

**Transportation Association of Canada
SPRING 2010 Technical Conference**

Environmental Advisory and Legislation Standing Committee (EALSC)

MEETING MINUTES

Date: Thursday April 8, 2010
Location: Capitale Room, Crowne Plaza Hotel Ottawa
Chair: Linda McAusland, Ministry of Transportation Ontario
Vice Chair: Ron Gerbrandt, Saskatchewan Ministry of Highways and Infrastructure
Secretary: Clark Gunter, Ecoplans Limited

Members Attending:

<u>NAME</u>	<u>ORGANIZATION</u>	<u>EMAIL</u>
Allan Widger	University of Regina	awidger@sasktel.net
Bill Pacholka	Saskatchewan Highways	bill.pacholka@gov.sk.ca
Bob Hodgins	Independent consultant	bob.hodgins@sympatico.ca
Brian Aderey	EBA Engineering	baderey@eba.ca
Brian Thompson	PEI Transportation	bthompson@gov.pe.ca
Clark Gunter	Ecoplans Limited	cgunter@ecoplans.com
Dick Hanneman	Salt Institute	dick@saltinstitute.org
Don Snider	AB Transportation	don.snider@bov.ab.ca
Heather Crewe	Ontario Good Roads Association	heather@ogra.org
Ian Campbell	AMEC E&E	ian.j.campbell@amec.com
Ian MacCallum	NS TIR	maccalia@gov.ns.ca
Katarina Cvetkovic	TAC	kcvetkovic@tac.atc.ca
Kimber Osiowy	MB Infrastructure & Trans	Kimber.Osowy@bov.mb.ca
Linda McAusland	MTO	Linda.Mcausland@ontario.ca
Paul Kalashnikoff	AMEC E&E	paul.kalashnikoff@amec.com
Rico Fung	CAC	rfung@cement.ca
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Russ Smith	Transport Canada	russ.smith@tc.gc.ca
Sarah O'Keefe	TC	sarah.okeefe@TC.GC.ca
Scott Hanna	HATCH LTD	shanna@hatch.ca
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SUMMARY OF ACTIONS

ACTIONS FOR ITEM 2
1. Changes to make to 16-Apr-09 EALSC Meeting Minutes: Exceptions under CEPA should be CEAA
ACTIONS FOR ITEM 4
1. Take to the Environment Council the following recommendation: Ask CEAA for a presentation on the direction of changes and allow TAC member to express concerns
ACTIONS FOR ITEM 5
1. Those interested in coordinating comments to Nav Water, email your comments to Kimber (kimber.osiowy@gov.mb.ca) who will coordinate individual comments sent to him and organize a teleconference to discuss (if necessary)

Take to the Environment Council the following recommendation:	
1. Ask CEAA for a presentation on the direction of changes and allow TAC member to express concerns	

1. Welcome and Roundtable Introductions

Linda McAusland welcomed everyone to the meeting.
Roundtable introductions were held.

ACTIONS FOR ITEM 1	
No actions	

2. Minutes from April 16, 2009 Spring EALSC Meeting

The minutes for the April 16, 2009 spring meeting were approved - moved by Dick Hanneman and seconded by Scott Hanna.

ACTIONS FOR ITEM 2	
1. Changes to make to Oct-09 EALSC Meeting Minutes: a. Exceptions under CEPA should be CEAA	<ul style="list-style-type: none">• Moved by Shelly Tapp• 2nd by Ron Gerbrandt

3. TAC Update to Standing Committees

Katarina Cvetkovic provided the Standing Committee an update on activities currently underway by TAC. Some of the highlights included the following:

- Numerous TAC reports available online – link: <http://www.tac-atc.ca/english/resourcecentre/>
 - compilation of all projects that are currently seeking funding within TAC
 - seminars and conferences available
 - service awards – inc
 - climate change task force update
- Overall
 - Working on ideas to recognize volunteers
 - Seeking to strengthen international partnerships
- Task Forces and Councils
 - All are very busy
 - Chief Engineers Council is undertaking a strategic planning exercise focusing on:
 - Technical Priorities:
 - Asset management
 - Risk analysis and management
 - Environmental Priorities:
 - Environmental and sustainability concepts become entrenched

- Climate change
 - Administrative Priorities:
 - Enhance communication amongst councils
 - Enhance communication with the standing committees
 - Education and Human Resources – Key themes:
 - knowledge management, labour skills shortage, and outreach
 - Urban Transportation Council - Key themes:
 - Add “journey to work” questions to Stats Canada census – looking to Stats Canada for action.
 - Climate Change Task Force
 - Update – see below for details
 - Main issue is a lack of data
 - Outreach continues
- Task Secretariat
 - Website and outreach improvements have been made
 - No big changes planned but sponsor project model review
 - Publication clearance sale
 - Hoping to go paperless via downloads in the future
 - List of projects in development was provided in a email from Katarina Cvetkovic (attached to email)
- Annual Conference and Spring Meetings
 - Annual conference dates: Sept 26th to 29th in Halifax with technical starting on the Sept 24th
 - Spring meetings not yet scheduled
 - Annual Conference future dates and locations:
 - 2011 Sept 11th to 14th in Edmonton
 - 2012 New Brunswick
 - 2013 Winnipeg
 - 2014 Montreal
 - 2015 Ontario

ACTIONS FOR ITEM 3	
None	

4. Transport Canada - Regulatory Development

CEAA

New amendments to CEAA exclusion under the Build Canada fund continues. The amendments (exclusions) may become permanent but this is not certain at this point in time. The government is not moving forward on the substitution proposal. The new amendments under the Act are not directly tied to transportation and are mostly related to Comprehensive Studies and not Screenings. It appears that CEAA will take a more active role in managing these projects but it is not clear what will entail. No major changes to how CEAA works is anticipated in the near future.

CEAA undergoing mandated review and the proposed changes are only that – proposed. Consultation is underway.

Discussion items raised:

- The proposed changes to CEAA seem to be inconsistent with legal decisions. I.e., Section 15 scoped by CEAA to parts of the project appears to go against the Red Chris Mine Court Decision [entire projects must be environmentally assessed, and the government “cannot reduce the scope of the project to less than what is proposed by the proponent.”].
- Proposed harmonization between CEAA and provinces seems to be less likely under the proposed amendments.
- CEAA Section 7 Exclusions is currently in sunset (Mar-2011). There is a court challenge from Ecojustice. It appears that federal government usurp the courts to amend the CEAA to scope.
- There are concerns over the adoption of Section 7 exclusion and the participation of federal agencies. In the BC context, the federal government needs to ensure that all relevant members are at the table (technical working group) at the appropriate time. If the Section 7 exclusion moves forward, there needs to be an MOU that the federal government departments (DFO etc) are to be included in the project as, at least, an adviser and that they are present in the EA process and not after the EA is approved and then discuss with them (delay of a year).
- Attendees noted improved relationship with Nav. Waters and DFO with respect to regulation amendments, etc. However, CEAA seems less forthcoming. The attendees would like to see CEAA take the same approach as Nav. Waters and DFO.

ACTIONS FOR ITEM 4	
2. Take to the Environment Council the following recommendation: Ask CEAA for a presentation on the direction of changes and allow TAC member to express concerns	<ul style="list-style-type: none"> • Moved by Scott Hannah • 2nd by Don Snider

5. Round Table Discussion

Angela Buckingham (as presented by Scott Hannah):

- BC MOT is very interested in the dialogue exchange relating to potential changes to CEAA and how the various provincial Transportation Agencies will be affected. Are provincial environmental agencies developing / revising legislated EA processes that could potential replace the CEAA review process?
- In response to Don Snider that overall, BC MoT continues to have a good working relationship with Nav Waters, TC. Early this year MoT and TC (Vancouver) met to exchange information about FNs consultation processes undertaken by each agency, and identified numerous ways to improve and streamline BC MoT project reviews and approvals. Although BC MOT did not participate in a joint letter from the DM western provinces to TC expressing concerns about the NWPA. BC MOT did, however, submit a comprehensive list

of items and issues for their TCs consideration as part of the consultation process for updating the Act. Email from Angela Buckingham – get from Scott

Don Snider

- Response to TC about Nav. Water and consultation – appreciate consultation opportunities and that TC is listening and is happy about what is going on.

Rico Fung

- **UPDATE: Green Guide to Road**
The Task Force is developing the Green Guide for Roads that will promote sustainable growth and alternative multi-modal transportation solutions within transportation corridors, along with safe, long-lasting roadway infrastructure and green construction principles.
The task force is looking to get \$100K of contributions for the project and is actively looking for project partners. Some cities and municipalities interested in funding the project. For information on the project, the website: <http://www.tac-atc.ca/english/projects/greenguide.cfm>. There has been no significant work since the fall 2009 meeting. The task force is looking at getting the steering committee together to: finalize funding, develop the Terms of Reference and Request for Proposals, and get a consultant retained to complete the work.

Dick Hanneman

- Canadian Council of Ministers of the Environment (CCME) has undertaken a review of for the Canadian Water Quality Guidelines for the Protection of Aquatic Life – Chloride. US EPA looking into chloride toxicity in context of background water chemistry. Hardness has effect on aquatic toxicity and had a range values based on hardness. CCME has produced a draft paper – which after comments it has withdrawn it for further study. Contact Dick for additional details.

Bob Hodgins

- The 5-year road salt progress report for Environment Canada is underway. The process runs for rest of year and finalize by Dec 15th of 2010.

Kimber Osiowy

- Raised the issue of coordinating comments to Nav Water. regarding the workshop / conference. Interested attendees should email comments to Kimber (kimber.osiowy@gov.mb.ca) who will
 - coordinate individual comments sent to him
 - coordinate a teleconference to discuss (if necessary)

Bill Pacholka

For Environmental Protection (noxious weeds etc.), the Saskatchewan government is moving away from regulated approach to one where proponents say what they are going to do and the agencies audit them to it.

The Saskatchewan government is enacting legislation for the reduction of Greenhouse Gases (GHG). Although transportation only contributes 15% (10% commercial and 5%

personnel), basically any regulated emitter has to reduce 20% in the next 10 years. There is carbon trading and incentives to get there.

ACTIONS FOR ITEM 5	
1. Those interested in coordinating comments to Nav Water, email your comments to Kimber (kimber.osiowy@gov.mb.ca) who will coordinate individual comments sent to him and organize a teleconference to discuss (if necessary)	

6. Other Business

None

7. Next Meeting

The next meeting of the EALSC will be held at the TAC Annual Meeting 2010 in Halifax Ottawa from Sept 24th to 29th (including technical sessions).

Minutes prepared May 4, 2010

Clark Gunter
Ecoplans Limited

Additional Documents Circulated with the Minutes

<i>Document Description</i>	<i>Responsible to Provide or Link</i>
<ul style="list-style-type: none"> Projects in development 	Clark Gunter: Attached to email accompanying these minutes
<ul style="list-style-type: none"> EALSC Presentation to the Environment Council 	Linda McAusland: Attached to email accompanying these minutes
<ul style="list-style-type: none"> TAC Report to Standing Committees Fall 2009 	www.tac-atc.ca/english/councilsandcommittees/operatinginfo/pdfs/screport-1009.pdf