



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 (Ontario) M5J 1R7

February 11, 2021

**Sent by email**

Michelle Pasqua  
Director - Asset Management Branch  
Ontario Ministry of Transportation  
301 St. Paul St W  
St Catharines ON L2R 7R4  
<Email address removed>

Dear Michelle Pasqua:

**Subject: Notification Regarding Potential Designation of the GTA West Project as a Designated Project under the *Impact Assessment Act***

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 letter requesting designation (Enclosed) and a description of the Project will soon be publicly available on the Canadian Impact Assessment Registry at [iaac-aeic.gc.ca/050/evaluations](http://iaac-aeic.gc.ca/050/evaluations).

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 Impact Assessment Agency of Canada will review information about the Project, any concerns expressed by the public and Indigenous groups, expert advice from federal authorities and input from provincial ministries and municipalities to prepare a recommendation to the Minister on whether to designate the Project. 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.

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

**REQUEST 1:**

In accordance with subsection 9(3) of IAA, and to inform its advice to the Minister, the Agency requests that you provide any available information on the Project. Given the 90-day legislated timeline, the Agency requests that **by Wednesday, February 17, 2021**, you provide latitude and longitude of appropriate location points for the endpoints of the preferred route alignment, and any recent, relevant project documents so the Agency can begin its review of the Project.

**REQUEST 2:**

To assist the Agency's review and understanding of the project and its effects, we request readily available information pertaining to the following by

**Wednesday, February 17, 2021:**

- the Project's potential to cause adverse effects to fish and fish habitat, migratory birds, species at risk, federal lands and lands outside of Canada;
- the Project's potential adverse impacts, resulting from any change to the environment, on Indigenous peoples (including impacts to 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,
- any potential changes to the health, social or economic conditions of Indigenous peoples due to the Project.

Include any available information regarding adverse effects (changes to the environment or to health, social or economic conditions) 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.

Include available information on how you intend to manage the potential adverse effects and impacts of the Project, including proposed mitigation and/or follow-up program measures or provide a rationale for why such measures are not required. Describe whether and how you plan to (or have) engage(d) with Indigenous and public groups, and federal, provincial, and municipal reviewers.

Include available information on any cumulative effects that may result from the Project, considering potential cumulative effects associated with other highway proposals in the project area, and expansion of municipal settlement and employment area boundaries in the vicinity of the project.

The information that you provide will inform<sup>1</sup> the Agency's advice to the Minister. As such, providing detailed information in a timely fashion will enable the Agency to provide a well-evidenced and robust recommendation to the Minister.

**REQUEST 3:**

Please submit the following before or by **Wednesday, March 3, 2021**. Your timely response will enable the Agency to proceed forward with completing it's analysis.

1. Information about key project activities, maps and layouts of the location of project components, land tenure, zoning, and estimated timelines for planning, construction, operation, maintenance, and if applicable, decommissioning and abandonment.
2. Information about potential annual direct and indirect greenhouse gas emissions associated with the project. <sup>2</sup> Indicate how the provincial assessment process would manage direct and indirect greenhouse as emissions. Where applicable and available, provide general information such as mitigation and follow-up program measures.
3. 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.
4. a) For each licence, permit, authorization and approval that would be required for the Project (including the streamlined environmental assessment for the Project<sup>3</sup>, and Ontario Ministry of Transportation Class

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<sup>1</sup> As noted above, the Agency will also consider information from the public, Indigenous groups, federal authorities, provincial ministries and municipalities.

<sup>2</sup> The Ontario Ministry of Transportation is encouraged to refer to the Strategic Assessment of Climate Change for help in responding to this question: [strategicasessmentclimatechange.ca](http://strategicasessmentclimatechange.ca)

<sup>3</sup> <https://ero.ontario.ca/notice/019-1882>

Environmental Assessment for Provincial Transportation Facilities<sup>4</sup>), provide the following information:

- i. Name of the licence, permit, authorization or approval, 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 yes, what effects would those conditions address?
- iii. Whether public and/or Indigenous consultation would be required and, if yes, provide information on the approach you intend to take (if any steps have been taken, provide a summary, including issues raised as well as your responses). If there is an issues resolution process associated with the consultation, describe it.

b) Confirm whether any licence, permit, authorization or approval, including the applicable provincial assessment process, listed above would contemplate and manage effects on the following matters, and discuss, in general, the benchmarks or standards that you intend to meet (or would be expected to meet). Where applicable and available, provide general information such as proposed mitigation and follow-up program measures, or provide a rationale for why such are not required:

- i. Potential impacts on fish and fish habitat, including watercourses and wetlands in the Humber, Etobicoke, and Credit River Watersheds;
- ii. Potential impacts on terrestrial and aquatic species at risk and their habitat, including changes to woodlands and natural corridors;
- iii. Potential impacts to migratory birds, including potential for direct effects (e.g., mortality due to vehicle collisions, poisoning, habitat loss and fragmentation), and indirect effects (e.g., noise, artificial light, barriers to movement, and edges associated with roads);

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<sup>4</sup> <http://www.mto.gov.on.ca/english/highway-bridges/pdfs/environmental-assessment-2000.pdf>

- iv. Potential impacts to human health, particularly from changes in air quality, water quality, and noise and vibration levels, during project construction and operation;
  - v. Potential impacts to Indigenous peoples of Canada, including on:
    - o current use of lands and resources for traditional purposes;
    - o physical and cultural heritage; and
    - o any structure, site or thing that is of historical, archaeological, paleontological or architectural significance;
  - vi. Potential adverse impacts on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982*;
  - vii. Potential impacts to public safety;
  - viii. Potential impacts to aesthetics and local recreation;
  - ix. The potential greenhouse gas emissions associated with project construction and operations, including both direct and indirect emissions;
  - x. Whether any impacts named in points i. to ix. above would be permanent, and if yes, how you intend to manage those impacts, or provide a rationale for why such management would not be required; and
  - xi. Whether the Project would result in cumulative effects, considering potential cumulative effects associated with other highway proposals in the project area, and expansion of municipal settlement and employment area boundaries in the vicinity of the project. If yes, describe how you intend to manage those impacts, or provide a rationale for why such management would not be required.
5. 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 (including changes to health, social and economic conditions) that may occur as a result. For all effects, indicate whether the provincial assessment process would manage them. Where applicable and available, provide general information such as mitigation and follow-up program measures, or provide a rationale for why such are not required.

6. a) Describe the steps that you have taken to engage the public, and any steps that you will take for engagement during all phases of the Project.  
b) Indicate whether you are aware of public concerns in relation to the Project. If yes, provide an overview of the issues, including those raised in the enclosed letter, and indicate in general terms how you intend to address these matters.
7. a) Describe the steps that you have taken and will take to consult with Indigenous groups (please list the groups included). If available, provide a generalized record of engagement as well as planned engagement. Provide general information about your commitments to work with Indigenous groups to mitigate any potential impacts.  
b) Indicate whether you are aware of general concerns from Indigenous groups in relation to the Project. If yes, provide an overview of the key issues and indicate how you plan to address these matters.
8. Provide any other comments in relation to environmental effects or impacts to the public or Indigenous peoples, and how you intend to address and manage these effects.
9. Explain your views on whether the Project should be designated under IAA.

### **Additional Notes**

The Ontario Ministry of Transportation is strongly encouraged to contact the Agency in the next few days to discuss the information required, and ensure that it can be provided within the indicated timeline.

Please use the Impact Assessment Agency Proponent Portal<sup>5</sup> to provide the Agency with information regarding this file. Letters and other documents can be uploaded using this feature. You will require a profile to use the Proponent Portal; if you have difficulties with this feature, immediately contact Owais Khurshid, Project Manager, at [Owais.Khurshid@canada.ca](mailto:Owais.Khurshid@canada.ca) or 647-262-8046.

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<sup>5</sup> <https://www.portal-portail.iaac-aeic.gc.ca>

**Important Note:** Documents and data submitted to the Agency via the Proponent Portal will be circulated to relevant government departments and agencies. They may be made publicly available on the Canadian Impact Assessment Registry. Copies of the documents and data may be provided to interested parties. If any information should be considered confidential, please contact the Agency before submitting it.

Further questions can be directed to Owais Khurshid by email or telephone.

Sincerely,

<Original signed by>

Anjala Puvananathan  
Director, Ontario Region

Enclosure    Designation request letter from Laura Bowman, Ecojustice on  
                  behalf of Environmental Defense

c.c.        Brenda Liegler, Manager, Ontario Ministry of Transportation