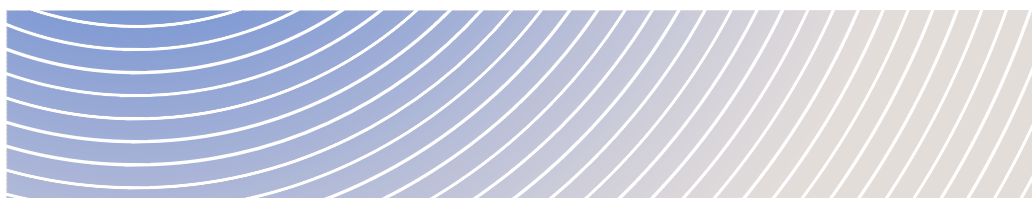


Analysis Report



WHETHER TO DESIGNATE THE **ONTARIO LINE PROJECT** IN
ONTARIO PURSUANT TO THE *IMPACT ASSESSMENT ACT*



Impact Assessment
Agency of Canada

Agence d'évaluation
d'impact du Canada

Canada



Contents

Purpose.....	1
Context of Request.....	1
Project Context.....	2
Project overview.....	2
Project components and activities	2
Analysis of Designation Request	4
Authority to designate the Project.....	4
Potential adverse effects within federal jurisdiction.....	4
Potential adverse direct or incidental effects	5
Public concerns.....	5
Potential adverse impacts on the rights of Indigenous peoples	6
Regional and strategic assessments.....	6
Conclusion	6
ANNEX I.....	7
Annex I: Analysis Summary Table.....	8
ANNEX II.....	14
Annex II: Potential Federal and Provincial Authorizations Relevant to the Project.....	15
ANNEX III.....	17
Annex III: Public Concerns Known to the Agency in Relation to the Project	18



Purpose

The Impact Assessment Agency of Canada (the Agency) prepared this report for consideration by the Minister of Environment and Climate Change (the Minister) in deciding whether to designate the Ontario Line Project (the Project) pursuant to section 9 of the *Impact Assessment Act* (the IAA).

Context of Request

On January 19, 2021, the Minister received a joint request to designate the Project from Save Jimmie Simpson! and Lakeshore East Community Advisory Committee of Toronto. The request expressed concerns about potential, adverse project-related health effects, including effects on mental health from exposure to elevated noise levels and vibration, and effects from decreased air quality; cultural and socioeconomic impacts due to locations of aboveground stations and loss of urban greenspace. Other matters raised include concerns about public and rail safety, and consultation.

On January 27, 2021, the Agency sent a letter to Metrolinx (the Proponent) notifying them of the designation request and requesting information. In addition, the Agency requested advice and/or input from federal authorities and provincial ministries, local government and potentially affected Indigenous groups.

The Proponent responded on February 11, 2021, with information about the Project, the potential adverse effects, proposed mitigation measures, regulatory approvals and permits that may be required, engagement activities and concerns expressed by the public and Indigenous groups, and its view that the Project should not be designated. The Agency received additional information from the Proponent on February 23, 2021.

Advice on applicable legislative mechanisms and potential effects due to the Project was received from the Canadian Transportation Agency, Department of National Defence, Environment and Climate Change Canada, Fisheries and Oceans Canada, Health Canada and Transport Canada. Ministry of the Environment, Conservation and Parks; Ministry of Heritage, Sport, Tourism and Cultural Industries; and Ministry of Transportation provided input.

The Agency received responses from Huron-Wendat Nation and Mississaugas of the Credit First Nation.

The Agency also received submissions from the City of Toronto and members of the public.



Project Context

Project overview

The Project includes the construction and operation of a new 15.6-kilometre transit line located in Toronto, Ontario. As proposed, the Ontario Line would run from Exhibition/Ontario Place in the southwest to the Ontario Science Centre in the northeast, passing through downtown and would operate electric trains. Over half of the line would run through underground tunnels while the remainder would run along elevated structures and existing surface rail corridors. The Project would include 15 stations, with dozens of connections to existing local and regional transit networks to support the transportation of passengers. Six of those 15 stations would connect with existing local and regional stations.

Project components and activities

The Project components include:

- 15.6-kilometre transit line with 8.8 kilometres of underground tunnels, 3.7 kilometres of shared existing surface rail corridors, and 3.1 kilometres of elevated structures;
- 15 stations, seven of which are new, each with a 100-metre platform;
- three water crossings;
- fully automated, electric trains with modern signaling;
- interchanges with local and rapid transit network at Science Centre, Pape, Osgoode, and Queen stations; and
- cross platform interchanges with GO Rail regional transit service at the East Harbour and Exhibition stations.

The main construction activities associated with the Project include:

- site preparation, including vegetation clearing, site grading, installation or upgrading of vegetated slopes or retaining walls and noise barriers, temporary facilities and demolition;
- relocation or protection of utilities;
- preparatory works for utilities, conduit, mechanical and electrical systems;
- ground works, construction of tunnels, passenger tunnels and stations;
- rail corridor expansions; and
- construction of bridges, elevated guideways and water crossings.

The main activities during the operation phase would be the operation of the Ontario Line and stations, and the maintenance of tracks, stations, storage facility and rail vehicles.

Project operations are anticipated in perpetuity; decommissioning and abandonment are not anticipated.

Figure 1: Project Location



Source: Metrolinx, February 2021



Analysis of Designation Request

Authority to designate the Project

The *Physical Activities Regulations* (the Regulations) of the IAA identify the physical activities that constitute designated projects. The Project, as described in the information provided by the Proponent, involves transit within city limits and requires 11.9 kilometres of new right of way, which is less than 50 kilometres, and as such is not included in the Regulations.¹

Under subsection 9(1) of the IAA the Minister may, by order, designate a physical activity that is not prescribed in the 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, or public concerns related to those effects warrant the designation.

The carrying out of the Project has not substantially begun and no federal authority has exercised a power or performed a duty or function that would permit the Project to be carried out, in whole or in part.²

Given this understanding of the Project, the Agency is of the view that the Minister may consider designating this project pursuant to subsection 9(1) of the IAA.

Potential adverse effects within federal jurisdiction

The potential for adverse effects within federal jurisdiction, as defined in section 2 of the IAA, would be limited through project design, by application of standard mitigation measures and managed through existing legislative mechanisms (see Annex I).

The Project would interact with federal lands to accommodate a tunnel approximately 20 metres below surface, under the Armoury at Moss Park (130 Queen Street East), which would require a subsurface easement. Annex I provides a summary table of the potential adverse effects, mitigation measures proposed by the Proponent, and anticipated legislative mechanisms.

¹ Section 54 of the Regulations includes the construction, operation, decommissioning and abandonment of a new railway line that is capable of carrying freight or of carrying passengers between cities and requires a total of 50 km or more of new right of way.

² The Minister must not designate a physical activity if the carrying out of the physical activity has substantially begun, or a federal authority has exercised a power or performed a duty or function in relation to the physical activity (subsection 9(7) of the IAA).



Potential adverse direct or incidental effects

Direct or incidental effects refer to effects that are directly linked or necessarily incidental to a federal authority's exercise of a power or performance of a duty or function that would permit the carrying out, in whole or in part, of a project, or to a federal authority's provision of financial assistance to a person for the purpose of enabling that project to be carried out, in whole or in part.

As described, the Project may require the exercise of the following federal powers, duties, or functions:

- The Project as described may require authorizations issued under the *Fisheries Act* and administered by Fisheries and Oceans Canada, if works are to occur in-water or below the high water mark of the Don River.
- Depending on final project design, an approval issued under the *Canadian Navigable Waters Act* and administered by Transport Canada, for any construction works to occur in the Lower Don River may also be required.
- For the land with the Moss Park Armoury, which is federal lands, the Department of National Defence would set the requirements to manage any adverse effects.

The direct or incidental effects related to the described powers duties or functions would be limited, and would be addressed through requirements set by the federal authorities.

Public concerns

The Agency is of the view that the public concerns known to the Agency do not warrant designation under subsection 9(1) of the IAA. These concerns include:

- effects on fish and fish habitat, migratory birds, federally-listed aquatic species at risk;
- health effects: noise (including ground-borne noise, mental health outcomes), vibration, air quality;
- cultural and socioeconomic impact: splitting the Riverside and Leslieville community;
- loss of urban greenspace;
- public and rail safety issues, including setback distances;
- cumulative effects of rail traffic (diesel emissions);
- loss of built heritage resources and cultural heritage landscapes;
- economic impacts on local businesses; and
- alternatives assessment and public consultation.

Some concerns relate to certain adverse effects within federal jurisdiction, including effects on fish and fish habitat, migratory birds, federally-listed aquatic species at risk. However, the Agency is of the view that these concerns can be addressed through the application of standard mitigation measures and existing legislative and regulatory mechanisms (see Annex I and Annex II).

Annex III provides a summary table of the public concerns not within areas of federal jurisdiction, along with the relevant mechanisms that may address the concerns.



Potential adverse impacts on the rights of Indigenous peoples

The Agency, in relation to subsection 9(2) of the IAA, is of the view that while there is the potential for the Project to cause adverse impacts on the exercise of rights that are recognized and affirmed by section 35 of the *Constitution Act, 1982* (section 35 rights), existing legislative mechanisms would include consultation with potentially affected Indigenous groups and address potential impacts.

Potential adverse effects within federal jurisdiction, as described in Annex I, that could impact section 35 rights are anticipated to be localized within the urban area of the City of Toronto and mitigated.

For this analysis, the Agency considered potential impacts to, and any comments from, the Huron-Wendat Nation, Métis Nation of Ontario Region 8, and the Mississaugas of the Credit First Nation (see Annex I). Both Huron-Wendat Nation and the Mississaugas of the Credit First Nation advised the Agency that they are working with the Proponent to address concerns, including impacts on potential, newly-discovered heritage and archaeological sites of importance to Indigenous peoples. Métis Nation of Ontario Region 8 has not raised concerns about the Project with the Agency.

Of note, *Ontario Regulation 341/20: Ontario Line Project* includes requirements for Indigenous consultation as well as provision to allow the provincial minister to impose conditions to address impacts on the Aboriginal and treaty rights of potentially affected Indigenous groups.

Regional and strategic assessments

There are no regional or strategic assessments pursuant to sections 92, 93 or 95 of the IAA that are relevant to the Project.

Conclusion

The Agency is of the view that the Project does not warrant designation pursuant to subsection 9(1) of the IAA. The potential for adverse effects, as described in subsection 9(1) of the IAA, would be limited through project design, the application of standard mitigation measures and through existing legislative mechanisms (Annex I). The concerns expressed by the requester and those that are known to the Agency are expected to be addressed through federal and provincial regulatory and consultation processes required pursuant to the *Canadian Navigable Waters Act*, *Fisheries Act*, Ontario's *Endangered Species Act* and *Environmental Protection Act*, *Ontario Heritage Act*, *Ontario Regulation 341/20: Ontario Line Project* and *Ontario Water Resources Act* (Annex II).

To inform its analysis, the Agency sought and received input from the Proponent, relevant federal authorities and provincial ministries, the City of Toronto and potentially affected Indigenous groups. Comments received from members of the public also were considered, as appropriate. Further, the Agency considered the potential for the Project to cause adverse impacts on the rights that are recognized and affirmed by section 35 of the *Constitution Act, 1982* and is satisfied that existing legislative mechanisms and any associated consultation processes would address any potential impacts.

ANNEX I



Annex I: Analysis Summary Table

Adverse Effect or Public Concern in Relation to Subsection 9(1) of the <i>Impact Assessment Act</i>	Effects and Mitigation Proposed by the Proponent and the Agency's Findings	Relevant Legislative Mechanisms
<p>A change to fish and fish habitat, as defined in subsection 2(1) of the <i>Fisheries Act</i></p>	<p>Works to occur at the water crossing of the Don River and its tributaries may result in death of fish and/or harmful alteration, disruption or destruction to fish habitat.</p> <p>Adverse effects on water quality may occur from contaminants introduced into waterbodies through disturbance of soils, rocks and streambanks; wastewater discharge; groundwater resurgence; or spills.</p> <p>The Proponent plans to mitigate these effects on fish and fish habitat by respecting the timing windows to protect fish; capturing and relocating fish to suitable habitat outside of work areas prior to dewatering work areas; applying erosion and sediment control measures during construction; designing structures to account for hydraulic, erosion and meander characteristics; and designing water management systems and dewatering operations to prevent erosion and release of sediment laden or contaminated water to the waterbody or adjacent wetlands.</p>	<ul style="list-style-type: none">• Authorization pursuant to the <i>Fisheries Act</i> paragraph 34.4(2)(b), issued by Fisheries and Oceans Canada if project activities may result in the death of fish.• Authorization pursuant to the <i>Fisheries Act</i> paragraph 35(2)(b), issued by Fisheries and Oceans Canada for harmful alteration, disruption or destruction to fish habitat that the Project may cause.• Permit to Take Water, pursuant to the <i>Ontario Water Resources Act</i>, issued by Ministry of the Environment, Conservation and Parks, which would set limits for water taking to protect water levels in surrounding waterbodies.• Environmental Compliance Approval (ECA) for sewage works, issued by the Ministry of the Environment, Conservation and Parks, pursuant to the <i>Ontario Water Resources Act</i>.• Environmental Activity and Sector Registry (EASRs) for construction dewatering issued by the Ministry of the Environment, Conservation and Parks, pursuant to the <i>Ontario Water Resources Act</i>.



Adverse Effect or Public Concern in Relation to Subsection 9(1) of the <i>Impact Assessment Act</i>	Effects and Mitigation Proposed by the Proponent and the Agency's Findings	Relevant Legislative Mechanisms
<p>A change to aquatic species, as defined in subsection 2(1) of the <i>Species at Risk Act</i></p>	<p>The Project proposes three watercourse crossings, one of which would occur in an area where a species of special concern (American eel) may occur. Fisheries and Oceans Canada advised that no additional mitigation measures are required, beyond the measures required for other aquatic species.</p> <p>No adverse effects to marine plants are anticipated, as there is no interaction between the Project and the marine environment.</p>	<ul style="list-style-type: none">• Fisheries and Oceans Canada advised that a permit under the <i>Species at Risk Act</i> would not be required.
<p>A change to migratory birds, as defined in subsection 2(1) of the <i>Migratory Birds Convention Act, 1994</i></p>	<p>Individual mortality and the destruction of nests and eggs or any other structure necessary for the reproduction and survival of species of risk could occur, particularly during site preparation. Also, mortality from collisions with project vehicles or infrastructure could occur.</p> <p>Migratory birds also could be affected by sensory disturbances, such as noise, lights, vibrations from excavation and blasting work and the operation of machinery.</p> <p>Oil or chemical spills could have adverse effects if the spilled substances make their way into the habitats of migratory birds and species at risk.</p> <p>The Proponent would mitigate effects through measures such as implementing avoidance timing windows to avoid effects on birds during the breeding season of April 1 to August 31; undertaking a breeding bird and nest survey if activities are proposed during the general nesting period; and regular monitoring to confirm that activities do not encroach into nesting areas or disturb active nesting sites. In addition, the Proponent would have to comply with Ontario's <i>Environmental Protection Act</i> with respect to minimizing and responding to spill events.</p>	<ul style="list-style-type: none">• Environment and Climate Change Canada indicated that neither a permit under the <i>Migratory Birds Convention Act, 1994</i>, nor a permit under the <i>Species at Risk Act</i> are anticipated to be required for migratory bird species.• A permit under Ontario's <i>Endangered Species Act</i> is in place to provide surveying, mitigation, compensation and monitoring requirements of certain species at risk that are both federally and provincially listed.
<p>A change to the environment that would occur on federal lands</p>	<p>The Project would interact with federal lands to accommodate tunneling under the Armoury at Moss Park (130 Queen Street East), approximately 20 metres below surface, which</p>	<ul style="list-style-type: none">• Department of National Defence determination of whether there are significant adverse environmental effects



Adverse Effect or Public Concern in Relation to Subsection 9(1) of the <i>Impact Assessment Act</i>	Effects and Mitigation Proposed by the Proponent and the Agency's Findings	Relevant Legislative Mechanisms
	<p>requires a subsurface easement. The Proponent is expected to design subsurface structures and works to account for subsurface conditions and protection of surface conditions.</p> <p>As currently described, minimal disturbance of the federal land at surface would occur. The Department of National Defence shall decide whether an environmental effects determination of the physical works that would interact with the land is required, pursuant to section 82 of the IAA. The Proponent committed to avoid disturbance to the federal land at the surface and to maintaining access points to the land, according to Department of National Defence requirements.</p>	<p>on federal lands, pursuant to section 82 of the IAA.</p>
A change to the environment that would occur in a province other than the one in which the Project is being carried out or outside Canada	<p>No adverse transboundary effects in other provinces or outside Canada are anticipated. Potential environmental effects are anticipated to be localized and mitigated within the boundary of the City of Toronto. The nearest provincial and international borders are approximately 310 kilometres northeast and 25 kilometres southeast of the Project, respectively.</p> <p>The construction and operation of the Ontario Line Project may result in greenhouse gas emissions. However, public transit projects are expected to support a shift toward lower emitting models of transportation and lower net greenhouse gas emissions.³</p>	<ul style="list-style-type: none">• Licences, permits and approvals required for the Project pursuant to Ontario's <i>Endangered Species Act</i>, <i>Environmental Protection Act</i>, <i>Ontario Heritage Act</i>, <i>Ontario Regulation 341/20: Ontario Line Project</i> and <i>Ontario Water Resources Act</i> would set requirements to ensure that environmental effects are localized and mitigated.
With respect to the Indigenous peoples of Canada, an impact - occurring in Canada and resulting from any change to the	<p>Results of the Stage 1 Archaeological Assessment, completed pursuant to the <i>Ontario Heritage Act</i>, indicate that there is high potential for the recovery of historic archaeological resources with cultural value or interest within the subject lands given the</p>	<ul style="list-style-type: none">• The <i>Ontario Heritage Act</i>, which would require the Proponent to conduct archaeological assessments in accordance with the Ministry of Heritage, Sport,

³ Environment and Climate Change Canada (2016). Pan-Canadian Framework on Clean Growth and Climate Change: Canada's plan to address climate change and grow the economy. Available at: <https://www.canada.ca/en/services/environment/weather/climatechange/pan-canadian-framework/climate-change-plan.html>

Adverse Effect or Public Concern in Relation to Subsection 9(1) of the <i>Impact Assessment Act</i>	Effects and Mitigation Proposed by the Proponent and the Agency's Findings	Relevant Legislative Mechanisms
environment - on physical and cultural heritage	<p>proximity to water sources. Ground disturbing activities have the potential to disturb unassessed or documented resources.</p> <p>The Proponent would mitigate these effects by completing a Stage 2, 3 or 4 Archaeological Assessment, pursuant to the <i>Ontario Heritage Act</i>. Findings would be shared with all Indigenous groups.</p> <p>Additionally, if unexpected archaeological resources are encountered (or suspected), all work would stop. The site would be protected from impact until assessed by a licensed archaeologist. Consultation with relevant Indigenous groups would be initiated in the event that archaeological resources or human remains are discovered.</p>	<p>Tourism and Culture Industries Standards and Guidelines for Consultant Archaeologists (2011) and follow protocols to protect any discovered archaeological resource.</p> <ul style="list-style-type: none"> • <i>Ontario Regulation 341/20: Ontario Line Project</i> includes: <ul style="list-style-type: none"> ○ Indigenous consultation and public engagement; ○ an issues resolution process; and ○ a provision to allow the provincial minister to impose conditions to address impacts on the Aboriginal and treaty rights of potentially affected Indigenous groups.
With respect to the Indigenous peoples of Canada, an impact - occurring in Canada and resulting from any change to the environment - on current use of lands and resources for traditional purposes	<p>No impacts are anticipated. The Project is located within an urban area, where current land and resource use activities are not anticipated to occur. In addition, project-related changes to lands and resources would be localized and mitigated close to the project study area and within the municipal limits of the City of Toronto.</p>	<ul style="list-style-type: none"> • <i>Ontario Regulation 341/20: Ontario Line Project</i> includes: <ul style="list-style-type: none"> ○ Indigenous consultation and public engagement; ○ an issues resolution process; and ○ a provision to allow the provincial minister to impose conditions to address impacts on the Aboriginal and treaty rights of potentially affected Indigenous groups.
With respect to the Indigenous peoples of Canada, an impact - occurring in Canada and resulting from any change to the environment - on any structure, site, or thing	<p>Results of the Stage 1 Archaeological Assessment, completed pursuant to the <i>Ontario Heritage Act</i>, indicate that there is high potential for the recovery of historic archaeological resources with cultural value or interest within the subject lands. Ground disturbing activities have the potential to</p>	<ul style="list-style-type: none"> • The <i>Ontario Heritage Act</i>, which would require the Proponent to conduct archaeological assessments in accordance with the Ministry of Heritage, Sport, Tourism and Culture Industries Standards and



Adverse Effect or Public Concern in Relation to Subsection 9(1) of the <i>Impact Assessment Act</i>	Effects and Mitigation Proposed by the Proponent and the Agency's Findings	Relevant Legislative Mechanisms
that is of historical, archaeological, paleontological or architectural significance	<p>disturbance unassessed or documented archaeological resources.</p> <p>The Proponent would mitigate these effects by completing a Stage 2, 3 or 4 Archaeological Assessment for lands anticipated to be impacted to identify any archaeological resources that may be present. All future Stage 2 Archaeological Assessment findings would be shared with all Indigenous communities.</p> <p>Additionally, if unexpected archaeological resources are encountered (or suspected), all work would stop. The site would be protected from impact until assessed by a licensed archaeologist. Consultation with relevant Indigenous communities would be initiated in the event that archaeological resources or human remains are discovered.</p>	<p>Guidelines for Consultant Archaeologists (2011) and follow protocols to protect any discovered archaeological resource.</p> <ul style="list-style-type: none">• <i>Ontario Regulation 341/20: Ontario Line Project</i> includes:<ul style="list-style-type: none">○ Indigenous consultation and public engagement;○ an issues resolution process; and○ a provision to allow the provincial minister to impose conditions to address impacts on the Aboriginal and treaty rights of potentially affected Indigenous groups.
Any change occurring in Canada to the health, social or economic conditions of the Indigenous peoples of Canada	<p>No changes to the health, social or economic conditions of the potentially affected Indigenous groups are expected due to the Project, given the location, size and scale of the Project. The closest reserve lands are over 100 kilometres away.</p> <p>Changes to air quality, noise, and vibration that could trigger health, social or economic effects would be localized and addressed via municipal and provincial mechanisms in place to protect the health of Toronto residents and visitors to the city.</p>	<ul style="list-style-type: none">• Environmental Compliance Approvals (ECAs) for air and noise, issued by the Ministry of the Environment, Conservation and Parks, pursuant to Ontario's <i>Environmental Protection Act</i>.• Environmental Activity and Sector Registry (EASRs) for air and noise, issued by the Ministry of the Environment, Conservation and Parks, pursuant to Ontario's <i>Environmental Protection Act</i>.• Ministry of Environment, Conservation and Parks / TTC Noise and Vibration Protocol for Subway Lines.• City of Toronto By-law 514-2008 on vibration control.• <i>Ontario Regulation 341/20: Ontario Line Project</i> includes:



Adverse Effect or Public Concern in Relation to Subsection 9(1) of the <i>Impact Assessment Act</i>	Effects and Mitigation Proposed by the Proponent and the Agency's Findings	Relevant Legislative Mechanisms
		<ul style="list-style-type: none">○ Indigenous consultation and public engagement;○ an issues resolution process; and○ a provision to allow the provincial minister to impose conditions to address impacts on the Aboriginal and treaty rights of potentially affected Indigenous groups.
Adverse direct or incidental effects	<p>Authorizations from Fisheries and Oceans Canada, issued under the <i>Fisheries Act</i>, would include conditions requiring avoidance, as well as mitigation, offsetting, contingency and monitoring measures.</p> <p>Review and approval process, under the <i>Canadian Navigable Waters Act</i> administered by Transport Canada, would include conditions to prevent severe impacts to navigation.</p> <p>Requirements of the Proponent regarding physical activities to take place on the lands of the Moss Park Armoury would be set by the Department of National Defence.</p> <p>The direct or incidental effects would be limited or addressed through the requirements set by the relevant federal authorities.</p>	<ul style="list-style-type: none">• <i>Fisheries Act</i> authorizations, issued under paragraphs 34.4(2)(b) and 35(2)(b).• <i>Canadian Navigable Waters Act</i> approval.
Public concerns related to the above effects (see Annex III for public concerns unrelated to the above effects)	Effects on fish and fish habitat, migratory birds and federally-listed species at risk, along with proposed mitigation measures are summarized above.	Relevant legislative mechanisms for effects on fish and fish habitat, migratory birds and federally-listed species at risk are summarized above



ANNEX II



Annex II: Potential Federal and Provincial Authorizations Relevant to the Project

Authorization	Description
Approval for bridge works, as defined under the Major Works Order for works across navigable waters not listed by Transport Canada, pursuant to the <i>Canadian Navigable Waters Act</i> .	<ul style="list-style-type: none">• For navigable waterways not listed, Proponents are required to issue a public notice and provide information about proposed works (except for minor works) on all navigable waters.• The Proponent will either submit a voluntary application or undertake the public resolution process.• The approval requires that water levels or water flow is maintained for navigation purposes in navigable water.• This approval process requires public and Indigenous consultation.
Authorization issued by Fisheries and Oceans Canada, pursuant to paragraph 34.4(2)(b) of the <i>Fisheries Act</i> .	<ul style="list-style-type: none">• A <i>Fisheries Act</i> paragraph 34.4(2)(b) authorization includes requirements to assess, mitigate, offset (as required) and monitor effects arising from carrying out a work, undertaking or activity that results in the death of fish.
Authorization, issued by Fisheries and Oceans Canada, pursuant to 35(2)(b) of the <i>Fisheries Act</i> .	<ul style="list-style-type: none">• A <i>Fisheries Act</i> paragraph 35(2)(b) authorization includes requirements to assess, mitigate, offset (as required) and monitor effects arising from carrying out a work, undertaking or activity that results in harmful alteration, disruption or destruction of fish habitat.• This authorization process requires Indigenous consultation.
Authorization for Barn Swallow, Chimney Swift, Butternut and Bat issued by the Ministry of the Environment, Conservation and Parks, pursuant to Ontario's <i>Endangered Species Act</i> .	<ul style="list-style-type: none">• An <i>Endangered Species Act</i> permit or authorization includes requirements to protect endangered or threatened species at risk or their habitats during project activities.
Environmental Compliance Approvals (ECAs) for air and noise, issued by the Ministry of the Environment, Conservation and Parks, pursuant to Ontario's <i>Environmental Protection Act</i> .	<ul style="list-style-type: none">• These ECAs include requirements to assess, mitigate and monitor potential adverse effects on local air quality and noise levels due to project activities.• These approval processes require Indigenous and public consultation.



Authorization	Description
Environmental Activity and Sector Registry (EASRs) for air and noise, issued by the Ministry of the Environment, Conservation and Parks, pursuant to Ontario's <i>Environmental Protection Act</i> .	<ul style="list-style-type: none">• These EASRs require predictive modelling to demonstrate compliance with air quality, noise and vibration criteria.• The approval process includes requirements for fugitive dust control, monitoring, testing and reporting and equipment operations.
Drinking Water Works Permit, issued by the Ministry of the Environment, Conservation and Parks, pursuant to Ontario's <i>Safe Drinking Water Act</i> .	<ul style="list-style-type: none">• The permit includes requirements to monitor and record indicators of water quality and environmental impact and provision for contingencies to prevent and deal with accidental spills or upsets.
Authorization required for removal, demolition or transfer of heritage resources that may be impacted, issued by the Ministry of Heritage, Sport, Tourism and Cultural Industries, pursuant to the <i>Ontario Heritage Act</i> .	<ul style="list-style-type: none">• The Ministry of Heritage, Sport, Tourism and Cultural Industries or prescribed public body requesting consent is responsible for the public and/or Indigenous consultation and shall include that information in the consent request.• The Minister's consent for removal, demolition or transfer of heritage resources may include conditions.
Environmental Compliance Approval (ECA) for sewage works, issued by the Ministry of the Environment, Conservation and Parks, pursuant to the <i>Ontario Water Resources Act</i> .	<ul style="list-style-type: none">• This ECA includes conditions to protect water quality from stormwater and sewage discharge.• This approval process requires Indigenous and public consultation.
Permit to Take Water issued by the Ministry of the Environment, Conservation and Parks, pursuant to the <i>Ontario Water Resources Act</i> .	<ul style="list-style-type: none">• The Permit to Take Water includes requirements to assess impacts to surface and groundwater quantity and quality due to project activities.• The permit places limits on the quantity and duration of water taking and requires reporting. Additional conditions could include monitoring requirements, seasonal restrictions, modifications to discharge locations, and remediation.• The permitting process requires Indigenous and public consultation.
Environmental Activity and Sector Registry (EASRs) for construction dewatering issued by the Ministry of the Environment, Conservation and Parks, pursuant to the <i>Ontario Water Resources Act</i> .	<ul style="list-style-type: none">• These EASRs require a water taking plan, discharge plan and notification.• The approval process requires implementation of control measures and a water monitoring program, outlined in the water taking and discharge plans.

ANNEX III

Annex III: Public Concerns Known to the Agency in Relation to the Project

Concern Expressed	Relevant Mechanisms to Address Concern
Potential impacts to human health, particularly from changes in air quality, during project construction and operation	<p>An issues resolution process has been established by the Proponent in accordance with sections 10 and 17 of the <i>Ontario Regulation 341/20: Ontario Line Project</i> to resolve concerns raised by interested persons and Indigenous groups. In addition, the Proponent has committed to keep in place over the life of the Project an existing system run by its Community Relations group to address public concerns.</p> <p>Environmental Compliance Approvals (ECAs) for air and noise issued by the Ministry of the Environment, Conservation and Parks, pursuant to Ontario's <i>Environmental Protection Act</i>. These ECAs include requirements to assess, mitigate and monitor potential adverse effects on local air quality. ECAs will be applicable to all station sites and the maintenance and storage facility.</p> <p>Environmental Activity and Sector Registry (EASRs) for air and noise, issued by the Ministry of the Environment, Conservation and Parks, pursuant to Ontario's <i>Environmental Protection Act</i>. These EASRs require predictive modelling to demonstrate compliance with air quality, noise and vibration criteria.</p> <p>Facilities having equipment or operating practices which are not exempt under <i>Ontario Regulation 524/98</i> are required to apply for either an ECA or to the Environmental Activity and Sector Registry.</p>
Potential impacts to human health, particularly from changes in noise and vibration levels, during project construction and operation	<p>ECAs for air and noise issued by the Ministry of the Environment, Conservation and Parks, pursuant to Ontario's <i>Environmental Protection Act</i>. These ECAs include requirements to assess, mitigate and monitor potential adverse effects on local noise and vibration.</p> <p>Environmental Activity and Sector Registry (EASRs) for air and noise, issued by the Ministry of the Environment, Conservation and Parks, pursuant to Ontario's <i>Environmental Protection Act</i>. These EASRs require predictive modelling to demonstrate compliance with air quality, noise and vibration criteria.</p> <p>Ministry of Environment, Conservation and Parks / TTC Noise and Vibration Protocol for Subway Lines.</p> <p>City of Toronto By-law 514-2008 for vibration control.</p> <p>Canadian Transportation Agency, pursuant to section 95.1 of the <i>Canadian Transportation Act</i>, could manage railway related noise and vibration effects, including the ordering of mitigation measures, if a noise and vibration complaint is filed in accordance with Canadian Transportation Agency guidance.</p> <p>An issues resolution process has been established by the Proponent in accordance with Sections 10 and 17 of the <i>Ontario Regulation 341/20: Ontario Line Project</i> to resolve any concerns raised by interested persons and Indigenous groups. In addition, the Proponent has committed to keep in place over the life of the Project an existing system run by its Community Relations group to address public concerns.</p>

Concern Expressed	Relevant Mechanisms to Address Concern
Potential impacts to public safety and rail safety, particularly for nearby residential areas	<p>The Proponent is governed by the <i>Metrolinx Act, 2006</i>, which is administered by the Ontario Ministry of Transportation with expectations of conformance with provincial government objectives, plans, policies and strategies. Regarding public and rail safety, the Proponent would have an Independent Safety Assessor (ISA), accredited by the Standards Council of Canada, who would review the safety of the Project. The Proponent has advised that the ISA would be involved in ensuring safety during design, build, commissioning and operation stages of the Project. In addition, the Proponent indicated that no system would be approved for construction, testing or operation unless it has been recommended by the ISA.</p> <p>An issues resolution process has been established by the Proponent in accordance with Sections 10 and 17 of the <i>Ontario Regulation 341/20: Ontario Line Project</i> to resolve any concerns raised by interested persons and Indigenous groups. In addition, the Proponent has committed to keep in place over the life of the Project an existing system run by its Community Relations group to address public concerns.</p>
Potential health and socio-economic impacts from loss of greenspace, urban division and aesthetics	<p>The Project is expected to undergo site plan review by the City of Toronto to confirm that the Project is compatible with the surrounding area and contributes to the economic, social and environmental vitality of the City.</p> <p>Tree Permits (Injure/Remove Healthy City-Owned Tree, Injure or Destroy Trees on Private Property permits) would be required from the City of Toronto pursuant to the Toronto Municipal Code Chapter 813, Articles II and III.</p> <p>Building Permits (including landscaping and replanting required) would be required from the City of Toronto pursuant to the Toronto Municipal Code Chapter 363, Building, Construction and Demolition.</p> <p>An issues resolution process has been established by the Proponent in accordance with Sections 10 and 17 of the <i>Ontario Regulation 341/20</i> to resolve any concerns raised by interested persons and Indigenous groups. In addition, the Proponent has committed to keep in place over the life of the Project an existing system run by its Community Relations group to address public concerns.</p>
Potential impacts from loss of built heritage resources and cultural heritage landscapes	<p>The Ministry of Heritage, Sport, Tourism and Culture Industries has an interest in the conservation of Ontario's cultural heritage and administers the <i>Ontario Heritage Act</i>. The ministry indicated that a consent of the Minister of Heritage, Sport, Tourism and Culture Industries is required prior to demolition or removal of any buildings or structures on a provincial heritage property of provincial significance or transfer of the property out of provincial control. Furthermore, the Proponent is required to follow the Standards and Guidelines for Conservation of Provincial Heritage Properties, prepared under the <i>Ontario Heritage Act</i>.</p> <p>An issues resolution process has been established by the Proponent in accordance with Sections 10 and 17 of the <i>Ontario Regulation 341/20</i> to resolve any concerns raised by interested persons and Indigenous groups. In addition, the Proponent has committed to keep in place over the life of the Project an existing system run by its Community Relations group to address public concerns.</p>

Concern Expressed	Relevant Mechanisms to Address Concern
Potential economic impacts on local business, particularly for nearby residential areas	<p>The Project is expected to undergo site plan review by the City of Toronto to confirm that the Project is compatible with the surrounding area and contributes to the economic, social and environmental vitality of the City. In addition, the City of Toronto indicated that the Proponent would work in consultation with the City to help local businesses stay accessible and supported during construction.</p> <p>The Proponent has established an issues resolution process in accordance with Sections 10 and 17 of the <i>Ontario Regulation 341/20</i> to resolve any concerns raised by interested persons and Indigenous groups. In addition, the Proponent has committed to keep in place over the life of the Project an existing system run by its Community Relations group to address public concerns.</p>
Potential impacts on wildlife and vegetation	<p>The Ministry of the Environment, Conservation and Parks is participating in the project assessment and providing oversight, pursuant to <i>Ontario Regulation 341/20: Ontario Line Project, under the Environmental Assessment Act</i>. The ministry indicated that potential effects and appropriate mitigation measures (e.g. fencing, avoid bird breeding season) would be determined as part of the Environmental Impact Assessment Report.</p> <p>An issues resolution process has been established by the Proponent in accordance with Sections 10 and 17 of the <i>Ontario Regulation 341/20: Ontario Line Project</i> to resolve any concerns raised by interested persons and Indigenous groups. In addition, the Proponent has committed to keep in place over the life of the Project an existing system run by its Community Relations group to address public concerns.</p>
Cumulative effects due to diesel emissions from rail traffic	<p>The Project is not expected to contribute to cumulative effects due to diesel emissions from rail traffic as the Ontario Line is expected to operate electric trains.</p>
Lack of consideration of alternatives	<p>The Ministry of the Environment, Conservation and Parks provides oversight of the project assessment, pursuant to <i>Ontario Regulation 341/20: Ontario Line Project, under the Environmental Assessment Act</i>, including a detailed assessment of the preferred alternative as described by the Proponent to identify potential effects and propose appropriate mitigation measures to address those effects.</p>
Insufficient public consultation	<p>The Ministry of the Environment, Conservation and Parks administers the <i>Ontario Regulation 341/20: Ontario Line Project, under the Environmental Assessment Act</i>. This regulation requires Indigenous and public consultation during the project assessment. As part of its role in the assessment, the ministry would review the consultation record that the Proponent is required to prepare.</p>