

## Agency List

NAME	AGENCY	PROPERTY LOCATION	MAILING	CITY PROVINCE	POSTAL CODE
Sharon Lingertat	TRCA		5 SHOREHAM DR	TORONTO ON	M3N 1S4
Annette Lister	TRCA				
Caroline Mugo	TRCA				
Ian Mitchell	Hydro One		65 Kelfield Street	REXDALE ON	M9W 5A3
David Van Veen	Township of King		2075 King Road	KING CITY ON	L7B 1A1
Richard Hui	York Region		17250 Yonge Street	Newmarket ON	L3Y 6Z1
Steve Mota	York Region				
Dan Foong	York Region				
Kant Chawla	Town of Caledon		6311 Old Church Road	CALEDON EAST ON	Agency
Trevor Bell	Ontario Ministry of the Environment and Climate Change		5775 Yonge Street 8th floor	TORONTO ON	M2M 4J1
	Conservation Authority Toronto	KING ST E	5 SHOREHAM DR	DOWNSVIEW ON	M3N 1S4
	Conservation Authority Toronto	7805 KING ROAD	5 SHOREHAM DR	DOWNSVIEW ON	M3N 1S4

## First Nations

NAME	Contact	MAILING	CITY PROVINCE	POSTAL CODE
Alderville First Nation	Chief James Marsden	11696 Line Road 2	Roseneath Ont	K0K 2X0
Curve Lake First Nation	Chief Phyllis Williams	22 Winookeedaa Road	Curve Lake Ont	K0L 1R0
Hiawatha First Nation	Chief Laurie Carr	123 Paudash Street	Hiawatha Ont	K9J 0E6
Mississaugas of Scugog Island First Nation	Chief Kelly LaRocca	22521 Island Road	Port Perry Ont	L9L 1B6
Mississaugas of the New Credit First Nation	Chief R. Stacey Laforme	2789 Mississauga Road	Hagersville Ont	N0A 1H0
The Huron Wendat		255 Place Chef Michel Laveau	Wendake Quebec	G0A 4V0

## NOTICE OF STUDY COMMENCEMENT

### MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT STUDY FOR ALBION VAUGHAN ROAD AND KING STREET INTERSECTION

#### The Study

The Region has initiated a Schedule 'B' Municipal Class Environmental Assessment (EA) for improvements at the intersection of Albion Vaughan Road and King Street. The limits of the study area are 300m back for each leg of the intersection, as illustrated in the figure below. The intersection is located on the boundary between The Town of Caledon, Township of King, York Region and the Region of Peel.

The study will examine the need and justification as well as feasibility for improvements that may include widening, intersection improvements and new infrastructure to facilitate walking and cycling.

#### The Process

The study is being conducted in compliance with Schedule 'B' of the Municipal Class EA, which is approved under the Ontario Environmental Assessment Act.

#### Contact

Please visit our website below for updates on the project:

[peelregion.ca/albion-vaughan-rd](http://peelregion.ca/albion-vaughan-rd)

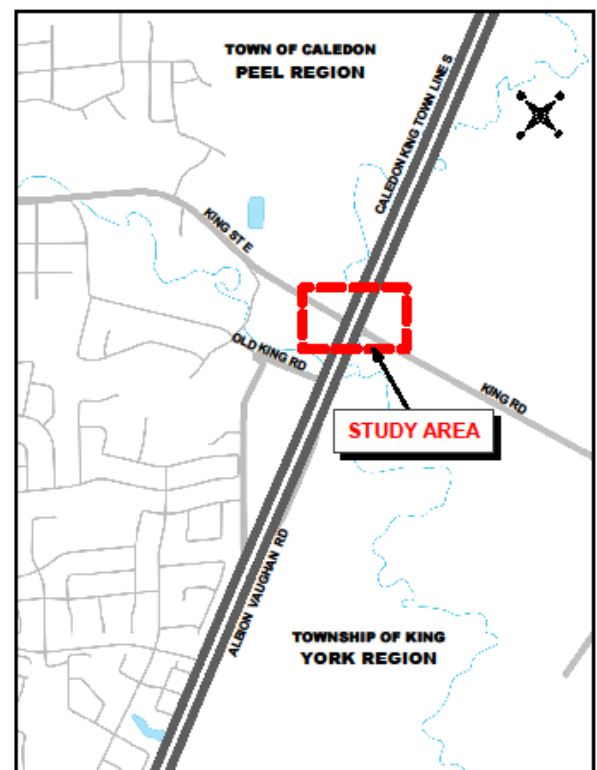
To provide comments or request additional information about this project, please contact either project manager:

#### Sargon Sifo, C.E.T.

Region of Peel  
Technical Analyst, Infrastructure  
Programming & Studies  
Transportation Division, Public Works  
10 Peel Centre Drive, Brampton, ON  
4th Floor, L6T 4B9  
Tel: 905-791-7800, 7834  
Fax: 905-791-1442  
[Sargon.Sifo@peelregion.ca](mailto:Sargon.Sifo@peelregion.ca)

#### Jaime Garcia, P.Eng., Ph.D.

CIMA  
Associate partner  
Senior Project Manager  
Traffic Engineering,  
Transportation  
3027 Harvester Road, Suite 400  
Burlington Ontario L7N 3G7  
Tel: 289-288-0287 ext. 6814  
Fax: 289-288-0285  
[Jaime.Garcia@cima.ca](mailto:Jaime.Garcia@cima.ca)



The Region of Peel is committed to ensure that all Regional services, programs and facilities are inclusive and accessible for persons with disabilities. Please contact the Project Manager if you need any disability accommodation to participate in the study.

January 16, 2017

Dear

**RE: Intersection Improvements for Albion Vaughan Road and King Street  
Class Environmental Assessment Study  
Notice of Study Commencement**

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The Regional Municipality of Peel has initiated a Schedule 'B' Class Environmental Assessment for Albion Vaughan Road and King Street intersection. The purpose of this letter is to inform you of the study and to invite your input. A copy of the Notice of Commencement is attached.

The study is being conducted in compliance with Schedule 'B' of the Municipal Class EA, which is approved under the Ontario Environmental Assessment Act. The objective of this Environmental Assessment is to improve the safety and operational performance of the intersection.

Public consultation is an integral component of the Municipal Class EA process and opportunities to comment are welcomed throughout the entire study. Consultation activities will be announced at key milestones in the project.

You may use the enclosed response form to request additional information or provide comments about the study.

Sincerely

**Sargon Sifo, C.E.T.**

Technical Analyst, Infrastructure Programming & Studies

Transportation Division, Public Works

Tel: 905-791-7800, 7834

Fax: 905-791-1442

Sargon.Sifo@peelregion.ca

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**Public Works**

10 Peel Centre Dr., Suite B, Brampton, ON L6T 4B9

Tel: 905-791-7800 [www.peelregion.ca](http://www.peelregion.ca)

January 16, 2017

Dear

**RE: Intersection Improvements for Albion Vaughan Road and King Street  
Class Environmental Assessment Study  
Notice of Study Commencement**

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The Regional Municipality of Peel has initiated a Schedule 'B' Class Environmental Assessment for Albion Vaughan Road and King Street intersection. The purpose of this letter is to inform you of the study and to invite your input. A copy of the Notice of Commencement is attached.

The study is being conducted in compliance with Schedule 'B' of the Municipal Class EA, which is approved under the Ontario Environmental Assessment Act. The objective of this Environmental Assessment is to improve the safety and operational performance of the intersection.

Public consultation is an integral component of the Municipal Class EA process and opportunities to comment are welcomed throughout the entire study. Consultation activities will be announced at key milestones in the project.

If you wish to provide any comments on this study, we request that your comments be directed to the Project Manager on the attached Notice of Study Commencement.

Sincerely

**Sargon Sifo, C.E.T.**

Technical Analyst, Infrastructure Programming & Studies

Transportation Division, Public Works

Tel: 905-791-7800, 7834

Fax: 905-791-1442

Sargon.Sifo@peelregion.ca

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**Public Works**

10 Peel Centre Dr., Suite B, Brampton, ON L6T 4B9

Tel: 905-791-7800 [www.peelregion.ca](http://www.peelregion.ca)



## COMMENT SHEET

### Class Environmental Assessment Study Commencement for Intersection Improvements for Albion Vaughan Road and King Street

- We have no concerns and do not need to be involved in this study.
- We have no interest / concerns at this time, but wish to remain on the contact list for this study.
- We have the following comment(s) and / or information requirements:

As a result of the proposed intersection improvements are there any expectations that there will be a need to widen Caledon King Town Line? The Township intends to replace culvert 210 within the next 5 to 7 years, which is approximately 1.2 km northwest of the intersection. If this is the case, will there be a need to provide changes to culvert 210 to accommodate the potential road improvements of King Caledon Townline, and will the Region of Peel consider cost sharing for any potential road improvements to meet future needs.

**Completed by:**

Name: \_\_\_\_\_

Email Address: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**Please, write, fax or email your comments to:**

**Sargon Sifo C.E.T.**  
**Technical Analyst**  
**Region of Peel**  
10 Peel Centre Drive, Suite B  
Brampton, ON L6T 3B9  
Tel: 905.791.7800 x7834  
Fax: 905.791.1442  
[sargon.sifo@peelregion.ca](mailto:sargon.sifo@peelregion.ca)

**Public Works**

10 Peel Centre Dr., Suite B, Brampton, ON L6T 4B9  
Tel: 905-791-7800 [www.peelregion.ca](http://www.peelregion.ca)

February 3, 2017

CFN 56053

**BY E-MAIL ONLY** ([Sargon.Sifo@peelregion.ca](mailto:Sargon.Sifo@peelregion.ca))

Sargon Sifo  
Region of Peel  
10 Peel Centre Drive  
Brampton, ON L6T 4B9

Dear Mr. Sifo:

**Re: Response to Notice of Commencement  
Albion Vaughan Road and King Street Intersection  
Municipal Class Environmental Assessment – Schedule B  
Humber River Watershed; Town of Caledon/Township of King; Peel Region/York Region**

Toronto and Region Conservation Authority (TRCA) staff received the Notice of Commencement for the above noted Environmental Assessment (EA) on January 20, 2017.

It is our understanding that this undertaking involves examining road improvements at the Albion/Vaughan Road and King Street intersection. The study area extends for 300 m in each direction.

### **TRCA Areas of Interest**

Staff has identified the following Areas of Interest within the study area:

#### TRCA Regulated Areas

- Regulation Limit
- Crest of Slope
- Meander Belt
- Regulatory Flood Plain
- Watercourses

#### Provincial Program Areas

- Greenbelt

#### TRCA Program and Policy Areas

- Aquatic Species and Habitat
- Aquifers and Hydrogeological Features
- Archaeological and Heritage Resources
- Conservation Land (TRCA property)
- Living City Programs:
  - Living City Trails
- Stormwater Management
- Terrestrial Natural Heritage System Strategy
- Terrestrial Species and Habitat

Please contact the Ministry of Natural Resources to confirm if there are program interests related to this project for:

- Areas of Natural and Scientific Interest
- Provincially Significant Wetlands
- Provincially Endangered Species



Please contact the relevant federal agency to confirm if there are issues related to:

- Asian Long-horned Beetle Regulated Area
- Federally Endangered Species

There may be additional consultation with other federal and provincial agencies to ensure that the requirements of such legislation are met. This list is not inclusive and the onus is on the proponent and its consultants to consult with other agencies as required.

Available mapping and program information regarding these Areas of Interest are available for your reference. Please ensure that the status, potential impacts and opportunities for enhancement related to these Areas of Interest are documented and assessed through a review of background material, technical study, field assessment and detailed evaluation, as appropriate. Please contact the undersigned if digital data is required for this area.

### **Selection of Alternatives**

In consideration of TRCA's *Living City Policies*, Ontario Regulation 166/06, and TRCA's other programs and policies, staff requires that the preferred alternative meets the following criteria:

1. Prevents the risk associated with flooding, erosion or slope instability.
2. Protects and rehabilitates existing landforms, features and functions.
3. Provides for aquatic, terrestrial and human access.
4. Minimizes water/energy consumption and pollution.
5. Addresses TRCA property and heritage resource concerns.

Staff recommends that the preferred alternative meets the policies of section 7, in particular section 7.4.4, of The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority. Furthermore, staff recommends that the preferred alternative allows the detailed design to meet the policies of section 8, including section 8.9, of The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority.

### **TRCA Review**

Prior to selecting the preferred alternative solution and design, please arrange a meeting to discuss issues that relate to TRCA Areas of Interest. In addition, please add TRCA's Watershed Project Manager, Sonia Dhir, to the project mailing list to receive any public information updates.

A copy of the recommended TRCA contact points is enclosed for your reference. We recommend you refer to this chart during the study to facilitate TRCA review. Please provide the following submissions to expedite TRCA review:

- Notices of public meetings and display material and handouts
- Four hard copies of the Phases 1 and 2 Report
- Four hard copies of the Draft EA Document
- One hard copy of the Final EA Document.

Please include a digital copy of all submitted material. Materials must be submitted in PDF format, with drawings pre-scaled to print on 11"x17" pages. Materials may be submitted on discs, via e-mail (if less than 2.5 MB), or through file transfer protocol (FTP) sites (if posted for a minimum of two weeks).

Should you have any questions, please contact me at extension 5717 or at [slingertat@trca.on.ca](mailto:slingertat@trca.on.ca).

Yours truly,

Sharon Lingertat  
Senior Planner, Environmental Assessment Planning  
Planning and Development

Encl.: TRCA Areas of Interest Summary Table  
Service Delivery Standards - Recommended TRCA Contact Points

**BY E-MAIL**

cc: CIMA: Jaime Garcia ([Jaime.Garcia@cima.ca](mailto:Jaime.Garcia@cima.ca))  
TRCA: Sonia Dhir, Humber River Project Management  
Janice Teichroeb, Archaeologist

EA Requirements

Document and assess the status, potential impacts and opportunities for enhancement that relate to the following Areas of Interest through a review of background material, technical study, field assessment and detailed evaluation, as appropriate. Make reference to the applicable Program and Policy documents. Include in the EA Document appendices any minutes, structure summary sheets for watercourses or wetlands, or other material collected through meetings with TRCA staff. Natural features may need to be confirmed on site by TRCA staff.

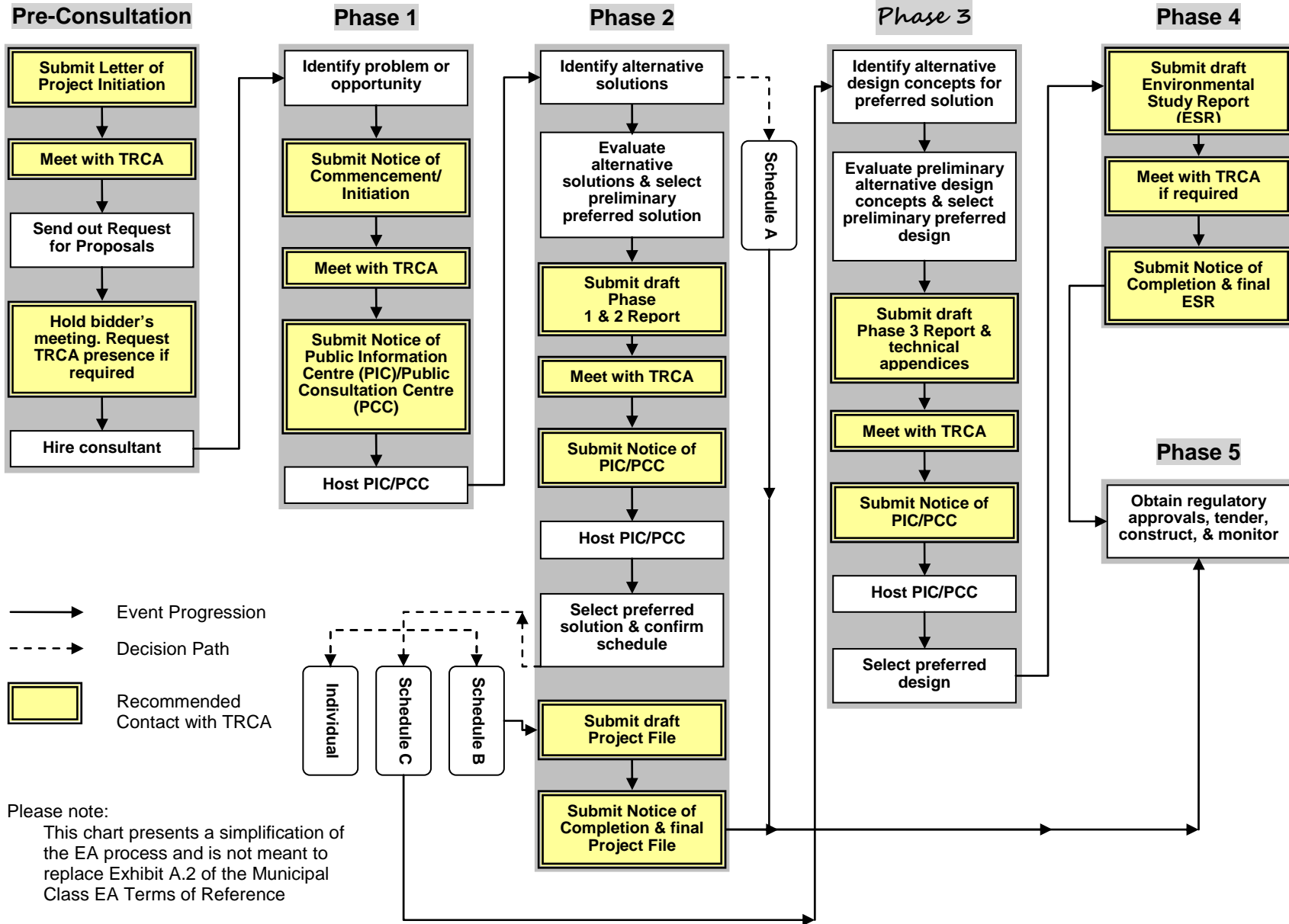
Area of Interest / Data Availability	Program and Policy Concerns
<b>TRCA REGULATED AREAS</b>	
Regulation Limit	<p>In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), a permit is required from the TRCA prior to any development (e.g. construction) if, in the opinion of TRCA, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected. The Regulation Limit defines the greater of the natural hazards associated with Ontario Regulation 166/06 (listed below).</p> <p>NOTE: The Regulation Limit provides a geographical screening tool for determining if Ontario Regulation 166/06 will apply to a given proposal. Through site assessment or other investigation, it may be determined that areas outside of the defined Regulation Limit require permits under Ontario Regulation 166/06. In these instances, it is the text of the regulation that will prevail; modifications to the regulation line may be required.</p> <p>Any development within the Regulation Limit must comply with the applicable sections of TRCA's <i>Living City Policies</i>.</p>
Crest of Slope	<p>Valley and stream corridors are dynamic systems that provide important natural functions and linkages for the physical, chemical and biological processes of wildlife, watercourses, and other natural features. The Crest of Slope identifies the physical limit of these corridors; however, due to ecological sensitivities, development restrictions typically extend beyond the actual Crest of Slope.</p>
Meander Belt	<p>Channel migration has a significant impact on infrastructure, structures and property located near river systems. Determining channel stability is important to ensure that damage from erosion, down-cutting or other natural channel processes is avoided.</p> <p>TRCA may require a meander belt delineation study or fluvial geomorphology analysis to confirm that any development does not conflict with natural channel processes.</p>
Regulatory Flood Plain	<p>The Regulatory Flood Plain is the approved standard used in a particular watershed to define the limit of the flood plain for regulatory purposes. Within TRCA's jurisdiction, the Regulatory Flood Plain is based on the greater of the regional storm, Hurricane Hazel, and the 100 year flood.</p> <p>Any development or alterations to existing structures within the Regulatory Flood Plain may introduce risk to life or property, and may not be compatible with existing natural features. TRCA's framework for Flood Plain Management is the <i>Living City Policies</i>.</p> <p>TRCA may require a flood study or hydraulic update to confirm that there will be no impacts to the storage or conveyance of flood waters.</p>
Watercourses	<p>Typically, watercourses are associated with aquatic species and habitat. Any alteration or interference to a watercourse (e.g. straightening, diverting, realigning, altering baseflow) has the potential to impact fish communities, but may also affect the Regulatory Flood Plain, erosion or other natural channel processes. TRCA may require an environmental study or site confirmation of watercourse locations.</p>
<b>TRCA PROGRAM AND POLICY AREAS</b>	
<p>Note: Additional program and policy information may be available at <a href="http://www.trca.on.ca">www.trca.on.ca</a>, or by request.</p>	
Aquatic Species and Habitat	<p>TRCA has prepared watershed plans or strategies, as well as watershed-based fisheries management plans for some of its watersheds in partnership with Aurora District MNR. TRCA may</p>

Area of Interest / Data Availability	Program and Policy Concerns
	<p>require an assessment of the existing aquatic system, together with an evaluation as to how the proposal will meet the objectives articulated in the watershed and watershed-based fisheries management plans, as well as prevent negative impacts to the aquatic system.</p> <p>If requested, TRCA will provide an opinion as to whether the project and its implementation will cause <i>serious harm</i> to fish. If <i>serious harm</i> to fish could result, then works will need to be reviewed and authorized by Fisheries and Oceans Canada (DFO).</p>
Aquifers and Hydrogeological Features	<p>The extraction and discharge of groundwater has the potential to negatively impact surrounding natural features. Even small amounts of groundwater extraction may reduce contributions to groundwater dependent features such as wetlands, springs, or fish spawning habitat. In addition, the discharge of groundwater must be controlled to avoid impacts to watercourses and fish habitat from erosion, sedimentation and water quality concerns.</p> <p>TRCA may require geotechnical or hydrogeological investigations to confirm dewatering and discharge requirements, and to identify appropriate mitigation measures with respect to potential impacts to natural features (i.e., wetlands, watercourses, natural features and aquatic habitat).</p>
Archaeological and Heritage Resources	<p>TRCA watershed strategies include recommendations for the management of archaeological and heritage resources in accordance with Ministry of Culture and Municipal standards. Preserve and protect archaeological resources where possible.</p> <p>TRCA may require a Stage 1, 2, 3, or 4 archaeological assessment to confirm impacts to these resources. Note that an archaeological investigation by TRCA's archaeological staff must precede any disturbance to TRCA property, at the cost of the proponent. Scheduling will be subject to weather, seasonal programs and other field work.</p>
Conservation Land (TRCA Property)	<p>If TRCA property is needed for the implementation of the preferred alternative, permission and approval from TRCA and the Minister of Natural Resources are required. The design must demonstrate that TRCA program and policy objectives are met. Formal approval typically takes 12 to 18 months from the completion of the EA document. As noted above, an archaeological investigation by TRCA's archaeological staff must precede any disturbance to TRCA property.</p> <p>Applicable programs and strategies for works on TRCA property may include: <i>TRCA Strategy for Public Use of Authority Lands</i>, <i>TRCA Greenspace Strategy</i>, <i>Archaeological Resource Management Procedures: Guidelines</i>, master plans for specific conservation lands, watershed strategies, or other programs or policies referenced in this document.</p>
Living City Programs	<p>The Living City is a vision adopted by TRCA for a new kind of community, where human settlement can flourish forever as part of nature's beauty and diversity. The key objectives of the Living City are: healthy rivers and shorelines; regional biodiversity; sustainable communities; and business excellence.</p> <p>Programs associated with TRCA's Living City include: trails enhancement, renewable energy, sustainable communities, and the <i>Sustainable Technologies Evaluation Program (STEP)</i>.</p>
Terrestrial Natural Heritage System Strategy	<p>TRCA has identified the need to improve both the quality and quantity of terrestrial habitat. TRCA's <i>Terrestrial Natural Heritage System Strategy</i> sets measurable targets for attaining a healthier natural system by creating an expanded and targeted land base. It includes strategic directions for stewardship and securement of the land base, a land use policy framework to help achieve the target system, and other implementation mechanisms.</p>
Terrestrial Species and Habitat	<p>The terrestrial system includes landscape features, vegetation communities and flora and fauna species. Terrestrial species and habitat should be assessed based on their conservation status according to sensitivity to disturbance and specialized ecological needs, as well as rarity.</p> <p>TRCA may require a site assessment and terrestrial inventory to confirm impacts to these resources. TRCA's <i>Terrestrial Natural Heritage Strategy</i> may be applicable to any work that impacts</p>

Area of Interest / Data Availability	Program and Policy Concerns
	terrestrial species and habitat. In addition, relevant legislation (e.g. <i>Migratory Bird Convention Act</i> , <i>Species at Risk Act</i> ) should be applied.
<b>PROVINCIAL AND FEDERAL PROGRAM AREAS</b>	
Greenbelt	<p>The Greenbelt consists of approximately 728,000 hectares of environmentally sensitive land and agricultural land in the Golden Horseshoe. The <i>Greenbelt Plan</i> identifies limits to urbanization to provide permanent protection to the agricultural land base and the ecological features and functions occurring within this landscape. Contact the Ministry of Municipal Affairs and Housing for more details.</p> <p>Alternatives must conform with Section 4.2 of the <i>Greenbelt Plan</i>.</p>

Service Delivery Standards

Recommended TRCA Contact Points in the Municipal Class EA Planning & Design Process



Ministry of the Environment  
and Climate Change

Central Region  
Technical Support Section

5775 Yonge Street, 8<sup>th</sup> Floor  
North York, Ontario M2M 4J1

Tel.: (416) 326-6700  
Fax: (416) 325-6347

Ministère de l'Environnement et de  
l'Action en Matière de Changement Climatique

Région du Centre  
Section d'appui technique

5775, rue Yonge, 8<sup>ème</sup> étage  
North York, Ontario M2M 4J1

Tél. : (416) 326-6700  
Télééc. : (416) 325-6347



February 9, 2017

File No.: EA 01-06-05

Sargon Siffo, C.E.T.  
Technical Analyst, Infrastructure Programming & Studies  
Transportation Division, Public Works  
Region of Peel  
10 Peel Centre Drive, 4<sup>th</sup> Floor  
Brampton, ON L6T 4B9  
[sargon.sifo@peelregion.ca](mailto:sargon.sifo@peelregion.ca)

Re: **Intersection Improvements for Albion Vaughan Road and King Street  
Region of Peel  
Schedule B Municipal Class Environmental Assessment  
Response to Notice of Commencement**

Dear Mr. Siffo:

This letter acknowledges that the Region of Peel has initiated a Schedule B project under the Municipal Engineers Association's Municipal Class Environmental Assessment (Class EA) for improvements to the Albion Vaughan Road and King Street intersection in the Town of Caledon.

The attached "Areas of Interest" document provides guidance regarding the ministry's interests with respect to the Class EA process. Please identify the areas of interest which are applicable to your project and ensure they are addressed. Proponents who address all of the applicable areas of interest can minimize potential delays to their project schedule.

The Crown has a legal duty to consult Aboriginal communities when it has knowledge, real or constructive, of the existence or potential existence of an Aboriginal or treaty right and contemplates conduct that may adversely impact that right. Before authorizing this project, the Crown must ensure that its duty to consult has been fulfilled, where such a duty is triggered. Although the duty to consult with Aboriginal peoples is a duty of the Crown, the Crown may delegate procedural aspects of this duty to project proponents while retaining oversight of the consultation process.

Your proposed project may have the potential to affect Aboriginal or treaty rights protected under Section 35 of Canada's *Constitution Act* 1982. Where the Crown's duty to consult is triggered in relation to your proposed project, **the MOECC is delegating the procedural aspects of rights-based consultation to you through this letter.** The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Based on information you have provided to date and the Crown's preliminary assessment you are required to consult with the following communities who have been identified as potentially affected by your proposed project:

- Alderville First Nation
- Curve Lake First Nation
- Hiawatha First Nation
- Mississaugas of Scugog Island First Nation
- Mississaugas of the New Credit First Nation
- The Huron Wendat should be notified if studies determine there is potential for archaeological remains/artifacts to be uncovered

Steps that you may need to take in relation to Aboriginal consultation for your proposed project are outlined in the "Code of Practice for Consultation in Ontario's Environmental Assessment Process" which can be found at the following link: <https://www.ontario.ca/document/consultation-ontarios-environmental-assessment-process>

Additional information related to Ontario's Environmental Assessment Act is available online at: [www.ontario.ca/environmentalassessments](http://www.ontario.ca/environmentalassessments)

Please also refer to the document "A Proponent's Introduction to the Delegation of Procedural Aspects of consultation with Aboriginal Communities" for further information.

You must contact the Director of Environmental Approvals Branch under the following circumstances subsequent to initial discussions with the communities identified by MOECC:

- Aboriginal or treaty rights impacts are identified to you by the communities
- You have reason to believe that your proposed project may adversely affect an Aboriginal or treaty right
- Consultation has reached an impasse
- A Part II Order request or elevation request is expected

The Director of the Environmental Approvals Branch can be notified either by email with the subject line "Potential Duty to Consult" to [EAASIBGen@ontario.ca](mailto:EAASIBGen@ontario.ca) or by mail or fax at the address provided below:

<b>Email:</b>	<a href="mailto:EAASIBGen@ontario.ca">EAASIBGen@ontario.ca</a> Subject: Potential Duty to Consult
<b>Fax:</b>	416-314-8452
<b>Address:</b>	Environmental Approvals Branch 135 St. Clair Avenue West, 1 <sup>st</sup> Floor Toronto, ON, M4V 1P5

The MOECC will then assess the extent of any Crown duty to consult for the circumstances and will consider whether additional steps should be taken, including what role you will be asked to play in them.

A draft copy of the Project File Report (PFR) should be sent to this office prior to the filing of the final report, allowing a minimum of 30 days for the ministry's technical reviewers to provide comments. Please also forward the Notice of Completion and final PFR to me when completed.

Should you or any members of your project team have any questions regarding the material above, please contact me at (416) 326-3577 or by email at [trevor.bell@ontario.ca](mailto:trevor.bell@ontario.ca).

Sincerely,





Trevor Bell  
Environmental Resource Planner and EA Coordinator  
Air, Pesticides and Environmental Planning  
Central Region Technical Support Section  
Ministry of the Environment and Climate Change

- c. J. Garcia, Senior Project Manager, CIMA  
P. Martin, Supervisor, APEP, Central Region, MOECC  
T. Webb, Manager (A), Halton Peel District Office, MOECC  
Central Region EA File  
A & P File

## AREAS OF INTEREST

*It is suggested that you check off each applicable area after you have considered / addressed it.*

### **Source Water Protection (all projects)**

The Clean Water Act, 2006 (CWA) aims to protect existing and future sources of drinking water. To achieve this, several types of vulnerable areas have been delineated around surface water intakes and wellheads for every municipal residential drinking water system that is located in a source protection area. These vulnerable areas are known as a Wellhead Protection Areas (WHPAs) and surface water Intake Protection Zones (IPZs). Other vulnerable areas that have been delineated under the CWA include are Highly Vulnerable Aquifers (HVAs), Significant Groundwater Recharge Areas (SGRAs), Event-based modelling areas (EBAs), and Issues Contributing Areas (ICAs). Source protection plans have been developed that include policies to address existing and future risks to sources of municipal drinking water within these vulnerable areas.

Projects may include activities that, if located in a vulnerable area, could be a threat to sources of drinking water (i.e. have the potential to adversely affect the quality or quantity of drinking water sources) and the activity could therefore be subject to policies in a source protection plan. Where an activity poses a risk to drinking water, policies in the local source protection plan may impact how or where that activity is undertaken. Policies may prohibit certain activities, or they may require risk management measures for these activities. Municipal Official Plans, planning decisions, Class EA projects (where the project includes an activity that is a threat to drinking water) and prescribed instruments must conform with policies that address significant risks to drinking water and must have regard for policies that address moderate or low risks.

- As part of the project, the proponent should clearly document how the proximity of the project to sources of drinking water (municipal or other) and any delineated vulnerable areas was considered and assessed, whether there were any source protection plan policies that applied, and if so, how they impacted the project, as well as identify mitigating measures to address any negative environmental impacts to those sources (considering natural, economic and social/cultural environmental impacts). As you may be aware, in October 2015, the MEA Parent Class EA document was amended to include reference to the Clean Water Act (Section A.2.10.6) and indicates that proponents undertaking a Municipal Class EA project must identify early in their process whether a project is or could potentially be occurring with a vulnerable area. Given this requirement, the proponent should include a section in the PFR on source water protection.
- While most source protection plans focused on including policies for significant drinking water threats in the WHPAs and IPZs it should be noted that even though source protection plan policies may not apply in HVAs, these are areas where aquifers are sensitive and at risk to impacts and within these areas, activities may impact the quality of sources of drinking water for systems other than municipal residential systems.
- In order to determine if this project is occurring within a vulnerable area, proponents can use this mapping tool: <http://www.applications.ene.gov.on.ca/swp/en/index.php>. The mapping tool will also provide a link to the appropriate source protection plan in order to identify what policies may be applicable in the vulnerable area.
- For further information on the maps or source protection plan policies which may relate to their project, proponents should contact the Project Manager for Drinking Water Source Protection at the local source protection authority (i.e., conservation authority).

### More Information

For more information on the Clean Water Act, source protection areas and plans, including specific information on the vulnerable areas and drinking water threats, please refer to Conservation Ontario's website where you will also find links to the local source protection plan/assessment report.

A list of the prescribed drinking water threats can be found in section 1.1 of Ontario Regulation 287/07 made under the Clean Water Act. In addition to prescribed drinking water threats, some source protection plans may include policies to address additional "local" threat activities, as approved by the MOECC.

### □ **Ecosystem Protection and Restoration**

- Any impacts to ecosystem form and function must be avoided where possible. The PFR should describe any proposed mitigation measures and how project planning will protect and enhance the local ecosystem.
- All natural heritage features should be identified and described in detail to assess potential impacts and to develop appropriate mitigation measures. The following sensitive environmental features may be located within or adjacent to the study area:
  - Areas of Natural and Scientific Interest (ANSIs)
  - Rare Species of flora or fauna
  - Watercourses
  - Wetlands
  - Woodlots

We recommend consulting with the Ministry of Natural Resources and Forestry (MNRF), Fisheries and Oceans Canada (DFO) and your local conservation authority to determine if special measures or additional studies will be necessary to preserve and protect these sensitive features.

### □ **Surface Water**

- The PFR must include a sufficient level of information to demonstrate that there will be no negative impacts on the natural features or ecological functions of any watercourses within the study area. Measures should be included in the planning and design process to ensure that any impacts to watercourses from construction or operational activities (e.g. spills, erosion, pollution) are mitigated as part of the proposed undertaking.
- Additional stormwater runoff from new pavement can impact receiving watercourses and flood conditions. Quality and quantity control measures to treat stormwater runoff should be considered for all new impervious areas and, where possible, existing surfaces. The ministry's Stormwater Management Planning and Design Manual (2003) should be referenced in the PFR and utilized when designing stormwater control methods. We recommend that a Stormwater Management Plan should be prepared as part of the Class EA process that includes:
  - Strategies to address potential water quantity and erosion impacts related to stormwater draining into streams or other sensitive environmental features, and to ensure that adequate (enhanced) water quality is maintained
  - Watershed information, drainage conditions, and other relevant background information
  - Future drainage conditions, stormwater management options, information on erosion and sediment control during construction, and other details of the proposed works
  - Information on maintenance and monitoring commitments.

- Ontario Regulation 60/08 under the Ontario Water Resources Act (OWRA) applies to the Lake Simcoe Basin, which encompasses Lake Simcoe and the lands from which surface water drains into Lake Simcoe. If the proposed sewage treatment plant is listed in Table 1 of the regulation, the PFR should describe how the proposed project and its mitigation measures are consistent with the requirements of this regulation and the OWRA.

#### **Groundwater**

- The status of, and potential impacts to any well water supplies should be addressed. If the project involves groundwater takings or changes to drainage patterns, the quantity and quality of groundwater may be affected due to drawdown effects or the redirection of existing contamination flows. In addition, project activities may infringe on existing wells such that they must be reconstructed or sealed and abandoned. Appropriate information to define existing groundwater conditions should be included in the PFR.
- If the potential construction or decommissioning of water wells is identified as an issue, the PFR should refer to Ontario Regulation 903, Wells, under the OWRA.
- Potential impacts to groundwater-dependent natural features should be addressed. Any changes to groundwater flow or quality from groundwater taking may interfere with the ecological processes of streams, wetlands or other surficial features. In addition, discharging contaminated or high volumes of groundwater to these features may have direct impacts on their function. Any potential effects should be identified, and appropriate mitigation measures should be recommended. The level of detail required will be dependent on the significance of the potential impacts.
- Any potential approval requirements for groundwater taking or discharge should be identified in the PFR. In particular, a Permit to Take Water (PTTW) under the OWRA will be required for any water takings that exceed 50,000 litres per day.

#### **Air Quality, Dust and Noise**

- If there are sensitive receptors in the surrounding area of this project, an air quality/odour impact assessment will be useful to evaluate alternatives, determine impacts and identify appropriate mitigation measures. The scope of the assessment can be determined based on the potential effects of the proposed alternatives, and typically includes source and receptor characterization, a quantification of air quality impacts by determining emission rates and conducting dispersion modelling, and an assessment of effects. The assessment will compare to all available standards for any contaminants of concern. Please contact this office during the scoping process to confirm the appropriate level of assessment.
- Dust and noise control measures should be addressed and included in the construction plans to ensure that nearby residential and other sensitive land uses within the study area are not adversely affected during construction activities.
- The PFR should consider the potential impacts of increased noise levels during the operation of the undertaking due to potentially higher traffic volumes resulting from this project. The proponent should explore all potential measures to mitigate significant noise impacts during the assessment of alternatives.

## □ Servicing and Facilities

- Any facility that releases emissions to the atmosphere, discharges contaminants to ground or surface water, provides potable water supplies, or stores, transports or disposes of waste must have an Environmental Compliance Approval (ECA) before it can operate lawfully. Please consult with the Environmental Approvals Access and Service Integration Branch (EAASIB) to determine whether a new or amended ECA will be required for any proposed infrastructure.
- We recommend referring to the ministry's "D-Series" guidelines – Land Use Compatibility to ensure that any potential land use conflicts are considered when planning for any infrastructure or facilities related to wastewater, pipelines, landfills or industrial uses.

## □ Contaminated Soils

- Since the removal or movement of soils may be required, appropriate tests to determine contaminant levels from previous land uses or dumping should be undertaken. If the soils are contaminated, you must determine how and where they are to be disposed of, consistent with *Part XV.1 of the Environmental Protection Act (EPA)* and Ontario Regulation 153/04, Records of Site Condition, which details the new requirements related to site assessment and clean up. Please contact the ministry's District Offices for further consultation if contaminated sites are present.
- Any current or historical waste disposal sites should be identified in the PFR. The status of these sites should be determined to confirm whether approval pursuant to Section 46 of the EPA may be required for land uses on former disposal sites.
- The location of any underground storage tanks should be investigated in the PFR. Measures should be identified to ensure the integrity of these tanks and to ensure an appropriate response in the event of a spill. The ministry's Spills Action Centre must be contacted in such an event.
- The PFR should identify any underground transmission lines in the study area. The owners should be consulted to avoid impacts to this infrastructure, including potential spills.

## □ Mitigation and Monitoring

- Design and construction reports and plans should be based on a best management approach that centres on the prevention of impacts, protection of the existing environment, and opportunities for rehabilitation and enhancement of any impacted areas.
- All waste generated during construction must be disposed of in accordance with ministry requirements.
- Contractors must be made aware of all environmental considerations so that all environmental standards and commitments for both construction and operation are met. Mitigation measures should be clearly referenced in the PFR and regularly monitored during the construction stage of the project. In addition, we encourage proponents to conduct post-construction monitoring to ensure all mitigation measures have been effective and are functioning properly. The proponent's construction and post-construction monitoring plans should be documented in the PFR.



## □ Planning and Policy

- Parts of the study area may be subject to the Oak Ridges Moraine Conservation Plan, Niagara Escarpment Plan, Greenbelt Plan, Lake Simcoe Protection Plan, or Growth Plan for the Greater Golden Horseshoe. The PFR should demonstrate how the proposed study adheres to the relevant policies in these plans.
- The Provincial Policy Statement (2014) contains policies that protect Ontario's natural heritage and water resources, including designated vulnerable areas mapped in source water protection assessment reports under the *Clean Water Act (CWA)*. Applicable policies should be referenced in the PFR, and the proponent should demonstrate how this proposed project is consistent with these policies. Assessment reports can be found on the Conservation Ontario website at: <http://www.conservation-ontario.on.ca/uncategorised/143-otherswpreionsindex>.

## □ Class EA Process

- If this project is a Master Plan: there are several different approaches that can be used to conduct a Master Plan, examples of which are outlined in Appendix 4 of the Class EA. The Master Plan should clearly indicate the selected approach for conducting the plan, in particular by identifying whether the levels of assessment, consultation and documentation are sufficient to fulfill the requirements for Schedule B or C projects. Please note that any Schedule B or C projects identified in the plan would be subject to Part II Order Requests under the *Environmental Assessment Act (EAA)*, although the plan itself would not be.
- The PFR should provide clear and complete documentation of the planning process in order to allow for transparency in decision-making. The PFR must also demonstrate how the consultation provisions of the Class EA have been fulfilled, including documentation of all public consultation efforts undertaken during the planning process. Additionally, the PFR should identify all concerns that were raised and how they have been addressed throughout the planning process. The Class EA also directs proponents to include copies of comments submitted on the project by interested stakeholders, and the proponent's responses to these comments.
- The Class EA requires the consideration of the effects of each alternative on all aspects of the environment. The PFR should include a level of detail (e.g. hydrogeological investigations, terrestrial and aquatic assessments) such that all potential impacts can be identified and appropriate mitigation measures can be developed. Any supporting studies conducted during the Class EA process should be referenced and included as part of the PFR.
- Please include in the PFR a list of all subsequent permits or approvals that may be required for the implementation of the preferred alternative, including MOECC's PTTW and ECAs, conservation authority permits, and approval under the *Canadian Environmental Assessment Act (CEAA)*.
- Ministry guidelines and other information related to the issues above are available at <http://www.ontario.ca/environment-and-energy/environment-and-energy> under the publications link. We encourage you to review all the available guides and to reference any relevant information in the PFR.

## **A PROPONENT'S INTRODUCTION TO THE DELEGATION OF PROCEDURAL ASPECTS OF CONSULTATION WITH ABORIGINAL COMMUNITIES**

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### **DEFINITIONS**

The following definitions are specific to this document and may not apply in other contexts:

**Aboriginal communities** – the First Nation or Métis communities identified by the Crown for the purpose of consultation.

**Consultation** – the Crown's legal obligation to consult when the Crown has knowledge of an established or asserted Aboriginal or treaty right and contemplates conduct that might adversely impact that right. This is the type of consultation required pursuant to s. 35 of the *Constitution Act, 1982*. Note that this definition does not include consultation with Aboriginal communities for other reasons, such as regulatory requirements.

**Crown** – the Ontario Crown, acting through a particular ministry or ministries.

**Procedural aspects of consultation** – those portions of consultation related to the process of consultation, such as notifying an Aboriginal community about a project, providing information about the potential impacts of a project, responding to concerns raised by an Aboriginal community and proposing changes to the project to avoid negative impacts.

**Proponent** – the person or entity that wants to undertake a project and requires an Ontario Crown decision or approval for the project.

### **I. PURPOSE**

The Crown has a legal duty to consult Aboriginal communities when it has knowledge of an existing or asserted Aboriginal or treaty right and contemplates conduct that may adversely impact that right. In outlining a framework for the duty to consult, the Supreme Court of Canada has stated that the Crown may delegate procedural aspects of consultation to third parties. This document provides general information about the Ontario Crown's approach to delegation of the procedural aspects of consultation to proponents.

This document is not intended to instruct a proponent about an individual project, and it does not constitute legal advice.

## **II. WHY IS IT NECESSARY TO CONSULT WITH ABORIGINAL COMMUNITIES?**

The objective of the modern law of Aboriginal and treaty rights is the *reconciliation* of Aboriginal peoples and non-Aboriginal peoples and their respective rights, claims and interests. Consultation is an important component of the reconciliation process.

The Crown has a legal duty to consult Aboriginal communities when it has knowledge of an existing or asserted Aboriginal or treaty right and contemplates conduct that might adversely impact that right. For example, the Crown's duty to consult is triggered when it considers issuing a permit, authorization or approval for a project which has the potential to adversely impact an Aboriginal right, such as the right to hunt, fish, or trap in a particular area.

The scope of consultation required in particular circumstances ranges across a spectrum depending on both the nature of the asserted or established right and the seriousness of the potential adverse impacts on that right.

Depending on the particular circumstances, the Crown may also need to take steps to accommodate the potentially impacted Aboriginal or treaty right. For example, the Crown may be required to avoid or minimize the potential adverse impacts of the project.

## **III. THE CROWN'S ROLE AND RESPONSIBILITIES IN THE DELEGATED CONSULTATION PROCESS**

The Crown has the responsibility for ensuring that the duty to consult, and accommodate where appropriate, is met. However, the Crown may delegate the procedural aspects of consultation to a proponent.

There are different ways in which the Crown may delegate the procedural aspects of consultation to a proponent, including through a letter, a memorandum of understanding, legislation, regulation, policy and codes of practice.

If the Crown decides to delegate procedural aspects of consultation, the Crown will generally:

- Ensure that the delegation of procedural aspects of consultation and the responsibilities of the proponent are clearly communicated to the proponent;
- Identify which Aboriginal communities must be consulted;
- Provide contact information for the Aboriginal communities;
- Revise, as necessary, the list of Aboriginal communities to be consulted as new information becomes available and is assessed by the Crown;
- Assess the scope of consultation owed to the Aboriginal communities;



- Maintain appropriate oversight of the actions taken by the proponent in fulfilling the procedural aspects of consultation;
- Assess the adequacy of consultation that is undertaken and any accommodation that may be required;
- Provide a contact within any responsible ministry in case issues arise that require direction from the Crown; and
- Participate in the consultation process as necessary and as determined by the Crown.

#### **IV. THE PROPONENT'S ROLE AND RESPONSIBILITIES IN THE DELEGATED CONSULTATION PROCESS**

Where aspects of the consultation process have been delegated to a proponent, the Crown, in meeting its duty to consult, will rely on the proponent's consultation activities and documentation of those activities. The consultation process informs the Crown's decision of whether or not to approve a proposed project or activity.

A proponent's role and responsibilities will vary depending on a variety of factors including the extent of consultation required in the circumstance and the procedural aspects of consultation the Crown has delegated to it. Proponents are often in a better position than the Crown to discuss a project and its potential impacts with Aboriginal communities and to determine ways to avoid or minimize the adverse impacts of a project.

A proponent can raise issues or questions with the Crown at any time during the consultation process. If issues or concerns arise during the consultation that cannot be addressed by the proponent, the proponent should contact the Crown.

##### **a) What might a proponent be required to do in carrying out the procedural aspects of consultation?**

Where the Crown delegates procedural aspects of consultation, it is often the proponent's responsibility to provide notice of the proposed project to the identified Aboriginal communities. The notice should indicate that the Crown has delegated the procedural aspects of consultation to the proponent and should include the following information:

- a description of the proposed project or activity;
- mapping;
- proposed timelines;
- details regarding anticipated environmental and other impacts;
- details regarding opportunities to comment; and
- any changes to the proposed project that have been made for seasonal conditions or other factors, where relevant.

Proponents should provide enough information and time to allow Aboriginal communities to provide meaningful feedback regarding the potential impacts of the project. Depending on the nature of consultation required for a project, a proponent also may be required to:

- provide the Crown with copies of any consultation plans prepared and an opportunity to review and comment;
- ensure that any necessary follow-up discussions with Aboriginal communities take place in a timely manner, including to confirm receipt of information, share and update information and to address questions or concerns that may arise;
- as appropriate, discuss with Aboriginal communities potential mitigation measures and/or changes to the project in response to concerns raised by Aboriginal communities;
- use language that is accessible and not overly technical, and translate material into Aboriginal languages where requested or appropriate;
- bear the reasonable costs associated with the consultation process such as, but not limited to, meeting hall rental, meal costs, document translation(s), or to address technical & capacity issues;
- provide the Crown with all the details about potential impacts on established or asserted Aboriginal or treaty rights, how these concerns have been considered and addressed by the proponent and the Aboriginal communities and any steps taken to mitigate the potential impacts;
- provide the Crown with complete and accurate documentation from these meetings and communications; and
- notify the Crown immediately if an Aboriginal community not identified by the Crown approaches the proponent seeking consultation opportunities.

**b) What documentation and reporting does the Crown need from the proponent?**

Proponents should keep records of all communications with the Aboriginal communities involved in the consultation process and any information provided to these Aboriginal communities.

As the Crown is required to assess the adequacy of consultation, it needs documentation to satisfy itself that the proponent has fulfilled the procedural aspects of consultation delegated to it. The documentation required would typically include:

- the date of meetings, the agendas, any materials distributed, those in attendance and copies of any minutes prepared;
- the description of the proposed project that was shared at the meeting;
- any and all concerns or other feedback provided by the communities;
- any information that was shared by a community in relation to its asserted or established Aboriginal or treaty rights and any potential adverse impacts of the proposed activity, approval or disposition on such rights;

- any proposed project changes or mitigation measures that were discussed, and feedback from Aboriginal communities about the proposed changes and measures;
- any commitments made by the proponent in response to any concerns raised, and feedback from Aboriginal communities on those commitments;
- copies of correspondence to or from Aboriginal communities, and any materials distributed electronically or by mail;
- information regarding any financial assistance provided by the proponent to enable participation by Aboriginal communities in the consultation;
- periodic consultation progress reports or copies of meeting notes if requested by the Crown;
- a summary of how the delegated aspects of consultation were carried out and the results; and
- a summary of issues raised by the Aboriginal communities, how the issues were addressed and any outstanding issues.

In certain circumstances, the Crown may share and discuss the proponent's consultation record with an Aboriginal community to ensure that it is an accurate reflection of the consultation process.

**c) Will the Crown require a proponent to provide information about its commercial arrangements with Aboriginal communities?**

The Crown may require a proponent to share information about aspects of commercial arrangements between the proponent and Aboriginal communities where the arrangements:

- include elements that are directed at mitigating or otherwise addressing impacts of the project;
- include securing an Aboriginal community's support for the project; or
- may potentially affect the obligations of the Crown to the Aboriginal communities.

The proponent should make every reasonable effort to exempt the Crown from confidentiality provisions in commercial arrangements with Aboriginal communities to the extent necessary to allow this information to be shared with the Crown.

The Crown cannot guarantee that information shared with the Crown will remain confidential. Confidential commercial information should not be provided to the Crown as part of the consultation record if it is not relevant to the duty to consult or otherwise required to be submitted to the Crown as part of the regulatory process.

**V. WHAT ARE THE ROLES AND RESPONSIBILITIES OF ABORIGINAL COMMUNITIES' IN THE CONSULTATION PROCESS?**

Like the Crown, Aboriginal communities are expected to engage in consultation in good faith. This includes:

- responding to the consultation notice;
- engaging in the proposed consultation process;
- providing relevant information;
- clearly articulating the potential impacts of the proposed project on Aboriginal or treaty rights; and
- discussing ways to mitigate any adverse impacts.

Some Aboriginal communities have developed tools, such as consultation protocols, policies or processes that provide guidance on how they would prefer to be consulted. Although not legally binding, proponents are encouraged to respect these community processes where it is reasonable to do so. Please note that there is no obligation for a proponent to pay a fee to an Aboriginal community in order to enter into a consultation process.

To ensure that the Crown is aware of existing community consultation protocols, proponents should contact the relevant Crown ministry when presented with a consultation protocol by an Aboriginal community or anyone purporting to be a representative of an Aboriginal community.

## **VI. WHAT IF MORE THAN ONE PROVINCIAL CROWN MINISTRY IS INVOLVED IN APPROVING A PROPONENT'S PROJECT?**

Depending on the project and the required permits or approvals, one or more ministries may delegate procedural aspects of the Crown's duty to consult to the proponent. The proponent may contact individual ministries for guidance related to the delegation of procedural aspects of consultation for ministry-specific permits/approvals required for the project in question. Proponents are encouraged to seek input from all involved Crown ministries sooner rather than later.