

Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Meeting 6/20, Friday, September 25, 2020

FROM: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services

RE: **GTA WEST TRANSPORTATION CORRIDOR UPDATE AND SUBMISSION TO THE ENIRONMENAL REGISTRY OF ONTARIO (ERO #019-1882)**

KEY ISSUE

An update on the Ministry of Transportation's (MTO) preferred route announcement for the Greater Toronto Area (GTA) West Transportation Corridor and Toronto and Region Conservation Authority's (TRCA) submission to the Environmental Registry of Ontario (ERO #019-1882) on a proposed regulation by the Ministry of Environment, Conservation and Parks (MECP) to update and streamline the existing environmental assessment process for this project and discussion on planned next steps to resolve TRCA issues and concerns involving MTO.

RECOMMENDATION

WHEREAS on July 8, 2020, a proposal by the Ministry of Environment, Conservation and Parks (MECP) for a proposed regulation to update and streamline the existing environmental assessment process for the Ministry of Transportation's (MTO) Greater Toronto Area (GTA) West Transportation Corridor was posted on the Environmental Registry of Ontario (ERO #019-1882) for a commenting period ending August 22, 2020;

AND WHEREAS on August 7, 2020, MTO released a Bulletin announcing the Preferred Route and 2020 Focused Analysis Area (FAA) for the GTA West Transportation Corridor Route Planning and Environmental Assessment Study (GTA West);

IT IS RECOMMENDED THAT this staff report on Toronto and Region Conservation Authority's (TRCA) submission to ERO #019-1882 dated August 21, 2020 and overview of the preferred route and FAA for the GTA West Transportation Corridor and planned next steps involving MTO be received.

BACKGROUND

TRCA has been actively engaged in the GTA West Transportation Corridor planning and environmental assessment review process since its inception, including regular reporting to TRCA's Board of Directors in 2011 (Stage 1 of the EA) and in 2015 and 2016 (Stage 2 of the EA). On October 21, 2016, in coordination with Conservation Halton and Credit Valley Conservation, TRCA presented recommendations to the GTA West Advisory Panel. On October 28, 2016, through resolution #A171/16, as amended, TRCA's Board of Directors recommended that the EA be completed and that the Advisory Panel consider numerous sustainability, natural heritage and compensation considerations. Most recently, a [comprehensive staff report](#) was brought to the Board of Directors, Meeting #11/19 on January 24, 2020, highlighting TRCA's concerns, along with 32 recommendations regarding the technically preferred route for the GTA West Transportation corridor being developed in Stage 2 of the environmental assessment study process. A copy of this Board report and the adopted amended resolution #A233/19, per Attachment 1, forms part of TRCA's submission to the ERO

Item 9.2

as further described below. Representatives of MTO and the project consulting team gave a [presentation](#) on the GTA West Corridor Route Planning and EA Study – Stage 2 to the Board of Directors at this meeting.

Subsequent meetings were held with MTO, their consultants and other provincial and federal agencies to further discuss the broader study corridor and more specifically, Segment 7 (Highway 427 interchange) and Segment 8 (east of Highway 427 interchange to east of Kipling Avenue in the City of Vaughan). A copy of TRCA's detailed comment letter on the Segments 7 and 8 alternatives dated July 3, 2020 is included in Attachment 1.

ENVIRONMENTAL REGISTRY OF ONTARIO POSTING (ERO #019-1882)

On July 8, 2020, as part of the government's commitment to modernize the environmental assessment program, the Ministry of Environment, Conservation and Parks (MECP) posted a [proposal on the ERO](#) to update the existing environmental assessment process for the GTA West Transportation Corridor with a regulation that would create a new streamlined process for assessing potential impacts of the project, as well as consulting on it. A proposed draft regulation was not included as part of this ERO posting; rather the posting generally described the requirements of the various stages of the process, (e.g., preliminary/detail design and consultation, after detailed design, early works, etc.), that are proposed to be included in the regulation (refer to Table 1 in Attachment 1). No timelines associated with the various stages have been proposed, other than to note in the posting that the preliminary design is to be completed by 2022, instead of 2023 or beyond. The ERO posting further stated that modifying the EA process would lead to more efficient design and construction phases and provide flexibility for the delivery model selected in the future.

RATIONALE

Critical Role of Conservation Authority Watershed-Based Review

Given that TRCA is a commenting body under both the planning and EA processes and an advisor to our municipal partners on their Master Plans, TRCA reviews several types of public infrastructure proposals from both public and private proponents. This is important for consideration of the cumulative impacts that come from multiple infrastructure projects being proposed in TRCA watersheds combined with numerous private development proposals under the *Planning Act*.

Through Service Level Agreements (SLAs) with municipalities, and other public infrastructure providers (e.g., Metrolinx, Enbridge Gas Distribution), TRCA provides technical advice during the completion of various EAs, as well as at later stages of detailed design and construction under our regulatory role. Where a Crown agency is exempt from the regulatory requirements of the *Conservation Authorities Act (CA Act)*, TRCA has service agreements in place with select agencies to offer review and comment on a voluntary basis (Voluntary Project Review (VPR)); uptake on voluntary review highlights the need for provincial infrastructure to be protected from natural hazards of flooding and erosion. Strongly linked to this is the need to manage natural resources, critical for resiliency of natural systems and infrastructure due to the impacts of urbanization and the compounding effects of climate change.

As MTO is exempt from the regulatory requirements of the CA Act, TRCA has significant concerns on whether mechanisms will be in place for the protection of life and property through our provincially delegated role to address flooding and erosion hazards or the management of natural resources at the detailed design stage of the GTA West, which fails to fulfill the objects of the EA Act. The mandate of conservation authorities (CAs) strongly aligns with provincial objectives for resilient public infrastructure and meeting the intent of the EA Act to provide for the protection, conservation and wise management of Ontario's environment. Accordingly,

Item 9.2

TRCA's Board of Directors have recommended that MTO commit to receiving VPR signoff at the design stage as it relates to TRCA's regulatory and policy interest, as well as provincially delegated responsibilities.

TRCA has further recommended to MECP in response to the ERO posting, as detailed in Table 1 in Attachment 1 to this report, that the proposed regulation provide certainty that the interests of TRCA will be addressed by MTO. Additionally, the regulation should clearly set out the consultation process with CAs, how CA interests will be addressed and a transparent process to resolve issues. It was also recommended that through the proposed regulation MTO be required to develop an SLA with TRCA and that TRCA's VPR process be required through the detailed design stage.

Coordination with the Northwest GTA Transmission Corridor Identification Study

TRCA recently provided comments to the Ministry of Energy, Northern Development and Mines (ENDM) in response to Environmental Registry posting (ERO#019-1503) on the proposal to identify and protect a corridor of land for future electricity infrastructure in the Greater Toronto Area (GTA), in support of future growth in Halton, Peel and York regions. Attachment 1 includes a copy of TRCA's submission to the ERO dated June 8, 2020. The currently proposed narrowed area of interest for the transmission corridor largely corresponds to the MTO's 2019 Focused Area Analysis for the GTA West (EA). To assess the potential for cumulative impacts, these two studies should be coordinated or ideally as one initiative, like the Province's Parkway Belt West Plan initiative in the 1970s.

TRCA's Board of Directors, through amended resolution #A233/19, recommended that MTO and the Ministry of Energy, Northern Development and Mines/Independent Electricity Systems Operator confirm efforts to coordinate their independent studies and ensure negative impacts are fully assessed and minimized wherever practicable. It was reiterated in TRCA's ERO submission that in addition to co-locating the transmission corridor with the GTA West Transportation Corridor, that the planning processes for these two major projects be coordinated in order to optimize opportunities to avoid, minimize, mitigate and compensate for environmental impacts.

Coordination with Planning Act processes in the Area of the Proposed Regulation

It was noted that some of the areas within the preferred alignment appear to impact previously approved secondary plans (e.g., North Kleinburg Secondary Plan in Vaughan) and areas of Bolton in Caledon where environmental work and studies is underway or where Local Planning and Appeals Tribunal (LPAT appeals or other issues remain outstanding. TRCA recommended additional consultation with our partner municipalities within the area of the proposed regulation to avoid such conflicts.

Submission to ERO #019-1882

The construction of the GTA West Transportation Corridor will have significant environmental and long-term impacts to the integrity of Humber River and Etobicoke Creek watersheds within TRCA's jurisdiction, as documented through the extensive engagement of TRCA staff and Board of Directors in the EA review process. To date, TRCA's legislated, provincially delegated, regulatory, landowner and service provider interests have not been addressed to the satisfaction of TRCA staff. In order to support the government's proposal to update the existing environmental assessment process for the GTA West Transportation Corridor with a regulation to create a new streamlined process for assessing potential impacts of the project, as well as consulting on it, and continue to ensure the protection of people and property from natural hazards and the conservation of natural resources, TRCA's submission to the ERO

Item 9.2

recommended the following, as per Attachment 1:

- 1) That the regulation requires the Ministry of Transportation (MTO) to address the recommendations on the GTA West Transportation Corridor adopted by the Board of Directors at Meeting #11/19 on January 24, 2020, by amended resolution #A233/19.
- 2) That the regulation requires MTO to address TRCA's comments on the route options within Segments 7 and 8 of the GTA West Transportation Corridor Route Planning provided in correspondence dated July 3, 2020.
- 3) That the regulation requires MTO to commit to develop a service level agreement with TRCA and a requirement for TRCA's Voluntary Project Review process to be followed through the detailed design stage.
- 4) That MTO, the Ministry of Energy, Northern Development and Mines/Independent Electricity Systems Operator be required to confirm efforts to coordinate their independent studies (GTA West and Northwest GTA Transmission Corridor Identification Study) and ensure negative impacts are fully assessed and minimized wherever practicable.
- 5) Further to Recommendation 4, that TRCA's recommendations to the Ministry of Energy, Northern Development and Mines in response to ERO #019-1503, dated June 8, 2020 be considered in the proposed regulation.
- 6) That the detailed comments and recommendations provided in Table 1 in Attachment 1 be considered in the development of the proposed regulation, (e.g., requirements during preliminary/detail design and consultation, after detailed design, early works, future delivery model, etc.).

PREFERRED GTA WEST ROUTE AND 2020 Focused Analysis Area

On August 7, 2020, MTO released a [Bulletin](#) announcing the Preferred Route and 2020 Focused Analysis Area (FAA) for the GTA West Transportation Corridor Route Planning and Environmental Assessment Study (GTA West). The Bulletin included mapping showing the recently released Preferred Route for the GTA West corridor, associated proposed interchange locations and changes from the previously released Technically Preferred Route.

Within TRCA's jurisdiction shifts in alignment from the previously released Technically Preferred Route include:

- A shift of the Highway 410 extension to the west between Mayfield Road and Old School Road to mitigate impacts to the Mayfield West Secondary Plan area.
- Moving the previously proposed Coleraine Drive interchange to Humber Station Road including a shift in the highway alignment to the south due to an approved development currently under construction.
- Shifting the highway alignment between the Highway 427 interchange and the Highway 27 interchange to the north to avoid future development lands and existing residential communities.

As part of the Bulletin, MTO also released a refined [2020 Focused Analysis Area](#) (FAA) map which identifies adjustments to the FAA boundary, based on the revised Preferred Route. The FAA is a zone that surrounds the Preferred Route and defines which properties continue to be within MTO's area of interest as the study progresses. These properties may be directly

Item 9.2

impacted by the future transportation corridor, ancillary uses or if refinements are made to the route during the preliminary design stage.

Based on the Bulletin, it is anticipated that MTO will be working on the preliminary design over the next two years. Work will involve field investigations on lands potentially impacted by the [Preferred Route and Interchange Locations](#) to document environmental and engineering conditions which will feed into the development of a preliminary design. A Public Information Centre is anticipated in the Fall/Winter of 2021 where the preliminary design will be presented, including property impacts and mitigation measures. However, next steps in this process now remain unclear given the ERO #019-1882.

Consultation with MTO

Following the announcement of the Preferred Route and refined FAA in August 2020, MTO representatives confirmed that responses to TRCA's Board report of January 24, 2020 and comments provided on the Section 7 and 8 alternatives dated July 3, 2020 will be forthcoming in September 2020. As such, a report will be provided to update TRCA's Board once TRCA staff have received and reviewed the MTO responses. MTO's project team have also indicated that they will be available later this year to present an update to the Board of Directors, including next steps. At the time of writing this report, TRCA staff have not yet received the responses from MTO.

Further to past Board reports and the TRCA response to the GTA West ERO posting, in order to ensure TRCA interests are met, it is recommended that MTO engage with TRCA through a Service Level Agreement (SLA) that follows the Voluntary Review Process (VPR) at the design stage, similar to the agreement between Metrolinx and TRCA.

Overview of TRCA Key Areas of Interest

TRCA's key areas of interest with the preferred route generally remain the same as previous reports and correspondence, and as outlined Attachment 1 to this report. It is expected that the forthcoming responses from MTO will address many of these high-level concerns including, but not limited to:

- avoiding and minimizing impacts to the natural heritage system (NHS,) including the fragmentation of lands, wetlands, watercourses, headwater drainage features, valleylands and woodlands;
- maintaining wildlife connectivity;
- fully quantifying and committing to appropriate restoration and compensation measures to mitigate and off-set impacts as a result of the new corridor;
- impacts to TRCA owned lands; and
- ensuring that TRCA regulatory and policy interests, as well as our responsibilities to represent the provincial interest on natural hazards (flooding, erosion), are addressed through the EA (or parallel process) and through a VPR process at the design stage.

Previous reports and correspondence also identified several key locations within our jurisdiction where significant impacts to the natural environment and TRCA owned lands are anticipated such as within the Nashville Conservation Reserve and at the Highway 410 and Highway 427 extensions for example. As with the above, our areas of concern remain consistent with previous reviews.

Given the magnitude of anticipated impacts within the Humber River and Etobicoke Creek watersheds, mitigation, restoration and compensation measures will be imperative moving

Item 9.2

forward, as well as incorporating innovative design into this future corridor. Issues around impacts to TRCA-owned lands will also need to be addressed in future MTO discussions.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 4 – Create complete communities that integrate nature and the built environment

Strategy 7 – Build partnerships and new business models

Strategy 8 – Gather and share the best sustainability knowledge

Strategy 12 – Facilitate a region-wide approach to sustainability

FINANCIAL DETAILS

Staff are engaged in the policy analysis work per the normal course of duty, with funding support provided by TRCA's participating municipalities to account 120-12. No additional funding is proposed to support the policy analysis work associated with the preparation of the comments for the ERO submission.

It is recommended that MTO be required to develop a Service Level Agreement (SLA) with TRCA, involve TRCA in the preparation of conditions and that Project Co. be required to follow the TRCA VPR process. Should the Province pursue approvals through the TRCA VPR, fees for these services will be charged based on service delivery requirements that are consistent with TRCA's Fee Schedule. Additional negotiations regarding monetary requirements for tree compensation or commitments to conservation enhancement strategies and compensation for natural features (forests, wetlands, watercourses and headwater drainage features) will also require formal agreements. Acquisition of TRCA-owned property will require negotiation of land-based monetary compensation and TRCA Board approval will be required for the sale/disposition of TRCA lands to MTO to implement the project.

DETAILS OF WORK TO BE DONE

- TRCA staff will continue to monitor the Environmental Registry of Ontario for a decision related to ERO #019-1882, as well as any other legislative, regulatory or policy initiatives related to the GTA West Transportation Corridor and keep TRCA's Board of Directors informed.
- TRCA staff will continue to work with MTO staff through the Regulatory Agency Advisory Group and separate working groups.
- TRCA staff and MTO staff will report back to the TRCA Board of Directors once responses to previous Board reports and correspondence have been submitted by MTO for review.
- It is our understanding that MTO will present to the TRCA Board of Directors later this year, as per TRCA's request.

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Attachments: 1

Attachment 1: TRCA's Submission to MECP on ERO #019-1882, dated August 21, 2020.