

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, March 26, 2021 Meeting

FROM: Sameer Dhalla, Director, Development and Engineering Services

RE: **GTA WEST TRANSPORTATION CORRIDOR ENVIRONMENTAL ASSESSMENT UPDATE**
MTO Response to TRCA Recommendations

KEY ISSUE

Update on Ministry of Transportation (MTO) responses to TRCA recommendations regarding the Ministry of Transportation (MTO) technically preferred route for the Greater Toronto Area (GTA) West Transportation Corridor being developed through the environmental assessment study process.

RECOMMENDATION

WHEREAS on January 24, 2020 at Meeting #11/19 the TRCA Board of Directors passed Resolution #A233/19, as amended, related to the Greater Toronto Area (GTA) West Transportation Corridor Environmental Assessment (EA), and provided specific recommendations related to TRCA interests;

WHEREAS on September 25, 2020 at Meeting #6/20 the TRCA Board of Directors passed Resolution #A137/20 related to the announcement of the Ministry of Transportation's (MTO) preferred route and proposed Regulation for the Greater Toronto Area (GTA) West Transportation Corridor;

WHEREAS TRCA has passed several other resolutions since 2011 which reference TRCA's request for MTO to enter into a Voluntary Project Review (VPR) Agreement with TRCA on this project;

WHEREAS the TRCA VPR Agreement process is designed to allow staff to charge fees in accordance with its approved fee schedule to complete a comprehensive review based on its expertise as a watershed management agency, and its interests related to natural hazards, natural heritage, including aquatic and terrestrial species and habitats, and water management, to provide an opinion as to whether the interests, objectives, and tests of TRCA's Ontario Regulation 166/06 of Development, Interference with Wetlands and Alteration to Shorelines and Watercourses will be satisfied and fulfill TRCA's role with respect to provincially delegated responsibilities;

WHEREAS on November 26, 2020 the Ministry of Transportation provided a written response to TRCA Board recommendations that did not confirm MTO's position on the VPR Agreement Request;

WHEREAS TRCA has been advised that detailed technical information supporting the Province's technically preferred route will be available at the Preliminary Design stage;

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WHEREAS TRCA Board Recommendation 3, #A233/19 requests MTO commit to receiving VPR signoff at the detailed design stage as it relates to TRCA's regulatory and policy interests, as well as provincially delegated responsibilities;

WHEREAS TRCA has requested in its letter to the Minister of the Ministry of the Environment, Conservation and Parks (MECP) that MTO commit to receiving VPR signoff at the detailed design stage as it relates to TRCA's regulatory and policy interests, as well as provincially delegated responsibilities.

THEREFORE, LET IT BE RESOLVED the November 26, 2020 MTO response be received;

THAT TRCA staff report back to the Board of Directors and seek further direction once the preliminary design alternatives and technical appendices are provided to staff for review and comment;

THAT TRCA reaffirm its request to the Ministers of MECP and MTO that MTO commit to receiving VPR signoff at the detailed design stage as it relates to TRCA's regulatory and policy interests, as well as provincially delegated responsibilities;

AND FURTHER THAT a copy of this report be provided to MTO and MECP, for inclusion in the EA study report.

BACKGROUND

An update report was brought to the Board of Directors on January 24, 2020 ([Meeting #11/19, Res. #233/19 as amended, p. 75](#)) on the Ministry of Transportation's (MTO) Greater Toronto Area (GTA) West Transportation Corridor Route Planning and Environmental Assessment (EA) Study 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. On November 26, 2020, TRCA received a response to the TRCA Board recommendations outlined in the report and adopted an amended resolution.

On September 25, 2020 ([Meeting #6/20, Res. #A137/20, p. 265](#)) an update report was provided to the Board of Directors 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 MECP to update and streamline the existing environmental assessment process for this project. The report included discussion on planned next steps to resolve TRCA issues and concerns involving MTO. At this time, TRCA staff have not received a written response from MECP on our ERO comment letter.

As documented through extensive engagement in the EA review process, TRCA's Board and staff have identified numerous significant potential long-term environmental impacts to the integrity of Humber River and Etobicoke Creek watersheds within TRCA's jurisdiction. With the construction of the GTA West Transportation Corridor several property and socio-economic impacts (e.g., impacts on regional trails) have also been identified. In some municipalities, TRCA Board members have secured local and Regional council support for the request that MTO commit to receiving VPR signoff at the detailed design stage as it relates to TRCA's regulatory and policy interests, as well as provincially delegated review functions.

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Additionally, on February 3, 2021, the Minister of Environment and Climate Change (MOECC) Canada received a request from Ecojustice, on behalf of Environmental Defence Canada to designate the proposed GTA West Project (the Project) under subsection 9(1) of the federal Impact Assessment Act (IAA). The Project, as proposed, is not currently a designated project as described in the Physical Activities Regulations and the impact assessment process under IAA only applies to designated projects. At that time, the Impact Assessment Agency invited input from affected municipalities on applicable bylaws and to confirm whether the Ontario Ministry of Transportation (MTO) is addressing the interests and issues of importance to those municipalities. TRCA has provided information in the form of previous Board reports and submission to the federal MOECC in response to their request.

As per the MTO response letter to TRCA on November 26, 2020, MTO is committed to developing a multimodal transportation corridor that balances, to the extent possible, the benefits and impacts for the local communities and users of the transportation system. Through the environmental assessment process, MTO will identify commitments that are amenable to the MTO and that meet the mandate of TRCA before the project EA Study is finalized. However, the majority of TRCA's comments were noted by MTO or deferred to the Preliminary Design stage where TRCA will have an opportunity to review and comment. To date, MTO has made no commitment to follow the VPR process despite numerous requests from TRCA and its municipalities.

The following are key points from the MTO November 26, 2020 response as related to the January 24, 2020 TRCA Board recommendations:

1. **2041 Horizon:** As part of the Transportation Systems Planning and Traffic Engineering components, MTO will be updating traffic analysis to include the 2041-time horizon.
2. **Northwest GTA Transmission Corridor:** The Northwest GTA Transmission Corridor Identification Study is separate from the Ministry of Transportation's GTA West Transportation Corridor Route Planning and Environmental Assessment Study but MTO confirmed that the proponents of the two studies are sharing information with each other as required, and the Ministry of Energy, Northern Development and Mines (ENDM) and the Independent Electricity System Operator (IESO) continue to engage through the GTA West Study's Regulatory Agency Advisory Group (RAAG). The two studies are moving forward with consideration for each other, in terms of public messaging and data sharing, but impact assessment as well as development of avoidance, mitigation and compensation measures are separate due to the differing nature and timelines of the studies.

Additionally, staff note that a revised study area related to the Northwest GTA Transmission Corridor Identification Study was released on November 18, 2020. Several changes were made to align the narrowed area of interest with MTO's 2020 Focused Analysis Area for the GTA West Transportation corridor, released on August 7, 2020 and were also intended to reduce the impacts on property owners and to avoid or mitigate impacts of a future transmission corridor and associated infrastructure on the natural heritage system, agricultural lands, and cultural heritage within the study area. The study areas continue to diverge in two locations to enable integration of a future corridor with existing electrical infrastructure: the connection to the 230 kV circuits between Milton TS and Meadowvale TS south of the 407 corridor and the connection to Kleinberg TS in Vaughan.

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3. **Voluntary Project Review (VPR):** MTO confirmed that TRCA VPR signoff will be reviewed at detailed design. TRCA requested that this be a Condition of Approval by the Minister of MECP at the EA stage. Within the September 25, 2020 TRCA Board approved report, it was 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. It should be noted that VPRs are reviewed based on geographic area, as well as project schedule. As with other large infrastructure projects, it is presumed that multiple VPRs would be required. Additionally, it was also recommended that through the review of the proposed regulation that MTO develop a Service Level Agreement (SLA) with TRCA and that TRCA's VPR process be required through the detailed design stage so as to facilitate reviews for the multiple project segments and phases and to ensure a streamlined review process is in place with dedicated staff available to facilitate such reviews. To date no such commitment has been made.
4. **New Crossings:** MTO confirmed that they will consider using TRCA's Crossings Guideline for Valley and Stream Corridors (2015) as a reference. The Preliminary Design of the multimodal transportation corridor will follow the Transportation Association of Canada (TAC) Geometric Design Guide for Canadian Roads and MTO's supplemental guidelines and will then be balanced with other guidelines with industry practices, as appropriate. Through the Preliminary Design stage information about each watercourse and headwater drainage feature including proposed sizing of crossings, consideration of wildlife passage and fluvial geomorphology, flood conveyance, etc., will be compiled and the project report will document the proposed sizing of crossings that will be further developed during future stages of the study, if approved. A consistent approach will be applied throughout the Route Planning Study Area within the three conservation authority jurisdictions.

MTO staff noted that the GTA West/Highway 427 freeway-to-freeway interchange location is subject to significant constraints including the north-south hydro corridor adjacent to the current Highway 427 extension, watercourses, interchange spacing to the west, a rail crossing, and the crossing location of the Humber River. Based on the combination of these constraints, the ability to shift the interchange is very limited. The refinement of the transportation corridor alignment will be reviewed by the design team during Preliminary Design to try and minimize impacts to the mainline Humber River and associated tributaries. Options to reduce the impact to flood plain area will be explored and reviewed further as Preliminary Design progresses and TRCA continues to work with the EA project team to address TRCA concerns.

5. **Stormwater Management:** MTO confirmed that impacted conservation authorities (TRCA, CVC, CH) and municipalities will be contacted to confirm stormwater management criteria. Impact assessment at the outlet basis will be undertaken and a comprehensive stormwater management strategy will be developed at the EA/preliminary stage for the Preferred Route to address water quality, quantity, erosion, and water balance criteria. TRCA's stormwater management criteria document, as well as the stream crossing guidelines of the various conservation authorities will be considered. A consistent approach will be applied throughout the Route Planning Study Area within the three conservation authority jurisdictions.
6. **Habitat Connectivity and Wildlife Passages:** TRCA has identified numerous technical studies that should be completed at the EA stage. Of particular importance is the

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analysis and identification of existing habitat and potential impacts to habitat connectivity and mitigation strategies in advance of Preliminary Design for adequate avoidance and mitigation of impacts. To this end, MTO has requested further data from TRCA related to completed analysis that can help inform opportunities and areas of concern about habitat connectivity and wildlife crossings in the GTA West study area to incorporate into the development of the wildlife crossing design for the project. TRCA staff is working with MTO to provide the predicted regional habitat connectivity priorities based on Circuitscape model (Attachment 1: Map 1, Regional Connectivity) and the mapped local habitat connectivity priorities based on accessible habitat and habitat network concept (Attachment 2: Map 2, Local Connectivity).

MTO has also confirmed that development of the wildlife passage design will follow the MTO 2017 Environmental Guide for Mitigation Road Impacts to Wildlife, which MTO considers for all new highway projects. In addition to data acquired through field investigations, wildlife movement and landscape connectivity will be assessed during the Preliminary Design phase to inform wildlife passage locations through the review of background studies (e.g., subwatershed studies, natural heritage studies) and guidance documents (e.g., TRCA Crossings Guideline for Valley and Stream Corridors).

Additionally, MTO has confirmed that during Preliminary Design, watercourse crossing reports will be developed for each watercourse crossing/or groups of crossings that will be multi-disciplinary (i.e., fish and fish habitat, terrestrial / wildlife movement, fluvial geomorphology, hydrology/hydraulics, valley form / slopes etc.). The combined input will be used to generate the minimum span requirements and will inform, realignment recommendations. Opportunities for wildlife passages and incorporation of road ecology principles will be identified during Preliminary Design.

7. **Mitigation and Compensation:** MTO confirmed their intention is to integrate mitigation and compensation features such as Species at Risk and wildlife crossings, and avoidance of sensitive features such as groundwater recharge areas where possible with consideration of factors from other disciplines. Preliminary plans to address negative effects of the project on the natural environment including but not limited to edge management, environmental monitoring, mitigation, restoration, and compensation, etc., will be developed during the Preliminary Design, and include high-level commitments and the identification of the objectives for each respective plan. Plans are typically not fully developed and finalized until detailed design. MTO will consult TRCA and other agencies during the detailed design stage when these plans are anticipated to be finalized.
8. **Salt Loading:** MTO confirmed that impacts of salt loading to surface and groundwater features, salt spray to terrestrial habitats, the spread of invasive species along transportation, and fragmentation of habitats and migration corridors will be considered during the preliminary and detail design phases of the project.
9. **Climate Change:** MTO confirmed that all new drainage infrastructure (culverts, storm sewers, ditches, etc.) will be designed considering climate change impacts. According to the provincial engineering memorandum (PEM) "Implementation of the Ministry's Climate Change Consideration in the Design of Highway Drainage Infrastructure" (#2016-14, October 28, 2016), highway drainage infrastructure should be designed to accommodate future rainfall values for the year corresponding to the end of the Design Service Life (typically 75 years) of the structure, in respect to conveyance, erosion,

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scour, stormwater management and fish passage.

- 10. TRCA Land Base Compensation:** MTO stated that once EA approval is obtained and approval to acquire lands is obtained, MTO staff will contact TRCA regarding their impacted lands to begin negotiations. MTO noted that only high-level construction costs were developed to support the evaluation of the short-list of route alternatives and that there were several other factors and criteria, such as the value of environmental mitigation measures, compensation, and enhancements, that were not applied as cost considerations in the evaluation process. No commitment to include TRCA land base compensation and future TRCA land acquisition costs within the costing analysis was provided.
- 11. TRCA Land Avoidance and Impact Mitigation:** MTO committed to working with TRCA through the Preliminary Design phase to arrive at a solution that balances, to the extent possible, the benefits and impacts for the local communities, regulatory agencies (including TRCA), and the users of the transportation system. MTO further noted that consideration will be given to specific property impacts such as fragmentation, and efforts will be made to minimize those impacts including access to TRCA owned lands during Preliminary Design.
- 12. Trail Network:** MTO stated that active transportation components such as sidewalks and cycling facilities at crossing roads and connecting to/continuing trail systems at watercourse crossings on a case-by case basis are being considered and further investigated during the Preliminary Design and detail design phases of this study. MTO stated that the 2019 TRCA Regional Trail Strategy for the Greater Toronto Region as well as municipal active transportation plans and Official Plans will be referenced. A separate active transportation corridor adjacent to the multimodal transportation corridor is not being considered at this time.
- 13. Communication:** MTO confirmed that they will continue to respond to all correspondence from TRCA staff and the Board of Directors and will return and present to the TRCA Board of Directors during the Preliminary Design stage of the study.

RATIONALE

Detailed Design and Voluntary Project Review

If approved, the next stage in the project is to commence detailed design, whereby MTO is obligated to satisfy all Ministerial conditions, as well as to obtain all permits and approvals. As a Crown agency, MTO is exempt from obtaining a permit pursuant to TRCA's section 28 regulation under the Conservation Authorities Act. In such circumstances, TRCA offers proponents the option of submitting a VPR application to help ministries and government agencies reduce risk and better protect the natural environment.

The VPR allows staff to complete a comprehensive review based on its expertise as a watershed management agency, and its interests related to natural hazards, natural heritage, including aquatic and terrestrial species and habitats, and water management and provide an opinion as to whether the interests, objectives, and tests of TRCA's Ontario Regulation 166/06 of Development, Interference with Wetlands and Alteration to Shorelines and Watercourses will be satisfied. If staff can confirm that there will be no impacts to flooding, erosion, pollution,

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conservation of land or dynamic beaches, a VPR letter is issued confirming that our interests have been met.

Unless required to consult with TRCA as a Condition of Approval by MECP, MTO is under no obligation to seek further input at the detailed design stage. While the VPR process is used by other Crown agencies, such as Metrolinx, Parks Canada - Rouge National Urban Park and 407ETR, to date, it has not been pursued by MTO in other projects.

TRCA Fees or Service Level Agreement

TRCA charges fees for the review of VPR submissions as per the approved TRCA Fee Schedule. Should MTO follow the TRCA VPR process, individual applications related to all impacts to regulated areas would be expected. Depending on how MTO schedules the project, there could be staged VPR approvals for each project area (e.g., for abutments/bridges, culverts, ramps, stormwater facilities, boreholes, etc.). Each application is evaluated to determine appropriate fees based on detailed project requirements. Reviews follow the approved TRCA standard 30 to 60 business day review timelines, depending on complexity of the application.

Alternatively, MTO could choose to enter into a service level agreement with TRCA whereby MTO and TRCA would agree to specific service delivery provisions, generally including but not limited to TRCA providing a dedicated staff team, shorter service delivery timeframes and regular project meetings.

Compensation for unavoidable ecological impacts, as well as property negotiations and archaeology review on TRCA-owned lands, are site specific and in addition to the above. Through the planning process, TRCA Property staff will work with MTO to negotiate acquisition of MTO surplus lands that meet TRCA strategic priorities.

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 2 – Manage our regional water resources for current and future generations

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

FINANCIAL DETAILS

- Should the province pursue approvals through the TRCA VPR process, fees for these services will be charged based on service delivery requirements that are consistent with the TRCA Fee Schedule. If the VPR process is not followed, TRCA will charge fees for all updated data and mapping.
- Monetary requirements for natural heritage compensation will be negotiated.
- Acquisition of TRCA-owned property will require negotiation of land-based monetary compensation.

DETAILS OF WORK TO BE DONE

- TRCA staff will continue to work with MTO staff through the Regulatory Agency Advisory Group, the Greenbelt Transportation Advisory Group, and separate working groups.
- TRCA staff will report back to the TRCA Board of Directors once the preliminary design alternatives and technical appendices are provided to TRCA staff for review and comment and provide an update as to how TRCA recommendations have been

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addressed. Should the project be approved with a condition that requires the TRCA VPR process to be implemented, TRCA staff will work with MTO through the detailed design and construction stages to ensure TRCAs regulatory, restoration and compensation concerns and objectives are addressed.

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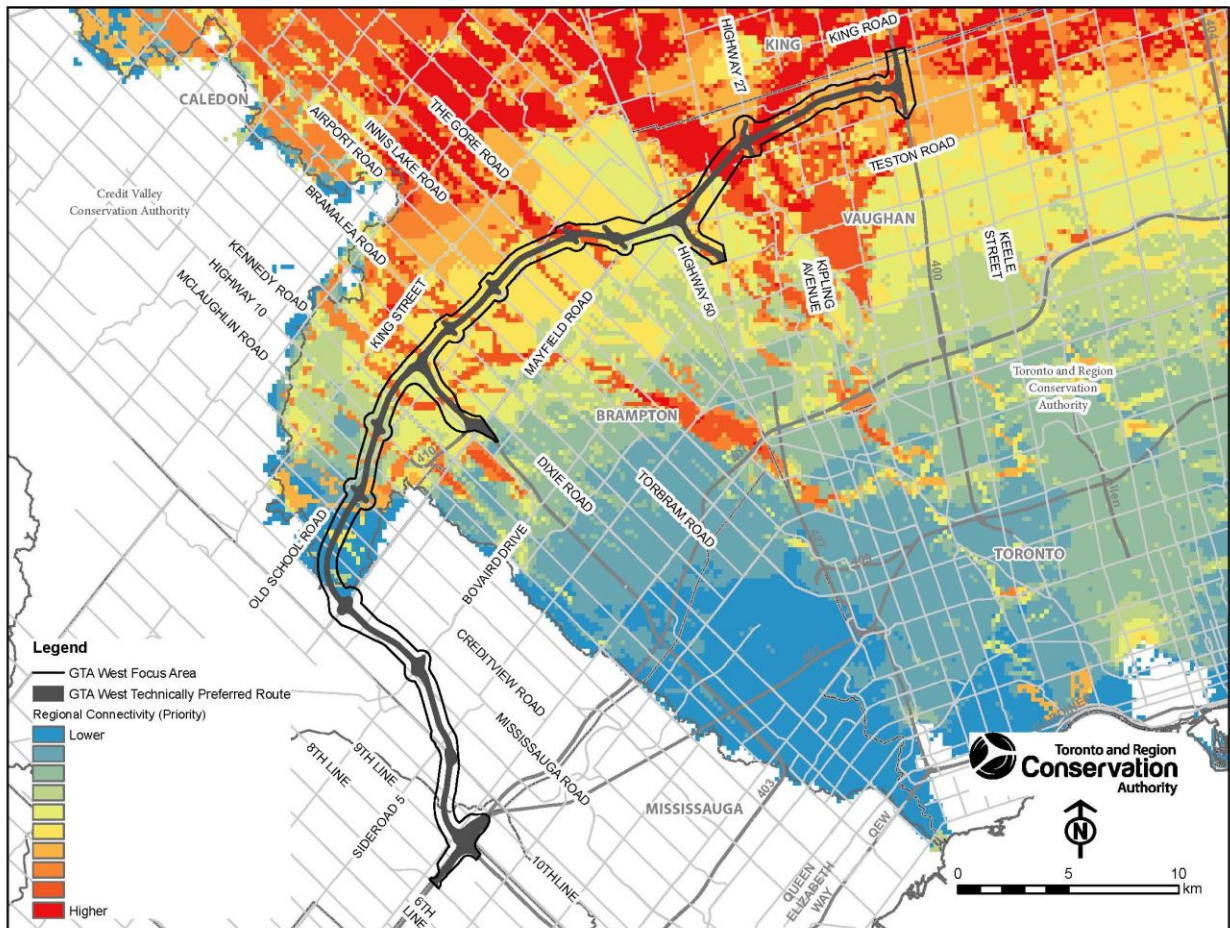
Date: March 18, 2021

Attachments: 2

Attachment 1: Map 1, Regional Connectivity

Attachment 2: Map 2, Local Connectivity

Attachment 1



Map 1: TRCA's regional connectivity map shows higher priority areas (in red, orange, and yellow) that are important for maintaining landscape level connectivity among habitat patches across TRCA jurisdiction. These areas provide critical north-south and east-west linkages and losing them would compromise the long-term resilience of ecosystem, habitat, and biodiversity in TRCA's jurisdiction.

Attachment 2

