

2.0 STUDY PROCESS AND EA REQUIREMENTS

The Downtown Ottawa Transit Tunnel project proposed by the City of Ottawa, has followed the requirements of Ontario's Transit Project Assessment Process [Ontario Regulation 231/08, Transit Projects and Greater Toronto Authority Undertakings (2008)] and the requirements of the *Canadian Environmental Assessment Act (CEAA)*. Both processes have been coordinated pursuant to the principles identified in the guide entitled, *Federal/Provincial Environmental Assessment Coordination in Ontario: A Guide for Proponents and the Public* (June 2007).

Sections Include:

- 2.1 Ontario Environmental Assessment Act
- 2.2 Canadian Environmental Assessment Act
- 2.3 Coordinated Environmental Assessment Phase



2.1 Ontario Environmental Assessment Act

The purpose of the *Ontario Environmental Assessment Act* is to help protect and conserve Ontario's environment by ensuring that projects subject to the Act follow a planning process leading to environmentally sound decision-making.

An environmental assessment involves identifying and planning for environmental issues and effects prior to implementing a project. The process allows for opportunities for public involvement in the decision-making process of the project. The planning and assessment is summarized in an Environmental Assessment report prepared by the proponent of the project and is subject to review by the public and government agencies.

The proposed project will be assessed in accordance with the Transit Project Assessment Process as prescribed in Ontario Regulation 231/08, *Transit Projects and Greater Toronto Authority Undertakings* (2008).

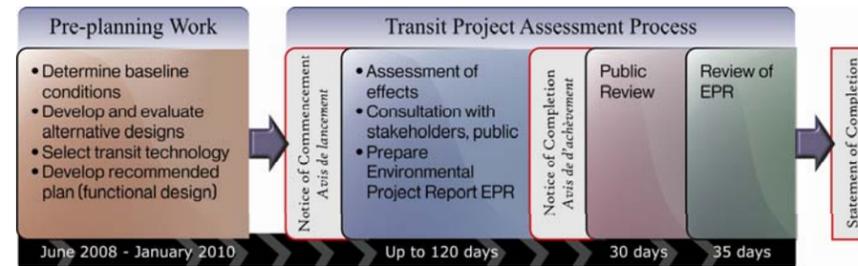
2.1.1 Transit EAs

The Transit Project Assessment Process outlined in Ontario Regulation 231/08 provides a framework for an accelerated consultation and review process regarding the assessment of the potential environmental effects of a transit project, to enable decision-making within six months from the time an Environmental Assessment Study is launched.

The DOTT study is the City's first project to follow the expedited maximum six-month EA process for transit projects. Ontario Regulation 231/08 came into effect in June 2008 and allows proponents to build upon past planning decisions to advance a transit project through an EA. In developing Regulation 231/08, the Province assumes that a detailed planning effort is completed resulting in a recommended solution before the Environmental Assessment process is initiated. The results of the planning study for the DOTT project (i.e. the functional design) were approved by Ottawa City Council on 13 January 2010.

The Ministry of the Environment has developed a guide to the Transit Project Assessment Process. This process is summarized in the following subsections and illustrated in Figure 2-1.

Figure 2-1: Transit Project Assessment Process



2.1.1.1 Project Planning Phase

The project planning phase for the DOTT study commenced in June 2008, and culminated with Ottawa City Council's approval of the Recommended Plan on 13 January 2010.

During the project planning phase, the work concentrated on taking the vision and direction outlined in the TMP and developing a detailed plan for the functional design of the project. Extensive public consultation (as outlined in Section 4.0) was undertaken as a part of this process.

2.1.1.2 Transit Project Assessment Phase

The Transit Project Assessment Phase of the project was designed to meet the Province of Ontario's Transit Project Assessment Process as prescribed in Ontario Regulation 231/08. The six-month EA transit process is primarily for public consultation, documentation, and provincial approval of the Environmental Project Report (EPR). Once the EPR is submitted to the Ministry of the Environment, the approval period is 35 days (this is within the six-month timeline). If the Minister does not render a decision by the end of the 35th day, the project is considered approved. Should there be bump-up requests, the scope of those requests is now limited to matters of provincial interest only: natural environment; cultural heritage

values or interests; and constitutionally protected aboriginal or treaty rights.

2.2 Canadian Environmental Assessment Act

The Canadian Environmental Assessment Act (the Act), applies to federal authorities when they contemplate certain action or decisions in relation to a project that would enable it to proceed in whole or in part. A federal environmental assessment (EA) may be required when a federal authority:

- is the proponent of the project;
- provides financial assistance to the proponent;
- sells, leases or otherwise disposes of federal lands; or
- issues a permit, license or any other approval as prescribed in the Law List Regulations.

A federal environmental screening report documents the environmental effects of a proposed project and determines the need to eliminate or mitigate adverse effects, to modify the project or recommend further assessment requirements.

2.2.1 Federal Contacts – Responsible Authority and other Federal Authorities

The Canadian Environmental Assessment Agency (CEAA) will act as the federal environmental assessment coordinator (FEAC) for the assessment. The Agency provides a single window into the federal EA for the proponent, their consultants, the public, and the provincial Ministry of the Environment. The FEAC also acts as the one window out to all these groups for the federal EA team. Responsible authorities will have a decision-making role in respect to the project. Through consultation, the CEAA has confirmed federal assessment requirements by the following federal authorities:

The National Capital Commission (NCC): Will require an EA of the project under Section 5(1)(c) of the Act as the project may require the sale, lease or disposition of certain NCC lands. Further, the NCC has regulatory duties relating to article 10-12 of the *National Capital Act* and will have interests in land use

approvals, design approvals and development associated with those, and adjacent to public lands (NCC, PWGSC, and Parks Canada).

Public Works and Government Services Canada (PWGSC): Will require an EA under Section 5(1)(c) of the Act as the project may require the sale, lease or disposition of certain PWGSC lands.

Parks Canada (Parks): Will require an EA under Section 5(1)(c) of the Act. The potential trigger is in relation to allowing the City of Ottawa to access and occupy the subject property under authority of a land use agreement, such as a lease, easement issued by Parks Canada Agency in relation to the Rideau Canal National Historic Site of Canada.

Fisheries and Oceans (DFO): May require an EA under Section 5(1)(d) of the Act as an authorization may be required pursuant to the Fisheries Act, Section 35(2) in relation to any potential works in/near the Rideau River that may harmfully alter, disrupt or destroy fish habitat (commonly known as a HADD authorization).

The Canadian Transportation Agency (CTA): May require an EA of the project under Section 5(1)(d) of the Act as an approval or authorization may be required pursuant to the *Canadian Transportation Act* under Section 98(2) and 99(3).

Transport Canada (TC) and/or Infrastructure Canada (INFC): May require an EA under Section 5(1)(b) of the Act as the project may receive federal funding (commonly known as the federal funding trigger). Funding is to be determined.

Natural Resources Canada (NRCan): May require an EA should the need be identified for issuing a licence under the *Explosives Act*.

2.3 Coordinated Environmental Assessment Phase

As this project is undergoing an EA under the Canadian Environmental Assessment Act and Ontario's *Transit Project Assessment Process*, both processes are being coordinated pursuant to the principles identified in the guide entitled *Federal/Provincial Environmental Assessment Coordination in Ontario: A Guide for Proponents and the Public* (June 2007). Accordingly, the City of Ottawa as proponent, in consultation with the Provincial and Federal governments, considered ways to maximize efficiencies with respect to data collection, criteria for assessing impacts of the transit project, consultation and other requirements that meet the needs of both the provincial and federal processes. Within this coordinated framework, a separate federal Screening Report, based on the assessment documented in this report, will be prepared to support federal decision-making.

The goal of a coordinated process is to ensure that the study generates the type and quality of information required to satisfy both the *Canadian Environmental Assessment Act* and the Ontario's Transit Project Assessment Process, and provides findings on the environmental effects of the proposed project required for decision-making by the respective parties.