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FORBID ROADS OVER GREEN SPACES]

September 14, 2022

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By: Email
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Dear Mr. Sorochinsky.

Comments re: Draft Environmental Conditions Report – Highway 400 – Highway 404 Link
(Bradford Bypass) - (Draft ECR)

Forbid Roads Over Green Spaces, (FROGS) is a federal, not for profit corporation, whose origins date back to an informal association of East Gwillimbury residents formed in 1993 in response to MTO's initial Bradford Bypass Environment Assessment Proposal. We have actively participated in all consultation opportunities throughout the entire EA Study process, the final EA approval and this current project.

Throughout the history of this project, we have raised issues about the integrity of the study process and are disappointed to see that these concerns have escalated as a result of the current government's efforts to "streamline" Ontario's Environmental Assessment processes.

OUTLINE OF THIS SUBMISSION

- 1) Introductory comments:
 - a. Purpose and integrity of ECR Report.
 - b. Material Omissions / Misstatements - Section 36 (8) Fisheries Act – prohibition against introduction of deleterious substances
- 2) Item specific comments
- 3) Recommendations
 - a. Criteria for analysis of alternatives
 - b. Criteria to be reported:

INTRODUCTORY COMMENTS

The purpose and importance of this ECR is unclear. The Executive Summary states:

“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.”¹

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:

3. If the proponent proceeds with the Bradford Bypass Project, it shall implement the Project in accordance with the Bradford Bypass Environmental Assessment, except,
 - (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; and
 - (b) as may be modified through the early works assessment process and the Bradford Bypass Project assessment process.

The Bradford Bypass Environmental Assessment referred to above is defined in the Regulation as:

“ 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;

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.

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

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.

¹ Page i - Draft Environmental Conditions Report, Highway 400 to Highway 404 Link (Bradford Bypass) Ontario Ministry of Transportation 60636190 August 2022

² [Guide for completing phase one environmental site assessments under Ontario Regulation 153/04 | ontario.ca](#)

- 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:
 - who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*;
- 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;

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:

Statement of Qualifications and Limitations

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").

The information, data, recommendations and conclusions contained in the Report (collectively, the "Information"):

- 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;

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.

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.

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.

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.

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:

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.

Because of this report, AECOM and MTO were both made aware of significant changes to the Fisheries Act concerning the protection of fish habitat.

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.

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.

DRAFT ECR - OMISSION OF MATERIAL FACTS CONCERNING THE FISHERIES ACT.

The Draft ECR materially misrepresents the impact of the Fisheries Act on this project.

Section 2.1.2.1 of the Draft ECR contains the following statement and information:

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]

Table 1-1: Study Area Definition by Discipline – defines the Study Area for Fisheries Act and Contamination studies:

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.

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.

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].

Permits, Licences, Approvals & Authorization Associated Legislative Framework Responsible Jurisdiction	Description
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<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"> • 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. • If approval and/or permits are required through consultation with Fisheries and Oceans Canada, the following assessment information would be provided: <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.
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Section 2.1.2.2.1 of the Draft ECR includes the following statement:

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]

Some of these steps include:

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]

Section 2.1.2.3.5 Summary closes with the following statement:

The impact assessment (to follow under separate cover) conducted by certified 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]

All of the forgoing information addresses the construction phase of the project. It makes no mention of the operation phase of this project.

THE READER OF THE FOREGOING COMMENTS IS LEFT WITH THE FOLLOWING IMPRESSIONS:

- 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

RELEVANT FISHERIES ACT PROVISIONS

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.

Definitions

34 (1) The following definitions apply in this section and sections 34.1 to 42.5.

deleterious substance means:

- 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,

Minister may require plans and specifications

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

- 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 what measures, if any, would prevent that result or mitigate its effects; or
- 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.
 - c) (1.1) [Repealed, 2019, c. 14, s. 24]

Powers of Minister

- 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)**,
 - (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
 - (b) restrict the carrying on of the work, undertaking or activity.

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.

Regulations

- (3) The Governor in Council may make regulations
 - (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.

All of the forgoing information addresses the construction phase of the project. It makes no mention of the operation phase of this project.

THE FISHERIES ACT ADDRESSES OPERATIONAL ACTIVITIES IN SECTIONS 34 AND 36 (3) OF THE ACT.

Deposit of deleterious substance prohibited

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]

Deposits authorized by regulation

- 36 (4) No person contravenes subsection (3) by depositing or permitting the deposit in any water or place of
 - (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].

- (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 subsection (5) applicable to that water or place or to any work or undertaking or class of works or undertakings; or
- (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.

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.

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.

THE DRAFT ECR FAILS TO CONSIDER SECTION 36 (3) OF THE ACT

The Draft ECR addresses salt under the construction phase of the project under Section 2.2.5 Contamination, Waste and Excess Materials Management.

Road Salt Application and Vehicular Traffic

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 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.³

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.

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

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

³ Draft ECR page 210

⁴ <https://www.canada.ca/en/environment-climate-change/services/managing-pollution/fisheries-act-registry/frequently-asked-questions.html>

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.

We further believe that obtaining Fisheries approval for the construction and operation of this highway in the current 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.

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.

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.

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.

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.

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!

ITEM SPECIFIC COMMENTS

For ease of reference, our comments concerning this Draft Environmental Conditions Report (ECR) are laid out in the same order as the ECR.

ECR Page	ECR Comment	Issue	Fact	Source of Fact	Comment
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.	MTO Editorial comment – facts not in 1997 EAS	<p>The EA Act for the 1997 EAS required proof of Need and Justification. The 1997 EAS provided the following:</p> <ul style="list-style-type: none"> • Traffic Problems - termination of provincial highways at lower-capacity municipal roadways (e.g. Highway 9 at Davis Drive). • Road Discontinuities - Inefficient, out-of-the-way travel barrier to east-west travel formed by the lack of a crossing of the Holland River north of Highway 11 at Bradford. • Lack of Long Term Plan - the lack of a defined, approved long term highway network plan in the northern part of York Region and southern Simcoe County places constraints on the provincial and municipal planning process in the area. 	1994 EA Proposal S. 2.1 ⁵	<p>Hwy 9 is no longer a provincial Hwy. It is now a regional road that connects Hwy 400 to Hwy 404 via Bathurst St 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>
6	The Fish and Fish Habitat Study Area includes the Bradford Bypass right-of-way and a 200 metre buffer downstream and 50 metre	Ignores Fisheries Act S. 36 (3)	Habitat protection provisions came into force on August 28, 2019 that prohibit the death of fish and the Harmful	S 1.1.2 Fish and Fish Habitat Existing Conditions Report – FINAL Highway	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

⁵ This EAS Proposal once approved become the legal Terms of Reference for the Bradford Bypass EAS.

ECR Page	ECR Comment	Issue	Fact	Source of Fact	Comment
	buffer upstream, where Permission to Enter was granted. This buffer was developed to assess water features detected through background review and field investigations.		Alteration, Destruction, or Disruption of fish habitat.	400 – Highway 404 Link (Bradford Bypass) W.O. #19-2001	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.
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.	Ignores Fisheries Act S. 36 (3)	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.	ibid	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.
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.	The Lower Landing archaeological site is much smaller than the Lower Landing which needs to be designated as a Cultural Heritage Landscape.	Facts too numerous to mention here – see https://frogs.ca/the-lover-landing/	Available on request	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.
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	Value for cost is a basic principle of good governance.	The cost / Km of this highway will be extremely high due to its location and requirement for 2 wide span bridges over both branches of the Holland River. Alternative solutions, south of Newmarket, will likely be more efficient and cost effective.	Toronto Board of Trade cost estimates.	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.

ECR Page	ECR Comment	Issue	Fact	Source of Fact	Comment
	best achieve a balance between cost and benefit to the public.		<p>MTO's Bradford Bypass EA Study stresses that MTO is only addressing solutions within their mandate. Local traffic such as travel between Bradford and Newmarket are the responsibility of Regional and municipal governments.</p> <p>In the 1997 EAS MTO, which is based on approximately 25% of the current population growth targets, MTO acknowledges that a combination of MTO and other solutions will likely be required.</p>		
14	It should also be noted that potential impacts of the project within federal jurisdiction are limited and will be managed through the project-specific assessment of environmental impacts and federal permits and approvals will be obtained as required.	Misrepresentation	S. 36 (3) has a profound impact on this project in this location	See above comments under: DRAFT ECR - OMMISSION OF MATERIAL FACTS CONCERNING THE FISHERIES ACT.	This statement should be deleted from the Draft ECR
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	Incomplete facts.	A judicial review of the basis upon which the Minister's Decision was made was commenced on March 14, 2022 – Court File T-564-22. The Applicants are: FORBID ROADS OVER GREEN SPACES, RESCUE LAKE SIMCOE CHARITABLE FOUNDATION carrying on business as RESCUE LAKE	Court records	Update Final ECR to include comments re outcome of FROGS et al Judicial Review – Hearing date: November 2, 2022

ECR Page	ECR Comment	Issue	Fact	Source of Fact	Comment
	basis for the Minister to revise the former Minister's determination. The Bradford Bypass is a non-designated project.		SIMCOE COALITION, FEDERATION OF ONTARIO NATURALISTS carrying on business as ONTARIO NATURE, WESTERN CANADA WILDERNESS COMMITTEE, WILDLANDS LEAGUE, EARTHROOTS FUND, and ENVIRONMENTAL DEFENCE CANADA INC.		
16	1.5.3 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.		MTO Editorial comment – facts not in 1997 EAS Not a valid justification for this highway. The Terms of Reference for this EAS were restricted to MTO's provincial mandate. MTO did not address regional / local traffic in any manner. MTO stressed that these matters were the responsibility of local governments.	This issue is addressed in more detail on page vii of the Bradford Bypass EAS Report. ⁶	The province has convinced local governments that the Bradford Bypass will resolve their local traffic problems. ⁷ 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.

⁶ Bradford Bypass EAS Report p vii. It should be noted that this “east-west” travel demand is comprised in large part of long distance north-south trips making a crossover between Highway 400 and (extended) Highway 404. These highway trips are a provincial responsibility, and are distinct from locally-generated trips which may use a municipal road to access the provincial network. For this reason the location of a transportation link is not only determined on the basis of where it can serve the highest local demand. The location is related more to the potential network benefits, with local service being a secondary benefit.

⁷ A more detailed report on this issue can be found at: <https://frogs.ca/wp-content/uploads/shared-files/Bradford-Bypass-Bait-Switch-with-Critical-Update-FINAL.pdf>

ECR Page	ECR Comment	Issue	Fact	Source of Fact	Comment
26	These studies will assess the project-specific environmental impacts associated with each discipline, identify mitigation measures and document future commitments as required. These studies will adhere to all relevant new and existing provincial and federal legislation	Materially Misleading Statement	S. 36 (3) of the Fisheries Act is likely the restrictive legislative requirement – this section is not referenced anywhere in this Draft ECR.	See above comments under: DRAFT ECR - OMMISSION OF MATERIAL FACTS CONCERNING THE FISHERIES ACT.	In the absence of an up front commitment to mitigate salt contamination by using an alternative de-icing product over the entire 16.2 Km 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.
30	Permits Required: Environmental Compliance Approval for Air / Noise <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) 	<ul style="list-style-type: none"> • An Approval for Air/Noise is not required for transportation corridors but may be required for support sites such as work yards and locations with addresses. 	Please clarify under what circumstances MTO may choose to not mitigate noise impacting a residential property.	The use of the words “may be required” are worrisome	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.
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.	Failure to list criteria for Health Risk Report	Details of the criteria to be evaluated and the methods of evaluation are not provided in this Draft ECR.	N/A	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.
79	The assessments of the water features described herein were conducted in	Materially Misleading Statement	It is very likely that the documents the assessments were based on only address	See above comments under:	The appropriate manner of addressing this issue is to conduct a full Impact Assessment covering the impact of salt runoff on Lake

ECR Page	ECR Comment	Issue	Fact	Source of Fact	Comment
	<p>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. Some of these steps include:</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 habitat, in contravention of the Fisheries Act 		<p>S. 37 of the Fisheries Act. That section deals with the construction phase of a project with the concerns being that construction activities may harm fish. It does not address consequential effects of operating the highway post construction. (i.e. salt contamination)</p>	<p>DRAFT ECR - OMISSION OF MATERIAL FACTS CONCERNING THE FISHERIES ACT.</p>	<p>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>
100	<p>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</p>	<p>MTO appears to be trying to avoid the necessity for a Request for Review from DFO.</p>	<p>Consultation with DFO / Minister of Environment is necessitated due to likely S. 36 (3) issues.</p>	<p>See above comments under: DRAFT ECR - OMISSION OF MATERIAL FACTS CONCERNING THE FISHERIES ACT.</p>	<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>

ECR Page	ECR Comment	Issue	Fact	Source of Fact	Comment
	Request for Review. [Emphasis added]				
103	The impact assessment (to follow under separate cover) conducted by certified 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]	Detail Design is being done in such a way so as to avoid necessity to involve DFO.	MTO is planning on designing this project in such a manner as to hopefully avoid triggering the need to involve DFO.	See above comments under: DRAFT ECR - OMMISSION OF MATERIAL FACTS CONCERNING THE FISHERIES ACT.	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.
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:	Study Guidelines are outdated	All of the listed guidelines pre-date the 2019 amendments to the Fisheries Act.	Fish and Fish Habitat Protection Policy Statement – August 2019 – Fisheries and Oceans Canada ⁸	These guidelines do not address the current Fisheries Act and hence are not applicable for the purposes of this draft ECR.
141	According to the Highly Vulnerable Aquifer map, the aquifer vulnerability underlying the majority of the	Groundwater impacts	Salt in stormwater runoff has a high likelihood of contaminating Lake Simcoe and possibly private wells.	Draft ECR	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

⁸ <https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/40971193.pdf>

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	<p>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>likely gravitate to and contaminate these highly vulnerable aquifers.</p>
<p>173</p>	<p>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 a Municipal Comprehensive Review.</p>	<p>Highway promotes sprawl</p>	<p>When this highway was first planned, the populations in the affected areas were rural in nature. Projected population growth was also modest. Once developers learned the approved corridor of the highway, they flocked to purchase all adjacent land.</p>	<p>Please see FROGS Fact Sheet - REASONS WHY WE NEED A TOTALLY NEW HOLISTIC STUDY NOT RESTRICTED TO MTO'S MANDATE⁹</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>

⁹ <https://frogs.ca/wp-content/uploads/shared-files/Reasons-why-a-totally-new-holistic-study-which-is-not-restricted-to-MTO-is-needed-.pdf>

ECR Page	ECR Comment	Issue	Fact	Source of Fact	Comment
174	The Town of Bradford West Gwillimbury has already had numerous requests to convert Employment Lands to Residential in the forthcoming Municipal Comprehensive Review.	Highway promotes sprawl	See above	See above	See above
179	<p>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 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>	Violates public policy to preserve valuable farmland	<p>Ontario’s farmland fell from 12,348,463 acres in 2016 to 11,766,071 in 2021, according to census data, taking a notable 4.7% plunge. On average, this means a loss of 319 acres of farmland each day over the five-year period, almost double the 175-acres-per-day loss seen between 2011 and 2016.</p> <p>In a release, President of the Ontario Federation of Agriculture Peggy Brekveld named urban sprawl as the culprit behind the province’s shrinking farmland. “Since the beginning of the pandemic, there has been an alarming expansion of low-density housing, warehouses, factories and other non-agricultural land uses on land that was previously in agricultural production,” Brekveld said. “This is added pressure Ontario farmers simply don’t need. The need for urban</p>	Wikipedia ¹⁰	This is yet another reason why this highway is in the wrong location.

¹⁰ https://en.wikipedia.org/wiki/Bradford_Bypass

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			<p>growth to keep up with a growing population is understood, but it has to be approached in a smart, measured and sustainable way. Ontario can't afford to prioritize haphazard urban development over prime food-producing farmland."</p>		
210	<p>Road Salt Application and Vehicular Traffic. 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 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>	Misleading statement	<p>Road salt has been used for years and will likely continue to be used for years.</p> <p>This is a very misleading statement. What standard is AECOM relying on to determine what level of salt is excessive in soil thus requiring the soil's removal and presumably some form of decontamination?</p>	Common knowledge	<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>

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	<p>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>225</p>	<p>Table 2-38: Summary of Archaeological Assessment Resources Identified During Preliminary Design, Assessment Status and Recommendations for Further Work</p>	<p>This Draft ECR is significantly premature given the magnitude of further required archaeological studies. We know of at least one such study area that will likely require a further route realignment as removal of all artifacts under a stage 4 assessment would not be acceptable to our First Nations constituents.</p>	<p>A stage 3 assessment has been underway on the southern boundary of BaGv-42 following the June 10, 2022 cut-off date used in this section of the Draft ECR.</p> <p>There was no evidence of any first nations party present for this stage 3 dig.</p> <p>This is roughly the area depicted as the Lower Landing on a survey of this property attached to a deed registered on January 24, 1914 conveying the shoreline to His Majesty King Edward VII.¹¹</p>	<p>Attendance at property.</p> <p>https://frogs.ca/wp-content/uploads/shared-files/Deed-Lot-118.pdf</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>

¹¹ <https://frogs.ca/wp-content/uploads/shared-files/Deed-Lot-118.pdf>

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225	Table 2-38: Summary of Archaeological Assessment Resources Identified During Preliminary Design, Assessment Status and Recommendations for Further Work	Potentially missed site.	A stage 1 Marine Archaeological Assessment was conducted by Ontario Marine Heritage Committee, in October 2021, along the shoreline of Lot 118 on the East Branch of the Holland River in the general area of the Lower Landing. We have seen no evidence of any follow-up study although one is clearly warranted	MARINE ARCHAEOLOGICAL ASSESSMENT EAST HOLLAND RIVER ADJACENT TO LOT 118, CONCESSION 1, WEST OF YONGE ST. TOWN OF EAST GWILLIMBURY REGIONAL MUNICIPALITY ¹²	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.
235	2.4.1 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.	Violates original EAS terms of reference which are the legal requirements of the EAS	“it is recognized that there is not likely to be a single facility or improvement which addresses all of the problems and opportunities noted above. Consequently, a combination of measures may therefore be appropriate. In this context, however, the current study can only deal with those elements of the total solution which fall under the MTO’s proponenty or mandate”. [emphasis added]	Bradford Bypass Environmental Assessment Proposal September 1994 ¹³	The 1997 EAS only considered a controlled access highway so upgrades to regional roads were excluded. 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.
237	The traffic microsimulation model analysis revealed eight critical movements during the AM peak hour, summarized below:	Traffic model only considers effect of the Bradford Bypass	A substantial amount of traffic is out-of-the-way travel which causes cars travelling between Barrie / Innisfil and Keswick / Brechin to travel 11 km out-of-the-way south on County Rd 4, east or west	Originally addressed by an independent Environmental Assessment Board in approval of Highway 89	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

¹² <https://frogs.ca/wp-content/uploads/shared-files/MARINE-ARCHAEOLOGICAL-ASSESSMENT-Oct-29-2021.pdf>

¹³ <https://frogs.ca/wp-content/uploads/shared-files/TAB-4-EA-Proposal-Sept-1994-compressed-annotated.pdf>

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	<ul style="list-style-type: none"> • Woodbine Avenue and Ravenshoe Road – Eastbound and northbound left • Woodbine Avenue and Ravenshoe Road – Eastbound, eastbound left, northbound left, and westbound • Queensville Sideroad and Leslie Street – Eastbound left 		<p>on Queensville Sideroad and north on Leslie, Woodbine or Hwy 404.</p>	<p>Extension Environmental Assessment Study (1984)¹⁴</p>	<p>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>
<p>248</p>	<p>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) • Focus group meetings with sectors of communities (hunters, youth, elders), (as requested); • Discussing mitigation / accommodation measures that could be used to 	<p>AECOM has not performed these consultations as promised in this section of the report.</p>	<p>Records of First Nations Consultations are the subject of a continuing Access Freedom of Information Request to MTO. The following are the only meetings noted:</p> <ul style="list-style-type: none"> • Huron Wendat First Nations Meeting Summary December 2, 2020 • Williams Treaties First Nations Meeting Summary- Sept 23,2021 • Huron-Wendat Nation Meeting Summary- Oct 26, 2021 • Mississaugas of Scugog Island First Nation Meeting Summary-Dec 7, 2021 • No meetings for period • February 6, 2022 to August 6, 2022. – no records exist 	<p>MTO requests for information File #'s</p> <p>21-291, 22-052, 22-336</p> <p>On site attendance at various archaeological digs.</p>	<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' 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.rcaanc-cirnac.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>

¹⁴ <https://frogs.ca/wp-content/uploads/shared-files/Excerpts-from-HWY-89-Extension-EAR-July-1984.pdf>

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	<p>address adverse impacts of the project on Aboriginal and treaty rights (e.g., staging bridge work to avoid fish spawning seasons)</p> <ul style="list-style-type: none"> • 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. 				
273	<p>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 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>No need for Bradford Bypass in this location</p>	<p>Need and Justification for this highway in this corridor is not supported by the findings of this transportation model.</p> <p>“a draft Environmental Assessment Proposal (EAP) Report was prepared in 1993. The report followed the Ministry of the Environment’s “EAP Guidelines - 1992” and specifically addressed the following:</p> <ul style="list-style-type: none"> • need and justification • the area to be studied • the transportation alternatives to be considered” 	<p>1994 EAP Proposal – Footnote 14</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>
275	<p>Previously received comments concerning lack of need and justification for highway in this corridor recorded on Page 275</p>	<p>Responses to PIC 1 Not carried forward.</p>	<p>Responses to PIC 1 do not appear to be included in this Draft ECR. Presumably this is because the previous Class EA Study was</p>	<p>Bradford Bypass EAS Report 1997</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.</p>

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			<p>eliminated by the Regulation. Although the regulatory process under which the planning for this highway may have changed, this is still the same project. There is no justification for AECOM to arbitrarily now ignore these prior comments.</p>		<p>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.¹⁵</p>
291	<p>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>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>	Consideration of reasonable alternatives	<p>In the 1997 EAS, MTO refused to consider any roadway based reasonable alternatives unless they were controlled access highways. While MTO claim they have considered Ring Road Corridors south of Newmarket, MTO is unable to product the study relied upon for this purpose. All we have is the COMPARISON OF ALTERNATIVE FREEWAY CORRIDORS - Exhibit 3-12 of the 1997 Bradford Bypass EAS Report.</p>	MTO FOI file 22-216	<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>

¹⁵ https://frogs.ca/wp-content/uploads/shared-files/Comments-re-Bradford-Bypass-PIC-1-April-2021_Optimized.pdf

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315	<p>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>Value for cost is a basic principle of good governance.</p>	<p>The cost / Km of this highway will be extremely high due to its location and requirement for 2 wide span bridges over both branches of the Holland River possibly large enough to handle 8 lanes of traffic. Alternative solutions will likely be more efficient and cost effective.</p> <p>MTO's Bradford Bypass EA Study stresses that MTO is only addressing solutions within their mandate. Local traffic such as travel between Bradford and Newmarket are the responsibility of Regional and municipal governments.</p> <p>In the 1997 EAS, which is based on approximately 25% of the current population growth targets, MTO acknowledges that a combination of MTO and other solutions will likely be required.</p>	<p>Toronto Board of Trade cost estimates.</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>
316	<p>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>Stability of structure and cost.</p>	<p>The lowlands on either side of both branches of the Holland River are the lake bed of ancient Algonquin Lake. York Region drove test piles near the technically preferred route at Concession 1 for the proposed Water Reclamation Center. Depending on the configuration of the piles the depths at which they hit solid</p>	<p>York Region letter dated November 18, 2019</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>

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			till, but not bed rock, ranged from 20 to 50m deep. The observed bearing capacity of these piles varied from 2400kN to 4000kN.		
316	<p>Staging</p> <p>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, or specified under the Regulation.</p>	Improper Disclosure	This is the first and only time in this study that the public is being informed that this is being considered as an ultimate 8 lane highway.	N/A	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?
318	<p>Fisheries and Aquatic Habitat</p> <ul style="list-style-type: none"> • Protect fish habitat • during and following construction • including no net loss of habitat 	Materially misleading statement	The items addressed in this Draft ECR are designed to protect fish during the construction phase of this project but not the operation phase.	See above comments under: DRAFT ECR - OMMISSION OF MATERIAL FACTS CONCERNING THE FISHERIES ACT.	How can the public have any trust in Ontario's government when they condone the publication of this type of materially misleading information.
326	<p>Community Effects</p> <p>A Noise and Vibration Impact Assessment and a Preliminary Landscape Composition Plan will be prepared to assess potential</p>	Lack of Certainty.	The effected public want assurances rather than vague comments concerning proposed noise mitigation measures. These comments appear to relate solely to	N/A	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

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	impacts and identify proposed mitigation measures if required.		construction noise. Please confirm that they also address post construction operational noise.		guidelines rather than law is most disconcerting.

RECOMMENDATIONS

- 1) 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.
- 2) 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. References for this ECR.
- 3) 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.
- 4) 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).
- 5) 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.
- 6) Increase the resolution of all maps and charts in the final ECR. (Current legends are essentially unreadable).

CRITERIA FOR ANALYSIS OF ALTERNATIVES.

Please analyze and provide a detailed report with executive summary for the following routing alternatives:

1. Bradford Bypass – current corridor

2. Connect Queensville Sideroad, via Bathurst St. and Hochreiter Road to 8th line in Bradford
3. Connect Ravenshoe Road to Simcoe Line 13
4. MTO's previously preferred Highway 89 Extension route to Ravenshoe Road
5. The Ring Road alternative corridors set out in Exhibit 3 -13 of the 1997 Bradford Bypass EA Study Report

Criteria to be reported:

- (a) Traffic volume and travel times – peak and average
 - 1) Barrie to Keswick
 - 2) Barrie to Highways 404 and 401
 - 3) Hwy 89 to Oshawa
 - 4) Keswick to Highways 400 and 401
 - 5) Vaughn to the planned employment lands on Queensville Sideroad in East Gwillimbury
- (b) Construction cost for each alternative
- (c) Greenhouse gas produced for each alternative for both construction phase and peak operation phase
- (d) Estimated extent of environmental impact for each alternative – scale 1-5 with 5 being highest

Please compare each of the above findings for the Bradford Bypass to each of: alternatives 1, alternatives 1 plus 2 and alternatives 1 plus 3, 2 plus 3 and 2 Plus 3 plus 5.

The objective of this analysis is to determine the cost, in both dollars and carbon emissions, of the presumed incremental travel benefits (traffic capacity) of the Bradford Bypass versus the proposed regional road upgrades or one of the Alternative Corridors south of Newmarket.

Respectfully Submitted.

Forbid Roads Over Green Spaces

Per.

C.W.D. Foster
Chair