



Niagara Region

Niagara Escarpment Crossing
Comprehensive Environmental
Assessment
Terms of Reference

Record of Consultation

October 2024

Prepared by:



Table of Contents

1	Introduction.....	1
2	Consultation Principles and Objectives	2
3	Participants	3
4	Consultation Activities Undertaken with Review Agencies, Local Area Municipalities and the Public	7
4.1	Pre-Engagement and Start-up of the Draft ToR	7
4.1.1	Pre-Engagement Meetings	7
4.1.2	Start-up of the Draft Terms of Reference	10
4.2	Preparation of the Draft Terms of Reference	12
4.2.1	Review Agency Meetings.....	12
4.3	Review of the Draft Terms of Reference	13
4.3.1	Local Area Municipality Council Meetings.....	13
4.3.2	Stakeholder Group Meeting	14
4.3.3	Public Information Centre	14
4.3.4	Draft ToR Availability for Review.....	17
4.3.5	Review Agency Meeting	17
4.3.6	Local Area Municipalities Workshop	18
4.4	Preparation of the Proposed Terms of Reference.....	18
5	Consultation Activities Undertaken with Indigenous Communities	19
5.1	Pre-Engagement and Start-up of the Draft ToR	19
5.1.1	Pre-Engagement Meetings	19
5.1.2	Start-up of the Draft Terms of Reference	21
5.2	Preparation of the Draft Terms of Reference	21
5.3	Review of the Draft Terms of Reference	22
5.3.1	Notice of Public Information Centre	22
5.3.2	Draft ToR Availability for Review.....	22

5.4	Preparation of the Proposed Terms of Reference.....	22
5.4.1	Six Nations of the Grand River Meeting.....	23
6	Comments Received and their Consideration in the Terms of Reference	24
6.1	Review Agencies.....	24
6.2	Local Area Municipalities	24
6.3	Indigenous Communities.....	24
6.4	Public	24

List of Tables

Table 2-1: Consultation Principles.....	2
Table 6-1: Review Agency Comments Received during ToR Pre-Engagement Consultation and their Consideration in the Niagara Escarpment Crossing CEA (February 18, 2023 to June 27, 2023)	25
Table 6-2: Review Agency Comments Received and their Consideration in the Niagara Escarpment Crossing in Response to the Notice of Commencement (June 28, 2023 to May 14, 2024)	26
Table 6-3: Review Agency Comments Received During Review of draft ToR and their Consideration in the Niagara Escarpment Crossing (May 14, 2024 to July 12, 2024) ..	30
Table 6-4: Local Area Municipalities Comments Received During Pre-Engagement Consultation and their Consideration in the Niagara Escarpment Crossing CEA ToR (February 18, 2023 to June 27, 2023)	56
Table 6-6: Local Area Municipalities Comments Received During the review of the draft ToR and their Consideration in the Niagara Escarpment Crossing CEA ToR (May 15, 2024 to July 12 ,2024)	59
Table 6-6: Indigenous Communities Comments Received During Pre-Engagement Consultation and their Consideration in the Niagara Escarpment Crossing CEA ToR (February 18, 2023 to June 27, 2023)	62
Table 6-7: Indigenous Communities Comments Received During review of the draft ToR and their Consideration in the Niagara Escarpment Crossing CEA ToR (May 15, 2024 to July 12, 2024).....	69

Table 6-4: Public Issues Raised and their Consideration in the Niagara Escarpment Crossing CEA ToR	71
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List of Figures

Figure 3-1: Preliminary Study Area	6
--	---

Appendices

Appendix A: Consultation Plan and Project Contact List

Appendix B: Review Agency Correspondence

Appendix C: Local Area Municipalities Correspondence

Appendix D: Indigenous Communities Correspondence

Appendix E: Public Correspondence

Appendix F: Public Information Centre Documentation

Appendix G: Formal Notices & Newspaper Advertisements

1 Introduction

This document describes the consultation activities carried out during preparation of the proposed Niagara Escarpment Crossing Comprehensive Environmental Assessment (CEA) Terms of Reference (ToR) (Project) and the results of those consultation activities. The ToR sets out the proposed framework that will be followed during the preparation of the Niagara Escarpment Crossing EA to satisfy the applicable requirements of the *Environmental Assessment Act* (*EA Act*). For proposed "projects" in the Province of Ontario that are subject to the *EA Act*, a ToR is the first step of a two-step approval process. A ToR is a document prepared by a proponent that sets out the framework or work plan for the planning and decision-making process to be followed during preparation of the environmental assessment. A ToR is submitted to the Minister of the Environment, Conservation and Parks (Minister) for approval.

If the ToR is approved by the Minister, the preparation of the EA follows as the second step of the *EA Act* approvals process. The Niagara Escarpment Crossing EA must be prepared in accordance with the approved ToR.

Section 17.3 of the *EA Act* states that consultation with "such persons as may be interested" shall take place during the preparation of the ToR. In light of this, a Consultation Plan for the Niagara Escarpment Crossing ToR was prepared in accordance with the Ministry of the Environment, Conservation and Parks' (MECP's) "Code of Practice for Consultation in Ontario's Environmental Assessment Process" and "Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario". The Consultation Plan established several principles and several objectives that were followed during preparation of the ToR with the interested participants (**Section 2.0**).

Interested participants included review agencies, Indigenous Communities, and the public (**Section 3.0**). All participants were engaged through several consultation activities held during the various stages of the ToR preparation process. **Section 4.0** summarizes the activities carried out with review agencies and the public while **Section 5.0** outlines the activities carried out with Indigenous Communities. Comments received in response to the consultation activities and how they were considered during preparation of the ToR are provided in **Section 6.0**.

In accordance with MECP's "Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario", this Record of Consultation is provided as a stand-alone document to accompany the proposed Niagara Escarpment Crossing EA ToR as part of the Regional Municipality of Niagara's (Niagara Region's) submission to the Minister for review and approval.

2 Consultation Principles and Objectives

A Consultation Plan (Plan) was specifically prepared as part of initiating the Niagara Escarpment Crossing CEA ToR (**Appendix A**). The Plan established seven consultation principles that guided the consultation carried out during the preparation of the ToR (**Table 2-1**).

Table 2-1: Consultation Principles

Consultation Principles
Inclusivity: The consultation process will be clear, open, and inclusive
Flexibility: There will be multiple consultation opportunities using a variety of flexible participation methods
Accessibility: Information about the Project will be accessible to all participants
Clarity: Information will be presented using simple, non-technical language and visual aids to foster full understanding by the public
Responsiveness: The Project Team will be responsive to issues and opportunities raised by participants while allowing for additional dialogue to take place if required
Respect: Mutual respect will be encouraged and maintained among all participants throughout all aspects and phases of the EA process
Transparency: The consultation activities, as well as issues, opportunities, and how they were considered by Niagara Region, will be documented, and made available to the public

With the preceding principles in mind, the following objectives were set in the Plan for undertaking consultation during preparation of the ToR:

- Enhance public awareness and the communication of information
- Provide multiple consultation opportunities
- Provide participants the opportunity to provide meaningful input
- Provide clear direction for the EA in consultation with participants

3 Participants

A preliminary list of participants was developed as part of starting the preparation of the ToR based on recently completed and ongoing projects within and in the vicinity of the preliminary study area and Niagara Region's experience with other EAs (**Figure 3.1**). The preliminary list of participants was divided into three broad groups corresponding with the MECP's "Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario", with sub-groups added, as appropriate, to specifically reflect the Niagara Escarpment Crossing EA ToR. The three broad groups and sub-groups are as follows:

- Review agencies
 - Federal, Provincial and Regional Agencies and Utilities
 - Ministry of the Environment, Conservation and Parks (MECP)
 - Ministry of Transportation (MTO)
 - Ministry of Agriculture, Food and Rural Affairs
 - Niagara Escarpment Commission
 - Niagara Peninsula Conservation Authority (NPCA)
 - GO Transit and Metrolinx
 - Ministry of Economic Development, Job Creation and Trade
 - Ministry of Citizen and Multiculturalism
 - Ministry of Municipal Affairs and Housing
 - Infrastructure Ontario
 - Ministry of Natural Resources and Forestry
 - Niagara Parks Commission
 - Niagara Transit Commission
 - Ontario Provincial Police Niagara Detachment
 - District School Board of Niagara and Niagara Catholic District School Board
 - Niagara Student/School Transportation Service
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- Niagara Region Emergency Medical Services
 - Utilities (Hydro One Networks Inc., Enbridge, Trans-Northern Pipelines Inc., TC Energy)
 - Rail companies (CN, CPR, Trillium Railway)
- Local and Regional Staff, Elected Official and Committees
 - Town of Grimsby, Town of Lincoln, and Township of West Lincoln staff
 - Regional and Local Councils
- Indigenous Communities and Community Organizations
 - Indigenous Governments
 - Mississaugas of the Credit First Nation
 - Six Nations of the Grand River
 - Haudenosaunee Confederacy Chiefs Council / Haudenosaunee Development Institute
 - Métis Nation of Ontario
 - Local Indigenous Community Organizations
 - Indigenous community organizations, including members of Niagara Indigenous Community Executives (NICE):
 - Fort Erie Native Friendship Centre
 - Niagara Chapter of Native Women
 - Niagara Regional Native Centre
 - Niagara Region Métis Council
 - NPAAMB Indigenous Youth Employment and Training
- Public
 - Organizations and interest groups
 - Chambers of Commerce, BIAs, and Downtown Associations
 - Ontario Trucking Association and local trucking companies
 - Local agricultural associations and grape grower associations
 - Local environmental associations

- Local active transportation groups
- Landowners and development interests
- Migrant workers
- Greenbelt Foundation
- Additional local interest groups and associations as appropriate
- Residents, property owners and the general public
 - Residents and property owners
 - Residents within the preliminary study area
 - Other residents in Grimsby, Beamsville, Lincoln, Smithville and West Lincoln

As appropriate, the preliminary list was updated during preparation of the ToR to account for the following:

- Requested changes to contact information
- Those participants who requested no further involvement in the ToR process
- New participants who requested to be directly notified of future consultation activities

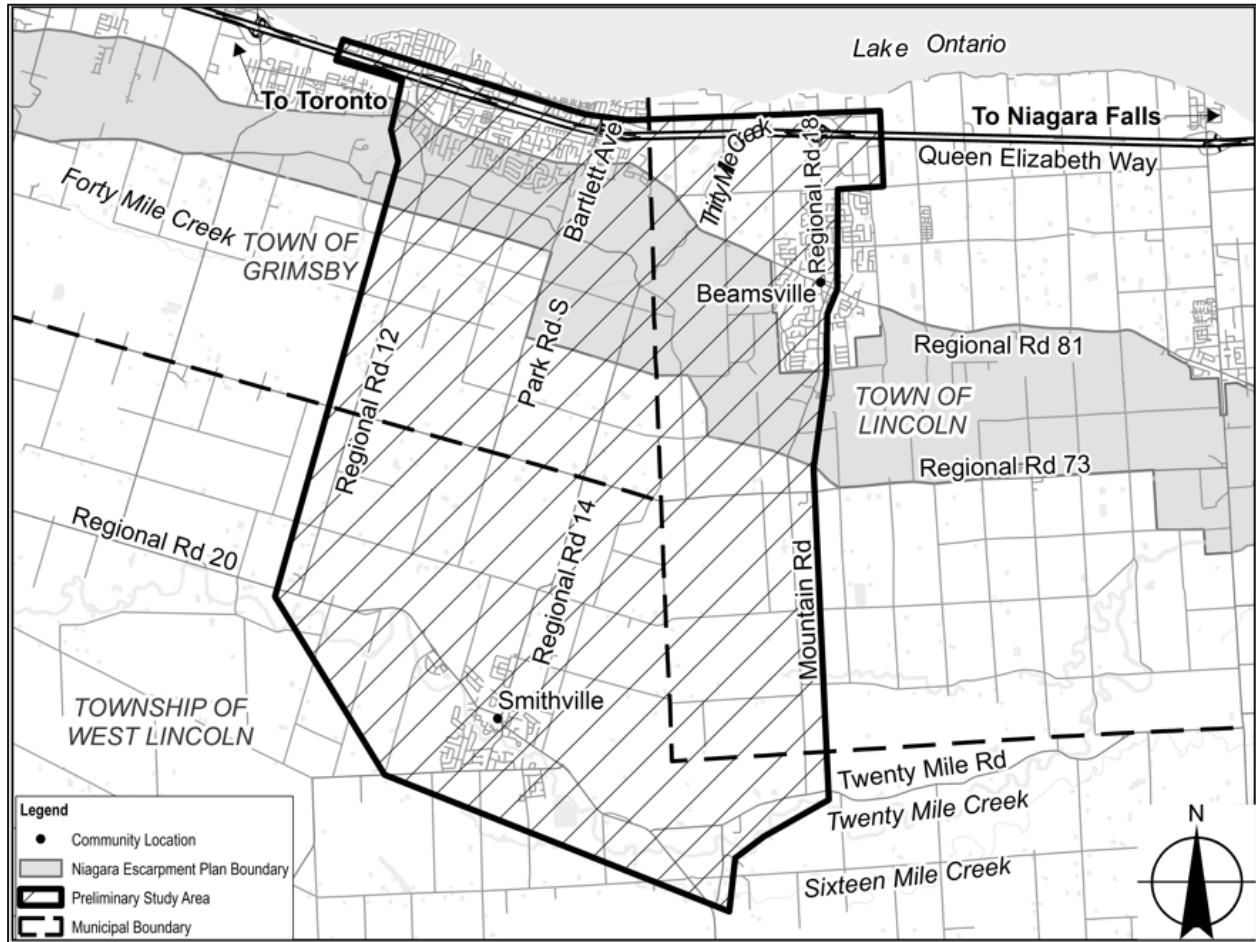


Figure 3-1: Preliminary Study Area

4 Consultation Activities Undertaken with Review Agencies, Local Area Municipalities and the Public

Several consultation activities took place with review agencies including Local Area Municipalities (LAMs), and the public during preparation of the ToR leading up to the submission of the proposed ToR to the Minister. The consultation activities have been grouped according to the following stages carried out during preparation of the ToR:

- Pre-Engagement and Start-up of the Draft ToR (February 18, 2023 to June 27, 2023)
- Preparation of the Draft ToR (June 28, 2023 to May 14, 2024)
- Review of the Draft ToR (May 15, 2024 to July 12, 2024)
- Preparation of the Proposed ToR (July 13, 2024 to October 17, 2024)

The consultation activities specific to each of the preceding ToR stages are described in the following subsections.

4.1 Pre-Engagement and Start-up of the Draft ToR

4.1.1 Pre-Engagement Meetings

Prior to formally announcing the start-up of the Niagara Escarpment Crossing CEA ToR, meetings were initiated on February 18, 2023 with the following key agencies in advance of issuing the Notice of Commencement of the ToR on June 27, 2023:

- Ministry of the Environment, Conservation and Parks (MECP)
- Niagara Escarpment Commission (NEC)
- Ministry of Transportation (MTO)
- Town of Grimsby
- Town of Lincoln
- Township of West Lincoln

Meetings were initiated with these agencies because of their importance/relevance to the Niagara Escarpment Crossing CEA ToR. MECP is responsible for administering the *Ontario Environmental Assessment Act*, and any proponent planning on carrying out a CEA is required to initiate discussions with the Ministry. The NEC is responsible for

managing development on the Niagara Escarpment which crosses the preliminary study area and could be directly affected by the Project.

The MTO is responsible for establishing and maintaining the provincial highway system including the Queen Elizabeth Way (QEW) which is situated within the preliminary study area and could be directly affected by the Project. Although Niagara Region attempted to meet with MTO as part of pre-engagement and start-up of the ToR, a suitable meeting date and time could not be arranged until October 3, 2023 during preparation of the draft ToR Stage (see **Section 4.2**).

The Town of Grimsby, Town of Lincoln, and Township of West Lincoln are all LAMs that have portions of their municipality within the preliminary study area and could be directly affected by the Project.

Appendix B provides the agenda and notes from each of the meetings held, which are elaborated upon in further detail in the following sections. Comments provided through these meetings are detailed in **Section 6**.

4.1.1.1 Review Agency Meetings

Ministry of the Environment, Conservation and Parks (MECP) Meeting

A virtual meeting was held on March 30, 2023 with MECP following an exchange of emails to organize the event beginning on February 18, 2023. The meeting agenda was as follows:

- Introduce the Project and Project Team;
- Provide a Project context and history;
- Summarize previous related studies and EA outcomes;
- Discuss the proposed ToR approach;
- Present the anticipated Project schedule;
- Establish MECP engagement and communication protocols; and
- Confirm next steps.

Meeting notes were prepared and circulated to all attendees (**Appendix B**).

Niagara Escarpment Commission (NEC) Meetings

Two virtual meetings were held on June 22 and 26, 2023 with the Niagara Escarpment Commission (NEC). The agenda for the two meetings was as follows:

- Introduce the Project and Project Team;
- Provide an overview of the ToR process;
- Present the preliminary study area, Project purpose, and alternatives to the Project;
- Discussion; and
- Next Steps.

Meeting notes (one set for both meetings) were prepared and circulated to all attendees (**Appendix B**).

4.1.1.2 Local Area Municipality Meetings

Town of Grimsby Meetings

A virtual meeting was held on May 31, 2023 with the Town of Grimsby. The meeting agenda was as follows:

- Introduce the Project and Project Team;
- Provide an overview of the ToR process;
- Outline the study process & anticipated schedule;
- Present the preliminary study area, Project purpose, and alternatives to the Project;
- Describe the proposed consultation program;
- Discuss study topics; and
- Identify planned next steps.

Appendix C includes the meeting notes that were circulated to all attendees.

On June 16, 2023 a virtual follow-up meeting was held with additional Town of Grimsby staff who were unavailable for the May 31, 2023 meeting. The agenda for the meeting was the same. Meeting notes were prepared and circulated to all attendees (**Appendix C**).

4.1.1.3 Town of Lincoln Meeting

A virtual meeting was held on May 31, 2023 with the Town of Lincoln. The meeting agenda was as follows:

- Introduce the Project and Project Team;
- Provide an overview of the ToR process;
- Present the preliminary study area, Project purpose, and Alternatives to the Project;
- Discuss study topics; and
- Identify immediate next steps.

Appendix C includes the meeting notes that were circulated to all attendees.

4.1.1.4 Township of West Lincoln Meeting

A virtual meeting was held on June 26, 2023 with the Township of West Lincoln. The meeting agenda was as follows:

- Introduce the Project and Project Team;
- Provide an overview of the ToR process;
- Present the preliminary study area, Project purpose, and alternatives to the Project;
- Discuss study topics; and
- Identify immediate next steps.

Meeting notes were prepared and circulated to all attendees (**Appendix C**).

4.1.2 Start-up of the Draft Terms of Reference

Following the pre-engagement meetings with review agencies and the LAMs, the following consultation activities took place as part of formally announcing the start-up of the draft ToR:

- Establishing the project specific website
- Notice of Commencement

4.1.2.1 Project Specific Website

A project specific website (<https://niagararegion.ca/projects/niagara-escarpment-crossing/>) was established by Niagara Region as part of formally commencing the draft ToR on June 27, 2023. The website provided clear and accurate information about the Project as well as opportunities for the public to give feedback to Niagara Region. The

website contained information about the Project, a Project timeline, Project related-materials, and opportunities to provide feedback and comments. Examples of the Project related-materials posted to the website included the following:

- Online Resources (e.g., Regional Official Plan, Transportation Master Plan, EA Process in Ontario, draft ToR Documents, etc.) and commonly asked questions;
- Community engagement information including notices (i.e., Notice of Commencement, Notice of the Public Information Centre); and
- Tools for getting involved including contact information for the Project Team (escarpmentcrossingIEA@niagararegion.com), Public Information Centre Comment Form.

4.1.2.2 Notice of Commencement

A Notice of Commencement was issued on June 27, 2023 to formally announce the start of the preparation of the Niagara Escarpment Crossing CEA ToR to all participants. The Notice provided information about the Project, the CEA ToR process, how the public could be involved, and who to contact for additional information or to provide comments/questions to.

The Notice was distributed as follows:

- **Agencies and Utilities** – CIMA+ emailed all agencies and utilities listed on the Project Contact List (**Appendix A**) as a group email (with blind copy to Niagara Region and GHD) except for MECP, NEC and MTO who all received individual emails from CIMA+. All emails were sent on June 28, 2023 and copies of these emails can be found in **Appendix A**.
- **Local Area Municipalities** – Niagara Region emailed the LAMs a copy of the Notice of Commencement on June 26, 2023 and copied CIMA+ and GHD. A copy of this email is included in **Appendix C**.
- **Public and Stakeholder Groups** – CIMA+ emailed public members and stakeholder groups as a group email with blind copy to Niagara Region and GHD on June 27, 2023. **Appendix E** includes a copy of this email. A copy of the Notice was also mailed via Canada Post Neighborhood Mail to all properties within the preliminary study area during the week of June 26, 2023 (**Appendix E**). Since the Notice was mailed via Canada Post Neighborhood Mail, the postal routes extended beyond the boundaries of the preliminary study area so that the actual distribution extended much further.

4.2 Preparation of the Draft Terms of Reference

Following the pre-engagement meetings with key agencies and LAMs and issuance of the Notice of Commencement of the ToR process, Niagara Region prepared the draft ToR between June 28, 2023 and May 14, 2024. The only specific consultation activity held during this time was review agency meetings with MECP and MTO.

4.2.1 Review Agency Meetings

4.2.1.1 Ministry of the Environment, Conservation and Parks Meeting

A virtual meeting was held on September 20, 2023 with MECP to discuss feedback received from the Haudenosaunee Development Institute (HDI) and confirm next steps in the ToR process. The meeting agenda was as follows:

- Introduce the Project and Project Team;
- Provide an overview of the ToR process;
- Review HDI feedback to date;
- Discussion; and
- Identify next steps.

Meeting notes were prepared and circulated to all attendees (**Appendix B**).

4.2.1.2 Ministry of Transportation Meeting

As stated, Niagara Region attempted to meet with MTO as part of the pre-engagement consultation activities but was unable to do so until a date was finally confirmed during preparation of the draft ToR. On October 3, 2023, a virtual meeting was held with MTO with the following agenda:

- Introduce the Project and Project Team;
- Provide an overview of the ToR process;
- Present the Project purpose, preliminary study area, and alternatives to the Project;
- Discussion related to the draft Transportation Planning Work Plan; and
- Next Steps.

Appendix B includes the meeting notes that were circulated to all attendees.

4.3 Review of the Draft Terms of Reference

Once the draft ToR was prepared, several consultation activities were undertaken to facilitate its review and obtain comments. The activities took place between May 15, 2024 and July 12, 2024 and included the following:

- LAM Council meetings
- Stakeholder group meeting
- Public Information Centre
- Draft ToR availability for review
- Review agency meeting
- LAM workshop

4.3.1 Local Area Municipality Council Meetings

Starting on May 15 2024, Niagara Region began making presentations at LAM Council Meetings in advance of holding an in-person PIC at the end of the month. The presentations started with the Town of Lincoln and concluded with the Township of West Lincoln. A brief summary of these meetings is provided as follows with **Appendix C** providing additional details.

4.3.1.1 Town of Lincoln

Niagara Region presented at the May 15, 2024 Town of Lincoln Council Meeting to provide an update on the Project's timeline, alternatives for the Project, status of the draft ToR, and plans for the scheduled PIC.

The Council stated their endorsement of Niagara Region undertaking the necessary phases of the MCEA and develop a preferred alignment and preliminary design for the Project. Town Council also reaffirmed their support for the Grimsby Bartlett Avenue Extension as the preferred route.

4.3.1.2 Town of Grimsby

Niagara Region presented at the May 21, 2024 Town of Grimsby Council Meeting to provide an update on the Project's timeline, alternatives for the Project, status of the draft ToR, and plans for the scheduled PIC.

4.3.1.3 Township of West Lincoln

Niagara Region presented at the May 27, 2024 Township of West Lincoln Council Meeting to provide an update on the Project's timeline, alternatives for the Project, status of the draft ToR, and plans for the scheduled PIC.

4.3.2 Stakeholder Group Meeting

4.3.2.1 Mountainview Niagara Escarpment Community Association Meeting

An in-person meeting was held at Niagara Region's Headquarters on May 21, 2024 with Mountainview Niagara Escarpment Community Association (MNECA) in response to their request. MNECA is a registered non-profit corporation incorporated in 2012 to advocate on behalf of the businesses and residents of the community surrounding, adjacent, and directly located on Mountainview Road in Beamsville, Ontario.

The meeting's agenda was as follows:

- Discuss engagement throughout the ToR and EA processes;
- Legislative CEA process;
- History of the Project;
- Past commencement of the MCEA and subsequent stop; and
- Potential business impacts.

Appendix E includes the notes from the meeting.

4.3.3 Public Information Centre

An-person PIC was held at the West Niagara Fairgrounds in the Township of West Lincoln on May 29, 2024 from 5:30 pm to 8:00 pm to provide an opportunity for the public to learn first hand about the Project, ask questions, and provide comments on the draft ToR.

4.3.3.1 Notice of Public Information Centre

Notification of the PIC was through several methods to ensure that all interested participants were notified of the event in advance for their attendance. **Appendix G** includes the Notice which provided information on the upcoming PIC (e.g., date, time, location, etc.), the Project, the CEA ToR process, availability of the draft ToR for review,

and the end date for submitting comments on the draft ToR. The notification methods are briefly summarized as follows:

- Niagara Region updated the Project website on May 9, 2024
- **Agencies and Utilities** – CIMA+ emailed all agencies and utilities listed on the Project Contact List (**Appendix A**) as a group email (with blind copy to Niagara Region and GHD) on May 15, 2024. Copies of these emails can be found in **Appendix A**.
- **Local Area Municipalities** – CIMA+ emailed the LAMs a copy of the Notice of Public Information Centre on May 15, 2024 and copied Niagara Region and GHD. A copy of this email is included in **Appendix C**.
- **Public and Stakeholder Groups** – CIMA+ emailed public members and stakeholder groups as a group email with blind copy to Niagara Region and GHD on May 15, 2024. **Appendix E** includes a copy of this email. A copy of the Notice was also mailed via Canada Post Neighborhood Mail to all properties within the preliminary study area during the week of May 13, 2024 (**Figure 4-2**). Since the Notice was mailed via Canada Post Neighborhood Mail, the postal routes extended beyond the boundaries of the preliminary study area so that the actual distribution extended much further.
- Niagara Region emailed internal staff on May 15, 2024.

The Notice of PIC was published in in Niagara This Week and NewsNow during the weeks of May 13 and May 20, 2024.

4.3.3.2 Public Information Centre Event

The PIC consisted of a drop in open house from 5:30 to 6:00 pm where those attending could view display panels set up around the venue and ask questions of the Project Team on a one-to-one basis. This was followed by a formal presentation given by Niagara Region beginning at 6:00 pm. A facilitated question and answer session followed the presentation and lasted to approximately 7:30 pm. The presentation given reflected the same information provided on the display panels as follows:

- Purpose of the PIC
- Project history
- CEA and ToR processes
- Draft ToR components

- Project purpose
 - Alternatives to the Project
 - Alternative methods for Alternative Nos. 3 and 4
 - Preliminary study area and description of the environment
 - Proposed EA assessment and evaluation methodology
 - Proposed EA evaluation categories and considerations
 - Proposed EA consultation plan
 - Work plans
- Anticipated next steps and how to provide comments

A comment form was also made available to those attending to complete and submit to Niagara Region either in person or via the Project website. The comment form included the following questions so that the public could provide feedback generally as well as to specific aspects of the draft ToR for consideration by Niagara Region:

- 1) The draft Terms of Reference states that the purpose of the Project is to provide a north-south transportation corridor crossing of the Niagara Escarpment between the Queen Elizabeth Way (QEW) and Regional Road 20 to address several historical and on-going problems in west Niagara. Are there other problems that the Project should also address during the Comprehensive Environmental Assessment?
- 2) The draft Terms of Reference proposes four alternatives for evaluation during the Comprehensive Environmental Assessment. Are there other alternatives that you think should be considered by Niagara Region for addressing the purpose of the Project?
- 3) The draft Terms of Reference proposes several evaluation categories (i.e., transportation, natural environment, built environment, social environment, economic environment, cultural environment, and financial) and specific considerations or criteria for evaluating the alternatives in the Comprehensive Environmental Assessment. Are there other considerations or criteria that you think should be added to the categories for evaluating the alternatives?
- 4) The draft Terms of Reference proposes several activities for consulting with public during the Comprehensive Environmental Assessment (e.g., project webpage, social media postings, local newspaper publications, direct mail via

Canada Post, drop in style Public Information Centers, public meetings with presentations). Are there any other consultation activities that you think should be considered by Niagara Region?

5) Please add any additional comments in the box below.

The PIC materials including the presentation, display panels, and comment form are included in **Appendix F**.

Approximately 140 individuals attended the PIC. All individuals who attended the PIC were added to the Project contact list to receive future Project related notifications. Comments received at the PIC and how they were considered are documented in **Section 6**.

Following the PIC, CIMA+ issued a reminder email on May 30, 2024 to advise those on the Project contact list that the PIC materials and draft ToR were available online for downloading and review.

4.3.4 Draft ToR Availability for Review

As stated in the Notice of the PIC and at the PIC itself, the draft ToR was posted to the Project website for review (no hard copies were requested) with a request for any comments to be submitted to Niagara Region by July 12, 2024 for consideration in preparing the proposed ToR. As a result, all persons interested in the Project (part of the Project contact list and/or attended the PIC) were given an opportunity to review the draft ToR and provide comments over a six-week period.

4.3.5 Review Agency Meeting

4.3.5.1 MECP Meeting

A virtual meeting was held on June 4, 2024 with MECP to provide them with a status update on the draft ToR following the PIC held and to discuss the proposed regulatory changes being considered to the *EA Act* and the Municipal Class Environmental Assessment.

The meeting agenda was as follows:

- Introduction / Purpose;
- Project Status Update;
- Proposed Regulatory Changes; and

- Next Steps.

Appendix B includes the meeting notes circulated to all attendees.

4.3.6 Local Area Municipalities Workshop

A workshop was held virtually on June 27, 2024 with staff from the Town of Grimsby, Town of Lincoln, and Township of West Lincoln in advance of receiving comments on the draft ToR. The purpose of the workshop was to educate staff of the CEA ToR process, discuss the contents of the draft ToR, and work through any questions they may have had. With this purpose in mind, the meeting agenda was as follows:

- Introductions / Purpose;
- CEA ToR status;
- CEA and ToR review and approvals process;
- Draft ToR contents review (walk-through of documents);
- Summary of work plans;
- Closing Remarks; and
- Next Steps.

Meeting notes were prepared and circulated to all attendees (**Appendix C**).

4.4 Preparation of the Proposed Terms of Reference

Niagara Region began the process of preparing the proposed Terms of Reference between July 13, 2024 and October 17, 2024 having consideration of the comments received up to and including the close of the commenting period on July 12, 2024. No specific consultation activities were carried out during this period other than issuing responses to all comments received on the draft ToR.

Letter responses were issued to review Agencies via email on September 23, 2024, while responses to the public were issued on October 9, 2024. **Appendix E** includes the letter and email responses issued with **Section 6** outlining how they were considered during preparation of the proposed ToR.

5 Consultation Activities Undertaken with Indigenous Communities

In parallel with review agencies and the public, several consultation activities also took place with Indigenous Communities during preparation of the ToR leading up to the submission of the proposed ToR to the Minister.

- Pre-Engagement and Start-up of the ToR (February 18, 2023 to June 27, 2023)
- Preparation of the Draft ToR (June 28, 2023 to May 14, 2024)
- Review of the Draft ToR (May 30, 2024 to July 12, 2024)
- Preparation of the Proposed ToR (July 13, 2024 to October 17, 2024)

The consultation activities specific to each ToR preparation stage are described in the following subsections.

5.1 Pre-Engagement and Start-up of the Draft ToR

5.1.1 Pre-Engagement Meetings

Prior to issuing the Notice of Commencement of the ToR, Niagara Region invited Indigenous Communities on May 12, 2023 to a pre-engagement meeting via email to initiate communication in advance of a wider announcement to those within the preliminary study area. The following Communities were invited to attend a pre-engagement meeting with the Project Team:

- Mississaugas of the Credit First Nation
- Six Nations of the Grand River
- Haudenosaunee Confederacy Chiefs Council / Haudenosaunee Development Institute
- Métis Nation of Ontario

Appendix D provides the email records and meeting notes from each of the meetings, which are elaborated upon in further detail in the following sections.

5.1.1.1 Six Nations of the Grand River Meeting

A virtual meeting was held on June 20, 2023 with Six Nations of the Grand River (SNGR). The meeting agenda was as follows:

- Introduction / Purpose;
- Project Overview and ToR Process;
- Preliminary Study Area;
- Discussion of SNGR Interests and Participation; and
- Next Steps.

Meeting notes were prepared and circulated to all attendees (**Appendix D**).

5.1.1.2 Mississaugas of the Credit First Nation Meeting

A virtual meeting was held on June 26, 2023 with Mississaugas of the Credit First Nation (MCFN). The meeting agenda was as follows:

- Introduction / Purpose;
- Project Overview and Terms of Reference Process;
- Preliminary Study Area;
- Discussion of MCFN Interests and Participation; and
- Next Steps.

Appendix D provides the meeting notes circulated to all attendees.

5.1.1.3 Haudenosaunee Development Institute Meeting

An in-person meeting was held on July 18, 2023 at the Canada Games Park in Thorold, Ontario with the Haudenosaunee Confederacy Chiefs Council (HCCC) through their delegate Haudenosaunee Development Institute (HDI).

The meeting agenda was as follows:

- Introduction / Purpose;
- Project Overview and Terms of Reference Process;
- Preliminary Study Area;
- Discussion of HCCC / HDI Interests and Participation; and
- Next Steps.

Meeting notes were prepared and circulated to all attendees (**Appendix D**).

5.1.1.4 Métis Nation of Ontario Meeting

A virtual meeting was held on August 2, 2023 with Métis Nation of Ontario. The meeting agenda was as follows:

- Introduction / Purpose;
- Project Overview and Terms of Reference Process;
- Preliminary Study Area;
- Discussion of MNO Interests and Participation; and
- Next Steps.

Appendix D includes the meeting notes circulated to all attendees.

5.1.2 Start-up of the Draft Terms of Reference

Following the Pre-Engagement meetings with the Indigenous Communities, several consultation activities took place as part of commencing the ToR process as mentioned in **Section 4.1.2**. This included establishing a project specific website which was available to all participants including Indigenous Communities and issuing the Notice of Commencement.

5.1.2.1 Notice of Commencement

A Notice of Commencement was issued on June 27, 2023 to formally announce the start of the Niagara Escarpment Crossing ToR process to the Indigenous Communities (SNGR, MCFN, HCCC/HDI and MNO). A covering letter accompanied the Notice of Commencement emailed by Niagara Region to the Indigenous Communities. **Appendix D** includes copies of the sent emails.

5.2 Preparation of the Draft Terms of Reference

As described in **Section 4.2**, after formerly announcing the start of the ToR process, Niagara Region prepared the draft ToR between June 28, 2023 and May 14, 2024. No specific consultation activities took place with Indigenous Communities during this period.

5.3 Review of the Draft Terms of Reference

Once the draft ToR was prepared, several consultation activities were undertaken to facilitate its review and obtain comments including a PIC and making the draft ToR available for review (see **Section 4.3**).

5.3.1 Notice of Public Information Centre

A Notice of Public Information Centre was issued on May 15, 2024 to announce the in-persons event to the Indigenous Communities (SNGR, MCFN, HCCC/HDI and MNO). A covering letter accompanied the Notice of Commencement emailed by Niagara Region to the Indigenous Communities. **Appendix D** includes copies of the sent emails.

5.3.2 Draft ToR Availability for Review

As stated in the Notice of the PIC emailed to Indigenous Communities, the draft ToR was posted to the Project website for review (no hard copies were requested) with a request for any comments to be submitted to Niagara Region by July 12, 2024 for consideration in preparing the proposed ToR. As a result, all Indigenous Communities were given an opportunity to review the draft ToR and provide comments over a six-week period.

Niagara Region issued a couple of separate reminder emails to all Indigenous Communities (SNGR, MCFN, HCCC/HDI and MNO) to inform them that the draft ToR was available on the Project Website for downloading for comment and the commenting deadline was July 12, 2024. The first reminder email was sent on May 30, 2024, and the second reminder email was issued on July 5, 2024. **Appendix D** includes copies of the emails.

5.4 Preparation of the Proposed Terms of Reference

Following the close of the comment period on July 12, 2024, Niagara Region began the process of preparing the proposed ToR having consideration of the comments received between May 15, 2024 and July 13, 2024.

As per MECP's Code of Practice, Niagara Region emailed the Indigenous Communities on September 27, 2024 requesting whether they would like a hard bound copy of the proposed ToR in addition to access to an electronic version to inspect during the 30 calendar day review period (**Appendix D**).

In addition to this email, a meeting was held with the SNGR during this period.

5.4.1 Six Nations of the Grand River Meeting

As part of issuing the Notice of PIC, Niagara Region offered to meet with each Indigenous Community to clarify any comments and/or ask questions they may have regarding the draft ToR. MCFN and MNO did not respond to the offer.

Both HCCC/HDI and SNGR responded favourably to meeting separately with Niagara Region. As a result, Niagara Region attempted to coordinate a meeting with HCCC/HDI; however, they requested capacity funding to attend the meeting. In response, Niagara Region explained that their practice regarding Environmental Assessments is to only provide capacity funding to Indigenous Communities for their participation in Stage 2 and later archaeological assessments. HCCC/HDI responded that without funding they were unable to participate or move forward with the meeting. **Appendix D** documents Niagara Region's attempts to hold a meeting with HCCC/HDI.

A virtual meeting was held with SNGR on August 19, 2024 to review and clarify their comments provided in their May 31, 2024 email (details provided in **Section 5.4.1**). The meeting agenda was as follows:

- Outline the meeting's purpose and agenda;
- Review comments and obtain clarifications
- Outline next steps.

Appendix D includes the meeting notes circulated to all attendees. On September 30, 2024, a letter response was issued to SNGR by Niagara Region via email, outlining how their comments clarified during the meeting were taken into consideration in preparing the proposed ToR (**Appendix D**).

6 Comments Received and their Consideration in the Terms of Reference

The preceding consultation activities resulted in a range of comments being received from the involved review agencies, Indigenous Communities and the public. A summary of these comments and how they were considered in preparing the proposed ToR submitted to the Minister is provided in the following sections.

6.1 Review Agencies

As required by Section 4.3.1 of the Ministry's "Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario", comments have been arranged by review agency. **Table 6.1** presents the comments received during the preparation of the proposed ToR from review agencies as well as Niagara Region's responses. Copies of correspondence are contained in **Appendix B**.

6.2 Local Area Municipalities

Table 6.2 presents the comments received during the preparation of the proposed ToR from the Local Area Municipalities as well as Niagara Region's responses. Copies of correspondence are contained in **Appendix C**.

6.3 Indigenous Communities

As required by Section 4.3.1 of the Ministry's "Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario", comments have been arranged by Indigenous Community. **Table 6.3** presents the comments received during the preparation of the proposed ToR from Indigenous Communities as well as Niagara Region's responses. Copies of correspondence are contained in **Appendix D**.

6.4 Public

As required by Section 4.3.1 of the Ministry's "Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario", **Table 6.4** groups the comments received from the public by issue along with how they have been considered by Niagara Region in preparing the proposed ToR. A comprehensive listing of all comments received from the public is included in **Appendix I**.

Table 6-1: Review Agency Comments Received during ToR Pre-Engagement Consultation and their Consideration in the Niagara Escarpment Crossing CEA (February 18, 2023 to June 27, 2023)

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
Ministry of the Environment, Conservation and Parks	Catherine Sutherland, Special Project Officer, Environmental Assessment Branch	2023-03-30	Virtual Meeting	<ol style="list-style-type: none">1. A 'scoped' EA approach is not preferred and may create potential delays in the ToR approvals process.2. Confirmed the preliminary list Indigenous Communities and that they are to be engaged with during the ToR process.3. Support the release of a draft ToR for comment prior to formal submission of the proposed ToR for review and approval.4. Provide the draft Notice of ToR Commencement to MECP for review prior to formally announcing the start of the ToR process.	<ol style="list-style-type: none">1. The Niagara Escarpment Crossing EA will be prepared as set out in subsection 17.6(2) of the <i>Environmental Assessment Act (EA Act)</i>.2. The confirmed Indigenous Communities were engaged during the ToR process.3. The draft Niagara Escarpment Crossing EA ToR was made available for a six-week comment period (May 30 to July 12, 2024).4. The draft Notice of ToR Commencement was submitted to MECP for comment prior to formally announcing the start of the Niagara Escarpment Crossing EA ToR process on June 27, 2023.
Niagara Escarpment Commission	Rosi Zirger, Senior Planner	2023-06-22 & 2023-06-26	Virtual Meetings	<ol style="list-style-type: none">1. Implications of EA reform on the Project.2. Nature of engagement with Indigenous Communities.3. Consider the following within the proposed ToR Work Plans: address the visual/scenic resources of the escarpment, assess slope stability/hazards, and alternative modes of transportation4. Inquired about the status of the opportunities previously identified by Niagara Region to improve operations and safety on existing routes.5. The ToR should include the following components:<ul style="list-style-type: none">• An approach for the review of NEC plan policies and how these will be considered in the future EA• Visual Impact Assessment	<ol style="list-style-type: none">1. The Region is proceeding with the Project in accordance with the <i>EA Act</i> as a Comprehensive EA.2. The MECP confirmed list of Indigenous Communities were engaged as part of the Niagara Escarpment Crossing EA ToR process.3. The ToR includes a Visual Impact Work Plan, slope stability/hazards will be assessed during preparation of the EA (Transportation Planning and Engineering Work Plan (Appendix A)), and alternative modes of transportation will be considered during preparation of the EA ((Traffic, Operations and Safety Work Plan (Appendix B))4. Niagara Region has implemented several operation and safety improvements to existing routes crossing the Niagara Escarpment over the years. The remaining opportunities previously identified by Niagara Region to improve operations and safety on existing routes will be considered

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<ul style="list-style-type: none">Approaches to landform conservationGeotechnical study / Slope stability studyConsideration of excavation methodologiesSurface and ground water assessmentAgricultural impact assessmentAir quality impact assessmentClimate impact assessmentArchaeological assessmentSite / Drainage / Vegetation protection plan <p>6. Consideration given to NEC’s feedback on the 2016 Master Plan</p> <p>7. Level of design detail anticipated for the Niagara Escarpment Crossing EA.</p> <p>8. Need for a Development Permit for the Project within the permit control area.</p>	<p>during preparation of the EA as per Alternative 2 – Implement Additional Traffic Management Measures.</p> <p>5. The ToR includes these components (i.e., as actual Work Plans (e.g., Visual Impact, Surface Water, Groundwater, Agricultural, Air Quality, Archaeological), and/or within the context of the Work Plans (e.g., climate change included as part of the Air Quality Work Plan), and/or reflected in the preliminary evaluation criteria/indicators.</p> <p>6. NEC’s previous feedback will be considered during preparation of the EA (i.e., provide context).</p> <p>7. The ToR specifies the level of design detail in the Transportation Planning and Engineering Work (Appendix A).</p> <p>8. The ToR includes the potential requirement for a NEC Development Permit (Section 12)</p>

Table 6-2: Review Agency Comments Received and their Consideration in the Niagara Escarpment Crossing in Response to the Notice of Commencement (June 28, 2023 to May 14, 2024)

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
Ministry of the Environment, Conservation and Parks	Catherine Sutherland, Special Project Officer, Environmental Assessment Branch	2023-09-20	Virtual Meeting	<p>1. A delegation letter will be provided to Niagara Region and Indigenous Affairs can aid in discussions with HDI. Third parties are not obligated to compensate Indigenous Communities to enter into a consultation process, but Niagara Region should consider if it was provided, would it support meaningful consultation.</p>	<p>1. The financial terms that HDI has requested is not simply to participate in the ToR 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 of the Niagara Escarpment. So, HDI’s financial request is not about capacity funding to participate in the ToR</p>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				2. Documentation should include details of HDI's position so that the context of consultation efforts and results are fully apparent to MECP.	process, but for another process that would take place in parallel with the preparation of the ToR. 2. The Record of Consultation submitted in support of the ToR details HDI's position in response to consultation efforts with them.
Ministry of Transportation		2023-10-03	Virtual Meeting	<div>1. The Niagara Region EMME Model should be used for traffic demand modeling. Model limits should follow the Simulation Protocol (2019).</div> <div>2. MTO noted plans to widen QEW with an additional general-purpose land and managed lane in each direction. The widening is subject to a future EA and there is no current timeline for this.</div> <div>3. 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). In addition to the space limitation, the cost associated with a new interchange and access to adjacent properties will also have to be considered. 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.</div>	<div>1. The Traffic, Operations and Safety Work Plan (Appendix B to the ToR) incorporates these suggestions in carrying out the traffic demand modeling during preparation of the EA</div> <div>2. The preliminary descriptions of Alternatives 3 and 4 in the ToR note MTO plans to widen the QEW being subject to a future EA study with an undefined initiation or timeline at present.</div> <div>3. The ToR acknowledges these considerations in the appended Work Plans (e.g., Traffic, Operations and Safety Work Plan, Land Use, Financial) including the need for micro-simulation should a new interchange be proposed.</div>
Ministry of Citizenship and	Liam Smythe Heritage Planner Citizenship, Inclusion and	2024-01-18	Email (with letter)	1. 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	1. The ToR includes a preliminary description of the existing environment including the cultural heritage aspects of the environment in Section 7.2.5.

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
Multiculturalism (MCM)	Heritage Division Heritage Branch Heritage Planning Unit Ministry of Citizenship and Multiculturalism			<p>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.</p> <p>2. 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.</p> <p>3. 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>.</p> <p>4. 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.</p> <p>5. 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.</p> <p>6. 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</p>	<p>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 prepared during the EA.</p> <p>2. The ToR notes in Section 7.2.5 that there are several Indigenous archaeological sites from the Late-Paleo period through the contact period that are located within the preliminary study area in addition to 19th century archaeological sites and modern cemeteries. 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 Criteria for Evaluating Archaeological Potential.</p> <p>3. 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 during preparation of the EA.</p> <p>4. 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 during preparation of the EA (i.e., Stage 1 AA and Stage 2 AA Reports).</p> <p>5. Niagara Region will follow any future recommendations of the AA report(s). As mentioned, Stages 1 and 2 AA will be carried out during preparation of the EA. Any further stages of archaeological assessment (if recommended) will be</p>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<p>completed to help determine whether this project may impact known or potential built heritage resources and/or cultural heritage landscapes</p> <p>7. 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> <p>a) Describe the existing baseline cultural heritage conditions</p> <p>b) Identify preliminary potential project-specific impacts</p> <p>c) Recommend measures to avoid or mitigate potential negative impacts</p> <p>8. 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> <p>9. 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.</p> <p>10. 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.</p>	<p>undertaken by Niagara Region as early as possible during detailed design and prior to any ground disturbing activities.</p> <p>6. 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 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 Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes.</p> <p>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 prepared during preparation of the EA.</p> <p>7. 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.</p> <p>8. The Built Heritage and Cultural Landscapes Work Plan appended to the ToR proposes that the CHRECPIA is carried out as recommended by MCM:</p> <ul style="list-style-type: none">Alternatives to the Project (step 1)Impact assessment of the proposed Project (steps 2 and 3)

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<div>11. 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.</div> <div>12. All technical cultural heritage studies and their recommendations are to be addressed and incorporated into EA projects.</div>	<div>9. Niagara Region will retain a qualified cultural heritage specialist to prepare the CHRECPIA as part of the EA.</div> <div>10. Community input will be sought during preparation of the EA to identify locally recognized and potential cultural heritage resources.</div> <div>11. 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.</div> <div>12. The CHRECPIA and its recommendations will be addressed and incorporated into the Niagara Escarpment Crossing EA.</div>

Table 6-3: Review Agency Comments Received During Review of draft ToR and their Consideration in the Niagara Escarpment Crossing (May 14, 2024 to July 12, 2024)

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
<div>TransCanada PipeLines Limited (TCPL)</div> <div>c/o MHBC Planning Urban Design & Landscape Architecture</div>	<div>Kaitlin Webber, MA, Planner MHBC Planning</div>	<div>2024-05-24</div>	<div>Email (with letter)</div>	<div>1. 1. TCPL has 2 high-pressure natural gas pipelines contained within an easement (“right-of-way) crossing the study area.</div> <div>2. General Crossing Requirements:<ul style="list-style-type: none">Crossings must be as close to 90 degrees as possible, and no less than 45 degrees.Crossings shall not occur at a bend in a TCPL pipeline.TCPL may require the installation of permanent protective measures depending on site- specific conditions and engineering analyses.</div>	<div>1. Niagara Region will request further information regarding the existing high-pressure natural gas pipelines during preparation of the environmental assessment.</div> <div>2. The general crossing requirements are noted and will be considered, as appropriate, during preparation of the environmental assessment.</div> <div>3. The general conditions for crossing TCPL Pipelines are noted and will be considered, as appropriate, during preparation of the environmental assessment.</div> <div>4. The general conditions for crossing TCPL’s Pipelines by utilities are noted, and will be considered, as appropriate, during preparation of the EA.</div>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<div><div>3. General Conditions for Crossings of TCPL Pipelines by Highways, Private Roads and Railways</div><div><ul style="list-style-type: none">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.The bottom of the ditches adjacent to the roads should not be less than 1.4 metres above the top of the pipeline.Minimum cover for railway crossings (below base of rail) is 3.05 metres for uncased pipe.</div><div>4. General Conditions for Crossing of TCPL's Pipelines by Utilities</div><div><ul style="list-style-type: none">TCPL shall retain the upper position in the crossing area.Minimum separation between buried facilities shall be 600 mm for open cut excavations and 1000 mm for horizontal directional drill installation methods.The utility depth shall be maintained for the entire width of the right-of-way.The utility shall have no bends within the TCPL right-of-wayThe utility shall have no joints, splices or other connections within the TCPL right-of-way.Pipeline crossings should not be placed within 7 metres of a TCPL pipeline bend.</div></div>	<div><div>5. Niagara 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.</div><div>6. Niagara Region will continue to consult with TCPL as part of the Project including through the third part crossings tool during preparation of the EA.</div><div>7. Niagara Region understands that written consent must be obtained from TCPL prior to undertaking the 4 defined activities.</div><div>8. Comment noted recognizing that the Project is in Step 1 (ToR) of a 2-step CEA approvals process before any construction can take place.</div><div>9. The additional information available through the provided link to TCPL's website will be considered during preparation of the environmental assessment.</div><div>10. Comment noted recognizing that the Project is in Step 1 (ToR) of a 2-step CEA approvals process before any construction can take place.</div><div>11. GIS shapefiles of TCPL's Prescribed Area will be requested during preparation of the EA with a confidentiality agreement executed at that time.</div></div>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<div><div>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.</div><div>6. 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.</div><div>7. Written consent must be obtained from TCPL prior to undertaking the following activities:<ul style="list-style-type: none">Constructing or installing a facility across, on, along or under a TCPL pipeline right-of-way.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”);Driving a vehicle, mobile equipment or machinery across a TCPL pipeline right-of-way outside the travelled portion of a highway or public road; andUsing any explosives within 300 meters of TCPL’s pipeline right-of-way.</div><div>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</div></div>	

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<p>shall not be compromised over the life of the road due to rutting, erosion or other means.</p> <p>9. 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/</p> <p>10. Storage of materials and/or equipment on TCPL’s right-of-way is not permitted.</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>	
Hydro One Networks Inc.	Secondary Land Use Asset Optimization Strategy & Integrated Planning	2024-06-05	Email (with letter)	<p>1. 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.</p> <p>2. 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.</p>	<p>1. Comment noted that Alternatives 3 and 4 could adversely affect Hydro One’s assets. Niagara Region will continue to consult with Hydro One as part of the Project providing more information during preparation of the EA.</p> <p>2. Niagara Region will consider these potential provisions for future lines or existing secondary land uses during preparation of the EA.</p> <p>3. This potential approval has been added to Section 12 of the ToR.</p> <p>4. Hydro One will continue to be contact as the Project progresses.</p> <p>5. Since the Project is in Step 1 (ToR) 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, Niagara Region will continue to consult with Hydro One as part of the Project including during preparation of the EA to allocate appropriate lead-time in the</p>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<div><div>3. 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.</div><div>4. 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.</div><div>5. 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.</div></div>	<div><div>Project schedule to collaboratively work through potential conflicts with Hydro One.</div><div>6. The Project will take into consideration line clearances, infrastructure access, and construction activities during preparation of the EA.</div><div>7. Potential changes to lot grading and drainage from the Project will be considered during preparation of the EA.</div><div>8. Niagara Region acknowledges that they are responsible for all costs associated with modifications or relocations of Hydro One infrastructure that result from the Project, as well as any added costs that may be incurred due to increased efforts to maintain said infrastructure</div><div>9. As stated, Niagara Region will continue to consult with Hydro One as part of the Project including during preparation of the EA. To this end, future communications with Hydro One regarding the Project will be sent to the specified email address as requested.</div></div>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<p>6. 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.</p> <p>7. 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.</p> <p>8. 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.</p> <p>9. 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</p>	
Ministry of Natural Resources and Forestry Land Use Planning and Strategic Issues Section, Southern Region	Sam Short, Regional Planner	2024-06-06	Email (with letter)	<p>1. Natural Heritage</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. We recommend that you use</p>	<p>1. As recommended, the noted sources of information will be used during preparation of the EA.</p> <p>2. As recommended, the noted technical guides will be considered, as appropriate, during preparation of the EA.</p> <p>3. As suggested, the Ontario Oil, Gas and Salt Resources Library website (www.ogsrlibrary.com) will be consulted during preparation of the EA.</p>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
Regional Operations Division				<p>the above-noted sources of information during the review of your project proposal.</p> <p>2. Natural Hazards</p> <p>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.</p> <p>3. <i>Petroleum Wells & Oil, Gas and Salt Resources Act</i></p> <p>There may be petroleum wells within the proposed project area. Please consult the Ontario Oil, Gas and Salt Resources Library website (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 <i>Oil, Gas and Salt Resource Act</i>, 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</p>	<p>4. A License to Collect Fish for Scientific Purposes under the <i>Fish and Wildlife Conservation Act</i> will be acquired, as appropriate, during preparation of the EA.</p> <p>A Wildlife Collector’s Authorization under the <i>Fish and Wildlife Conservation Act</i> will be acquired, as appropriate, if the Project receives <i>EA Act</i> approval and proceeds to construction.</p> <p>5. 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 EA and a final list will be provided in the EA Report.</p>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<p>Operations Section at POSRecords@ontario.ca or 519-873-4634.</p> <p>4. <i>Fish and Wildlife Conservation Act</i></p> <p>Please note, that should the project require:</p> <ul style="list-style-type: none">• The relocation of fish outside of the work area, a Licence to Collect Fish for Scientific Purposes under the <i>Fish and Wildlife Conservation Act</i> 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 <i>Fish and Wildlife Conservation Act</i> will be required. <p>5. <i>Public Lands Act & Lakes and Rivers Improvement Act</i></p> <p>Some Project may be subject to the provisions of the <i>Public Lands Act</i> or <i>Lakes and River Improvement Act</i>. Please review the information on MNRF's web pages provided below regarding when an approval is, or is not, required. Please note, <i>Lakes and Rivers Improvement Act</i> 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 <i>Conservation Authorities Act</i>.</p> <ul style="list-style-type: none">• For more information about the Public Lands Act: https://www.ontario.ca/page/crown-land-work-permits	

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				<ul style="list-style-type: none">For more information about the Lakes and Rivers Improvement Act:https://www.ontario.ca/page/lakes-and-rivers-improvement-act-administrative-guide	
Ministry of Citizenship and Multiculturalism (MCM)	Liam Smythe Heritage Planner Citizenship, Inclusion and Heritage Division Heritage Branch Heritage Planning Unit Ministry of Citizenship and Multiculturalism	2024-07-11	Email (with letter)	<p>1. We have reviewed the draft ToR and generally support the approach presented; however, we have the below comments.</p> <p>2. 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.</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> <ul style="list-style-type: none">The archaeological assessment of the project area is complete andAll 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. <p>Approval authorities (such as the Ministry of the Environment, Conservation and Parks - MECP)</p>	<p>1. Niagara Region is pleased to read that MCM generally supports the approach presented in the ToR for the preparation of the EA.</p> <p>2. MCM's interpretation of the Archaeological Work Plan is correct.</p> <p>3. The Built Heritage and Cultural Landscapes Work Plan (Appendix F) already specifies that Niagara Region will make both the existing conditions portion and the updated Cultural Heritage Report available to review agencies (including MCM), Indigenous Communities, and the public during preparation of the EA. At that time, comments submitted will be responded to by Niagara Region.</p> <p>4. As requested, the ToR and work plans have been revised to use the terms 'built heritage resources and cultural heritage landscapes' throughout.</p> <p>5. As requested, the ToR has been revised as per MCM's suggested changes.</p> <p>6. As requested, the ToR has been revised as per MCM's suggested changes.</p> <p>7. As requested, the ToR has been revised as per MCM's suggested changes.</p> <p>8. As requested, the ToR and applicable work plans have been revised as per MCM's suggested changes.</p> <p>9. As requested, the ToR has been revised as per MCM's suggested changes.</p>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<p>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> <p>3. 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 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.</p> <p>4. 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 heritage landscapes’ in the title of the work plan, and in all references throughout the ToR.</p> <p>5. Archaeological resources, built heritage resources, and cultural heritage landscapes are all considered</p>	<p>10. 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’.</p> <p>11. 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.</p> <p>12. As requested, Appendix F – Built Heritage and Cultural Landscapes Work Plan has been revised as per MCM’s suggested change.</p> <p>13. As requested, Appendix F – Built Heritage and Cultural Landscapes Work Plan has been revised as per MCM’s suggested change.</p> <p>14. 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.</p> <p>15. As requested, Appendix F – Built Heritage and Cultural Landscapes Work Plan has been revised as per MCM’s suggested change.</p> <p>16. As requested, Appendix F – Built Heritage and Cultural Landscapes Work Plan has been revised as per MCM’s suggested change.</p>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<p>to be cultural heritage resources. For clarity, this section subheading should be revised as follows (additions in bold text, omissions in strikethrough text)</p> <p>‘...includes an overview of <u>cultural heritage resources</u> the archaeological resources and cultural heritage features within the preliminary study area, <u>including archaeological resources, built heritage resources, and cultural heritage landscapes.</u>’</p> <p>6. 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.</p> <p>For clarity, we suggest that this information be deleted. It is sufficient to simply state that there are X number of identified CHLs and X number of Cemeteries within the preliminary study area.</p> <p>In addition, the correct name of this resource is the Niagara Escarpment Biosphere <u>Reserve</u>. Please also indicate that this resource is recognized as a UNESCO Biosphere Reserve.</p> <p>7. 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>	

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<ul style="list-style-type: none">Impacts to archaeological resources and areas of archaeological potentialImpacts to known and/or potential built heritage resources and/or cultural heritage landscapes <p>8. 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">Effect on known archaeological resources <p>Indicator</p> <ul style="list-style-type: none">Number of <u>previously-identified</u> and type of potentially significant, known archaeological sites affected impacted. <p>Criterion</p> <ul style="list-style-type: none">Effect on features of <u>areas of</u> archaeological potential <p>Indicator</p> <ul style="list-style-type: none">Area (ha) of archaeological potential affected <u>impacted</u> (i.e., lands with potential for the presence of significant archaeological resources) <p>Criterion</p> <ul style="list-style-type: none">Effect on register cemetery properties <p>Indicator</p> <ul style="list-style-type: none">Number and extent of registered cemeteries affected <u>impacted</u> <p>Criterion</p> <ul style="list-style-type: none">Effect on built heritage resources	

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<div>Indicator</div> <div><div><div>•</div><div>Number and level of significance of built heritage resources affected</div></div></div> <div>Criterion</div> <div><div><div>•</div><div>Effect on <u>built heritage resources and</u> cultural heritage landscapes</div></div></div> <div>Indicator</div> <div><div><div>•</div><div>Number and level of significance <u>of known and/or potential built heritage resources</u> and cultural heritage landscapes affected <u>impacted</u>.</div></div></div> <div>[Please update table 8-2 to align with the recommended revisions above]</div> <div>9. When referencing the Ontario Heritage Act, the full title of the Act should be used, afterwards abbreviated as ‘OHA’.</div> <div>Revise bullet as below:</div> <div><div><div>•</div><div><u>Ontario</u> Heritage Act - Ministry of Citizenship and Multiculturalism</div></div></div> <div>10. 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</div>	

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				<p>further archaeological assessments is outlined in subsequent sections.</p> <p>11. Please revise tables 3-1 and 3-2 to be consistent with Comment #5 above.</p> <p>12. 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:</p> <ul style="list-style-type: none">• ‘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).’ <p>13. 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.</p>	

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				<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">Known BHRs and CHLs include federally, provincially, or municipally designated heritage sites or properties <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>Potential BHRs and CHLs <u>are properties that have the potential for cultural heritage value or interest</u>, 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). <p>14. Please revise tables 3-1 and 3-2 to be consistent with Comment #5 above.</p> <p>15. 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</p>	

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				<p>more general 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 <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> for subsequent Heritage Impact Assessments (HIAs) during detailed design because of anticipated direct impacts to known or potential heritage attributes.’</p> <p>16. 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">• 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). <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>• Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment – will document the finalized existing	

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				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). <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>	
Niagara Escarpment Commission (NEC)	Rosi Zirger, Senior Planner	2024-07-12	Email (with letter)	<div><div>1. Please continue to circulate NEC staff on this Comprehensive EA at nec@ontario.ca.</div><div>2. 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.</div><div>3. 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.</div><div>4. The portion of the study area that intersects with the NEP area is mostly within development control and therefore following the EA, a development</div></div>	<div><div>1. As requested, Niagara Region will continue to circulate NEC staff on the Project.</div><div>2. 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.</div><div>3. Niagara 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 EA.</div><div>4. Niagara Region will seek a development permit as required to implement the Project subject to <i>EA Act</i> approval. Niagara Region understands that there are no guarantees that a development permit application will be supported and that those decisions are subject to appeal.</div><div>5. Thanks for confirming that Part 2 of the NEP restricts development in key hydrologic features and key natural</div></div>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<p>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>5. 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>6. 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>7. 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</p>	<p>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>6. Notwithstanding the earlier Schedule C Municipal Class EA and its conclusions, the Project represents a new and separate EA. As stated in the ToR, 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> <p>7. 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, Niagara Region understands that 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.</p>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				Reference part of the process will be the opportunity to outline these requirements in more detail.	
Ministry of the Environment, Conservation and Parks - Environmental Assessment Branch	Catherine Sutherland, Special Project Officer, Environmental Assessment Branch	2024-07-12	Email (with letter)	<p>1. 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> <p>2. 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 differing surface characteristics</p>	<p>1. 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.</p> <p>2. 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.</p> <p>3. The recommended change was made to Appendix C of the ToR.</p> <p>4. The recommended change was made to Appendix K of the ToR.</p> <p>5. The recommended change was made to Appendix K of the ToR.</p> <p>6. The recommended change was made to Appendix K of the ToR.</p> <p>7. The recommended change was made to Appendix K of the ToR.</p> <p>8. The recommended change was made to Appendix K of the ToR.</p> <p>9. The levels of protection required for each watercourse will be confirmed with the Niagara Peninsula Conservation Authority</p>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<p>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> <ul style="list-style-type: none">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; anda figure with the proposed portion of the new roadway or roadway extension (in addition to the study area you provided in your original request) <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> <p>3. 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> <p>4. 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>	<p>(NPCA) and MECP during consultations for any required stormwater management works during preparation of the EA.</p> <p>10. 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 EA.</p> <p>11. 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.</p> <p>12. 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 EA including potentially more specific criteria and indicators.</p> <p>13. Early pre-submission consultations with the MECP will be undertaken by Niagara Region, as appropriate, during preparation of the EA.</p> <p>14. 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 EA.</p> <p>15. As suggested, Best Practices for drinking water source protection may be considered during preparation of the EA.</p> <p>16. The recommended change was made to Appendix H of the ToR.</p> <p>17. The recommended change was made to Appendix L of the ToR.</p>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<div><div>5. Ministry of Transportation (MTO) Environmental Guide for Noise 2022</div><div>6. 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)</div><div>7. 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 using the US FHWA software Traffic Noise Model (TNM 3.2).</div><div>8. 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 2022”</div><div>9. 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</div></div>	<div><div>18. 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 EA.</div><div>19. As recommended, potential impacts to SAR will be considered prior to carrying out the archeological studies during preparation of the EA.</div><div>20. As directed, all SAR records will be up-to-date and comprehensive during preparation of the EA.</div><div>21. The proposed surveys to be carried out during preparation of the EA will be undertaken during the appropriate seasons following proper survey protocols.</div><div>22. All necessary permits will be obtained and guidelines for handling aquatic SAR will be strictly followed during preparation of the EA.</div><div>23. As directed, the surveys carried out during preparation of the EA will be accurate and thorough to protect bat species and other Species at Risk during construction activities of the Project.</div><div>24. 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.</div><div>25. As per the ToR CoP, Section 10 of the ToR outlines the consultation plan during preparation of the EA as follows:<ul style="list-style-type: none">The general consultation activities proposed for the Niagara Escarpment Crossing EA (Section 10.1)</div></div>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<p>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>10. 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>11. 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.</p> <p>12. 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>13. As there may be many approvals (ECAs, PTTWs) required to complete the project, it would be best to</p>	<ul style="list-style-type: none">• How input will be obtained from interested participants (Section 10.2)• A description of the key decision making milestone points during preparation of the environmental assessment when consultation will occur (Section 10.3)• An issues resolution strategy (Section 10.4) <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 EA. 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 EA).</p> <p>26. 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>

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<p>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>14. 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>15. 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. Best Practices for</p>	

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<p>drinking water source protection may be considered.</p> <p>16. We recommend that the Niagara Peninsula Source Protection Plan be included in the Review of Available Existing Information Sources list for the Groundwater Work Plan.</p> <p>17. We recommend that the Source Protection Information Atlas (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 Niagara Peninsula Source Protection Plan be included in the Review of Available Existing Information Sources list for the Surface Water Work Plan.</p> <p>18. Two Species at Risk (SAR) were identified as potentially present during the screening:</p> <ul style="list-style-type: none">• Least bittern (<i>Ixobrychus exilis</i>)• Red mulberry (<i>Morus rubra</i>) <p>Ensure these species are included in the surveys due to their likelihood of presence in the area.</p> <p>19. Impacts to SAR should be considered prior to carrying out any archeological studies.</p> <p>20. 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 Species at Risk in Ontario List by January 2025.</p> <p>21. Conduct surveys during the appropriate seasons to ensure accurate detection. Follow proper survey</p>	

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<p>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 Species at risk in Ontario.</p> <p>22. Ensure that all necessary permits are obtained, and guidelines for handling aquatic SAR are strictly followed to prevent harm.</p> <p>23. 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: SAROntario@ontario.ca</p> <p>24. 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>25. 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>26. Consultation is critical to the EAA process both before, during and after a project commences. Meaningful engagement with Indigenous communities and interested people provides</p>	

Review Agency	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				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.	
District School Board of Niagara	Stacy Veld, Associate Director of Education, Corporate Services	2024-07-18	Email (with letter)	<div><div>1. The DSBN has seven elementary schools, and one secondary school located within the preliminary study area.</div><div>2. 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.</div><div>3. 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.</div></div>	<div><div>1. 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.</div><div>2. 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.</div></div> <div>As stated in the Traffic, Operations and Safety Work Plan (Appendix B) of the ToR, a Travel Demand Analysis and Traffic Operations and Safety Assessment will be carried out during preparation of the EA. 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.</div>

Table 6-4: Local Area Municipalities Comments Received During Pre-Engagement Consultation and their Consideration in the Niagara Escarpment Crossing CEA ToR (February 18, 2023 to June 27, 2023)

Municipality	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
Town of Grimsby	Brandon Wartman, Director of Public Works	2023-05-31	Virtual Meeting	<ol style="list-style-type: none">1. The ‘purpose of the Project’ statement provided in the ToR is appropriate recognizing that there is flexibility in refining it through the ToR process (agreed that public safety and improving north-south connectivity for regional truck movements is paramount to the Town’s own objectives of finding a long-term solution to address truck traffic and safety within the downtown core).2. There are developments at different stages in the vicinity of Bartlett Road and a new road corridor could trigger additional developments.3. The Town is undertaking a traffic study of their downtown core and has recent traffic count information, which can be shared with Niagara Region along with other environmental data.4. It would be ideal that a north-south escarpment crossing would also provide routing for municipal services.5. A multimodal corridor is important to the Town.	<ol style="list-style-type: none">1. Niagara Region is pleased that the Town’s own objectives align with the ‘purpose of the Project’ statement in the ToR.2. As noted in the Land Use Work Plan (Appendix I to the ToR), updated development information will be requested from area municipalities and the potential effects of a new road corridor (e.g., land use changes, additional developments, etc.) will be considered during preparation of the EA.3. As noted in the Traffic, Operations and Safety Work Plan (Appendix B to the ToR), available traffic information and studies will be requested from area municipalities during preparation of the EA. Environmental data will also be requested from area municipalities during preparation of the EA as per the Natural Heritage Work Plan)4. The opportunity to potentially locate other municipal infrastructure within the right-of-way of the proposed road corridor will be considered during preparation of the EA.5. Opportunities for a multimodal corridor crossing of the Niagara Escarpment will be considered during preparation of the EA as per the ToR (Appendix A: Transportation Planning and Engineering (e.g., active transportation, transit-related facilities).
Town of Grimsby	Brandon Wartman, Director of Public Works	2023-06-16	Virtual Meeting	<ol style="list-style-type: none">1. The Project aligns with the Town’s 2023-2026 strategic priorities.	<ol style="list-style-type: none">1. Niagara Region understands the importance of the Project to the Town’s 2023-2026

Municipality	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				2. The Project should account for the Parkhill archaeological site.	strategic priorities and is planning to initiate the EA in 2025 subject to the Minister’s approval of the proposed ToR. 2. The Parkhill archaeological site will be considered during preparation of the EA as per the Archaeology Work Plan (Appendix E of the ToR).
Town of Lincoln	David Graham, Director of Public Works	2023-06-21	Virtual Meeting	1. The ‘purpose of the Project’ statement provided in the ToR is appropriate recognizing that there is flexibility in refining it through the ToR process (agreed that public safety and improving north-south connectivity for regional truck movements is paramount to the Town’s own objectives). 2. Suggested that Regional Road 18 be situated within the preliminary study area. 3. This Project is very important to the Town and they continue to work on initiatives to support it.	1. Niagara Region is pleased that the Town’s own objectives align with the ‘purpose of the Project’ statement in the ToR. 2. The initial preliminary study area was expanded so that Regional Road 18 was included as per the proposed ToR. 3. Niagara Region understands the importance of the Project to the Town and is planning to initiate the EA in 2025 subject to the Minister’s approval of the proposed ToR

Municipality	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
Township of West Lincoln	Mike DiPaola, P.Eng., Director of Public Works & Recreation	2023-06-23	Virtual Meeting	<div><div>1. Considerable effort has been made by the Township into the Smithville urban boundary expansion and Smithville Master Community Plan.</div><div>2. Consider expanding the preliminary study area to encompasses the area west of Smithville and to include Regional Road 12, to provide for the possibility of the Smithville Bypass being on Young Street or the hydro corridor.</div><div>3. Consideration given to a future linkage of the corridor crossing of the Niagara Escarpment to the provincial trade corridor contemplated earlier by MTO.</div><div>4. Consideration given to future municipal infrastructure/servicing needs as part of developing the Niagara Escarpment corridor crossing</div></div>	<div><div>1. The Smithville Master Community Plan and urban boundary expansion is recognized in the ToR (Appendix I: Land Use Work Plan) and will be considered during preparation of the EA.</div><div>2. The initial preliminary study area was expanded to encompass the area west of Smithville and to include Regional Road 12 as per the proposed ToR.</div><div>3. The purpose of the Project is to provide a north-south transportation corridor crossing of the Niagara Escarpment between the QEW and Regional Road 20 (Niagara Region’s interim trade corridor (Highway 20), per their Transportation Master Plan). MTO will be consulted during preparation of the EA so the potential timing for revisiting the provincial trade corridor may become known.</div><div>4. Future municipal infrastructure/servicing needs will be considered during preparation of the EA as part of developing the Niagara Escarpment corridor crossing as per the Transportation Planning and Engineering Work Plan (Appendix A to the ToR).</div></div>

Table 6-5: Local Area Municipalities Comments Received During the review of the draft ToR and their Consideration in the Niagara Escarpment Crossing CEA ToR (May 15, 2024 to July 12 ,2024)

Municipality	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
Town of Grimsby	Brandon Wartman, Director of Public Works	2024-07-24	Email (with letter)	<div>1. Our understanding is that this assessment will aim to improve and redirect truck traffic flow away from residential areas in west Niagara, including the Town of Grimsby.</div> <div>2. The study will assess alternatives and demonstrate the need for a new escarpment crossing to better handle the flow of north/south traffic above and below the escarpment.</div> <div>3. The Town of Grimsby, Public Works Department has reviewed the proposed Terms of Reference and is in support of same. We believe this assessment will provide comprehensive options to improve road/traffic flows, which will assist with road safety, traffic operations and ultimately provide an effective north/south traffic route.</div> <div>4. We look forward to working with the Niagara Region and various stakeholders, as we move through this important study.</div>	<div>1. Niagara Region understands the importance of this aim: improving and redirecting truck traffic away from residential areas in west Niagara including the Town.</div> <div>1. Yes, demonstration of need for a new escarpment crossing (purpose of the Project) and assessment of alternatives will be carried out during preparation of the EA as proposed in the ToR.</div> <div>2. Niagara Region appreciates the Town’s support of the ToR.</div> <div>3. Niagara Region looks forward to continuing to work with the Town and other stakeholders as we carry out this important Project.</div>
Town of Lincoln	David Graham, Director of Public Works	2024-07-12	Email (with letter)	<div>1. I’d like to thank you again for hosting the staff workshop meeting to review the draft terms of reference (TOR) on June 27th with Lincoln, Grimsby and West Lincoln, I found that session to very informative and helpful. In follow up Town staff have reviewed the draft terms of reference (TOR) document and appended work plans and find the package well organized and very thorough.</div> <div>2. Staff want to reinforce how important this study is for the Town of Lincoln in terms of community safety by providing a long-term solution for truck traffic accessing the escarpment areas and</div>	<div>1. Niagara Region is pleased that the Town found the staff workshop meeting informative and helpful and that they found the draft ToR document and appended work plans well organized and very thorough.</div> <div>2. Niagara Region understands the importance of the Project to the Town in terms of community safety by providing a long-term solution for truck traffic accessing the escarpment and reducing the amount of truck traffic from the downtown areas of Lincoln</div>

Municipality	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<p>reducing the amount of truck traffic from our downtown areas. As you know the Town of Lincoln Transportation Master Plan also identified the importance of a new escarpment crossing (Bartlett Avenue extension) as the long-term solution for good movements in west Niagara.</p> <p>In addition, the Town in collaboration with Niagara Region have also completed the Beamsville Alternate Truck Route Study as a short to intermediate term solution to help reduce truck traffic from our downtown areas.</p> <p>3. It is also important that the study recognizes the growth that is forecasted to occur within Lincoln and the corresponding increase in traffic volumes, especially with the Provincial mandate to build more housing which adds more traffic pressures to our road network. With increased growth projections, this only further supports the need to provide a safe, efficient, future transportation route for all modes of transportation and if we can avoid or minimize heavy truck conflicts in our downtown areas, this will ease the impacts on the overall community.</p> <p>4. From the Town's perspective recognizing that this is a significant, complex and ultimately costly project, this study needs to be a high priority to complete because the sooner a final plan can be developed to move forward with the better.</p>	<p>3. The expected growth that is forecasted to occur within Lincoln and the subsequent traffic volume increase in light of the Provincial mandate to build more housing will be considered during preparation of the EA as per the ToR (Traffic, Operation and Safety (Appendix B) and Land Use (Appendix I) Work Plans).</p> <p>4. Niagara Region acknowledges the Town's perspective that the Project needs to be a high priority for completion. To this end, Niagara Region is looking to submit the proposed ToR to the Minister this fall for a decision to move forward with the EA early in 2025. Niagara Region looks forward to continuing to work closely with the Town as we carry out this important Project.</p>
Township of West Lincoln	Mike DiPaola, P.Eng., Director of Public Works & Recreation	2024-07-12	Email (with letter)	<p>1. The Township of West Lincoln supports the Niagara Escarpment Crossing CEA project as it will bring a vital, safe transportation access to major transportation linkages for existing and future</p>	<p>1. The Region acknowledges and appreciates the Township's support for the Project.</p> <p>2. As suggested, the Smithville Transportation Master Plan was added to the Transportation Planning and Engineering</p>

Municipality	Contact	Comment Date (y m d)	How Comment was Received	Summary of Comments	Consideration of Comments
				<p>employment uses in the Smithville Employment Park and surrounding communities.</p> <p>2. The Smithville Transportation Master Plan should be listed as a background review document, as it provides imperative background information, as well as options for a future truck bypass north of Smithville, which could be a potential transportation linkage to the Escarpment Crossing.</p> <p>3. Please ensure that the Region is using the most current Township Official Plan document following the approval of OPA 62 and 63.</p> <p>4. Perhaps a "history" of regional roads can be added as background information as some regional roads have been downloaded to the local area municipalities. There have also been some recent studies and recommendations regarding local road uploads to Niagara Region in and around the study area.</p> <p>5. It is our understanding that a Record of Consultation (ROC) will include all comments received on the draft TOR. The Township is requesting that the ROC and any comment/response tracking tables will be shared with the Township for our information.</p> <p>6. It is also our understanding that the Region plans on returning to Regional Council, later this year, to summarize the outcome of the consultation activities that have taken place, and the feedback received before the formal submission of the proposed TOR to MECP. We ask that any report to Regional Council be circulated and shared with the Township.</p>	<p>Work Plan (Appendix A of the proposed ToR), as well as the Traffic, Operations and Safety Work Plan (Appendix B of the proposed ToR), as part of the list of background information.</p> <p>3. As requested, the most current Township Official Plan will be used during preparation of the EA as per the Land Use Work Plan (Appendix I).</p> <p>4. Relevant background review of the regional road network will be carried out during preparation of the EA. Other Region-wide studies, such as the Transportation Master Plan, will provide further details on the overall regional road network including recommendations for future local road uploads where warranted.</p> <p>5. As requested, the ROC including the comment/response tracking tables will be shared with the Township.</p> <p>6. As requested, the report to Regional Council will be shared with the Township.</p>

Table 6-6: Indigenous Communities Comments Received During Pre-Engagement Consultation and their Consideration in the Niagara Escarpment Crossing CEA ToR (February 18, 2023 to June 27, 2023)

Indigenous Community	Comment Date and Activity	Summary of Comments	Consideration of Comments
Six Nations of the Grand River	June 20, 2023 Pre-Consultation Meeting	<div>1. Requested that a high level of diligence in avoiding and mitigating impacts to natural features and functions be applied.</div> <div>2. Consideration should be given to all flora and fauna species and habitats equally, i.e., focus should be much broader than on Species at Risk. A full biological inventory including multi-season surveys that consider ephemeral habitat features and functions is expected.</div> <div>3. There is a need to consider habitat function and interdependencies (e.g., wildlife movement, wetlands/groundwater).</div> <div>4. There is a need to consider medicinal plants and to have this expertise provided by SNGR staff or qualified individuals as agreed to by SNGR.</div> <div>5. Recommend that Niagara Region contact Kayanase Greenhouse https://www.kayanase.ca/ to explore a potential role in the Project including as a possible supplier of native plants for future restoration efforts.</div> <div>6. A site walk of the study area is requested.</div> <div>7. A 30-day review period for the ToR is sufficient.</div>	<div>1. As per the ToR (Section 8), avoiding and mitigating potential adverse effects to natural features and functions within the final study area will be applied during preparation of the EA.</div> <div>2. Flora and fauna species and habitats will be considered during preparation of the EA as outlined in the Natural Heritage Work Plan (Appendix J) of the ToR.</div> <div>3. Habitat function and interdependencies will be considered during preparation of the EA as outlined in the Natural Heritage Work Plan (Appendix J) of the ToR.</div> <div>4. Medicinal plants will be considered during preparation of the EA as outlined in the Natural Heritage Work Plan (Appendix J) of the ToR.</div> <div>5. It is premature to contact Kavanase Greenhouse at this time because the proposed ToR has not been approved by the Minister.</div> <div>6. It is premature to undertake a site walk of the study area at this time because the proposed ToR has not been approved by the Minister, the preliminary list of alternatives to the Project have not been finalized, and the preliminary study area has not been finalized. Indigenous Communities' participation in the EA including a requested site walk will be</div>

Indigenous Community	Comment Date and Activity	Summary of Comments	Consideration of Comments
			confirmed following finalization of the study area. 7. The draft ToR was provided to participants including SNGR for approximately a six-week comment period.
Mississaugas of Credit First Nation	June 26, 2023 Pre-Consultation Meeting	<ol style="list-style-type: none">1. Sites in the preliminary study area assessed prior to 2011 may require reassessment or further assessment per current standards.2. MCFN noted their preference for virtual meetings and that internal review time is around 3 weeks depending on the materials.	<ol style="list-style-type: none">1. As noted in Archaeology Work Plan (Appendix E of the ToR), the planned Stage 1 and 2 Archaeological Assessments carried out during preparation of the EA will be in accordance with current MCM standards.2. The draft ToR was provided to participants including MCFN for approximately a six-week comment period.
Haudenosaunee Confederacy Chiefs Council (HCCC) c/o Haudenosaunee Development institute (HDI)	July 18, 2023 Pre-Consultation Meeting	<ol style="list-style-type: none">1. Section 1.2.2 of the Provincial Policy Statement states, “Planning authorities shall engage with Indigenous communities” and HDI does not believe that this engagement took place in the 2016 Niagara Escarpment Crossing Master Plan and the 2017 Transportation Masterplan.2. HDI stated they have a significant interest in the proposed project as it will impair, infringe and interfere with Haudenosaunee rights and interests and treaties (including but not limited to the Nanfan Treaty of 1701, Pledge of the Crown Treaty of April 27, 1815, Preliminary Articles of Peace, Friendship and Alliance of April 3, 1764, Treaty of Peace and Alliance of August 6, 1764 as listed in the HDI email of June 27, 2023).	<ol style="list-style-type: none">1. Niagara Region acknowledges HDI’s views on the previous 2016 and 2017 master plans. Niagara Region has initiated the Project as a new and separate EA process in accordance with subsections 17.4(2)(a) and 17.6(2) of the <i>EA Act</i>, which includes consultation with Indigenous Communities.2. Niagara Region acknowledges HDI’s interest in the proposed Project and have initiated contact with them as part of the ToR process for consultation purposes.3. The <i>EA Act</i> includes references to the protection of aboriginal and treaty rights (e.g., Section 2.1, Section 16(6), and consultation (Section 40(2)(c)).4. Although HDI stated that will not be participating in the ToR process, Niagara Region continued their efforts to consult

Indigenous Community	Comment Date and Activity	Summary of Comments	Consideration of Comments
		<p>3. HDI stated that the <i>EAA</i> has no provision to address treaty rights.</p> <p>4. HDI indicated that they did not wish to review the slide deck /information package as they will not be participating in the Terms of Reference process.</p> <p>5. HDI referenced the Two Row Wampum as a way that each nation will respect the ways of the other and walk equally in the discussions. A key aspect of this involves ‘levelling the playing field’ in terms of monetary compensation and resources through an agreement developed and signed outside of the EA process. Compensation would be provided in recognition of economic impacts (i.e., land value).</p> <p>6. HDI noted that Niagara Region’s Draft Indigenous Action Plan references UNDRIP and suggested that the only way for this project to honour Niagara Region’s commitment is to sign an agreement with HDI. HDI referenced the agreement developed and signed with the City of Hamilton for the Red Hill Valley Expressway project which outlined sub agreements including a Joint Stewardship Board, ecological restoration, medicinal plants, maintenance and financial models.</p> <p>7. HDI indicated interest in being involved in field and monitoring programs.</p> <p>8. HDI requested a follow up meeting with the Niagara Region. Niagara Region committed</p>	<p>with them like the other participating Indigenous Communities.</p> <p>5. Since the proposed ToR has not been approved by the Minister, no actual EA has been initiated and hence there is no proposed Project to determine potential impacts on the environment. As a result, it is premature to recognize economic impacts (i.e., land values) and develop and sign an agreement outside of the CEA process.</p> <p>6. See preceding response.</p> <p>7. Indigenous Communities including HDI will be offered the opportunity to participate in field and monitoring programs during preparation of the EA as per the Archaeology and Natural Heritage Work Plans appended to the ToR.</p> <p>8. Niagara Region organized a follow up meeting with HDI on September 16, 2024, but HDI declined to participate on September 5, 2024 because Niagara Region did not provide funding for their attendance.</p>

Indigenous Community	Comment Date and Activity	Summary of Comments	Consideration of Comments
		to meeting with HDI following internal review and discussion.	
Haudenosaunee Confederacy Chiefs Council (HCCC) c/o Haudenosaunee Development institute (HDI)	October 10, 2023 email to Niagara Region	<div><div>1. Could you also please provide the Indigenous Engagement Protocol referenced at section 7.5.5.1(n) of the Region of Niagara's Official Plan if one has been prepared. If one has not been created generally then we are mindful of section 7.11.1.2 which states that "The Region will create, in collaboration with First Nations, Indigenous communities and Local Area Municipalities, an Indigenous Engagement Protocol to be applied at the Regional and Local level when engaging and coordinating on planning matters."</div><div>2. We are prepared to sit down with the Region of Niagara to begin work on the Engagement Protocol mindful of section 7.11.1.3 which states that "The Region and Local Area Municipalities will consider the consultation protocols of the First Nations that have traditional territory in this area, including the Anishinaabe, specifically the Mississaugas of the Credit First Nation, and the Haudenosaunee when engaging on planning matters or public works projects."</div><div>3. We understand that a Terms of Reference on this Project will not be commenced until engagement has been undertaken which to date has not occurred where, in part, we have received no resources to make a review of the significant documentation meaningful. As discussed, this particular project is being advanced in the context of</div></div>	<div><div>1. The proposed Project is being carried out in accordance the <i>EA Act</i> and not the <i>Planning Act</i>. As a result, Niagara Region is undertaking consultation with review agencies, Indigenous Communities, like HDI, and the public with this legislation in mind which is not directly related Niagara Region's Official Plan.</div><div>2. Niagara Region organized a follow up meeting with HDI on September 16, 2024, but HDI declined to participate on September 5, 2024 because Niagara Region did not provide funding for their attendance.</div><div>3. Notwithstanding HDI's views on the previous Transportation Master Plan, Niagara Region has initiated the Project as a new and separate EA process in accordance with subsections 17.4(2)(a) and 17.6(2) of the <i>EA Act</i>, which includes consultation with Indigenous Communities as part of preparation of the ToR. The various existing plans, studies, and documentation referenced by HDI will be considered further during preparation of the EA as outlined in the various Work Plans appended to the ToR.</div></div>

Indigenous Community	Comment Date and Activity	Summary of Comments	Consideration of Comments
		<div><div>the Transportation Master Plan which includes the following:</div><div><div><div>-</div><div>Niagara Region Official Plan</div></div><div><div>-</div><div>Executive Summary (October 2017)</div></div><div><div>-</div><div>Transportation Master Plan Study Report (October 2017)</div></div><div><div>-</div><div>Stakeholder and Public Consultation (June 2017)</div></div><div><div>-</div><div>Model Development Executive Summary (August 2016)</div></div><div><div>-</div><div>Context and Vision Report (April 2016)</div></div><div><div>-</div><div>Needs and Opportunities (October 2016)</div></div><div><div>-</div><div>Complete Streets Vision and Direction for a Changing Region (June 2017)</div></div><div><div>-</div><div>Complete Streets Design Guidelines (June 2017)</div></div><div><div>-</div><div>Strategic Cycling Network (June 2017)</div></div><div><div>-</div><div>Wayfinding Signage for Cyclists Guidelines (February 2017)</div></div><div><div>-</div><div>Transit strategy (March 2017)</div></div><div><div>-</div><div>Sub-Area Analysis Summary (June 2017)</div></div><div><div>-</div><div>Niagara Hamilton Trade Corridor (July 2017)</div></div><div><div>-</div><div>Road strategy Technical Paper (July 2017)</div></div><div><div>-</div><div>Operating Policy Review (June 2017)</div></div><div><div>-</div><div>Goods Movement (June 2017)</div></div></div></div>	

Indigenous Community	Comment Date and Activity	Summary of Comments	Consideration of Comments
Haudenosaunee Confederacy Chiefs Council (HCCC) c/o Haudenosaunee Development Institute (HDI)	October 10, 2023 email to Niagara Region	<ol style="list-style-type: none"> HDI noted that the meeting minutes from the July 18, 2023 meeting do not reflect the meeting from their position at all. For instance how could the Region possibly have confirmed that there has been a delegation of engagement where there has been no delegation. The Crown's duties are not triggered by or under the <i>EAA</i>. HDI wanted confirmation that engagement took place during the 2016 Niagara Escarpment Master Plan and the 2017 Transportation Master Plan. HDI indicated and confirmed that the <i>EAA</i> has no capacity to accommodate impacts and infringements upon treaty rights. 	<ol style="list-style-type: none"> Draft notes of the meeting were issued to all attendees including HDI for confirmation. No comments from HDI were received until their October 10, 2023 email. Niagara Region acknowledges HDI's views on the previous 2016 and 2017 master plans. However, Niagara Region has initiated the Project as a new and separate EA process in accordance with subsections 17.4(2)(a) and 17.6(2) of the <i>EA Act</i>, which includes consultation with Indigenous Communities. The <i>EA Act</i> includes references to the protection of aboriginal and treaty rights (e.g., Section 2.1, Section 16(6), and consultation (Section 40(2)(c)).
Métis Nation of Ontario	August 2, 2023 Pre-Consultation Meeting	<ol style="list-style-type: none"> MNO asked if the private property along Park Road South and Bartlett Avenue will be acquired by Niagara Region to build the crossing. MNO asked if there will be consideration of the cumulative effects given the other major projects happening in this study area. MNO asked if the planned time-horizon of the escarpment crossing corridor encompasses all the planned future work. MNO asked if there are any projection of carbon pollution given that project of this nature will impact air quality, in terms of distributing land and generating more traffic. MNO was concerned about the general and microscopic effect of land development and how it will add to the 	<ol style="list-style-type: none"> Private property requirements for the Project will be determined during preparation of the EA. Other potential provincial, regional, and/or municipal projects relevant to the Project will be considered during preparation of the EA as per the Land Use Work Plan (Appendix I of the ToR). The ultimate planning horizon year for the Project is presently assumed to be 2051 in accordance with provincial growth targets, which encompasses the planned future work of the proposed corridor crossing of the Niagara Escarpment. The effect of air quality and greenhouse gas emissions and climate change from vehicular road traffic will be considered

Indigenous Community	Comment Date and Activity	Summary of Comments	Consideration of Comments
		<p>accumulated carbon with the other projects taking place in the adjacent area. She was also concerned about the overall contribution to the Climate Change.</p> <p>5. MNO noted the challenges when only the EA regulatory requirements are being met, as they are the bare minimum. MNO asked about what are the extra things to consider to make the project sustainable. MNO commented about options to line the corridor with trees restoration.</p> <p>6. MNO asked about the age and era of the indigenous artifacts found on Parkridge site. The MNO noted that this small area could be part of a larger area that may contains other indigenous artifacts. The MNO referred to an existing stone foundation.</p> <p>7. MNO asked if there is an ecological cost to the “Do-nothing” alternative, to avoid making any changing in the environment. MNO asked if there will be an initiative to discover alternatives of lighter colored pavements. MNO referred to examples of studies done on reflective painting in Phoenix and California that resulted in temperature drop.</p>	<p>during preparation of the EA as per the Air Quality Work Plan (Appendix C to the ToR).</p> <p>5. Since the Project is being undertaken in accordance with subsections 17.4(2)(a) and 17.6(2) of the <i>EA Act</i>, both potential positive and negative environmental effects will be identified and considered in the comparative evaluation of the alternatives leading to a recommended alternative during preparation of the EA. So, potential mitigation measures such as tree restoration resulting in an overall positive effect on the environment would be proposed as part of the overall Project submitted to the Minister for approval.</p> <p>6. The Archaeology Work Plan (Appendix E of the ToR) recognizes the potential of a small area becoming a larger area as more artifacts are possibly uncovered during the Project by proposing a Stage 1 Archaeological Assessment (AA) followed by a Stage 2 AA. The Stage 2 AA Report would include detailed recommendations for any further archaeological assessments that may be required (Stage 3 AA/Cemetery Investigations/Stage 4 AA).</p> <p>7. In terms of the “Do-Nothing” alternative, there is the potential for ecological effects by selecting it as the recommended alternative. This would be determined during preparation of the EA when all the alternatives to the Project are assessed leading to the identification of potential effects on the environment including ecological.</p>

Table 6-7: Indigenous Communities Comments Received During review of the draft ToR and their Consideration in the Niagara Escarpment Crossing CEA ToR (May 15, 2024 to July 12, 2024)

Indigenous Community	Comment Date and Activity	Summary of Comments	Consideration of Comments
Six Nations of the Grand River	May 31, 2024 email to Niagara Region	1. For the natural heritage piece, SNGR would like dedicated searches for deer, rabbits, and other mammals which can be hunted. For assessment criteria, SNGR would like effects on First Nation communities added under social environment and effects on plants and animals important to First Nations under cultural environment.	1. A meeting was requested and held on August 19, 2024 with SNGR to clarify their comments prior to revising the draft ToR.
Six Nations of the Grand River	August 19, 2024 (Virtual Meeting)	<div>1. SNGR typically receive a high number of Environmental Impact Statements (EIS) to review, and the reports often do not provide details on the search for these types of animals. Their Community would like to get a better idea of the degree of impacts to these specific animals. To clarify what is meant by “other mammals”, SNGR noted that not every mammal can be included in the surveys, but some species as stated would be of interest to them. SNGR River will pass along any example mammal studies that their Wildlife manager is aware of to Niagara Region.</div> <div>2. SNGR would like the Project Team to think about the First Nations perspective – i.e., harvesting – the more development, the less hunting and harvesting will be available; also think about cumulative effects – i.e., less opportunity to get out of the land, mental health impacts on the community, etc.</div> <div>3. SNGR provided plant list to Niagara Region.</div>	<div>1. The list of field investigations in the Natural Heritage Work Plan (Appendix J of the ToR) was revised to include wildlife species important to Indigenous Communities (i.e., deer, rabbits, and other mammals). In addition, the Natural Heritage Work Plan was revised by adding in the statement that Niagara Region will extend the opportunity to interested Indigenous Communities for their participation in the field investigations as they are carried out during preparation of the EA (i.e., natural environment fieldwork, Stage 2 Archaeological Assessment fieldwork).</div> <div>2. The evaluation criteria “Effect on First Nations Communities” and “Effect on plants and animals important to First Nation Communities” have been added to the ToR. In addition, the list of field investigations in the Natural Heritage Work Plan has been revised so that plant surveys will encompass plants important to Indigenous Communities (identified through the Draft Plant List of Species that may be of interest</div>

Indigenous Community	Comment Date and Activity	Summary of Comments	Consideration of Comments
		4. SNGR would like to participate in the Natural Environment fieldwork in the future, in addition to Archaeological studies.	and importance to SNGR which was provided to Niagara Region).
Haudenosaunee Confederacy Chiefs Council (HCCC) c/o Haudenosaunee Development institute (HDI)	June 12, 2024 email to Niagara Region	<div>1. HDI noted that after a review of the linked webpage and supporting sources, it is clear that the Niagara Region project will impair, infringe and interfere with Haudenosaunee rights and interests. HDI would like to know how and when engagement with respect to Haudenosaunee Treaty rights will occur. HDI requires at a minimum, engagement and consent, in upholding established Haudenosaunee treaty rights, which exist over the entirety of the Niagara Region. HDI looked forward to sitting down with Niagara Region and discussing, how and when the obligation to uphold the honor of the Crown, as well as the specific engagements required for a comprehensive process.</div> <div>2. HDI also wanted to discuss the Projects set out at the Official Plan and the Transportation Master Plan as they are all proceeding without engagement despite the fact that the Niagara Region is aware of their obligations to engage.</div>	<div>1. Niagara Region organized a follow up meeting with HDI on September 16, 2024, but HDI declined to participate on September 5, 2024 because Niagara Region did not provide funding for their attendance.</div> <div>2. The projects associated with the Regional Official Plan and Transportation Master Plan are not directly associated with the preparation of the ToR, but are more broadly based and, as such, are outside the scope of this Project.</div>
Haudenosaunee Confederacy Chiefs Council (HCCC) c/o Haudenosaunee Development institute (HDI)	September 4, 2024 email to Niagara Region	1. HDI requested capacity funding from Niagara Region to attend the scheduled September 16, 2024 meeting.	1. Niagara Region does not fund participant's attendance at meetings which is consistent with all Regional projects. However, Niagara Region continues to invite the Haudenosaunee Confederacy Chiefs Council, through HDI to participate in this Project.

Indigenous Community	Comment Date and Activity	Summary of Comments	Consideration of Comments
Haudenosaunee Confederacy Chiefs Council (HCCC) c/o Haudenosaunee Development institute (HDI)	September 5, 2024 email to Niagara Region	<ol style="list-style-type: none">Without funding HDI is unable to participate or move forward with the meeting.Reiterated that the Project will significantly impair infringe and interfere with established treaty rights.	<ol style="list-style-type: none">Consistent with existing Niagara Region practice with regards to Environmental Assessments, capacity funding is provided for participating in Stage 2 and later archaeological investigations.Niagara Region acknowledged request and continued to invite the Haudenosaunee Confederacy Chiefs Council, through HDI, to meet and identity where the proposed ToR may impact the community, identify where the project interferes with established treaty rights, and suggest modifications to the ToR that would address these concerns.

Table 6-8: Public Issues Raised and their Consideration in the Niagara Escarpment Crossing CEA ToR

Type of Issue	When the Public Issue was Raised	Public Issue Raised	Consideration of Issue
Alternatives To the Project (Preference for / Opposition to)	Review of draft ToR (May 15, 2024 – July 12, 2024)	Bartlett Avenue is not preferred due to impact to the community (i.e., noise levels, community character, vibration impacts, senior/nursing homes, proposed development, pedestrian safety, etc.).	The assessment and comparative evaluation of the alternatives to the Project outlined in the proposed ToR will take the noted concerns into consideration during preparation of the EA by carrying out the proposed Work Plans (e.g., Traffic, Operations and Safety (Appendix B), Noise and Vibration (Appendix K) and Land Use (Appendix I)) and the application of the evaluation criteria and indicators to identify potential adverse effects on the environment. Selection of the preferred alternative will be based on the potential effects considering proposed mitigation measures and comments received from review agencies, Indigenous communities, and the public.
Alternatives To the Project (Preference for / Opposition to)	Review of draft ToR (May 15, 2024 – July 12, 2024)	A hybrid version of Park Road and Bartlett Avenue is preferred.	The alternatives to the Project will be confirmed during preparation of the EA taking into account the suggestion regarding a hybrid version of the Park Road / Bartlett Road option.

Type of Issue	When the Public Issue was Raised	Public Issue Raised	Consideration of Issue
Alternatives To the Project (Preference for / Opposition to)	Lincoln Council Meeting (May 15, 2024) Public Information Centre (May 29, 2024) Review of draft ToR (May 15, 2024 – July 12, 2024)	Mountainview Road should not be included in the EA due to the impact to local wineries, economy, tourism and agricultural land.	<p>Since the Niagara Escarpment Crossing EA will be prepared as set out in subsection 17.6(2) of the <i>EA Act</i>, a reasonable range of alternatives needs to be considered by Niagara Region subject to the Minister’s approval in accordance with MECP’s Code of Practice. As a result, none of the alternatives put forward in the proposed ToR can be eliminated by Niagara Region at this step in the CEA process including Mountainview Road.</p> <p>Notwithstanding this, the assessment and comparative evaluation of the alternatives to the Project outlined in the proposed ToR will take the concerns into consideration during preparation of the EA by carrying out the proposed Work Plans (e.g., Traffic, Operations and Safety (Appendix B), Agricultural (Appendix D), Land Use (Appendix I), Financial (Appendix N) etc.) and the application of the evaluation criteria and indicators to identify potential adverse effects on the environment. Selection of the preferred alternative will be based on the potential effects considering proposed mitigation measures and comments received from review agencies, Indigenous Communities, and the public. The possible consideration of Mountainview Road as an alternative method of carrying out the Project would only take places during the preparation of the EA if Alternative 4 was carried forward.</p>
Alternatives To the Project (Preference for / Opposition to)	Review of draft ToR (May 15, 2024 – July 12, 2024)	The boundaries of investigation are limited. Other than Mountain Street in Beamsville and Grimsby the emphasis again goes back to a very outdated plan for Bartlett Avenue /Park Road that is location in an extremely densely populated area. Tufford Road should be included.	As stated in the proposed ToR, the boundaries of the preliminary study area will be finalized during preparation of the EA based on the confirmed alternatives to the Project considering comments from review agencies, Indigenous Communities, and the public. As a result, the final study area boundaries may be different. In addition, as mentioned in the proposed ToR, since the Niagara Escarpment Crossing EA will be prepared as set out in subsection 17.6(2) of the <i>EA Act</i> , a reasonable range of alternatives needs to be considered by Niagara Region subject to the Minister’s approval in accordance with MECP’s Code of Practice so

Type of Issue	When the Public Issue was Raised	Public Issue Raised	Consideration of Issue
			that this not an exercise to move any particular alternative forward including the Bartlett Avenue/Park Road corridor.
Alternatives To the Project (Preference for / Opposition to)	Review of draft ToR (May 15, 2024 – July 12, 2024)	Consider the Mid Peninsula Corridor as an alternative.	Since the Mid-Peninsula Highway is a provincial initiative under the direction of the Ministry of Transportation (MTO) proposing to connect Highway 403 in Hamilton to the Peace Bridge in Fort Erie, it is outside of Niagara Region’s jurisdiction to undertake and potentially implement this on their own to address the purpose of the Project stated in the proposed ToR. As part of preparing the proposed ToR, Niagara Region has consulted with MTO and will continue to do so during preparation of the EA to incorporate their planned and approved studies into the Project, as appropriate so provincial and regional transportation efforts are coordinated.
Alternatives To the Project (Preference for / Opposition to)	Review of draft ToR (May 15, 2024 – July 12, 2024)	Complete the Bartlett Ave Grimsby access route between the QEW and Regional Rd 20, so trucks can stop using Mountain Rd in Grimsby.	As stated in the proposed ToR, the Bartlett Avenue/Park Road Corridor (Alternative 3 in the Proposed ToR) will be assessed and comparatively evaluated along with other three alternatives during preparation of the EA to select a recommended alternative to the Project for presentation to review agencies, Indigenous Communities, and the public for comments before identifying a preferred alternative for the Project.
Alternatives To the Project (Preference for / Opposition to)	Review of draft ToR (May 15, 2024 – July 12, 2024)	Concern over having increased truck traffic on Thiry Road due to slow moving agricultural equipment.	<p>Since the Niagara Escarpment Crossing EA will be prepared as set out in subsection 17.6(2) of the <i>EA Act</i>, a reasonable range of alternatives needs to be considered by Niagara Region subject to the Minister’s approval in accordance with the MECP’s Code of Practice. As a result, none of the alternatives put forward in the Proposed ToR can be eliminated by Niagara Region at this step in the CEA process including Thirty Road in the Town of Lincoln within the context of Alternative 4 (Construct a New North-South Corridor between Grimsby and Beamsville).</p> <p>The assessment and comparative evaluation of the alternatives to the Project outlined in the proposed ToR will</p>

Type of Issue	When the Public Issue was Raised	Public Issue Raised	Consideration of Issue
			take the concerns into consideration during preparation of the EA by carrying out the proposed Work Plans (e.g., Traffic, Operations and Safety (Appendix B), Agricultural (Appendix D), Land Use (Appendix I)) and the application of the evaluation criteria and indicators to identify potential adverse effects on the environment. Selection of the preferred alternative will be based on the potential effects considering proposed mitigation measures and comments received from review agencies, Indigenous communities, and the public. The possible consideration of Thirty Road as an alternative method of carrying out the Project would only take place during the preparation of the EA if Alternative 4 was carried forward.
Alternatives To the Project (Preference for / Opposition to)	Review of draft ToR (May 15, 2024 – July 12, 2024)	Support for Alternative 4 (Construct a New North-South Corridor between Grimsby and Beamsville)	As stated in the proposed ToR, Alternative 4 (Construct a New North-South Corridor between Grimsby and Beamsville) will be assessed and comparatively evaluated along with other three alternatives during preparation of the EA to select a recommended alternative to the Project for presentation to review agencies, Indigenous Communities, and the public for comments before identifying a preferred alternative for the Project.
Alternatives To the Project (Preference for / Opposition to)	Review of draft ToR (May 15, 2024 – July 12, 2024)	Consider Thirty Road for QEW access.	During preparation of the EA, regional and local roads and streets in the preliminary study area including Thirty Road will be subject to a traffic demand analysis and traffic operations and safety assessment which will consider such aspects as QEW access (Traffic, Operations and Safety Work Plan (Appendix B of the proposed ToR)).
Alternatives To the Project (Preference for / Opposition to)	Review of draft ToR (May 15, 2024 – July 12, 2024)	Consideration for Casablanca Boulevard as an alternate route for the crossing.	Casablanca Boulevard is presently outside of the preliminary study area associated with the alternatives to the Project identified in the proposed ToR. As a result, this potential access to the QEW would not be considered during preparation of the EA at this time subject to finalizing the study area.

Type of Issue	When the Public Issue was Raised	Public Issue Raised	Consideration of Issue
Alternatives To the Project (Preference for / Opposition to)	Review of draft ToR (May 15, 2024 – July 12, 2024)	Assessment should consider Ontario Street in Beamsville and Victoria Ave (RR24) in Vineland.	Alternative 4 (Construct a New North-South Crossing Corridor between Grimsby and Beamsville) in the proposed ToR includes the potential use of the Ontario Street and QEW interchange for access to the provincial highway system. The suggestion of possibly using Victoria Avenue for the proposed Niagara Escarpment Crossing is presently outside of the preliminary study area associated with the alternatives to the Project identified in the proposed ToR. As a result, this potential road would not be considered during preparation of the EA at this time subject to finalizing the study area.
Alternatives To the Project (Preference for / Opposition to)	Review of draft ToR (May 15, 2024 – July 12, 2024)	Consider Mountain Road in Grimsby.	Mountain Road (Regional Road 12) in Grimsby is presently not being considered as a transportation corridor for the proposed Niagara Escarpment crossing based on the preliminary list of alternatives to the Project identified in the proposed ToR.
Alternatives To the Project (Preference for / Opposition to)	Review of draft ToR (May 15, 2024 – July 12, 2024)	Consider Tufford Road / Quarry Road provides an easier alternative (far less residential and less difficult incline). (The current Bartlett QEW exchange is inadequate for the corridor and would have to be redesigned.)	Tufford Road/Quarry Road suggestion as an alternative is presently outside of the preliminary study area and so it would not be considered during preparation of the EA subject to finalization of the study area. The preliminary description of the Alternative 3 (Extend Bartlett Avenue Southerly and Utilize the Park Road Corridor) in the draft ToR acknowledges the need to improve the current configuration of the existing QEW interchange from a traffic operations perspective.
Alternatives To the Project (Preference for / Opposition to)	Review of draft ToR (May 15, 2024 – July 12, 2024)	Move forward with the proposed East-West Niagara-Hamilton Trade Corridor to connect the Greater Toronto Area (GTA) to the U.S. border through south Niagara	Niagara Region is actively working with the City of Hamilton and Regions of Halton, Peel, and Waterloo to advocate for the new Corridor with the Province as an alternate route to the QEW. However, it is a provincial initiative under the direction of the Ministry of Transportation (MTO). MTO is not actively planning for the central portion of the Niagara to GTA (Highway 406 to the City of Hamilton in the vicinity of the Hamilton International Airport/Highway 403). As a result, it is outside of Niagara Region's jurisdiction to undertake and

Type of Issue	When the Public Issue was Raised	Public Issue Raised	Consideration of Issue
			potentially implement this on their own to address the purpose of the Project stated in the Proposed ToR. As part of preparing the Proposed ToR, Niagara Region has consulted with MTO and will continue to do so during preparation of the EA to incorporate their planned and approved studies into the Project, as appropriate so provincial and regional transportation efforts are coordinated.
Climate Change	Review of draft ToR (May 15, 2024 – July 12, 2024)	Climate impacts should be included as part of the EA Technical Work Plans.	As stated in the Air Quality Work Plan (Appendix C to the ToR), both the alternatives to the Project and alternative methods of carrying out the Project will be assessed/comparatively evaluated with regards to air quality, greenhouse gas emissions, and climate change. In addition, the impact assessment of the Project will include an air quality impact assessment, a greenhouse gas assessment, and a construction related impacts assessment. The results of these assessments including climate change impacts will be documented in the EA Report
Consultation during the Environmental Assessment	Review of draft ToR (May 15, 2024 – July 12, 2024)	<p>Several suggestions were given for how consultation should be carried out during preparation of the EA including the following:</p> <ul style="list-style-type: none">• PICs should be scheduled later in the evening (e.g., 7:00pm).• Meetings should be attended by the consultants, elected representatives of Niagara Region, and legal staff of Niagara Region• An education day at the new West Niagara high school should be held for the Project to involve the next younger generation	The suggested consultation activities including when they are held, who attends, how often, etc. will be considered by Niagara Region as part of developing the Consultation Plan for the EA subject to the ToR being approved by the Minister.

Type of Issue	When the Public Issue was Raised	Public Issue Raised	Consideration of Issue
		<ul style="list-style-type: none">Focus groups with those residents living on the streets that are impacted the most by truck traffic should occur.Additional information should be provided/increased frequency of communications should take place with those who may be most impacted, so they are well informedA dedicated page on the Region's website should be established with video presentations, documents, FAQ and updates-everything transparent as the Project progresses. <p>The Project Team should be transparent, consultative and accessible.</p>	
Cost	Review of draft ToR (May 15, 2024 – July 12, 2024)	The Do-Nothing alternative is important from the financial cost perspective.	All alternatives to the Project including Do Nothing will be equally assessed and comparatively evaluated based on the preliminary evaluation criteria finalized during preparation of the EA including those associated with the Financial category (e.g., capital costs, etc.).
Cost	Review of draft ToR (May 15, 2024 – July 12, 2024)	The cost of starting a new study and ignoring past studies seems high.	<p>The change to initiating a CEA from past studies results in the start of a new EA process and any past decisions/directions are considered as background information. In addition, the proposed ToR presents a proposed assessment and evaluation methodology that represents a full and objective assessment that is subject to a review by not only agencies, Indigenous communities, and the public, but also by a provincial government review team.</p> <p>With a CEA, the Minister now needs to make a formal approval of both the proposed ToR as well as the proposed Project before it can proceed to construction versus Regional council. This increases the transparency, objectivity, and comprehensiveness of the EA process and decisions made</p>

Type of Issue	When the Public Issue was Raised	Public Issue Raised	Consideration of Issue
			so that all who want to have a voice can have a voice in the Project's outcome.
Cost	Review of draft ToR (May 15, 2024 – July 12, 2024)	High cost to taxpayers.	Niagara Region will be seeking funding support from both the Provincial and Federal Governments if the Project is approved by the Minister.
Cost	Review of draft ToR (May 15, 2024 – July 12, 2024)	Impacts to or loss of property values.	Upon completion of the Environmental Assessment (EA) and Detailed Design (future stages), Niagara Region Real Estate staff will contact impacted property owners to discuss the level of impact, disturbance damages, injurious affection, business loss and compensation. These factors can only be assessed upon completion of detailed design inclusive of road reconstruction, utility relocations and other mitigating factors identified through that process.
Engineering	Review of draft ToR (May 15, 2024 – July 12, 2024)	Constructability / feasibility	Constructability / feasibility will be considered during preparation of the EA as stated in Appendix A (Transportation Planning and Engineering) of the proposed ToR.
Engineering	Review of draft ToR (May 15, 2024 – July 12, 2024)	Active transportation should be considered (i.e., pedestrians, bicycles).	As outlined in the Transportation and Engineering Work Plan (Appendix A of the proposed ToR), the conceptual designs of Alternatives 3 and 4 to the Project will incorporate active transportation needs, as appropriate, which will be further refined during the alternative methods of carrying out the Project stage and developed to a preliminary design level of detail as part of impact assessment stage of the EA.
Natural Environment	Review of draft ToR (May 15, 2024 – July 12, 2024)	The Bruce Trail could be impacted as is within the study area and crosses and/or is along the identified potential crossing routes. This crossing has the potential to negatively impact the function of a continuous, uninterrupted safe trail system. The Bruce Trail is noted once in the ToR however the Bruce Trail is not noted in any of the detailed workplans.	The Bruce Trail will form part of the more detailed description of the environment which will be developed during preparation of the EA via the Land Use Work Plan (Appendix I of the proposed ToR). In addition, the potential impacts to the Bruce Trail will be considered as part of assessing/comparatively evaluating both the alternatives to the Project and alternative methods of carrying out the Project through the preliminary evaluation criterion "Effect on

Type of Issue	When the Public Issue was Raised	Public Issue Raised	Consideration of Issue
			existing infrastructure and facilities (e.g., pedestrian, cycling, transit, road, highway, rail, water/wastewater, utility, etc.)”.
Natural Environment	Review of draft ToR (May 15, 2024 – July 12, 2024)	Safe habitat for the existing wildlife and natural corridors for wildlife crossings should be included in the design. Air quality, light and noise pollution will have negative affects on residents and wildlife.	The Work Plans included in the proposed ToR consider these aspects of the environment so that they will be assessed during preparation of the EA (e.g., Agricultural (Appendix D), Natural Heritage (Appendix J, etc.).
Natural Environment	Review of draft ToR (May 15, 2024 – July 12, 2024)	Groundwater and Surface Water impacts along with soil instability.	The Proposed ToR includes several appended Work Plans that will be completed during preparation of the EA addressing these aspects including Groundwater (Appendix H) and Surface Water (Appendix L)
Natural Environment	Review of draft ToR (May 15, 2024 – July 12, 2024)	The destruction of the Niagara Escarpment – which became a UNESCO World Biosphere Reserve in 1990, (mitigating effects of climate change, providing clean air, water, local food), and plant/wildlife in the area (habitat fragmentation and loss).	The Work Plans included in the proposed ToR consider these aspects of the environment so that they will be assessed during preparation of the EA (e.g., Air Quality (Appendix C), Agricultural (Appendix D), Natural Heritage (Appendix J), Groundwater (Appendix H) and Surface Water (Appendix L), etc.).
Potential Project Impacts	Review of draft ToR (May 15, 2024 – July 12, 2024)	Potential impact to business (e.g. wineries, agriculture, tourism, etc.) - both in terms of operation and future development opportunities.	The assessment and comparative evaluation of the alternatives to the Project outlined in the proposed ToR will take the concerns into consideration during preparation of the EA by carrying out the proposed Work Plans (e.g., Agricultural (Appendix D), Land Use (Appendix I), Financial (Appendix N) etc.) and the application of the evaluation criteria and indicators to identify potential adverse effects on the environment.
Potential Project Impacts	Review of draft ToR (May 15, 2024 – July 12, 2024)	Impact to the communities (e.g. future land use development, nursing homes, community character, property value, etc.)	The assessment and comparative evaluation of the alternatives to the Project outlined in the proposed ToR will take the noted concerns into consideration during preparation of the EA by carrying out the proposed Work Plans (e.g., Traffic, Operations and Safety (Appendix B), Noise and Vibration (Appendix K), Land Use (Appendix I) and Financial (Appendix N)) and the application of the evaluation criteria and indicators to identify potential adverse

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			effects on the environment. Selection of the preferred alternative will be based on the potential effects considering proposed mitigation measures and comments received from review agencies, Indigenous communities, and the public.
Project Schedule	Review of draft ToR (May 15, 2024 – July 12, 2024)	Get this project done as soon as possible.	Niagara Region will continue to work collaboratively with the Province in completing the Project as expeditiously as possible.
Project Schedule	Review of draft ToR (May 15, 2024 – July 12, 2024)	Why was the previous study not completed/submitted?	The previous Niagara Escarpment Crossing Transportation Study (2016), which was subject to the Municipal Class Environmental Assessment process, was not completed because Niagara Region identified potential approval risks with that process with key regulatory agencies like the Niagara Escarpment Commission as well as potential Part II Order requests (elevate a MCEA project to an Individual EA project). As a result of discussions with MECP, it was decided to complete the Project through a CEA process (formerly known as an Individual EA).
Project Schedule	Review of draft ToR (May 15, 2024 – July 12, 2024)	The CEA should be framed with a long timeframe of at least 50 years (allowing for study, construction and some growth). Capacity of extra-regional alternatives such as Red Hill, Hwy 403 and Hwy 406 for commercial traffic, as well as longer term growth projections need to be considered.	The ToR proposes that the traffic analysis carried out during preparation of the EA be based on available Provincial planning data (Traffic, Operations and Safety Work Plan (Appendix B)), which is presently 2051 as the future horizon year.
Project Schedule	Review of draft ToR (May 15, 2024 – July 12, 2024)	Potential traffic impact to the City of Hamilton.	If there are potential traffic impacts affecting the City of Hamilton, then they will be consulted with during preparation of the EA.
Traffic Safety	Review of draft ToR (May 15, 2024 – July 12, 2024)	An emergency runway / ramp should be included in the design in case a truck loses their brakes crossing the escarpment. There is a very steep grade. Maybe the boundaries of the study could be widened so a new	The suggestion of including an emergency runaway ramp as part of any route that is selected is noted along with the concerns with steep grades on Park Road and associated residential area. The Work Plans included in the proposed ToR consider these aspects of the environment so that they will be assessed during preparation of the EA. In addition, as

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		escarpment crossing could be proposed in a location which has a safer grade.	mentioned in the draft ToR, the preliminary study area boundaries will be finalized during preparation of the EA based on the confirmed alternatives to the Project.
Traffic Safety	Review of draft ToR (May 15, 2024 – July 12, 2024)	Concern for slow-moving agricultural vehicles.	Slow moving agricultural vehicles will be considered during preparation of the EA through a couple of the Work Plans appended to the proposed ToR (Traffic, Operations and Safety (Appendix B) and Agricultural (Appendix D)).
Traffic Safety	Review of draft ToR (May 15, 2024 – July 12, 2024)	Concern for vehicle safety as many trucks have been found to have major defects during a past safety blitz. Traffic safety would also be reviewed by experts.	The Traffic, Operations and Safety Work Plan (Appendix B) included in the proposed ToR considers this aspect so that it will be assessed during preparation of the EA. Notwithstanding this, vehicle safety / defects are outside of Niagara Region's authority to monitor and control. Niagara Regional Police and its partner will continue their effort in monitoring and enforcing heavy vehicle operation safety.
Traffic Safety	Review of draft ToR (May 15, 2024 – July 12, 2024)	Increased traffic volumes (including trucks) and speeds on both local and Regional Roads.	In terms of slowing down traffic, Niagara Region and area municipalities have implemented several traffic management measures on various local and regional roads that cross the Niagara Escarpment and will continue to monitor the situation. Also, the Niagara Regional Police will continue their effort in monitoring and enforcing vehicle speeds on local and regional roads Further, the Traffic, Operations and Safety Work Plan (Appendix B) included in the proposed ToR will consider the traffic management measures implemented to date and add to them as appropriate based on its findings during preparation of the EA.
Traffic Safety	Review of draft ToR (May 15, 2024 – July 12, 2024)	Additional traffic calming measures should be implemented.	Niagara Region and area municipalities have implemented several traffic management measures on various local and regional roads that cross the Niagara Escarpment and will continue to monitor the situation. Further, the Traffic, Operations and Safety Work Plan (Appendix B) included in the proposed ToR will consider the traffic management measures implemented to date and add

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			to them as appropriate based on its findings during preparation of the EA.
Traffic Surveys	Review of draft ToR (May 15, 2024 – July 12, 2024)	Updated traffic surveys including truck volumes, on local and regional roads should be updated to show current conditions.	As stated in the Traffic, Operations and Safety Work Plan (Appendix B of the proposed ToR), truck traffic volumes will be updated as part of the traffic analysis carried out during preparation of the EA. The potential closure of current crossings of the Niagara Escarpment to truck traffic are not envisioned at this time and, if considered, would be subject to the outcome of the EA as part of the proposed Project.