

Terms of Reference

Bilateral Federal–Provincial Working Group for Ontario’s Highway 413

1. Preface

The Highway 413 Project (the Project), proposed by the Ontario Ministry of Transportation, is the construction and maintenance of a 52-kilometre highway and transitway that will extend from Highway 400 (between Kirby Road and King-Vaughan Road) in the east to the Highway 401/407 ETR interchange area in the west, connecting the regions of York, Peel, and Halton.

This Terms of Reference is established pursuant to the Memorandum of Understanding establishing a bilateral federal-provincial Working Group (Working Group) in respect of the Project to guide work to support Canada’s legislative processes pursuant to the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*. The main purpose of this Terms of Reference is to set out the roles and responsibilities of the Working Group members in order to efficiently achieve the intent of collaboration set out in the Memorandum of Understanding.

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2. Membership

The bilateral Working Group will have two key sponsors who would oversee its work:

- Deputy Minister of Transportation (Ontario)
- President of the Impact Assessment Agency of Canada (Canada)

The Working Group is comprised of the members set out in the following table:

Membership				
Organization	Name	Role	Office	E-mail
Ontario Ministry of Transportation (MTO)	Eric Doidge	Assistant Deputy Minister, Lead Planning & Design	Transportation Infrastructure Management Division	eric.doidge@ontario.ca
	Dawn Irish	Director, IREPB	Integrated Policy and Planning Division	Dawn.irish@ontario.ca
Ontario Ministry of the Environment, Conservation and Parks (MECP)	Chloe Stuart	Assistant Deputy Minister, Lead Endangered Species Act	Land and Water Division	Chloe.stuart@ontario.ca
	Lisa Trevisan	Assistant Deputy Minister, Lead Environmental Assessment and Permissions	Environmental Assessment and Permissions Division	Lisa.Trevisan@ontario.ca
Impact Assessment Agency of Canada (IAAC)	Anjala Puvananathan	Director General, Regional Operations (East)	Operations Sector	anjala.puvananathan@iaac-aeic.gc.ca
Environment and Climate Change Canada (ECCC)	Nicole Cote	Director General, EPOD		Nicole.Cote@ec.gc.ca
	Aura Pantieras	Director General, Wildlife Assessment and Information		Aura.pantieras@ec.gc.ca
Fisheries and Oceans Canada (DFO)	Kate Ladell	Director General, Ecosystems Management	Fish and Fish Habitat Protection Program	Kate.Ladell@dfo-mpo.gc.ca
	Hilary Oakman	A/Regional Director, Aquatic Ecosystems, Ontario & Prairie Region	Fish and Fish Habitat Protection Program and Species at Risk Program	Hilary.Oakman@dfo-mpo.gc.ca

Additional representatives from Canada or Ontario may be engaged, as required (e.g., to give presentations, etc.).

Similar to other large projects, technical groups may also be established by the Working Group, and will report to the Working Group to support the prioritization and coordination of required federal authorizations.

3. Roles and Responsibilities

The Working Group will be responsible for developing and maintaining a workplan to address matters set out in subsection 3(3) and section 4 of the Memorandum of Understanding. The Working Group will establish a workplan and timelines for federal permitting that take into account the operational and construction timelines of the project, requirements set out in relevant regulations, and the need for adequate provision of information and consultations before final decisions can be made.

The Working Group meetings will be the forum where Working Group members will receive updates on progress and will discuss matters as set out in the Annex to the Memorandum of Understanding. Specific Working Group tasks could be undertaken bilaterally by the relevant Working Group members or their delegates and may also be discussed in technical groups established by the Working Group.

4. Reporting

Working Group members will be responsible for reporting within their respective organizations to ensure timely decisions or direction without undue delay. Where delays are anticipated, members will notify the other members proactively whenever possible.

5. Meetings

The Working Group will meet at least once per calendar month (TBC).

Meetings will be co-chaired by MTO and IAAC. Delegates will be permitted with advance approval by Co-Chairs.

The Working Group will identify the technical groups that would support the Working Group within three (3) months of the signature of this Terms of Reference. Members on the technical groups along with their mandate and responsibilities will be clarified in that timeframe.

MTO will provide project management and secretariat functions including:

- Drafting and circulating meeting agendas.
- Recording and compiling action items and circulating to members for review and approval.
- Tracking of progress on action items resulting from meetings.

Co-Chairs will identify agenda items in advance related to areas of federal responsibility identified in the Memorandum of Understanding. Working group members will:

- a) Discuss items identified
- b) Identify additional work needed to facilitate further discussion and decision-making
- c) Seek resolution of areas of misalignment, where possible

Further to subsection 7(6) of the Memorandum of Understanding, Working Group members could raise outstanding issues to the sponsors as set out in section 2 of this Terms of Reference to seek advice.

6. Term

The Working Group is intended to remain operational until ECCC and DFO have made decisions or have reached consensus with MTO within their respective mandates in relation to the Project.

Signatories

<Original signed by>

<Original signed by>

Doug Jones, Deputy Minister,
Ministry of Transportation (Ontario)

Terence Hubbard, President,
Impact Assessment Agency of Canada (Canada)

Date: April 15, 2024

Date: April 15, 2024