

# 11 COMMITMENTS TO CONSULTATION, COMPLIANCE MONITORING AND PERMITS/ APPROVALS

The Ministry of Transportation (MTO) is committed to maintaining consultation efforts to keep interested parties informed of activities, future design phases and project implementation. In addition, MTO is committed to ensuring that compliance monitoring is conducted relative to the commitments made during the EA and subsequent phases. The section below describes the approach that will be used to achieve successful consultation, ensure compliance monitoring, obtain required permits and approvals, and provide environmental management.

## 11.1 Consultation

The Ministry of Transportation is committed to the development of consultation plans that will assist future design phases of the project.

Generally these consultation plans will involve an outline of committed communications with agencies, municipalities, the public, property owners and other stakeholders as deemed necessary. Consultation plans will also involve an outline of committed communications with First Nations.

These consultation plans will be made available for public input at the outset of the future design phase to ensure they outline appropriate commitments made during the EA including changes as described in the amending procedure (refer to **Chapter A**). Components that outline specific consultation requirements will be consistent with commitments made throughout the EA.

Examples of components of the future consultation plan can include:

- Commitments outlined in **Chapters 9 and 10** relative to commitments to further work with public and external agency stakeholders etc. in addressing environmental impacts. Specific environmental commitments are outlined in **Sections 10.5, 10.6 and Table 10.7**;
- Landscape plan elements for The Windsor-Essex Parkway;
- Noise mitigation design;
- Construction staging and associated mitigation elements;
- Future discussion concerning property; and
- First Nations consultation during future design stages.

Under the terms of the amending procedure outlined in **Chapter A**, there is the opportunity for consultation with affected parties on issues of minor and major changes throughout the study.

All background study files and documentation including the study mailing list will be provided to future design teams.

## 11.2 Compliance Monitoring Plan

The purpose of compliance monitoring is to ensure compliance with the provisions of the EA. Compliance monitoring can be achieved through a Compliance Monitoring Plan (CMP), which is used as a tool to document, track and record compliance and monitoring efforts on a project. Future provisions that are subject to compliance monitoring are:

- Mitigation measures;
- Ongoing consultation;
- Additional studies and work to be carried out;
- Obtaining necessary Conditions of Approval (CoA) from MOE; and
- All other commitments made during the preparation and review of the EA.

The CMP will describe the actions required to address the commitments of MTO and to provide the indicators to be used to verify compliance and the schedule to be followed for completion of the commitments. The CMP will include, but is not limited to, the commitments outlined in **Chapters 9 and 10**.

A specific requirement to conduct the monitoring and timing to document the results will be identified. It is the commitment that the CMP will be made available to the MOE, or its' designate upon request, in a timely manner during an on-site inspection, audit (independent environmental audit of the CMP will be considered) or in response to a pollution control incident or otherwise.

This CMP will be structured to identify the parties responsible, provide the program scope and actions required during each phase, outline the consultation methods to be used and the schedule to be followed to confirm compliance and the submission of the report.

## 11.3 Permits / Approvals Required

The following is a list of permits and approvals that may be required during the design and construction phases of the EA:

- A Letter of Intent and Application will be prepared during later design stages to secure federal *Fisheries Act* approval;
- Permit under clause 17(2)(d) of the *Ontario Endangered Species Act, 2007*;
- Permit under the federal *Species At Risk Act*;
- MOE Permit To Take Water;
- Lakes and Rivers Improvement Act;
- Navigable Waters Protection Act; and
- Municipal Noise By-Law Exemption.

## 11.4 Environmental Management Systems

An Environmental Management System (EMS) is the part of the overall management system that includes organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining a proponent's environmental policy and Sustainable Development Strategy.

MTO is committed to ensure that an EMS is in place to guide the operation and maintenance of The Windsor-Essex Parkway. The system will be designed to ensure that the facility is operated and maintained in a manner that is consistent with the principles that were derived in the EA process relative to environmental sustainability and sensitivity to community expectations. The system will ensure that the operation and maintenance of the facility is subject to continual review and improvement and is adaptive to new practices and technologies which help to meet overall objectives.

## 11.5 Summary of Commitments to Consultation, Commitments to Compliance Monitoring and Permits/Approvals Required

During future design phases, commitments made in the EA regarding design works and environmental analysis and impact assessment; development and incorporation of mitigation measures; obtaining of regulatory agency approvals and permits; and consultation with interested and potentially affected stakeholders will be monitored. The monitoring activities will be integrated with the design schedule for each segment to ensure timely verification that the commitments have been met by appropriate design solutions before construction activities commence.

In addition, environmental protection measures will be stipulated in all appropriate construction specifications that will form the contractual basis for carrying out the project works.