions address?</p> <p>iii. Whether public and/or Indigenous consultation would be required and if yes, provide information on the approach you intend to take and describe if there is an issues resolution process.</p>	<p>commitments related to obtaining necessary permitting and approvals prior to proceeding to implementation.</p> <p>Section 5 of the attached document describes the consultation and engagement program for the project and provides specific details on steps already taken to date, as well as Metrolinx's approach to consultation and engagement that will continue as PLAAs are sought and the Project proceeds to implementation.</p> <p>The Issues Resolution Process associated with the Ontario Line environmental assessment is described in Section 2.4 of the attached document.</p>
Q3.b.	<p>Confirm whether any PLAA would contemplate potential impacts to, and, in general, the benchmarks or standards that you intend to meet for:</p> <p>i. Human health, particularly from changes in air quality, and noise and vibration levels, during project construction and operation</p> <p>ii. Public safety and rail safety, particularly for nearby residential areas</p> <p>iii. Aesthetics and local recreation</p> <p>iv. Whether any matters in points i. to iii. above would result in permanent changes or cumulative effects, and if yes, how you intend to manage those impacts</p>	<p>The Project is undergoing a rigorous assessment and authorization process, in line with federal, provincial, and municipal processes as applicable. PLAAs that may contemplate potential impacts to human health, air quality, noise and vibration, public safety and rail safety, and aesthetics and local recreation, are identified in Section 6 of the attached document. At this stage, preliminary work has been completed to characterize the existing environment and understand the potential for impacts on the environment, which has been documented in the Environmental Conditions Report, in accordance with the project-specific EA regulation developed under the Ontario <i>Environmental Assessment Act</i>. The <i>Environmental Assessment Act</i> includes biophysical elements, human health and the social, economic and cultural conditions that influence the life of humans or a community, among other elements, in its broad definition of the environment. Through the environmental assessment process, potential changes in air quality and noise and vibration levels that could result in potential impacts to human health, as well as potential impacts to aesthetics and local recreation, will be assessed and corresponding mitigation committed to in the Environmental Impact Assessment Report and Early Works Reports.</p> <p>Safety is and will continue to be the top priority for both construction and operation of Metrolinx's transit system. Metrolinx would not design or operate a service that was not safe for customers, communities, and employees. A significant body of work is currently underway to ensure the Ontario Line is being designed to the highest safety standards.</p> <p>No potential permanent negative changes or cumulative effects to human health, public safety and rail safety, or aesthetics and local recreation are anticipated. The introduction of the Ontario Line will result in the introduction of stations, retaining walls, bridges, and other permanent structures. Where long-term changes are anticipated, public-facing elements will be designed in accordance with Metrolinx design standards, which seek to</p>

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		<p>permanently enhance the public realm. The Ontario Line will also permanently enhance access to local recreation opportunities, including cycling routes, amenities at Exhibition Place, and trails in the Don River system.</p> <p>The Ontario Line is anticipated to improve quality of life and public health by taking over 28,000 cars off the road each day and encouraging use of active travel to access transit.</p> <p>Standards or benchmarks that Metrolinx intends to meet with respect to air quality, noise and vibration, safety, and aesthetics and local recreation are detailed in Section 7 of the attached document.</p>
4	For all federal licences, permits, authorizations, approvals, and/or financial assistance that may be provided for the Project, describe any anticipated adverse direct or incidental effects	<p>Based on the assessment completed to date, a summary of the potential for adverse direct or incidental effects associated with federal PLAAs that may be provided for the Project is provided below.</p> <ul style="list-style-type: none">• <i>Fisheries Act</i> Authorization: it is anticipated that regulatory standards will be met through Project design and implementation, and that standard mitigation measures will effectively limit or avoid the potential for adverse impacts on fish and fish habitat.• Notice under <i>Canadian Navigable Waters Act</i>: it is anticipated that no adverse direct or incidental effects to navigation will occur. <p>If federal funding to facilitate Project implementation is obtained, the potential adverse direct or incidental effects associated with the Project would be directly linked or necessarily incidental to a federal authority's provision of financial assistance that would enable the carrying out of the Project, in whole or in part. The environmental assessment work carried out for the Project to date indicates that all of these potential effects are well-understood and readily mitigable.</p>

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		Please see Section 6.1 of the attached document for further detail.
5	What steps have you taken to consult with the public? What steps do you plan to undertake during all phases of the Project? Are you aware of public concerns in relation to this project? If yes, provide an overview of the issues, including those raised in the enclosed letter, and the way in which (in general terms) you intend to address these matters?	<p>Section 5 of the attached document outlines the ongoing public consultation program for the Project, which includes a regularly updated Project webpage, a Project Distribution List with over 2600 contacts, e-newsletters, public meetings, and virtual engagement. Eighty-five community stakeholders and groups have been engaged in support of Ontario Line planning and design development, including through the environmental assessment process, to date.</p> <p>The Ontario Line environmental assessment regulation requires consultation at key reporting steps linked to existing environmental conditions, early works, and impact assessment of the overall project. At each stage, key information related to project design and the potential for environmental impacts has been and will be presented, and opportunities for the public, stakeholders, Indigenous nations and government agencies to provide input and have their concerns addressed will be provided.</p> <p>Metrolinx is familiar with the concerns raised in the letter from Save Jimmie Simpson! and the Lakeshore East Community Advisory Committee and has been working closely with these community groups and residents to address concerns and clarify misconceptions as they relate to the Ontario Line Project. Metrolinx has been holding meetings with the Lakeshore East Community Advisory Committee to inform the Ontario Line environmental assessment process and address community concerns, building on our ongoing engagement with this community group since 2018. Metrolinx will continue to engage in targeted outreach to these community stakeholders to ensure that their concerns have been addressed as environmental assessment work for the project proceeds. It is anticipated that the assessment of impacts and commitments to corresponding mitigation that will be documented in the Early Works Reports and Environmental Impact Assessment Report will sufficiently address these concerns. The Ontario Line EA regulation also requires Metrolinx to establish an Issues Resolution Process to attempt to resolve concerns as part of the Early Works Reports and Environmental Impact Assessment Report review processes (see Section 2.4 of the attached document).</p>
6	What steps have you taken to consult with Indigenous groups? Which Indigenous groups have you consulted? What steps do you plan to undertake during all phases of the Project? Are you aware of	<p>Section 5.3 of the attached document outlines ongoing Indigenous Nation engagement for the Project. A list of Indigenous communities to engage on the Ontario Line project was confirmed by the Ministry of Environment, Conservation and Parks in accordance with the Ontario Line environmental assessment regulation. Indigenous Nations are being engaged to obtain feedback on the ongoing environmental assessment work for</p>

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	general concerns from Indigenous groups in relation to this project? If yes, provide an overview of the key issues and the way in which (in general terms) you plan to address these matters?	<p>the project, including potential project impacts as well as proposed mitigation measures. While no specific concerns have been communicated on the environmental assessment work for the Project to date, Metrolinx has received concerns related to capacity of Indigenous Nations to review reports, and has been evaluating possible ways to facilitate these reviews.</p> <p>Metrolinx is committed to engaging with Indigenous Nations as Project planning and design advance. Metrolinx has made commitments to Indigenous Nations to participate in archaeological work in the form of field monitoring. This work has already commenced and more opportunities for active involvement and participation are anticipated. Metrolinx is committed to keeping Indigenous Nations apprised and involved at all stages of the project.</p>
7	Do you have any other comments in relation to environmental effects or impacts to the public or Indigenous peoples and how you intend to address and manage those?	<p>Metrolinx is committed to fully addressing and managing impacts of the project to the public or Indigenous Nations. As part of our environmental assessment work to date, documented in the Environmental Conditions Report, Metrolinx has committed to mitigate all identified preliminary potential impacts during both construction and operation of the project, including impacts to noise, vibration, air quality, vegetation, wildlife, visual characteristics, built heritage resources and archaeological resources. In the Early Works Reports and Environmental Impact Assessment Report, Metrolinx will further commit to impact-specific mitigation that will avoid, reduce or minimize effects to the extent possible.</p> <p>Metrolinx has sought, and will continue to seek, feedback from the public and Indigenous Nations regarding how the Ontario Line could impact communities, as well as feedback on how impacts could be prevented, remedied or mitigated.</p> <p>Section 8 of the attached document provides additional information.</p>
8	Explain your views on whether the Project should be designated under the <i>Impact Assessment Act</i>	<p>Metrolinx is of the view that the Ontario Line does not warrant designation under the <i>Impact Assessment Act</i> for the following reasons:</p> <ul style="list-style-type: none">the Ontario Line will be an electric subway with trains running largely in existing transit corridors and underground and therefore will have limited, well-understood and readily mitigable environmental impacts (see Sections 1, 2, 3, 6 and 7 of the attached document)the Ontario Line does not include a physical activity designated by regulation under the <i>Impact Assessment Act</i> (see Section 9.1 of the attached document)

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		<ul style="list-style-type: none">the Province of Ontario developed a project-specific environmental assessment regulation that exempts the Ontario Line from provincial Individual and Class environmental assessment requirements, given the well-understood environmental impacts of this type of transit projectthe Ontario Line's potential impacts within federal jurisdiction are limited and will be managed through the project-specific environmental assessment process and federal PLAAs (see Sections 2, 3 and 6 of the attached document)a comprehensive consultation and engagement program with local community members, Indigenous Nations, and stakeholders has been underway since 2019 and will continue through project implementation (see Section 5 of the attached document)designation of the Ontario Line under the <i>Impact Assessment Act</i> would delay realization of the tremendous benefits of the project including enhancements to quality of life and public health, economic development, and reduced greenhouse gas emissions (see Section 9.2 of the attached document) <p>Please refer to Section 9 as well as Appendix A of the attached document for supporting information.</p>