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## 6 PERMITS AND APPROVALS

Before construction can begin various approvals must be obtained from federal, provincial, and municipal agencies. Permits and approvals will also be required from the Upper Thames River Conservation Authority and rail authorities. The required permits and approvals are detailed in the following sections.

This section will be updated based on the review of the draft EPR by technical agencies.

Additional permits and approvals may be required if there are changes to existing conditions or relevant policies. These conditions will be monitored during detail design and prior to construction, and the list of permits and approvals will be updated as required.

### 6.1 Federal

At the federal level, the following permits and approvals may be required for this transit project:

- Canadian Environmental Assessment Act (proponent will continue to determine if any approvals are applicable);
- Canadian Transportation Agency approval may be required for works within a railway right-of-way under the Canada Transportation Act. Generally, all works on, above or below a railway property will be coordinated with the rail authority (e.g. CN or CP), and comply with the rules, policies, and procedures for working within the railway right-of-way. Requirements are expected to include safety and related requirements, flagging protection, coordination with rail operations, notification of railway works, and compliance with the Railway Safety Act.
- Department of Fisheries and Oceans (DFO) uses a self-assessment process to determine if a project review is required based on the potential for serious harm to fish or fish habitat in accordance with the Fisheries Act. Generally, project impacts can be mitigated to avoid serious harm. There is a potential for federally listed species in the study area, which should be reviewed in the next design phase. As design progresses, the City will continue to monitor the project for potential need for a project review by Department of Fisheries and Oceans, and any related approvals or permits, including Species at Risk Act permits.
- The London BRT project is not currently a “designated” project as defined in the Regulations Designating Physical Activities under the Canadian Environmental Assessment Act (CEAA), as amended in 2014<sup>1</sup>. As design progresses, the City will continue to monitor the project for potential CEAA requirements. The Minister of the Environment may designate a project not currently identified in the regulations if the project may cause adverse environmental effects or there are public concerns about

such effects. If required, the City will prepare a project description for review by the Canadian Environmental Assessment Agency.

### 6.2 Provincial

At the provincial level, the following permits and approvals may be required:

- Ministry of the Environment and Climate Change:
  - Permit to Take Water under the Ontario Water Resources Act
  - Environmental Compliance Approvals for new/relocated sanitary sewers, new/relocated storm sewers and outfalls, stormwater quality controls, sewer use for discharge of dewatering effluent (in compliance with s. 53 of the Ontario Water Resources Act and relevant the Ministry of the Environment and Climate Change guidelines)
  - Excess Soil Management Strategy
- Ministry of Tourism, Culture and Sport:
  - Approvals of archaeological and built heritage investigations to be conducted during the next design phase. Associated reports will be submitted for review and acceptance, as required, prior to any ground disturbance.
- Ministry of Transportation Ontario:
  - Highway Corridor Management permit may be required for the proposed park-and-ride at Exeter Road under the Public Transportation and Highway Improvement Act
- Ministry of Natural Resources and Forestry:
  - Letter of Advice or an Overall Benefit Permit under clause 17(2)(c) of the Endangered Species Act
  - New or modified Licence of Occupation may be required under the Public Lands Act for the crossings of the Thames River.
  - Plans and Specifications Approval under the Lakes and Rivers Improvement Act, for all bridges being replaced or being modified structurally, if the project modifies the flow of water. Authorizations issued under the Lakes and Rivers Improvement Act may be administered by the Upper Thames River Conservation Authority.
  - Work permits may also be required for water crossing modifications.
  - If species at risk are identified within the construction influence zone, MNRF will be contacted to determine how specimens should be treated.

<sup>1</sup> <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2012-147/page-3.html#h-1>

- Hydro One:
  - Approval for the proposed park-and-ride at Exeter Road if located under the Hydro One corridor.
- Lands owned by the Ontario Infrastructure and Lands Corporation (IO) and leased or managed by other users (MTO, Hydro One, Ontario Provincial Police) are to be used for the park-and-ride at Exeter Road. Arrangements for use of these lands by the City will be required, in accordance with the transfer and licensing of provincial property.

### 6.3 Municipal

At the municipal level, the following permits and approvals may be required:

- City Council approval.
- A Heritage Permit for alterations and/or demolitions to properties designated under the Ontario Heritage Act.
- Tree Conservation By-law

Upper Thames River Conservation Authority:

- Permits and approvals for works in the following regulated areas:
  - Medway Creek crossing (Western Road)
  - North Thames River crossing (University Drive)
  - North Thames River crossing (Queens Avenue)
  - Thames River crossing (Wellington Street)
  - Westminster Ponds (Wellington Road)
  - Dingman Creek watershed (park-and-ride)

### 6.4 Utilities

There are a number of existing utilities within the BRT study area. Utility companies will continue to be consulted as the following agreements are sought:

- Utility crossing agreements.
- Hydro connection applications and service agreements.
- Gas connection applications and service agreements.

### 6.5 Institutions

The BRT network is planned to enter private lands on the Western University and Fanshawe College campuses. Consultations with each institution are ongoing, and will require agreements to allow for construction, operations and maintenance activities on their campuses.

### 6.6 Mechanism for Changes to the Approved Plan

This project is being assessed under the Transit Project Assessment Process (Ontario Regulation 231/08). This document forms the summary of the planning and design process, assessment of impacts and associated mitigation measures, and commitments to future work.

The project presented in this EPR is not a static plan, nor is the context in which it is being assessed, reviewed, approved, constructed, and used. Given the potential for changes to the project resulting from the approvals, detailed design, and construction processes, it is prudent to include in the EPR a comment on the responsibilities of the proponent should changes be required in the project. The following sections outline how such changes will be addressed.

#### 6.6.1 Design Refinements

This EPR identifies and presents the impacts associated with the Project, and the property envelope within which the Project can feasibly be constructed. The actual layout of project elements (e.g. BRT stops, turnarounds, park-and-ride, local transit connections, etc.) are subject to detailed design. Any variation from that shown in this EPR, unless it results in an environmental impact which cannot be accommodated within the committed mitigation measures, does not require additional approval under O. Reg 231/08.

#### 6.6.2 Environmental Project Report Addendum Process

After the Notice of Completion, if a change is made to the project that is inconsistent with the project documented in this EPR or the types of changes noted in Section 6.6.1, an Addendum to the EPR must be issued, and include the following information:

1. A description of the change;
2. The reasons for the change;
3. The proponent’s assessment and evaluation of negative impacts that the change might have on the environment;
4. A description of any measures proposed by the proponent for mitigating the negative impacts that the change might have on the environment; and

5. A statement of whether the proponent is of the opinion that the change is a significant change to the transit project, and the reasons for the opinion.

If the proponent is of the opinion that the proposed change to the transit project is significant, then the proponent must publish a Notice of EPR Addendum in a manner similar to a Notice of Completion, as well as a notice on its website. The Notice of EPR Addendum must also be provided to the Director of the Environmental Assessment and Permissions Branch, the Ministry of the Environment and Climate Change Regional Director, every property owner within 30 m of the site change, Indigenous communities, and any other person who, in the proponent's opinion, may be interested, and every person who has made a written request for notices about the project.

### 6.6.3 Environmental Project Report Addendum Timelines

The process and timelines for making objections and for the Minister to act with respect to the proposed change are similar in the addendum process as in the process leading to the Notice of Completion:

- 30 Day Public Review Period, started by Notice of EPR Addendum, that provides review time for public, regulatory agencies, Indigenous communities and other interested parties. Objections to the project may be submitted to the Minister of the Environment and Climate Change during this period.
- 35 Day Ministerial Review Period, started by conclusion of the previous period. The Minister of the Environment and Climate Change reviews any objections and determines if the project may proceed, may proceed with conditions, or if the proponent must conduct additional work and submit a revised EPR to the Minister.

