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## 2. Environmental Assessment Requirements

The EA for the proposed 407 East Transportation Corridor is a multi-jurisdictional assessment, subject to both Provincial and Federal EA requirements. These requirements are summarized below.

### 2.1 Canadian Environmental Assessment Act

The proposed 407 East Transportation Corridor must address the Federal EA requirements in accordance with the *Canadian Environmental Assessment Act* (CEAA) for the following reasons:

1. The proposed 407 East Transportation Corridor is considered to be a “physical work” and is therefore considered a “Project” under CEAA.
2. The 407 East Transportation Corridor is not described or listed in the Exclusion List Regulations, and therefore not specifically excluded from an EA under CEAA.
3. There are several ‘triggers’ for an EA under CEAA specific to this Undertaking: Federal Lands are required to enable this Undertaking to be carried out, and the Federal government will need to exercise regulatory duties in relation to the Undertaking (i.e., issue a permit or license that is included in the Law List Regulations pursuant to CEAA).

The Canadian Environmental Assessment Agency (CEA Agency) confirmed that MTO’s Undertaking is subject to a Screening level assessment under the CEAA. Although the requirements of both the CEAA and OEAA have been co-ordinated during the EA process, two separate, but complimentary reports have been prepared.

The scope of the environmental assessment under CEAA includes all the factors identified in paragraphs 16(1) (a) to (d) of the CEAA and, as provided for under paragraph 16(1) (e), any other matter that the Responsible Authorities (RAs) require to be considered. Paragraphs 16(1) (a) to (d) require that the following factors be included:

- a) *the environmental effects of the project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out;*
- b) *the significance of the effects referred to in paragraph (a);*
- c) *comments from the public that are received in accordance with this Act and the regulations;*
- d) *measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project; and*
- e) *any other matter relevant to the screening, such as the need for the project and alternatives to the project, that the responsible authority or, except in the case of a screening, the Minister after consulting with the responsible authority, may require to be considered.*

In accordance with CEAA, the term “environment” means the components of the Earth, and includes:

- a) *land, water and air, including all layers of the atmosphere,*
- b) *all organic and inorganic matter and living organisms, and*
- c) *the interacting natural systems that include components referred to in paragraphs (a) and (b).*

In accordance with CEAA, the term “environmental effect” means, in respect of a project,

- a) *any change that the project may cause in the environment, including any change it may cause to a listed wildlife species, its critical habitat or the residences of individuals of that species, as those terms are defined in subsection 2(1) of the Species at Risk Act,*
- b) *any effect of any change referred to in paragraph (a) on*
  - i) *health and socio-economic conditions,*
  - ii) *physical and cultural heritage,*
  - iii) *the current use of lands and resources for traditional purposes by aboriginal persons, or*
  - iv) *any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, or*
- c) *any change to the project that may be caused by the environment, whether any such change or effect occurs within or outside Canada.*

As provided for under paragraph 16(1) (e), the other matters that the Responsible Authorities may require to be considered are outlined in the EA Guidelines. **Appendix A** provides a copy of the EA Guidelines and **Table A-1** in Appendix A summarizes how the requirements of the CEAA, as outlined in the EA Guidelines were satisfied in preparing the 407 East Environmental Screening Report.

## 2.2 Ontario Environmental Assessment Act

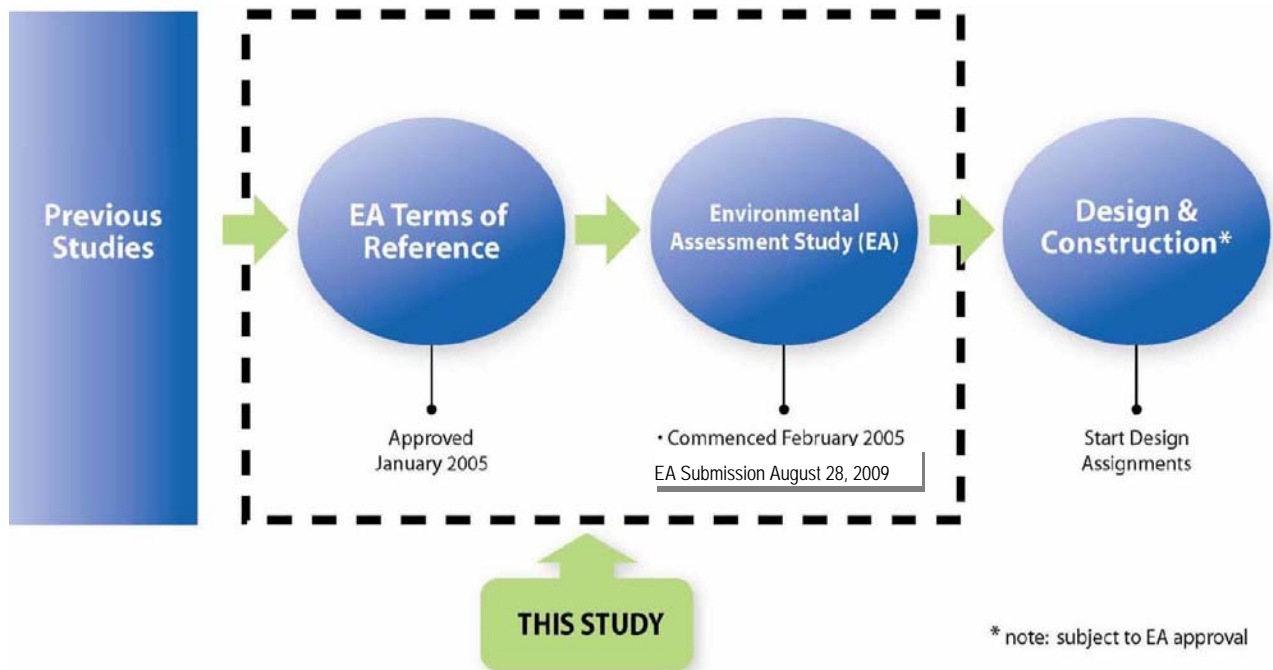
The EA for MTO’s Undertaking is being undertaken in accordance with the Provincial EA requirements as set out in the Ontario Environmental Assessment Act (OEAA).

As per Section 6(2)(a) of the OEAA, the 407 East Transportation Corridor EA was prepared in accordance with the requirements set out in subsection 6.1(2) of the OEAA. Subsection 6.1(2) states that subject to subsection 6.1(3) of the OEAA, the EA must consist of the following:

- a) *a description of the purpose of the Undertaking;*
- b) *a description of and a statement of the rationale for,*
  - i) *the Undertaking,*
  - ii) *the alternative methods of carrying out the Undertaking, and*
  - iii) *the alternatives to the Undertaking;*

- c) a description of,
  - i) the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly,
  - ii) the effects that will be caused or that might reasonably be expected to be caused to the environment, and
  - iii) the actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment,
  - iv) by the Undertaking, the alternative methods of carrying out the Undertaking, and the alternatives to the Undertaking;
- d) an evaluation of the advantages and disadvantages to the environment of the Undertaking, the alternative methods of carrying out the Undertaking and the alternatives to the Undertaking; and
- e) a description of any consultation about the Undertaking by the proponent and the results of the consultation.

These requirements of the OEAA were addressed in the Terms of Reference (ToR) prepared in accordance with the OEAA, which was approved by Ontario's Minister of the Environment on January 17, 2005.



**Figure 2-1 Provincial EA Process**