



REGULATORY AGENCY GROUP (RAG)

MEETING SUMMARY #4

DRAFT, SUBJECT TO RATIFICATION AT NEXT RAG MEETING

Note: If any of the contents of this meeting report differ in any respect from your own recollection of the points discussed or decisions reached, please notify us immediately. In the meantime, we will proceed in accordance with the understanding described herein.

LOCATION: Ministry of Transportation, Building "D", 3rd Floor, Downsview

PRESENT:

Staff Sergeant Greg Sweeney	OPP
Ken Armstrong	GO Transit
Gemma Connolly	MOE
Paul Schafer	CEAA
Tim Rance	MNR
Perry Sisson	CLOCA
John Slobodzian	MTO
Theresa Olender	MTO
Linda Fischer	MTO
Doug Allingham	TSH
Colleen O'Toole	TSH

This summary report contains the questions, comments and responses that were put forth during the fourth meeting of the Regulatory Agency Group. The questions asked, and comments made by attendees are noted in italics. The response is written below each question or comment. General comments are noted in bold.

PURPOSE: To discuss the Project Status and Next Steps

Action By

1.0 Introductions

Attendees introduced themselves and their affiliation. D. Allingham gave a presentation regarding the Project Status and Next Steps (attached). Following the presentation, RAG members were encouraged to ask any questions of clarifications.

2.0 Question and Answer Period

D. Allingham noted that the need and justification will be re-visited during the Individual EA (IEA) process.

Will the Richmond Landfill court decision confuse the EA TOR process? It could be better that the Project Team take the position that new case law has been introduced and the EA TOR is being revised to adhere to the new case law.

J. Slobodzian replied that the Project Team cannot "hide" the Richmond Landfill decision. There are some individuals in Durham Region that are in possession of this knowledge. It is preferred that the Project Team deals with it upfront. *MOE can be available for Public Open Houses to help answer questions regarding the EA process.*

Action By

The Attorney General has sought “intervener’s status” on the Richmond Landfill appeal. The Attorney General is concerned regarding ministerial discretionary powers.

What is the difference between a TOR and an unscoped EA?

D. Allingham replied the TOR was meant to allow the proponent to “scope” out unreasonable alternatives and seek approval from MOE of a workplan for the EA. There has also been concern expressed by the public that a “scoped” or focussed” EA is not as rigorous as an Individual EA. The TOR gave the opportunity for the public and agencies to comment on the need/justification and “alternatives to the undertaking” at an earlier step prior to the filing of the EA.

Highway 407 is needed through Durham Region. Highway 401 is very congested through Oshawa and this delay in the process is not going to help matters.

Comment noted.

What have been the reasons for the delay of the TOR?

J. Slobodzian replied that time was taken to allow the new provincial government to examine their transportation planning program. A new consultation program has also taken time to develop. A Process Enhancement Committee has been formed to look at improvement to the public/agency involvement process for the Individual EA. Over the past several months, the Ministry of Transportation prepared an annotated Table of Contents for TOR projects and has been working with the Ministry of Environment.

Why is the timeline for review of the EA TOR so long?

J. Slobodzian replied that the Project Team has allowed for a 90-day pre-submission review. The Project Team is planning to come back out to the Advisory Groups with a revised draft TOR in April.

How do the changes to the EA TOR impact federal-provincial co-ordination?

J. Slobodzian replied that MTO was hoping that CEAA would be triggered at the end of the TOR. It is expected that now CEAA would not be triggered until the end of the Alternatives to the Undertaking/Determination of the Study Area phase of the EA. **It is anticipated that CEAA will participate through the process until a trigger is seen. It is acknowledged that commitment is required in the TOR for federal-provincial co-ordination.**

Action By

Has there been any timeline established for design/construction?

D. Allingham noted that a timeline for design/construction cannot be determined until a route is selected and then protected. TSH is working on a schedule for the EA, based on approval of the TOR in December 2004. J. Slobodzian added that design/construction cannot be forecasted until more details are known regarding fiscal availability for the project. At this time the largest problem facing the Project Team is determining a route so that property can be protected, if required.

GO Transit would like to work with MTO to co-ordinate location of the BRT stations for Pickering.

Has the level of federal environmental assessment been determined?

J. Slobodzian answered that if federal money was to be involved, a comprehensive study would be required under CEAA. However, at this time, the federal government has not offered this. A decision between a screening or comprehensive will be determined during the EA. It is possible that two agencies can be scooping under two different aspects of CEAA. For example, Transport Canada because of funding participation and the Department of Fisheries and Oceans because of river/creek crossings.

During the last review of the TOR, a number of concerns were raised regarding the components of the documentation. Are you going to be working with regulatory agencies to have these concerns dealt with?

J. Slobodzian replied that the comments previously received will be dealt with at the appropriate stage of the EA TOR or the Individual EA. Specific components of the environmental workplans cannot be included in the TOR. These concerns will be addressed in the first stages of the Individual EA. It is important to note that these comments are not lost. D. Allingham replied that an Executive Summary/Preamble "For Consultation Purposes" will be provided for the draft EA TOR to help agencies/public understand what changes have been made to the documentation. This Preamble will not be included in the submission of the EA TOR to MOE.

How has this decision impacted other provincial projects?

J. Slobodzian responded that the Border Partnership Transportation Study (Ontario-Michigan) has international commitments and the TOR has been revised and is moving ahead with pre-submission review. MPTC/Highway 427/GTA North are moving slower than the Highway 407 East Completion project. J. Slobodzian added that MTO and the Project Team may be consulting with agencies on an as-needed basis. If any agencies have ideas on: How we re-examine need; How we evaluate and assess alternatives to the undertaking; or How we consult during the Individual EA, to please pass them on to the Project Team through either himself, Doug Allingham or Colleen O'Toole.

END OF MEETING REPORT

-CO