

The Regional Municipality of York

Regional Council
Transportation Services
March 18, 2021

Report of the Commissioner of Transportation Services

Update on the Provincial and Federal Environmental Assessment Process for the GTA West Transportation Corridor Project

1. Recommendations

1. Council endorse the recommendation of the referred February 25, 2021 report in response to the Impact Assessment Agency of Canada request for input to assess the designation request for the Greater Toronto Area West Transportation Corridor Project or, provide alternate direction to meet the response timeline of March 19, 2021.
2. The Regional Clerk circulate this report to the Ontario Ministry of Transportation, the Regions of Peel and Halton and the local municipalities.

2. Summary

On February 25, 2021, Council was presented with a proposed response to the Impact Assessment Agency of Canada (IAAC) as the Region's input to inform the IAAC's analysis of the designation request for the Greater Toronto Area (GTA) West Transportation Corridor Project under the federal *Impact Assessment Act*. The report was referred to the March 18, 2021 Council meeting (and has been included on this agenda) and staff were asked to provide further information outlining the positions of key stakeholders and the federal Impact Assessment process.

The *Impact Assessment Act* is intended to provide a streamlined federal process, improve coordination with provincial processes as applicable and minimize duplication of effort reviewing a proposed project. The review is based on information submitted on behalf of the requester (in this case, Ecojustice) and received from others who have been asked to comment (such as the Region), including the project proponent (in this case, MTO). The IAAC is the single federal agency that administers all Impact Assessments for any federally designated project.

The proposed response to the IAAC is included as Attachment 1 (referred from the February 25, 2021 report). A map of the GTA West Transportation Corridor Project is included as Attachment 2. The federal Impact Assessment process is described in this report and timeline outlined in Attachment 3.

Key Points:

- The federal Minister of the Environment and Climate Change is expected to issue a decision on the designation request for the GTA West Transportation Corridor Project under the federal *Impact Assessment Act* by May 4, 2021
- The GTA West Transportation Corridor Project provides a continuous east-west link between Highway 400 and Highway 50 in the areas of north Vaughan and south King that otherwise lack any continuous east-west road between Major Mackenzie Drive and King Road
- Municipalities crossed by the GTA West Transportation Corridor project have taken several different positions
- The provincial Individual EA process for the GTA West Transportation Corridor being led by the Ministry of Transportation Ontario (MTO), is ongoing with completion expected by end of 2022
- Timelines for the federal Impact Assessment process vary, depending on numerous factors, but would likely require several years to complete
- Following direction from Council, staff will forward the Region's input to the IAAC by the March 19, 2021 deadline

3. Background

In February 2021, a report and proposed response to the IAAC was referred to the March 18, 2021 Council meeting

On February 25, 2021, Council was presented with staff's proposed response to the Impact Assessment Agency of Canada (IAAC) as the Region's input to inform the IAAC's analysis of the designation request for the GTA West Transportation Corridor Project under the federal *Impact Assessment Act*. The report was referred to the March 18, 2021 Council meeting and staff were requested to provide further information outlining the positions of key stakeholders and the federal Impact Assessment process.

Staff advised IAAC that York Region was unable to provide input by the originally-requested March 3, 2021 deadline. In response, the IAAC identified interest in receiving input from the Region, and noted the deadline for input could be extended to no later than March 19, 2021, as the federal Minister of the Environment and Climate Change is expected to issue a decision on the designation request by May 4, 2021.

Municipalities crossed by the GTA West Transportation Corridor Project have taken several different positions

The latest position of each municipality crossed by, or close to, the GTA West Transportation Corridor Project is summarized in Table 1.

Table 1
Municipal Stakeholder Positions

Municipality	Response
City of Brampton	February 24, 2021, Brampton Council resolved that the City of Brampton request the Government of Canada to conduct an Environmental Impact Assessment of the proposed major transmission corridor, including the boulevard option.
Town of Caledon	February 16, 2021 , the Town of Caledon requested a federal Impact Assessment be conducted for the GTA West Transportation Corridor Project and that the province undertake additional consultation.
Town of Halton Hills	November 11, 2019 , the Town of Halton Hills resolved to oppose further investment by the Province in the GTA West Transportation Corridor.
Peel Region	March 11, 2021, Peel Regional Council resolved to oppose the proposed GTA West Transportation Corridor
Halton Region	November 20, 2019 , a motion was carried which stated that the Region of Halton Council opposes further investment by the Province in the GTA West Transportation Corridor.
City of Toronto	March 10, 2021, Toronto City Council voted to oppose provincial plans for the GTA West project, and supported a request by Environmental Defence for a federal EA of the proposed highway
City of Vaughan	March 10, 2021 , City of Vaughan Council officially withdrew endorsement for proposed highway and approved a motion to call for a federal EA of the project

Municipality	Response
King Township	<p>November 2, 2020, Council of the Township of King resolved:</p> <p><i>The Ministry of Transportation Ontario be advised that the Township of King supports the Preferred Route for the Greater Toronto Area (“GTA West”) Transportation Corridor Route Planning and Environmental Assessment Study as proposed by the Ministry, and would not support any proposed revision to the Preferred Route that would result in the new corridor being moved north that would increase the potential for negative impacts to the Natural, Land Use/Socio-Economic and Transportation technical aspects, and the environment in particular;</i></p>

4. Analysis

Staff has prepared the following description of the provincial Environmental Assessment process and the federal Impact Assessment process for Council consideration.

The Environmental Assessment process for the GTA West is ongoing, with completion expected by the end of 2022

As an Individual EA, under the provincial *Environmental Assessment Act*, terms of reference were prepared by the Ministry of Transportation Ontario and approved by the Ontario Ministry of the Environment, Conservation and Parks (MECP) in March 2008.

Following approval of the terms of reference, the first stage of the Individual EA included preparing a transportation network strategy to address needs within the study area. This stage was completed with publication of a Transportation Development Strategy Report in November 2012 that identified the GTA West Transportation Corridor preliminary route planning study area, extending from Highway 401 in Halton Region, to Highway 400 in the City of Vaughan.

The current stage of the MTO EA includes developing route alternatives, identifying the recommended route and interchange locations, completing the preliminary design for the planned highway, and ultimately securing EA approval from MECP to protect the corridor while allowing development to proceed outside the protected corridor. The corridor will feature a 400-series highway, a transitway and potential goods movement priority features. The notice of commencement for this phase of the Individual EA was issued in January 2015.

In December 2015, MTO advised that work on the EA was being suspended pending review. In June 2019, the MTO resumed the GTA West Transportation Corridor EA. In August 2020, MTO announced the preferred route for the GTA West Transportation Corridor (Attachment 2).

The Individual EA process for the GTA West Transportation Corridor project is expected to be complete by the end of 2022. The final step in the provincial process is a submission to the MECP.

The Ministry of Transportation Ontario, as the proponent for the project, is responsible for addressing all input received from agency and community stakeholders

MTO has undertaken public, municipal, and other stakeholder consultation throughout the EA study. Staff acknowledge the Ministry of Transportation's efforts to consult Regional staff and local municipal staff throughout the process. As the proponent of the EA, MTO is responsible to address identified environmental, social, economic and health issues as well as public consultation to balance the needs of all community stakeholders.

A separate initiative is underway to identify a future electric transmission corridor in proximity to the GTA West Transportation Corridor

A future electric transmission corridor, which was included in a previous joint study to identify a multi-purpose linear infrastructure corridor, is now proceeding independently from the GTA West Transportation Corridor EA. In June 2019, the Ministry of Energy, Northern Development and Mines and the Independent Electricity System Operator initiated the Northwest GTA Transmission Corridor Identification Study as a separate initiative.

The Province has also publicized the potential of a regulation to streamline the provincial Environmental Assessment process for this project

Last year, as part of the EA modernization process, MECP proposed a regulation to streamline the EA process for the GTA West Transportation Corridor Project. The stated purpose of the proposed regulation was to eliminate duplication while maintaining environmental protection. The proposed streamlined EA process would include a requirement for MTO to complete preliminary/detailed design and consultation as a requirement of conditions outlined in the regulation. This would include field investigations, collection of technical information for documentation in an Environmental Conditions report, an Environmental Impact Assessment report and an Early Works report.

The proposed regulation was open for comment from July 8 to August 22, 2020 through the Environmental Registry of Ontario. No additional information on approval or specific regulations are currently available. More information on the proposed regulation can be found on the [Environmental Registry of Ontario site](#).

The Impact Assessment Agency of Canada is the single federal agency that administers all Impact Assessments for any federally designated project

The *Impact Assessment Act* is intended to provide a streamlined federal process, improve coordination with provincial processes, as applicable, and minimize duplication of effort reviewing a proposed project. The IAAC is a federal body accountable to the Minister of the Environment and Climate Change and is the single agency that administers all impact assessments for designated projects.

There are two triggers that could result in a project becoming designated to undergo a Federal Impact Assessment Process

The most common trigger resulting in a project being subject to the requirements of the *Impact Assessment Act* occurs if elements of a project match a description listed under the Physical Activities Regulations (“[Project List](#)”). Once this occurs, compliance with the Impact Assessment process is automatic. The descriptions included on the Project List reference categories of projects determined to have the greatest potential for adverse and complex effects under areas of federal jurisdiction that would benefit from additional review, over and above the typical review required to obtain federal permits and authorizations.

The GTA West Transportation Corridor Project does not match the descriptions under the Project List. This has been acknowledged by the IAAC. As a result, it does not meet this first trigger.

The second trigger for a project to undergo an Impact Assessment is discretionary. It requires the federal Minister of Environment and Climate Change to agree that a specific project is required to comply with the *Impact Assessment Act* even though the project does not match a description on the Project List. The Minister can, with or without a specific request, designate a specific project based on the project components that fall under federal jurisdiction (e.g. fisheries, aquatic habitat, species-at-risk, climate change, rights of Indigenous peoples, federal lands, etc.).

For project designation requests, such as submitted for the GTA West Transportation Corridor project, the review of the project is coordinated by the IAAC. The review is based on information submitted on behalf of the requester (in this case, Ecojustice) and received from others who have been asked to comment (such as the Region), including the project proponent (in this case, MTO). The Minister then decides whether to order the project be subject to the *Impact Assessment Act* pertaining to areas and potential impacts under federal jurisdiction.

Should the Minister order designation of a project, the project cannot be initiated until completion of the federal Impact Assessment process

If the Minister orders the designation of the GTA West Transportation Corridor Project, the project cannot be initiated, and no federal permits or authorizations can be issued until completion of the federal Impact Assessment process.

There are several stages to the Federal Impact Assessment process

A general outline of the federal Impact Assessment process for a designated project is included as Attachment 3.

There are generally five stages to the federal Impact Assessment Process: Planning, Impact Statement, Impact Assessment, Decision-Making and Post Decision.

In the Planning stage, the proponent, in this case, MTO, submits an initial project description to the IAAC. The initial description is reviewed, public and Indigenous consultation occurs, issues are identified, and the IAAC determines if the project is to proceed to the next stage based on potential impacts.

The Impact Statement stage requires the proponent to complete studies and consultation as directed by the IAAC. The IAAC will scope out the factors to be assessed and determine which studies are required to be completed by the proponent based on the type of project and the information submitted to the IAAC. The studies will assess the negative and positive effects of a project based on a broad range of environmental, health, social, and economic factors, the extent to which the project contributes to sustainability, the potential for adverse impacts on Indigenous peoples or Indigenous rights, the effect on the federal government's commitments on climate change, proposed mitigation measures and residual effects.

The Impact Assessment stage involves a review completed by either the IAAC or a Review Panel (involves public hearings). After the review is completed, a report is prepared, which may also include potential conditions and sent to the federal Minister of Environment and Climate Change.

At the Decision-Making stage, the Minister decides whether the project is in the public interest and should be authorized to proceed or refers the matter to the federal Cabinet for decision.

If the designated project is permitted to proceed, the Post Decision stage involves the IAAC verifying compliance and follow-up on any identified monitoring programs.

Timelines for the Federal Impact Assessment process vary, depending on numerous factors, but would likely require several years to complete

Discrete timelines for the various process stages are set by regulation. Based on this, it can require several years to complete an Impact Assessment process. Timelines are variable since a significant part of the overall timeline is based on the time required by a proponent, in this case the Province, to complete studies and consultation. Estimated timelines to complete the Impact Assessment process are shown in Attachment 3.

Four elements differentiate the federal process from the provincial process for the GTA West Transportation Corridor project

Staff have identified four elements that differentiate the federal Impact Assessment process from the provincial Environmental Assessment process:

1. Federal Impact Assessments can only be initiated for designated projects. A project becomes designated based either on the characteristics of a specific project matching a description on the federal Project List or as a result of the exercise of ministerial designation by the Minister of Environment and Climate Change in coordination with the IAAC.
2. Through the provincial process, MTO is required to address input from all stakeholders, based on the identified project scope. Through the federal Impact Assessment, additional stakeholders and scope could be identified based on areas of identified federal interest for the GTA West Transportation Corridor project.
3. Work to meet the needs of the federal Impact Assessment is undertaken jointly by the proponent by completing the required studies and by the federal government through the IAAC, which conducts the actual impact assessment. The IAAC coordinates with the proponent to determine the best approach to ensure a collaborative and efficient assessment is completed.
4. The Impact Assessment process can take several years to complete, although timelines vary since a significant part of the overall timeline is based on the time required by the proponent to complete studies and consultation. The current provincial Individual EA process for the GTA West Transportation Corridor project is expected to be complete by the end of 2022.

Council can endorse the proposed Impact Assessment Agency of Canada response or provide alternate direction

Based on the additional information provided in this report, and the varied responses from stakeholder municipalities for this project, Council have numerous options that can be considered. Council can endorse the proposed response to the IAAC as per the February 25, 2021 report, or, provide staff with alternate direction. The IAAC has requested that any response be provided by March 19, 2021.

5. Financial

As a Provincially led project, there are no direct costs to the Region for the construction of the GTA West Transportation Corridor Project; however, the York Region Transportation Master Plan includes the GTA West Transportation Corridor Project as part of the future transportation network required to meet the future population and employment growth projected by the Province. Should the status of the GTA West Transportation Corridor Project change, the Region will need to review implications to the Region's transportation plan.

6. Local Impact

The Region and the local municipalities benefit from provincial investment in the highway network in the Greater Toronto Area. The planned GTA West Transportation Corridor Project

is included in Regional and local transportation master plans as an important component of the transportation network required to service projected future growth for population and employment.

The GTA West Transportation Corridor Project provides a continuous east-west link between Highway 400 and Highway 50 in the areas of north Vaughan and south King that otherwise lack any continuous east-west road between Major Mackenzie Drive and King Road.

7. Conclusion

This report seeks Council direction on comments to be submitted to the Impact Assessment Agency of Canada to inform their analysis of the designation request under the federal *Impact Assessment Act* for the GTA West Transportation Corridor Project.

Subject to Council direction, staff will provide a response to the Impact Assessment Agency of Canada by the March 19, 2021 deadline.

For more information on this report, please contact Brian Titherington, Director of Transportation and Infrastructure Planning at 1-877-464-9675 ext. 75901. Accessible formats or communication supports are available upon request.

Recommended by:



Paul Jankowski

Commissioner of Transportation Services

Approved for Submission:



Bruce Macgregor

Chief Administrative Officer

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Attachments (3)
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