

1.0 THE ENVIRONMENTAL ASSESSMENT PROCESS

1.1 THE ONTARIO ENVIRONMENTAL ASSESSMENT ACT

The Ministry of Transportation's *Class Environmental Assessment for Provincial Transportation Facilities* (MTO Class EA) was approved under the Ontario Environmental Assessment Act in the fall of 1999 and amended in 2000. This planning document defines groups of projects and activities, and the environmental assessment processes that MTO has committed to follow for these projects. Provided that the MTO Class EA process is followed and its requirements are met for a project, the requirements of the Ontario Environmental Assessment (EA Act) are fulfilled so a separate, individual approval under the EA Act is not required. The MTO Class EA process follows a principle based approach.

This project is following the Class EA process for Group 'B' projects. Group 'B' projects are major improvements to provincial transportation facilities and generally include:

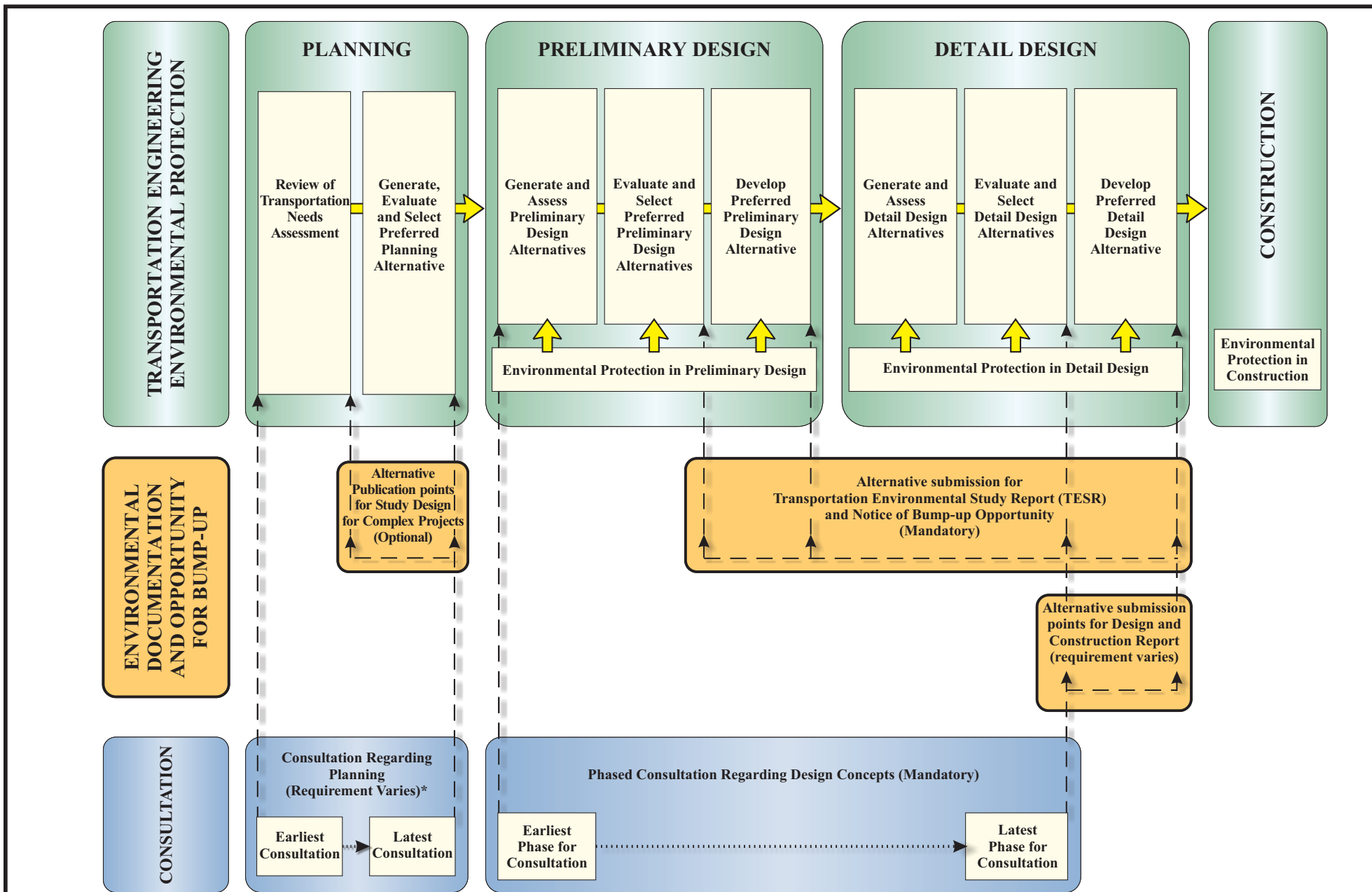
- Improvements to existing highways and freeways providing a significant increase in capacity;
- New interchanges or modifications to existing interchanges;
- Major realignments;
- New or modified water crossings or watercourse alterations; and
- New highway service facilities.

The Class EA process for Group 'B' projects is shown in **Exhibit 1-1**.

The Class EA process for a Group 'B' project includes submission of a Transportation Environmental Study Report (TESR). This TESR will be filed for a 30-day period of public and external agency review. If concerns are raised during this review period that cannot be resolved through discussions with MTO, members of the public, interested groups or technical agencies may request the Minister of the Environment to make a Part II Order (i.e. bump-up) for this project, thereby requiring an individual environmental assessment. This would require submission of a formal letter (as required by Section 5 (1) of the Ontario Environmental Assessment Act) to the Ministry of the Environment (MOE) for formal review and approval.

The decision whether a Part II Order (i.e. bump-up) is appropriate or necessary rests with the Minister of the Environment.

If no Part II Orders are outstanding by the end of the 30-day review period, the project is considered to have met the requirements of the Class EA, and MTO may proceed to tender and construct the project subject to resolving any commitments documented in this TESR during the subsequent design phases and obtaining any other outstanding environmental approvals. Resolution of commitments and minor changes from the Recommended Plan will be documented in a Design and Construction Report prepared during detail design.



*Mandatory if a Study Design is prepared.

Source: Class Environmental Assessment for Provincial Transportation Facilities (2000)



G.W.P. 6053-03-00
 Highway 17 Four-Laning between
 the Manitoba/Ontario Border
 and Gundy Lake Road

Class EA Process for Group B Projects

EXHIBIT
 1-1

1.2 THE CANADIAN ENVIRONMENTAL ASSESSMENT ACT AND THE BUILDING CANADA PLAN

The Canadian Environmental Assessment Act (CEAA) is usually “triggered” by:

- Need for Federal funding
- Need for Federal lands (including First Nation lands)
- Issuance of a Federal approval identified on the Law List.

This project is receiving federal funding through the Building Canada Plan. Federal Environmental Assessment review is required for this project in accordance with Section 5 of the Canadian Environmental Assessment Act (CEAA).

1.3 OTHER APPROVAL REQUIREMENTS

- *Navigable Waters Protection Act*

Navigable waters have not been identified by Transport Canada, therefore approvals under the Navigable Waters Protection Act are not anticipated at this time.

- *Federal Fisheries Act*

A fisheries assessment was carried out as part of this Route Planning and Preliminary Design Study in accordance with the Department of Fisheries and Oceans (DFO) / MTO / MNR Fisheries Protocol (2006). It has not been determined whether the proposed works will result in a Harmful Alteration, Disruption or Destruction (HADD) of fish habitat. In accordance with the Protocol, the appropriate “no HADD” / “HADD” forms and supporting analysis / documentation will be provided to MTO. Once design details and potential effects are confirmed during the subsequent detailed design process, the package shall be provided to DFO and copied to MNR, for their information. This consultation will determine whether approval is required under the *Fisheries Act*, and whether DFO will be a Responsible Authority. It is recognized that DFO, along with other federal agencies, may wish to be involved as a Federal Authority.

1.4 PURPOSE OF THE TRANSPORTATION ENVIRONMENTAL STUDY REPORT

This TESR documents the environmentally significant aspects of the planning, design and construction for the improvements to a 5 km section of Highway 17 from the Manitoba / Ontario border easterly, as a Group ‘B’ project as defined in the MTO Class EA (2000).

The TESR includes a description of the project and its purpose; the existing, natural, social, economic and cultural environmental factors; the analysis / evaluation of alternatives that were considered, the anticipated environmental effects and proposed mitigation measures; and commitments to further work, consultation, and monitoring associated with the implementation of the project.

Additional information about the Class Environmental Assessment process for Group ‘B’ projects is contained in the MTO Class EA (2000).

This TESR is being made available to the public, other interested parties and external agencies for a 30 day review as required under the MTO Class EA. A notice of TESR submission was placed in local newspapers and letters were mailed to notify government agencies, stakeholders and members of the public on the Project Team's mailing list. During the review period, parties are encouraged to bring their project concerns to the attention of the MTO. If after consulting with the MTO's consultants and staff, you have serious unresolved concerns, you have the right to request the Minister of the Environment (135 St Clair Avenue West, Toronto, Ontario, M4V 1P5) to make a Part II Order (i.e. bump-up) for this project. A copy of the bump-up request should also be sent to the address below.

Mr. Dan Preley, P.Eng.

Senior Project Engineer
Ministry of Transportation
615 James Street South
Thunder Bay, ON, P7E 6P6
Phone: 1-800-465-5034 or (807) 473-2145
Fax: (807) 473-2168
Email: dan.preley@ontario.ca