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**For Information**

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REPORT TITLE: **Designation of the Greater Toronto Area West Transportation Corridor Project Under the Federal Impact Assessment Process**

FROM: Kealy Dedman, Commissioner of Public Works

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**OBJECTIVE**

To provide an update on the Federal Minister of Environment and Climate Change's response to the Designation Request for the Greater Toronto Area (GTA) West Project under section 9(1) of the *Impact Assessment Act, 2019*.

**REPORT HIGHLIGHTS**

- On March 11, 2021 Regional Council approved a resolution expressing full support of the Environmental Defence request for designation of the GTA West Corridor Study under section 9(1) of the *Impact Assessment Act, 2019* (Resolution 2021-293).
  - On May 3, 2021, the Federal Minister of Environment and Climate Change ("the Minister") announced his decision to grant the designation of the GTA West Transportation Corridor Project under the federal impact assessment process.
  - The Minister's decision was based on the Impact Assessment Agency of Canada's Analysis Report which identified that the GTA West Transportation Corridor Project may cause adverse direct or incidental effects on three federally-listed species at risk on non-federally regulated lands: Western Chorus Frog; Red-headed Woodpecker; and the Rapids Clubtail (a species of dragonfly).
  - Designation of the project does not mean that the Federal government has decided to conduct a full federal impact assessment of the project.
  - Prior to initiating a full Federal Impact Assessment, the Federal government must first determine that the areas of federal concern cannot be addressed through the Provincial process, and then work with the Ontario government to carry out a coordinated assessment.
  - Regional staff will continue to monitor the federal impact assessment process for the GTA West Transportation Corridor project, participate in the process as required and will keep Regional Council informed through timely updates.
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**DISCUSSION**

**1. Background**

In February 2021, the Federal Minister of Environment and Climate Change received a request from Ecojustice on behalf of Environmental Defence to designate the proposed GTA West Corridor Project under subsection 9(1) of the *Impact Assessment Act, 2019* (Canada).

Designation of a project under this legislation would result in the assessment of impacts to the environment falling under federal jurisdiction, prior to construction of the project.

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Generally, environmental matters under federal jurisdiction include migratory birds and certain species at risk, matters that involve federal fisheries and navigable waters, matters related to climate change (though this is not an exclusive jurisdiction), and all matters related to nuclear safety.

Under subsection 9(1) of the *Impact Assessment Act, 2019* (Canada) the Federal Minister of Environment and Climate Change may designate a project if, in their opinion it may have adverse effects on matters within federal jurisdiction or adverse direct or incidental effects, or public concerns related to those effects warrant the designation.

To inform the Federal Minister of Environment and Climate Change's decision on the designation request, the Impact Assessment Agency of Canada sought input from municipalities and other public bodies and indigenous communities impacted by the GTA West Corridor. In order to meet the consultation deadline of March 3, 2021, Regional staff submitted a letter detailing an overview of the Region of Peel's Official Plan policy framework as it relates to the GTA West Transportation Corridor and Environmental Protection; acknowledgement of Ministry of Transportation Ontario's work with staff to date; an overview of outstanding matters of Regional interest; an overview of the local municipal positions in support of the designation request; and, a note expressing that Regional Council will be discussing the request for a designation at its March 11, 2021 meeting and that further comments may be provided subsequent to that meeting.

On March 11, 2021, Regional Council approved a number of resolutions regarding the GTA West Corridor study including strong opposition in principle to construction of any transportation corridor traversing the Region of Peel, but specifically the currently proposed GTA West 413 Highway and Transmission Corridor (Resolution 2021-291) and a resolution expressing full support of the Environmental Defence request for a Federal Environmental Assessment pursuant to section 9(1) of the *Impact Assessment Act, 2019* (Resolution 2021-293). Subsequently, notice of the resolutions were sent to the Federal Minister of Environment and Climate Change and the Impact Assessment Agency of Canada for consideration in their review of the designation request.

### **2. Federal Minister of Energy and Climate Change Decision on the Designation Request**

On May 3, 2021, the Federal Minister of Environment and Climate Change announced his decision to grant the request for designation of the GTA West Transportation Corridor Project under subsection 9(1) of the *Impact Assessment Act, 2019*. The designation was done via an Order of the Minister. This means that the GTA West Transportation Corridor Project is now subject to the federal impact assessment process. This is in keeping with the Peel Council resolution and similar positions expressed by Brampton, Mississauga and Caledon Councils.

The Federal Minister of Environment and Climate Change's decision was based on the Impact Assessment Agency of Canada's Analysis Report ("Analysis Report") which reviewed the GTA West Transportation Corridor project and identified that it may cause adverse direct or incidental effects on three federally-listed species at risk on non-federal lands:

- Western Chorus Frog;
- Red-headed Woodpecker; and
- Rapids Clubtail (a species of dragonfly).

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According to the Analysis Report, it is not known whether the Provincial environmental assessment will mitigate for impacts to the habitats of these species and additional analysis would be required to understand the potential effects and appropriate mitigation measures.

### 3. Federal Impact Assessment Process

Designation is the first step in the process by which the Federal Impact Assessment Agency of Canada can consider undertaking a full federal impact assessment of the GTA West Corridor Project. However, the designation order does not automatically mean that the Federal government has decided to conduct a federal impact assessment for the project.

In accordance with the *Impact Assessment Act, 2019* and material included in the Federal Minister of Environment and Climate Change's announcement, they must first determine that the areas of federal concern cannot be addressed through the Provincial process, and then work with the Ontario government to carry out a coordinated assessment if a federal impact assessment is warranted.

### 4. The Impact Assessment Agency of Canada's Findings on Matters of Regional Concern

The Analysis Report also reviewed a number of public concerns related to the GTA West Transportation Corridor Project, many of which were identified at the March 11, 2021 Regional Council meeting through delegations or correspondence from the public. The report discussed the standard mitigation measures and existing legislative and regulatory regimes relevant to addressing the concerns expressed. Below is a list of some of the public concerns raised at the March 11, 2021 Regional Council meeting and the mechanism to address the concern identified by the Analysis Report. A full list of public concerns and associated mitigation mechanisms can be found in the Impact Assessment Agency of Canada's Analysis Report located on the Canadian Impact Assessment Registry website.

Concern Expressed	Relevant Mechanisms to Address Concern
Impacts to the Greenbelt	The Proponent is following its Guideline for Planning and Design of the GTA West Corridor Through the Greenbelt, drafted in consultation with the Greenbelt Transportation Advisory Group.
Loss of Agricultural Land	An Agricultural Impact Assessment (AIA) will be conducted in accordance with the guidance provided by the Ontario Ministry of Agriculture, Food and Rural Affairs. The results of the AIA will be integrated into the Individual Environmental Assessment for the Project.
Air Quality & Noise and Vibration	The Proponent will conduct an Air Quality Impact Assessment (AQIA) in accordance with the Ministry of Transportation's Environmental Guide for Assessing and Mitigating Air Quality

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	<p>Impacts and Greenhouse Gas Emissions of Provincial Transportation Projects (May 2020).</p> <p>The Proponent will conduct a noise impact assessment in accordance with the Ministry of Transportation's Environmental Guide for Noise (October 2006).</p> <p>The Proponent would require Environmental Compliance Approvals (ECAs) for air and noise, issued by the Ministry of the Environment, Conservation and Parks, pursuant to the <i>Ontario Environmental Protection Act</i>.</p> <p>The Proponent would require Environmental Activity and Sector Registry (EASR) registrations for air and noise, issued by the Ministry of the Environment, Conservation and Parks, pursuant to <i>Ontario Environmental Protection Act</i>.</p>
Impacts to Human Health	The Proponent will develop a Human Health Impact Scoping Report, which will inform the need for a broader project-level Human Health Impact Assessment, including an assessment of socio-economic conditions.
Evaluation of Alternatives	The Individual Environmental Assessment, conducted pursuant to the <i>Ontario Environmental Assessment Act</i> , requires proponents to conduct an assessment of alternatives in the determination of the preferred alternative, to identify potential effects and appropriate mitigation measures.

### CONCLUSION

Regional staff will continue to monitor the federal impact assessment process for the GTA West Transportation Corridor project, participate in the process as required and will keep Regional Council informed through timely updates.

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*For further information regarding this report, please contact Tina Detaramani, Manager, Sustainable Transportation and Strategic Initiatives, Ext. 4420, Tina.Detaramani@peelregion.ca.*

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***Reviewed and/or approved in workflow by:***

Department Commissioner, Division Director and Legal Services.