

Environmental Assessment Act

ONTARIO REGULATION 697/21 BRADFORD BYPASS PROJECT

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DEFINITIONS

Definitions

1. In this Regulation,

“Bradford Bypass Environmental Assessment” means 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; (“évaluation environnementale de la voie de contournement de Bradford”)

“Bradford Bypass Project” means,

- (a) an enterprise or activity that is the designing, establishing, constructing, operating, maintaining, changing or retiring of a freeway connecting Highway 400 in the Town of Bradford West Gwillimbury (County of Simcoe) to Highway 404 in the Town of East Gwillimbury (Regional Municipality of York), located north of and parallel to Simcoe County Road 88 in the Town of Bradford West Gwillimbury and Queensville Sideroad (York Road 77) in East Gwillimbury, with the route traversing a small segment of the Township of King in York Region, or
- (b) a proposal, plan or program in respect of an enterprise or activity described in clause (a); (“projet de voie de contournement de Bradford”)

“Bradford Bypass Project assessment process” means the process set out in sections 15 to 29; (“processus d’évaluation du projet de voie de contournement de Bradford”)

“Class Environmental Assessment” means the Class Environmental Assessment for Provincial Transportation Facilities approved by the Lieutenant Governor in Council on October 6, 1999 under Order in Council 1653/1999, as it may be amended from time to time; (“évaluation environnementale de portée générale”)

“early works” means the following components of the Bradford Bypass Project if the proponent proposes to proceed with them before the completion of the Bradford Bypass Project assessment process:

1. The design, construction and operation of a bridge and associated roadway construction for a future interchange on County Road 4, at a location between 8th Line and 9th Line and within the technically preferred route, that is part of the Bradford Bypass Project.
2. Any applicable activities that are required to support the completion of the bridge and roadway described in paragraph 1 and that are to be carried out within the study area; (“travaux préliminaires”)

“early works assessment process” means the process set out in sections 4 to 14 and section 29; (“processus d’évaluation des travaux préliminaires”)

“noise protocols” means,

- (a) the document entitled “Environmental Guide for Noise” prepared by the Ministry of Transportation, dated October 2006 and published on a website of the Government of Ontario, as it may be amended from time to time, and
- (b) the document entitled “Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300)”, published on a website of the Government of Ontario, as it may be amended from time to time; (“protocoles sur le bruit”)

“Project website” means a website of the Government of Ontario that is established for the purpose of publicly sharing information on the Bradford Bypass Project; (“site Web du projet”)

“study area” means the area of study set out in Exhibit 3-16 of Section 3.5.3 of the Bradford Bypass Environmental Assessment as the Bradford Corridor and as described in section 4.1 of that Assessment for specific components of the environment; (“zone d’étude”)

“technically preferred route” means the preferred route for the Bradford Bypass Project as set out in the conceptual design identified in Exhibit 5-1 in Section 5 of the Bradford Bypass Environmental Assessment, and includes the proposed interchanges and configurations and right of way requirements; (“tracé privilégié sur le plan technique”)

“updated study area” means the study area, subject to, as applicable,

- (a) any proposed changes set out in the final environmental conditions report published under section 19, or
- (b) any proposed changes set out in the draft environmental impact assessment report distributed under section 25; (“zone d’étude mise à jour”)

“updated technically preferred route” means the technically preferred route, subject to, as applicable,

- (a) any proposed changes set out in the final environmental conditions report published under section 19, or
- (b) any proposed changes set out in the draft environmental impact assessment report distributed under section 25. (“tracé privilégié sur le plan technique mis à jour”)

EXEMPTIONS

Exemptions

2. (1) The Bradford Bypass Project, other than early works, is exempt from the Act if the proponent complies with section 3 and the Bradford Bypass Project assessment process.
- (2) Early works are exempt from the Act if the proponent complies with section 3 and the early works assessment process.
- (3) Subsections 12.2 (2) and (6) and subsections 15.1.2 (2) and (6) of the Act do not apply to,

- (a) the Minister of the Environment, Conservation and Parks with respect to any permit that Minister may issue under section 17 of the *Endangered Species Act, 2007* related to the Bradford Bypass Project; and
- (b) the Minister of Heritage, Sport, Tourism and Culture Industries with respect to any consent that Minister may issue for the purpose of compliance with subsection 25.2 (6) of the *Ontario Heritage Act* related to the Bradford Bypass Project.

IMPLEMENTATION OF BRADFORD BYPASS ENVIRONMENTAL ASSESSMENT

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.

EARLY WORKS ASSESSMENT PROCESS

Early works Indigenous Consultation Plan

4. (1) Before preparing the draft early works report, the proponent shall prepare an early works Indigenous Consultation Plan that includes,

- (a) a list of Indigenous communities that have or may have existing aboriginal or treaty rights, as recognized and affirmed in section 35 of the *Constitution Act, 1982*, that may be impacted by the early works;
- (b) a list of Indigenous communities that may otherwise be interested in the early works; and
- (c) the plan for consulting with Indigenous communities set out in clauses (a) and (b) throughout the early works assessment process.

(2) The proponent shall circulate the early works Indigenous Consultation Plan with the communities listed in subsection (1).

(3) After circulating the early works Indigenous Consultation Plan in accordance with subsection (2), the proponent shall provide the early works Indigenous Consultation Plan to the Director of the Ministry's Environmental Assessment Branch.

(4) If the proponent proceeds with the early works assessment process, it shall do so in accordance with the early works Indigenous Consultation Plan and any changes made in compliance with subsection (5).

(5) If the proponent makes any changes to the early works Indigenous Consultation Plan, the proponent shall circulate the changes with the communities listed in subsection (1) and provide a copy to the Director of the Ministry's Environmental Assessment Branch.

Draft early works report

5. (1) The proponent may prepare a draft early works report in accordance with subsection (2).

(2) The draft early works report must contain the following:

- 1. A description of the early works, including a description of the alternatives that were considered or a description of why alternatives were not considered.
- 2. The rationale for proceeding with the early works and a summary of background information relating to them.
- 3. A map showing the area of study for the early works described under paragraph 1, along with a rationale for the proponent's selection of the boundaries for the area of study.
- 4. An update to the description of the local environmental conditions within the area of study for the early works.
- 5. A description of all studies undertaken in relation to the early works, including the studies required by sections 6 to 9, which must set out,
 - i. a summary of all data collected or reviewed, and
 - ii. a summary of all results and conclusions.
- 6. The proponent's assessment and evaluation of the impacts that the preferred method of carrying out the early works and other methods might have on the environment, and the proponent's criteria for assessment and evaluation of those impacts.
- 7. A description of any measures proposed by the proponent for mitigating any negative impacts that the preferred method of carrying out the early works might have on the environment.

8. A description of the means the proponent proposes to use to monitor and verify the effectiveness of the mitigation measures proposed under paragraph 7, including a plan to make the results of the monitoring and verification available on the Project website.
9. A description of any municipal, provincial, federal or other approvals or permits that may be required for the early works.
10. A consultation record, including,
 - i. a description of the consultations carried out with Indigenous communities, in accordance with the early works Indigenous Consultation Plan prepared under section 4, and with other interested persons,
 - ii. a list of the Indigenous communities and interested persons who participated in the consultations,
 - iii. summaries of the comments submitted by Indigenous communities and interested persons,
 - iv. a summary of discussions that the proponent had with Indigenous communities, and copies of all written comments submitted by Indigenous communities,
 - v. a description of what the proponent did to respond to concerns expressed by Indigenous communities and interested persons, and
 - vi. any commitments made by the proponent to Indigenous communities and interested persons in respect of the early works.

Early works Stage III Archaeological Assessment

6. (1) In accordance with subsection (2), the proponent shall complete a Stage III Archaeological Assessment for any areas of the area of study that are identified as having archaeological potential in accordance with a Stage II Archaeological Assessment.

(2) Any Stage III Archaeological Assessment shall be completed in accordance with the Ministry of Heritage, Sport, Tourism and Culture Industries' Standards and Guidelines for Consultant Archaeologists.

Early works Stormwater Management Plan

7. (1) The proponent shall prepare a Stormwater Management Plan for the early works in accordance with this section.

(2) The Stormwater Management Plan shall, at a minimum, include,

- (a) plans and descriptions showing the type of stormwater management to be provided for the early works, including the portions not being drained to a stormwater management wet pond;
- (b) a description of the receiving water features that would receive stormwater from the early works, including the characteristics, flow and ecological conditions and whether species protected under the *Endangered Species Act, 2007* are known to be present;
- (c) an operation and maintenance plan for the proposed stormwater management facilities; and
- (d) a monitoring plan to evaluate the performance of stormwater management facilities against the design criteria and objectives and to verify receiving surface waters are protected.

(3) The proponent shall develop the Stormwater Management Plan in accordance with,

- (a) the proponent's guidelines; and
- (b) the document entitled "Stormwater Management Planning and Design Manual, 2003", dated March 2003, published by the Ministry and available on a Government of Ontario website.

(4) The proponent shall submit the Stormwater Management Plan to the following for review and comment:

1. The Ministry of Northern Development, Mines, Natural Resources and Forestry.
2. The Lake Simcoe Region Conservation Authority.
3. Fisheries and Oceans Canada.
4. The Ministry of the Environment, Conservation and Parks.

(5) The proponent shall consider any comments provided on the Stormwater Management Plan.

(6) The proponent shall provide the final Stormwater Management Plan to the Director of the Ministry's Environmental Assessment Branch.

(7) The proponent shall publish the final Stormwater Management Plan on the Project website.

Early works Groundwater Protection and Well Monitoring Plan

8. (1) The proponent shall prepare a Groundwater Protection and Well Monitoring Plan for the early works in accordance with this section.

(2) The Groundwater Protection and Well Monitoring Plan shall, at a minimum, include,

- (a) the identification of all areas where the early works may directly or indirectly affect groundwater;
- (b) a groundwater monitoring program for the identified areas;
- (c) a description of the locations and parameters for the monitoring of groundwater quality and quantity;
- (d) the proposed start date and frequency of groundwater monitoring; and
- (e) a well water survey, including plans to collect appropriate water quality and quantity information as determined by the proponent.

(3) The proponent shall distribute the Groundwater Protection and Well Monitoring Plan to the following for review and comment:

1. The Director of the Ministry's Central Regional Office.
2. The Director of the Ministry's Conservation and Source Protection Branch.
3. The Lake Simcoe Region Conservation Authority.
4. The Ministry of Northern Development, Mines, Natural Resources and Forestry.
5. The York Regional Health Unit.
6. The Simcoe Muskoka District Health Unit.
7. The Town of Bradford West Gwillimbury.
8. The Town of East Gwillimbury.
9. The Town of Newmarket.
10. The County of Simcoe.
11. The Township of King.
12. The Regional Municipality of York.
13. Any other municipalities considered appropriate by the proponent.

14. Every assessed owner of land within the area of study for the early works and within 500 metres of the borders of the area of study for the early works.

(4) The proponent shall consider any comments provided on the Groundwater Protection and Well Monitoring Plan.

(5) The proponent shall provide the final Groundwater Protection and Well Monitoring Plan to the Director of the Ministry's Environmental Assessment Branch.

(6) The proponent shall publish the final Groundwater Protection and Well Monitoring Plan on the Project website.

Early works noise report

9. (1) The proponent shall prepare a noise report for the early works in accordance with the noise protocols.

(2) The proponent shall distribute the noise report to the Director of the Ministry's Environmental Assessment Branch for review and comment.

(3) The proponent shall consider any comments provided by the Director of the Ministry's Environmental Assessment Branch.

(4) The proponent shall provide the final noise report to the Director of the Ministry's Environmental Assessment Branch.

Notice of draft early works report

10. (1) The proponent shall prepare a notice of publication of draft early works report that complies with subsection (2) and distribute it as described in subsection (3).

(2) The notice shall include the following information:

1. The Project website.
2. The name and phone number and email address of a person who may be contacted on behalf of the proponent.
3. A description of the early works.
4. A statement that the environmental impacts of the early works are being assessed in accordance with this Regulation.

5. A map showing the area of study for the early works described under paragraph 3.
 6. Information on how to obtain a copy of the draft early works report.
 7. Information about any opportunities the proponent is providing for consultation about the draft early works report.
 8. Information on how comments about the draft early works report can be submitted to the proponent.
- (3) The proponent shall distribute the notice by,
- (a) giving a copy of the notice to,
 - (i) every assessed owner of land within the area of study for the early works and within 500 metres of the borders of the area of study for the early works,
 - (ii) the Director of the Ministry's Environmental Assessment Branch,
 - (iii) every Indigenous community that is identified in the early works Indigenous Consultation Plan prepared under section 4,
 - (iv) the Director of the Ministry's Central Region Office,
 - (v) the Town of Bradford West Gwillimbury,
 - (vi) the Town of East Gwillimbury,
 - (vii) the Town of Newmarket,
 - (viii) the County of Simcoe,
 - (ix) the Township of King,
 - (x) the Regional Municipality of York,
 - (xi) any other municipalities considered appropriate by the proponent,
 - (xii) any provincial and federal ministries and agencies with policies or legislative requirements applicable to the early works, and
 - (xiii) any other person who, in the opinion of the proponent, may be interested in the early works;
 - (b) publishing the notice in a manner that will promptly bring the notice to the attention of the public in the area of study for the early works; and
 - (c) publishing the notice on the Project website.

Consultation and issues resolution for early works report

- 11.** (1) The proponent shall provide all of the persons to whom a copy of the notice under clause 10 (3) (a) is given an opportunity to participate in the consultation.
- (2) Subject to subsections (3) and (4), the consultation shall be conducted in the way the proponent considers appropriate.
- (3) As part of the consultation, the proponent shall ensure that all of the persons and Indigenous communities to whom a copy of the notice under clause 10 (3) (a) is given are provided with access to a copy of the draft early works report.
- (4) The proponent shall establish an issues resolution process to attempt to resolve any concerns raised by Indigenous communities and interested persons related to early works.

Final early works report

- 12.** (1) After publishing the notice of publication of the draft early works report pursuant to clauses 10 (3) (b) and (c), the proponent shall,
- (a) complete the consultation and issues resolution process under section 11;
 - (b) update the draft early works report, including by adding,
 - (i) a description of the issues resolution process employed by the proponent in respect of any concerns raised by Indigenous communities and interested persons,
 - (ii) a description of the concerns raised by Indigenous communities and interested persons in the issues resolution process and of the outcome of the process, including what, if anything, the proponent did or will do in respect of the concerns raised, and
 - (iii) a description of any changes to the early works as a result of addressing concerns raised through consultation under this section; and
 - (c) publish the final early works report on the Project website.

(2) The proponent shall ensure that all of the persons and Indigenous communities to whom a copy of the notice under clause 10 (3) (a) is given are notified of the publication of the final early works report and are provided with access to a copy of it.

Early works statement of completion

13. (1) After publishing the final early works report, the proponent shall provide a statement of completion of the early works assessment process to the Director of the Ministry's Environmental Assessment Branch.

(2) The statement of completion of the early works assessment process shall indicate that the proponent intends to proceed with the early works in accordance with the final early works report.

(3) The proponent shall post the statement of completion on the Project website.

(4) Subject to subsection 29 (17), if the proponent proceeds with the early works, it shall proceed in accordance with the final early works report.

Timing for early works assessment process

14. (1) The proponent may carry out the early works assessment process only until the notice of publication of the draft environmental impact assessment report has been distributed in accordance with subsection 25 (3).

(2) Once the notice of publication of the draft environmental impact assessment report has been distributed, the proponent shall immediately cease the early works assessment process if it is underway.

(3) Subsections (1) and (2) do not apply to the early works assessment process for proposed changes pursuant to section 29.

BRADFORD BYPASS PROJECT ASSESSMENT PROCESS

Indigenous Consultation Plan

15. (1) Before preparing the draft environmental conditions report, the proponent shall prepare an Indigenous Consultation Plan that includes,

- (a) a list of Indigenous communities that have or may have existing aboriginal or treaty rights, as recognized and affirmed in section 35 of the *Constitution Act, 1982*, that may be impacted by the Bradford Bypass Project;
- (b) a list of Indigenous communities that may otherwise be interested in the Bradford Bypass Project; and
- (c) the plan for consulting with Indigenous communities set out in clauses (a) and (b) throughout the Bradford Bypass Project assessment process.

(2) The proponent shall circulate the Indigenous Consultation Plan with the communities listed in subsection (1).

(3) The proponent shall provide the Indigenous Consultation Plan to the Director of the Ministry's Environmental Assessment Branch.

(4) If the proponent proceeds with the Bradford Bypass Project assessment process, it shall do so in accordance with the Indigenous Consultation Plan and any changes made in compliance with subsection (5).

(5) If the proponent makes any changes to the Indigenous Consultation Plan, the proponent shall circulate the changes with the communities listed in subsection (1) and provide a copy to the Director of the Ministry's Environmental Assessment Branch.

Environmental Conditions Report

Draft environmental conditions report

16. (1) The proponent shall prepare a draft environmental conditions report in accordance with subsections (2) and (3).

(2) The draft environmental conditions report must contain the following:

- 1. A map showing the study area and the technically preferred route.
- 2. An update to the description of the environmental conditions in the Bradford Bypass Environmental Assessment, including any updates from the early works report, if any.
- 3. A description of all studies undertaken in relation to updating the environmental conditions in the study area, including,
 - i. a summary of all data collected or reviewed, and
 - ii. a summary of all results and conclusions.
- 4. An identification of,
 - i. any changes to the environmental conditions identified in paragraph 2,

- ii. any changes to the technically preferred route as a result of the changes to the environmental conditions identified in paragraph 2, and
 - iii. at least two alternatives for any changes identified to the technically preferred route identified in subparagraph ii.
 - 5. A description of the changes identified in accordance with paragraph 4, if any, to the technically preferred route and the reasons for the change.
 - 6. If there are proposed changes to the technically preferred route identified in accordance with paragraph 4, the contents required by clause (3) (a).
 - 7. A description of the proposed updated technically preferred route, subject to the results of the process required by clause (3) (b), if any.
 - 8. A consultation record for preparation of the draft environmental conditions report, including,
 - i. a description of the consultations carried out with Indigenous communities, in accordance with the Indigenous Consultation Plan prepared under section 15, and with other interested persons,
 - ii. a list of the Indigenous communities and interested persons who participated in the consultations,
 - iii. summaries of the comments submitted by Indigenous communities and interested persons,
 - iv. a summary of discussions that the proponent had with Indigenous communities, and copies of all written comments submitted by Indigenous communities,
 - v. a description of what the proponent did to respond to concerns expressed by Indigenous communities and interested persons, and
 - vi. any commitments made by the proponent to Indigenous communities and interested persons in respect of the Bradford Bypass Project.
- (3) If the proponent determines that changes to the technically preferred route are necessary based on the evaluation in paragraph 4 of subsection (2),
- (a) for any proposed changes within the study area, the draft environmental conditions report must contain,
 - (i) the proponent's assessment and evaluation of any impacts that the change might have on the environment, and
 - (ii) a description of any measures proposed by the proponent for mitigating any negative impacts that the change might have on the environment; and
 - (b) for any proposed changes outside of the study area, the proponent must,
 - (i) evaluate those changes in accordance with the Class Environmental Assessment, and
 - (ii) incorporate the results of the Class Environmental Assessment process into the draft environmental conditions report or the draft environmental impact assessment report to reflect any changes to the technically preferred route.

Notice of publication

- 17.** (1) The proponent shall prepare a notice of publication of the draft environmental conditions report that complies with subsection (2) and distribute it as described in subsection (3).
- (2) The notice shall include the following information:
- 1. The Project website.
 - 2. The name and phone number and email address of a person who may be contacted on behalf of the proponent.
 - 3. A description of the technically preferred route and any proposed changes.
 - 4. A statement that the environmental impacts of the Bradford Bypass Project are being assessed in accordance with this Regulation.
 - 5. A map showing the study area and the technically preferred route, including any proposed changes to it, in respect of the Bradford Bypass Project.
 - 6. Information on how to obtain a copy of the draft environmental conditions report.
 - 7. Information about any opportunities the proponent is providing for consultation about the draft environmental conditions report.
 - 8. Information on how comments about the draft environmental conditions report can be submitted to the proponent.
- (3) The proponent shall distribute the notice by,

- (a) giving a copy of the notice to,
 - (i) every assessed owner of land within the study area and within 500 metres of the borders of the study area,
 - (ii) the Director of the Ministry's Environmental Assessment Branch,
 - (iii) every Indigenous community that is identified in the Indigenous Consultation Plan prepared under section 15,
 - (iv) the Director of the Ministry's Central Region Office,
 - (v) the Town of Bradford West Gwillimbury,
 - (vi) the Town of East Gwillimbury,
 - (vii) the Town of Newmarket,
 - (viii) the County of Simcoe,
 - (ix) the Township of King,
 - (x) the Regional Municipality of York,
 - (xi) any other municipalities considered appropriate by the proponent,
 - (xii) any provincial and federal ministries and agencies with policies or legislative requirements applicable to the Bradford Bypass Project, and
 - (xiii) any other person who, in the opinion of the proponent, may be interested in the Bradford Bypass Project;
- (b) publishing the notice in a manner that, in the opinion of the proponent, will promptly bring the notice to the attention of interested persons in the study area; and
- (c) publishing the notice on the Project website.

Consultation on environmental conditions report

18. (1) The proponent shall, in accordance with subsection (2), consult with,

- (a) every Indigenous community that is identified in the Indigenous Consultation Plan; and
- (b) persons who, in the opinion of the proponent, may be interested in the Bradford Bypass Project.

(2) The proponent shall provide all of the Indigenous communities and persons to whom a copy of the notice under clause 17 (3) (a) is given with an opportunity to participate in the consultation.

(3) Subject to subsection (4), the consultation shall be conducted in the way the proponent considers appropriate.

(4) As part of the consultation, the proponent shall ensure that all of the persons and Indigenous communities to whom a copy of the notice under clause 17 (3) (a) is given are provided with access to a copy of the draft environmental conditions report.

Final environmental conditions report

19. (1) Following the consultation described in section 18, the proponent shall,

- (a) update the draft environmental conditions report, including by adding,
 - (i) a description of any concerns raised by Indigenous communities and interested persons,
 - (ii) a description of what, if anything, the proponent did or will do in respect of the concerns raised, and
 - (iii) a description of any changes to the environmental conditions report as a result of addressing concerns raised during consultation under section 18; and
- (b) publish a final environmental conditions report on the Project website.

(2) The proponent shall ensure that all of the persons and Indigenous communities to whom a copy of the notice under clause 17 (3) (a) is given are notified of the publication of the final environmental conditions report and are provided with access to a copy of it.

Environmental Impact Assessment Report

Draft environmental impact assessment report

20. (1) The proponent shall prepare a draft environmental impact assessment report in accordance with subsection (2).

(2) The draft environmental impact assessment report must contain the following:

1. A statement of the purpose of the Bradford Bypass Project and a summary of background information relating to the Bradford Bypass Project.

2. The final description of the updated technically preferred route from the environmental conditions report and from the Class Environmental Assessment process, if applicable, in accordance with clause 16 (3) (b).
3. The assessment and comparison of at least two potential alternative alignment options for the Bradford Bypass Project that are within the updated technically preferred route as set out in paragraph 2, and the selection of a preferred alignment.
4. A map showing the preferred alignment and the updated technically preferred route.
5. A description of the local environmental conditions at the updated technically preferred route.
6. The assessment and comparison of at least two potential alternatives to the design options for each of the components of the preferred alignment for the Bradford Bypass Project, and a selection of the preferred design from those options, taking into account the comparisons.
7. A description of all studies, including the studies set out in sections 21 to 24, undertaken in relation to the Bradford Bypass Project, which must set out,
 - i. a summary of all data collected or reviewed, and
 - ii. a summary of all results and conclusions.
8. The proponent's assessment and evaluation of the impacts that the preferred alignment and preferred design for the Bradford Bypass Project might have on the environment, and the proponent's criteria for assessment and evaluation of those impacts.
9. A description of any measures proposed by the proponent for mitigating any negative impacts that the preferred alignment and preferred design for the Bradford Bypass Project might have on the environment.
10. A description of the means the proponent proposes to use to monitor and verify the effectiveness of the mitigation measures proposed under paragraph 9, including a plan to make the results of the monitoring and verification available on the Project website.
11. A description of any municipal, provincial, federal or other approvals or permits that may be required for the Bradford Bypass Project.
12. A consultation record, including,
 - i. a description of the consultations carried out with Indigenous communities, in accordance with the Indigenous Consultation Plan prepared under section 15, and with other interested persons,
 - ii. a list of the Indigenous communities and interested persons who participated in the consultations,
 - iii. summaries of the comments submitted by Indigenous communities and interested persons,
 - iv. a summary of discussions that the proponent had with Indigenous communities, and copies of all written comments submitted by Indigenous communities,
 - v. a description of what the proponent did to respond to concerns expressed by Indigenous communities and interested persons, and
 - vi. any commitments made by the proponent to Indigenous communities and interested persons in respect of the Bradford Bypass Project.

Stage III Archaeological Assessment

21. (1) In accordance with subsection (2), the proponent shall complete a Stage III Archaeological Assessment for areas of the updated study area that are identified as having archaeological potential in accordance with a Stage II Archaeological Assessment.

(2) Any Stage III Archaeological Assessment shall be completed in accordance with the Ministry of Heritage, Sport, Tourism and Culture Industries' Standards and Guidelines for Consultant Archaeologists.

Stormwater Management Plan

22. (1) The proponent shall prepare a Stormwater Management Plan for the Bradford Bypass Project in accordance with this section.

(2) The Stormwater Management Plan shall, at a minimum, include,

- (a) plans and descriptions showing the type of stormwater management to be provided for all components of the Bradford Bypass Project, including components not being drained to a stormwater management wet pond;
- (b) a description of the water features that would receive stormwater from the Bradford Bypass Project, including the characteristics, flow and ecological conditions and whether species protected under the *Endangered Species Act, 2007* are known to be present;

- (c) an operation and maintenance plan for the proposed stormwater management facilities; and
- (d) a monitoring plan to evaluate the performance of stormwater management facilities against the design criteria and objectives and to verify receiving surface waters are protected.
- (3) The proponent shall develop the stormwater management plan in accordance with,
 - (a) the proponent's guidelines; and
 - (b) the document entitled "Stormwater Management Planning and Design Manual, 2003", dated March 2003, published by the Ministry and available on a Government of Ontario website.
- (4) The proponent shall submit the Stormwater Management Plan to the following for review and comment:
 1. The Ministry of Northern Development, Mines, Natural Resources and Forestry.
 2. The Lake Simcoe Region Conservation Authority.
 3. Fisheries and Oceans Canada.
 4. The Ministry of the Environment, Conservation and Parks.
- (5) The proponent shall consider any comments provided on the Stormwater Management Plan.
- (6) The proponent shall provide the final Stormwater Management Plan to the Director of the Ministry's Environmental Assessment Branch.
- (7) The proponent shall publish the final Stormwater Management Plan on the Project website.

Groundwater Protection and Well Monitoring Plan

23. (1) The proponent shall prepare a Groundwater Protection and Well Monitoring Plan for the Bradford Bypass Project in accordance with this section.

- (2) The Groundwater Protection and Well Monitoring Plan shall, at a minimum, include,
 - (a) the identification of all areas where the Bradford Bypass Project may directly or indirectly affect groundwater;
 - (b) a groundwater monitoring program for the identified areas;
 - (c) a description of the locations and parameters for the monitoring of groundwater quality and quantity;
 - (d) the proposed start date and frequency of groundwater monitoring; and
 - (e) a well water survey, including plans to collect appropriate water quality and quantity information as determined by the proponent.
- (3) The proponent shall distribute the Groundwater Protection and Well Monitoring Plan to the following for review and comment:
 1. The Director of the Ministry's Central Regional Office.
 2. The Director of the Ministry's Conservation and Source Protection Branch.
 3. The Lake Simcoe Region Conservation Authority.
 4. The Nottawasaga Valley Conservation Authority.
 5. The Ministry of Northern Development, Mines, Natural Resources and Forestry.
 6. The York Regional Health Unit.
 7. The Simcoe Muskoka District Health Unit.
 8. The Town of Bradford West Gwillimbury.
 9. The Town of East Gwillimbury.
 10. The Town of Newmarket.
 11. The County of Simcoe.
 12. The Township of King.
 13. The Regional Municipality of York.
 14. Any other municipalities considered appropriate by the proponent.
 15. Every assessed owner of land within the updated study area and within 500 metres of the borders of the updated study area.

- (4) The proponent shall consider any comments provided on the Groundwater Protection and Well Monitoring Plan.
- (5) The proponent shall provide the final Groundwater Protection and Well Monitoring Plan to the Director of the Ministry's Environmental Assessments Branch.
- (6) The proponent shall publish the final Groundwater Protection and Well Monitoring Plan on the Project website.

Noise report

- 24.** (1) The proponent shall prepare a noise report in accordance with the noise protocols.
- (2) The proponent shall distribute the noise report to the Director of the Ministry's Environmental Assessment Branch for review and comment.
- (3) The proponent shall consider any comments provided by the Director of the Ministry's Environmental Assessment Branch.
- (4) The proponent shall provide the final noise report to the Director of the Ministry's Environmental Assessment Branch.

Notice of draft environmental impact assessment report

25. (1) The proponent shall prepare a notice of publication of the draft environmental impact assessment report that complies with subsection (2) and distribute it as described in subsection (3).

(2) The notice shall include the following information:

1. The Project website.
2. The name and phone number and email address of a person who may be contacted on behalf of the proponent.
3. A description of the environmental impact assessment of the Bradford Bypass Project.
4. A statement that the environmental impacts of the Bradford Bypass Project are being assessed in accordance with this Regulation.
5. A map showing the updated study area for the Bradford Bypass Project.
6. Information on how to obtain a copy of the draft environmental impact assessment report.
7. Information about any opportunities the proponent is providing for consultation about the draft environmental impact assessment report.
8. Information on how comments about the draft environmental impact assessment report can be submitted to the proponent.

(3) The proponent shall distribute the notice by,

(a) giving a copy of the notice to,

- (i) every assessed owner of land within the updated study area and within 500 metres of the borders of the updated study area,
- (ii) the Director of the Ministry's Environmental Assessment Branch,
- (iii) every Indigenous community that is identified in the Indigenous Consultation Plan prepared under section 15,
- (iv) the Director of the Ministry's Central Region Office,
- (v) the Town of Bradford West Gwillimbury,
- (vi) the Town of East Gwillimbury,
- (vii) the Town of Newmarket,
- (viii) the County of Simcoe,
- (ix) the Township of King,
- (x) the Regional Municipality of York,
- (xi) any other municipalities considered appropriate by the proponent,
- (xii) any provincial and federal ministries and agencies with policies or legislative requirements applicable to the Bradford Bypass Project, and
- (xiii) any other person who, in the opinion of the proponent, may be interested in the Bradford Bypass Project;

(b) publishing the notice in a manner that, in the opinion of the proponent, will promptly bring the notice to the attention of the public in the updated study area for the Bradford Bypass Project; and

(c) publishing the notice on the Project website.

Consultation and issues resolution for environmental impact assessment report

26. (1) The proponent shall provide all of the Indigenous communities and persons to whom a copy of the notice under clause 25 (3) (a) is given with an opportunity to participate in the consultation.

(2) Subject to subsections (3) and (4), the consultation shall be conducted in the way the proponent considers appropriate.

(3) As part of the consultation, the proponent shall ensure that all of the persons and Indigenous communities to whom a copy of the notice under clause 25 (3) (a) is given are provided with access to a copy of the draft environmental impact assessment report.

(4) The proponent shall establish an issues resolution process to attempt to resolve any concerns raised by Indigenous communities and interested persons related to the Bradford Bypass Project.

Final environmental impact assessment report

27. (1) After publishing the notice of publication of the draft environmental impact assessment report pursuant to clauses 25 (3) (b) and (c), the proponent shall,

(a) complete the consultation and issues resolution process under section 26;

(b) update the draft environmental impact assessment report, including by adding,

(i) a description of the issues resolution process employed by the proponent in respect of any concerns raised by Indigenous communities and interested persons,

(ii) a description of the concerns raised by Indigenous communities and interested persons in the issues resolution process and of the outcome of the process, including what, if anything, the proponent did or will do in respect of the concerns raised, and

(iii) a description of any changes to the preferred alignment and preferred design as a result of addressing concerns raised during consultation under section 26; and

(c) publish the final environmental impact assessment report on the Project website.

(2) The proponent shall ensure that all of the persons and Indigenous communities to whom a copy of the notice under clause 25 (3) (a) is given are notified of the publication of the final environmental impact assessment report and are provided with access to a copy of it.

Bradford Bypass Project statement of completion

28. (1) The proponent shall provide a statement of completion of the Bradford Bypass Project assessment process to the Director of the Ministry's Environmental Assessment Branch after meeting the requirements in section 27.

(2) The statement of completion of the Bradford Bypass Project assessment process shall indicate that the proponent intends to proceed with the Bradford Bypass Project in accordance with the final environmental impact assessment report.

(3) The proponent shall post the statement of completion on the Project website.

(4) Subject to subsection 29 (17), if the proponent proceeds with the Bradford Bypass Project, it shall proceed in accordance with the final environmental impact assessment report.

PROJECT CHANGES

Project changes

29. (1) If, after providing a statement of completion of the early works assessment process or the Bradford Bypass Project assessment process, the proponent wishes to make a change to the early works or the Bradford Bypass Project that is inconsistent with the final early works report or the final environmental impact assessment report, the proponent shall prepare an addendum to the applicable report that contains the following information:

1. A description of the change.

2. The reasons for the change.

3. Identification of the area within the updated technically preferred route to be studied for the purposes of assessing the change.

4. The assessment and comparison of at least two potential alternative options to implement the change within the area of study, and a selection of a preferred option to implement the change.

5. The proponent's assessment and evaluation of any impacts that the preferred alternative might have on the environment.

6. A description of any measures proposed by the proponent for mitigating any negative impacts that the preferred alternative might have on the environment.
7. A description of the means the proponent proposes to use to monitor and verify the effectiveness of the mitigation measures proposed under paragraph 6, including a plan to make the results of the monitoring and verification available on the Project website.
8. A statement of whether the proponent is of the opinion that the change is a significant change to the early works or the Bradford Bypass Project, as applicable, and the reasons for the opinion, taking into account the results of paragraphs 4 to 7.
9. A consultation record, including,
 - i. a description of the consultations carried out with Indigenous communities, in accordance with the early works Indigenous Consultation Plan prepared under section 4 or the Indigenous Consultation Plan prepared under section 15, as applicable, and with other interested persons,
 - ii. a list of the Indigenous communities and interested persons who participated in the consultations,
 - iii. summaries of the comments submitted by Indigenous communities and interested persons,
 - iv. a summary of discussions that the proponent had with Indigenous communities, and copies of all written comments submitted by Indigenous communities,
 - v. a description of what the proponent did to respond to concerns expressed by Indigenous communities and interested persons, and
 - vi. any commitments made by the proponent to Indigenous communities and interested persons in respect of the Bradford Bypass Project.

(2) The addendum described in subsection (1) is not required for a change that is required to comply with another Act, a regulation made under another Act, or an order, permit, approval or other instrument issued under another Act.

(3) If the proponent is of the opinion that a change described in an addendum prepared under subsection (1) is not a significant change to the early works or the Bradford Bypass Project, the proponent shall publish the addendum on the Project website.

(4) If the proponent is of the opinion that a change described in an addendum prepared under subsection (1) is a significant change to the early works or the Bradford Bypass Project, the proponent shall prepare a notice of addendum in accordance with subsection (5).

(5) The notice of addendum shall contain the following:

1. A description of the change.
2. The reasons for the change.
3. A map showing the location of the change.
4. Information as to where and how members of the public may examine the addendum to the final early works report or the final environmental impact assessment report and obtain copies.
5. Information on how members of the public and Indigenous communities can provide comments to the proponent in respect of the addendum to the final early works report or final environmental impact assessment report.

(6) The proponent shall distribute the notice of addendum by,

(a) giving a copy of the notice to,

- (i) every assessed owner of land within the updated study area and within 500 metres of the borders of the updated study area,
- (ii) the Director of the Ministry's Environmental Assessment Branch,
- (iii) every Indigenous community that is identified in the early works Indigenous Consultation Plan prepared under section 4 or the Indigenous Consultation Plan prepared under section 15, as applicable,
- (iv) the Director of the Ministry's Central Region Office,
- (v) the Town of Bradford West Gwillimbury,
- (vi) the Town of East Gwillimbury,
- (vii) the Town of Newmarket,
- (viii) the County of Simcoe,

- (ix) the Township of King,
 - (x) the Regional Municipality of York,
 - (xi) any other municipalities considered appropriate by the proponent,
 - (xii) any provincial and federal ministries and agencies with policies or legislative requirements applicable to the Bradford Bypass Project, and
 - (xiii) any other person who, in the opinion of the proponent, may be interested in the Bradford Bypass Project;
- (b) publishing the notice in a manner that, in the opinion of the proponent, will promptly bring the notice to the attention of interested persons in the site of the change to the early works or Bradford Bypass Project; and
- (c) publishing the notice on the Project website.
- (7) The proponent shall provide all of the persons to whom a copy of the notice under clause (6) (a) is given an opportunity to participate in the consultation.
- (8) Subject to subsections (9) and (10), the proponent shall consult with Indigenous communities and interested persons in the way the proponent considers appropriate.
- (9) The proponent shall ensure that all of the persons and Indigenous communities to whom a copy of the notice under clause (6) (a) is given are provided with access to a copy of the addendum to the final early works report or final environmental impact assessment report.
- (10) The proponent shall establish an issues resolution process to attempt to resolve any concerns raised by Indigenous communities or interested persons related to the change.
- (11) After publishing the notice of addendum to the final early works report or to the final environmental impact assessment report pursuant to clauses (6) (b) and (c), the proponent shall,
- (a) complete the consultation and issues resolution under this section;
 - (b) update the addendum to the final early works report or final environmental impact assessment report, including by adding,
 - (i) a description of the issues resolution process employed by the proponent in respect of any concerns raised by Indigenous communities and interested persons,
 - (ii) a description of the concerns raised by Indigenous communities and interested persons in the issues resolution process and of the outcome of the process, including what, if anything, the proponent did or will do in respect of the concerns raised, and
 - (iii) a description of any changes to the early works or Bradford Bypass Project as a result of addressing concerns raised through consultation under this section; and
 - (c) publish the addendum to the final early works report or final environmental impact assessment report or, as updated in accordance with clause (b), on the Project website.
- (12) The proponent shall ensure that all of the persons and Indigenous communities to whom a copy of the notice under clause (6) (a) is given are notified of the updated addendum to the final early works report or final environmental impact assessment report or that is published.
- (13) After completing the requirements in subsection (11), the proponent shall provide a statement of completion of the change process to the Director of the Ministry's Environmental Assessment Branch.
- (14) The statement of completion of the change process shall indicate that the proponent intends to proceed with the change to the early works or Bradford Bypass Project in accordance with the updated addendum to the final early works report or final environmental impact assessment report or that is published pursuant to clause (11) (c).
- (15) The proponent shall post the statement of completion on the Project website.
- (16) The proponent shall not, after providing a statement of completion pursuant to section 13 or 28, make a change to the early works or Bradford Bypass Project that is inconsistent with the final early works report or final environmental impact assessment report referred to in that statement, unless,
- (a) the change is required to comply with another Act, a regulation made under another Act, or an order, permit, approval or other instrument issued under another Act; or
 - (b) the proponent has prepared an addendum to the final early works report or final environmental impact assessment report in accordance with subsection (1) that describes the change and,
 - (i) the proponent is of the opinion that the change is not a significant change to the early works or Bradford Bypass Project, or

(ii) the proponent is of the opinion that the change is a significant change to the early works or the Bradford Bypass Project and complies with the requirements in subsections (4) to (15).

(17) If the proponent proceeds with a change to the early works or the Bradford Bypass Project, it shall do so in accordance with the updated addendum to the final early works report or final environmental impact assessment report in respect of the change that is published pursuant to subsection (3) or clause (11) (c), as applicable.

30. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

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