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Place de Ville, Tower C,  
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K1A 0N5

SEP 29 2009

Your file / Votre référence

Our file / Notre référence  
RDIMS no 5267464  
A 7036-27-2 U

Andy Bertolo  
Chief Project Manager  
Spadina Subway Extension  
5160 Yonge Street, 6<sup>th</sup> Floor  
Toronto, Ontario  
M2N 6L9

RECEIVED



OCT 06 2009

Reference #: SSE14  
Document #: 2504857  
Master File #: N20

Dear Mr. Bertolo:

Transport Canada has reviewed the *Identification of Federal Environmental Assessment Requirements Form* completed by the Toronto-York Spadina Subway Extension project submitted on September 29, 2009 for the Highway 407 Station and the associated infrastructure works and has determined that the project meets the exclusion criteria outlined in the Exclusion List Regulations, 2007 for the proposed construction, installation, operation, expansion or modification of a public transit facility. Therefore, the project as proposed does not require an environmental assessment under the *Canadian Environmental Assessment Act*.

It is important to note that the determination is only applicable to the project as submitted for review. In addition, should the project change or vary from the project at the time the *Identification of Federal Environmental Assessment Requirements Form* was submitted, the Proponent is responsible for notifying Transport Canada of these changes if they may impact the determination of exclusion.

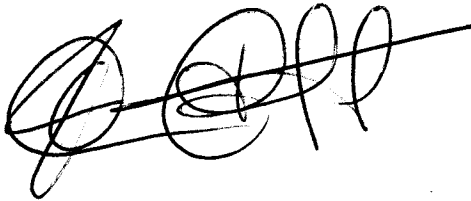
Please be advised that while the project is exempted from federal environmental assessment requirements, the project is still subject to any other federal, provincial and municipal authorizations that are required. For the project to proceed, authorizations must be obtained in a timely manner and the work must be carried out in accordance with the terms and conditions of these approvals.

The completed form indicates that the project is likely to involve in-water works. We are aware that you are currently in discussions with the Department of Fisheries and Oceans and the Toronto and Region Conservation Authority with respect to these works and expect that through that process any relevant permits or authorizations will be obtained.

.../2

Should you have any questions with this exclusion please do not hesitate to contact Martin McKay at 613.949.3902 or martin.mckay@tc.gc.ca

Yours sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

John Hnatyshyn  
A/Director  
Transit Projects

Attachment: Completed EA Determination Form

Cc: Joe Farag, City of Toronto  
Ed Hankins, York Region  
Joanna Kervin, TYSSE Project  
Jenie Lapierre, Department of Fisheries and Oceans



## DETERMINATION OF FEDERAL ENVIRONMENTAL ASSESSMENT REQUIREMENTS

### SECTION 1: Project Information

Project Name:	Toronto-York Spadina Subway Extension Project - Highway 407 Station and the associated Infrastructure Works		
Project Location:	Cities of Toronto and Vaughan/Regional Municipality of York, Ontario		
Total Project Cost:	\$101,175,000.00	Federal Contribution:	\$32,155,000.00
Construction Start:	March 2010		
Construction End:	4 <sup>th</sup> Quarter, 2015		
<b>Funding Program:</b>			
<input checked="" type="checkbox"/> Building Canada Fund <input type="checkbox"/> Canadian Strategic Infrastructure Fund			
<input type="checkbox"/> Asia Pacific Gateway and Corridor Initiative <input type="checkbox"/> Border Infrastructure Fund			
<input type="checkbox"/> Gateways and Border Crossings Fund			
<b>Project Description (attach a project description if available):</b>			
<p>The Highway 407 Subway Station on the Spadina Line Extension is to be located west of Jane Street, South of Highway 407 on a greenfield site owned by the Province of Ontario and controlled by the Ontario Realty Corporation. Highway 407 Station is a major intermodal station and will incorporate an 18 bay bus terminal, a 600 space commuter parking lot, 30 space passenger pick-up/drop-off (PPUDO) and will be designed to provide access to the future MTO Highway 407 Transitway. Access to the bus terminal and parking lot will be facilitated by a new bridge structure spanning Black Creek, which will be realigned around the station box.</p>			
<p>Highway 407 Station will be the site of Tunnel Boring Machine (TBM) launch shafts for the tunnels at each end of the station. The subway will extend in twin bored tunnels from the north end of Highway 407 Station, north to Vaughan Corporate Centre Station and also from the south end of the station box southerly to Steeles West Station. The Highway 407 Station and the adjacent tunnel segments will be constructed under a single construction contract.</p>			



**SECTION 2: Transportation Projects and Classes of Projects (Regulations Amending the Exclusion List Regulations, 2007):**

**Part I:**

Installation of:	<input type="checkbox"/> Intelligent transportation systems and its supporting structures (s.3)
<i>This class of project may be excluded</i>	

**Part II:**

Proposed construction, installation, operation, expansion or modification of:	<input checked="" type="checkbox"/> Public Transit facilities (s.6) <input type="checkbox"/> Bus rapid transit (s.7) <input type="checkbox"/> Overpass or grade separation (s.9) <input type="checkbox"/> Road Intersection or highway interchange (s.9)
Proposed modification or expansion of:	<input checked="" type="checkbox"/> Public transit or railway system (s.8)
Proposed modification or widening not involving the addition of more than two lanes:	<input type="checkbox"/> Road or public highway (s.10)
Proposed modification or widening not involving the addition of more than two lanes:	<input type="checkbox"/> Bridge (work not carried out in a water body) (s. 11)
<i>These classes of projects may be excluded if the following conditions are met:</i>	
	<b>Yes      No      N/A</b>
a) The project is to be carried out entirely within 300 meters of an existing transportation or utility right-of-way or on land zoned for transportation or industrial use <b>and</b>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b) The project is to be carried out at a distance greater than 250 meters away from an environmentally sensitive area <sup>1</sup> , <b>or</b>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
c) The project is to be carried out within 250 meters of an environmentally sensitive area and complies with any law and any management plan, in relation to the environmentally sensitive area, <b>and</b>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

<sup>1</sup> Defined in Section 1 of the Exclusion List Regulations, 2007



	Yes	No	N/A
i. in the case of a federally designated environmentally sensitive area, the project cost, not including land, is less than \$10 million and,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. all measures will be in place to protect the federally designated area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>If yes, please complete Section 4 below.</i>			

**SECTION 3: Other Federal EA Information Requirements**

	Yes	No
1. Does the project involve works (other than a bridge) or activities that are to be carried out near, on, under, over, through or across a water body such as a wetland, stream, river or lake? <i>If yes,</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Is any part of the project to be carried out within 30 m of that water body <sup>2</sup> ? (5c)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Is any part of the project to be carried out in a water body?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Is the project likely to result in the loss of any wetland <sup>2</sup> function(s), as identified in the <u>Federal Policy on Wetland Conservation</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Does the project involve any Federal lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the project likely to interact with a listed species, its critical habitat or the residences of individuals of that species (as defined in the <u>Species at Risk Act</u> )? <i>If, yes, please specify.</i> <u>Juglans cinera – Butternut listed under Schedule 1 of SARA</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Is the project subject to the requirements of provincial EA legislation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Are there Aboriginal groups or communities in the project area? <i>If yes:</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Could the project affect the current use of lands or resources by those Aboriginal groups?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SECTION 4: Federally-designated Environmentally Sensitive Areas**

Please identify the measures that will be put in place to protect the environmentally sensitive area (e.g. noise walls, wildlife corridors, wildlife connectivity and habitat plans, wetland compensation plans, sediment and erosion control measures, and construction best management practices). *In order to ensure compliance with any law or management plan, appropriate mitigation should be developed and implemented in consultation with the managing agency or department responsible for the Federally designated environmentally sensitive area.* If measures are not likely to be required, please explain:

<sup>2</sup> Defined in Section 1 of the Exclusion List Regulations, 2007




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**SECTION 5 : Proponent Information**

Proponent: Toronto-York Spadina Subway Extension Project

Contact: Andy Bertolo, Chief Project Manager, Spadina Subway Extension

Signature: *A. Bertolo*

*The Proponent has provided accurate project information and is committed to implementing the measures identified in Section 4 (if applicable).*

**SECTION 6: Record of Decision (To be completed by Transport Canada)**

	Yes	No	N/A
Does the project meet the Schedule 4 exclusion criteria? <i>Please identify the appropriate exclusion(s):</i> <u>Schedule 4, Section 6</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is the project eligible for a substituted EA process?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Determination Recommended By: <u><i>Martin McKay</i></u> Date: (mm/dd/yy) <u>29 SEP. 2009</u></p> <p>Name and Title: <u><i>Martin McKay, Program Manager, Transit Projects.</i></u></p> <p>Determination Approved By: <u><i>[Signature]</i></u> Date: (mm/dd/yy) <u>29 SEP. 2009</u></p> <p>Name and Title: <u>Director, Surface Infrastructure Programs</u></p>			