

# B

## **Appendix B: Review Agency Correspondence**



## Meeting Minutes

**Meeting:** Ministry of Environment, Conservation and Parks Environmental Assessment Branch Pre-Consultation Meeting

**Project:** Niagara Region Escarpment Crossing IEA ToR

**Date and Time:** Thursday March 30, 2023, 11:00 am to 12:00 pm

**Location:** Virtual Meeting (MS Teams)

**Attendees:**

Name	Company
Maged Elmadhoon	Niagara Region
Scott Fraser	Niagara Region
Ayat Khalil	Niagara Region
Ian Dobrindt	GHD
Gillian (Gillie) Thompson	CIMA+
Alejandra (Ali) Boyer	CIMA+
Andrew Evers	Manager, Environmental Assessment Services, MECP
Catherine Sutherland	Project Officer, MECP
Jon Averill	Senior Advisor / Outreach Program Support, MECP
Taylor Buck	District Supervisor, Niagara District Office, MECP

**Note:** Please advise author immediately of any errors or omissions.

Discussion Topics		Action By
<b>1. Introduction and Meeting Purpose &amp; Objectives</b>		
1.1	All parties introduced themselves and Ian provided an overview of the meeting purpose and objectives as per the power point presentation slide deck.	Info
<b>2. Project Context and History</b>		
2.1	Ian introduced the broader study area associated with the project including Grimsby, Beamsville, Smithville, and Vineland. Some important studies and documents were discussed, and Andrew	Info

Discussion Topics		Action By
	identified that in 2018 MECP helped the Region consider the advantaged and disadvantages of doing an MCEA versus an IEA.	
<b>3. Proposed ToR Approach</b>		
<b>3.1</b>	<p>Ian reviewed the proposed approach for the project including presenting the draft Purpose of the Undertaking and the following preliminary list of 'Alternatives To' the Undertaking for the Ministry's understanding and potential comment:</p> <ul style="list-style-type: none"> <li>- Do Nothing</li> <li>- Implement Additional Traffic Management Measures</li> <li>- Extend Bartlett Road Southerly and Upgrade Park Road on a New Alignment</li> <li>- Construct a New North-South Transportation Crossing between Grimsby and Beamsville</li> </ul>	Info
<b>3.2</b>	<p>The Project Team discussed the various aspects of the ToR process with MECP. The discussion is captured as follows:</p> <ul style="list-style-type: none"> <li>- MECP indicated that the preliminary 'Alternatives To' are consistent with expectations. MECP indicated that a 'scoped' approach is not preferred and may create potential delays in the ToR approvals process.</li> <li>- The Project Team confirmed that the ToR would simply identify the Alternatives To the Undertaking for the future IEA and that the evaluation and selection of the preferred Alternative would be carried out within the IEA, not at the ToR stage.</li> <li>- Andrew indicated that the Ministry would provide the latest Government Review Team (GRT) list for consideration and confirmed that Catherine would be the Project Officer for this project. Gillie indicated that the current GRT (summer 2022) had been used to generate an early draft of the contact list.</li> <li>- Indigenous Communities and contacts have been identified by the Project Team based on current Region projects and consultant team experience. Communities identified are: Mississaugas of the Credit First Nation, Six Nations of the Grand River, and Haudenosaunee Confederacy Chiefs Council (through their delegated contact - HDI). Jon confirmed that these Communities are to be engaged. The Project Team will provide a list of Community contacts, along with a preliminary study area (including sensitive features and alternatives to the undertaking) for MECP to confirm and then provide the delegation of responsibility for Duty to Consult.</li> <li>- Ian confirmed that the ToR process includes providing Indigenous Communities, Agencies, and the Public with a draft ToR for review. MECP supported the release of a draft ToR for review prior to its formal submission for approval. A public</li> </ul>	Info



Discussion Topics		Action By
	information centre is being planned as the primary public engagement forum for this purpose.	
<b>4. MECP Engagement and Communications</b>		
4.1	<p>Andrew confirmed that Catherine will be the MECP Project Officer and will act as the Ministry's 'one window' throughout the project. Andrew requested that the Project Team provide a draft of the Notice of ToR Commencement for the Ministry's review prior to formally launching the project. Catherine agreed to undertake a high-level review of the Draft ToR prior to the Region making it available to Indigenous Communities, Agencies and the Public for review.</p> <p>In terms of frequency of communication – the frequency of contact with the Project Officer (beyond major milestones) is largely at the discretion of the Project Team. MECP is available for more frequent involvement through all stages of the project, as needed.</p>	Info
<b>5. Next Steps</b>		
5.1	The Project Team will provide meeting minutes and the slide deck for the meeting.	CIMA+
5.2	The Project Team will provide the preliminary list of Indigenous Communities and a map of the preliminary study area (including sensitive features) to the Ministry.	CIMA+
5.3	The Ministry will provide the most current GRT list, confirm the Indigenous Communities to be engaged and issue the delegation of responsibility for Duty to Consult to Niagara Region.	MECP
5.4	The Project Team will provide Catherine with the draft Notice of ToR Commencement for the MECP's review closer to the official launch of the project.	CIMA+

End of Minutes

Alejandra Boyer, CIMA+





**From:** Gillian Thompson  
**Sent:** May 12, 2023 8:35 AM  
**To:** cheryl.davis@ontario.ca; rina.kulathinal@ontario.ca;  
xin.weng@ontario.ca  
**Cc:** Elmadhoon, Maged; Khalil, Ayat; Ian Dobrindt; Alejandra Boyer; Michael Chiu  
**Subject:** Niagara Region - Niagara Escarpment Crossing Individual Environmental Assessment Terms of Reference  
**Attachments:** [Niagara Escarpment Crossing Preliminary Study Area.jpg](#)

Good morning, Cheryl, Rina and Xin

Niagara Region will be formally initiating the development of a Terms of Reference (ToR) that will guide the future preparation of an Environmental Assessment (EA) for a north-south transportation crossing of the Niagara Escarpment able to accommodate commercial vehicles and other transportation modes, between the Queen Elizabeth Way (QEW) and Regional Road 20 (potential Smithville Bypass) within the Town of Grimsby, Town of Lincoln, and Township of West Lincoln in Niagara Region. A preliminary study area is depicted in the attached key map.

The north-south link is being considered in order to provide commercial vehicles with a more appropriately designed and efficient routing option for goods movement, which will result in greater safety for local communities as trucks are discouraged from routing through downtown areas.

The Study will be carried out in accordance with the Environmental Assessment Act as an Individual Environmental Assessment. An Individual Environmental Assessment represents a two-step approval process with the first step being the preparation of a Terms of Reference. The Terms of Reference is a document that will set out the framework or work plan for the planning and decision-making process to be followed during preparation of the Environmental Assessment and includes such aspects as the alternatives that will be considered and the consultation activities that will be carried out.

The Terms of Reference is subject to formal review by Government Agencies, Indigenous Communities and the public and is subject to the written approval by the Minister of the Environment, Conservation and Parks.

A formal Notice of Commencement for the Terms of Reference is being planned for mid-June 2023.

MTO is a key stakeholder in the ToR and key approval agency in the future EA. **This purpose of this email is to provide you with advanced information about the upcoming formal study initiation and to request a meeting, as an opportunity for introductions, to discuss MTO's important role in the development of the Terms of Reference, and start to build an understanding of MTO's expectations for the Terms of Reference and future EA.**

We look forward to hearing from you.

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**Gillie Thompson B.Sc., MCIP, RPP**

Senior Planner / Senior Project Manager  
Transportation

T 289 288-0287 ext. :6832

C 519-635-5733

400-3027 Harvester Road Burlington Ontario L7N 3G7



**From:** Gillian Thompson  
**Sent:** May 12, 2023 8:36 AM  
**To:** kim.peters@ontario.ca; amaraine.laven@ontario.ca;  
necgeorgetown@ontario.ca  
**Cc:** Elmadhoon, Maged; Khalil, Ayat; Ian Dobrindt; Alejandra Boyer  
**Subject:** Niagara Region - Niagara Escarpment Crossing Individual Environmental  
Assessment Terms of Reference  
**Attachments:** [Niagara Escarpment Crossing Preliminary Study Area.jpg](#)

Good morning, Kim and Amaraine

Niagara Region will be formally initiating the development of a Terms of Reference (ToR) that will guide the future preparation of an Environmental Assessment (EA) for a north-south transportation crossing of the Niagara Escarpment able to accommodate commercial vehicles and other transportation modes, between the Queen Elizabeth Way (QEW) and Regional Road 20 (potential Smithville Bypass) within the Town of Grimsby, Town of Lincoln, and Township of West Lincoln in Niagara Region. A preliminary study area is depicted in the attached key map.

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The Terms of Reference is subject to formal review by Government Agencies, Indigenous Communities and the public and is subject to the written approval by the Minister of the Environment, Conservation and Parks.

A formal Notice of Commencement for the Terms of Reference is being planned for mid-June 2023.

The Niagara Escarpment Commission (NEC) is a key stakeholder and regulator in both the ToR and the future EA. **This purpose of this email is to provide you with advanced information about the upcoming formal study initiation and to request a meeting, as an opportunity for introductions, to discuss NEC's important role in the development of the Terms of Reference, and start to build an understanding of NEC's expectation for the Terms of Reference and future EA.**

We look forward to hearing from you.

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**Gillie Thompson B.Sc., MCIP, RPP**

Senior Planner / Senior Project Manager  
Transportation

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# Meeting Minutes

**Meeting:** Niagara Escarpment Commission Early Engagement Meeting

**Project:** Niagara Region Escarpment Crossing IEA ToR

**Date and Time:** Thursday, June 22, 2023, 9:30 am to 10:30 am  
Monday, June 26, 2023, 10:00 am to 11:00 am

**Location:** Virtual Meeting (MS Teams)

## Attendees:

Name	Organization
Maged Elmadhoon	Niagara Region
Ayat Khalil	Niagara Region
Scott Fraser	Niagara Region
Amaraine Laven	Niagara Escarpment Commission
Cheryl Tansony	Niagara Escarpment Commission
Andrej Obradovic	Niagara Escarpment Commission
Gillian (Gillie) Thompson	CIMA+
Ian Dobrindt	GHD
Alejandra (Ali) Boyer	CIMA+

## Discussion Topics

## Action By

This meeting occurred over two dates / times to facilitate a fulsome discussion. A single set of meeting minutes has been prepared to record both meetings.

### 1. Introductions and Meeting Purpose & Objectives

<b>1.1</b>	<p>All parties introduced themselves and CIMA+ reviewed the meeting purpose, which are to:</p> <ul style="list-style-type: none"> <li>• Introduce the Project &amp; Team</li> <li>• Provide an Overview of the IEA ToR process</li> <li>• Present the Preliminary Study Area, Project Purpose &amp; Alternatives To</li> <li>• Discussion</li> <li>• Next Steps</li> </ul> <p>CIMA+ reviewed the objectives of the meeting, which are to:</p>	Info
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Discussion Topics		Action By
	<ul style="list-style-type: none"> <li>• Begin to build a strong long-term project working relationship with NEC staff based on openness and transparency</li> <li>• Involve NEC from the earliest stages to integrate staff insights and expectations into the Terms of Reference</li> </ul>	
<b>2.</b>	<b>Project Overview</b>	
<b>2.1</b>	<p>The project overview was described and is summarized as follows:</p> <ul style="list-style-type: none"> <li>• Planning for a north-south transportation crossing of the Niagara Escarpment, between the Queen Elizabeth Way (QEW) and future Smithville Bypass of Regional Road 20.</li> <li>• Shifts travel and improves safety in the areas of Grimsby, Beamsville and Smithville by redirecting commercial vehicles away from downtown areas.</li> <li>• This future corridor is intended to be multi-modal and accommodate other infrastructure and utilities.</li> <li>• Niagara Region has been considering an improved north-south transportation linkage across the Niagara Escarpment for 30+ years.</li> <li>• Given the natural and cultural heritage significance and sensitivity of the area, and following consultation with MECP, the Region is moving forward with this project as an Individual Environmental Assessment.</li> </ul>	
<b>3.</b>	<b>What is an IEA ToR?</b>	
<b>3.1</b>	<p>The IEA process was described and is summarized as follows:</p> <p>An Individual Environmental Assessment represent a 2-step formal approvals process: Step 1 Terms of Reference; Step 2 Environmental Assessment.</p> <p>A ToR is:</p> <ul style="list-style-type: none"> <li>• A strategic work plan to set up the subsequent EA for success</li> <li>• Providing certainty for all parties about how the future EA will be conducted while maintaining flexibility to accommodate potential changes</li> <li>• Composed of primarily 3 elements: ToR, EA commitments, and Consultation Record</li> <li>• Subject to a formal review by Government Agencies, Indigenous Communities and the public</li> <li>• Focused on making commitments to issue versus solving them now</li> <li>• Approved by the Minister of the Environment, Conservation and Parks</li> </ul> <p>A ToR is not:</p>	Info

Discussion Topics	Action By
<ul style="list-style-type: none"> <li>• The EA</li> <li>• A study of a problem or need</li> </ul> <p>NEC asked about EA reform and how changes to the EA Act and processes/framework were being recognized in this project. The Project Team clarified that the updated Municipal Class EA (2023) is now being implemented, there have been no formal / approved changes to the IEA process and therefore the Niagara Escarpment Crossing project is proceeding under the current IEA framework. If changes to this process come into place in future, they will likely include transitional language / instruction.</p> <p>The ToR consists of 5 Steps:</p> <ol style="list-style-type: none"> <li>1. Preliminary Draft Outline</li> <li>2. Draft ToR</li> <li>3. Proposed ToR</li> <li>4. Submission of Proposed ToR to MECP</li> <li>5. Review and Approval of the Proposed ToR by the Minister</li> </ol> <p>NEC inquired about the nature of engagement of Indigenous Communities. The Project Team confirmed they are engaging MCFN, SNGR, HDI and MNO and Indigenous Community Organizations. Throughout this engagement the project Team will be inviting input to and review of the development of the Terms of Reference in advance of the Proposed Terms being submitted to the Minister.</p> <p>Key components of the ToR include:</p> <ul style="list-style-type: none"> <li>• Undertaking Purpose</li> <li>• Preliminary Study Area &amp; Environment Description</li> <li>• Alternatives To &amp; Alternative Methods</li> <li>• Types of Potential Effects to be Assessed</li> <li>• Assessment &amp; Evaluation Methodology</li> <li>• Commitments &amp; Monitoring</li> <li>• Consultation Plan for the EA</li> <li>• Technical and Environmental Work Plans</li> </ul> <p>The Technical and Environmental EA Work Plans include, for example, the following components which may be subject to refinement and further definition based on agency and Indigenous engagement:</p> <ol style="list-style-type: none"> <li>1. Air Quality</li> <li>2. Agriculture</li> <li>3. Archaeology</li> </ol>	

Discussion Topics		Action By
	<ol style="list-style-type: none"> <li>4. Cultural Heritage</li> <li>5. Land Use</li> <li>6. Natural Environment</li> <li>7. Noise</li> <li>8. Transportation</li> <li>9. Financial</li> </ol> <p>The Project Team confirmed feedback received from agencies or stakeholders on the Master Plan will be reviewed as part of the development of the Terms of Reference.</p> <p>NEC had specific request for consideration the following aspects within the technical work plans (i.e., either covered in the components listed or within additional work plans):</p> <ul style="list-style-type: none"> <li>- Work to address the visual / scenic resource of the escarpment (visual assessment and consideration of measures to minimize impacts to the escarpment vistas)</li> <li>- Assessment of slope stability and hazards</li> <li>- Alternate modes of transportation</li> </ul>	
3.2	<p>The preliminary Purpose of the Undertaking was presented and discussed:</p> <ul style="list-style-type: none"> <li>• To provide a north-south transportation crossing of the Niagara Escarpment, between the Queen Elizabeth Way (QEW) and future Smithville Bypass of Regional Road 20</li> <li>• To accommodate commercial vehicles and other transportation modes</li> <li>• To provide greater safety for local communities, efficient commercial vehicle operations, and potential additional transportation system capacity, redundancy and resiliency, while ensuring Niagara remains open for business with the effective movement of goods and people</li> </ul>	Info
3.3	<p>The preliminary study area was discussed:</p> <p>The study area may be subject to refinement through the ToR process. The study area represents the area within which 'alternatives to' will be generated and where supporting technical studies will be focused.</p> <p>The preliminary study area considers the 2016 Niagara Escarpment Crossing Master Plan, which involved route planning and evaluation to arrive at a defined study area for what was to be a Schedule C Class EA. The study area refinement is also informed by the 2017 TMP that recommends the long-term transportation infrastructure requirement for implementing a new Niagara Escarpment Crossing (NEC) transportation corridor depicted conceptually as the extension of Bartlett Avenue between Main Street East and Mud Street East. It</p>	Info



Discussion Topics	Action By
<p>also identifies this link as part of the interim trade corridor connecting to Highway 20 at a future Smithville Bypass (TMP Map 7).</p> <p>Key considerations in the process to refine the preliminary study area include:</p> <ul style="list-style-type: none"> <li>• Optimize Attraction for Commercial Vehicles</li> <li>• Efficient connection to Hwy 20 and the Smithville Bypass</li> <li>• Multi-modal corridor</li> <li>• Escarpment grade (steeper to the west)</li> <li>• Avoid downtown areas</li> <li>• Accommodate a reasonable range of 'Alternatives To'</li> <li>• Opportunities for improved connection at QEW</li> </ul> <p>The preliminary proposed study area boundaries reflect an intention to consider linkages with the Beamsville Bypass and exclude downtown Beamsville.</p> <p>It is noted that while a preliminary study area has been defined, it may continue to be adjusted over the course of the ToR. It is also noted that the study area for some technical components e.g., traffic analysis are much larger to effectively assess network function, capacity and needs.</p> <p>The study area recognizes that access from QEW to the north-south link will require improvements that may range from new ramps / reconfiguration at Bartlett Avenue or Ontario Street, or possibly a new interchange between the two.</p>	
<p><b>3.4</b> The Preliminary Alternatives To the Undertaking were discussed and include:</p> <ul style="list-style-type: none"> <li>• Do Nothing</li> <li>• Implement Additional Traffic Management Measures</li> <li>• Extend Bartlett Avenue Southerly and Utilize Park Road</li> <li>• Construct a New North-South Transportation Crossing between Grimsby and Beamsville</li> </ul>	
<p><b>3.5</b> Why is the Region undertaking this study now? The following foundational elements of the project were discussed:</p> <p>Previous Studies</p> <ul style="list-style-type: none"> <li>• The 2016, Master Plan which identified a variety of operational and safety improvements across the area as short-term or interim solutions and then undertook a route planning exercise that resulted in a well-defined study area for a new escarpment crossing that was to proceed to Phases 3 and 4 of a Municipal Class EA.</li> <li>• The 2017 TMP and in particular the Goods Movement Technical Paper set the context for a goods movement strategy and identifies Regional</li> </ul>	

Discussion Topics	Action By
<p>Road 20 as an interim trade corridor and conceptually depicts a north-south connection to the QEW along Bartlett Avenue and Park Road corridor (building on the 2016 Master Plan).</p> <ul style="list-style-type: none"> <li>• A 2019 Operations and Safety Study resulted in an evidence-based improvement plan that included short-, medium- and long-term improvements. A new escarpment crossing was identified as a medium-term improvement, with many of the short-term improvements already being implemented or planned.</li> </ul> <p>Continued growth in Grimsby / Lincoln / West Lincoln</p> <ul style="list-style-type: none"> <li>• Over the next 30 years Grimsby will grow by almost 30%; Lincoln will grow by 70% and West Lincoln will more than double – and we see planning for this happening, for example, in Smithville which has just developed a community master plan for an expansion of the urban area</li> <li>• Forecasted growth will continue to be directed to urban, built-up areas and hamlets per Official Plans.</li> <li>• Growth is supported by GO service making the area more accessible from a regional transit perspective.</li> <li>• Growth in population and employment includes growing agri-business, tourism and other services which bring more visitors to the area - means more activities and more pedestrians, cyclists and active modes in the downtown areas.</li> <li>• Commercial and aggregate trucks continue to use existing routes, many of which go through the downtown areas. With increased activity in the downtowns, larger trucks and generally higher volumes of trucks, the potential for conflict between various road users continues to be growing issue.</li> <li>• All three communities have identified safety in their downtown areas as a key strategic priority of Council. All three municipalities are undertaking their own safety improvements as interim measures but are relying on the Region to plan for a longer-term solution.</li> </ul> <p>Infrastructure Needs</p> <ul style="list-style-type: none"> <li>• While growth has occurred, existing transportation infrastructure across the escarpment has not been significantly upgraded.</li> <li>• Existing routes no longer serve the types of trucks and number of trips. Geography and geometrics are a constraint to finding solutions on existing routes and truck movements through downtown are out of step now with current planning context and policies.</li> <li>• In addition to transportation, there is a need to plan for other infrastructure (water and sewer), utilities to meet future demands – and</li> </ul>	

Discussion Topics		Action By
	there is a need to plan for combining infrastructure into a single corridor, when considering the escarpment crossing.	
3.6	<p>NEC had inquired about the opportunities that the Region has identified to improve operations and safety on existing routes. The Region reviewed the compiled a list of operations and safety improvements and noted that over the years there have been ongoing safety improvements including:</p> <ul style="list-style-type: none"> <li>- Increased signage</li> <li>- Line marking</li> <li>- Reconstruction work</li> <li>- Additional pedestrian workover</li> <li>- Speed limit adjustments</li> </ul> <p>The list was provided to NEC following the meeting.</p>	
4.	<b>Discussion</b>	
4.1	<p>Discussion points are summarized as follows:</p> <ul style="list-style-type: none"> <li>• NEC noted that the Terms of Reference should include the following components: <ul style="list-style-type: none"> <li>○ An approach for the review of NEC plan policies and how these will be considered in the future EA</li> <li>○ Visual Impact Assessment [<i>Post meeting note: the Project Team has located the Visual Impact Assessment Technical Criteria (November 18, 2020) and will use this as a basis for the technical work plan.</i>]</li> <li>○ Approaches to landform conservation</li> <li>○ Geotechnical study / Slope stability study</li> <li>○ Consideration of excavation methodologies</li> <li>○ Surface and ground water assessment</li> <li>○ Agricultural impact assessment</li> <li>○ Air quality impact assessment</li> <li>○ Climate impact assessment</li> <li>○ Archaeological assessment</li> <li>○ Site / Drainage / Vegetation protection plan</li> </ul> </li> <li>• NEC will be in a position to provide additional details around these components as the Terms of Reference is being developed.</li> <li>• NEC noted that their review role in the past was often integrated with that of the Conservation Authority and MNRF to address the technical components. With changes to provincial planning framework and the roles of agencies in technical review, there is some uncertainty as to how NEC will coordinate technical review with these agencies.</li> </ul>	

Discussion Topics	Action By
<ul style="list-style-type: none"> <li>• NEC explained the Development Permit process, including:               <ul style="list-style-type: none"> <li>○ This is a significant project and through the permitting process, the Region will need to confirm 'no conflict' with NE Plan policies. It was clarified that the development permit only applies to the portion of project within the permit control area i.e., the area around the escarpment.</li> <li>○ The Region will complete the permit application form and applicable components of the EA and design will be submitted. NEC will then act as a one window to gather review comments on the permit / approval from agencies (e.g., MCM, CA, LAMs, Bruce Trail Conservancy, MTO) and Indigenous Communities. It was noted that these groups will have been engaged / consulted during the EA – it will be ideal to establish agreement in principle during the EA, where possible.</li> <li>○ A staff report and recommendation will be provided to the Director and possibly the Board for review and decision. If staff recommend issuing the permit, then approval is issued by the Director. If Staff recommend refusing a permit, then the decision goes to the Board. The Board may agree with or overturn the staff recommendation. The Board's decision is appealable to the Ontario Land Tribunal.</li> <li>○ Once there is a Board decision, residents/agencies within 120 m of the project area are circulated.</li> <li>○ If there is not appeal and all conditions are addressed, NEC approves permit.</li> <li>○ The Project Team requested a schematic / flow chart or other summary of the Development Permit process to assist in the preparation of the Terms of Reference.</li> </ul> </li> <li>• NEC discussed the feedback that they had provided during the 2016 Master Plan. The Project Team confirmed that previous feedback will be considered for context however, while the current IEA is informed by the previous work, it is not a continuation of that work. It was noted that the Local Area Municipalities were in favour of the 2016 Master Plan.</li> <li>• NEC inquired about the level of design detail typically developed at the EA. The Project Team noted that the level of detail design that is prepared varies but it is not uncommon to be within 10-30% at the EA stage. The Project Team noted that some technical / design aspects may be further developed in the EA to confirm feasibility / viability of design options.</li> </ul>	

Discussion Topics	Action By
<ul style="list-style-type: none"> <li>• NEC noted that the Red Hill Valley Expressway EA is a good example to look at what approach was taken with respect to addressing NEC policies and mitigation of escarpment impacts. pe</li> </ul>	
<b>5. Next Steps</b>	
<b>5.1</b> <ul style="list-style-type: none"> <li>• Project Launch and formal Notice of Commencement (June 28/29)</li> <li>• Technical teams start work on respective work plans</li> <li>• Further coordination with NEC staff for inputs to ToR components</li> </ul>	

Minutes Prepared by Alejandra Boyer

Please advise author immediately of any errors or omissions.

**From:** Gillian Thompson  
**Sent:** June 28, 2023 2:27 PM  
**To:** Gillian Thompson  
**Cc:** Elmadhoon, Maged; Fraser, Scott; Khalil, Ayat; Alejandra Boyer; Ian Dobrindt  
**Subject:** Niagara Region - Niagara Escarpment Crossing Individual Environmental Assessment Terms of Reference - Notice of Commencement - Agencies  
**Attachments:** [Niagara IEA ToR Notice of Study Commencement\\_Final.pdf](#)

Good afternoon,

You are receiving this message because you have been identified as agency staff potentially having an interest or regulatory role in the Niagara Region Niagara Escarpment Crossing Individual Environmental Assessment Terms of Reference.

Niagara Region is formally initiating the preparation of a Terms of Reference (ToR) that will guide the future Environmental Assessment (EA) for a north-south transportation crossing of the Niagara Escarpment able to accommodate commercial vehicles and other transportation modes, between the Queen Elizabeth Way (QEW) and Regional Road 20 (potential future Smithville Bypass) within the Town of Grimsby, Town of Lincoln, and Township of West Lincoln, in Niagara Region.

Kindly refer to the attached Notice of Commencement and project webpage [www.niagararegion.ca/projects/niagara-escarpment-crossing](http://www.niagararegion.ca/projects/niagara-escarpment-crossing) for more information about this project.

If this and future Notices should be directed to a different agency representative, kindly forward this Notice and inform me of any changes that should be carried over to the project contact list. If you wish to be removed from the contact list, please let me know.

There are multiple opportunities for agency review and input in the Terms of Reference process, and we will follow up as the project progresses.

Please do not hesitate to reach out if you have any questions or comments about the development of the Terms of Reference - we would be pleased to arrange an introductory meeting in these early stages of the project.

Thank you,

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**Gillie Thompson B.Sc., MCIP, RPP**  
Senior Planner / Senior Project Manager  
Transportation

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C 519-635-5733

400–3027 Harvester Road Burlington Ontario L7N 3G7



**From:** Gillian Thompson  
**Sent:** June 28, 2023 2:12 PM  
**To:** Laven, Amaraine (MNRF); Obradovic, Andrej (MNRF); Tansony, Cheryl (MNRF)  
**Cc:** Elmadhoon, Maged; Fraser, Scott; Khalil, Ayat; Ian Dobrindt; Alejandra Boyer; Gillian Thompson  
**Subject:** Niagara Region Niagara Escarpment Crossing IEA Terms of Reference Notice of Commencement - NEC  
**Attachments:** [Niagara IEA ToR Notice of Study Commencement\\_Final.pdf](#)

Good afternoon Amaraine, Cheryl and Andrej,

Thank you for meeting with the Project Team on June 22 and again on June 26, 2023.

As discussed in those meetings, Niagara Region is now formally initiating the of preparation of a Terms of Reference (ToR) that will guide the future Environmental Assessment (EA) for a north-south transportation crossing of the Niagara Escarpment able to accommodate commercial vehicles and other transportation modes, between the Queen Elizabeth Way (QEW) and Regional Road 20 (potential future Smithville Bypass) within the Town of Grimsby, Town of Lincoln, and Township of West Lincoln, in Niagara Region.

Kindly refer to the attached Notice of Commencement and project webpage [www.niagararegion.ca/projects/niagara-escarpment-crossing](http://www.niagararegion.ca/projects/niagara-escarpment-crossing) for more information.

We look forward to continuing to work with NEC throughout the development of the Terms of Reference. If you have any questions or follow-up commentary, please do not hesitate to reach out the Project Team.

Thank you,

Gillie

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**Gillie Thompson B.Sc., MCIP, RPP**

Senior Planner / Senior Project Manager  
Transportation

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400-3027 Harvester Road Burlington Ontario L7N 3G7





**From:** Gillian Thompson  
**Sent:** June 28, 2023 2:10 PM  
**To:** cheryl.davis@ontario.ca; rina.kulathinal@ontario.ca;  
xin.weng@ontario.ca  
**Cc:** Elmadhoon, Maged; Fraser, Scott; Khalil, Ayat; Ian Dobrindt; Alejandra Boyer; Michael Chiu; Gillian Thompson  
**Subject:** Niagara Region - Niagara Escarpment Crossing Individual Environmental Assessment Terms of Reference - Notice of Commencement MTO  
**Attachments:** [Niagara IEA ToR Notice of Study Commencement\\_Final.pdf](#)

Good afternoon Rina, Xin and Cheryl,

As follow-up to our previous email of May 12, 2023, Niagara Region is formally initiating the preparation of a Terms of Reference (ToR) that will guide the future Environmental Assessment (EA) for a north-south transportation crossing of the Niagara Escarpment able to accommodate commercial vehicles and other transportation modes, between the Queen Elizabeth Way (QEW) and Regional Road 20 (future Smithville Bypass) within the Town of Grimsby, Town of Lincoln, and Township of West Lincoln, in Niagara Region.

Kindly refer to the attached Notice of Commencement and project webpage [www.niagararegion.ca/projects/niagara-escarpment-crossing](http://www.niagararegion.ca/projects/niagara-escarpment-crossing) for more information about this project.

MTO is a key stakeholder in the ToR and approval agency for the future EA. The Project Team is requesting a meeting, as an opportunity for introductions, to discuss MTO's important role in the development of the Terms of Reference, and start to build an understanding of MTO's expectations for the Terms of Reference and future EA.

We look forward to your response.

Thank you  
Gillie

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**Gillie Thompson B.Sc., MCIP, RPP**  
Senior Planner / Senior Project Manager  
Transportation

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**From:** Gillian Thompson

**Sent:** Friday, May 12, 2023 8:35 AM

**To:** cheryl.davis@ontario.ca; rina.kulathinal@ontario.ca; xin.weng@ontario.ca

**Cc:** Elmadhoon, Maged <Maged.Elmadhoon@niagararegion.ca>; Khalil, Ayat <Ayat.Khalil@niagararegion.ca>; Ian Dobrindt <ian.dobrindt@ghd.com>; Alejandra Boyer <Alejandra.Boyer@cima.ca>; Michael Chiu <mchiu.msc@outlook.com>

**Subject:** Niagara Region - Niagara Escarpment Crossing Individual Environmental Assessment Terms of Reference

Good morning, Cheryl, Rina and Xin

Niagara Region will be formally initiating the development of a Terms of Reference (ToR) that will guide the future preparation of an Environmental Assessment (EA) for a north-south transportation crossing of the Niagara Escarpment able to accommodate commercial vehicles and other transportation modes, between the Queen Elizabeth Way (QEW) and Regional Road 20 (potential Smithville Bypass) within the Town of Grimsby, Town of Lincoln, and Township of West Lincoln in Niagara Region. A preliminary study area is depicted in the attached key map.

The north-south link is being considered in order to provide commercial vehicles with a more appropriately designed and efficient routing option for goods movement, which will result in greater safety for local communities as trucks are discouraged from routing through downtown areas.

The Study will be carried out in accordance with the Environmental Assessment Act as an Individual Environmental Assessment. An Individual Environmental Assessment represents a two-step approval process with the first step being the preparation of a Terms of Reference. The Terms of Reference is a document that will set out the framework or work plan for the planning and decision-making process to be followed during preparation of the Environmental Assessment and includes such aspects as the alternatives that will be considered and the consultation activities that will be carried out.

The Terms of Reference is subject to formal review by Government Agencies, Indigenous Communities and the public and is subject to the written approval by the Minister of the Environment, Conservation and Parks.

A formal Notice of Commencement for the Terms of Reference is being planned for mid-June 2023.

MTO is a key stakeholder in the ToR and key approval agency in the future EA. **This purpose of this email is to provide you with advanced information about the upcoming formal study initiation and to request a meeting, as an opportunity for introductions, to discuss MTO's important role in the development of the Terms of Reference, and start to build an understanding of MTO's expectations for the Terms of Reference and future EA.**

We look forward to hearing from you.

---

**Gillie Thompson B.Sc., MCIP, RPP**

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# Meeting Minutes

**Meeting:** Ministry of Environment, Conservation and Parks Meeting

**Project:** Niagara Region Escarpment Crossing IEA ToR

**Date and Time:** Wednesday, September 20, 2023  
11:00 am to 12:00 pm

**Location:** Virtual Meeting (MS Teams)

**Attendees:**

Name	Representing
Kathleen O'Neill	Director, Environmental Assessment Branch
Nick Colella	Acting Manager, Environmental Assessment Services
Jon Averill	Senior Advisor, Environmental Assessment Program Support
Jason Suprovich	Senior Advisor, Environmental Assessment Program Support
Andrew Evers	Supervisor, Southwest and Northern, Environmental Assessment Branch
Catherine (Katie) Sutherland	Special Project Officer, Environmental Assessment Services
Scott Fraser	Niagara Region
Maged Elmadhoon	Niagara Region
Ayat Khalil	Niagara Region
Ian Dobrindt	GHD
Gillian (Gillie) Thompson	CIMA+
Alejandra (Ali) Boyer	CIMA+

## Discussion Topics

## Action By

### 1. Introductions and Meeting Purpose & Objectives

- 1.1** All parties introduced themselves and Gillie reviewed the meeting purpose and objectives, which are to:
- Introduce the Project & Team
  - Provide an Overview of the IEA ToR process
  - Review HDI feedback to date
  - Discussion
  - Identify Planned Next Steps

### 2. Project Overview

Discussion Topics	Action By
<p><b>2.1</b> The ToR is progressing on the following tentative timelines:</p> <ol style="list-style-type: none"> <li>1. Preliminary Draft Outline (Late Spring and Summer 2023)</li> <li>2. Draft ToR (Fall 2023 / Winter 2024)</li> <li>3. Proposed ToR (Winter 2024)</li> <li>4. Submission of Proposed ToR to MECP (Spring 2024)</li> <li>5. Review and Approval of the Proposed ToR by the Minister (Fall 2024)</li> </ol> <p>As discussed previously at the March 2023 meeting, MECP will be circulated on the draft Terms of Reference prior to it being released to the public.</p>	
<p><b>2.2</b> The preliminary purpose of the undertaking was originally reviewed with MECP in March 2023 and has been slightly modified since that time, based on feedback received during early engagement activities.</p> <p>The purpose of this undertaking is to consider a north-south transportation link, including a crossing of the Niagara Escarpment, between the Queen Elizabeth Way (QEW) and Regional Road 20, at the future Smithville Bypass, to:</p> <ul style="list-style-type: none"> <li>• Provide for safe and effective commercial vehicle movements and operations</li> <li>• Accommodate commercial vehicles and other transportation modes</li> <li>• Provide greater safety for local communities</li> <li>• Provide for additional transportation system capacity with redundancy and resiliency</li> <li>• Improve the economy vitality with the efficient movement of goods and people</li> </ul>	
<p><b>2.3</b> The Alternatives To the Undertaking were discussed and include:</p> <ol style="list-style-type: none"> <li>1. Do nothing</li> <li>2. Implement additional traffic management measures</li> <li>3. Extend Bartlett Avenue Southerly and utilize Park Road corridor</li> <li>4. Construct a new corridor between Grimsby and Beamsville</li> </ol>	
<p><b>2.4</b> The preliminary study area has not changed substantially since it was first presented to MECP in March 2023. Minor modifications have been suggested by local area municipalities and these changes will be reflected in an updated version to be incorporated into the Terms of Reference.</p> <p>The preliminary study area considers the 2016 Niagara Escarpment Crossing Master Plan, which involved route planning and evaluation to</p>	

Discussion Topics	Action By
<p>arrive at a defined study area for what was to be a Schedule C Class EA. The study area refinement is also informed by the 2017 TMP that recommends the long-term transportation infrastructure requirement for implementing a new Niagara Escarpment Crossing (NEC) transportation corridor depicted conceptually as the extension of Bartlett Avenue between Main Street East and Mud Street East. It also identifies this link as part of the interim trade corridor connecting to Highway 20 at a future Smithville Bypass (TMP Map 7).</p> <p>Key considerations in the process to refine the preliminary study area include:</p> <ul style="list-style-type: none"> <li>• Optimize Attraction for Commercial Vehicles</li> <li>• Efficient connection to Hwy 20 and the Smithville Bypass</li> <li>• Multi-modal corridor</li> <li>• Escarpment grade (steeper to the west)</li> <li>• Avoid downtown areas</li> <li>• Accommodate a reasonable range of 'Alternatives To'</li> <li>• Opportunities for improved connection at QEW</li> </ul> <p>The preliminary proposed study area boundaries reflect an intention to consider linkages with the Beamsville Bypass and exclude Beamsville, to avoid confusion about whether we are going through the downtown.</p> <p>The study area recognizes that access from QEW to the north-south link will require improvements that may range from new ramps / reconfiguration at Bartlett Avenue or Ontario Street, or possibly a new interchange between the two.</p>	
<p><b>2.5</b> Early engagement meetings included:</p> <ul style="list-style-type: none"> <li>• MECP March 30, 2023</li> <li>• Town of Grimsby May 31 and June 16, 2023</li> <li>• Town of Lincoln June 21, 2023</li> <li>• Niagara Escarpment Commission June 22 and 26, 2023</li> <li>• Township of West Lincoln June 26, 2023</li> <li>• SNGR June 20, 2023</li> <li>• MCFN June 26, 2023</li> <li>• HDI July 18, 2023</li> <li>• MNO August 2, 2023</li> </ul>	

Discussion Topics	Action By
<p>The local area municipalities are generally in support of this project but have varying opinions as to where that link should be. The Region will be going to each municipality to get council endorsement.</p> <p>NEC shared their concerns and requirements in terms of what they will be looking at to meet their policy threshold. Beyond the EA, NEC walked the Project Team through the development permit process.</p> <p>We met with four indigenous communities and had productive conversations with SNGR, MCFN and MNO. They are willing to work with us through the process. SNGR had specific requests related to the technical work plans which will be incorporated in the ToR.</p>	
<b>3. Early Engagement with Indigenous Nations</b>	
<p><b>3.1</b> The following key messages were shared with Indigenous Nations during the early engagement:</p> <ul style="list-style-type: none"> <li>• The Region recognizes the importance of Indigenous voices and participation in this work</li> <li>• The Terms of Reference stage is an opportunity for relationship building and to understand how each Indigenous Nation wishes to be engaged during the development of the ToR and the future EA</li> <li>• Development and evaluation of alternatives will be informed by those willing to participate</li> <li>• Provide an outline of the IEA process and engagement opportunities</li> <li>• Seek to confirm with each Nation, their desired level of participation, preferred methods of communication and receiving information, frequency of meetings, etc.</li> </ul>	
<p><b>3.2</b> Feedback received from HDI was discussed.</p> <ul style="list-style-type: none"> <li>• We have a significant interest in the proposed project which will impair, infringe and interfere with Haudenosaunee rights and interests and treaties including but not limited to the: <ul style="list-style-type: none"> <li>○ Nanfan Treaty of 1701</li> <li>○ Pledge of the Crown Treaty of April 27, 1815</li> <li>○ Preliminary Articles of Peace, Friendship and Alliance of April 3, 1764</li> <li>○ Treaty of Peace and Alliance of August 6, 1764</li> </ul> </li> <li>• HDI requested a copy of the ‘formal delegation for the procedural aspects of Duty to Consult’ (who and how engagement is delegated to and by whom)</li> <li>• <i>Reconciliation is not possible without land and land has an economic equivalent</i></li> </ul>	



Discussion Topics	Action By
<ul style="list-style-type: none"> <li>• <i>EAA as a process has no provisions to address infringement of treaty rights</i></li> <li>• <i>Asking HDI to participate in the ToR / EA is abandonment of Indigenous engagement obligations</i></li> <li>• <i>We have not consented to the EA as being sufficient for satisfying engagement</i></li> <li>• <i>We will participate in a separate process outside of the EA</i></li> <li>• <i>We walk equally with you in these discussions - levelling the playing field i.e., compensation and resources</i></li> <li>• HDI noted that the Region's Draft Indigenous Action Plan references UNDRIP and suggested that the only way for this project to honour the Region's commitment is to sign an agreement with HDI</li> <li>• HDI looking for an agreement similar to that developed for Red Hill Valley Expressway with City of Hamilton               <ul style="list-style-type: none"> <li>○ Developed / signed by City, SNGREC, HDI</li> <li>○ Outlined sub-agreements dealing with ecological restoration, medicinal plants, financial models including Joint Stewardship Board, a standing board in perpetuity with ongoing financial commitment</li> </ul> </li> </ul>	
<p><b>3.3</b> Strategies for moving forward with HDI were discussed. MECP noted the following:</p> <ul style="list-style-type: none"> <li>• A delegation letter will be provided to the Region.</li> <li>• MECP noted that Indigenous Affairs is able to help with discussion regarding agreements and financial commitments with HDI.</li> <li>• MECP noted that third parties are not obligated to pay communities to enter into a consultation process. The Region should consider if providing financial assistance to Indigenous Communities would support meaningful consultation.</li> <li>• The Region clarified that the financial terms that HDI has requested is not simply to participate in the process. It is a much boarder financial framework including a financial commitment in perpetuity and equivalent to the land that will potential be occupied by the crossing. It is not a question of capacity finding for the ToR process. HDI is asking for another process that we can run parallel to the ToR.</li> <li>• The Region requested clear direction from MECP with respect to the threshold for demonstrating that the Region has met Duty to Consult obligations.</li> <li>• MECP noted the following:               <ul style="list-style-type: none"> <li>○ Whether a community chooses to participate or not, the documentation of best efforts made is critical.</li> </ul> </li> </ul>	

Discussion Topics		Action By
	<ul style="list-style-type: none"><li>○ Proponents have the obligation to explore all opportunities for participation.</li><li>○ There is a responsibility on the part of the Indigenous community to confirm if they have interests, concerns and to participate in discussion of how these are considered.</li><li>○ The EAA specifically speaks to protection of 'aboriginal and treaty rights and requirement for consultation. The EAA also requires a robust consultation process where an understanding of impacts across all factors is sought and addressed.</li><li>○ Documentation should include details of HDI's position so that the context of consultation efforts and results are fully apparent to MECP.</li></ul>	
3.4	<p>Next Steps</p> <ul style="list-style-type: none"><li>• MECP to provide delegation letter to the Region</li><li>• Region to convene a second meeting with HDI</li><li>• Region will continue to update MECP</li></ul>	MECP Region Region

Please advise author immediately of any errors or omissions.

# Meeting Minutes

**Meeting:** Ministry of Transportation (MTO) Meeting

**Project:** Niagara Region Escarpment Crossing IEA ToR

**Date and Time:** Tuesday, October 3, 2023, 3:00 to 4:30 pm

**Location:** Virtual Meeting (MS Teams)

## Attendees:

Name	Organization
Maged Elmadhoon	Niagara Region
Scott Fraser	Niagara Region
Ayat Khalil	Niagara Region
Chris Arsenault	MTO
John MacKinnon	MTO
Rina Kulathinal	MTO
Mark Nikolic	MTO
Nancy Adriano	MTO
Henry Badilla	MTO
Jeanne Marie Deletsu	MTO
Vlado Dimitrovski	MTO
Darryl Langendoen	MTO
Karen Smith	MTO
Kelly Schmid	MTO
Arthur Tai	MTO
Fahmi Choudhury	MTO
Gillian (Gillie) Thompson	CIMA+
Ian Dobrindt	GHD
Katherine Jim	CIMA+
Ronauq (Ron) Sabharwal	CIMA+
Meera Shakeel	CIMA+
Michael Chiu	MSC Consulting (Advisor)

Discussion Topics	Action By
<b>1. Introductions and Meeting Purpose &amp; Objectives</b>	
<p><b>1.1</b> All parties introduced themselves and CIMA+ reviewed the meeting purpose, which are to:</p> <ul style="list-style-type: none"> <li>• Introduce the Project &amp; Team</li> <li>• Provide an Overview of the IEA ToR process</li> <li>• Present the Preliminary Project Purpose, Study Area &amp; Alternatives To the Undertaking</li> <li>• Discussion related to the Transportation Planning Workplan</li> <li>• Next Steps</li> </ul> <p>This is the first meeting with MTO.</p>	Info
<p><b>1.2</b> A Powerpoint presentation was shared onscreen at the meeting. (See attached)</p>	
<b>2. Project Overview</b>	
<p><b>2.1</b> The project overview was described and is summarized as follows:</p> <ul style="list-style-type: none"> <li>• Planning for a north-south transportation crossing of the Niagara Escarpment, between the Queen Elizabeth Way (QEW) and future Smithville Bypass of Regional Road 20.</li> <li>• Shifts travel and improves safety in the areas of Grimsby, Beamsville and Smithville by redirecting commercial vehicles away from downtown areas.</li> <li>• This future corridor is intended to be multi-modal and accommodate other infrastructure and utilities.</li> <li>• Niagara Region has been considering an improved north-south transportation linkage across the Niagara Escarpment for 30+ years.</li> <li>• Given the natural and cultural heritage significance and sensitivity of the area, and following consultation with MECP, the Region is moving forward with this project as an Individual Environmental Assessment.</li> </ul>	
<b>3. What is an IEA ToR?</b>	
<p><b>3.1</b> The IEA process was described and is summarized as follows:</p> <p>An Individual Environmental Assessment represent a 2-step formal approvals process: Step 1 Terms of Reference; Step 2 Environmental Assessment.</p> <p>A ToR is:</p> <ul style="list-style-type: none"> <li>• A strategic work plan to set up the subsequent EA for success</li> <li>• Providing certainty for all parties about how the future EA will be conducted while maintaining flexibility to accommodate potential changes</li> </ul>	Info

Discussion Topics	Action By
<ul style="list-style-type: none"> <li>Composed of primarily 3 elements: ToR, EA commitments, and Consultation Record</li> <li>Subject to a formal review by Government Agencies, Indigenous Communities and the public</li> <li>Focused on making commitments to issue versus solving them now</li> <li>Approved by the Minister of the Environment, Conservation and Parks</li> </ul> <p>A ToR is not:</p> <ul style="list-style-type: none"> <li>The EA</li> <li>A study of a problem or need</li> </ul> <p>Key components of the ToR include:</p> <ul style="list-style-type: none"> <li>Purpose of the Undertaking</li> <li>Preliminary Study Area &amp; Environment Description</li> <li>Alternatives To &amp; Alternative Methods</li> <li>Types of Potential Effects to be Assessed</li> <li>Assessment &amp; Evaluation Methodology</li> <li>Commitments &amp; Monitoring</li> <li>Consultation Plan for the EA</li> <li>Technical and Environmental Work Plans</li> </ul> <p>Timeline for the ToR preparation and the overall approval process are noted:</p> <ul style="list-style-type: none"> <li>Pre-Engagement activities including consultation with Indigenous Communities was undertaken during spring / summer of 2023</li> <li>At present, we are drafting the ToR content including the preparation of various workplans that will be appended to the overall ToR</li> <li>The Draft ToR will be presented to the Agencies for review, followed by a PIC</li> <li>The ToR will be submitted to MECP for review and approval by the Minister</li> </ul> <p>As part of the overall ToR, several discipline-specific workplans will be prepared which will be appended to ToR and approved by the Minister. These The technical work plans will define the "what" and "how" of the future EA work</p> <p>The Proposed Technical and Environmental Work Plans include:</p> <ol style="list-style-type: none"> <li>Air Quality</li> <li>Agriculture</li> <li>Archaeology</li> <li>Cultural Heritage</li> <li>Land Use</li> </ol>	

Discussion Topics		Action By
	<ul style="list-style-type: none"> <li>6. Visual Assessment</li> <li>7. Natural Environment</li> <li>8. Hydrogeology</li> <li>9. Surface Water</li> <li>10. Noise and Vibration</li> <li>11. Transportation</li> <li>12. Financial</li> </ul>	
3.2	<p>The preliminary Purpose of the Undertaking was presented and discussed:</p> <ul style="list-style-type: none"> <li>• To provide a north-south transportation crossing of the Niagara Escarpment, between the Queen Elizabeth Way (QEW) and future Smithville Bypass of Regional Road 20</li> <li>• To accommodate commercial vehicles and other transportation modes</li> <li>• To provide greater safety for local communities, efficient commercial vehicle operations, and potential additional transportation system capacity, redundancy and resiliency, while ensuring Niagara remains open for business with the effective movement of goods and people</li> </ul>	Info
3.3	<p>Why is the Region undertaking this study now? The following foundational elements of the project were discussed:</p> <p><i>Previous Studies</i></p> <ul style="list-style-type: none"> <li>• The 2016, Master Plan which identified a variety of operational and safety improvements across the area as short-term or interim solutions and then undertook a route planning exercise that resulted in a well-defined study area for a new escarpment crossing that was to proceed to Phases 3 and 4 of a Municipal Class EA.</li> <li>• The 2017 TMP and in particular the Goods Movement Technical Paper set the context for a goods movement strategy and identifies Regional Road 20 as an interim trade corridor and conceptually depicts a north-south connection to the QEW along Bartlett Avenue and Park Road corridor (building on the 2016 Master Plan).</li> <li>• A 2019 Operations and Safety Study resulted in an evidence-based improvement plan that included short-, medium- and long-term improvements. A new escarpment crossing was identified as a medium-term improvement, with many of the short-term improvements already being implemented or planned.</li> </ul> <p><i>Continued growth in Grimsby / Lincoln / West Lincoln</i></p> <ul style="list-style-type: none"> <li>• Over the next 30 years Grimsby will grow by almost 30%; Lincoln will grow by 70% and West Lincoln will more than double – and we see planning for this happening, for example, in Smithville which has just developed a community master plan for an expansion of the urban area</li> </ul>	

Discussion Topics	Action By
<ul style="list-style-type: none"> <li>• Forecasted growth will continue to be directed to urban, built-up areas and hamlets per Official Plans.</li> <li>• Growth is supported by GO service making the area more accessible from a regional transit perspective.</li> <li>• Growth in population and employment includes growing agri-business, tourism and other services which bring more visitors to the area - means more activities and more pedestrians, cyclists and active modes in the downtown areas.</li> <li>• Commercial and aggregate trucks continue to use existing routes, many of which go through the downtown areas. With increased activity in the downtowns, larger trucks and generally higher volumes of trucks, the potential for conflict between various road users continues to be growing issue.</li> <li>• All three communities have identified safety in their downtown areas as a key strategic priority of Council. All three municipalities are undertaking their own safety improvements as interim measures but are relying on the Region to plan for a longer-term solution.</li> </ul> <p><i>Infrastructure Needs</i></p> <ul style="list-style-type: none"> <li>• While growth has occurred, existing transportation infrastructure across the escarpment has not been significantly upgraded.</li> <li>• Existing routes no longer serve the types of trucks and number of trips. Geography and geometrics are a constraint to finding solutions on existing routes and truck movements through downtown are out of step now with current planning context and policies.</li> <li>• In addition to transportation, there is a need to plan for other infrastructure (water and sewer), utilities to meet future demands – and there is a need to plan for combining infrastructure into a single corridor, when considering the escarpment crossing.</li> </ul>	
<p><b>3.4</b> The Preliminary Alternatives To the Undertaking were discussed and include:</p> <ul style="list-style-type: none"> <li>• Alternative 1: Do Nothing</li> <li>• Alternative 2: Implement Additional Traffic Management Measures</li> <li>• Alternative 3: Extend Bartlett Avenue Southerly and Utilize Park Road corridor</li> <li>• Alternative 4: Construct a new corridor between Grimsby and Beamsville</li> </ul>	
<p><b>3.5</b> The preliminary study area was discussed:</p> <p>The preliminary study area was defined through the ToR process. The study area represents the area within which ‘alternatives to’ will be generated and where supporting technical studies will be focused.</p>	Info

Discussion Topics	Action By
<p>The preliminary study area considers the 2016 Niagara Escarpment Crossing Master Plan, which involved route planning and evaluation to arrive at a defined study area for what was to be a Schedule C Class EA.</p> <p>The study area refinement is also informed by the Region's 2017 TMP that recommends the long-term transportation corridor depicted conceptually as the extension of Bartlett Avenue between Main Street East and Regional Road 73 and identifies this link as part of the trade corridor connecting to Regional Road 20 at the future Smithville Bypass.</p> <p>Key considerations in the process to refine the preliminary study area include:</p> <ul style="list-style-type: none"> <li>• Optimize / Attraction for Commercial Vehicles and create an efficient connection to Hwy 20 and the future Smithville Bypass</li> <li>• Escarpment grade (steeper to the west)</li> <li>• Avoid downtown areas</li> <li>• Accommodate a reasonable range of 'Alternatives To'</li> <li>• Opportunities for improved connection at QEW</li> <li>• Recognition of other Region and local municipality initiatives such as the Smithville Bypass, Beamsville Bypass etc.</li> </ul> <p>It is noted that while a preliminary study area has been defined, it may continue to be adjusted over the course of the ToR. It is also noted that the study area for some technical components e.g., traffic analysis are much larger to effectively assess network function, capacity and needs.</p> <p>The study area recognizes that access from QEW to the north-south link will require improvements that may range from new ramps / reconfiguration at Bartlett Avenue or Ontario Street, or possibly a new interchange between the two.</p>	
<p><b>3.6</b> CIMA+ presented the outline for the Technical Transportation Workplan. The Transportation Workplan has two main components: Planning and Engineering.</p> <ol style="list-style-type: none"> <li>1. Transportation Planning includes: <ul style="list-style-type: none"> <li>○ Travel Demand Modelling</li> <li>○ Operations and Safety</li> <li>○ Corridor Planning</li> </ul> </li> <li>2. Transportation Engineering includes: <ul style="list-style-type: none"> <li>○ Road Design and Analysis of Alternative Alignments</li> <li>○ Construction</li> </ul> </li> </ol> <p>CIMA+ noted that the focus of this meeting is take the opportunity to talk to MTO about expectations / input in relation to the modelling and corridor planning aspects. Discussion regarding engineering aspects, including road</p>	Info



Discussion Topics	Action By
design and construction aspect, will be at a later meeting as we move forward on the project.	
<b>4. Transportation Planning Workplan Discussion</b>	
<b>4.1</b> The following key elements of the transportation planning workplan were discussed: <ul style="list-style-type: none"> <li>• Travel Demand Modelling (TDM);</li> <li>• Operations and Safety; and</li> <li>• Corridor Planning and Interchange Requirements.</li> </ul>	
<b>4.2</b> <u>Travel Demand Modelling:</u>  For the purposes of travel demand modelling during the IEA, it was suggested to use the Niagara Region EMME model. It is an Activity Based Model and has both A.M. and P.M. Peaks, as well as weekend data. It also includes border crossing and truck model details. MTO noted that the updates to the Greater Golden Horseshoe Model are expected by June 2024.  Micro vs Macro Modelling requirements were discussed as follows: <ul style="list-style-type: none"> <li>• Two stage perspective – (1) macro level – corridor planning and (2) micro level – design alternatives and selection of preferred alternative: <ul style="list-style-type: none"> <li>○ For high level evaluation during the corridor planning stage, the use of macro model should suffice.</li> <li>○ During the “Alternative Methods” stage, once a few alternatives are screened out and some are ready for further investigation, the use of microsimulation may be applied for more detail review of the traffic operation for comparison.</li> <li>○ Microsimulation model will be used as part of the assessment for the selection of the preferred alternative.</li> <li>○ If a design is screened out based on highway design, then micro simulation would not be required for that design.</li> </ul> </li> <li>• When carrying out modelling on the QEW, MTO noted that the model limits should follow the Simulation Protocol (2019) (i.e. minimum of one interchange beyond study limit).</li> </ul>	
<b>4.3</b> <u>Corridor Planning:</u>  Corridor planning relates to the alternatives which involve the provision of an additional crossing/road (either by utilizing existing infrastructure or through the provision of a brand-new road) to address the problem, i.e, Alternative 3 and 4 (per Item 3.4 above).	

Discussion Topics	Action By
	<p>Within the broad analysis area there is possibly more than one corridor that could reasonably contain the new crossing of the escarpment. The analysis will determine the preferred corridor within which to further investigate design alternatives. The process involves:</p> <ul style="list-style-type: none"> <li>• Generation of Corridor Alternatives;</li> <li>• Analysis and Evaluation of Corridor Alternatives;</li> <li>• Selection of Preferred Corridor Alternative; and,</li> <li>• Define Recommended Study Area for Route Alternatives.</li> </ul>
<p><b>4.4</b></p>	<p><u>Interchange Requirements:</u></p> <p>CIMA+ noted that Alternatives 3 and 4 would involve either potential modifications or provision of new interchange at the QEW.</p> <ul style="list-style-type: none"> <li>• <i>Alternative 3: Extend Bartlett Avenue Southerly and Utilize Park Corridor</i> would likely require potential modification to the Bartlett Avenue Interchange. Potential modification at this interchange and associated implications to the adjacent Service Road were briefly discussed.</li> <li>• <i>Alternative 4: Construct a new corridor between Grimsby and Beamsville</i> would require a new interchange at the QEW.</li> </ul>
<p><b>4.5</b></p>	<p>Since two of the proposed 'Alternatives to the Undertaking' would require potential modifications or new interchange at QEW, it is crucial to ensure that this work is well informed by MTO's future plans and vision for the QEW.</p> <p>MTO noted there are plans to widen QEW with an additional general-purpose lane and managed lane in each direction. The widening will be subject to a future EA study. MTO does not have any update on the planning timeline for the proposed widening and has not carried out any internal planning or feasibility review.</p>
<p><b>4.6</b></p>	<p>Constraints in the proximity of the Bartlett Avenue interchange was discussed:</p> <ul style="list-style-type: none"> <li>• Mostly low-density residential surrounding the interchange with some medium/high density residential areas to the south of the interchange.</li> <li>• Proximity to CN Railway and hydro corridor to the south; adjacent to the service road.</li> <li>• Proximity to places of worship, school, retirement homes and other commercial areas surrounding the interchange.</li> </ul>
<p><b>4.7</b></p>	<p>Opportunity for a new interchange between Bartlett Avenue and Ontario Street was discussed at a high level.</p>

Discussion Topics	Action By
<p>The new interchange may be accommodated in the proximity of Mountainview Road. However, there will not be sufficient space / separation between the two exiting interchanges at Bartlett Avenue and Ontario Street when taking into consideration merging lanes and weaving (approximately 3.8 km between the Bartlett Avenue Interchange and the Ontario Street Interchange and minimum separation between interchanges is typically 2 km).</p> <p>In addition to the space limitation, the cost associated with a new interchange and access to adjacent properties will also have to be considered.</p> <p>The impacts of the proposed new interchange on the existing QEW operations will need to be examined through micro-simulation should a new interchange be proposed.</p>	
<p><b>5. Next Steps</b></p>	
<p><b>5.1</b> The project team will be preparing the draft ToR and associated technical works plan. MTO and other technical agencies will be provided with the draft ToR and associated work plans for review; tentatively through fall 2023 / winter 2024.</p> <p>Additional meeting with MTO will be arranged as required.</p>	

Minutes Prepared by Meera Shakeel, P.Eng.

Please advise author immediately of any errors or omissions.

**Ministry of Citizenship  
and Multiculturalism**

Heritage Planning Unit  
Heritage Branch  
Citizenship, Inclusion and  
Heritage Division  
5th Flr, 400 University Ave  
Tel.: 416-301-4797

**Ministère des Affaires civiques  
et du Multiculturalisme**

Unité de la planification relative au  
patrimoine  
Direction du patrimoine  
Division des affaires civiques, de  
l'inclusion et du patrimoine  
Tél.: 416-301-4797



January 18, 2024

EMAIL ONLY

Maged Elmadhoon  
Manager, Transportation Planning  
Transportation Services Division  
Public Works, Niagara Region  
1815 Sir Isaac Brock Way  
Thorold, ON L2V 4Y6  
[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)  
[Maged.Elmadhoon@niagararegion.ca](mailto:Maged.Elmadhoon@niagararegion.ca)

**MCM File : 0019558**  
**Proponent : Niagara Region**  
**Subject : Individual Environmental Assessment – Notice of Commencement of Terms of Reference**  
**Project : Niagara Escarpment Crossing**  
**Location : Town of Grimsby, Town of Lincoln & Township of West Lincoln, Niagara Region**

Dear Maged Elmadhoon:

Thank you for providing the Ministry of Citizenship and Multiculturalism (MCM) with the Notice of Commencement of Terms of Reference for the above-referenced project.

MCM's interest in this project relates to its mandate of conserving Ontario's cultural heritage, which includes:

- archaeological resources, including land and marine;
- built heritage resources, including bridges and monuments; and
- cultural heritage landscapes.

Under the Environmental Assessment (EA) process, the proponent is required to determine a project's potential impact on known (previously recognized) and potential cultural heritage resources.

**Project Summary**

Niagara Region has initiated a study to provide a north-south transportation crossing of the Niagara Escarpment, between the Queen Elizabeth Way (QEW) and the potential Smithville

bypass of Regional Road 20. That is able to accommodate commercial vehicles and other transportation modes in order to provide greater safety for local communities, efficient commercial vehicle operations, and potential additional transportation system capacity, redundancy and resiliency, while ensuring Niagara remains open for business with the effective movement of goods and people. The preliminary study area for the proposed north-south transportation crossing includes portions of the Town of Grimsby, Town of Lincoln, and Township of West Lincoln.

The study will be carried out in accordance with the Environmental Assessment Act as an Individual EA. An individual EA represents a two-step process, with the first step being the preparation of a Terms of Reference to set out the framework, which outlines the planning and decision-making process to be followed during preparation of the EA.

### **Identifying Cultural Heritage Resources**

While some cultural heritage resources may have already been formally identified, others may be identified through screening and evaluation.

The Terms of Reference should include a brief, or preliminary description of the existing environment, including the cultural heritage aspects of the environment. The Terms of Reference should include a list, and brief explanation of the studies and tools that will be used to provide a more detailed description of the cultural heritage aspects of the environment in the Environmental Assessment.

### **Archaeological Resources**

As this EA project may impact archaeological resources, the study area should be screened using the Ministry's [Criteria for Evaluating Archaeological Potential](#) to determine if an archaeological assessment is needed. MCM archaeological sites data are available at [archaeology@ontario.ca](mailto:archaeology@ontario.ca).

If the EA project area exhibits archaeological potential, then an archaeological assessment (AA) shall be undertaken by an archaeologist licenced under the *Ontario Heritage Act (OHA)*, who is responsible for submitting the report directly to MCM for review.

Our records indicate that a number of archaeological sites have been previously identified within the vicinity of the study area. The Terms of Reference should identify if any archaeological assessments have been undertaken to date and identify any future commitments for future work.

Proponents must follow the recommendations of the archaeological assessment report(s). MCM recommends that further stages of archaeological assessment (if recommended) be undertaken as early as possible during detailed design and prior to any ground disturbing activities.

### **Built Heritage Resources and Cultural Heritage Landscapes**

The Terms of Reference should identify if the study area contains known (previously recognized) or potential built heritage resources or cultural heritage landscapes, and if these resources may be impacted by the project. The Ministry's [Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes](#) should be completed to help determine whether this EA project may impact known or potential built heritage resources and/or cultural heritage landscapes.

If there is potential for built heritage resources and/or cultural heritage landscapes within the project area, then a Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment should be undertaken for the entire study area during the planning phase and will be summarized in the EA Report. This study will:

1. Describe the existing baseline cultural heritage conditions within the study area by identifying all known or potential built heritage resources and cultural heritage landscapes, including a historical summary of the study area. The Ministry has developed screening criteria that may assist with this exercise: [Criteria for Evaluating for Potential Built Heritage Resources and Cultural Heritage Landscapes](#).
2. Identify preliminary potential project-specific impacts on the known and potential built heritage resources and cultural heritage landscapes that have been identified. The report should include a description of the anticipated impact to each known or potential built heritage resource or cultural heritage landscape that has been identified.
3. Recommend measures to avoid or mitigate potential negative impacts to known or potential built heritage resources and cultural heritage landscapes. The proposed mitigation measures are to inform the next steps of project planning and design.

Given that this project covers a large study area, MCM recommends that the Cultural Heritage Report is carried out so that step 1 described above is undertaken early in the planning process. Then, steps 2 and 3 can be undertaken once the preferred alternatives have been selected.

Cultural Heritage Reports will be undertaken by a qualified person who has expertise, recent experience, and knowledge relevant to the type of cultural heritage resources being considered and the nature of the activity being proposed.

Community input should be sought to identify locally recognized and potential cultural heritage resources. Sources include, but are not limited to, municipal heritage committees, historical societies and other local heritage organizations.

Cultural heritage resources are often of critical importance to Indigenous communities. Indigenous communities may have knowledge that can contribute to the identification of cultural heritage resources, and we suggest that any engagement with Indigenous communities includes a discussion about known or potential cultural heritage resources that are of value to them.

### **Environmental Assessment Reporting**

All technical cultural heritage studies and their recommendations are to be addressed and incorporated into EA projects.

Please note that the responsibility for administration of the *Ontario Heritage Act* and matters related to cultural heritage have been transferred from the Ministry of Tourism, Culture and Sport (MTCS) to the Ministry of Citizenship and Multiculturalism (MCM). Individual staff roles and contact information remain unchanged. Please continue to send any notices, report and/or documentation **via email only** to both Karla Barboza and myself.

- Karla Barboza, Team Lead - Heritage | Heritage Planning Unit (Citizenship and Multiculturalism) | 416-660-1027 | [karla.barboza@ontario.ca](mailto:karla.barboza@ontario.ca)
- Liam Smythe, Heritage Planner | Heritage Planning Unit (Citizenship and Multiculturalism) | 416-301-4797 | [Liam.Smythe@ontario.ca](mailto:Liam.Smythe@ontario.ca)

Thank you for consulting MCM on this project and please continue to do so throughout the EA process. If you have any questions or require clarification, please do not hesitate to contact me.

Sincerely,

Liam Smythe  
Heritage Planner  
Liam.Smythe@ontario.ca

Copied to: Scott Fraser, Niagara Region

Katherine Jim, CIMA+  
Gillian Thompson, CIMA+  
Alejandra Boyer, CIMA+  
Ian Dobrindt, GHD  
Catherine Sutherland, MECP  
Karla Barboza, MCM

It is the sole responsibility of proponents to ensure that any information and documentation submitted as part of their EA report or file is accurate. The Ministry of Citizenship and Multiculturalism (MCM) makes no representation or warranty as to the completeness, accuracy or quality of the any checklists, reports or supporting documentation submitted as part of the EA process, and in no way shall MCM be liable for any harm, damages, costs, expenses, losses, claims or actions that may result if any checklists, reports or supporting documents are discovered to be inaccurate, incomplete, misleading or fraudulent.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out an archaeological assessment, in compliance with Section 48(1) of the *Ontario Heritage Act*.

The *Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33* requires that any person discovering human remains must cease all activities immediately and notify the police or coroner. If the coroner does not suspect foul play in the disposition of the remains, in accordance with *Ontario Regulation 30/11* the coroner shall notify the Registrar, Ontario Ministry of Public and Business Service Delivery, which administers provisions of that Act related to burial sites. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified (at [archaeology@ontario.ca](mailto:archaeology@ontario.ca)) to ensure that the archaeological site is not subject to unlicensed alterations which would be a contravention of the *Ontario Heritage Act*.

February 8, 2024

Ministry of Citizenship and Multiculturalism  
Heritage Planning Unit  
Heritage Branch  
Citizenship, Inclusion and Heritage Division  
5<sup>th</sup> Floor, 400 University Ave  
Toronto ON M7A 1T7

**Sent Via Email To:**

Liam Smythe, Heritage Planner  
Karla Barboza, Team Lead - Heritage

Re: Niagara Escarpment Crossing IEA ToR – Notice of Commencement, Response to MCM Comments

Hello,

Thank you for the Ministry of Citizenship and Multiculturalism's (MCM's) comments on the Niagara Escarpment Crossing Individual Environmental Assessment (IEA) Terms of Reference (ToR) provided in your letter dated January 18, 2024, in response to the Notice of Commencement. The following table provides our responses to MCM's comments for your information.

Comments	Responses
<b>Identifying Cultural Heritage Resources</b>	
The Terms of Reference should include a brief, or preliminary description of the existing environment, including the cultural heritage aspects of the environment. The Terms of Reference should include a list, and brief explanation of the studies and tools that will be used to provide a more detailed description of the cultural	<ul style="list-style-type: none"><li>• The Terms of Reference (ToR) includes a preliminary description of the existing environment including the cultural heritage aspects of the environment in Section 7.2.5.</li><li>• The ToR includes a Built Heritage and Cultural Landscapes Work Plan appended to it, which includes a list of existing cultural heritage information sources that will be collected and reviewed, proposed cultural heritage field investigations that will be carried out, and the cultural heritage documentation that will be</li></ul>



Comments	Responses
heritage aspects of the environment in the Environmental Assessment.	prepared during the Environmental Assessment (EA).
<b>Archaeological Resources</b>	
As this EA project may impact archaeological resources, the study area should be screened using the Ministry's <i>Criteria for Evaluating Archaeological Potential</i> to determine if an archaeological assessment is needed.	<ul style="list-style-type: none"> <li>The ToR notes in Section 7.2.5 that there are several Indigenous archaeological sites from the Late-Paleo period through the contact period are located within the preliminary study area in addition to 19th century archaeological sites and modern cemeteries. In light of this, the ToR includes an Archaeology Work Plan appended to it, which proposes a Stage 1 Archaeological Assessment (AA) as well as a Stage 2 AA, which will both be carried out during preparation of the EA. As a result, there is no need complete the Ministry's <i>Criteria for Evaluating Archaeological Potential</i>.</li> </ul>
If the EA project area exhibits archaeological potential, then an archaeological assessment (AA) shall be undertaken by an archaeologist licenced under the <i>Ontario Heritage Act</i> .	<ul style="list-style-type: none"> <li>Niagara Region will retain an archaeologist licensed under the <i>Ontario Heritage Act</i> to undertake the proposed Stage 1 AA and Stage 2 AA as part of the EA.</li> </ul>
Our records indicate that a number of archaeological sites have been previously identified within the vicinity of the study area. The Terms of Reference should identify if any archaeological assessments have been undertaken to date and identify any future commitments for future work.	<ul style="list-style-type: none"> <li>As stated, the ToR notes the archaeological sites previously identified within the preliminary study area. As mentioned, the ToR includes an Archaeology Work Plan appended to it, which includes a list of existing archaeology information sources that will be collected and reviewed as part of a Stage 1 Archaeological Assessment (AA), proposed archaeological field investigations (i.e., a Stage 2 AA) that will carried out, and the archaeological documentation that will be prepared</li> </ul>

Comments	Responses
	during the EA (i.e., Stage 1 AA and Stage 2 AA Reports).
Proponents must follow the recommendations of the AA report(s). MCM recommends that further stages of archaeological assessment (if recommended) be undertaken as early as possible during detailed design and prior to any ground disturbing activities.	<ul style="list-style-type: none"> <li>• The Niagara Region will follow any future recommendations of the AA report(s).</li> <li>• As mentioned, Stages 1 and 2 AA will be carried out during the EA. Any further stages of archaeological assessment (if recommended) will be undertaken by Niagara Region as early as possible during detailed design and prior to any ground disturbing activities.</li> </ul>
Built Heritage Resources and Cultural Heritage Landscapes	
The Terms of Reference should identify if the study area contains known (previously recognized) or potential built heritage resources or cultural heritage landscapes, and if these resources may be impacted by the project. The Ministry's <i>Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes</i> should be completed to help determine whether this project may impact known or potential built heritage resources and/or cultural heritage landscapes.	<ul style="list-style-type: none"> <li>• The ToR notes in Section 7.2.5 that there are multiple known or potential built heritage resources (BHRs) and cultural heritage landscapes (CHLs) within the preliminary study area. The BHRs and CHLS may be impacted by the project, but this would be determined during the preparation of the EA. Since the potential to impact BHRs and CHLS will be determined during the preparation of the EA, there is no need complete the Ministry's <i>Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes</i>.</li> <li>• The ToR includes a Built Heritage and Cultural Landscapes Work Plan appended to it, which includes a list of existing cultural heritage information sources that will be collected and reviewed, proposed cultural heritage field investigations that will carried out, and the cultural heritage documentation that will be prepared during the Environmental Assessment (EA).</li> </ul>

Comments	Responses
<p>If there is potential for built heritage resources and/or cultural heritage landscapes within the project area, then a Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment should be undertaken for the entire study area during the planning phase and will be summarized in the EA Report. This study will:</p> <ol style="list-style-type: none"> <li>1. Describe the existing baseline cultural heritage conditions</li> <li>2. Identify preliminary potential project-specific impacts</li> <li>3. Recommend measures to avoid or mitigate potential negative impacts</li> </ol>	<ul style="list-style-type: none"> <li>• A Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment (CHRECPIA) is proposed to be prepared during the EA as specified in the Built Heritage and Cultural Landscapes Work Plan appended to the ToR. The CHRECPIA is for the entire preliminary study area and will address items 1 through 3. The CHRECPIA will be summarized in the EA Report.</li> </ul>
<p>Given that this project covers a large study area, MCM recommends that the Cultural Heritage Report is carried out so that step 1 described above is undertaken early in the planning process. Then steps 2 and 3 can be undertaken once the preferred alternatives have been selected.</p>	<ul style="list-style-type: none"> <li>• The Built Heritage and Cultural Landscapes Work Plan appended to the ToR proposes that the CHRECPIA is carried out as recommended by MCM: <ul style="list-style-type: none"> <li>○ Alternatives to the undertaking (step 1)</li> <li>○ Impact assessment of the proposed undertaking (steps 2 and 3)</li> </ul> </li> </ul>
<p>Cultural Heritage Reports will be undertaken by a qualified person who has expertise, recent experience, and</p>	<ul style="list-style-type: none"> <li>• Niagara Region will retain a qualified cultural heritage specialist to prepare the CHRECPIA as part of the EA.</li> </ul>

Comments	Responses
knowledge relevant to the type of cultural heritage resources being considered and the nature of the activity being proposed.	
Community input should be sought to identify locally recognized and potential cultural heritage resources. Sources include, but are not limited to, municipal heritage committees, historical societies, and other local heritage organizations.	<ul style="list-style-type: none"> <li>Community input will be sought during preparation of the EA to identify locally recognized and potential cultural heritage resources.</li> </ul>
Cultural heritage resources are often of critical importance to Indigenous Communities. Indigenous Communities may have knowledge that can contribute to the identification of cultural heritage resources, and we suggest that any engagement with Indigenous Communities includes a discussion about known or potential cultural heritage resources that are of value to them.	<ul style="list-style-type: none"> <li>As suggested, engagement with Indigenous Communities during preparation of the EA will include discussion about known or potential cultural heritage resources that are of value to them.</li> </ul>
<b>Environmental Assessment Reporting</b>	
All technical cultural heritage studies and their recommendations are to be addressed and incorporated into EA projects.	<ul style="list-style-type: none"> <li>The CHRECPIA and its recommendations will be addressed and incorporated into the Niagara Escarpment Crossing EA.</li> </ul>

We are planning on providing the draft Niagara Escarpment Crossing IEA ToR to the Government Review Team including MCM for review this spring. Comments received from MCM including those responded to in this letter will be documented in the Record of Consultation.

Please also note that Katherine Jim ([katherine.jim@cima.ca](mailto:katherine.jim@cima.ca)) and Elysia Friedl ([elysia.friedl@cima.ca](mailto:elysia.friedl@cima.ca)) are now the Project Manager and Project Coordinator for the Niagara Escarpment Crossing IEA ToR, respectively. As a result, please include them in all future related correspondence.

Please contact me if you have questions on the preceding information.

Sincerely,



**Maged Elmadhoon, M.Eng., P.Eng. (he/him)**

Manager, Transportation Planning

Transportation Services Division

Public Works, Niagara Region

cc. Katherine Jim, CIMA+  
Elysia Friedl, CIMA+  
Ian Dobrindt, GHD

**From:** [Escarpment Crossing](#)  
**Subject:** Niagara Region, Niagara Escarpment Crossing Comprehensive Environmental Assessment – Draft Terms of Reference – Notice of Public Information Centre  
**Date:** Wednesday, May 15, 2024 10:44:51 AM  
**Attachments:** [image.png](#)  
[Niagara CEA ToR Notice of PIC.pdf](#)

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## EXTERNAL EMAIL

Hello,

Please find attached the Notice of Public Information Centre for the Niagara Escarpment Crossing Comprehensive Environmental Assessment Draft Terms of Reference Project. The public, agencies, Indigenous Communities, and other interested persons are invited to review information, provide comments and attend the public meeting. The in-person Public Information Centre is scheduled as follows:

**Date:** Wednesday, May 29, 2024

**Time:** 5:30 p.m. to 8 p.m.

**Location:** West Niagara Fairgrounds - 7402 Mud St. W. Grassie, Ontario, L0R 1M0

**Format:** Presentation starting at 6 p.m. followed by a question-and-answer session.

On **May 30, 2024** the presentation materials and the complete draft Terms of Reference will be posted to the Region's website for review at [niagararegion.ca/projects/niagara-escarpment-crossing](https://niagararegion.ca/projects/niagara-escarpment-crossing). Please provide comments by **July 12, 2024** to the Region Project Manager and Consultant Project Manager listed below:

**Maged Elmadhoon, M.Eng., P.Eng.**

Manager, Transportation Planning  
Transportation Services Division  
Public Works, Niagara Region  
1815 Sir Isaac Brock Way, Thorold, ON  
905-980-6000 ext. 3583

**Katherine Jim, M.Eng., P.Eng.**

Senior Project Manager  
Transportation  
CIMA+  
400-3027 Harvester Road, Burlington,  
ON 289-288-0287 ext. 6835

[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)

Thank you

Project Team

Transportation Services Division

Public Works, Niagara Region

1815 Sir Isaac Brock Way, Thorold, ON

[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)



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**From:** [Escarpment Crossing](#)  
**Subject:** Niagara Escarpment Crossing Comprehensive EA – Draft Terms of Reference & PIC Presentation Available for Download  
**Date:** Thursday, May 30, 2024 11:57:46 AM  
**Attachments:** [image.png](#)

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## EXTERNAL EMAIL

Hello,

As a follow up to the Public Information Centre (PIC) held yesterday (May 29, 2024), the presentation materials and draft Terms of Reference (including Technical Work Plans) are now available for comment at [niagararegion.ca/projects/niagara-escarpment-crossing](https://niagararegion.ca/projects/niagara-escarpment-crossing).

As explained in the PIC material, the first stage of the CEA is to develop a Terms of Reference (TOR/main document) which provides the framework for the project and identifies technical workplans (appendices) and public consultation to be undertaken during the future Environmental Assessment (Stage 2).

The main Terms of Reference document provides, but not limited to, the project purpose, alternatives to the project, description of the preliminary study area, and EA consultation plan. The technical work plans define the "what" and "how" of the Environmental Assessment – describing what studies will be undertaken, what the study area will be, and what factors will be considered.

Please provide comments by **July 12, 2024** to the Region Project Manager and Consultant Project Manager:

**Maged Elmadhoon, M.Eng., P.Eng.**  
Manager, Transportation Planning  
Transportation Services Division  
Public Works, Niagara Region  
1815 Sir Isaac Brock Way, Thorold, ON  
905-980-6000 ext. 3583

**Katherine Jim, M.Eng., P.Eng.**  
Senior Project Manager  
Transportation  
CIMA+  
400–3027 Harvester Road, Burlington,  
ON 289-288-0287 ext. 6835

[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)

A specific response to your comments will be issued after the July 12, 2024 commenting period ends. Your comments will be considered as part of finalizing the proposed Terms of Reference for submission to the Ministry of the Environment, Conservation and Parks later this year.

Best Regards

Project Team  
Transportation Services Division  
Public Works, Niagara Region  
1815 Sir Isaac Brock Way, Thorold, ON  
[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)



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# Meeting Minutes

**Meeting:** MECP Meeting

**Project:** Niagara Region Escarpment Crossing CEA ToR

**Date and Time:** Tuesday, June 4, 2024 at 3:30pm

**Location:** Virtual Meeting (MS Teams)

**Attendees:**

Name	Organization
Maged Elmadhoon	Niagara Region
Scott Fraser	Niagara Region
Andrew Evers	MECP
Catherine Sutherland	MECP
Ross Lashbrook	MECP
Katherine Jim	CIMA+
Elysia Friedl	CIMA+

Discussion Topics		Action By
<b>1. Introductions / Purpose</b>		
<b>1.1</b>	Everyone on the call introduced themselves and their respective role.	Info
<b>1.2</b>	Meeting Purpose: To provide MECP with a status update on the Region's Niagara Escarpment Crossing Comprehensive Environmental Assessment (CEA) Terms of Reference (ToR) and to discuss the proposed changes to the Municipal Class Environmental Assessment (MCEA) process.	Info
<b>2. Project Status Update</b>		
<b>2.1</b>	The Region has completed the draft ToR along with the supporting Technical Work Plans. An in-person Public Information Centre (PIC) was held last week (Wednesday, May 29, 2024) with the Region presenting to the Local Area Municipalities (LAM) – Grimsby, Lincoln and West Lincoln – before the PIC throughout the month of May 2024. It was advised at the PIC and at the respective LAM Councils that the draft ToR with the Technical Work Plans would be available for review starting May 30, 2024.	Info
<b>2.2</b>	On May 30, 2024, the Draft ToR and the Technical Work Plans, along with the PIC material was posted on the Region's website for public / agency review and comment. An email was sent to agency and those on the mailing list as a reminder that the materials are now available online for review. The comment	Info

Discussion Topics	Action By
<p>period ends July 12, 2024. After this date, the Project Team will review all feedback received, prepare and send responses to those who submitted feedback and update the Draft ToR and Technical Work Plans accordingly.</p>	
<p><b>2.3</b> MECP noted they have received notice of the Draft ToR and will prepare to review the documents internally and provide the Region with comments by the July 12, 2024 deadline.</p>	MECP
<p><b>2.4</b> Following the update to the Draft ToR and Technical Work Plans, the Region will make its formal submission of the ToR to MECP; tentatively in Fall 2024.</p>	Info
<p><b>3. Regulatory Changes (Proposal)</b></p>	
<p><b>3.1</b> Earlier this year, MECP provided notice of proposed changes to modernize the MCEA Process for most types of municipal projects (i.e., no Class EA would be required for municipal road projects, with the exception of an expressway). The comment period has recently closed on this proposal and MECP is now reviewing all comments and feedback received. There is no timeline on when/if the changes will be in effect.</p>	Info
<p><b>3.2</b> Based on the proposed changes, the Niagara Escarpment Crossing Project would not be subject to an EA process, and MECP wants to better understand the Region's position based on the proposed changes and the timing for the formal submission to MECP.</p> <ul style="list-style-type: none"> <li>• The Region anticipates making the formal submission to MECP in Fall 2024, depending on the comments received on the Draft ToR and the effort required to revise the documents based on the received feedback.</li> <li>• Due to the history of the project and the starting and stopping of past studies, this project is very sensitive for the Region; both publicly and due to the sensitive area of the crossing (Niagara Escarpment). Therefore, it is critical for the Region to have a rigorous study process that would demonstrate the need for the crossing and have the necessary information available for the possibility of future funding opportunities.</li> <li>• This rigorous process (CEA) will also allow for the demonstration of the need and justification this corridor, while also meeting the requirements set out by the Niagara Escarpment Commission (NEC) which will be required for the permitting/approval process.</li> <li>• The Region understands there is no set timeline for MECP to make decisions regarding the proposed changes, and what the transition rules/regulations may look like, but if there is an option to continue with the CEA process, the Region will elect to continue down that path. If the process is not available, or the project does not meet the transition requirements, the Region will likely still complete a "Region-led" process</li> </ul>	Info

Discussion Topics	Action By
<p>and follow the steps laid out in the ToR to meet the requirements of the NEC Permits and to provide justification / need for the project.</p> <p><i>Post Meeting Note: The Region confirmed internally with Senior Staff and have confirmed the Region's direction to move forward with the CEA process for this project.</i></p>	
<p><b>3.3</b> MECP asked if the corridor would meet the definition of an expressway and thus still qualify under the proposed changes and could follow the EA process.</p> <p>The Region confirmed the corridor will not meet the definition of an expressway (i.e. not grade separated, no divided median, speed less than 80 km/h, etc.).</p>	Info
<p><b>3.4</b> The Region requested clarification on the Indigenous Engagement requirements, should the proposed changes take affect.</p> <p>MECP confirmed the responsibility for Indigenous Engagement would be the responsibility of the Municipality.</p>	Info
<p><b>3.5</b> MECP noted there would be transitional rules in place if the changes come into effect and would like to have ongoing discussion with the Region to ensure they are on the right track when these changes happen.</p> <p>MECP also noted that the timing of the ToR submission would be important, because they would like a project to follow through with the same process that is in effect at the time of ToR submission.</p>	Info
<p><b>4. Next Steps</b></p>	
<p><b>4.1</b> The Region will continue to move forward with the ToR and anticipates a Fall 2024 formal submission to MECP.</p>	Info
<p><b>4.2</b> MECP will provide comments on the Draft ToR and Technical Work Plans by July 12, 2024.</p>	MECP
<p><b>4.3</b> Now that MECP is aware of where the Region's ToR process is at, MECP will provide the Letter of Delegation to the Region as soon as possible.</p>	MECP

Minutes Prepared by Elysia Friedl, CIMA+

Please advise author immediately of any errors or omissions.

**From:** [Escarpment Crossing](#)  
**Subject:** Niagara Escarpment Crossing Comprehensive EA – Draft Terms of Reference - Commenting Deadline July 12, 2024  
**Date:** Thursday, July 4, 2024 3:26:14 PM  
**Attachments:** [image.png](#)

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## EXTERNAL EMAIL

Hello,

Just a reminder that the commenting period for the Niagara Escarpment Crossing CEA Draft Terms of Reference closes on **Friday, July 12, 2024**. Documents are uploaded to the project website at the following link:

[niagararegion.ca/projects/niagara-escarpment-crossing](https://niagararegion.ca/projects/niagara-escarpment-crossing).

Please submit comments to the Region Project Manager and Consultant Project Manager listed below:

**Maged Elmadhoon, M.Eng., P.Eng.**

Manager, Transportation Planning  
Transportation Services Division  
Public Works, Niagara Region  
1815 Sir Isaac Brock Way, Thorold, ON  
905-980-6000 ext. 3583

[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)

**Katherine Jim, M.Eng., P.Eng.**

Senior Project Manager  
Transportation  
CIMA+  
400-3027 Harvester Road, Burlington,  
ON 289-288-0287 ext. 6835

A specific response to your comments will be issued after the July 12, 2024 commenting period ends. Your comments will be considered as part of finalizing the proposed Terms of Reference for submission to the Ministry of the Environment, Conservation and Parks later this year.

Best Regards

Project Team

Transportation Services Division  
Public Works, Niagara Region  
1815 Sir Isaac Brock Way, Thorold, ON  
[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)



The Regional Municipality of Niagara Confidentiality Notice The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently

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**Ministry of Citizenship  
and Multiculturalism**

Heritage Planning Unit  
Heritage Branch  
Citizenship, Inclusion and  
Heritage Division  
5th Flr, 400 University Ave  
Tel.: 416-301-4797

**Ministère des Affaires civiques  
et du Multiculturalisme**

Unité de la planification relative au  
patrimoine  
Direction du patrimoine  
Division des affaires civiques, de  
l'inclusion et du patrimoine  
Tél.: 416-301-4797



July 11, 2024

EMAIL ONLY

Maged Elmadhoon  
Manager, Transportation Planning  
Transportation Services Division  
Public Works, Niagara Region  
1815 Sir Isaac Brock Way  
Thorold, ON L2V 4Y6  
[Maged.Elmadhoon@niagararegion.ca](mailto:Maged.Elmadhoon@niagararegion.ca)

**MCM File** : 0019558  
**Proponent** : Niagara Region  
**Subject** : Comprehensive Environmental Assessment – Notice of Public  
Information Centre – Terms of Reference  
**Project** : Niagara Escarpment Crossing  
**Location** : Town of Grimsby, Town of Lincoln & Township of West Lincoln,  
Niagara Region

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Dear Maged Elmadhoon:

Thank you for providing the Ministry of Citizenship and Multiculturalism (MCM) with the Notice of Public Information Centre and making the draft document: *Niagara Escarpment Crossing Comprehensive Environmental Assessment Terms of Reference* (ToR) (dated April 2024, prepared by CIMA+ and GHD) available for our review and comment.

MCM's interest in this project relates to its mandate of conserving Ontario's cultural heritage.

**Project Summary**

In Spring 2023, Niagara Region initiated an Individual Environmental Assessment Study (now known as 'Comprehensive Environmental Assessment') to provide a north-south transportation corridor crossing of the Niagara Escarpment between the Queen Elizabeth Way (QEW) and Regional Road 20 that will: provide for the safe and effective commercial vehicle movements and operations and other transportation modes, provide greater safety for local communities, and improve economic vitality with the efficient movement of goods and services. The preliminary study area for the proposed north-south transportation crossing has been expanded to accommodate the range of alternatives being considered and the impacts that may be assessed.

The Study is being carried out in accordance with the *Environmental Assessment Act*, as a Comprehensive Environmental Assessment. A Comprehensive Environmental Assessment is a two-step approval process with the first step being the preparation of a Terms of Reference.

## Comments

We have reviewed the draft ToR and generally support the approach presented; however we have the following comments:

### *Archaeological Resources*

The *Archaeology Work Plan* (Appendix E) indicates that a Stage 1 Archaeological Assessment (AA) will be completed for the final study area. Once the preferred method of carrying out the project has been selected and developed at a preliminary level of design, a Stage 2 AA will be undertaken within the proposed limits of impact associated with the proposed project. The Stage 2 report will include detailed recommendations for any further archaeological assessment as required.

Please note that archaeological concerns have not been addressed until reports have been entered into the Ontario Public Register of Archaeological Reports where those reports recommend that:

1. the archaeological assessment of the project area is complete and
2. all archaeological sites identified by the assessment are either of no further cultural heritage value or interest (as per Section 48(3) of the OHA) or that mitigation of impacts has been accomplished through excavation or an avoidance and protection strategy.

Approval authorities (such as the Ministry of the Environment, Conservation and Parks - MECP) typically wait to receive the ministry's review letter confirming that an archaeological assessment report has been entered into the Register before issuing a decision on the application, as this can be used, for example, to document that due diligence has been undertaken.

### *Built Heritage Resources and Cultural Heritage Landscapes*

The *Built Heritage and Cultural Landscapes Work Plan* (Appendix F) indicates that a *Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment* (abbreviated as 'CHRECPIA') will be completed for the final study area, to identify all known and potential built heritage resources and cultural heritage landscapes. This exercise will constitute the existing conditions portion of the report. Following the identification of preferred alternatives, an updated *Cultural Heritage Report* will be completed to identify impacts and mitigation options for properties within 50m of the preferred alternatives. Please ensure that both the existing conditions portion and the updated Cultural Heritage Report are submitted to MCM, along with all other review agencies and stakeholders, for review and comment.

We have attached a table with more detailed comments to support the documentation of cultural heritage due diligence.

Thank you for consulting with MCM on this project and please continue to do so throughout the EA process. If you have any questions or require clarification, please do not hesitate to contact me.

Sincerely,

Liam Smythe  
Heritage Planner  
[Liam.Smythe@ontario.ca](mailto:Liam.Smythe@ontario.ca)

Copied to: Katherine Jim, CIMA+  
Catherine Sutherland, MECP  
Karla Barboza, MCM

It is the sole responsibility of proponents to ensure that any information and documentation submitted as part of their EA report or file is accurate. The Ministry of Citizenship and Multiculturalism (MCM) makes no representation or warranty as to the completeness, accuracy or quality of the any checklists, reports or supporting documentation submitted as part of the EA process, and in no way shall MCM be liable for any harm, damages, costs, expenses, losses, claims or actions that may result if any checklists, reports or supporting documents are discovered to be inaccurate, incomplete, misleading or fraudulent.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out an archaeological assessment, in compliance with Section 48(1) of the *Ontario Heritage Act*.

The *Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33* requires that any person discovering human remains must cease all activities immediately and notify the police or coroner. If the coroner does not suspect foul play in the disposition of the remains, in accordance with *Ontario Regulation 30/11* the coroner shall notify the Registrar, Ontario Ministry of Public and Business Service Delivery, which administers provisions of that Act related to burial sites. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified (at [archaeology@ontario.ca](mailto:archaeology@ontario.ca)) to ensure that the archaeological site is not subject to unlicensed alterations which would be a contravention of the *Ontario Heritage Act*.



Comment #	Document and Section	Given Text	MCM Comment
1.	General Comment	Incorrect Terminology –  “Built Heritage Resources and Cultural Landscapes” and “Built Heritage and Cultural Landscapes” etc.	We note there is some inconsistency in the way that built heritage resources and cultural heritage landscapes are referenced throughout the ToR and work plans. For consistency with current legislation and terminology, please use the terms ‘built heritage resources and cultural <u>heritage</u> landscapes’ in the title of the work plan, and in all references throughout the ToR.
2.	7.2 – <i>Preliminary Description of the Environment</i>  p. 24	...  The cultural environment encompasses the cultural conditions that influence the life of humans or a community. For purposes of the Niagara Escarpment Crossing EA, the preliminary description of the cultural environment includes an overview of the archaeological resources and cultural heritage features within the preliminary study area.	Archaeological resources, built heritage resources, and cultural heritage landscapes are all considered to be cultural heritage resources. For clarity, this section subheading should be revised as follows (additions in bold text, omissions in strikethrough text)  ‘...includes an overview of <b><u>cultural heritage resources</u></b> <del>the archaeological resources and cultural heritage features</del> within the preliminary study area, <b><u>including archaeological resources, built heritage resources, and cultural heritage landscapes.</u></b> ’
3.	7.2.5 – <i>Cultural Environment</i>  p. 41-42	...  The Town of Grimsby has previously identified 27 CHLs within the preliminary study area including two cemeteries. They include Old Grimsby Village...  ...  The Niagara Escarpment Biosphere Preserve is also a provincially recognized heritage landscape and part of the Greenbelt....	It is unnecessary at this time to list all identified Cultural Heritage Landscapes and Cemeteries within the Preliminary Study Area in the Terms of Reference as this information will also be included in the existing conditions portion of the Cultural Heritage Report once it has been completed. Furthermore, it is unclear if these identified CHLs and Cemeteries are included among the total designated and municipally-listed properties identified in this section.  For clarity, we suggest that this information be deleted. It is sufficient to simply state that there are <b>X</b> number of identified CHLs and <b>X</b> number of Cemeteries within the preliminary study area.  In addition, the correct name of this resource is the Niagara Escarpment Biosphere <b><u>Reserve</u></b> . Please also indicate that this resource is recognized as a UNESCO Biosphere Reserve.

Comment #	Document and Section	Given Text	MCM Comment
4.	7.4 - Types of Potential Environmental Effects  Table 7-2 – Potential Environmental Effects  p. 44	<p>[Please see the final table column entitled “Cultural”]</p> <ul style="list-style-type: none"> <li>- Displacement of registered archaeological sites</li> <li>- Disturbance to lands with significant archaeological potential (i.e., lands with potential for the presence of archaeological resources)</li> <li>- Displacement or disruption of built heritage features</li> <li>- Removal of cultural landscapes</li> </ul>	<p>To simplify and ensure consistency with current legislation, we suggest that the text included in the final table column entitled ‘Cultural’ be removed in its entirety and replaced with the following :</p> <ul style="list-style-type: none"> <li>- <u>Impacts to archaeological resources and areas of archaeological potential</u></li> <li>- <u>Impacts to known and/or potential built heritage resources and/or cultural heritage landscapes</u></li> </ul>
5.	8.1.2 - Task B: Assessment of Alternatives to the Project  Table 8-1 – Preliminary Criteria and Indicators for Assessing the Alternatives to the Project  p. 55	<p>[Please see to the table rows entitled “Cultural Environment”]</p> <p>Criterion</p> <ul style="list-style-type: none"> <li>- Effect on known archaeological resources</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>- Number and type of potentially significant, known archaeological sites affected</li> </ul> <p>Criterion</p> <ul style="list-style-type: none"> <li>- Effect on features of archaeological potential</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>- Area (ha) of archaeological potential affected (i.e., lands with</li> </ul>	<p>To simplify and ensure consistency with current legislation and terminology, we suggest that these indicators be revised as follows:</p> <p>Criterion</p> <ul style="list-style-type: none"> <li>- Effect on <del>known</del> archaeological resources</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>- Number of <u>previously-identified</u> and type of potentially significant, known archaeological sites affected <u>impacted</u></li> </ul> <p>Criterion</p> <ul style="list-style-type: none"> <li>- Effect on <del>features of</del> <b>areas of</b> archaeological potential</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>- Area (ha) of archaeological potential <del>affected</del> <b>impacted</b> (i.e., lands with potential for the presence of significant archaeological resources)</li> </ul> <p>Criterion</p> <ul style="list-style-type: none"> <li>- Effect on registered cemetery Properties</li> </ul> <p>Indicator</p>

Comment #	Document and Section	Given Text	MCM Comment
		<p>potential for the presence of significant archaeological resources)</p> <p>Criterion</p> <ul style="list-style-type: none"> <li>- Effect on registered cemetery Properties</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>- Number and extent of registered cemeteries affected</li> </ul> <p>Criterion</p> <ul style="list-style-type: none"> <li>- Effect on built heritage resources</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>- Number and level of significance of built heritage resources affected</li> </ul> <p>Criterion</p> <ul style="list-style-type: none"> <li>- Effect on cultural heritage landscapes</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>- Number and level of significance of cultural heritage landscapes affected</li> </ul>	<ul style="list-style-type: none"> <li>- Number and extent of registered cemeteries <del>affected</del> <b>impacted</b></li> </ul> <p>Criterion</p> <ul style="list-style-type: none"> <li><del>Effect on built heritage resources</del></li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li><del>Number and level of significance of built heritage resources affected</del></li> </ul> <p>Criterion</p> <ul style="list-style-type: none"> <li>- Effect on <b>built heritage resources</b> and cultural heritage landscapes</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>- Number and level of significance of <b>of known and/or potential built heritage resources</b> and cultural heritage landscapes <del>affected</del> <b>impacted.</b></li> </ul> <p>[Please update table 8-2 to align with the recommended revisions above]</p>
6.	12 – Other Approvals Required p. 79	<p>In addition to requiring EA Act approval, other approvals may be required for the project prior to its implementation. Although it is not possible at this time to state which approvals will be required, the following is a list of some approvals that potentially apply:</p>	<p>When referencing the <i>Ontario Heritage Act</i>, the full title of the Act should be used, afterwards abbreviated as 'OHA'.</p> <p>Revise bullet as below:</p> <ul style="list-style-type: none"> <li>- <b><u>Ontario</u> Heritage Act</b> - Ministry of Citizenship and Multiculturalism</li> </ul>

Comment #	Document and Section	Given Text	MCM Comment
		- <i>Heritage Act</i> - Ministry of Citizenship and Multiculturalism	
7.	Appendix E – Archaeological Work Plan  2 – <i>Establishment of Archaeological Conditions</i>  p. 2	Establishment of Archaeological Conditions	As this section of the work plan describes the process for establishing the archaeological potential of the preliminary study area and the baseline existing conditions as they relate to archaeology through the completion of a Stage 1 Archaeological Assessment, we recommend that the title of this section be revised to 'Establishment of <b>Existing</b> Archaeological Conditions' or "Establishment of <b>Baseline</b> Archaeological Conditions', because the process for Stage 2 and further archaeological assessments is outlined in subsequent sections.
8.	Appendix E – Archaeological Work Plan  3 - <i>Assessment Alternatives</i>  Tables; 3-1 & 3-2  pp.5-6	See Comment 5 above.	Please revise tables 3-1 and 3-2 to be consistent with Comment #5 above.
9.	Appendix F - Built Heritage and Cultural Landscapes Work Plan 2.2 –	...	Please note that on June 6, 2024, the Ontario legislature passed Bill 200, the <i>Homeowner Protection Act</i> , which amended the <i>Ontario Heritage Act</i> by extending the timeframe for municipalities to review properties listed on their municipal heritage register. Municipalities now have until <b><u>January 1, 2027</u></b> to issue a Notice of Intention to Designate before these

Comment #	Document and Section	Given Text	MCM Comment
	<i>Review of Existing Information Sources</i>  p. 4	It should also be noted that the listed municipal heritage registers will likely undergo significant change until January 2025 because of recent amendments to the Ontario OHA. These changes may include significant numbers of newly designated properties and heritage conservation districts as well as the eventual removal of properties listed before January 2023 (if not designated by January 2025).	properties must be removed from the register. The given text should therefore be revised as below:  'It should also be noted that the <del>listed</del> municipal heritage registers will likely undergo significant change until January <b>2027</b> because of recent amendments to the <del>Ontario</del> OHA. These changes may include significant numbers of newly designated properties and heritage conservation districts as well as the eventual removal of properties listed before January 2023 (if not designated by January <b>2027</b> ).'
10.	Appendix F - Built Heritage and Cultural Landscapes Work Plan  Section 2.3 – Proposed Field Investigations  p.5	...  A built heritage and cultural landscape survey of all known and potential built heritage resources (BHRs) and cultural heritage landscapes (CHLs) within the final study area.  <ul style="list-style-type: none"> <li>- Known BHRs and CHLs include federally, provincially, or municipally designated heritage sites or properties</li> <li>- Potential BHRs and CHLs include properties listed on municipal heritage registers and any other structure or landscape considered to have potential cultural heritage value or interest based on the MCM's Criteria for Evaluating Potential for Built Heritage Resources and Cultural</li> </ul>	Known BHRs and CHLs are defined as properties that have recognized cultural heritage value or interest. Potential BHRs and CHLs are properties which have no existing cultural heritage recognition and typically identified based on research, MCM's <i>Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes</i> screening checklist, and professional expertise. Properties that are listed on a municipal heritage register are categorized as 'known' BHRs or CHLs.  The text in this section should be revised accordingly:  ...  A built heritage and cultural landscape survey of all known and potential built heritage resources (BHRs) and cultural heritage landscapes (CHLs) within the final study area.  <ul style="list-style-type: none"> <li>- Known BHRs and CHLs include <del>federally, provincially, or municipally designated heritage sites or properties</del> <b><u>are properties with recognized cultural heritage value or interest, and may include properties that have been listed or designated at the municipal, provincial, or federal level.</u></b></li> <li>- Potential BHRs and CHLs <b><u>are properties that have the potential for cultural heritage value or interest,</u></b> <del>and include properties listed on municipal heritage registers and any other structure or landscape considered to have potential</del></li> </ul>

Comment #	Document and Section	Given Text	MCM Comment
		Heritage Landscapes and the professional judgement of a professional member of the Canadian Association of Heritage Professionals (CAHP).	<del>cultural heritage value or interest</del> based on the MCM's Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes and the professional judgement of a professional member of the Canadian Association of Heritage Professionals (CAHP).
11.	Appendix F - Built Heritage and Cultural Landscapes Work Plan  3 – <i>Assessment of Alternatives</i>  Tables; 3-1 & 3-2  pp.6-7	See Comment 5 above.	Please revise tables 3-1 and 3-2 to be consistent with Comment #5 above.
12.	Appendix F - Built Heritage and Cultural Landscapes Work Plan4 – <i>Impact Assessment of</i>	...  Documentation ...  As required, the CHRECPIA will include a discussion of the alternatives (i.e., alternatives to the project, alternative methods of carrying out the project, and	It should be noted that other mitigation measures may be also developed in addition to, or in place of Heritage Impact Assessments. We therefore recommend that this text be revised to provide more general recommendations regarding mitigation measures. See suggested text below:  'As required, the CHRECPIA will include a discussion of the alternatives (i.e., alternatives to the project, alternative methods of carrying out the project, and the preferred method). In addition, the report will also include specific recommendations <b><u>to avoid or mitigate potential negative impacts to known and potential BHRs</u></b>

Comment #	Document and Section	Given Text	MCM Comment
	<i>the Proposed Project</i>  p. 8	the preferred method) In addition, the report will also include specific recommendations for subsequent Heritage Impact Assessments (HIAs) during detailed design because of anticipated direct impacts to known or potential heritage attributes.'	<b><u>and CHLs. The proposed mitigation measures are to inform the next steps of project planning and design. for subsequent Heritage Impact Assessments (HIAs) during detailed design because of anticipated direct impacts to known or potential heritage attributes.'</u></b>
13.	Appendix F - Built Heritage and Cultural Landscapes Work Plan  5 – Documentation  p.9	As mentioned, the results of implementing this work plan will be documented in a Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment (CHRECPA) during the Niagara Escarpment Crossing EA as follows:  <ul style="list-style-type: none"> <li>- Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment – will document the results of collecting and reviewing available existing sources of information and the proposed field investigations (i.e., Baseline Conditions Report).</li> <li>- Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment – will document the finalized existing conditions content of the Cultural Heritage Report: Existing Conditions along with the results of the impact assessment of the proposed project including any</li> </ul>	To clarify the process for carrying out the Cultural Heritage Report, we recommend revising the text in the section as follows:  <ul style="list-style-type: none"> <li>- Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment – <del>will document the results of collecting and reviewing available existing sources of information and the proposed field investigations (i.e., Baseline Conditions Report).</del> <b><u>Will describe the existing baseline cultural heritage conditions within the study area by identifying all known or potential built heritage resources and cultural heritage landscapes, including a historical summary of the study area.</u></b></li> <li>- Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment – will document the finalized existing conditions content of the Cultural Heritage Report: Existing Conditions <del>along with the results of the impact assessment of the proposed project including any recommendations for additional investigations such as HIAs (i.e., Impact Assessment Report).</del> <b><u>and will identify potential project-specific impacts on the known and potential built heritage resources and cultural heritage landscapes that have been identified. The report will Recommend measures to avoid or mitigate potential negative impacts to known or potential built heritage resources and cultural heritage landscapes.</u></b></li> </ul>

Comment #	Document and Section	Given Text	MCM Comment
		recommendations for additional investigations such as HIAs (i.e., Impact Assessment Report).	



September 23, 2024

Ministry of Citizenship and Multiculturalism  
Heritage Planning Unit  
Heritage Branch  
Citizenship, Inclusion and Heritage Division  
5<sup>th</sup> Floor, 400 University Ave.  
Toronto ON M5G 1S5

**Sent Via Email To:**

Liam Smythe, Heritage Planner ([liam.smythe@ontario.ca](mailto:liam.smythe@ontario.ca))

Re: Niagara Escarpment Crossing Comprehensive Environmental Assessment – Notice of Public Information Centre – Terms of Reference; MCM File 0019558

Hello,

Thank you for the Ministry of Citizenship and Multiculturalism's (MCM) comments on the Niagara Escarpment Crossing Comprehensive Environmental Assessment (CEA) draft Terms of Reference (ToR) (Project) provided in your July 11, 2024 letter. The following tables provide our responses to MCM's comments for your information:

Comments	Responses
We have reviewed the draft ToR and generally support the approach presented; however, we have the below comments.	The Region is pleased to read that MCM generally supports the approach presented in the ToR for the preparation of the environmental assessment.
<b>Archaeological Resources</b>	
The Archaeology Work Plan (Appendix E) indicates that a Stage 1 Archaeological Assessment (AA) will be completed for the final study area. Once the preferred method of carrying out the project has been selected and developed at a preliminary level of design, a Stage 2 AA will be undertaken within the proposed limits of impact associated with the proposed project. The Stage 2 report will include detailed recommendations for any	Comment noted.

Comments	Responses
<p>further archaeological assessment as required.</p> <p>Please note that archaeological concerns have not been addressed until reports have been entered into the Ontario Public Register of Archaeological Reports where those reports recommend that:</p> <ol style="list-style-type: none"> <li>1. The archaeological assessment of the project area is complete and</li> <li>2. All archaeological sites identified by the assessment are either of no further cultural heritage value or interest (as per Section 48(3) of the OHA) or that mitigation of impacts has been accomplished through excavation or an avoidance and protection strategy.</li> </ol> <p>Approval authorities (such as the Ministry of the Environment, Conservation and Parks - MECP) typically wait to receive the ministry's review letter confirming that an archaeological assessment report has been entered into the Register before issuing a decision on the application, as this can be used, for example, to document that due diligence has been undertaken.</p>	
<b>Built Heritage Resources and Cultural Heritage Landscapes</b>	
<p>The Built Heritage and Cultural Landscapes Work Plan (Appendix F) indicates that a Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment (abbreviated as 'CHRECPIA') will be completed for the final study area,</p>	<p>The Built Heritage and Cultural Landscapes Work Plan (Appendix F) already specifies that the Region will make both the existing conditions portion and the updated Cultural Heritage Report available to review agencies (including MCM),</p>

Comments	Responses
to identify all known and potential built heritage resources and cultural heritage landscapes. This exercise will constitute the existing conditions portion of the report. Following the identification of preferred alternatives, an updated Cultural Heritage Report will be completed to identify impacts and mitigation options for properties within 50 m of the preferred alternatives. Please ensure that both the existing conditions portion and the updated Cultural Heritage Report are submitted to MCM, along with all other review agencies and stakeholders, for review and comment.	Indigenous communities, and the public during preparation of the environmental assessment. At that time, comments submitted will be responded to by the Region.

Comment #	Document & Section	Given Text	MCM Comment	Project Team Response
1	General Comment	Incorrect Terminology – “Built Heritage Resources and Cultural Landscapes” and “Built Heritage and Cultural Landscapes” etc.	We note there is some inconsistency in the way that built heritage resources and cultural heritage landscapes are referenced throughout the ToR and work plans. For consistency with current legislation and terminology, please use the terms ‘built heritage resources and cultural <u>heritage</u> landscapes’ in the title of the work plan, and in all references throughout the ToR.	As requested, the ToR and work plans have been revised to use the terms ‘built heritage resources and cultural heritage landscapes’ throughout.
2	7.2 – Preliminary Description of the Environment (pg. 24)	The cultural environment encompasses the cultural conditions that influence the life of humans or a community. For purposes of the Niagara Escarpment Crossing EA, the preliminary description of the cultural environment includes an overview of the archaeological resources and cultural heritage features within the preliminary study area.	Archaeological resources, built heritage resources, and cultural heritage landscapes are all considered to be cultural heritage resources. For clarity, this section subheading should be revised as follows (additions in bold text, omissions in strikethrough text)  ‘...includes an overview of <b><u>cultural heritage resources</u></b> <del>the archaeological resources and cultural heritage features</del> within the preliminary study area, <b><u>including archaeological resources, built heritage resources, and cultural heritage landscapes.</u></b> ’	As requested, the ToR has been revised as per MCM’s suggested changes.
3	7.2.5 – Cultural Environment (pg. 41-42)	The Town of Grimsby has previously identified 27 CHLs within the preliminary study area including two cemeteries. They include Old Grimsby Village...  ...  The Niagara Escarpment Biosphere Preserve is also a provincially recognized heritage landscape and part of the Greenbelt...	It is unnecessary at this time to list all identified Cultural Heritage Landscapes and Cemeteries within the Preliminary Study Area in the Terms of Reference as this information will also be included in the existing conditions portion of the Cultural Heritage Report once it has been completed. Furthermore, it is unclear if these identified CHLs and Cemeteries are included among the total designated and municipally-listed properties identified in this section.  For clarity, we suggest that this information be deleted. It is sufficient to simply state that there are X number of identified CHLs and <b>X</b> number of Cemeteries within the preliminary study area.  In addition, the correct name of this resource is the Niagara Escarpment Biosphere <b><u>Reserve</u></b> . Please also indicate that this resource is recognized as a UNESCO Biosphere Reserve.	As requested, the ToR has been revised as per MCM’s suggested changes.

Comment #	Document & Section	Given Text	MCM Comment	Project Team Response
4	7.4 – Types of Potential environmental Effects Table 7.2 – Potential Environmental Effects (pg. 44)	<p>[Please see the final table column entitled “Cultural”]</p> <ul style="list-style-type: none"> <li>Displacement of registered archaeological sites</li> <li>Disturbance to lands with significant archaeological potential (i.e., lands with potential for the presence of archaeological resources)</li> <li>Displacement or disruption of built heritage features</li> <li>Removal of cultural landscapes</li> </ul>	<p>To simplify and ensure consistency with current legislation, we suggest that the text included in the final table column entitled ‘Cultural’ be removed in its entirety and replaced with the following:</p> <ul style="list-style-type: none"> <li>Impacts to archaeological resources and areas of archaeological potential</li> <li>Impacts to known and/or potential built heritage resources and/or cultural heritage landscapes</li> </ul>	As requested, the ToR has been revised as per MCM’s suggested changes.
5	8.1.2 – Task B: Assessment of Alternatives to the Project Table 8-1 – Preliminary Criteria and Indicators for Assessing the Alternatives to the Project (pg. 55)	<p>[Please see to the table rows entitled “Cultural Environment”]</p> <p>Criterion</p> <ul style="list-style-type: none"> <li>Effect on known archaeological resources</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>Number and type of potentially significant known archaeological sites affected</li> </ul> <p>Criterion</p> <ul style="list-style-type: none"> <li>Effect on features of archaeological potential</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>Area (ha) of archaeological potential affected (i.e., lands with potential for the presence of significant archaeological resources)</li> </ul> <p>Criterion</p> <ul style="list-style-type: none"> <li>Effect on registered cemetery properties</li> </ul> <p>Indicator</p>	<p>To simplify and ensure consistency with current legislation and terminology, we suggest that these indicators be revised as follows:</p> <p>Criterion</p> <ul style="list-style-type: none"> <li>Effect on <del>known</del> archaeological resources</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>Number of <b><u>previously-identified</u></b> <del>and type of potentially significant, known archaeological sites affected</del> <b>impacted</b>.</li> </ul> <p>Criterion</p> <ul style="list-style-type: none"> <li>Effect on <del>features of</del> <b>areas of</b> archaeological potential</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>Area (ha) of archaeological potential <del>affected</del> <b><u>impacted</u></b> (i.e., lands with potential for the presence of significant archaeological resources)</li> </ul> <p>Criterion</p> <ul style="list-style-type: none"> <li>Effect on register cemetery properties</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>Number and extent of registered cemeteries <del>affected</del> <b>impacted</b></li> </ul> <p>Criterion</p> <ul style="list-style-type: none"> <li><del>Effect on built heritage resources</del></li> </ul>	As requested, the ToR and applicable work plans have been revised as per MCM’s suggested changes.

Comment #	Document & Section	Given Text	MCM Comment	Project Team Response
		<ul style="list-style-type: none"> <li>Number and extent of registered cemeteries affected</li> </ul> <p>Criterion</p> <ul style="list-style-type: none"> <li>Effect on built heritage resources</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>Number and level of significance of built heritage resources affected</li> </ul> <p>Criterion</p> <ul style="list-style-type: none"> <li>Effect on cultural heritage landscapes</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>Number and level of significance of cultural heritage landscapes affected</li> </ul>	<p>Indicator</p> <ul style="list-style-type: none"> <li><del>Number and level of significance of built heritage resources affected</del></li> </ul> <p>Criterion</p> <ul style="list-style-type: none"> <li>Effect on <b>built heritage resources and</b> cultural heritage landscapes</li> </ul> <p>Indicator</p> <ul style="list-style-type: none"> <li>Number and level of significance <u>of known and/or potential built heritage resources</u> and cultural heritage landscapes affected <b>impacted</b>.</li> </ul> <p>[Please update table 8-2 to align with the recommended revisions above]</p>	
6	12 – Other Approvals Required (pg. 79)	<p>In addition to requiring <i>EA Act</i> approval, other approvals may be required for the project prior to its implementation. Although it is not possible at this time to state which approvals will be required, the following is a list of some approvals that potentially apply:</p> <ul style="list-style-type: none"> <li><i>Heritage Act</i> – Ministry of Citizenship and Multiculturalism</li> </ul>	<p>When referencing the <i>Ontario Heritage Act</i>, the full title of the Act should be used, afterwards abbreviated as 'OHA'.</p> <p>Revise bullet as below:</p> <ul style="list-style-type: none"> <li><u><b>Ontario</b></u> <i>Heritage Act</i> - Ministry of Citizenship and Multiculturalism</li> </ul>	As requested, the ToR has been revised as per MCM's suggested changes.
7	Appendix E – Archaeological Work Plan 2- Establishment of Archaeological Conditions (pg. 2)	Establishment of Archaeological Conditions	As this section of the work plan describes the process for establishing the archaeological potential of the preliminary study area and the baseline existing conditions as they relate to archaeology through the completion of a Stage 1 Archaeological Assessment, we recommend that the title of this section be revised to 'Establishment of Existing Archaeological Conditions' or "Establishment of Baseline Archaeological Conditions", because the process for Stage 2 and further	As requested, Appendix E – Archaeological Work Plan has been revised as per MCM's suggested change so that the Section 2 is entitled 'Establishment of Existing Archaeological Conditions'.

Comment #	Document & Section	Given Text	MCM Comment	Project Team Response
			archaeological assessments is outlined in subsequent sections.	
8	Appendix E – Archaeological Work Plan 3 – Assessment of Alternatives Tables 3-1 & 3-2 (pg. 5-6)	See Comment 5 above	Please revise tables 3-1 and 3-2 to be consistent with Comment #5 above.	As requested, Appendix E – Archaeological Work Plan has been revised as per MCM's suggested change so that Tables 3-1 and 3-2 are consistent with Comment and Response #5.
9	Appendix F – Built Heritage and Cultural Landscapes Work Plan 2.2 – Review of Existing Information Sources (pg. 4)	It should also be noted that the listed municipal heritage registers will likely undergo significant change until January 2025 because of recent amendments to the Ontario OHA. These changes may include significant numbers of newly designated properties and heritage conservation districts as well as the eventual removal of properties listed before January 2023 (if not designated by January 2025).	Please note that on June 6, 2024, the Ontario legislature passed Bill 200, the Homeowner Protection Act, which amended the Ontario Heritage Act by extending the timeframe for municipalities to review properties listed on their municipal heritage register. Municipalities now have until January 1, 2027 to issue a Notice of Intention to Designate before these properties must be removed from the register. The given text should therefore be revised as below: <ul style="list-style-type: none"> <li>‘It should also be noted that the listed municipal heritage registers will likely undergo significant change until January 2027 because of recent amendments to the Ontario OHA. These changes may include significant numbers of newly designated properties and heritage conservation districts as well as the eventual removal of properties listed before January 2023 (if not designated by January 2027).’</li> </ul>	As requested, Appendix F – Built Heritage and Cultural Landscapes Work Plan has been revised as per MCM's suggested change.
10	Appendix F – Built Heritage and Cultural Landscapes Work Plan Section 2.3 – Proposed Field Investigations (pg. 5).	A built heritage and cultural landscape survey of all known and potential built heritage resources (BHRs) and cultural heritage landscapes (CHLs) within the final study area. <ul style="list-style-type: none"> <li>Known BHRs and CHLs include federally, provincially, or municipally designated heritage sites or properties</li> </ul>	Known BHRs and CHLs are defined as properties that have recognized cultural heritage value or interest. Potential BHRs and CHLs are properties which have no existing cultural heritage recognition and typically identified based on research, MCM's Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes screening checklist, and professional expertise. Properties that are listed on a municipal heritage register are categorized as 'known' BHRs or CHLs.	As requested, Appendix F – Built Heritage and Cultural Landscapes Work Plan has been revised as per MCM's suggested change.



Comment #	Document & Section	Given Text	MCM Comment	Project Team Response
		<ul style="list-style-type: none"> <li>Potential BHRs and CHLs include properties listed on municipal heritage registers and any other structure or landscape considered to have potential cultural heritage value or interest based on the MCM's Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes and the professional judgement of a professional member of the Canadian Association of Heritage Professionals (CAHP).</li> </ul>	<p>The text in this section should be revised accordingly:</p> <p>A built heritage and cultural landscape survey of all known and potential built heritage resources (BHRs) and cultural heritage landscapes (CHLs) within the final study area.</p> <ul style="list-style-type: none"> <li>Known BHRs and CHLs <del>include federally, provincially, or municipally designated heritage sites or properties</del> <b><u>are properties with recognized cultural heritage value or interest, and may include properties that have been listed or designated at the municipal, provincial, or federal level.</u></b></li> <li>Potential BHRs and CHLs <b><u>are properties that have the potential for cultural heritage value or interest</u></b>, <del>and include properties listed on municipal heritage registers and any other structure or landscape considered to have potential cultural heritage value or interest based on the MCM's Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes and the professional judgement of a professional member of the Canadian Association of Heritage Professionals (CAHP).</del></li> </ul>	
11	Appendix F – Built Heritage and Cultural Landscapes Work Plan 3 – Assessment of Alternatives Tables 3-1 & 3-2 (pg. 6-7)	See Comment 5 above	Please revise tables 3-1 and 3-2 to be consistent with Comment #5 above.	As requested, Appendix F – Built Heritage and Cultural Landscapes Work Plan has been revised as per MCM's suggested change so that Tables 3-1 and 3-2 are consistent with Comment and Response #5.
12	Appendix F – Built Heritage and Cultural Landscapes Work Plan 4 – Impact Assessment of the Proposed Project (pg. 8)	... Documentation ...	It should be noted that other mitigation measures may be also developed in addition to, or in place of Heritage Impact Assessments. We therefore recommend that this text be revised to provide more general	As requested, Appendix F – Built Heritage and Cultural Landscapes Work Plan has been revised as per MCM's suggested change.



Comment #	Document & Section	Given Text	MCM Comment	Project Team Response
		As required, the CHRECPIA will include a discussion of the alternatives (i.e., alternatives to the project, alternative methods of carrying out the project, and the preferred method) In addition, the report will also include specific recommendations for subsequent Heritage Impact Assessments (HIAs) during detailed design because of anticipated direct impacts to known or potential heritage attributes.'	<p>recommendations regarding mitigation measures. See suggested text below:</p> <p>As required, the CHRECPIA will include a discussion of the alternatives (i.e., alternatives to the project, alternative methods of carrying out the project, and the preferred method). In addition, the report will also include specific recommendations <b><u>to avoid or mitigate potential negative impacts to known and potential BHRs and CHLs. The proposed mitigation measures are to inform the next steps of project planning and design.</u></b> for subsequent Heritage Impact Assessments (HIAs) during detailed design because of anticipated direct impacts to known or potential heritage attributes.'</p>	
13	Appendix F – Built Heritage and Cultural Landscapes Work Plan 5 – Documentation (pg. 9)	<p>As mentioned, the results of implementing this work plan will be documented in a Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment (CHRECPIA) during the Niagara Escarpment Crossing EA as follows:</p> <ul style="list-style-type: none"> <li>• Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment – will document the results of collecting and reviewing available existing sources of information and the proposed field investigations (i.e., Baseline Conditions Report).</li> <li>• Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment – will document the finalized existing conditions content of the Cultural Heritage Report: Existing Conditions along with</li> </ul>	<p>To clarify the process for carrying out the Cultural Heritage Report, we recommend revising the text in the section as follows:</p> <ul style="list-style-type: none"> <li>• Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment <del>will document the results of collecting and reviewing available existing sources of information and the proposed field investigations (i.e., Baseline Conditions Report).</del> Will <b><u>describe the existing baseline cultural heritage conditions within the study area by identifying all known or potential built heritage resources and cultural heritage landscapes, including a historical summary of the study area.</u></b></li> <li>• Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment – will document the finalized existing conditions content of the Cultural Heritage Report: Existing Conditions along with the results of the impact assessment of the proposed project including any recommendations for additional investigations such as HIAs (i.e., Impact Assessment Report). <b><u>and will identify potential project-specific impacts on the known and potential built</u></b></li> </ul>	As requested, Appendix F – Built Heritage and Cultural Landscapes Work Plan has been revised as per MCM's suggested change.

Comment #	Document & Section	Given Text	MCM Comment	Project Team Response
		the results of the impact assessment of the proposed project including any recommendations for additional investigations such as HIAs (i.e., Impact Assessment Report).	<u>heritage resources and cultural heritage landscapes that have been identified. The report will Recommend measures to avoid or mitigate potential negative impacts to known or potential built heritage resources and cultural heritage landscapes.</u>	

Please note that the comments received from MCM including those responded to in this letter are documented in the Record of Consultation, which has been prepared in support of the proposed ToR.

Thank you again for your interest in the Project, and MCM will be directly notified of the submission of the proposed ToR to the Minister for a decision. At that time, any interested person including MCM may review the proposed ToR and provide comments to MECP.

Please contact me if you have questions on the preceding information.

Sincerely,



**Maged Elmadhoon, M.Eng., P.Eng. (he/him)**

Manager, Transportation Planning

Transportation Services Division

Public Works, Niagara Region

cc. Karla Barboza, MCM  
Scott Fraser, Niagara Region  
Katherine Jim, CIMA+  
Elysia Friedl, CIMA+  
Ian Dobrindt, GHD

**From:** [Smythe, Liam \(He/Him\) \(MCM\)](#)  
**To:** [Escarpment Crossing](#)  
**Cc:** [Elmadhoon, Maged](#); [Katherine Jim](#); [Barboza, Karla \(She/Her\) \(MCM\)](#); [Sutherland, Catherine \(MECP\)](#); [Elysia Friedl](#); [Ian Dobrindt](#); [Fraser, Scott](#)  
**Subject:** RE: MCM Response - Niagara Escarpment Crossing Comprehensive EA – Draft Terms of Reference & PIC Presentation [MCM File # 0019558]  
**Date:** Thursday, September 26, 2024 12:34:05 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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## EXTERNAL EMAIL

Good afternoon,

Thank you for your responses to MCM's comments. We will review and provide any additional comments we have once the final Terms of Reference has been submitted.

Best,

**Liam Smythe, CAHP (he/him)**

Heritage Planner | Citizenship, Inclusion and Heritage Division  
Ministry of Citizenship and Multiculturalism | Ontario Public Service  
416-301-4797 | [Liam.Smythe@ontario.ca](mailto:Liam.Smythe@ontario.ca)



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**From:** Escarpment Crossing <escarpmentcrossingIEA@niagararegion.ca>  
**Sent:** Monday, September 23, 2024 2:55 PM  
**To:** Smythe, Liam (He/Him) (MCM) <Liam.Smythe@ontario.ca>  
**Cc:** Elmadhoon, Maged <Maged.Elmadhoon@niagararegion.ca>; Katherine Jim <Katherine.Jim@cima.ca>; Barboza, Karla (She/Her) (MCM) <Karla.Barboza@ontario.ca>; Sutherland, Catherine (MECP) <Catherine.Sutherland@ontario.ca>; Elysia Friedl <elysia.friedl@cima.ca>; Ian Dobrindt <ian.dobrindt@ghd.com>; Fraser, Scott <Scott.Fraser@niagararegion.ca>  
**Subject:** Re: MCM Response - Niagara Escarpment Crossing Comprehensive EA – Draft Terms of Reference & PIC Presentation [MCM File # 0019558]

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Hello,

Thank you for the letter dated July 11, 2024 in regards to the draft Terms of Reference (ToR) for the Niagara Escarpment Crossing Comprehensive Environmental Assessment (CEA) (Project). Please see the attached letter providing responses to the Ministry of Citizenship and Multiculturalism's (MCM's) comments for your information.

Thank you again for your interest in the Project, and MCM will be directly notified of the submission of the proposed ToR to the Minister for a decision. At that time, any interested person including MCM may inspect the proposed ToR and provide comments to Ministry of the Environment, Conservation and Parks.

Best Regards,

Project Team  
Transportation Services Division  
Public Works, Niagara Region  
1815 Sir Isaac Brock Way, Thorold, ON  
[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)



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**From:** Escarpment Crossing <[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)>  
**Sent:** Friday, July 12, 2024 8:07 AM  
**To:** Smythe, Liam (He/Him) (MCM) <[Liam.Smythe@ontario.ca](mailto:Liam.Smythe@ontario.ca)>  
**Cc:** Elmadhoon, Maged <[Maged.Elmadhoon@niagararegion.ca](mailto:Maged.Elmadhoon@niagararegion.ca)>; Katherine Jim <[Katherine.Jim@cima.ca](mailto:Katherine.Jim@cima.ca)>; Barboza, Karla (She/Her) (MCM) <[Karla.Barboza@ontario.ca](mailto:Karla.Barboza@ontario.ca)>; Sutherland, Catherine (MECP) <[Catherine.Sutherland@ontario.ca](mailto:Catherine.Sutherland@ontario.ca)>; Elysia Friedl <[elysia.friedl@cima.ca](mailto:elysia.friedl@cima.ca)>; Ian Dobrindt <[ian.dobrindt@ghd.com](mailto:ian.dobrindt@ghd.com)>; Fraser, Scott <[Scott.Fraser@niagararegion.ca](mailto:Scott.Fraser@niagararegion.ca)>  
**Subject:** Re: MCM Response - Niagara Escarpment Crossing Comprehensive EA – Draft Terms of Reference & PIC Presentation [MCM File # 0019558]

Good Morning Liam,

Thank you very much for providing MCM's comments on the draft Terms of Reference for the Niagara Escarpment Crossing Comprehensive EA.

The Project Team will review the comments and will advise if we have any questions or comments.

Best Regards,

Project Team  
Transportation Services Division  
Public Works, Niagara Region  
1815 Sir Isaac Brock Way, Thorold, ON  
[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)

**From:** Smythe, Liam (He/Him) (MCM) <[Liam.Smythe@ontario.ca](mailto:Liam.Smythe@ontario.ca)>  
**Sent:** Thursday, July 11, 2024 12:53 PM  
**To:** Escarpment Crossing <[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)>  
**Cc:** Elmadhoon, Maged <[Maged.Elmadhoon@niagararegion.ca](mailto:Maged.Elmadhoon@niagararegion.ca)>; Katherine Jim <[Katherine.Jim@cima.ca](mailto:Katherine.Jim@cima.ca)>; Barboza, Karla (She/Her) (MCM) <[Karla.Barboza@ontario.ca](mailto:Karla.Barboza@ontario.ca)>; Sutherland, Catherine (MECP) <[Catherine.Sutherland@ontario.ca](mailto:Catherine.Sutherland@ontario.ca)>  
**Subject:** MCM Response - Niagara Escarpment Crossing Comprehensive EA – Draft Terms of Reference & PIC Presentation [MCM File # 0019558]

Good afternoon,

Thank you for providing the Ministry of Citizenship and Multiculturalism (MCM) with the opportunity to review the Draft Terms of Reference for the Niagara Escarpment Crossing Comprehensive EA.

MCM's comments on the draft Terms of Reference, Archaeological Work Plan, and Built Heritage and Cultural Landscapes Work Plan can be found in the attached letter.

Please do not hesitate to contact us if you have any questions or require further information.

Best regards,

**Liam Smythe**

Heritage Planner | Citizenship, Inclusion and Heritage Division

Ministry of Citizenship and Multiculturalism | Ontario Public Service

416-301-4797 | [Liam.Smythe@ontario.ca](mailto:Liam.Smythe@ontario.ca)

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**From:** Escarpment Crossing <[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)>  
**Sent:** Thursday, May 30, 2024 11:57 AM  
**Subject:** Niagara Escarpment Crossing Comprehensive EA – Draft Terms of Reference & PIC Presentation Available for Download

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Hello,

As a follow up to the Public Information Centre (PIC) held yesterday (May 29, 2024), the presentation materials and draft Terms of Reference (including Technical Work Plans) are now available for comment at [niagararegion.ca/projects/niagara-escarpment-crossing](https://niagararegion.ca/projects/niagara-escarpment-crossing).

As explained in the PIC material, the first stage of the CEA is to develop a Terms of Reference (TOR/main document) which provides the framework for the project and identifies technical workplans (appendices) and public consultation to be undertaken during the future Environmental Assessment (Stage 2).

The main Terms of Reference document provides, but not limited to, the project purpose, alternatives to the project, description of the preliminary study area, and EA consultation plan. The technical work plans define the "what" and "how" of the Environmental Assessment – describing what studies will be undertaken, what the study area will be, and what factors will be considered.

Please provide comments by **July 12, 2024** to the Region Project Manager and Consultant Project Manager:

**Maged Elmadhoon, M.Eng., P.Eng.**

Manager, Transportation Planning

Transportation Services Division

Public Works, Niagara Region

1815 Sir Isaac Brock Way, Thorold, ON

905-980-6000 ext. 3583

**Katherine Jim, M.Eng., P.Eng.**

Senior Project Manager

Transportation

CIMA+

400–3027 Harvester Road, Burlington,  
ON 289-288-0287 ext. 6835

[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)

A specific response to your comments will be issued after the July 12, 2024 commenting period ends. Your comments will be considered as part of finalizing the proposed Terms of Reference for submission to the Ministry of the Environment, Conservation and Parks later this year.

Best Regards

Project Team

Transportation Services Division

Public Works, Niagara Region

1815 Sir Isaac Brock Way, Thorold, ON

[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)



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## Comments Table

**Proposal:** Niagara Escarpment Crossing Comprehensive Environmental Assessment

**Proponent:** Niagara Region – CIMA, GHD

**Commenter Name:** Timothy Hung, Air Quality Analyst

Comment #	Document (EA Section, Appendix, etc.)	Section and Page Number	Comment	Proponent Response
1	Appendix C	3	<p>Background concentrations are mentioned briefly – please ensure these are included in the Air Quality Baseline Conditions and Air Quality Impact Assessment Report.</p> <p>To assess the overall local air quality effects, the existing air quality must be combined with the maximum predicted concentrations to determine a cumulative predicted concentration. Please refer to the “comprehensive analysis” found in the Ministry of Transportation Environmental Guide for Assessing and Mitigating the Air Quality Impacts and Green Gas Emissions of Provincial Transportation Projects (AQGHG Guide) and update relevant sections, including section 4.</p>	
2		5	<p>Due to the disparity and variability in land use along the ~10km corridor between the QEW and Regional Road 20 (e.g. a portion of the roadway is near the water, in a relatively urbanised area, that transitions into a more rural character), use of regional meteorological datasets is not recommended. These data sets are all based on uniform land use, and none of the datasets would correctly reflect the differing characteristics along the route.</p> <p>The use of local meteorological data sets with localized land use is strongly recommended. Due to the length of the route as well as the distinct changes in surface characteristics, it is further recommended that two separate data sets be used to better reflect</p>	

Comment #	Document (EA Section, Appendix, etc.)	Section and Page Number	Comment	Proponent Response
			<p>differing surface characteristics along the route. This approach has been used in the past for similar roadway EAs. It is recommended that the proponent request these 2 site-specific meteorological datasets from MECP by submitting a request in writing to EMRB at <a href="mailto:metdataene@ontario.ca">metdataene@ontario.ca</a>. Please include the following with your request:</p> <ol style="list-style-type: none"> <li>1. official document or URL indicating this EA project has been approved by appropriate authorities (i.e., MTO and/or the city), and this is an ongoing project; and</li> <li>2. a figure with the proposed portion of the new roadway or roadway extension (in addition to the study area you provided in your original request)</li> </ol> <p>Also refer to MECP's Air Dispersion Modelling Guideline for Ontario (February 2017). Please allow 2 months from the submission of the form for the meteorological dataset to be generated and ready for use.</p>	
3		8	<p>It is recommended that sensitive/ critical receptor locations within 500m (not 200m) be included as seen on page 22 of MTO's AQGHG Guide</p>	

## Comments Table

**Proposal:** Niagara Escarpment Crossing Draft ToR

**Proponent:** Niagara Region

**Commenter Name:** Kevin Smith, Senior Noise Engineer

Comment #	Document (EA Section, Appendix, etc.)	Section and Page Number	Comment (June 19, 2024)	Proponent Response (date)
1	TOR, Appendix K, Noise & Vibration Work Plan	Section 2.2, Page 3	Ministry of Transportation (MTO) Environmental Guide for Noise <b>2022</b>	
2	TOR, Appendix K, Noise & Vibration Work Plan	Section 2.4, Page 5	CHANGE: Prevailing ambient noise levels within the final study area will be quantified by preparing an industry standard road traffic noise model in the US Federal Highway Administration (FHWA) software Traffic Noise Model (TNM) TO: Prevailing ambient noise levels within the final study area will be quantified by preparing an industry standard road traffic noise model <b>using</b> the US Federal Highway Administration (FHWA) software Traffic Noise Model (TNM <b>3.2</b> )	

Comment #	Document (EA Section, Appendix, etc.)	Section and Page Number	Comment (June 19, 2024)	Proponent Response (date)
3	TOR, Appendix K, Noise & Vibration Work Plan	Section 4.1, Page 8	CHANGE: Road traffic noise level predictions will be made at identified NSAs by preparing an industry standard road traffic noise model in the US FHWA software Traffic Noise Model (TNM). TO: Road traffic noise level predictions will be made at identified NSAs by preparing an industry standard road traffic noise model <b>using</b> the US FHWA software Traffic Noise Model (TNM <b>3.2</b> ).	
4	TOR, Appendix K, Noise & Vibration Work Plan	Section 4.2, Page 9	CHANGE: Best Practices for construction mitigation will be detailed per the technical requirements outlined in “MTO Environmental Guide for Noise, October 2006” TO: Best Practices for construction mitigation will be detailed per the technical requirements outlined in “MTO Environmental Guide for Noise, October <b>2022</b> ”	

## Comments Table

**Proposal:** Niagara Escarpment Crossing, Comprehensive Environmental Assessment, Terms of Reference

**Proponent:** Niagara Region

**Commenter Name:** Mark Looker, Surface Water Specialist

Comment #	Document (EA Section, Appendix, etc.)	Section and Page Number	Comment	Proponent Response (MMM DD, YYYY)
1	Section 7.2.1	7.2.1 Pages 27 and 28	<p>It is noted that the majority of Twelve Mile Creek and its tributaries are classified by the MNRF as critical (type 1) or important (type 2) fish habitat. This should be taken into consideration for any stormwater management works effluent discharge. It is likely that most watercourses would require enhanced level treatment (80 % TSS removal). The levels of protection required for each watercourse should be confirmed with the NPCA and MECP during consultations for any required stormwater management works.</p> <p>(July 10, 2024)</p>	
2	Section 7.2.1	7.2.1 Page 28, and Table 7-1 Page 33 and 34.	<p>This section lists the fish species that may be present in the study area according to MNRF records. DFO mapping indicated that while no critical habitat for any aquatic species at risk has been identified, the presence of grass pickerel has been documented in the study area. It is recommended that issues involving aquatic species at risk be presented in the supporting documentation and reviewed by MECP surface water specialists and MECPs species at risk branch.</p> <p>(July 10, 2024)</p>	

Comment #	Document (EA Section, Appendix, etc.)	Section and Page Number	Comment	Proponent Response (MMM DD, YYYY)
3	Section 7.2.1	7.2.1 Page 30	<p>This section identifies many wetlands including provincially significant wetlands within the study area. Potential impacts to these wetlands should be carefully considered and documented in the EA supporting documents. Additional studies may be needed to determine the potential for impacts to these wetland features and determine what strategies may be required to mitigate impacts to these wetlands.</p> <p>(July 10, 2024)</p>	
4	Section 8.2.4	Section 8.2.4 and Table 8-2	<p>Table 8-2 lists the preliminary criteria and indicators for assessing the alternative methods. The descriptions provided in the table are quite broad, which is appropriate at this point. However, more specific criteria and indicators may be required further along in the EA process.</p> <p>(July 10, 2024)</p>	
5	Section 10.1 and 10.2	Section 10.1 Pages 74 and 75, and Section 10.2 Page 75	<p>As there may be many approvals (ECAs, PTTWs) required to complete the project, it would be best to have early pre-submission consultations with the MECP to ensure that any issues can be dealt with up front that will allow for approvals to be issued in a timely manner.</p> <p>(July 10, 2024)</p>	

Comment #	Document (EA Section, Appendix, etc.)	Section and Page Number	Comment	Proponent Response (MMM DD, YYYY)
6	Appendix L	Section 2.3 Pages 3 and 4	<p>While not specifically discussed in this section, potential impacts to surface water quality should incorporate the most recent scientific information regarding surface water criteria for each parameter of concern. This includes but is not limited to the Provincial Water Quality Objectives (PWQO), Canadian Water Quality Guidelines for the protection of Aquatic Life (long term exposure) (CWQG), and the Federal Water Quality Guideline (FWQG). For each parameter of concern, the most recently developed water quality guideline should be used. For parameters without a PWQO, CWQG, or FWQG, guideline values from other jurisdictions (e.g., British Columbia, United States EPA) can be utilized.</p> <p>(July 10, 2024)</p>	

## Comments Table

**Proposal:** Niagara Escarpment Crossing draft ToR

**Proponent:** Niagara Region

**Commenter Name:** Laura Collings, Program Analyst

Comment #	Document (EA Section, Appendix, etc.)	Section and Page Number	Comment (July 9, 2024)	Proponent Response (MMM DD, YYYY)
1	Appendix H: Groundwater Work Plan	5, Documentation, page 10	To consider as you move forward in developing your Groundwater Baseline Conditions Report and Groundwater Impact Assessment Report, as has already been identified in the Draft Terms of Reference, a belt of significant groundwater recharge area runs through the study area (approximately the area of the Niagara Escarpment) South of 40 Mile Creek and north of Elm Tree Rd E along with a few scattered patches in the surrounding area ~90% of the total study area is within a Highly Vulnerable Aquifer with a vulnerability score of 6, which does not translate to any policies in the Source Protection Plan that would impact the project. <u>Best Practices</u> for drinking water source protection may be considered.	
2	Appendix H: Groundwater Work Plan	2.2, page 3	We recommend that the <u>Niagara Peninsula Source Protection Plan</u> be included in the Review of Available Existing Information Sources list for the Groundwater Work Plan.	
3	Appendix L: Surface Water Work Plan	2.2, page 3	We recommend that the <u>Source Protection Information Atlas</u> (publicly available online mapping tool for surface and groundwater vulnerable areas and protections, as was used in the Draft Terms of Reference and Groundwater Work Plan), and the <u>Niagara Peninsula Source Protection Plan</u> be included in the Review of Available Existing Information Sources list for the Surface Water Work Plan.	



## Comments Table

**Proposal:** Niagara Escarpment Crossing Project

**Proponent:** Niagara Region

**Commenter Name:** Nimisha Elatt Sadanandan (Management Biologist, MECP)

Comment #	Document (EA Section, Appendix, etc.)	Section and Page Number	Comment (07-08-2024)	Proponent Response (MMM DD, YYYY)
1	Draft Terms of Reference	Section: 7.2.1 Natural Environment, Species at Risk Page 33-34	Two Species at Risk (SAR) were identified as potentially present during the screening: 1. Least bittern ( <i>Ixobrychus exilis</i> ) 2. Red mulberry ( <i>Morus rubra</i> ) Ensure these species are included in the surveys due to their likelihood of presence in the area.	
2	Draft Terms of Reference	Section: 7.2.5 Cultural Environment	Impacts to SAR should be considered prior to carrying out any archeological studies.	
3	Appendix J Natural Heritage Work Plan	Section: 2.2 Review of Available Existing Information Sources Page 3	Make sure all SAR records are up-to-date and comprehensive to identify any potential gaps in data that could lead to insufficient protection measures. Also, stay informed about species that might be added to the <u>Species at Risk in Ontario List</u> by January 2025.	

Comment #	Document (EA Section, Appendix, etc.)	Section and Page Number	Comment (07-08-2024)	Proponent Response (MMM DD, YYYY)
4	Appendix J Natural Heritage Work Plan	Section: 2.3 Proposed Field Investigations Page 4	Conduct surveys during the appropriate seasons to ensure accurate detection. Follow proper survey protocols, such as targeted species surveys. If you need survey protocols or any support, please contact Species at Risk MECP at SAROntario@ontario.ca or visit <u>Species at risk in Ontario</u> .	
5	Appendix J Natural Heritage Work Plan	Section: 2.3 Proposed Field Investigations Page 5	Ensure that all necessary permits are obtained, and guidelines for handling aquatic SAR are strictly followed to prevent harm.	
6	Appendix J Natural Heritage Work Plan	Section: 4 Impact Assessment of the Proposed Project Page 10	Make sure that surveys are accurate and thorough to protect bat species and other Species at Risk during construction activities. Follow the MECP, 2022 bat survey protocols. If you need the survey protocol, please contact: <u>SAROntario@ontario.ca</u>	

**Ministry of the Environment,  
Conservation and Parks**

**Ministère de l'Environnement, de la  
Protection de la nature et des Parcs**



Environmental Assessment  
Branch

Direction des évaluations environnementales

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135 St. Clair Avenue W  
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12 July 2024

**MEMORANDUM**

**TO:** Maged Elmadhoon, M.Eng., P.Eng.  
Manager, Transportation Planning  
Transportation Services Division  
Public Works, Niagara Region  
1815 Sir Isaac Brock Way, Thorold, ON

**FROM:** Catherine Sutherland  
Special Project Officer  
Environmental Assessment Branch  
Ministry of the Environment, Conservation and Parks

**RE:** Review of the Preliminary Draft Proposed Terms of Reference for the  
Proposed Niagara Escarpment Crossing Project

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Thank you for the opportunity to assess the draft Terms of Reference (ToR) for the proposed Niagara Escarpment Crossing Project. The Ministry of the Environment, Conservation and Parks (ministry) has conducted a review of the draft ToR, taking into consideration the applicable requirements of the *Environmental Assessment Act*, the Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario (ToR Code of Practice), and other relevant ministry guidance.

On July 12, 2024, the ministry's Environmental Assessment Branch provides the Niagara Region with preliminary comments on the first version of the draft ToR in the attached table.

Detailed subject matter comments from the ministry's technical reviewers will be provided to you as they are received. We will advise you if this changes.

## Next Steps

The ministry encourages Niagara Region to prepare responses to the ministry's comments in advance of submitting a final ToR to the ministry. Please provide your responses to me at [catherine.sutherland@ontario.ca](mailto:catherine.sutherland@ontario.ca). I will then distribute the responses to the appropriate internal ministry reviewers.

The ministry is available to meet with representatives of Niagara Region to support resolving issues prior to the submission of a final ToR. Should Niagara Region wish to meet with technical reviewers to discuss their forthcoming comments, please let me know. If you have any questions, please do not hesitate to contact me at [catherine.sutherland@ontario.ca](mailto:catherine.sutherland@ontario.ca) or at +1 (437) 925-8978.

---

Sincerely,

*C. Sutherland*

Catherine Sutherland  
Special Project Officer  
Environmental Assessment Branch

Attachments: Environmental Assessment Services Comment Table

c: Maged Elmadhoon, M.Eng., P.Eng., Manager, Transportation Planning- Niagara Region

Katherine Jim, M.Eng., P.Eng., Senior Project Manager- CIMA+

Andrew Evers, Supervisor- MECP

**Proposal:** Niagara Escarpment Crossing Comprehensive Environmental Assessment Draft Terms of Reference

**Proponent:** Niagara Region

**Commenter Name and Job Title:** Catherine Sutherland, Special Project Officer, Environmental Assessment Branch

Comment #	Reference to draft ToR	Comments & Rationale (Sent to Niagara Region July 12, 2024)	Proposed Action/Solution (Sent to Niagara Region July 12, 2024)
1	Section 10	<p><b>Project Consultation</b>  <u>Indigenous Community Consultation:</u> Section 5.1 of the <i>ToR Code of Practice</i> that focuses on initiating the ToR states that consultation with potentially affected Indigenous communities is required and that the proponents must prepare a list of Aboriginal communities that may be affected by or interested in an undertaking.</p> <p>It requires a list of Indigenous communities identified as potentially interested and details on how they were identified. It requires a description of consultation activities conducted with Indigenous communities (documentation received, follow-ups conducted and meetings), list of concerns raised by Indigenous communities and how these concerns were addressed, as well as a statement of the nature of any established or asserted Aboriginal or treaty right that were identified as potentially being negatively impacted by the project.</p> <p>The Record of Consultation mentioned in Section 10 of the draft ToR is not attached.</p>	<p>The Record of Consultation is crucial to providing insight on the consultation activities the proponent of a project has conducted with potentially affected Indigenous communities and other interested peoples. It should provide details regarding the identification of potentially impacted Indigenous communities, why they were chosen and potential impacts to asserted Aboriginal or treaty rights that may be affected by the proposed undertaking. It should also provide information regarding how concerns were raised and/or addressed.</p>
2	Section 10	<p><b>Project Consultation</b>            Section 5.2.9 of the <i>ToR Code of Practice</i> states in the Consultation Plan that it focuses on future preparation of the EA and requires a description of the consultation that was undertaken during the preparation of the proposed ToR. It also requires a summary to be included in the ToR with a more detailed account in the Record of Consultation (future inclusion for the past consultation that took place during the preparation of the ToR).</p> <p>Section 10 discusses consultation and means by which the proponent will distribute and receive comments from various agencies, Indigenous communities and interested people. However, no insight is given on what interactions have</p>	<p>Please include a detailed description/ summary of the Consultation Plan in the ToR for the proposed EA. It is recommended that a specific EA Consultation Plan for Indigenous communities be included in the ToR.</p>

		<p>happened regarding the project to date with respect to the project.</p> <p>Section 3.1 of the <i>ToR Code of Practice</i> states that the Proponents must engage in meaningful consultation with all interested persons to identify and respond to needs and concerns.</p> <p>There is a lack of a summary of issues that were raised or discussed and how they have been incorporated into the draft ToR.</p>	
3	Section 10	<p><b>General</b></p> <p>Overall the draft ToR is presented in plain language and is clear and concise in the ideas that it conveys.</p> <p>To note, the Record of Consultation is not included in this draft ToR and has therefore not been reviewed at this time.</p>	<p>Consultation is critical to the EAA process both before, during and after a project commences. Meaningful engagement with Indigenous communities and interested people provides insights on potential effects and implications of a proposed project. Ensuring a secure Consultation Plan and robust Consultation Record provides that established and/or asserted Aboriginal and/or treaty rights are considered throughout the EA process.</p>

September 23, 2024

Ministry of the Environment, Conservation and Parks  
Environmental Assessment Branch  
7<sup>th</sup> Floor, 125 St. Clair Avenue W.  
Toronto ON M4V 1P5

**Sent Via Email To:**

Catherine Sutherland, Special Project Officer, Environmental Assessment Branch

Re: Niagara Escarpment Crossing CEA ToR – Response to MECP Comments

Hello,

Thank you for the Ministry of the Environment, Conservation and Parks' (MECP's) comments on the Niagara Escarpment Crossing Comprehensive Environmental Assessment (CEA) Draft Terms of Reference (ToR) provided in your July 12, 2024 letter. Please note comments received from MECP including those responded to in this letter will be documented in the Record of Consultation which will be provided to MECP with the formal submission of the proposed ToR in Fall 2024.

The attached tables provide our responses to MECP's comments.

Please let us know if you require additional clarification or if you wish to schedule a meeting to discuss any of the responses provided.

Sincerely,



**Maged Elmadhoon, M.Eng., P.Eng. (he/him)**

Manager, Transportation Planning  
Transportation Services Division  
Public Works, Niagara Region

cc. Scott Fraser, Niagara Region  
Katherine Jim, CIMA+  
Elysia Friedl, CIMA+  
Ian Dobrindt, GHD

Encl: Response Tables to MECP's Comments

**Proposal:** Niagara Escarpment Crossing Comprehensive Environmental Assessment

**Proponent:** Niagara Region – CIMA+, GHD

**Commenter Name:** Timothy Hung, Air Quality Analyst

Comment #	Document (EA Section, Appendix, etc.)	Section and Page Number	Comment	Proponent Response
1	Appendix C	3	<p>Background concentrations are mentioned briefly – please ensure these are included in the Air Quality Baseline Conditions and Air Quality Impact Assessment Report.</p> <p>To assess the overall local air quality effects, the existing air quality must be combined with the maximum predicted concentrations to determine a cumulative predicted concentration. Please refer to the “comprehensive analysis” found in the Ministry of Transportation Environmental Guide for Assessing and Mitigating the Air Quality Impacts and Green Gas Emissions of Provincial Transportation Projects (AQGHG Guide) and update relevant sections, including section 4.</p>	Both the Air Quality Baseline Conditions Report and Air Quality Impact Assessment Report will include baseline (background) concentrations. Existing air quality will be combined with the maximum predicted concentrations to determine a cumulative predicted concentration as per the AQGHG Guide referenced in the Air Quality Work Plan.
2		5	<p>Due to the disparity and variability in land use along the ~10km corridor between the QEW and Regional Road 20 (e.g. a portion of the roadway is near the water, in a relatively urbanized area, that transitions into a more rural character), use of regional meteorological datasets is not recommended. These data sets are all based on uniform land use, and none of the datasets would correctly reflect the differing characteristics along the route.</p> <p>The use of local meteorological data sets with localized land use is strongly recommended. Due to the length of the route as well as the distinct changes in surface characteristics, it is further recommended that two separate data sets be used to better reflect differing surface characteristics along the route. This approach has been used in the past for similar roadway EAs. It is recommended that the proponent request these 2 site-specific meteorological datasets from MECP by submitting a request in writing to EMRB at metdataene@ontario.ca. Please include the following with your request:</p> <ol style="list-style-type: none"> <li>1. official document or URL indicating this EA project has been approved by appropriate authorities (i.e., MTO and/or the city), and this is an ongoing project; and</li> <li>2. a figure with the proposed portion of the new roadway or roadway extension (in addition to the study area you provided in your original request)</li> </ol> <p>Also refer to MECP’s Air Dispersion Modelling Guideline for Ontario (February 2017). Please allow 2 months from the submission of the form for the meteorological dataset to be generated and ready for use.</p>	As recommended, two separate localized meteorological datasets will be requested from MECP during preparation of the environmental assessment to reflect the differences in local climate patterns and land use. As stated in Section 2.3 of the Air Quality Work Plan, MECP’s Air Dispersion Modelling Guideline for Ontario (February 2017) is one of the sources referenced in carrying out the modeling during preparation of the environmental assessment.
3		8	It is recommended that sensitive/ critical receptor locations within 500m (not 200m) be included as seen on page 22 of MTO’s AQGHG Guide.	The recommended change was made to Appendix C of the ToR.
4	TOR, Appendix K, Noise & Vibration Work Plan	Section 4.2, Page 9	<p>CHANGE: Best Practices for construction mitigation will be detailed per the technical requirements outlined in “MTO Environmental Guide for Noise, October 2006”</p> <p>TO: Best Practices for construction mitigation will be detailed per the technical requirements outlined in “MTO Environmental Guide for Noise, October 2022”</p>	The requested change was made to Appendix K of the ToR.



**Proposal:** Niagara Escarpment Crossing, Comprehensive Environmental Assessment, Terms of Reference

**Proponent:** Niagara Region

**Commenter Name:** Kevin Smith, Surface Water Specialist

Comment #	Document (EA Section, Appendix, etc.)	Section and Page Number	Comment	Proponent Response (MMM DD, YYYY)
1	TOR, Appendix K, Noise & Vibration Work Plan	Section 2.2, Page 3	Ministry of Transportation (MTO) Environmental Guide for Noise 2022	The requested change was made to Appendix K of the ToR.
2	TOR, Appendix K, Noise & Vibration Work Plan	Section 2.4, Page 5	CHANGE: Prevailing ambient noise levels within the final study area will be quantified by preparing an industry standard road traffic noise model in the US Federal Highway Administration (FHWA) software Traffic Noise Model (TNM) TO: Prevailing ambient noise levels within the final study area will be quantified by preparing an industry standard road traffic noise model using the US Federal Highway Administration (FHWA) software Traffic Noise Model (TNM 3.2)	The requested change was made to Appendix K of the ToR.
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**Proposal:** Niagara Escarpment Crossing, Comprehensive Environmental Assessment, Terms of Reference

**Proponent:** Niagara Region

**Commenter Name:** Mark Looker, Surface Water Specialist

Comment #	Document (EA Section, Appendix, etc.)	Section and Page Number	Comment	Proponent Response (MMM DD, YYYY)
1	Section 7.2.1	7.2.1 Pages 27 and 28	It is noted that the majority of Twelve Mile Creek and its tributaries are classified by the MNRF as critical (type 1) or important (type 2) fish habitat. This should be taken into consideration for any stormwater management works effluent discharge. It is likely that most watercourses would require enhanced level treatment (80 % TSS removal). The levels of protection required for each watercourse should be confirmed with the NPCA and MECP during consultations for any required stormwater management works.  (July 10, 2024)	The levels of protection required for each watercourse will be confirmed with the NPCA and MECP during consultations for any required stormwater management works during preparation of the environmental assessment.
2	Section 7.2.1	7.2.1 Page 28, and Table 7-1 Page 33 and 34.	This section lists the fish species that may be present in the study area according to MNRF records. DFO mapping indicated that while no critical habitat for any aquatic species at risk has been identified, the presence of grass pickerel has been documented in the study area. It is recommended that issues involving aquatic species at risk be presented in the supporting documentation and reviewed by MECP surface water specialists and MECPs species at risk branch.  (July 10, 2024)	Issues involving aquatic species at risk will be presented in the supporting documentation for review by MECP surface water specialists and MECPs species at risk branch during preparation of the environmental assessment.
3	Section 7.2.1	7.2.1 Page 30	This section identifies many wetlands including provincially significant wetlands within the study area. Potential impacts to these wetlands should be carefully considered and documented in the EA supporting documents. Additional studies may be needed to determine the potential for impacts to these wetland features and determine what strategies may be required to mitigate impacts to these wetlands.  (July 10, 2024)	Potential impacts to wetlands will be carefully considered and documented in the EA supporting documents recognizing that additional studies may be needed to determine the potential for impacts to these wetland features and determine what strategies may be required to mitigate impacts to these wetlands.
4	Section 8.2.4	Section 8.2.4 and Table 8-2	Table 8-2 lists the preliminary criteria and indicators for assessing the alternative methods. The descriptions provided in the table are quite broad, which is appropriate at this point. However, more specific criteria and indicators may be required further along in the EA process.  (July 10, 2024)	As stated in the ToR, the preliminary criteria and indicators for assessing the alternative methods in Table 8-2 will be finalized during preparation of the environmental assessment including potentially more specific criteria and indicators.
5	Section 10.1 and 10.2	Section 10.1 Pages 74 and 75, and Section 10.2 Page 75	As there may be many approvals (ECAs, PTTWs) required to complete the project, it would be best to have early pre-submission consultations with the MECP to ensure that any issues can be dealt with up front that will allow for approvals to be issued in a timely manner.  (July 10, 2024)	Early pre-submission consultations with the MECP will be undertaken by the Region, as appropriate, during preparation of the environmental assessment.
6	Appendix L	Section 2.3 Pages 3 and 4	While not specifically discussed in this section, potential impacts to surface water quality should incorporate the most recent scientific information regarding surface water criteria for each parameter of concern. This includes but is not limited to the Provincial Water Quality Objectives (PWQO), Canadian Water Quality Guidelines for the protection of Aquatic Life (long term exposure) (CWQG), and the Federal Water Quality Guideline (FWQG). For each parameter of concern, the most recently developed water quality guideline should be used. For parameters without a PWQO, CWQG, or FWQG, guideline values from other jurisdictions (e.g., British Columbia, United States EPA) can be utilized.  (July 10, 2024)	Potential impacts to surface water quality will incorporate the most recent scientific information regarding surface water criteria for each parameter of concern, as appropriate, during preparation of the environmental assessment.

**Proposal:** Niagara Escarpment Crossing draft ToR  
**Proponent:** Niagara Region  
**Commenter Name:** Laura Collings, Program Analyst

Comment #	Document (EA Section, Appendix, etc.)	Section and Page Number	Comment (July 9, 2024)	Proponent Response (MMM DD, YYYY)
1	Appendix H: Groundwater Work Plan	5, Documentation, page 10	To consider as you move forward in developing your Groundwater Baseline Conditions Report and Groundwater Impact Assessment Report, as has already been identified in the Draft Terms of Reference, a belt of significant groundwater recharge area runs through the study area (approximately the area of the Niagara Escarpment) South of 40 Mile Creek and north of Elm Tree Rd E along with a few scattered patches in the surrounding area ~90% of the total study area is within a Highly Vulnerable Aquifer with a vulnerability score of 6, which does not translate to any policies in the Source Protection Plan that would impact the project. <u>Best Practices</u> for drinking water source protection may be considered.	As suggested, <u>Best Practices</u> for drinking water source protection may be considered during preparation of the environmental assessment.
2	Appendix H: Groundwater Work Plan	2.2, page 3	We recommend that the <u>Niagara Peninsula Source Protection Plan</u> be included in the Review of Available Existing Information Sources list for the Groundwater Work Plan.	The recommended change was made to Appendix H of the ToR.
3	Appendix L: Surface Water Work Plan	2.2, page 3	We recommend that the <u>Source Protection Information Atlas</u> (publicly available online mapping tool for surface and groundwater vulnerable areas and protections, as was used in the Draft Terms of Reference and Groundwater Work Plan), and the <u>Niagara Peninsula Source Protection Plan</u> be included in the Review of Available Existing Information Sources list for the Surface Water Work Plan.	The recommended change was made to Appendix L of the ToR.

**Proposal:** Niagara Escarpment Crossing draft ToR

**Proponent:** Niagara Region

**Commenter Name:** Laura Collings, Program Analyst

Comment #	Document (EA Section, Appendix, etc.)	Section and Page Number	Comment (07-08-2024)	Proponent Response (MMM DD, YYYY)
1	Draft Terms of Reference	Section: 7.2.1 Natural Environment, Species at Risk Page 33-34	Two Species at Risk (SAR) were identified as potentially present during the screening: 1. Least bittern ( <i>Ixobrychus exilis</i> ) 2. Red mulberry ( <i>Morus rubra</i> ) Ensure these species are included in the surveys due to their likelihood of presence in the area.	The two noted species were added to Table 7-1 in the ToR for inclusion in the surveys that will be carried out during preparation of the environmental assessment.
2	Draft Terms of Reference	Section: 7.2.5 Cultural Environment	Impacts to SAR should be considered prior to carrying out any archeological studies.	As recommended, potential impacts to SAR will be considered prior to carrying out the archeological studies during preparation of the environmental assessment.
3	Appendix J Natural Heritage Work Plan	Section: 2.2 Review of Available Existing Information Sources Page 3	Make sure all SAR records are up-to-date and comprehensive to identify any potential gaps in data that could lead to insufficient protection measures. Also, stay informed about species that might be added to the <u>Species at Risk in Ontario List</u> by January 2025.	As directed, all SAR records will be up-to-date and comprehensive during preparation of the environmental assessment.
4	Appendix J Natural Heritage Work Plan	Section: 2.3 Proposed Field Investigations Page 4	Conduct surveys during the appropriate seasons to ensure accurate detection. Follow proper survey protocols, such as targeted species surveys. If you need survey protocols or any support, please contact Species at Risk MECP at SAROntario@ontario.ca or visit <u>Species at risk in Ontario</u> .	The proposed surveys to be carried out during preparation of the environmental assessment will be undertaken during the appropriate seasons following proper survey protocols.
5	Appendix J Natural Heritage Work Plan	Section: 2.3 Proposed Field Investigations Page 5	Ensure that all necessary permits are obtained, and guidelines for handling aquatic SAR are strictly followed to prevent harm.	All necessary permits will be obtained and guidelines for handling aquatic SAR will be strictly followed during preparation of the environmental assessment.
6	Appendix J Natural Heritage Work Plan	Section: 4 Impact Assessment of the Proposed Project Page 10	Make sure that surveys are accurate and thorough to protect bat species and other Species at Risk during construction activities. Follow the MECP, 2022 bat survey protocols. If you need the survey protocol, please contact: <u>SAROntario@ontario.ca</u>	As directed, the surveys carried out during preparation of the environmental assessment will be accurate and thorough to protect bat species and other Species at Risk during construction activities of the Project.

**Proposal:** Niagara Escarpment Crossing Comprehensive Environmental Assessment Draft Terms of Reference

**Proponent:** Niagara Region

**Commenter Name and Job Title:** Catherine Sutherland, Special Project Officer, Environmental Assessment Branch

Comment #	Reference to draft ToR	Comments & Rationale (Sent to Niagara Region July 12, 2024)	Proposed Action/Solution (Sent to Niagara Region July 12, 2024)	Project Team Response
1	Section 10	<p><b>Project Consultation</b>  <u>Indigenous Community Consultation:</u> Section 5.1 of the <i>ToR Code of Practice</i> that focuses on initiating the ToR states that consultation with potentially affected Indigenous communities is required and that the proponents must prepare a list of Aboriginal communities that may be affected by or interested in an undertaking.</p> <p>It requires a list of Indigenous communities identified as potentially interested and details on how they were identified. It requires a description of consultation activities conducted with Indigenous communities (documentation received, follow-ups conducted and meetings), list of concerns raised by Indigenous communities and how these concerns were addressed, as well as a statement of the nature of any established or asserted Aboriginal or treaty right that were identified as potentially being negatively impacted by the project.</p> <p>The Record of Consultation mentioned in Section 10 of the draft ToR is not attached.</p>	<p>The Record of Consultation is crucial to providing insight on the consultation activities the proponent of a project has conducted with potentially affected Indigenous communities and other interested peoples. It should provide details regarding the identification of potentially impacted Indigenous communities, why they were chosen and potential impacts to asserted Aboriginal or treaty rights that may be affected by the proposed undertaking. It should also provide information regarding how concerns were raised and/or addressed.</p>	<p>The Record of Consultation (RoC) will be provided as part of the formal submission of the proposed ToR to the Minister of the Environment, Conservation and Parks (Minister) in accordance with Ministry of the Environment, Conservation and Parks' (MECP's) Code of Practice: Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario, January 2014. (ToR CoP). The RoC will be prepared in accordance with the ToR CoP and provide the information specified by MECP.</p>
2	Section 10	<p><b>Project Consultation</b>            Section 5.2.9 of the <i>ToR Code of Practice</i> states in the Consultation Plan that it focuses on future preparation of the EA and requires a description of the consultation that was undertaken during the preparation of the proposed ToR. It also requires a summary to be included in the ToR with a more detailed account in the Record of Consultation (future inclusion for the past consultation that took place during the preparation of the ToR).</p> <p>Section 10 discusses consultation and means by which the proponent will distribute and receive comments from various agencies, Indigenous communities and interested people. However, no insight is given on what interactions have happened regarding the project to date with respect to the project.</p> <p>Section 3.1 of the <i>ToR Code of Practice</i> states that the Proponents must engage in meaningful consultation with all interested persons to identify and respond to needs and concerns.</p> <p>There is a lack of a summary of issues that were raised or discussed and how they have been incorporated into the draft ToR.</p>	<p>Please include a detailed description/ summary of the Consultation Plan in the ToR for the proposed EA. It is recommended that a specific EA Consultation Plan for Indigenous communities be included in the ToR.</p>	<p>As per the ToR CoP, Section 10 of the ToR outlines the consultation plan during preparation of the environmental assessment as follows:</p> <ul style="list-style-type: none"> <li>• The general consultation activities proposed for the Niagara Escarpment Crossing EA (Section 10.1)</li> <li>• How input will be obtained from interested participants (Section 10.2)</li> <li>• A description of the key decision-making milestone points during preparation of the environmental assessment when consultation will occur (Section 10.3)</li> <li>• An issues resolution strategy (Section 10.4)</li> </ul> <p>Also, in accordance with the ToR CoP, the Consultation Plan provided in Section 10 includes how consultation will take place with potentially affected Indigenous communities during preparation of the environmental assessment. For instance, the Indigenous communities to be consulted are identified including how input will be obtained from them and when (as part of the key decision-making milestones during the environmental assessment).</p>



Comment #	Reference to draft ToR	Comments & Rationale (Sent to Niagara Region July 12, 2024)	Proposed Action/Solution (Sent to Niagara Region July 12, 2024)	Project Team Response
3	Section 10	<p><b>General</b></p> <p>Overall the draft ToR is presented in plain language and is clear and concise in the ideas that it conveys.</p> <p>To note, the Record of Consultation is not included in this draft ToR and has therefore not been reviewed at this time.</p>	<p>Consultation is critical to the EAA process both before, during and after a project commences. Meaningful engagement with Indigenous communities and interested people provides insights on potential effects and implications of a proposed project. Ensuring a secure Consultation Plan and robust Consultation Record provides that established and/or asserted Aboriginal and/or treaty rights are considered throughout the EA process.</p>	<p>Engagement with Indigenous communities and interested people has been undertaken as part of preparing the ToR as documented in the RoC. Engagement with Indigenous communities and interested people will be on-going throughout the EA as outlined in the Consultation Plan (Section 10).</p>

June 05, 2024

Re: Niagara Escarpment Crossing

Attention:

Maged Elmadhoon, M.Eng., P.Eng.  
Manager, Transportation Planning Transportation Services Division  
Public Works, Niagara Region

Thank you for sending us notification regarding Niagara Escarpment Crossing. In our preliminary assessment, we have confirmed that Hydro One has existing high voltage Transmission facilities within your study area.

Please note that Alternative 3 and Alternative 4 could impact us. At this time, we do not have sufficient information to comment on the potential resulting impacts that your project may have on our infrastructure. As such, we must stay informed as more information becomes available so that we can advise if any of the alternative solutions present actual conflicts with our assets, and if so; what resulting measures and costs could be incurred by the proponent. Note that this response does not constitute approval for your plans and is being sent to you as a courtesy to inform you that we must continue to be consulted on your project.

In addition to the existing infrastructure mentioned above, the applicable transmission corridor may have provisions for future lines or already contain secondary land uses (e.g., pipelines, watermains, parking). Please take this into consideration in your planning.

Also, we would like to bring to your attention that should Niagara Escarpment Crossing result in a Hydro One station expansion or transmission line replacement and/or relocation, an Environmental Assessment (EA) will be required as described under the Class Environmental Assessment for Minor Transmission Facilities (Hydro One, 2016). This EA process would require a minimum of 6 months for a Class EA Screening Process (or up to 18 months if a Full Class EA were to be required) to be completed. Associated costs will be allocated and recovered from proponents in accordance with the Transmission System Code. If triggered, Hydro One will rely on studies completed as part of the EA you are current undertaking.

Consulting with Hydro One on such matters during your project's EA process is critical to avoiding conflicts where possible or, where not possible, to streamlining processes (e.g., ensuring study coverage of expansion/relocation areas within the current EA). Once in receipt of more specific project information regarding the potential for conflicts (e.g., siting, routing), Hydro One will be in a better position to communicate objections or not objections to alternatives proposed.

If possible at this stage, please formally confirm that Hydro One infrastructure and associated rights-of-way will be completely avoided, or if not possible, allocate appropriate lead-time in your

project schedule to collaboratively work through potential conflicts with Hydro One, which ultimately could result in timelines identified above.

In planning, note that developments should not reduce line clearances or limit access to our infrastructure at any time. Any construction activities must maintain the electrical clearance from the transmission line conductors as specified in the Ontario Health and Safety Act for the respective line voltage.

Be advised that any changes to lot grading or drainage within, or in proximity to Hydro One transmission corridor lands must be controlled and directed away from the transmission corridor.

Please note that the proponent will be held responsible for all costs associated with modifications or relocations of Hydro One infrastructure that result from your project, as well as any added costs that may be incurred due to increased efforts to maintain said infrastructure.

We reiterate that this message does not constitute any form of approval for your project. Hydro One must be consulted during all stages of your project. Please ensure that all future communications about this and future project(s) are sent to us electronically to [secondarylanduse@hydroone.com](mailto:secondarylanduse@hydroone.com)

Sent on behalf of,

***Secondary Land Use  
Asset Optimization  
Strategy & Integrated Planning  
Hydro One Networks Inc.***



September 23, 2024

Hydro One Networks Inc.

483 Bay Street

8<sup>th</sup> Floor South Tower

Toronto ON M5G 2P5

**Sent Via Email To:**

Secondary Land Use Asset Optimization Strategy & Integrated Planning

([secondarylanduse@hydroone.com](mailto:secondarylanduse@hydroone.com))

Re: Niagara Escarpment Crossing Comprehensive Environmental Assessment

Hello,

Thank you for Hydro One's comments on the Niagara Escarpment Crossing Comprehensive Environmental Assessment (CEA) draft Terms of Reference (ToR) (Project) provided in your June 5, 2024 letter. The following table provides our responses to Hydro One's comments for your information:

Comments	Responses
Please note that Alternative 3 and Alternative 4 could impact us. At this time, we do not have sufficient information to comment on the potential resulting impacts that your project may have on our infrastructure. As such, we must stay informed as more information becomes available so that we can advise if any of the alternative solutions present actual conflicts with our assets, and if so; what resulting measures and costs could be incurred by the proponent. Note that this response does not constitute approval for your plans and is being sent to you as a courtesy to inform you that we must continue to be consulted on your project.	Thanks for noting that Alternatives 3 and 4 could adversely affect Hydro One's assets. The Region will continue to consult with Hydro One as part of the Project providing more information during preparation of the environmental assessment.
In addition to the existing infrastructure mentioned above, the applicable transmission corridor may have provisions	The Region will consider these potential provisions for future lines or existing

Comments	Responses
for future lines or already contain secondary land uses (e.g., pipelines, watermains, parking). Please take this into consideration in your planning.	secondary land uses during preparation of the environmental assessment.
Also, we would like to bring to your attention that should Niagara Escarpment Crossing result in a Hydro One station expansion or transmission line replacement and/or relocation, an Environmental Assessment (EA) will be required as described under the Class Environmental Assessment for Minor Transmission Facilities (Hydro One, 2016). This EA process would require a minimum of 6 months for a Class EA Screening Process (or up to 18 months if a Full Class EA were to be required) to be completed. Associated costs will be allocated and recovered from proponents in accordance with the Transmission System Code. If triggered, Hydro One will rely on studies completed as part of the EA you are current undertaking.	Thanks for bringing to our attention the potential need for an EA under the Class Environmental Assessment for Minor Transmission Facilities (Hydro One, 2016) in the situation where the Project results in a Hydro One station expansion or transmission line replacement and/or relocation. This potential approval has been added to Section 12 of the ToR.
Consulting with Hydro One on such matters during your project's EA process is critical to avoiding conflicts where possible or, where not possible, to streamlining processes (e.g., ensuring study coverage of expansion/relocation areas within the current EA). Once in receipt of more specific project information regarding the potential for conflicts (e.g., siting, routing), Hydro One will be in a better position to communicate objections or not objections to alternatives proposed.	As mentioned, the Region will continue to consult with Hydro One as part of the Project including during preparation of the environmental assessment when more specific information regarding the potential for conflicts will be available.

Comments	Responses
If possible at this stage, please formally confirm that Hydro One infrastructure and associated rights-of-way will be completely avoided, or if not possible, allocate appropriate lead-time in your project schedule to collaboratively work through potential conflicts with Hydro One, which ultimately could result in timelines identified above.	Since the Project is in Step 1 (Terms of Reference) of the two-step CEA, it is premature at this time to formally confirm that Hydro One infrastructure and associated rights-of-way will be completely avoided. As stated, the Region will continue to consult with Hydro One as part of the Project including during preparation of the environmental assessment to allocate appropriate lead-time in the Project schedule to collaboratively work through potential conflicts with Hydro One.
In planning, note that developments should not reduce line clearances or limit access to our infrastructure at any time. Any construction activities must maintain the electrical clearance from the transmission line conductors as specified in the Ontario Health and Safety Act for the respective line voltage.	The Project will take into consideration line clearances, infrastructure access, and construction activities during preparation of the environmental assessment.
Be advised that any changes to lot grading or drainage within, or in proximity to Hydro One transmission corridor lands must be controlled and directed away from the transmission corridor.	Potential changes to lot grading and drainage from the Project will be considered during preparation of the environmental assessment.
Please note that the proponent will be held responsible for all costs associated with modifications or relocations of Hydro One infrastructure that result from your project, as well as any added costs that may be incurred due to increased efforts to maintain said infrastructure.	Comment noted.
We reiterate that this message does not constitute any form of approval for your project. Hydro One must be consulted	As stated, the Region will continue to consult with Hydro One as part of the Project including during preparation of the


Comments	Responses
during all stages of your project. Please ensure that all future communications about this and future project(s) are sent to us electronically to <a href="mailto:secondarylanduse@hydroone.com">secondarylanduse@hydroone.com</a>	environmental assessment. To this end, future communications with Hydro One regarding the Project will be sent to the specified email address as requested.

Please note that the comments received from Hydro One including those responded to in this letter are documented in the Record of Consultation, which has been prepared in support of the proposed ToR.

Thank you again for your interest in the Project, and Hydro One will be directly notified of the submission of the proposed ToR to the Minister for a decision. At that time, any interested person including Hydro One may review the proposed ToR and provide comments to MECP.

Please contact me if you have questions on the preceding information.

Sincerely,



**Maged Elmadhoon, M.Eng., P.Eng. (he/him)**

Manager, Transportation Planning

Transportation Services Division

Public Works, Niagara Region

cc. Scott Fraser, Niagara Region  
Katherine Jim, CIMA+  
Elysia Friedl, CIMA+  
Ian Dobrindt, GHD

May 27, 2024

Maged Elmadhoon, M.Eng., P.Eng.  
Manager, Transportation Planning

Katherine Jim, M.Eng., P.Eng.  
Senior Project Manager, Transportation

Niagara Region  
1815 Sir Isaac Brock Way  
Thorold, ON L2V 4Y6

CIMA+  
400-3027 Harvester Road  
Burlington, ON L7N 3G7

Via email: [escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)

Dear Maged Elmadhoon and Katherine Jim:

**RE: Niagara Escarpment Crossing Comprehensive Environmental Assessment  
Town of Grimsby, Town of Lincoln & Township of West Lincoln**  
MHBC File: PAR 50363

MacNaughton Hermesen Britton Clarkson (MHBC) are the planning consultants for TransCanada PipeLines Limited (TCPL). This letter is in response to the Notice of Public Information Centre Terms of Reference for the Niagara Escarpment Crossing Comprehensive Environmental Assessment (EA). TCPL has two (2) high-pressure natural gas pipelines contained within an easement ("right-of-way") crossing the study area.

TCPL's pipelines and related facilities are subject to the jurisdiction of the Canada Energy Regulator (CER) – formerly the National Energy Board ("NEB"). As such, certain activities must comply with the Canadian Energy Regulator Act ("Act") and associated Regulations. The Act and the Regulations noted can be accessed from the CER's website at [www.cer-rec.gc.ca](http://www.cer-rec.gc.ca).

The following are general TCPL requirements for consideration when evaluating alternatives:

1. General Crossing Requirements:
  - a. Crossings must be as close to 90 degrees as possible, and no less than 45 degrees.
  - b. Crossings shall not occur at a bend in a TCPL pipeline.
  - c. TCPL may require the installation of permanent protective measures depending on site-specific conditions and engineering analyses.
2. General Conditions for Crossings of TCPL Pipelines by Highways, Private Roads, and Railways
  - a. A highway or private road shall be constructed so that the travelled surface is no less than 1.5 meters above the top of the pipeline.
  - b. The bottom of the ditches adjacent to roads should not be less than 1.4 meters above the top of the pipeline.
  - c. Minimum cover for railway crossings (below base of rail) is 3.05 meters for uncased pipe.
3. General Conditions for Crossings of TCPL's Pipelines by Utilities:
  - a. TCPL shall retain the upper position in the crossing area.

- b. Minimum separation between buried facilities shall be 600mm for open cut excavations and 1000mm for horizontal directional drill installation methods.
  - c. The utility depth shall be maintained for the entire width of the right-of-way.
  - d. The utility shall have no bends within the TCPL right-of-way
  - e. The utility shall have no joints, splices or other connections within the TCPL right-of-way.
  - f. Pipeline crossings should not be placed within 7 metres of a TCPL pipeline bend.
4. For road crossings, TCPL is required by the CER to prepare a detailed engineering assessment of all loads expected during the construction and operation of the crossing, and, if required, provide designs for appropriate mitigation. The cost of this engineering assessment, analysis and design work, the costs of any required mitigation or pipe modification required will be 100% the responsibility of the Proponent.
5. For crossings, it is recommended that the Proponent consult with TCPL as soon as possible through the third party crossings tool: <https://writtenconsent.tcenergy.com>.
6. Written consent must be obtained from TCPL prior to undertaking the following activities:
  - a. Constructing or installing a facility across, on, along or under a TCPL pipeline right-of-way.
  - b. Conducting a ground disturbance (excavation or digging) on TCPL's pipeline right-of-way or within 30 meters of the centreline of TCPL's pipe (the "Prescribed Area");
  - c. Driving a vehicle, mobile equipment or machinery across a TCPL pipeline right-of-way outside the travelled portion of a highway or public road; and
  - d. Using any explosives within 300 meters of TCPL's pipeline right-of-way.
7. Original depth of cover over the pipelines within TCPL's right-of-way shall be restored after construction. This depth of cover over the pipelines shall not be compromised over the life of the road due to rutting, erosion or other means.
8. The following link to TCPL's website provides additional information on approval requirements: <https://www.tcenergy.com/sustainability/safety/safe-digging/canada/landowners-and-neighbours/>
8. Storage of materials and/or equipment on TCPL's right-of-way is not permitted.

We can provide GIS shapefiles of TCPL's Prescribed Area throughout the study area, however a confidentiality agreement will be required prior to releasing the files. Please let us know if you are interested in this option.

Thank you for the opportunity to comment. Kindly forward future study details to [TCEnergy@mhbcplan.com](mailto:TCEnergy@mhbcplan.com). If you have any questions, please do not hesitate to contact our office.

Sincerely,

**MHBC**



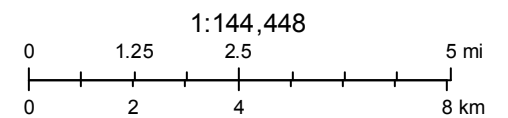
Kaitlin Webber, MA  
Planner | MHBC Planning  
*on behalf of TransCanada PipeLines Limited*



# Landscape PDF



June 5, 2024



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September 23, 2024

TransCanada PipeLines Limited (TCPL)  
c/o MHBC Planning Urban Design & Landscape Architecture  
301-12 James Street North  
Hamilton ON L8R 2J9

**Sent Via Email To:**

Kaitlin Webber, MA, Planner | MHBC Planning (TCEnergy@mhbcplan.com)

Re: Niagara Escarpment Crossing Comprehensive Environmental Assessment, MHBC  
File: PAR 50363

Hello,

Thank you for TransCanada PipeLines Limited's (TCPL) comments on the Niagara Escarpment Crossing Comprehensive Environmental Assessment (CEA) draft Terms of Reference (ToR) (Project) provided in your May 24, 2024 letter. The following table provides our responses to TCPL's comments for your information.

Comments	Responses
1. TCPL has 2 high-pressure natural gas pipelines contained within an easement ("right-of-way) crossing the study area.	Thanks for confirming that TCPL has 2 existing high-pressure natural gas pipelines contained within an easement within the preliminary study area. The Region will request further information regarding the existing high-pressure natural gas pipelines during preparation of the environmental assessment.
2. General Crossing Requirements: <ul style="list-style-type: none"><li>• Crossings must be as close to 90 degrees as possible, and no less than 45 degrees.</li><li>• Crossings shall not occur at a bend in a TCPL pipeline.</li><li>• TCPL may require the installation of permanent protective measures depending on site-specific conditions and engineering analyses.</li></ul>	The general crossing requirements are noted and will be considered, as appropriate, during preparation of the environmental assessment.



Comments	Responses
<p>3. General Conditions for Crossings of TCPL Pipelines by Highways, Private Roads and Railways</p> <ul style="list-style-type: none"> <li>• A highway or private road shall be constructed so that the travelled surface is no less than 1.5 metres above the top of the pipeline.</li> <li>• The bottom of the ditches adjacent to the roads should not be less than 1.4 metres above the top of the pipeline.</li> <li>• Minimum cover for railway crossings (below base of rail) is 3.05 metres for uncased pipe.</li> </ul>	<p>The general conditions for crossing TCPL Pipelines are noted and will be considered, as appropriate, during preparation of the environmental assessment.</p>
<p>4. General Conditions for Crossing of TCPL's Pipelines by Utilities</p> <ul style="list-style-type: none"> <li>• TCPL shall retain the upper position in the crossing area.</li> <li>• Minimum separation between buried facilities shall be 600 mm for open cut excavations and 1000 mm for horizontal directional drill installation methods.</li> <li>• The utility depth shall be maintained for the entire width of the right-of-way.</li> <li>• The utility shall have no bends within the TCPL right-of-way</li> <li>• The utility shall have no joints, splices or other connections within the TCPL right-of-way.</li> </ul>	<p>The general conditions for crossing TCPL's Pipelines by utilities are noted, and will be considered, as appropriate, during preparation of the environmental assessment.</p>

Comments	Responses
<ul style="list-style-type: none"> <li>Pipeline crossings should not be placed within 7 metres of a TCPL pipeline bend.</li> </ul>	
<p>5. For road crossings, TCPL is required by the CER to prepare a detailed engineering assessment of all loads expected during the construction and operation of the crossing, and, if required, provide designs for appropriate mitigation. The cost of this engineering assessment, analysis and design work, the costs of any required mitigation or pipe modification required will be 100% the responsibility of the Proponent.</p>	<p>The Region understands that the cost of the engineering assessment, analysis and design work because of the Project including the costs of any required mitigation or pipe modification required will be 100% the responsibility of the Proponent.</p>
<p>6. For crossings, it is recommended that the Proponent consult with TCPL as soon as possible through the third party crossings tool: <a href="https://writtenconsent.tcenergy.com">https://writtenconsent.tcenergy.com</a>.</p>	<p>The Region will continue to consult with TCPL as part of the Project including through the third part crossings tool during preparation of the environmental assessment.</p>
<p>7. Written consent must be obtained from TCPL prior to undertaking the following activities:</p> <ul style="list-style-type: none"> <li>Constructing or installing a facility across, on, along or under a TCPL pipeline right-of-way.</li> <li>Conducting a ground disturbance (excavation or digging) on TCPL's pipeline right-of-way or within 30 meters of the centreline of TCPL's pipe (the "Prescribed Area");</li> <li>Driving a vehicle, mobile equipment or machinery across</li> </ul>	<p>The Region understands that written consent must be obtained from TCPL prior to undertaking the 4 defined activities.</p>

Comments	Responses
<p>a TCPL pipeline right-of-way outside the travelled portion of a highway or public road; and</p> <ul style="list-style-type: none"> <li>Using any explosives within 300 meters of TCPL's pipeline right-of-way.</li> </ul>	
<p>8. Original depth of cover over the pipelines within TCPL's right-of-way shall be restored after construction. This depth of cover over the pipelines shall not be compromised over the life of the road due to rutting, erosion or other means.</p>	<p>Comment noted recognizing that the Project is in Step 1 (ToR) of a 2-step CEA approvals process before any construction can take place.</p>
<p>9. The following link to TCPL's website provides additional information on approval requirements: <a href="https://www.tcenergy.com/sustainability/safety/safe-digging/canada/landowners-and-neighbours/">https://www.tcenergy.com/sustainability/safety/safe-digging/canada/landowners-and-neighbours/</a></p>	<p>The additional information available through the provided link to TCPL's website will be considered during preparation of the environmental assessment.</p>
<p>10. Storage of materials and/or equipment on TCPL's right-of-way is not permitted.</p>	<p>Comment noted recognizing that the Project is in Step 1 (ToR) of a 2-step CEA approvals process before any construction can take place.</p>
<p>11. We can provide GIS shapefiles of TCPL's Prescribed Area throughout the Study Area, however a confidentiality agreement will be required prior to releasing the files. Please let us know if you are interested in this option.</p>	<p>Thanks for the offer of the GIS shapefiles of TCPL's Prescribed Area. They will be requested during preparation of the environmental assessment with a confidentiality agreement executed at that time.</p>

Please note that the comments received from TCPL including those responded to in this letter are documented in the Record of Consultation, which has been prepared in support of the proposed ToR.

Thank you again for your interest in the Project, and TCPL will be directly notified of the submission of the proposed ToR to the Minister for a decision. At that time, any interested person including TCPL may review the proposed ToR and provide comments to MECP.

Please contact me if you have questions on the preceding information.

Sincerely,



**Maged Elmadhoon, M.Eng., P.Eng. (he/him)**

Manager, Transportation Planning

Transportation Services Division

Public Works, Niagara Region

cc. Scott Fraser, Niagara Region  
Katherine Jim, CIMA+  
Elysia Friedl, CIMA+  
Ian Dobrindt, GHD

**From:** [Zirger, Rosi \(MNRF\)](#)  
**To:** [Katherine Jim](#)  
**Cc:** [Fraser, Scott](#); [Elmadhoon, Maged](#); [Ian Dobrindt](#); [Elysia Friedl](#)  
**Subject:** RE: NEC Response - Niagara Escarpment Crossing CEA  
**Date:** Friday, July 19, 2024 2:17:50 PM  
**Attachments:** [image006.png](#)  
[image007.jpg](#)  
[image008.jpg](#)  
[image010.jpg](#)  
[image011.jpg](#)  
[image012.jpg](#)  
[image013.png](#)

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## EXTERNAL EMAIL

Good afternoon Katherine

Apologies that my preliminary comments were vague.

I have reviewed the proposed Terms of Reference and Works Plans, and confirm that the NEC does not have specific requirements beyond what is being proposed. I note that in some cases e.g., Visual Impact Assessment, consultation with NEC is already included.

Regards

Rosi

**Rosi Zirger**

Senior Planner | Niagara Escarpment Commission  
232 Guelph Street, Georgetown, Ontario, L7G 4B1  
905-703-7216  
[rosi.zirger@ontario.ca](mailto:rosi.zirger@ontario.ca) | [www.escarpment.org](http://www.escarpment.org)



Accessibility: As part of the NEC's commitment to providing accessible service, please let me know if you have any accommodation needs or require the contents of this email in an alternative format.

Availability: NEC staff provide services in person, via telephone, or via email. To better serve you, **we ask that you make an appointment if you prefer to meet in person.** You may request an appointment with staff at [escarpment.org/appointments](http://escarpment.org/appointments).

**Did you know:** You can now submit Development Permit Applications to the Niagara Escarpment Commission online? Visit our [website](#) to learn more.

---

**From:** Katherine Jim <Katherine.Jim@cima.ca>

**Sent:** Friday, July 19, 2024 11:57 AM

**To:** Zirger, Rosi (MNRF) <Rosi.Zirger@ontario.ca>

**Cc:** Fraser, Scott <Scott.Fraser@niagararegion.ca>; Elmadhoon, Maged <Maged.Elmadhoon@niagararegion.ca>; Ian Dobrindt <ian.dobrindt@ghd.com>; Elysia Friedl <Elysia.Friedl@cima.ca>

**Subject:** RE: NEC Response - Niagara Escarpment Crossing CEA

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Hi Rosi,

On behalf of the Project Team, thank you for NEC's input on the draft Terms of Reference (ToR) and Work Plans. This is to confirm receipt of your email. We will be issuing a formal response to the comments shortly. In the meantime, we would like to clarify the last sentence of the last bullet point in your email (*italics added*):

- "Please be aware that an NEC Development Permit will be required at a later stage. As such, we will be considering development criteria through this process in order to determine whether the proposal conforms with the NEP. This consideration will therefore require studies and reports as well as detailed plans. *We understand that the Terms of Reference part of the process will be the opportunity to outline these requirements in more detail.*"

Please note that the draft ToR and associated Work Plans already specify the studies and reports that the Region is planning to carry out and prepare during the Environmental Assessment, which will follow the approval of the ToR. The draft ToR and Work Plans are being updated, as appropriate, at this time based on input from technical agencies and stakeholders's recent review. Does the NEC have any specific comments on the content of the main draft ToR document and/or the Work Plans (e.g. Natural Heritage, Visual Impact Work Plans, etc.). Thereafter, we will be formally submitting the proposed ToR and Work Plans to MECP for review and approval by the Minister.

So with this in mind, does the NEC have any specific requirements beyond those already included in the draft ToR and Work Plans that we should consider for inclusion? Acknowledging the need for a future development permit, Niagara Region would like to ensure that the plans and studies to be conducted through the EA will provide the necessary analysis and information required for the NEC effectively consider this application in the future.

Best regards,  
Katherine

---

**KATHERINE JIM**, M.Eng., P.Eng.  
Director / Transportation

**T** 289-288-0287 ext. 6835 **M** 365-323-7468 **F** 289-288-0285  
400-3027 Harvester Road, Burlington, ON L7N 3G7 CANADA

**Vacation Alert: I will be away August 1 to August 19; returning August 20**



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**From:** Zirger, Rosi (MNRF) <[Rosi.Zirger@ontario.ca](mailto:Rosi.Zirger@ontario.ca)>  
**Sent:** Friday, July 12, 2024 9:53 AM  
**To:** Escarpment Crossing <[escarpmentcrossing!EA@niagararegion.ca](mailto:escarpmentcrossing!EA@niagararegion.ca)>  
**Subject:** NEC Response - Niagara Escarpment Crossing CEA

Good morning

The Niagara Escarpment Commission (NEC) staff have reviewed the PIC material and the Draft Terms of Reference. Please continue to circulate NEC staff on this Comprehensive EA at [nec@ontario.ca](mailto:nec@ontario.ca).

Meanwhile we offer the following preliminary observations and comments:

- The portion of the study area that intersects with the Niagara Escarpment Plan (NEP) area contains land designated as: Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area, and Urban Area. Infrastructure is a permitted use in each of these designations under Part 1 of the NEP.
- Given the location of the study area and the nature of the proposed works, the NEC has a significant interest in this project and request the opportunity to comment and participate in every stage of the Comprehensive EA.
- The portion of the study area that intersects with the NEP area is mostly within development control and therefore following the EA, a development permit will be required to implement the development. Please note that there are no guarantees that a development permit application can be supportable at the end of the EA process. Additionally, decisions on development permit applications are subject to appeal.
- The Escarpment and lands in its vicinity contain key hydrologic features and key natural heritage features. Policies under Part 2 of the NEP restrict development in these features with the exception of a few limited types of development including infrastructure, where the project has been deemed necessary to the public interest and there is no other alternative.
- I note that NEC staff participated in review of a Schedule C Municipal Class EA in 2013-2014. The conclusions of this EA were that there are existing routes that may be upgraded to account for traffic demands, including truck traffic. Information on what upgrades or changes to existing routes have taken place over the preceding decade, whether additional upgrades could be carried out to existing crossings, and a focus on whether a new crossing is necessary and there are no other alternatives must be thoroughly investigated in this process to meet the tests of NEP policy.
- Please be aware that an NEC Development Permit will be required at a later stage. As such, we will be considering development criteria through this process in order to determine whether the

proposal conforms with the NEP. This consideration will therefore require studies and reports as well as detailed plans. We understand that the Terms of Reference part of the process will be the opportunity to outline these requirements in more detail.

Sincerely

**Rosi Zirger**

Senior Planner | Niagara Escarpment Commission  
232 Guelph Street, Georgetown, Ontario, L7G 4B1  
905-703-7216  
[rosi.zirger@ontario.ca](mailto:rosi.zirger@ontario.ca) | [www.escarpment.org](http://www.escarpment.org)



Accessibility: As part of the NEC's commitment to providing accessible service, please let me know if you have any accommodation needs or require the contents of this email in an alternative format.

Availability: NEC staff provide services in person, via telephone, or via email. To better serve you, **we ask that you make an appointment if you prefer to meet in person.** You may request an appointment with staff at [escarpment.org/appointments](http://escarpment.org/appointments).

**Did you know:** You can now submit Development Permit Applications to the Niagara Escarpment Commission online? Visit our [website](http://www.escarpment.org) to learn more.

---

**From:** Escarpment Crossing <[escarpmentcrossingEA@niagararegion.ca](mailto:escarpmentcrossingEA@niagararegion.ca)>

**Sent:** Thursday, May 30, 2024 11:57 AM

**Subject:** Niagara Escarpment Crossing Comprehensive EA – Draft Terms of Reference & PIC Presentation  
Available for Download

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Hello,

As a follow up to the Public Information Centre (PIC) held yesterday (May 29, 2024), the presentation materials and draft Terms of Reference (including Technical Work Plans) are now available for comment at [niagararegion.ca/projects/niagara-escarpment-crossing](http://niagararegion.ca/projects/niagara-escarpment-crossing).

As explained in the PIC material, the first stage of the CEA is to develop a Terms of Reference (TOR/main document) which provides the framework for the project and identifies technical workplans (appendices) and public consultation to be undertaken during the future Environmental Assessment (Stage 2).

The main Terms of Reference document provides, but not limited to, the project purpose, alternatives to the project, description of the preliminary study area, and EA consultation plan. The technical work plans define the "what" and "how" of the Environmental Assessment – describing what studies will be undertaken, what the study area will be, and what factors will be considered.



Please provide comments by **July 12, 2024** to the Region Project Manager and Consultant Project Manager:

**Maged Elmadhoon, M.Eng., P.Eng.**

Manager, Transportation Planning  
Transportation Services Division  
Public Works, Niagara Region  
1815 Sir Isaac Brock Way, Thorold, ON  
905-980-6000 ext. 3583

**Katherine Jim, M.Eng., P.Eng.**

Senior Project Manager  
Transportation  
CIMA+  
400–3027 Harvester Road, Burlington,  
ON 289-288-0287 ext. 6835

[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)

A specific response to your comments will be issued after the July 12, 2024 commenting period ends. Your comments will be considered as part of finalizing the proposed Terms of Reference for submission to the Ministry of the Environment, Conservation and Parks later this year.

Best Regards

Project Team

Transportation Services Division

Public Works, Niagara Region

1815 Sir Isaac Brock Way, Thorold, ON

[escarpmentcrossingIEA@niagararegion.ca](mailto:escarpmentcrossingIEA@niagararegion.ca)



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September 23, 2024

Niagara Escarpment Commission

232 Guelph Street

Georgetown ON L7G 4B1

**Sent Via Email To:**

Rosi Zirger, Senior Planner | Niagara Escarpment Commission ([Rosi.Zirger@ontario.ca](mailto:Rosi.Zirger@ontario.ca))

Re: Niagara Escarpment Crossing Comprehensive Environmental Assessment – NEC Response

Hello,

Thank you for the Niagara Escarpment Commission's (NEC's) comments on the Niagara Escarpment Crossing Comprehensive Environmental Assessment (CEA) draft Terms of Reference (ToR) (Project) provided in your July 12, 2024 email. The following table provides our responses to NEC's comments for your information:

Comments	Responses
Please continue to circulate NEC staff on this Comprehensive EA at <a href="mailto:nec@ontario.ca">nec@ontario.ca</a> .	As requested, the Region will continue to circulate NEC staff on the Project.
The portion of the study area that intersects with the Niagara Escarpment Plan (NEP) area contains land designated as: Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area, and Urban Area. Infrastructure is a permitted use in each of these designations under Part 1 of the NEP.	Thanks for confirming that infrastructure is a permitted use in each of the designations within the preliminary study area under Part 1 of the NEP.
Given the location of the study area and the nature of the proposed works, the NEC has a significant interest in this project and request the opportunity to comment and participate in every stage of the Comprehensive EA.	The Region acknowledges NEC's significant interest in the Project and looks forward to working with NEC staff including providing commenting and participation opportunities as part of carrying out the Comprehensive EA.
The portion of the study area that intersects with the NEP area is mostly	The Region will seek a development permit as required to implement the Project

Comments	Responses
<p>within development control and therefore following the EA, a development permit will be required to implement the development. Please note that there are no guarantees that a development permit application can be supportable at the end of the EA process. Additionally, decisions on development permit applications are subject to appeal.</p>	<p>subject to EA Act approval. The Region understands that there are no guarantees that a development permit application will be supported and that those decisions are subject to appeal.</p>
<p>The Escarpment and lands in its vicinity contain key hydrologic features and key natural heritage features. Policies under Part 2 of the NEP restrict development in these features with the exception of a few limited types of development including infrastructure, where the project has been deemed necessary to the public interest and there is no other alternative.</p>	<p>Thanks for confirming that Part 2 of the NEP restricts development in key hydrologic features and key natural heritage features with a few limited exceptions like infrastructure where the project has been deemed necessary to the public interest and there is no other alternative.</p>
<p>I note that NEC staff participated in review of a Schedule C Municipal Class EA in 2013-2014. The conclusions of this EA were that there are existing routes that may be upgraded to account for traffic demands, including truck traffic. Information on what upgrades or changes to existing routes have taken place over the preceding decade, whether additional upgrades could be carried out to existing crossings, and a focus on whether a new crossing is necessary and there are no other alternatives must be thoroughly investigated in this process to meet the tests of NEP policy.</p>	<p>Notwithstanding the earlier Schedule C Municipal Class EA and its conclusions, the Project represents a new and separate environmental assessment. With this in mind, the Niagara Escarpment Crossing EA will be prepared as set out in subsection 17.6(2) of the <i>EA Act</i>. As a result, the alternatives to the Project will be thoroughly investigated, assessed, and comparatively evaluated leading to a preferred alternative as per the ToR. This process will be carried out within the context of meeting the tests of NEP policy.</p>

Comments	Responses
Please be aware that an NEC Development Permit will be required at a later stage. As such, we will be considering development criteria through this process in order to determine whether the proposal conforms with the NEP. This consideration will therefore require studies and reports as well as detailed plans. We understand that the Terms of Reference part of the process will be the opportunity to outline these requirements in more detail.	Section 10 of the ToR includes the NEC Development Permit as a potential approval required for the Project. As communicated in your follow up July 22, 2024 email, the Region understands that the NEC does not have specific requirements beyond what is being proposed in the ToR noting that in some cases (e.g., Visual Impact Assessment) consultation with NEC is already included.

Please note that the comments received from NEC including those responded to in this letter are documented in the Record of Consultation, which has been prepared in support of the proposed ToR.

Thank you again for your interest in the Project, and NEC will be directly notified of the submission of the proposed ToR to the Minister for a decision. At that time, any interested person including NEC may review the proposed ToR and provide comments to MECP.

Please contact me if you have questions on the preceding information.

Sincerely,



**Maged Elmadhoon, M.Eng., P.Eng. (he/him)**

Manager, Transportation Planning

Transportation Services Division

Public Works, Niagara Region

cc. Scott Fraser, Niagara Region  
Katherine Jim, CIMA+  
Elysia Friedl, CIMA+  
Ian Dobrindt, GHD

**Ministry of Natural Resources and  
Forestry**

Land Use Planning and Strategic Issues  
Section  
Southern Region

Regional Operations Division  
300 Water Street  
Peterborough, ON K9J 3C7  
Tél.: 705 761-4839

**Ministère des Richesses naturelles et des Forêts**

Section de l'aménagement du territoire et  
des questions stratégiques  
Région du Sud

Division des opérations  
régionales 300, rue Water  
Peterborough (ON) K9J 3C7  
Tél. : 705 761-4839



June 6, 2024

To

Maged Elmadhoon  
Manager, Transportation Planning  
Transportation Services Division  
Public Works, Niagara Region

Katherine Jim  
Senior Project Manager, Transportation  
CIMA+

**SUBJECT:       Niagara Escarpment Crossing – Comprehensive Environmental  
Assessment, Draft Terms of Reference**

---

The Ministry of Natural Resources and Forestry (MNRF) received the invitation to comment on the draft Terms of Reference for the Niagara Escarpment Crossing Comprehensive EA on May 30, 2024. Thank you for circulating this to our office. Please note that we have not completed a screening of natural heritage or other resource values for the project at this time. This response, however, does provide information to guide you in identifying and assessing natural features and resources as required by applicable policies and legislation, as well as engaging with the Ministry for advice as needed.

Please also note that it is the proponent's responsibility to be aware of, and comply with, all relevant federal or provincial legislation, municipal by-laws or other agency approvals.

**Natural Heritage**

MNRF's natural heritage and natural resources GIS data layers can be obtained through the Ministry's [Land Information Ontario \(LIO\)](#) website. You may also view natural heritage information online (e.g., Provincially Significant Wetlands, ANSI's, woodlands, etc.) using the [Make a Map: Natural Heritage Areas](#) tool.

We recommend that you use the above-noted sources of information during the review of your project proposal.

## **Natural Hazards**

A series of natural hazard technical guides developed by MNRF are available to support municipalities and conservation authorities implement the natural hazard policies in the Provincial Policy Statement (PPS). For example, standards to address flood risks and the potential impacts and costs from riverine flooding are addressed in the *Technical Guide River and Stream Systems: Flooding Hazard Limit (2002)*. We recommend that you consider these technical guides as you assess specific improvement projects that can be undertaken to reduce the risk of flooding.

## **Petroleum Wells & Oil, Gas and Salt Resources Act**

There may be petroleum wells within the proposed project area. Please consult the Ontario Oil, Gas and Salt Resources Library website ([www.ogsrlibrary.com](http://www.ogsrlibrary.com)) for the best-known data on any wells recorded by MNRF. Please reference the 'Definitions and Terminology Guide' listed in the publications on the library website to better understand the well information available. Any oil and gas wells in your project area are regulated by the *Oil, Gas and Salt Resource Act*, and the supporting regulations and operating standards. If any unanticipated wells are encountered during development of the project, or if the proponent has questions regarding petroleum operations, the proponent should contact the Petroleum Operations Section at [POSRecords@ontario.ca](mailto:POSRecords@ontario.ca) or 519-873-4634.

## **Fish and Wildlife Conservation Act**

Please note, that should the project require:

- The relocation of fish outside of the work area, a Licence to Collect Fish for Scientific Purposes under the *Fish and Wildlife Conservation Act* will be required.
- The relocation of wildlife outside of the work area (including amphibians, reptiles, and small mammals), a Wildlife Collector's Authorization under the *Fish and Wildlife Conservation Act* will be required.

## **Public Lands Act & Lakes and Rivers Improvement Act**

Some Project may be subject to the provisions of the *Public Lands Act* or *Lakes and River Improvement Act*. Please review the information on MNRF's web pages provided below regarding when an approval is, or is not, required. Please note, *Lakes and Rivers Improvement Act* approval from the Ministry is not required for certain activities within the area of jurisdiction of a Conservation Authority. Please see the *Lakes and Rivers Improvement Act* administrative guide for more information and contact your local Conservation Authority where unsure if work is subject to regulation under the *Conservation Authorities Act*.

- For more information about the *Public Lands Act*: <https://www.ontario.ca/page/crown-land-work-permits>
- For more information about the *Lakes and Rivers Improvement Act*: <https://www.ontario.ca/page/lakes-and-rivers-improvement-act-administrative-guide>

After reviewing the information provided, if you have not identified any of MNRF's interests stated above, there is no need to circulate any subsequent notices to our office. If you have

identified any of MNRF's interests and/or may require permit(s) or further technical advice, please direct your specific questions to the undersigned.

If you have any questions or concerns, please feel free to contact me.

Best Regards,

A handwritten signature in dark ink, appearing to read 'Sam Short', is positioned above the typed name.

Sam Short  
Regional Planner  
sam.short@ontario.ca  
Ph: 705-772-9329  
Land Use Planning and Strategic Issues Section – Southern Region  
Ministry of Natural Resources and Forestry

September 23, 2024

Ministry of Natural Resources and Forestry  
Land Use Planning and Strategic Issues Section, Southern Region  
Regional Operations Division  
300 Water Street  
Peterborough ON K9J 3C7

**Sent Via Email To:**

Sam Short, Regional Planner ([sam.short@ontario.ca](mailto:sam.short@ontario.ca))

Re: Niagara Escarpment Crossing Comprehensive Environmental Assessment

Hello,

Thank you for the Ministry of Natural Resources and Forestry's (MNRF) comments on the Niagara Escarpment Crossing Comprehensive Environmental Assessment (CEA) draft Terms of Reference (ToR) (Project) provided in your June 6, 2024 letter. The following table provides our responses to MNRF's comments for your information:

Comments	Responses
<p><b>Natural Heritage</b></p> <p>MNRF's natural heritage and natural resources GIS data layers can be obtained through the Ministry's Land Information Ontario (LIO) website. You may also view natural heritage information online (e.g., Provincially Significant Wetlands, ANSI's, woodlands, etc.) using the Make a Map: Natural Heritage Areas tool.</p> <p>We recommend that you use the above-noted sources of information during the review of your project proposal.</p>	<p>As recommended, the noted sources of information will be used during preparation of the environmental assessment.</p>
<p><b>Natural Hazards</b></p> <p>A series of natural hazard technical guides developed by MNRF are available to support municipalities and conservation</p>	<p>As recommended, the noted technical guides will be considered, as appropriate, during preparation of the environmental assessment.</p>



Comments	Responses
<p>authorities implement the natural hazard policies in the Provincial Policy Statement (PPS). For example, standards to address flood risks and the potential impacts and costs from riverine flooding are addressed in the Technical Guide River and Stream Systems: Flooding Hazard Limit (2002). We recommend that you consider these technical guides as you assess specific improvement projects that can be undertaken to reduce the risk of flooding.</p>	
<p><b>Petroleum Wells &amp; Oil, Gas and Salt Resources Act</b></p> <p>There may be petroleum wells within the proposed project area. Please consult the Ontario Oil, Gas and Salt Resources Library website (<a href="http://www.ogsrlibrary.com">www.ogsrlibrary.com</a>) for the best-known data on any wells recorded by MNRF. Please reference the 'Definitions and Terminology Guide' listed in the publications on the library website to better understand the well information available. Any oil and gas wells in your project area are regulated by the Oil, Gas and Salt Resource Act, and the supporting regulations and operating standards. If any unanticipated wells are encountered during development of the project, or if the proponent has questions regarding petroleum operations, the proponent should contact the Petroleum Operations Section at <a href="mailto:POSRecords@ontario.ca">POSRecords@ontario.ca</a> or 519-873-4634.</p>	<p>As suggested, the Ontario Oil, Gas and Salt Resources Library website (<a href="http://www.ogsrlibrary.com">www.ogsrlibrary.com</a>) will be consulted during preparation of the environmental assessment.</p>

Comments	Responses
<p><b>Fish and Wildlife Conservation Act</b></p> <p>Please note, that should the project require:</p> <ul style="list-style-type: none"> <li>• The relocation of fish outside of the work area, a Licence to Collect Fish for Scientific Purposes under the Fish and Wildlife Conservation Act will be required.</li> <li>• The relocation of wildlife outside of the work area (including amphibians, reptiles, and small mammals), a Wildlife Collector's Authorization under the Fish and Wildlife Conservation Act will be required.</li> </ul>	<p>A License to Collect Fish for Scientific Purposes under the Fish and Wildlife Conservation Act will be acquired, as appropriate, during preparation of the environmental assessment.</p> <p>A Wildlife Collector's Authorization under the Fish and Wildlife Conservation Act will be acquired, as appropriate, if the Project receives EA Act approval and proceeds to construction.</p>
<p><b>Public Lands Act &amp; Lakes and Rivers Improvement Act</b></p> <p>Some Project may be subject to the provisions of the Public Lands Act or Lakes and River Improvement Act. Please review the information on MNRF's web pages provided below regarding when an approval is, or is not, required. Please note, Lakes and Rivers Improvement Act approval from the Ministry is not required for certain activities within the area of jurisdiction of a Conservation Authority. Please see the Lakes and Rivers Improvement Act administrative guide for more information and contact your local Conservation Authority where unsure if</p>	<p>The potential need for a Lakes and Rivers Improvement Act approval from MNRF is included in Section 12 of the ToR. As stated in Section 12, the actual approvals required for the Project will be identified during preparation of the environmental assessment and a final list will be provided in the EA Report.</p>

Comments	Responses
<p>work is subject to regulation under the Conservation Authorities Act.</p> <ul style="list-style-type: none"><li>For more information about the Public Lands Act: <a href="https://www.ontario.ca/page/crown-land-work-permits">https://www.ontario.ca/page/crown-land-work-permits</a></li><li>For more information about the Lakes and Rivers Improvement Act: <a href="https://www.ontario.ca/page/lakes-and-rivers-improvement-act-administrative-guide">https://www.ontario.ca/page/lakes-and-rivers-improvement-act-administrative-guide</a></li></ul>	

Please note that the comments received from MNRF including those responded to in this letter are documented in the Record of Consultation, which has been prepared in support of the proposed ToR.

Thank you again for your interest in the Project, and MNRF will be directly notified of the submission of the proposed ToR to the Minister for a decision. At that time, any interested person including MNRF may review the proposed ToR and provide comments to MECP.

Please contact me if you have questions on the preceding information.

Sincerely,



**Maged Elmadhoon, M.Eng., P.Eng. (he/him)**

Manager, Transportation Planning  
Transportation Services Division  
Public Works, Niagara Region

cc. Scott Fraser, Niagara Region  
Katherine Jim, CIMA+  
Elysia Friedl, CIMA+  
Ian Dobrindt, GHD



## DISTRICT SCHOOL BOARD OF NIAGARA

191 CARLTON ST. ▪ ST. CATHARINES, ON ▪ L2R 7P4 ▪ 905-641-1550 ▪ DSBN.ORG

July 18, 2024

Maged Elmadhoon, M.Eng., P.Eng.  
Manager, Transportation Planning  
Transportation Services Division  
Public Works, Niagara Region  
1815 Sir Isaac Brock Way  
Thorold, ON

Dear Mr. Elmadhoon,

**Re:** Niagara Escarpment Crossing Comprehensive EA – Draft Terms of Reference

---

Thank you for circulating the District School Board of Niagara (DSBN) the Niagara Escarpment Crossing Comprehensive EA - Draft Terms of Reference. We understand that the study aims to improve the capacity for goods movement and redirect truck traffic away from residential areas in west Niagara. With safety and efficiency as primary objectives, the assessment will examine a range of options for a transportation link between the QEW and Regional Road 20.

The DSBN has seven elementary schools and one secondary school located within the preliminary study area. There are approximately 3,900 students travelling to and from these schools each day via various modes of travel, including walking, school bus, and family vehicle. In addition, there are students travelling within the study area to attend various programs at surrounding schools. As part of your focus on improving safety for local communities, Board staff would request that special attention be given to student travel. We ask that safety, including traffic minimization, be prioritized near school sites and along routes taken by students between their homes and schools.

If you have any questions, please feel free to contact Michelle McPhee, Planning Services at 905-641-2929 Ext 54228.

Sincerely,

Stacy Veld  
Associate Director of Education, Corporate Services



September 23, 2024

District School Board of Niagara

191 Carlton Street

St. Catharines ON L2R 7P4

**Sent Via Email To:**

Stacy Veld, Associate Director of Education, Corporate Services

Michelle McPhee, Jr. Planner, Planning Services

Re: Niagara Escarpment Crossing Comprehensive Environmental Assessment – Draft Terms of Reference

Hello,

Thank you for the District School Board of Niagara's (DSBN's) comments on the Niagara Escarpment Crossing Comprehensive Environmental Assessment (CEA) draft Terms of Reference (ToR) (Project) provided in your July 18, 2024 letter. The following table provides our responses to DSBN's comments for your information:

Comments	Responses
The DSBN has seven elementary schools and one secondary school located within the preliminary study area.	As part of preparing a more detailed description of the environment during preparation of the EA, the DSBN will be contacted for current information on their schools within the final study area.
There are approximately 3,900 students travelling to and from these schools each day via various modes of travel, including walking, school bus and family vehicle. In addition, there are students travelling within the study area to attend various programs at surrounding schools.	As part of preparing a more detailed description of the environment during preparation of the EA, the DSBN will be contacted for current information on the students travelling to and from their schools within the final study area including the various modes of travel being utilized.
As part of your focus on improving safety for local communities, Board staff would request that special attention be given to student travel. We ask that safety, including traffic minimization, be prioritized	As stated in the Traffic, Operations and Safety Work Plan (Appendix B) of the draft ToR, a Travel Demand Analysis and Traffic Operations and Safety Assessment will be carried out during preparation of the EA.

Comments	Responses
near school sites and along routes taken by students between their homes and schools.	As a result, operations and safety issues and constraints within the final study area will be noted including those that are near schools and along routes for consideration within the context of identifying additional traffic management measures and alternatives selection.

Please note that the comments received from DSBN including those responded to in this letter are documented in the Record of Consultation, which has been prepared in support of the proposed ToR.

Thank you again for your interest in the Project, and DSBN will be directly notified of the submission of the proposed ToR to the Minister for a decision. At that time, any interested person including DSBN may review the proposed ToR and provide comments to MECP.

Please contact me if you have questions on the preceding information.

Sincerely,



**Maged Elmadhoon, M.Eng., P.Eng. (he/him)**

Manager, Transportation Planning

Transportation Services Division

Public Works, Niagara Region

cc. Scott Fraser, Niagara Region  
Katherine Jim, CIMA+  
Elysia Friedl, CIMA+  
Ian Dobrindt, GHD