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13. Environmental Assessment Determination

13.1 Conclusions of the Ontario Ministry of Transportation

Based on the authority provided in subsection 17(1) of the CEAA, Transport Canada and Fisheries and Oceans Canada delegated the preparation of an Environmental Screening Report for the 407 East Transportation Corridor to the MTO. This report, fulfills the requirements of the *Canadian Environmental Assessment Act* and is based on EA Guidelines issued by Transport Canada and Fisheries and Oceans Canada in April 2009. This report was also prepared in conjunction with the 407 East EA (i.e., the Provincial EA) that was completed in accordance with Ontario's *Environmental Assessment Act* and Terms of Reference approved by the Ontario Minister of Environment in November 2004.

MTO was requested to submit this Environmental Screening Report and any supporting technical studies requested to the Canadian Environmental Assessment Agency, in its capacity as the Federal Environmental Assessment Coordinator (FEAC). This Environmental Screening Report, together with any additional technical studies that are prepared to support it and/or the Provincial EA, are to be used by federal departments in assessing the Projects subject to Federal EA.

MTO, having completed this Environmental Screening Report, is confident that it reflects the underlying principles of sound EA, meets the requirements of the *Canadian Environmental Assessment Act* and the requirements and/or considerations set out in the EA Guidelines. The Environmental Screening Report also reflects the results of extensive agency and public consultation, including consultation with Aboriginal Peoples undertaken as part of the 407 East EA (i.e., the Provincial EA).

The Environmental Screening Report, and MTO in preparing it, have concluded that taking into account the implementation of the identified mitigation measures, the Projects subject to Federal EA and indeed the 407 East Transportation Corridor are not likely to cause significant adverse environmental effects. Furthermore, the proposed monitoring and follow-up commitments made as part of the Provincial EA, and those that will be made as part of Federal and Provincial permitting and approval processes, will ensure that the environmental safeguards outlined in the Environmental Screening Report are implemented; that the accuracy of the predictions made in the Environmental Screening report are verified, and confirm that the mitigation measures are, in fact, effective.

Environmental Screening Project Report Prepared By:

Name: Dan Remollino Date: December 18, 2009

Title: Project Manager



Organization: Ontario Ministry of Transportation

13.2 Determination of the Responsible Authorities

Section 20(1) of the *Canadian Environmental Assessment Act* requires that the Responsible Authorities select one of three possible courses of action with respect to the Projects subject to Federal EA that are part of the 407 East Transportation Corridor following consideration of this Environmental Screening Report and any comments submitted by the public related to the Environmental Screening Report. The three available courses of action in Section 20(10) are:

“(a) subject to subparagraph (c)(iii), where, taking into account the implementation of any mitigation measures that the responsible authority considers appropriate, the project is not likely to cause significant adverse environmental effects, the responsible authority may exercise any power or perform any duty or function that would permit the project to be carried out and shall ensure that any mitigation measures that the responsible authority considers appropriate are implemented;

(b) where, taking into account the implementation of any mitigation measures that the responsible authority considers appropriate, the project is likely to cause significant adverse environmental effects that cannot be justified in the circumstances, the responsible authority shall not exercise any power or perform any duty or function conferred on it by or under any Act of parliament that would permit the project to be carried out in whole or in part; or

(c) where

- it is uncertain whether the project, taking into account the implementation of any mitigation measures that the responsible authority considers appropriate, is likely to cause significant adverse environmental effects.*
- the project, taking into account the implementation of any mitigation measures that the responsible authority considers appropriate, is likely to cause significant adverse environmental effects and paragraph (b) does not apply, or*
- public concerns warrant a reference to a mediator or a review panel.*

The responsible authority shall refer the project to the Minister for a referral to a mediator or a review panel in accordance with section 29.”

Transport Canada and Fisheries and Oceans Canada, as the RAs for the Projects subject to Federal EA, must establish whether these Projects are likely to cause any significant adverse environmental effects thus determining which of the three available courses of action will be taken.

Further, pursuant to section 39 of the *Canadian Environmental Assessment Act*, the RAs must certify on behalf of the Federal Minister of Environment that an environmental assessment has been completed in accordance with the requirements of *the Act*. To this end, the following representatives of the Responsible Authority have reviewed the Environmental Screening Report prepared by MTO and agree that it meets the requirements of the *Canadian Environmental Assessment Act*.

The following representatives further agree that the RAs can proceed to exercise the powers or performs the duties or functions referred to in paragraph 5(1)(c) of *the Act* and have accepted responsibility for ensuring the implementation of all applicable mitigation measures and follow-up programs, if any, identified in this report.

Environmental Screening Report Reviewed and Approved By:

Name: _____ Date: _____

Title: _____

Organization: _____

Environmental Screening Report Reviewed and Approved By:

Name: _____ Date: _____

Title: _____

Organization: _____