



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

February 12, 2021

Sent by email

Mark LaForme
Mississaugas of the Credit First Nation
2789 Mississauga Road R.R. #6
Hagersville ON N0A 1H0
<Email address removed>

Dear Mark LaForme:

**Subject: Designation Request for the Proposed GTA West Project under the
Impact Assessment Act – Please Reply by March 5, 2021**

On February 3, 2021, the Minister of Environment and Climate Change received a request to designate the proposed GTA West Project under subsection 9(1) of the *Impact Assessment Act* (IAA). The designation request from Ecojustice, on behalf of Environmental Defense, is enclosed (Enclosure 1).

The Proposed Project

The Ontario Ministry of Transportation is proposing the construction and operation, including maintenance, of a new 59-kilometre all-season public highway in the northwest Greater Toronto Area. The proposed new highway, which would be named Highway 413, would connect highway 400 between Kirby Road and King-Vaughan Road in the east, to the highway 401/407 interchange area, near the northern end of highway 403, in the west. The highway would stretch through the municipalities of Vaughan, Caledon, Brampton and Halton Hills in the regions of York, Peel and Halton. 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 including a project map can be found on the proponent's website at www.gta-west.com.

The Project would be located in the Regional Municipalities of Halton, York Peel in Ontario, which the Impact Assessment Agency of Canada understands falls within your traditional territory.

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Designation Process

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), 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 May 4, 2021.

The Agency will review information about the Project; any concerns expressed by your community, from the public and other Indigenous groups; and technical advice from relevant federal authorities and provincial ministries in order to prepare a recommendation to the Minister on whether the Project should be designated. If the Project were designated by the Minister, the Ontario Ministry of Transportation (the proponent) would be prohibited from carrying out the Project and would be required to submit an Initial Project Description, thereby commencing the planning phase of IAA. During the planning phase, the Agency would determine whether an impact assessment is required.

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

Provincial Process

The Government of Ontario is proposing to create a new streamlined process for assessing potential environmental impacts of the Project, as well as consulting on it. More information on this is available at: ero.ontario.ca/notice/019-1882

Seeking your views

The Agency is requesting that you provide responses to the following questions:

1. Confirm whether your community was consulted as part of the provincial assessment process.
2. Please describe the proponent's consultation with your community on the project to date.
3. Indicate whether the proponent has worked with you to address any concerns identified by your community.

4. Please describe whether and how the Project may impact your community's rights as protected under section 35 of the *Constitution Act, 1982*.

Optional questions if the proponent has not consulted your community:

5. Please describe whether and how the potential adverse effects of the Project could result in changes to your community's:
 - (a) physical and cultural heritage (e.g. ceremonial sites, burial sites, cultural landscapes)
 - (b) current use of lands and resources for traditional purposes (e.g. hunting, fishing, trapping)
 - (c) structures, sites or things of historical, archaeological, paleontological or architectural significance (e.g. artifacts, important historic buildings or symbols)
6. Please describe whether and how the Project may result in changes to your community's health, social or economic conditions (e.g. employment opportunities, access to goods and services, economic development, access to health-care services).

Given the 90-day legislated timeline, your response is requested by **Friday, March 5, 2021**.

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*—are considered public and may be released. The Agency's Submission Policy¹ determines which submitted information can be shared publicly, and what should remain private. For further information on how we protect your privacy, please refer to the Privacy Notice.²

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¹ <https://www.iaac-aeic.gc.ca/050/evaluations/participation/conditions>

² <https://www.iaac-aeic.gc.ca/050/evaluations/protection>

In the coming days, a Registry page for the Project will be available on the Canadian Impact Assessment Registry Internet site at 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 using this feature, please contact the Project Manager immediately.

COVID-19 Constraints on Participation

The Agency recognizes the circumstances surrounding the COVID-19 pandemic and the challenges they may present. The Agency will work to adapt where possible to support your community within the legislated 90-day timeline.

Next Steps

The Agency would be pleased to offer a virtual meeting with your community to discuss the Project and to answer any questions you may have about the designation request process. If you are interested in attending a virtual meeting with the Agency, please let us know by **February 19, 2021**.

The Minister's determination on whether the Project is to be designated, with reasons, will be posted to the Canadian Impact Assessment Registry Internet site. Should the Project be designated, the Agency will contact you to discuss further steps under IAA.

Agency Contact

Further questions regarding the federal designation request process can be directed to Owais Khurshid, Project Manager by email at Owais.Khurshid@canada.ca or by telephone at 647-262-8046.

Sincerely,

<Original signed by>

Anjala Puvananathan
Director, Ontario Region

Enclosure: Designation request letter from Ecojustice on behalf of Environmental Defence

c.c.: Fawn Sault, Consultation Manager, Mississaugas of the Credit First Nation