

Subject: Niagara Escarpment Crossing Comprehensive Environmental Assessment – Terms of Reference Submission

Report to: Public Works Committee

Report date: Tuesday, September 10, 2024

Recommendations

1. That Report PW 29-2024 **BE RECEIVED** for information; and,
2. That a copy of Report PW 29-2024 **BE CIRCULATED** to the Town of Grimsby, Town of Lincoln, and Township of West Lincoln.

Key Facts

- Staff will be submitting the Terms of Reference (ToR) for the Niagara Escarpment Crossing Comprehensive Environmental Assessment (CEA) to the Minister of Environment, Conservation, and Parks (MECP) in October 2024.
- The final ToR reflects consultation with local Councils, review agencies, Indigenous communities, and the public.
- The ToR will be posted for a 30-day comment period as part of MECP review. This provides an opportunity for interested parties to offer further comments on the ToR for the Minister's consideration.
- MECP review will take between 3-6 months. Should the Minister approve the ToR, the Project will advance into the Comprehensive Environmental Assessment (CEA) stage.

Financial Considerations

Funding to complete the ToR and CEA has been previously approved. There is currently no funding approved for detailed design and construction. The Region requires support from the Provincial and Federal governments to construct the Project.

- Council has approved a total of \$5,700,000 in capital funding to complete the Terms of Reference and the Environmental Assessment including related studies for the project.

- Once the CEA is complete, capital funding needs for detailed design and construction phases of the project will be estimated. Design and construction of the project will be subject to future budget approvals.
- To move forward, co-investment from upper levels of government will be required to complete this project.
- The Region needs first to complete the CEA in order to assess the project against grant funding eligibility requirements, or to develop a project proposal for consideration by other levels of government.

Analysis

The Niagara Escarpment Crossing Project will improve commercial goods movement and provide greater safety for local communities in west Niagara.

The existing Regional roads that cross the Niagara escarpment are not well suited for heavy truck traffic or commercial goods movement. This results in congestion and safety concerns on roads such as Regional Road 12 (Mountain Road in Grimsby) and Regional Road 18 (Mountain Street in Lincoln).

Development and approval of the Terms of Reference is the first step in the Comprehensive EA process and ultimately achieving the Project objective.

The Region is undertaking a CEA to determine what improvements to the Regional road network should be made to support the Region's goods movement network and to address existing safety and capacity concerns.

Before the Region initiates the CEA project, the MECP must first approve the project ToR in accordance with the Ontario Environmental Assessment Act. The ToR details the scope, objectives, methodologies, and work plans to be completed during the future CEA.

Common themes came to light during consultation of the Terms of Reference.

Earlier this year, Region Staff consulted with interested parties to gain feedback on the ToR. Consultation was undertaken through presentations to Regional and Local Councils, a public information centre, meetings with agencies, and by posting the full ToR on the Region's website for a 6-week comment period. Indigenous communities were consulted on the ToR and will continue to be consulted throughout the CEA process.

Common themes that surfaced during consultation include:

- Preferences for the CEA outcome (preferred locations for the escarpment crossing)
- Requests for the addition or removal of specific roads from the EA Study Area
- The need to support economic development and goods movement
- The need to improve capacity and road safety
- A sense of urgent need for the Project
- Concerns regarding environmental impact

The full record of consultation will be included in the submission of the ToR to MECP. This record includes all comments received and the responses that were provided.

Local Area Municipalities (LAM), Niagara Escarpment Commission (NEC), and MECP staff have reviewed the draft ToR and have identified no concerns.

Staff made updates to the Terms of Reference following consultation to highlight the following tasks that form part of the CEA process.

- Economic Assessment – Interested parties questioned if economics were evaluated as part of the CEA. Staff confirm that through the normal course of the CEA economics are assessed and evaluated for each of the options established in the ToR
- Impacts on Bartlett Avenue – Staff intend to highlight that an increase in commercial vehicle traffic on Bartlett Avenue would impact existing residents and business in that area. This information will be carried through to the final CEA Report.

No changes were made to the study area or the alternatives to be considered. Removing specific roads would pre-determine the outcome of the CEA. As required by MECP, the CEA must consider a reasonable range of alternatives for assessment by the MECP, as well as key agencies such the NEC.

Staff will now submit the final ToR to the Minister of Environment, Conservation, and Parks (MECP) for formal review and approval.

The final ToR will be posted to the Region's website and a public notice of submission will be issued. This public notice will be shared on the Region's website, via social media, in newspapers, and mailed to those individuals residing in the study area.

Interested parties can provide further comments on the ToR for the Minister's consideration during the 30-day public comment period.

The ToR will be posted for a 30-day comment period as part of the formal review and approval process. This comment period will take place in late October and early November 2024, with specific dates to be confirmed and shared in the public notice.

Comments submitted during this period are sent directly to MECP and will be considered by the Minister as part of reviewing the ToR.

The Minister will review the ToR to ensure that the Region has adequately consulted interested parties in the preparation of the ToR. MECP's review is anticipated to take between 3-6 months.

Should the Minister approve the ToR, the Project will advance to the Comprehensive Environmental Assessment stage.

Staff will inform Council by a Council Weekly Correspondence Distribution if the Minister approves the ToR. The Region would then proceed with CEA and procure the services of a consulting firm to lead the assignment.

This consulting assignment will be submitted to Regional Council for consideration should it exceed staff authority to award in accordance with the Procurement By-law. Should Council authority not be required, further correspondence via Council Weekly Correspondence Distribution will be shared to inform Council that the contract has been awarded.

If the Minister does not approve the ToR, or approves with material adjustments, staff will return to Council with a report.

Alternatives Reviewed

Do Nothing – not submit the ToR and not advance the Niagara Escarpment Crossing Project further. This is not recommended as commercial vehicle, congestion and safety concerns in west Niagara would remain.

Relationship to Council Strategic Priorities

The Niagara Escarpment Crossing Project supports the Prosperous Region strategic focus area, Objective 4.3 to 'Invest and enhance access to transit, active transportation, and other transportation systems in the Region'.

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Appendices

Appendix 1 Other Pertinent Reports