

Response ID #	Topic	FROGS Comment	Project Team Response
1	Introductory Comments	<p>The purpose and importance of this ECR is unclear. The Executive Summary states:</p> <p>“The purpose of this Draft Environmental Conditions Report is to provide a description of the existing environmental conditions related to the project and document the changes to the previously identified Technically Preferred Route (approved in 2002) as a result of changes to the environmental conditions, in accordance with the Regulation.”</p> <p>The Regulation referred to above is: Ontario Regulation 697/21 (the Regulation) (October 7, 2021). This regulation includes the following provision under the heading: Implementation of Bradford Bypass Environmental Assessment:</p> <p>3. If the proponent proceeds with the Bradford Bypass Project, it shall implement the Project in accordance with the Bradford Bypass Environmental Assessment, except,</p> <p>(a) where modifications are required to comply with another Act, a regulation made under another Act, or an order, permit, approval or other instrument issued under another Act;</p> <p>and</p> <p>(b) as may be modified through the early works assessment process and the Bradford Bypass Project assessment process.</p> <p>The Bradford Bypass Environmental Assessment referred to above is defined in the Regulation as:</p>	<p>The Ministry is currently undertaking the Preliminary Design and project-specific assessment of environmental impacts as outlined in Ontario Regulation (O. Reg.) 697/21: Bradford Bypass Project. The Preliminary Design stage for the Bradford Bypass includes 15 environmental studies (as outlined on the project website at https://www.bradfordbypass.ca/overview/), as well as those identified in accordance with O. Reg. 697/21 and current legislative requirements. As part of the preliminary design, the Project Team will continue to carry forward previous environmental commitments made during the 2002 approved Route Planning and EA Study, and conduct field investigations and environmental reviews to update existing conditions and propose appropriate mitigation measures.</p> <p>Section 16 of O. Reg. 697/21 highlights the requirements for the ECR, which includes but is not limited to an update to the description of the environmental conditions in the Bradford Bypass Environmental Assessment, and a summary of all the environmental data collected and reviewed. Further details can be viewed here: (https://www.ontario.ca/laws/regulation/r21697#BK20)</p> <p>Additionally, professional and required licensed individuals are working on the Bradford Bypass Project to carryout specific works. The requirement for qualifications is outlined in the Ministry of Transportations contract for the assignment with AECOM, as well as other requirements of applicable Acts and Regulations.</p> <p>We trust that this addresses any concerns you may have with how the Ministry is following the requirements laid out in O. Reg. 697/21 for the Bradford Bypass Project.</p>

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		<p>“ the report entitled “Highway 400-Highway 404 Extension Link (Bradford Bypass) Environmental Assessment Report, One-Stage Submission”, dated December 1997 and available on a website of the Government of Ontario, including all submissions from the Ministry of Transportation included in Appendix C and D of the Government Review, dated May 2001;</p> <p>We interpret the foregoing to mean that this highway is being built based on the 2002 EA approval, (and EA act in effect at that time), absent the Conditions of Approval which were incorporated into that approval. These conditions of approval have been replaced by the Regulation. Essentially the regulation replaces the previous requirement to conduct a Class EA for the project.</p> <p>The fact that this project is still based on the 2002 EA Approval is an important point, because there do not appear to be any guidelines or precedents upon which to judge the appropriateness of the preparation or contents of this Draft ECR. By way of analogy, Ontario publishes a comprehensive Guide for completing phase one environmental site assessments under Ontario Regulation 153/04²</p> <p>That guide provides commentary on how to conduct these assessments and how to ensure the integrity of the resultant assessment report by specifying both who can conduct the assessment and safeguards to avoid conflicts of interest.</p> <ul style="list-style-type: none"> • A QP (Qualified Person) who may conduct or supervise an ESA to be used in support of the submission of a RSC is defined under the Regulation as someone: 	

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		<ul style="list-style-type: none"> • who holds a licence, limited licence or temporary licence under the <i>Professional Engineers Act</i>; • QPs are prohibited from conducting or supervising ESAs if the QP, or the QP's employer, hold a direct or indirect interest in the property being assessed; <p>The Regulation under which the Draft ECR is prepared contains no such requirements. This presumably is what triggered the following consultant qualifications in the Draft ECR:</p>	
2	Statement of Qualifications and Limitations	<p>The attached Report (the "Report") has been prepared by AECOM Canada Ltd. ("AECOM") for the benefit of the Client ("Client") in accordance with the agreement between AECOM and Client, including the scope of work detailed therein (the "Agreement").</p> <p>The information, data, recommendations and conclusions contained in the Report (collectively, the "Information"):</p> <ul style="list-style-type: none"> <input type="checkbox"/> is subject to the scope, schedule, and other constraints and limitations in the Agreement and the qualifications contained in the Report (the "Limitations"); • represents AECOM's professional judgement in light of the Limitations and industry standards for the preparation of similar reports; • may be based on information provided to AECOM which has not been independently verified. <p>Neither the original EA Act under which the 2002 EA approval was granted nor the exemption regulation have any provision for the consultant's work to be for the benefit of the Client. Normally, studies such as this are done by independent, accredited, professional consultants for the benefit of the province and its inhabitants.</p>	<p>The Statement of Qualification and Limitations is AECOM's standard practice for a report of this nature, not the Ministry of Transportation. It is independent from any rules, commitments, and regulations set out in the 2002 Environmental Assessment and Ontario Regulation 697/21. The constraints and limitations that are applicable are set out in the document.</p> <p>The Draft Environmental Conditions Report (ECR) consisted of detailed environmental reviews that documented the specific potential for adverse effects to the natural, socio-economic, and cultural environments, including those directly linked to federal authority such as the <i>Fisheries Act</i>. Federal agencies including Fisheries and Oceans Canada (DFO) will continue to be consulted throughout the Preliminary Design and subsequent design stages to ensure compliance with federal legislation and policy.</p>

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		<p>Nowhere in the legislation is MTO given the ability to place limitations on these consultants in the conduct of their work and the preparation of this report. These constraints severely compromise the integrity of this report and its acceptance thereof for the purpose of building this highway.</p> <p>The above reference to "Limitations" is very disturbing. It signals that this is not a truly independent report prepared by professionally licenced and regulated consultants who work under their governing body's code of conduct without restriction. The Statement of Qualifications and Limitations clearly states that the Report is for the benefit of the client (MTO - the proponent). Hence it may not be relied upon by the public and other agencies as a truly independent Environmental Assessment Report.</p> <p>Evidence of this type of inappropriate influence was included in Appendix C of the Draft Early Works Report where the Consultant was instructed to not contact Canada's Department of Fisheries and Oceans without MTO's prior written approval.</p> <p>Also of note: in their Habitat Existing Conditions Report – FINAL Highway 400 –Highway 404 Link (Bradford Bypass), - W.O. #19-2001, AECOM pointed out that:</p> <p style="padding-left: 40px;">Habitat protection provisions came into force on August 28, 2019 that prohibit the death of fish and the Harmful Alteration, Destruction, or Disruption of fish habitat.</p> <p>Because of this report, AECOM and MTO were both made aware of significant changes to the Fisheries Act concerning the protection of fish habitat.</p>	

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		<p>We believe the Draft ECR contains material omissions concerning the availability of authorizations or permits under the federal Fisheries Act. The Draft ECR does not fully disclose all pertinent facts but rather directs the reader’s attention to only a subset of these pertinent issues.</p> <p>We question whether this is an example of the above referenced Limitations Provisions having impacted the information provided in this report given AECOM’s apparent knowledge of this prohibition noted in the above-mentioned Habitat Existing Conditions Report.</p>	
3	Omission of Material	<p>Section 2.1.2.1 of the Draft ECR contains the following statement and information:</p> <p>“Since the completion of the 2002 Approved Environmental Assessment and the 2020 Preliminary Design preparatory work, several changes have occurred associated with fish and fish habitat including applicable legislation and environmental condition. [Emphasis Added]”</p> <p>Table 1-1: Study Area Definition by Discipline – defines the Study Area for Fisheries Act and Contamination studies:</p> <p>Fisheries: The Fish and Fish Habitat Study Area includes the Bradford Bypass right-of-way and a 200 metre buffer downstream and 50 metre buffer upstream, where Permission to Enter was granted. This buffer was developed to assess water features detected through background review and field investigations.</p>	<p>We note your comments regarding the various environmental disciplines (Fisheries, Contamination, Waste and Excess Materials) as well as the list of Potential Permits, Licences, Authorizations or Approval Requirements for the Project outlined in the Draft ECR.</p> <p>Please note on October 7, 2021, O. Reg 697/21 came into effect, exempting the Bradford Bypass Project from the Environmental Assessment Act. The regulation sets a streamlined assessment process going forward and for continued environmental protection and consultations for the Bradford Bypass Project and associated Early Works. As per O. Reg. 697/21, a Draft and Final ECR is required to be prepared for this Project. The ECR is an environmental report prepared to update the description of environmental conditions from the 2002 Approved Environmental Assessment, describe the associated studies undertaken in the Study Area, and identify the proposed changes to the Technically Preferred Route as a result of changes to the environmental conditions. The ECR is not intended to be an overall environmental impact assessment report and does not cover the operations of the Bradford Bypass.</p>

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		<p>Contamination: The Contamination, Waste and Excess Materials Study Area consists of the Bradford Bypass right-of-way and a 500-metre buffer. This buffer was developed to identify and review properties/areas with actual or potential site contamination that may impact future phases of the project.</p> <p>Table 1-3 of Section 1.3 provides a Summary of Potential Permits, Licences, Authorizations or Approval Requirements for the Project - [Emphasis Added in table].</p> <table border="1" data-bbox="388 662 1171 1393"> <thead> <tr> <th data-bbox="388 662 781 862">Permits, Licences, Approvals & Authorization Associated Legislative Framework Responsible Jurisdiction</th> <th data-bbox="781 662 1171 862">Description</th> </tr> </thead> <tbody> <tr> <td data-bbox="388 862 781 1393"> <ul style="list-style-type: none"> ▪ Fisheries Act Authorization ▪ Fisheries and Oceans Canada ▪ Should the project have the potential to result in the death of fish or Harmful Alteration Disruption, Destruction, Fisheries and Oceans Canada review will be required to determine the need for an authorization under the Fisheries Act </td> <td data-bbox="781 862 1171 1393"> <ul style="list-style-type: none"> <input type="checkbox"/> The project will be assessing to determine if there is the potential for project activities to result in the death of fish or Harmful Alteration Disruption, Destruction of fish and fish habitat including Species at Risk and impacts to Indigenous communities. <input type="checkbox"/> If approval and/or permits are required through consultation with Fisheries and Oceans Canada, the following assessment </td> </tr> </tbody> </table>	Permits, Licences, Approvals & Authorization Associated Legislative Framework Responsible Jurisdiction	Description	<ul style="list-style-type: none"> ▪ Fisheries Act Authorization ▪ Fisheries and Oceans Canada ▪ Should the project have the potential to result in the death of fish or Harmful Alteration Disruption, Destruction, Fisheries and Oceans Canada review will be required to determine the need for an authorization under the Fisheries Act 	<ul style="list-style-type: none"> <input type="checkbox"/> The project will be assessing to determine if there is the potential for project activities to result in the death of fish or Harmful Alteration Disruption, Destruction of fish and fish habitat including Species at Risk and impacts to Indigenous communities. <input type="checkbox"/> If approval and/or permits are required through consultation with Fisheries and Oceans Canada, the following assessment 	<p>Currently, the Project Team is working on the Preliminary Design for the project. As part of the Preliminary Design works, an overall recommended plan will be determined and impacts, mitigation measures, and commitments to future work will be identified for a variety of environmental disciplines such as those you have flagged (fisheries, contamination, etc.). Details related to the impacts, mitigation measures, and commitments to future work will be documented in an Environmental Impact Assessment Report per O. Reg. 697/21: Bradford Bypass Project. These commitments will be carried forward to the next phase of the project (design and construction phase). Permits and approvals will need to be obtained for the design and construction phase. Following construction, the project will move into the operations phase.</p> <p>The Fisheries discipline considers impact on fish and fish habitat during construction, and precautions to prevent salt and treated sand from entering watercourses and salt-sensitive areas will be taken in accordance with the Ministry of Environment, Conservation and Parks "Guidelines on Snow Disposal and De-icing Operations in Ontario."</p>
Permits, Licences, Approvals & Authorization Associated Legislative Framework Responsible Jurisdiction	Description						
<ul style="list-style-type: none"> ▪ Fisheries Act Authorization ▪ Fisheries and Oceans Canada ▪ Should the project have the potential to result in the death of fish or Harmful Alteration Disruption, Destruction, Fisheries and Oceans Canada review will be required to determine the need for an authorization under the Fisheries Act 	<ul style="list-style-type: none"> <input type="checkbox"/> The project will be assessing to determine if there is the potential for project activities to result in the death of fish or Harmful Alteration Disruption, Destruction of fish and fish habitat including Species at Risk and impacts to Indigenous communities. <input type="checkbox"/> If approval and/or permits are required through consultation with Fisheries and Oceans Canada, the following assessment 						

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			<p>information would be provided:</p> <ul style="list-style-type: none"> • Construction methods and details on all phases (mitigation measures, construction, operation, maintenance, closure) including engineering drawings. • Information on fish habitat, fish community, watershed, wetlands, waterbodies near the construction footprint. • Public and Indigenous engagement and consultation undertaken as described in Section 4. • The project will be assessed to determine if there is potential for project activities to result in the death of fish or harmful alteration disruption, destruction of fish and fish habitat including species at risk. 	
		<p>Section 2.1.2.2.1 of the Draft ECR includes the following statement:</p>		

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		<p>The assessments of the water features described herein were conducted in accordance with the Interim Environmental Guide for Fisheries (the Guide) (Ministry of Transportation, 2020a) and the Pilot Ministry of Transportation / Fisheries and Oceans Canada / Ministry of Natural Resources and Forestry Protocol for Protecting Fish and Fish Habitat on Provincial Transportation Undertakings, Version 4 (the Protocol) (2020b). This includes a step-by-step process to identify regulatory review and/or notification requirements. [emphasis added]</p> <p>Some of these steps include:</p> <p>Identification of the potential for the project to cause the death of fish or harmful alteration, disruption, or destruction of fish habitat, in contravention of the Fisheries Act. [Emphasis Added]</p> <p>Section 2.1.2.3.5 Summary closes with the following statement:</p> <p>The impact assessment (to follow under separate cover) conducted by certified</p> <p>Fisheries Assessment Specialists will assess in detail the potential impacts to fish and fish habitat based on the Preliminary Design, provide the mitigation measures and Ontario Provincial Standard Specifications required to avoid or mitigate the risk of harm, and identify the appropriate steps of the Fisheries Protocol (2020) applicable to the project and associated notification, assessment or regulatory review required. [Emphasis added]</p>	

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		<p>All of the forgoing information addresses the construction phase of the project. It makes no mention of the operation phase of this project.</p> <p>THE READER OF THE FOREGOING COMMENTS IS LEFT WITH THE FOLLOWING IMPRESSIONS:</p> <ul style="list-style-type: none"> • Changes in Fisheries legislation are not material, • Study areas for Fisheries Act approvals can be limited to a maximum of 500 metres from the highway right-of-way, • Detailed studies will be undertaken within the specified study areas to determine if Fisheries and Oceans Canada approval is required for the construction of this highway, • Should this project have the potential to result in the death of fish, Fisheries and Oceans Canada approval is required prior to commencement of construction. • These issues will be addressed in the Impact Assessment Report <p>RELEVANT FISHERIES ACT PROVISIONS</p> <p>The Fisheries Act addresses both planned construction activities and end of project operational activities. With respect to the Fisheries Act, the ECR addresses construction activities, but does not address operational activities. The Fisheries Act addresses planned construction activities in sections 34 and 37 of the Act.</p> <p>Definitions</p> <p>34 (1) The following definitions apply in this section and sections 34.1 to 42.5. deleterious substance means:</p>	

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		<p>a) any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water,</p> <p>Minister may require plans and specifications</p> <p>37 (1) If a person carries on or proposes to carry on any work, undertaking or activity that results or is likely to result in the death of fish, in the harmful alteration, disruption or destruction of fish habitat or in the deposit of a deleterious substance in water frequented by fish or in any place under any conditions where that deleterious substance or any other deleterious substance that results from the deposit of that deleterious substance may enter any such waters, the person shall, on the request of the Minister — or without request in the manner and circumstances prescribed by regulations made under paragraph (3)(a) — provide him or her with any documents plans, specifications, studies, procedures, schedules, analyses, samples, evaluations — and any other information relating to the work, undertaking or activity, or to the water, place, fish or fish habitat that is or is likely to be affected by the work, undertaking or activity, that will enable the Minister to determine</p> <p>a) whether the work, undertaking or activity results or is likely to result in the death of fish that constitutes or would constitute an offence under subsection 40(1) and what measures, if any, would prevent that death or mitigate the extent of death; (a.1) whether the work, undertaking or activity results or is likely to result in the harmful alteration, disruption or destruction of fish habitat that constitutes or would constitute an offence under subsection 40(1) and</p>	

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		<p>what measures, if any, would prevent that result or mitigate its effects; or</p> <p>b) whether there is or is likely to be a deposit of a deleterious substance by reason of the work, undertaking or activity that constitutes or would constitute an offence under subsection 40(2) and what measures, if any, would prevent that deposit or mitigate its effects.</p> <p>c) (1.1) [Repealed, 2019, c. 14, s. 24]</p> <p>Powers of Minister</p> <p>2) (2) If, after reviewing any document and other information provided under subsection (1) and affording the persons who provided it a reasonable opportunity to make representations, the Minister is of the opinion that an offence under subsection 40(1) or (2) is being or is likely to be committed, he or she may, by order, subject to regulations made under paragraph (3)(b),</p> <p>(a) require any modifications or additions to the work, undertaking or activity or any modifications to any plans, specifications, procedures or schedules relating to it that the Minister considers necessary in the circumstances, or</p> <p>(b) restrict the carrying on of the work, undertaking or activity.</p> <p>The Minister may personally direct the closing of the work or undertaking or the ending of the activity for any period that he or she considers necessary in the circumstances</p> <p>Regulations</p>	

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		<p>(3)The Governor in Council may make regulations</p> <ul style="list-style-type: none"> (a) prescribing the manner and circumstances in which any document or other information is to be provided to the Minister without request under subsection (1); and (b) prescribing the manner and circumstances in which the Minister may make orders under subsection (2) and the terms of the orders. <p>All of the forgoing information addresses the construction phase of the project. It makes no mention of the operation phase of this project.</p> <p>THE FISHERIES ACT ADDRESSES OPERATIONAL ACTIVITIES IN SECTIONS 34 AND 36 (3) OF THE ACT.</p> <p>Deposit of deleterious substance prohibited</p> <p>36 (3) Subject to subsection (4), no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water. [Emphasis Added]</p> <p>Deposits authorized by regulation</p> <p>36 (4) No person contravenes subsection (3) by depositing or permitting the deposit in any water or place of</p> <ul style="list-style-type: none"> a) waste or pollutant of a type, in a quantity and under conditions authorized by regulations applicable to that water or place made by the Governor in Council under any Act other than this Act; [Emphasis added]. 	

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		<p>b) a deleterious substance of a class and under conditions which may include conditions with respect to quantity or concentration authorized under regulations made under</p> <p>c) a deleterious substance the deposit of which is authorized by regulations made under subsection (5.2) and that is deposited in accordance with those regulations</p> <p>Unlike the Lake Simcoe Protection Act and the Greenbelt Protection Act, there is no exemption under the Fisheries Act for transportation projects such as highways. The Fisheries Act binds the Crown.</p> <p>Note: Order SI/2014-21 Designates the Minister of the Environment as the Minister Responsible for the Administration and Enforcement of Subsections 36(3) to (6) of the Fisheries Act. Essentially, this Order makes the Minister of Environment responsible for all parts of the act that deal with deleterious substances.</p> <p>THE DRAFT ECR FAILS TO CONSIDER SECTION 36 (3) OF THE ACT</p> <p>The Draft ECR addresses salt under the construction phase of the project under Section 2.2.5 Contamination, Waste and Excess Materials Management.</p> <p>Road Salt Application and Vehicular Traffic</p> <p>In addition to property specific contamination, based primarily on land use activities discussed above, there may also be regional potential contamination issues within the Contamination, Waste and Excess Materials Management Study Area. Road salts (predominantly sodium chloride) are used as de-icing and anti-icing chemicals for winter road</p>	

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		<p data-bbox="432 269 1167 667">maintenance. These salts can enter the surface water, soil and groundwater resulting in local or widespread impacts. Since some portions of the Contamination, Waste and Excess Materials Management Study Area are along Highway 400 and Highway 404, major roadways such as Yonge Street, Leslie Street, industrial areas on Artesian Industrial Parkway, and near commercial properties with large parking lots, road salt contamination in proximity to the highways and parking lots represents a potential for contamination which may require off-site disposal of impacted soil and may limit operations for soil disposal.</p> <p data-bbox="386 711 1152 849">This section of the Draft ECR, however limits the study area for this contaminate to 500 metres of the study area. MTO are ignoring formal resolutions from 7 watershed municipal councils requesting a study of the highway's impact on Lake Simcoe.</p> <p data-bbox="386 873 1152 1044">We believe Section 36 (3) of the Fisheries Act covers salt runoff from this highway as it will "form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat."⁴</p> <p data-bbox="386 1084 1142 1295">The only apparent mitigation strategies for contamination from de-icing salt is avoidance. This means either the use of an alternative, fish safe, de-icing strategy for the entire 16.2 Km length of this highway, closure of the highway in the winter months, or relocation of this highway to an area where the salt run-off will not find its way into Lake Simcoe.</p> <p data-bbox="386 1336 1094 1398">We further believe that obtaining Fisheries approval for the construction and operation of this highway in the current</p>	

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		<p>planned corridor will be highly problematic given that there is absolutely no compelling reason to build this highway in this location. We will show later in these comments, how, due to the passage of time, the need for this project has changed while the justification for this project in this location no longer exists. Because this highway's approval is based on the Environmental Assessment Act in effect in 2002, the proponent must clearly establish both need and justification for the proposed project before any consideration of granting an EA approval can be entertained. The Regulation does not grant a fresh EA Approval under the current EA Act where proof of need and justification is no longer mentioned.</p> <p>Had this provision of the Fisheries Act been in effect when the 1997 Environmental Assessment Study (EAS) was undertaken, the preferred corridor would have been either of the Outer Ring Road Alternatives south of Newmarket depicted on Exhibit 3-11 of the 1997 Bradford Bypass EAS Report.</p> <p>The terms of the Regulation require that two alternative routes be considered for any proposed change of the technically preferred route beyond the approved study area. Given the Section 36 (3) prohibition, there is very good reason for either of the Ring Road Routes to be considered for this purpose. These were determined to be only slightly less desirable than the Bradford Bypass Corridor as noted in the COMPARISON OF ALTERNATIVE FREEWAY CORRIDORS - Exhibit 3- 12 of the 1997 Bradford Bypass EAS Report. Not only will such a route be significantly less environmentally intrusive, it will also be far less costly because of the elimination of the costly bridges over each branch of the Holland River.</p>	

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		<p>MTO's apparent strategy is to get as much of this project in its current location designed, approved and perhaps even built using strategies that hopefully avoid involvement of DFO altogether. Once constructed, we suspect MTO will either ignore S. 36 (3) or alternatively, seek urgent, last minute, forgiveness by the Federal Government for this offending highway.</p> <p>Alternatively, MTO will need to adopt a fish friendly de-icing strategy. Either way, this information should be made known to the public and the Federal Government now, rather than being sprung on the Federal Government at the last minute.</p> <p>Absent a committed fish friendly de-icing strategy or a federal Government pollution permitting regulation, MTO runs the risk of being the proponent of a 3 season, controlled access freeway for which winter operation is prohibited. Surely this salt issue is something that must be addressed now before further costs are incurred on what could be a useless project!</p>	

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4	<p>Page 1 The Bradford Bypass is part of Ontario's plan to expand highways and public transit across the Greater Golden Horseshoe to fight congestion, create jobs and prepare for the massive population growth expected in the next 30 years. Simcoe County's population is expected to increase to 416,000 by 2031, with the Regional Municipality of York growing to 1.79 million by 2041. The Bradford Bypass has been proposed as a response to this dramatic growth in population and travel demand in the area and the forecasted increase in congestion on key roadways linking Highway 400 to Highway 404.</p>	<p>Hwy 9 is no longer a provincial hwy. It is now a regional road that connects Hwy 400 to Hwy 404 via Bathurst Street and Green Lane. The nearest remaining east-west provincial highway is Hwy 89.</p> <p>Out-of-the-way travel will only be resolved by connecting Ravenshoe Rd to Simcoe Line 13. (i.e. crossing Holland River immediately south of Cooks Bay).</p> <p>While connection of Hwys 400 to 404 is likely needed, it should be south of Newmarket. Expanded local roads are better suited to handle traffic from planned growth of York Region north of Newmarket. This solution avoids co-mingling of local and long-distance traffic which is a stated MTO objective</p>	<p>As part of the preliminary design study, alternate corridor locations for the freeway are not being considered as the Technically Preferred Route for the Bradford Bypass was approved through 2002 EA. This alignment is technically preferred for a freeway in terms of highway network expansion, ease of construction, relationship to provincial and municipal land use planning (Official and Transportation Master Plans, Places to Grow Act), as well as having fewer negative impacts to residential and natural areas when compared to other route options considered.</p> <p>In addition, the Greater Golden Horseshoe population is expected to reach nearly 15 million by 2051, and the number of trucks on the road is expected to double. For Ontarians in 2051, average travel speeds are expected to be 16 percent slower when compared to 2016. Congestion already costs Ontario billions in lost productivity, adds to the costs of goods, and reduces quality of life. Without new infrastructure to help move people and goods, the region will quickly become overwhelmed.</p> <p>The preliminary design phase will include refinements to the Technically Preferred Route within the Study Area based on various factors, including an updated traffic demand assessment and current environmental impact assessments. As the study process is currently ongoing for the Preliminary Design along with consultation and engagement efforts, the opportunity exists to identify additional refinements. The updated technically preferred route will be presented at PIC #2 and interested parties will be provided the opportunity to discuss the project and provide comments at PIC #2.</p>

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5	<p>Page 5 The Fish and Fish Habitat Study Area includes the Bradford Bypass right-of-way and a 200-metre buffer downstream and 50 metre buffer upstream, where Permission to Enter was granted. This buffer was developed to assess water features detected through background review and field investigations.</p>	<p>Road salt kills fish. There is no Fisheries Permit that can authorize the addition of salt into Lake Simcoe. (Must be by Regulation) A full impact assessment is required to address this salt problem. The 200-metre buffer study zone is totally inadequate. The only mitigation for this problem is avoidance use of a non- invasive means to deice the Highway or build the highway further south away from the Holland River and any large tributaries.</p>	<p>As the Project falls within the jurisdiction of the Lake Simcoe Region Conservation Authority (LSRCA), pertaining to Ontario Regulation 179/06, the ministry will assess impacts with respect to the <i>Lake Simcoe Protection Act</i> and the Lake Simcoe Protection Plan through consideration of water quality and quantity, stormwater management, groundwater management, landscaping and ecological restoration measures; as well as fluvial geomorphological designs for watercourses, erosion and sediment control and spills prevention and protection measures. The 200 m assessment area is defined by [the Ministry of Transportation Interim Environmental Guide for Fisheries (2020).</p> <p>The Project Team is undertaking drainage and hydrology engineering studies to satisfy relevant provincial and regulatory legislative requirements. These will include LSRCA requirements, as well as other standards and practices used to develop an efficient and effective drainage system for the highway, while addressing potential impacts relative to runoff and the change in impervious cover. For those stormwater management facilities that may occur within the jurisdiction of the Nottawasaga Valley Conservation Authority (NVCA) and potentially influence the sub-watershed, the ministry is considering NVCA water quantity and quality control guidelines.</p> <p>In addition to surface water considerations, the ministry is evaluating and will implement mitigation measures to avoid and minimize potential impacts to groundwater sources. The Project Team continues to actively consult with key agencies such as the LSRCA and NVCA as the study progresses.</p>

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7	<p>Page 7 The Contamination, Waste and Excess Materials Study Area consists of the Bradford Bypass right- of-way and a 500-metre buffer. This buffer was developed to identify and review properties / areas with actual or potential site contamination that may impact future phases of the project.</p>	<p>Salt needs to be added to the list of Contamination Materials for this study and to ensure that all salt runoff into any Lake Simcoe tributary is identified and addressed</p>	<p>In accordance with Section 2 of Regulation 339 of the Revised Regulations of Ontario, 1990 as well as subsection 48 (3) of the regulation, it is the opinion of the Qualified Person that salt related contaminates for the purpose of keeping a highway safe for traffic under conditions of snow or ice or both, is exempted and not considered to be contaminates and meets applicable Site Condition Standards.</p> <p>However, snow removal and disposal shall be completed in accordance with the MECP guidelines, "Guidelines on Snow Disposal and De-icing Operations in Ontario" (https://www.ontario.ca/page/guidelines-snow-disposal-and-de-icing-operations-ontario). MTO's Maintenance Staff and Area Maintenance Contractors (AMC) are responsible for maintenance of Provincial Highways and compliance with the Ministry's Winter Maintenance Quality Standards and Maintenance Contract Requirements and which set the levels of service for winter snow and ice control on Provincial Highways. This Maintenance Standard includes contract requirements and specifications for plowing, spreading of sand, salt, anti-icing liquid, wet salt, and/or other chemicals and substances to provide safe vehicle traction and to melt ice and snow, application rates for the above chemicals and substances, salt management, and clean-up. Furthermore, it requires the AMC to provide appropriate precautions to prevent salt and treated sand from entering watercourses and salt-sensitive areas; snow shall not be disposed into or near water or onto ice-covering water. AMC's are subject to regular/random audits, and financial consequences (fines) for non-compliance or poor</p>

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			adherence to the Ministry's maintenance and performance requirements.
8	<p>Page 7 The Built Heritage Resources and Cultural Heritage Landscapes Study Area includes a Bradford Bypass right-of-way and a 500-metre buffer. This accounts for all lands potentially affected through either displacement and/or disruption by the proposed highway design and construction.</p>	<p>Amongst other things, The Lower Landing was once a Gift Giving Location used by the British to make annual payments to the first nations tribes for the use of the land. These gift recipients subsequently became parties to the Williams Treaty. Ontario has an obligation known as "The Honour of the Crown" to avoid this area entirely.</p>	<p>The Honour of the Crown requires governments and its departments, agencies, and officials to act with honour, integrity, good faith, and fairness in all of its dealings with Indigenous Nations. The Project Team is fulfilling the Ministry's Duty To Consult by consulting with Indigenous Nations whose Aboriginal and treaty rights may be adversely impacted throughout the lifespan of the project. Indigenous Nations that are interested are engaged in all aspects of the project including the assessment of environmental impacts, archaeology, and any other areas of interest as indicated by Indigenous participants.</p> <p>Engagement and consultation with Indigenous Nations to date has been documented in Section 4.4 of the Environmental Conditions Report (ECR). A list of Indigenous Nations that the Project Team has engaged or consulted with is provided below:</p> <ul style="list-style-type: none"> Alderville First Nation Beausoleil First Nation Chippewas of Georgina Island First Nations Curve Lake First Nation Chippewas of Rama First Nation Hiawatha First Nation Kawartha Nishnawbe First Nation Mississaugas of Scugog Island First Nation Huron-Wendat Nation Metis Nation of Ontario- Georgian Bay Métis Council Williams Treaty Nations

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			<p>As documented in Section 4.4.1.1 of the Draft ECR, engagement and consultation is ongoing per the list above.</p> <p>As described in Section 4.4.1.2 of the ECR, Indigenous Nations have been invited and are currently participating in field work with our archaeological specialists, and Community Field Liaisons have been actively participating throughout the project.</p>
9	<p>Page 8 As part of the Preliminary Design, the Ministry is undertaking an independent Value Engineering Study. The Value Engineering Study is an important part of the overall study process, and can result in refinements or changes to alternatives, that best achieve a balance between cost and benefit to the public.</p>	<p>What is needed is a cost / benefit study which compares this solution to one or a combination of alternative solutions (relocation of highway corridor away from wetlands and rivers and a combination of a relocated highway and enhanced regional roads). It is very likely that any of these solutions would be cheaper than the proposed Bradford Bypass.</p>	<p>Refer to response ID # 4 relating to alternative corridors.</p>
10	<p>Page 14 It should also be noted that potential impacts of the project within federal jurisdiction are limited and will be managed through the</p>	<p>This statement should be deleted from the Draft ECR</p>	<p>This statement will remain in the Final ECR. Although the federal government did not designate the Bradford Bypass project for a federal impact assessment, detailed environmental reviews must be completed to document the specific potential for adverse effects to the natural, socio-economic and cultural environments, including those</p>

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	<p>project-specific assessment of environmental impacts and federal permits and approvals will be obtained as required.</p>		<p>directly linked to a federal authority (e.g., <i>Fisheries Act</i>, <i>Migratory Birds Convention Act</i>, <i>Species at Risk Act</i>, <i>Canadian Navigable Waterways Act</i>).</p> <p>Several federal agencies (e.g., Transport Canada, Fisheries and Oceans Canada, Environment and Climate Change Canada, etc.) are also being consulted throughout the Preliminary Design and subsequent design stages to maintain compliance with federal legislation/policies.</p>
11	<p>Page 16 The May 2021 decision was upheld in February 2022, following a further request for the project to be reviewed under the Federal Impact Assessment Act. The response on February 11, 2022 from the Impact Assessment Agency of Canada stated that since there is no material changes to the Project, there is no basis for the Minister to revise the former Minister's determination. The Bradford Bypass is a</p>	<p>Update Final ECR to include comments re outcome of FROGS et al Judicial Review – Hearing date: November 2, 2022</p>	<p>The upcoming Judicial Review is noted. If the decision is submitted to the Project Team, it will be included as part of the consultation record for the Environmental Impact Assessment Report (EIAR).</p>

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	non-designated project.		
12	<p>Page 16 5.3 Planning Policies The Province of Ontario, the County of Simcoe, Regional Municipality of York, Town of Bradford West Gwillimbury, Town of East Gwillimbury and King Township have plans and policies which are relevant to the development of the project. These plans and policies serve as important elements of the planning framework and provide insight into key provincial and municipal objectives, while encouraging strategic transportation development.</p>	<p>The province has convinced local governments that the Bradford Bypass will resolve their local traffic problems. They have, therefore, not considered regional road improvements as these would require the participation [funding] of both York and Simcoe Region for 1 and possibly 2 crossings of the Holland River. Regional councillors have chosen to take the province for its word on relieving local traffic congestion to avoid having to incur the cost of inter regional road expansions. Recently expanded 2051 regional population projections for these areas dramatically exceed the projections used in the 1997 EAS to the point that the province is now planning for this to be an 8 lane highway</p>	<p>Refer to response ID #4 relating to alternate corridor locations.</p> <p>In addition, it is noted that municipalities within the Study Area of the Bradford Bypass have generated Official and Transportation Master Plans based on the proposed Bradford Bypass as per the 2002 approved EA in order to address traffic demand as a result of population and employment growth projections. As a result, the Project Team will continue to engage municipalities.</p>
13	<p>Page 26 These studies will assess the project-specific environmental impacts associated with each discipline, identify mitigation measures and document future commitments as</p>	<p>In the absence of an up-front commitment to mitigate salt contamination by using an alternative de-icing product over the entire 16.2Km of this highway, the noted statement is materially misleading due to the severity of tis legislative restriction. These statements are only correct once S 36 (3) is addressed in this Draft ECR.</p>	<p>Refer to Response ID #5 relating to road salt and contamination.</p>

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	<p>required. These studies will adhere to all relevant new and existing provincial and federal legislation</p>		
14	<p>Page 30 Permits Required: Environmental Compliance</p> <p>Approval for Air / Noise</p> <ul style="list-style-type: none"> • Ministry of Environment Conservation and Parks • Section 9 of the Environmental Protection Act; O. Reg. 419/05 Air Pollution and Local Air Quality; Environmental • Noise Guidelines - Stationary and Transportation Sources – Approval and Planning (NPC-300) 	<p>Elsewhere MTO appear to consider various types of mediation to be discretionary based on cost. This is not acceptable for residential properties. Please address this concern in future reports.</p>	<p>Please provide further clarity on this comment.</p>
15	<p>Page 32 Details regarding the Human Health Risk Assessment as well as the Snow Drift will be documented in the Environmental Impact Assessment Report, under separate cover</p>	<p>The public has a right to know at the earliest possible stage of these studies, what health criteria will be assessed and the source of this criteria. Presumably this will be Health Canada criteria but this Draft ECR does not appear to address this question.</p>	<p>The Project Team will study the potential impacts (positive and negative) on human health, such as air quality, noise, land use, traffic congestion and safety, economics, social cohesion, and neighbourhood resources. Strategies will be recommended to mitigate negative impacts and enhance positive outcomes of the project. Findings from these studies will be consolidated in a report detailing the impacts of the project on human health.</p>

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16	<p>Page 79 The assessments of the water features described herein were conducted in accordance with the Interim Environmental Guide for Fisheries (the Guide) (Ministry of Transportation, 2020a) and the Pilot Ministry of Transportation / Fisheries and Oceans Canada / Ministry of Natural Resources and Forestry Protocol for Protecting Fish and Fish Habitat on Provincial Transportation Undertakings, Version 4 (the Protocol) (2020b). This includes a step-by-step process to identify regulatory review and/or notification requirements.</p> <ul style="list-style-type: none"> • Identification of the potential for the project to cause the death of fish or harmful alteration, disruption, or destruction of fish 	<p>The appropriate manner of addressing this issue is to conduct a full Impact Assessment covering the impact of salt runoff on Lake Simcoe from all portions of this highway. MTO have, to date, ignored the formal resolutions of seven watershed municipalities requesting such a study.</p> <p>Please include URL Links for the following reports on the project website and in Section 7 References of this report: Interim Environmental Guide for Fisheries (the Guide) (Ministry of Transportation, 2020a) and the Pilot Ministry of Transportation / Fisheries and Oceans Canada / Ministry of Natural Resources and Forestry Protocol for Protecting Fish and Fish Habitat on Provincial Transportation Undertakings, Version 4 (the Protocol) (2020b).</p>	<p>The drainage and hydrology engineering studies undertaken for the Project address potential impacts related to runoff and the change in the area's impervious cover from the Project. Groundwater and Soil Contamination studies will consider existing evidence of designated substances that may be encountered during construction and provide mitigation measures and strategies to manage these substances in accordance with provincial legislation as part of water taking permits through MECP and excess material management for soil management during construction.</p> <p>Existing drainage features, including natural watercourses, and municipal and agricultural drainage systems are considered and integrated as part of the drainage and stormwater system for the Bradford Bypass. Municipal drains, which are designed in accordance with the Drainage Act, will be designed in consultation with municipalities. The design and relevant mapping will be presented during PIC #2.</p> <p>The following link contains the requested reports below: https://www.library.mto.gov.on.ca/SydneyPLUS/TechPubs/Portal/tp/tdViews.aspx?lang=en-US</p> <ul style="list-style-type: none"> ➤ Interim Environmental Guide for Fisheries (the Guide) (Ministry of Transportation, 2020a) ➤ Pilot Ministry of Transportation / Fisheries and Oceans Canada and Ministry of Natural Resources and Forestry Protocol for Protecting Fish and Fish Habitat on Provincial Transportation Undertakings, Version 4 (the Protocol) (2020b).

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	habitat, in contravention of the Fisheries Act		<p>In addition, please find the link for the Ministry of Environment, Conservation, and Parks Guidelines on Snow Disposal and De-icing Operations in Ontario, as it relates to road salt requirements (https://www.ontario.ca/page/guidelines-snow-disposal-and-de-icing-operations-ontario)</p>
17	<p>Page 100 Proper implementation of the Best Management Practices avoids or mitigates the risk of harm to fish or harmful alteration, disruption or destruction of fish habitat and should allow for the proposed works to avoid the need for Fisheries and Oceans Canada submission through a Request for Review. [Emphasis added]</p>	DFO should be consulted ASAP as the outcome of these consultations will likely have serious impacts on the design and location of this highway.	<p>A meeting was held with Fisheries and Oceans Canada (DFO) on March 9, 2022 to discuss the Bradford Bypass Project and provide an update on the Early Works, including a discussion on the process for engaging DFO through further design and construction.</p> <p>As requested by DFO in the March 9, 2022 meeting, commitments for the next phase of the Project will include consultation with DFO through the submission of a Request for Review, which will determine if approval under the Fisheries Act is required.</p>
18	<p>Page 103 The impact assessment (to follow under separate cover) conducted by certified Fisheries Assessment Specialists will assess in detail the potential</p>	<p>Form a value for money perspective, it is only prudent to consult with DFO concerning S. 36 (3) concerns at the earliest possible opportunity. Waiting until the Detailed Plans are substantially completed is essentially forcing DFO to impose the most lenient possible requirements on this project. It is essentially a “game of chicken” strategy. MTO runs the risk that S. 36 (3) is enforced in such a strict manner that the entire project gets scrapped due to it’s inappropriate location. MTO should recognize that a number of environmental advocacy groups will take whatever steps they can to ensure strict enforcement of this legislation.</p>	Refer to response ID # 17.

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	<p>impacts to fish and fish habitat based on the Preliminary Design, provide the mitigation measures and Ontario Provincial Standard Specifications required to avoid or mitigate the risk of harm, and identify the appropriate steps of the Fisheries Protocol (2020) applicable to the project and associated notification, assessment or regulatory review required. [Emphasis added]</p>		
19	<p>Page 104 In addition to the Ministry of Transportation Highway Drainage Design Standards, January 2008 (Ministry of Transportation, 2008), the drainage and stormwater management assessment referenced the following design guidelines:</p>	<p>These guidelines do not address the current Fisheries Act and hence are not applicable for the purposes of this draft ECR.</p>	<p>Refer to response ID #10 relating to federal legislation and policies.</p> <p>In addition to federal legislation and policies, the ministry is still required to follow all other relevant provincial legislative requirements, standards, and best practices as they apply to the design, construction, and operation of the project. This includes the Ministry of Transportation’s Highway Drainage and Design Standards (2008).</p>

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20	<p>Page 141 According to the Highly Vulnerable Aquifer map, the aquifer vulnerability underlying the majority of the eastern section of the Groundwater and Hydrogeology Study Area has been rated as Highly Vulnerable Aquifers. Highly Vulnerable Aquifers are present in the central section along the Holland River and Holland River East Branch, and in isolated areas at the western end of the Groundwater and Hydrogeology Study Area. All highly vulnerable aquifers have a vulnerability score of 6 out of 10.</p>	<p>Absent a significantly more extensive description of what a vulnerability score of 6 means, the reader is left to conclude that salt that doesn't find its way to Lake Simcoe will likely gravitate to and contaminate these highly vulnerable aquifers.</p>	<p>A Highly Vulnerable Aquifer (HVA) indicates that water travels from the ground's surface down to the aquifer quickly. The faster the water is able to flow through the ground to an aquifer, the more vulnerable the area is to contamination. All HVAs have a vulnerability score of 6 out of 10. For more information please refer to Lake Simcoe Conservation Authority's Chapter 4: Assessing Regional Groundwater Vulnerability (Lake Simcoe Chapter 4 Regional Groundwater Vulnerability.pdf (ourwatershed.ca)).</p> <p>A Groundwater Impact Assessment and Stormwater Management Plan will be completed as part of the study to identify potential impacts of highway runoff and stormwater on surface water and groundwater and develop appropriate mitigation measures to protect HVAs and watersheds throughout the Study Area.</p> <p>The Groundwater Impact Assessment for the Preliminary Design of the Preferred Alternative is undertaken according to MTO's Environmental Reference for Highway Design (ERHD) and will include a review of well records available from the Ontario Ministry of Environment, Conservation and Parks (MECP) as well as geological and hydrogeological maps and reports from secondary sources. Based on the information collected, the Project Team will verify the need and type of approval required for groundwater taking (i.e., MECP Environmental Activity and Sector Registry (EASR), Category 2 Permit-to-Take-Water (PTTW) or Category 3 PTTW). The required registration/permit will be obtained during the next design stage of the study (Detail Design).</p>

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			<p>A Groundwater Protection and Well Monitoring Plan will also be completed in accordance with O. Reg. 697/21. These plans will be made available to agencies, municipalities, and stakeholders as required in the regulation. For the Stormwater Management Plan, the project will follow the Ministry of the Environment, Conservation and Parks Stormwater Management guidelines, and will consider LSRCA's guidelines where appropriate to mitigate highway runoff from directly entering HVAs.</p>
21	<p>Page 173 In Bradford West Gwillimbury, virtually all of the lands south of the corridor are designated for urban development and there are considerable activities occurring within 500 meters of the corridor. The majority of development activities currently occurring in a number of areas in Bradford West Gwillimbury include requests to consider land use conversions from Employment Lands to Residential Lands. Under the policies and legislation in Ontario, this can only be done at the time of</p>	<p>Locating this major highway through the center of the major sprawl oriented planned residential developments is incredibly bad planning. There is no compelling need to build this highway here.</p>	<p>The highway benefits are based on the ministry's various studies that have taken place leading up to the re-initiation of the Bradford Bypass Preliminary Design in 2020. Significant population growth is projected for both Simcoe County and the Regional Municipality of York. The Bradford Bypass has been proposed as a response to this dramatic growth in population and travel demand in the area, including the forecasted increase in congestion on key east-west roadways linking Highway 400 to Highway 404. The proposed location for the Bradford Bypass was also identified in A Place to Grow: Growth Plan for the greater Golden Horseshoe (2020).</p>

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	a Municipal Comprehensive Review.		
22	<p>Page 174 The Town of Bradford West Gwillimbury has already had numerous requests to convert Employment Lands to Residential in the forthcoming Municipal Comprehensive Review.</p>	See above	<p>Refer to response ID #21.</p> <p>In addition, the Project Team continues to consult and engage with municipalities.</p>
23	<p>Page 179 2.2.2.3.1 Agricultural Land Capability - There are seven classes used to rate agricultural land capability. Class 1 lands have the highest and Class 7 lands the lowest capability to support agricultural land use activities. The lands within the Bradford Bypass right-of-way are comprised of approximately 74.1 percent Canada Land Inventory capability of Class 1 – 3, with approximately 52.2 percent as Class 1, 7.3</p>	This is yet another reason why this highway is in the wrong location	<p>Under the 2002 Approved Environmental Assessment and as a requirement under the Greenbelt Plan (2017), an Agriculture Impact Assessment (AIA) will be undertaken with reference to the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Draft AIA Guidance Document (March 2018). This study will identify potential impacts to agricultural lands and recommend mitigation measures and strategies to be incorporated into the project design. Further mitigation, compensation and/or enhancement measures related to agriculture are being considered during the Preliminary Design stage of the study in consultation with the agricultural community.</p>

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	<p>percent as Class 2, and 14.6 percent as Class 3.</p> <p>The future development of the project will result in the loss of approximately 164.0 hectare of Class 1 lands, 22.9 hectare of Class 2 lands, 45.8 hectare of Class 3 lands</p>		
24	<p>Page 210 Road Salt Application and Vehicular Traffic.</p> <p>In addition to property specific contamination, based primarily on land use activities discussed above, there may also be regional potential contamination issues within the Contamination, Waste and Excess Materials Management Study Area. Road salts (predominantly sodium chloride) are used as de-icing and anti-icing chemicals for winter road maintenance. These salts can enter the surface water, soil</p>	<p>Please explain the utility of removing contaminated soil along roadways in the full knowledge that soil will once again be contaminated upon completion of the project and operation of the highway. This statement is misleading as it does not address the more serious issue of Fisheries Act S. 36 (3) contamination</p>	<p>Areas of identified contamination based on the preferred freeway alignment (i.e., the recommended plan design) will be assessed and handled in accordance with Ministry of Transportation and Ministry of Environmental Conservation and Parks requirements during the subsequent design and construction phase of the project.</p> <p>Among the studies included for the project, a Waste and Excess Materials Management Plan will be prepared. This document will inform the best management of any excess soil or other excavated materials generated by the project (such as on/off-site reuse or disposal as a contaminated material) . The results will be documented in the EIAR.</p>

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	<p>and groundwater resulting in local or widespread impacts. Since some portions of the Contamination, Waste and Excess Materials Management Study Area are along Highway 400 and Highway 404, major roadways such as Yonge Street, Leslie Street,</p>		
25	<p>Page 225 Table 2-38: Summary of Archaeological Assessment Resources Identified During Preliminary Design ,Assessment Status an Recommendations for Further Work</p>	<p>As noted in our comments for ECR page 7, Ontario has an obligation known as “The Honour of the Crown” to avoid this area entirely.</p>	<p>Refer to Response ID #8 relating to the Project Team fulfilling its Duty To Consult.</p>
26	<p>Page 225 Table 2-38: Summary of Archaeological Assessment Resources Identified During Preliminary Design, Assessment Status and Recommendations for Further Work</p>	<p>See above comments re Honour of the Crown. A stage 2 Marine Archaeological Assessment is definitely warranted due to the history of this land and river</p>	<p>Refer to Response ID #8 relating to the Project Team fulfilling its Duty To Consult. In addition, no impacts to the banks of either branch of the Holland River are anticipated at the present time; however, please note that the Preliminary Design for the project is still progressing. If any changes are made and impacts occur to the bed of either branch of the Holland River, a marine archaeological checklist may be completed, which may result in the recommendation that a marine archaeological assessment be undertaken. However, at this time the</p>

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			marine archaeological checklist or assessment has not been undertaken.
27	<p>Page 235 Traffic and Transportation A traffic and transportation model was developed to assess the existing traffic conditions for the traffic network within the Study Area. The following sections outline the traffic model development, data collection and describe the existing traffic operations within the Study Area.</p>	<p>The 1997 EAS only considered a controlled access highway so upgrades to regional roads were excluded.</p> <p>Given the existing and proposed dramatic population growth in the affected area, a comprehensive transportation study, covering all possible forms of transportation, including Regional road river crossings at Ravenshoe and Hochreiter Roads is warranted. Without these transportation enhancements, the Bradford Bypass will be choked by the combination of local and long distance traffic. Care is needed to ensure the Bradford Bypass does not foreclose the opportunity to build these other transportation enhancements.</p>	Refer to Response ID #12.
28	<p>Page 237 The traffic microsimulation model analysis revealed eight critical movements during the AM peak hour, summarized below:</p> <ul style="list-style-type: none"> •Woodbine Avenue and Ravenshoe Road Eastbound and northbound left 	<p>Completion of a 2 lane Regional Road connecting Ravenshoe Rd to Simcoe Line 13 would resolve out-of-the-way travel and remove this traffic from County Rd. 4, Queensville Sideroad and Leslie, Woodbine or Hwy 404..The land surrounding the proposed crossing was reclaimed by farmers after 1997 so was not considered in the Highway 89 Extension EA Study or the Bradford Bypass EA Study. The impact of a river crossing on the marsh now would be negligible</p>	Refer to Response ID #4 relating to alternate corridor locations.

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	<ul style="list-style-type: none"> • Woodbine Avenue and Ravenshoe Road – Eastbound, eastbound left, northbound left, and westbound • Queensville Sideroad and Leslie Street – Eastbound left 		
29	<p>Page 248 The Ministry will continue to provide information and engage with communities regarding potential impacts to their rights through the following activities:</p> <ul style="list-style-type: none"> • Providing draft environmental and archaeological assessment reports for review and input • Meetings with Chief and Council, Consultation Departments, Community • Information sessions in communities (as requested) 	<p>No evidence seen of First Nations Observer at any of the digs on Lot 118 West Half of Yonge St. At least six Supreme Court of Canada Cases have reinforced the crown's duty to consult with Canada's indigenous peoples. This duty to consult requires the development of mutual respect and meaningful two-way consultations. Canada has created an Aboriginal and Treaty Rights Information System to assist proponents in meeting their consultation obligations. https://www.rcaanccirnac.gc.ca/eng/1100100014686/1609421785838.</p> <p>AECOM's preferred form of consultation is by telling the party being consulted what they want to tell them rather than getting to know the party, gaining their confidence, listening to their concerns and providing meaningful factual answers rather than political, non-descript responses and promises they fail to keep.</p>	Refer to response ID #8 relating to the Project Team fulfilling its Duty To Consult.

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	<ul style="list-style-type: none"> • Focus group meetings with sectors of communities (hunters, youth, elders), (as requested); • Discussing mitigation / accommodation measures that could be used to address adverse impacts of the project on Aboriginal and treaty rights (e.g., staging bridge work to avoid fish spawning seasons) • Reporting back to communities on how their concerns have been addressed / reflected in the project • Hiring Community Field Liaisons from communities for archaeological field work. 		
30	<p>Page 273 Traffic operations at intersections throughout the Study Area are shown to operate at mostly acceptable levels. Given the close replication of actual operating conditions, the</p>	<p>This suggests that whatever local traffic problems there are that currently exist, can be resolved with solutions of lesser magnitude than this highway. The fact that this highway is now being planned to eventually have 8 lanes is not supported by local requirements.</p>	<p>Municipalities within the Study Area of the Bradford Bypass have generated Official and Transportation Master Plans to include the proposed Bradford Bypass as per the 2002 approved EA in order to address traffic demand as a result of population and employment growth projections.</p> <p>At the present time, the Preliminary Design is being developed to consider an interim four-lane freeway as well as an ultimate eight-lane freeway. The current traffic</p>

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	<p>weekday AM, and PM peak period models are deemed to be acceptable for use in assessing future design alternatives and construction staging scenarios.</p>		<p>projections warrant the interim four-lane freeway and the eight-lanes in the future.</p>
31	<p>Page 275 Previously received comments concerning lack of need and justification for highway in this corridor recorded on Page 275</p>	<p>It is of some comfort to see that these comments are being carried forward in this ECR. The submissions by the author of these comments remain germane to this project. Where earlier PIC responses have not been included in the Draft ECR, the public must resubmit these comments together any new comments based on new information in the Draft ECR.</p> <p>Please incorporate Mr. Foster’s comments from PIC 1 into these comments so that they form part of the official record for this current design process for this highway. These prior comments are available from the following footnote.</p>	<p>All comments received from the public must be redacted to protect personal information in accordance with the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.F31.</p> <p>Comments received during PIC #1, including your comments, are summarized in Table 4-5 of the ECR. The PIC #1 record of comments is also included in Appendix B of the ECR.</p>
32	<p>Page 291 In accordance with Section 16(3)(b)(i) of the Regulation, the Proponent (the Ministry) must evaluate any proposed changes that fall outside the Study Area as defined in the Regulation and complete studies in accordance with the Class Environmental Assessment. [Emphasis added]</p>	<p>We respectfully request MTO conduct the studies set out below this table under the heading: CRITERIA FOR ANALYSIS OF ALTERNATIVES before issuance of the Final ECR. There is little use in conducting and reporting on these, or any other studies, if you have already decided to ignore the results and carry on utilizing the current technically preferred route.</p>	<p>In accordance with section 20 (2) of Ontario Regulation 697/21, the assessment and evaluation of the impacts that the preferred alignment and preferred design for the Bradford Bypass might have on the environment, and the criteria for assessment and evaluation of those impacts will and mitigation measures be summarized in the EIAR.</p> <p>Table 5-1 in the ECR also provides a summary of refinement evaluation factors and criteria.</p>

Response ID	ECR Comment	Bill Foster Comment	Project Team Response
	<p>The Ministry is currently undertaking an evaluation of the changes and will be documenting the results in the Environmental Impact Assessment Report, under separate cover.</p>		
33	<p>Page 315 As part of the Preliminary Design, the Ministry is undertaking an independent Value Engineering Study. The Value Engineering Study is an important part of the overall study process, and can result in refinements or changes to alternatives, that best achieve a balance between cost and benefit to the public.</p>	<p>What is needed is a cost / benefit study which compares this solution to one or a combination of alternative solutions (relocation of highway corridor away from wetlands and rivers and a combination of a relocated highway and enhanced regional roads). It is very likely that any of these solutions would be cheaper than the proposed Bradford Bypass. If all MTO does is do a value for money study for the various route options within this study corridor, that study will be a waste of money.</p>	<p>Refer to Response ID #4 relating to alternate corridor locations.</p> <p>As part of the Preliminary Design, the ministry carried out an independent Value Engineering (VE) Study. The VE Study is an important part of the overall study process, and resulted in refinements to the alternatives that best achieved a balance between cost and benefit to the public while taking into consideration impacts to the environment. The decisions resulting from the VE will be incorporated into the Preliminary Design Study.</p> <p>In the 2002 Approved EA Study, costs were part of the consideration in the selection of the technically preferred route. As noted in Section 5.4.1.7 of the Environmental Assessment Report, "As an infrastructure project which will be amortized over many years and which will generate jobs during construction, travel time savings and other economic benefits for many years thereafter, the 400-404 Link represents a sound economic investment. Construction can be staged so as to spread the investment over several years. A decision to proceed with construction will be made by MTO in light of the funds available and priority of other provincial projects at that time". Cost was part of the criteria that was used to evaluate different alternatives, including construction, operating and maintenance costs in the short and long term (Exhibit 4-6). The public was given the opportunity to weigh cost</p>

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			<p>against different factor areas. Section 5.2.9 Cost Estimate, included order-of -magnitude capital cost estimates for each alternative link segment as part of the analysis of alternatives.</p> <p>As part of the current study, the project team continues to assess and identify costs and benefits associated with the generated alternatives and the selection of the preliminary design.</p>
34	<p>Page 316 The Link crossings of the lowlands surrounding both branches of the Holland River will see a mixture of structure and fill. Structure footings will be on deep piled foundations.</p>	<p>The pile requirements for the two Holland River Crossings will likely be similar or deeper. I don't know what the load bearing capacity the Holland River Bridges will require but hopefully this information is helpful to the design team</p>	<p>Thank you for the information. The details with regards to the structural design, foundations and engineering of the structures over the Holland River and Holland River East Branch Crossings are still being determined as part of the Preliminary Design. Additional details will provide provided in the EIAR.</p>
35	<p>Page 316 Staging For the overall project, the Ministry is considering a two- lane Interim condition and an ultimate four-lane design, which includes one high-occupancy vehicle land and three general purpose travel lanes in each direction. Interim and ultimate interchanges are being reviewed. No other Early Works, to advance sub- sections of the highway are identified,</p>	<p>An 8 lane highway will have even greater impact on both the environment and the province's finances. It is totally inappropriate to use a 25-year-old EA approval to design and locate a future 8 lane highway. It is also totally unethical to hide this extremely pertinent 8 lane information in the middle of this text in this table without having actually dedicated a section for this item in the body of this ECR. How can the public have any trust in Ontario's government when they condone the publication in such an obscure manner of this type of materially different information than what politicians have been telling us?</p>	<p>As noted previously, at the present time, the Preliminary Design is being developed to consider an interim 4 lane highway as well as an ultimate 8 lane highway. The current traffic projections warrant the interim 4 lane highway and the 8 lanes in the future. Additional details will be provided at the upcoming PIC #2 to be held in Fall 2022 and documented in the EIAR.</p>

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	or specified under the Regulation.		
36	<p>Page 318 Fisheries and Aquatic Habitat</p> <ul style="list-style-type: none"> • Protect fish habitat • during and following construction • including no net loss of habitat 	How can the public have any trust in Ontario's government when they condone the publication of this type of materially misleading information.	For the Bradford Bypass Project, the Ministry will comply with the Federal Fisheries Act and obtain any necessary permits and approvals. The Ministry will also continue to consult with the Department of Fisheries and Oceans as well as MNRF regarding anticipated impacts and mitigation measures to fish and fish habitat, and this information will be available in the EIAR for public review.
37	<p>Page 326 Community Effects A Noise and Vibration Impact Assessment and a Preliminary Landscape Composition Plan will be prepared to assess potential impacts and identify proposed mitigation measures if required.</p>	This highway will pass quite close to a number of houses that currently enjoy very low noise levels. These residents want commitments that their noise levels will not increase beyond the published permitted maximum level set out in the guidelines. The fact that these are guidelines rather than law is most disconcerting	A Noise Impact Assessment is being undertaken for the refined Preliminary Design of the Preferred Route in accordance with MTO's Environmental Guide for Noise and O. Reg. 697/21 Section 24. MTO will investigate noise mitigation measures, including consideration for existing and future noise barrier walls, where the proposed improvements to the Project are expected to increase ambient noise levels above acceptable levels as outlined in MTO's Noise Guide. For noise mitigation to be warranted as part of the design, it must meet MTO's technical, economic, and administrative feasibility criteria as defined in MTO's Noise Guide. The results of the study will be summarized in the EIAR.

Bill Foster Recommendation	Project Team Response
Address the Fisheries Act Section 36 (3) before issuing the final ECR and draft Impact Assessment Report conduct a full Impact Assessment of the proposed Bradford Bypass on Lake Simcoe. If alternative de-icing methods are the selected form of mitigation, this should be enshrined into legislation	<p>Your comments have been noted.</p> <p>Section 16 of O.Reg. 697/21 highlights the requirements for the ECR, which includes but is not limited to an update to the description of the environmental conditions in the Bradford Bypass Environmental Assessment, and a summary of all the environmental data collected and reviewed. Further details can be viewed here: (https://www.ontario.ca/laws/regulation/r21697#BK20). The intent of the</p>

	Draft and Final ECR was not to assess impacts. Impacts and mitigation measures will be identified and documents in the Environmental Impact Assessment Report as required by O.Reg. 697/21.
<p>Include URLs to the Interim Environmental Guide for Fisheries (the Guide) (Ministry of Transportation, 2020a) and the Pilot Ministry of Transportation / Fisheries and Oceans Canada / Ministry of Natural Resources and Forestry Protocol for Protecting Fish and Fish Habitat on Provincial Transportation Undertakings, Version 4 (the Protocol) (2020b) on the Project website and in Section 7.</p> <p>References for this ECR</p>	Refer to Response ID #16 for the link of the requested reports.
<p>Delay issuance final ECR and draft Impact assessment until all studies, such as archaeological assessments, required for the determination of suitable final routes have been completed. You cannot properly determine the final technically preferred route until all relevant information and the results of analysis of alternatives is in hand. Establishing the final route before this information is in hand makes a mockery of these subsequent studies as they will have no material impact in this project.</p>	<p>As mentioned above, Section 16 of O.Reg. 697/21 highlights the requirements for the ECR, which includes but is not limited to an update to the description of the environmental conditions in the Bradford Bypass Environmental Assessment, and a summary of all the environmental data collected and reviewed. The intent of the Draft and Final ECR was not to assess impacts but to document any change in environmental conditions from the 2002 approved EA until now. Technical reports based on the Preliminary Design are currently being generated and impacts and mitigation measures are being identified. Key highlights regarding impacts and mitigation will be summarized at the next PIC #2. The Project Team is working to complete all technical reports associated with the Preliminary Design study. Additionally, impacts and mitigation measures will be identified and documented in the Environmental Impact Assessment Report as required by O.Reg. 697/21.</p>
<p>Conduct and report on a comprehensive analysis of alternative route corridors and combinations of local regional and provincial alternatives to address the unique topography of the south Lake Simcoe Basin area. (Please see below for Criteria for this analysis).</p>	Refer to response ID #4 relating to alternate corridors.
<p>Publish all reports of studies referenced in this Draft ECR on the project website. (We should not be required to obtain these lengthy, potentially expensive, reports through FOI requests.)</p>	Final technical reports can be provided for public review upon request.

Increase the resolution of all maps and charts in the final ECR. (Current legends are essentially unreadable).

Thank you for bringing this to our attention. When viewing the Final ECR, we recommend using the web version instead of a downloaded version to get the highest quality figures.