

Detroit River International Crossing Project

Federal Public Participation Plan

1.0 Introduction

The Canadian portion of the Detroit River International Crossing (DRIC) project is being undertaken by Transport Canada (TC) and the Ontario Ministry of Transportation (MTO), under the umbrella of the Border Transportation Partnership (the Partnership), which also includes the U.S. Federal Highway Administration and the Michigan Department of Transportation.

The purpose of the project is to provide new border crossing capacity between Windsor, Ontario and Detroit, Michigan. In addition, the purpose of the project is to provide for the safe, efficient and secure movement of people and goods across the Canadian-U.S. border in the Detroit River area to support the economies of Ontario, Michigan, Canada and the U.S.

The project includes the construction and operation of a new international bridge across the Detroit River, the associated customs inspections facilities, and the connecting approach road to Highway 401. The study is being coordinated with a parallel effort in the U.S., which will include, in addition to the international bridge, a corresponding border services plaza and a roadway connection between the new bridge and the freeway system on the U.S. side of the Detroit River.

As a co-proponent of the Canadian portion of the project, together with the Ontario Ministry of Transportation (MTO), TC has determined that an environmental assessment (EA) is required pursuant to subsection 5(1)(a) of the *Canadian Environmental Assessment Act* (CEAA). As such, TC has also identified itself as a Responsible Authority (RA) ¹ for the assessment. Section 18(1) of the CEAA requires TC to ensure that a screening-level assessment of the project is carried out before taking any action that would allow the project to proceed, in whole or in part.

It should be noted that the federal EA process is being coordinated with the Ontario provincial EA process, which formally began in February 2005. MTO is leading the provincial EA process. Information on how the federal and provincial EA processes are being coordinated, including public participation, is provided in this document.

¹ When a federal authority becomes responsible for ensuring that an environmental assessment of a project is conducted in accordance with CEAA, the federal authority is called a responsible authority.

2.0 Purpose

The purpose of this document is to outline a plan for providing members of the public with an opportunity to participate in the federal environmental screening being undertaken by TC to meet the requirements of the CEAA, including a description of opportunities to comment on the federal EA process and associated documentation. This document outlines the proposed federal public participation plan. This document also describes the provincial public participation initiatives that TC has been participating in, as well as future provincial initiatives.

3.0 Federal Process to Date

On August 24, 2005, a Project Description was submitted to the Canadian Environmental Assessment Agency (CEA Agency) for circulation to federal authorities in accordance with the *Federal Coordination Regulations*.

At this time, only TC has confirmed that it is an RA under CEAA for this screening, both as a proponent, and because the project would require an approval under the *Navigable Waters Protection Act*, which is identified in the *Law List Regulations*. However, Fisheries and Oceans Canada, the Canadian Transportation Agency, Foreign Affairs Canada, the National Energy Board, Public Works and Government Services Canada, and Natural Resources Canada have identified themselves as potential RAs, and are participating actively in the EA process. These federal authorities will confirm their EA responsibilities later in the EA process, as additional project details become available.

The Windsor Port Authority (WPA) is a potential Prescribed Authority ² and will also actively participate in the EA process until its EA responsibilities can be confirmed.

As this project is also undergoing an Individual EA under the Ontario *Environmental Assessment Act*, the EA processes will be coordinated pursuant to the *Canada-Ontario Agreement on Environmental Assessment Cooperation* (the Agreement) ³. The CEA Agency is serving as the Federal Environmental Assessment Coordinator (FEAC) for this multi-jurisdictional EA.

TC has established a Public Registry for the assessment, as required by section 55 of the CEAA (see Section 5.0). TC, in collaboration with other federal departments, has also developed a document entitled *Draft EA Guidelines Under the Canadian Environmental Assessment Act for the Detroit River International Crossing Project* (henceforth referred to as *Draft EA Guidelines*) (see Section 5.0).

² Any body other than the government of a province, designated by regulations made under CEAA to be a federal authority.

³ A copy of the Agreement can be found at: <http://www.ceaa-acee.gc.ca>

4.0 Provincial Public Participation Initiatives

As a member of the Partnership, TC has participated in a variety of public participation initiatives, undertaken as part of the provincial EA process. To date, the following public participation initiatives have been held as part of the provincial EA process:

- March 2005 - presentations to Canadian federal and provincial agencies, local municipal councils, municipal staff and private sector stakeholders;
- April 2005 - initial public outreach meetings;
- May 2005 - meetings with First Nations and Community Consultation Group (CCG);
- June 2005 – first round of Public Information Open Houses (PIOHs) - presentation of illustrative alternatives, meetings with Canadian federal and provincial agencies, local municipal councils, municipal staff, private sector stakeholders and First Nations;
- December 2005 – second round of PIOHs - presentation of area of continued analysis, meetings with Canadian federal and provincial agencies, local municipal councils, municipal staff and private sector stakeholders; and
- March 2006 – third round of PIOHs - presentation of practical alternatives.

Meetings with the DRIC Advisory Groups are being held throughout the process. The DRIC Advisory Groups include: the Canadian Agency Advisory Group (CANAAG); the CCG; Crossing Owners/Operators/Proponents (COOP) Advisory Group; First Nations; the Municipal Advisory Group (MAG); and the Private Sector Advisory Group (PSAG).

The following are anticipated future consultation events to be held by MTO:

- December 2006 – fourth round of PIOHs - presentation of interim results of social, economic, environmental, and engineering assessments of practical alternatives;
- 2007 – fifth round of PIOHs - presentation of preferred connecting route, plaza and crossing in Canada;
- 2007 – sixth round of PIOHs - presentation of finalized engineering and mitigation measures.

TC will continue to take part in MTO’s consultation activities throughout the EA process, by providing information on the federal EA process to the public. This will include attendance at public open houses and other meetings, as required.

Federal and provincial public participation initiatives will be coordinated throughout the EA process, to the extent possible.

5.0 Proposed Federal Public Participation Plan

5.1 Goal

The goal of the federal public participation plan is to provide members of the public and interested stakeholders with opportunities to participate in the federal screening process for the DRIC project. These opportunities are in accordance with section 55 and subsection 18(3) of the *Canadian Environmental Assessment Act* (CEAA).

5.2 Key Components

The following outlines the key components of the public participation plan.

Public Registry

TC has established a Public Registry for the assessment, as required by section 55 of the CEAA. This includes the posting of the assessment on the Canadian Environmental Assessment Registry (CEAR), which can be accessed on the internet web site of the CEA Agency (www.ceaa.gc.ca). The CEAR number for this project is 06-01-18170. The CEAR will include the following documentation:

- Description of the project;
- Notices of commencement and termination;
- Scope of the factors to be considered;
- Notices requesting public input; and
- EA decisions.

Interested parties will be able to obtain copies of these documents by accessing the CEAR website and downloading the files.

Web Site

A web site for the DRIC project has been established by the Partnership at: <http://www.partnershipborderstudy.com>. This web site contains information on: schedule; reports; maps; contacts; meetings and events; news and information; previous studies; and frequently asked questions (FAQs).

The web site will be updated as additional project information becomes available. As a member of the Partnership, TC will make use of the web site, facilitating the timely posting of documents. A link to the CEAR posting will also be added to the Partnership web site.

B O R D E R T R A N S P O R T A T I O N P A R T N E R S H I P

Public Examination and Comment on Draft EA Guidelines

TC, in collaboration with other federal departments, has developed *Draft EA Guidelines* for the DRIC project. The purpose of this document is to provide guidance on the federal EA to be conducted for the Canadian portion of the DRIC project. This document outlines the scope of the project, scope of assessment and scope of the factors to be considered in the assessment. In addition, the document provides background information on: the purpose and background of the project; the application of the CEAA; how the CEAA process is being coordinated with the provincial EA process; the identification of other federal and provincial expert departments; the preparation of the EA documentation; the public registry; the assessment methodology; and the steps in the EA process.

The *Draft EA Guidelines* describe the basis for the conduct of the federal EA, and for focussing the assessment on relevant issues and concerns. It provides a means of communicating the federal EA process to the public and stakeholders.

TC plans to provide the public with an opportunity to examine and comment on the *Draft EA Guidelines*. The *Draft EA Guidelines* will be made available to the public for a period of not less than 30 days.

Notification of the opportunity to review the *Draft Environmental Assessment Guidelines* will be posted on the website of the Canadian Environmental Assessment Registry, and will be included in newspaper notices, to the extent possible. This notice will serve to advise the public and stakeholders of the opportunity. It will also indicate where the document is available and the deadline for comments. A TC contact will also be identified in the event that members of the public have specific comments or questions. An electronic version of the *Draft EA Guidelines* will be posted on the CEAR. TC will also work with MTO to explore additional opportunities to notify stakeholders about the opportunity.

TC will review and consider all comments received, together with any other identified RAs, and will incorporate them to the extent possible. The revised *EA Guidelines* will be posted on the CEAR, and a link will be provided on the Partnership web site.

Public Examination and Comment on the Screening Report

TC plans to provide an opportunity for the public to examine and comment on the screening report, in accordance with subsection 18(3) of the CEAA. The screening report will be made available to the public for a period of not less than 30 days. The provision of a subsection 18(3) opportunity is a responsibility of the RA and cannot be delegated. TC, in coordination with any other RAs, will assume responsibility for the logistics of conducting the subsection 18(3) public participation. TC will make the CEAA screening

report available for public comment, in coordination with the MOE public review of the provincial Environmental Assessment Report (EAR).

Notification of the opportunity to review the *Screening Report* will be posted on the website of the Canadian Environmental Assessment Registry, and will be included in newspaper notices, to the extent possible. This notice will serve to advise the public and stakeholders of the opportunity. It will also indicate where the document is available and the deadline for comments. A TC contact will also be identified in the event that members of the public have specific comments or questions.

TC and any other RAs will review comments received through the subsection 18(3) opportunity. The comments will be incorporated, to the extent possible, in a revised screening report. The revised screening report will be posted on the CEAR for information, and a link will be provided on the Partnership web site.

6.0 For Further Information

Additional information on this public participation program or on any aspect of the EA being conducted on the DRIC project can be obtained from:

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B O R D E R T R A N S P O R T A T I O N P A R T N E R S H I P

