



Response to the Impact Assessment Agency of Canada Request #3

Notification Regarding Potential Designation of the Bradford Bypass Project
as a Designated Project under the Impact Assessment Act
Highway 400 - Highway 404 Link (The Bradford Bypass) - MTO
Assignment No. 2019-E-0048

Ontario Ministry of Transportation

March 3, 2021

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1 Project Description

#1 Information about key project activities, maps and layouts of the location of project components, land tenure, zoning and estimated timelines for planning, construction, operation, maintenance, and if applicable, decommissioning and abandonment.

1.1 Activities and Location

The proposed Bradford Bypass has been identified in the *Growth Plan for the Greater Golden Horseshoe* as a future transportation corridor, representing a key link between Highway 400 in southeastern Simcoe County with Highway 404 in the Regional Municipality of York. Future population and employment growth in this area will result in a significant increase in travel demand for both people and goods movement in the northern portion of the Greater Toronto Area (GTA) and Greater Golden Horseshoe (GGH).

A Route Planning and Environmental Assessment (EA) Study for Bradford Bypass was completed by the Ontario Ministry of Transportation (MTO) in 1997. After some additional stakeholder and Indigenous engagement and consultation, the corridor recommended by the Route Planning Study received EA approval on August 28, 2002. A copy of the Route Planning EA Study and 2002 EA approval along with the conditions of approval are available on the Bradford Bypass' EA Study Website, located at <https://www.bradfordbypass.ca/overview>. Subsequent to the 2002 Approved EA, the lands required for the proposed Bradford Bypass corridor were legally designated as a Controlled-Access Highway by an Order-in-Council dated May 12, 2004. The Bradford Bypass corridor was designated under the authorization of Ontario's *Public Transportation and Highway Improvement Act*.

The purpose of the current Preliminary Design and EA Update Study is to build upon the Route Planning EA Study approved in 2002, with a vision of updating the highway's design to meet current highway design standards and to consider recent changes in environmental policies, practices and legislation. Although traffic modelling will be updated as part of the current EA Study to evaluate interchange design requirements and conduct environmental impact assessments (e.g. noise assessment, Air Quality Assessment), it is not MTO's intention to revisit the need or justification for the proposed highway or explore alternate routes to the EA-approved corridor, as the Ministry's recommended plan was subject to extensive review and engagement and consultation by Indigenous communities, the public and other stakeholders prior to receiving EA approval.

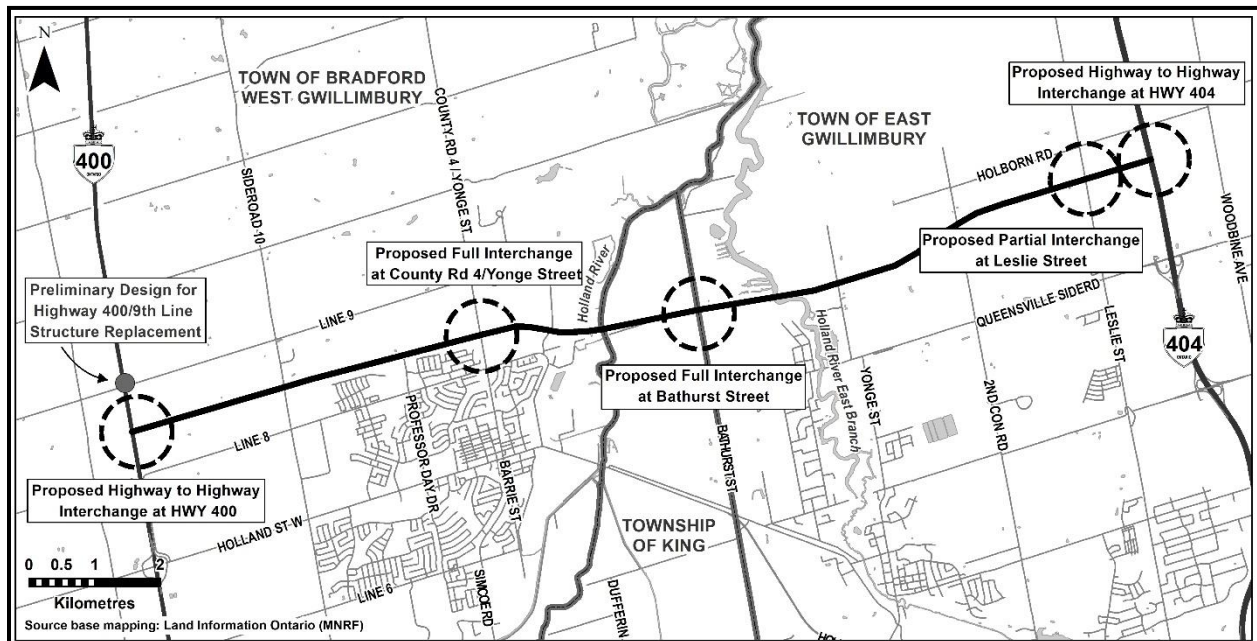
The Bradford Bypass is required to support the longer-term transportation needs of this part of the province. Significant population growth is anticipated in both Simcoe County and the Regional Municipality of York in the coming decades, with the population of Simcoe County expected to grow to 416,000 residents by 2031 and York Region expected to grow to 1.79 million residents by 2041. It is anticipated that this population growth will put additional pressure on the existing transportation network, so planning for the Bradford Bypass is required to ensure the safe and efficient movement of goods

and people in this part of Ontario. The Bradford Bypass is a vital undertaking in support of providing the transportation infrastructure to meet coming growth in both population and employment and will deliver multiple benefits including:

- Relief of congestion along parallel roads linking Highway 400 and Highway 404;
- Greater connectivity between urban growth centres;
- Enhanced people and goods movement;
- Improved commuting; and
- Greater economic vitality.

The Bradford Bypass Preliminary Design and EA Update Study is being undertaken in accordance with the *Ontario Environmental Assessment Act*. This new 400-series highway corridor will extend from Highway 400 (between 8th Line and 9th Line) in the west to Highway 404 (between Queensville Sideroad and Holborn Road) in the east. As part of the EA Study, the number of lanes required along the highway will be reviewed based on current land use and traffic forecasts, along with evaluation of potential High-Occupancy Vehicle (HOV) lanes along the corridor. Sites for potential carpool parking lots will also be considered. The proposed corridor's route is depicted in the plan below (Figure 1-1).

Figure 1-1: Proposed Bradford Bypass Corridor



1.2 Land Tenure and Zoning

The Bradford Bypass is set within a mix of land uses including rural agricultural, commercial, residential, institutional, industrial, recreational and protected areas. Specific land uses throughout the study area will be documented in greater detail as part of existing conditions reports as the EA Study progresses, in consultation with municipalities. The upper-tier municipalities (York Region and Simcoe County) publish

broad land use Official Plans that are followed in greater detail by the lower tier municipalities within their respective Region/County. The study area contains urban-rural fringe areas in the Town of Bradford West Gwillimbury and predominantly agricultural land uses within King Township and the Town of East Gwillimbury. Many of the rural areas of Bradford West Gwillimbury and East Gwillimbury adjacent to the proposed Bradford Bypass corridor have already been slated for future urban development in municipal Official Plans.

1.3 Planning, Construction, Operations, Maintenance

The general timelines associated with key EA milestones are documented in **Table 1-1**.

Table 1-1 Preliminary Design Environmental Assessment Schedule

Task	Dates
Notice of Study Commencement	September 2020
Permission to Enter and Study Initiation	September 2020
Field Investigations and Data Collection	On-going
Generation and Evaluation of Design Refinements	2020-2021
Public Information Centre #1*	Spring 2021
Selection of Preferred Alternative	2021-2022
Public Information Centre #2*	Fall 2022
Filing of the Transportation Environmental Study Report (TESR)	End of 2022
Preliminary Design Anticipated Completion	Early 2023

*The Project Team will be meeting with Indigenous communities in conjunction with the PIC public sessions to present and discuss the material and study information. The timing for these meetings will be arranged in consultation with Indigenous community member representatives.

Construction of the Bradford Bypass is subject to funding and MTO obtaining necessary approvals. The Ministry is anticipated to proceed to the Detail Design Phase upon completion of Preliminary Design. However, the ultimate delivery model will be determined by the Ministry and may follow the standard design-bid-build approach where the Detail Design Phase is completed, a contract package is developed and then tendered for construction. The Ministry, in partnership with Infrastructure Ontario, may opt to advance the project beyond Preliminary Design to develop a Design-Build Ready package and subsequently advance the project through a Design-Build or P3 (Public-Private Partnership) model (i.e. Design-Build, Finance (DBF), Design-Build, Finance, Maintenance (DBFM)). Once construction of the Bradford Bypass is complete, the highway will be open to traffic and will operate as a public highway under provincial jurisdiction. The new highway will form a key east-west link in the provincial transportation network in the province.

2 Environmental Assessment Process

2.1 Overview of EA Process

The Ministry's *Class Environmental Assessment for Provincial Transportation Facilities* (2000) outlines the EA process to be followed for specific groups of provincial transportation projects. The Class EA is approved under the *Ontario Environmental Assessment Act* and provides a streamlined process for which projects or activities within a defined "class" must follow. Provided that this process is followed, projects and activities included under the Class Environmental Assessment do not require formal review and approval under the *Ontario Environmental Assessment Act*.

Four project groupings within the the Ministry's Class EA have been established for the purposes of guiding consultation and determining the process documentation. Based on the project type, the study advances under one of the following:

- **Group "A"** - Projects involving new facilities
- **Group "B"** - Projects involving major improvements to existing facilities
- **Group "C"** - Projects involving minor improvements to existing facilities
- **Group "D"** - Activities that involve operation, maintenance, administration and miscellaneous work for provincial transportation facilities (Removed as part of the *More Homes, More Choice Act, June 2019*)

For projects subject to the Class EA, the Project Team undertakes an EA that involves identifying and planning for environmental issues and effects prior to implementing a project. The process allows reasonable opportunities for public involvement in the decision-making process of the project.

Other aspects of the EA process applicable to these project types are contained in the *Class EA for Provincial Transportation Facilities (2000)*.

2.2 Background

1992-1997 – Route Planning and Environmental Assessment Study

Between 1992 and 1997, the Ministry undertook a Route Planning and EA Study. In December, 1997 an EA Report was submitted documenting the EA process for the route selection, right-of-way (ROW) designation and future commitments for the Highway 400-Highway 404 Link. A Notice of Approval to proceed with the undertaking was issued by the Minister of Environment and Energy on August 28, 2002. A total of 15 conditions were issued as part of the approvals process.

The original route planning study addressed several transportation problems which were identified in the northern part of York Region and southeastern Simcoe County. The identified problems were related to the Ministry's mandate to provide for the safe, efficient movement of people and goods between regions and between urban areas.

The analysis of municipal development plans indicated that there will be a continuation of dramatic growth in travel demand, which has been characteristic of York Region and Simcoe County for many years. This growth continues to contribute to congestion on

key east-west roadways linking Highway 400 to the extension of Highway 404. At the time of the route planning study and EA, the approved plans to upgrade regional roads were only expected to accommodate a fraction of this travel demand. Alternative transportation solutions to regional road widening alone is therefore warranted. As part of the Route Planning and EA study, key problems considered included: Traffic, Road Discontinuities, Future Demand Growth Implications, and, Lack of Long-Term Plan. The original study considered the following key opportunities: relief of congestion and protection of property for the future transportation ROW.

Significant population growth is projected for both Simcoe County (increase to 416,000 residents by 2031) and the Regional Municipality of York (increase to 1.79 million residents 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 east-west roadways linking Highway 400 to Highway 404.

2.3 Preliminary Design

2019-2020

In August 2019, the MTO approved the re-initiation of design activities for the Bradford Bypass (*Preliminary Design Preparatory Work for Design Updates, Environmental Technical Updates and Permission to Enter (2019-2020)*, hereafter referred to as the Advance Works Task 1 Assignment). In advance of the current Preliminary Design assignment, AECOM completed preparatory work relating to the Engineering Design Update for the project, Environmental Existing Conditions Updates and initiated the process for securing Permission to Enter (PTE) for field investigations.

Engineering Design Update: Involved a review of the highway geometrics for the Bradford Bypass developed as part of the 2002 Approved EA and to identify opportunities to modify the design to be in accordance with current Ministry standards for safety and engineering design standards. Through Preliminary Design, these design updates will be further evaluated for alternative design refinements to the 2002 Approved EA and selection of the refined design alternative.

Environmental Technical Update: Consisted of background data collection through secondary sources (desktop surveys), to update the technical information related to specific environmental disciplines based on the study area for the 2002 Approved EA, plus a buffer area beyond the ROW limits. The disciplines included: Archaeology, Built Heritage, Fisheries, Groundwater, Land Use Factors, Terrestrial Ecosystems, and Waste and Contamination. Based on the findings of this work, an update to the environmental commitments to future work was noted and intended to be incorporated as part of the Preliminary Design phase.

Current Project

The Bradford Bypass is following the approved planning process for a Group 'A' project under the MTO *Class EA for Provincial Transportation Facilities (2000)*. Refinements to the design within the study area (as defined in the 1997 EA document) will be generated and evaluated based on technical and environmental factors and in consultation with Indigenous communities, public stakeholders, municipalities and government agencies. Upon completion of preliminary design, a Transportation Environmental Study Report

(TESR) will be prepared to document the design, the EA process, consultation and engagement, existing conditions, potential impacts, and recommended mitigation measures to minimize potential impacts. The TESR will be available for a 30-day public review period. It is understood that Indigenous communities may require additional time to review and provide feedback on the TESR.

The Project Team will undertake various environmental studies to inform the preliminary design. The Project Team will identify environmental concerns, recommend mitigation measures and will review and consider previous EA Commitments in accordance with current standards, conditions and legislation.

At this time, no federal lands or properties will be impacted by the Project and therefore the Project does not trigger the *Impact Assessment Act (IAA, 2019)*. The Project Team will keep apprised of any changes to provincial and federal legislation as the Study progresses.

2.3.1 Other Related Projects

At the time of the information request by the Impact Assessment Agency of Canada (IAAC), the following are known projects that are in close proximity to, or will involve overlap with, the proposed Bradford Bypass project.

2.3.1.1 Provincial Undertakings

Highway 400 Planning and Preliminary Design Study from the South Canal Bridge to 1.0 km South of Highway 89: MTO completed a Preliminary Design Study outlined in the Highway 400 Planning and Preliminary Design Study from the South Canal Bridge to 1.0 km South of Highway 89 Transportation Environmental Study Report (TESR) in November 2003. The need for an addendum to the 2003 EA, addressing the replacement of the Highway 400 / 9th Line structure, will be evaluated during the Bradford Bypass Preliminary Design.

There is currently a detail design assignment for the Simcoe County Road 88 Interchange led by the Ministry of Transportation that is adjacent to the Bradford Bypass Study area. This project is located in the Town of Bradford West Gwillimbury, in the County of Simcoe and follows the recommendations identified in the Highway 400 Planning and Preliminary Design Study from the South Canal Bridge Northerly to 1 km South of Highway 89. The project involves the Detail Design for the replacement of the Highway 88 underpass and 9th Line overpass, and the reconfiguration of the Highway 400 and Highway 88 interchange to a Parclo A4. The project also includes the rehabilitation of the Line 13 overpass and Line 12 structural culvert. As the study area of the two projects are adjacent to each other, both project teams will coordinate the proposed design at the interchange with the preliminary design of the Bradford Bypass, in particular, the ramp configurations of the Highway 400 / Bradford Bypass Interchange and the ramps at the Highway 400/88 interchange.

2.3.1.2 Municipal Undertakings

The County of Simcoe completed a Municipal Class EA for the widening of County Road 4 from 8th Line to just north of the Intersection of County Road 89 (May 2012). This municipal project crosses the designated ROW for the new highway, and as such,

the Ministry is consulting with the County and the municipality to evaluate design considerations where there is overlap between the two proposed undertakings.

2.3.2 Preliminary Design Environmental Studies

#2 Information about potential annual direct and indirect greenhouse gas emissions associated with the project

#4b

Confirm whether any licence, permit, authorization or approval, including the applicable provincial assessment process, listed above would contemplate and manage effects based on the following matters, and discuss, in general, the benchmarks or standards that you intend to meet (or would be expected to meet). Where applicable and available, provide general information such as proposed mitigation and follow-up program measures, or provide a rationale for why such are not required:

- i. Potential impacts to fish and fish habitat, including the Holland Marsh wetland, the Holland River and Lake Simcoe, as well as any implications to the effective implementation of the Lake Simcoe Protection Act, 2008, S.O. 2008, c. 23 and the Lake Simcoe Protection Plan;*
- ii. Potential impacts on terrestrial and aquatic species at risk and their habitat, including changes to wetlands, woodlands and natural corridors;*
- iii. Potential impacts to migratory birds, including potential for direct effects (e.g. mortality due to vehicle collisions, poisoning, habitat loss and fragmentation), and indirect effects (e.g. noise, artificial light, barriers to movement, and edges associated with roads);*
- iv. Potential impacts to human health, particularly from changes in air quality, and noise and vibration levels, during project construction and operations, and from potential impacts to water quality (e.g. phosphorus levels) in Lake Simcoe;*
- v. Potential impacts to Indigenous peoples of Canada, including on:*
 - Current use of lands and resources for traditional purposes;*
 - Physical and cultural heritage; and*
 - Any structure, site or thing that is of historical, archaeological, paleontological or architectural significance;*
- vi. Potential adverse effects on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982;*
- vii. Potential impacts to public safety;*
- viii. Potential impacts to aesthetics and local recreation;*
- ix. The potential greenhouse gas emissions associated with the project construction and operations, including both direct and indirect emissions;*
- x. Whether any impacts named in points i. to ix above would be permanent, and if yes, how you intend to manage those impacts or provide rationale for why such management would be required;*

This Preliminary Design and Class EA will adhere to all relevant new and existing provincial and federal legislation, including, but not limited to, *Endangered Species Act* (ESA, 2007), *Greenbelt Plan*, *Heritage Act*, *Fisheries Act*, *Species at Risk Act* (SARA, 2002), *Lake Simcoe Protection Act*, etc.

The following sections provide summaries of environmental discipline studies that have been or are being carried out during the current preliminary design study.

2.3.2.1 Agricultural and Land Use

Land Use

In 2020, the Ministry completed a land use factors existing conditions report to identify existing and planned land use information with the study area to reflect the changes that may have occurred since the 2002 Approved EA. This primarily involved a review of available background data that was collected from appropriate secondary sources. A review of the *Provincial Policy Statement* (2014, PPS), *Growth Plan for Greater Golden Horseshoe* (2019), *Greenbelt Plan* (2017), *York Region Official Plan* (2010 - Office Consolidation 2019), *York Region Transportation Master Plan* (2016), *County of Simcoe Official Plan* (2008 – Office Consolidation 2016) and *County of Simcoe Transportation Plan* (2008 -Update 2014), as well as relevant secondary plans was undertaken in order to identify the changes which occurred after the 2002 EA Approval of the Bradford Bypass. The Provincial Policies support the future corridors planned and determined through *Ontario Environmental Assessment Act, R.S.O.1990, c. E.18* process, provided that it serves the significant growth and economic development of the region. (See Figures A-1 to A-3 appended to this document)

Regional Municipality of York and County of Simcoe both identify the Bradford Bypass as a Planned Corridor and have policies to protect provincial corridors. These policies protect the designated ROW for transportation and transit facilities as determined through the EA process subject to the requirements of applicable federal and provincial policies. Regular consultation with York Region and Simcoe County, and local municipalities throughout each stage of design, will ensure a collaborative and integrated approach to understanding current policies that influence the landscape and planned development of these regions and municipalities in relation to the proposed undertaking.

A high-level overview of the footprint of the study area in a land use planning context was completed in order to identify the potential impacts of the Bradford Bypass on the existing and planned/future land uses within the study area. The Project study area currently consists of a mix of land uses, including agriculture, general commercial, residential, parks and open spaces (natural environment areas).

The review of the existing and planned land use within the study area shows that the Bradford Bypass will mainly traverse the lands within Greenbelt Plan Area (Figure A-2) and Prime Agricultural land (Figure A-1 & A-2). The Greenbelt is an area created in 2005 to prevent further loss of farmland and natural heritage features and to restrict urban sprawl. As part of the general infrastructure policies, planning, design and construction practices shall minimize, wherever possible, the amount of the Greenbelt, and particularly the Natural Heritage System (NHS), traversed and/or occupied by the infrastructure; minimize, wherever possible, the negative impacts on and disturbance of

the existing landscape, including, but not limited to, impacts caused by light intrusion, noise and road salt. As well, where infrastructure crosses the NHS lands, planning, design and construction practices shall minimize negative impacts on, and disturbance of, the features or their related functions and, where reasonable, maintain or improve connectivity.

There are some businesses and industries within the study area whose operations will be impacted by the Bradford Bypass. There are also some residential properties within the Residential Built Up and Low-Density Residential lands, located adjacent to the Bradford Bypass ROW. A direct impact on these communities can also be anticipated. Consultation with business owners and residents impacted by the Bradford Bypass will be necessary during the design phase to minimize negative outcomes to each business.

The Bradford Bypass will support the significant growth and economic development in Southern Ontario by providing the appropriate infrastructure connection among urban centres and for improved movement of goods. This corridor has the support of Regional and Local Municipalities through Official Plan approvals and Transportation Master Plans. The Bradford Bypass is therefore considered to be vital to improving connections, especially east-west travel, resulting in improved transport time connecting suppliers and manufacturers between York and Simcoe, as well as reducing traffic on already congested arterial roadways.

The Project Team continues to consider and evaluate future and planned land uses. The following outlines current significant municipal plans and Official plan amendments within the study:

- Highway 400 North Employment Lands, Town of Bradford West Gwillimbury: A central concept of Highway 400 Employment Lands is to create a strategic industrial employment area to accommodate permitted employment uses that require large contiguous blocks of land and that depend upon efficient goods movement and access provided by Highway 400. A portion of the study area on the east and west side of Highway 400 has been considered as Employment Lands Reserve (Area D). A portion of the Employment Land has been dedicated for the future interchange of Bradford Bypass and Highway 400.
- Line 8 Special Policy Area 1 – Town of Bradford West Gwillimbury: an order to protect for the future interchange with the Bradford Bypass
- Line 8 Special Policy Area 2 – Town of Bradford West Gwillimbury: the town's policy that only legal existing uses and uses permitted in the Agricultural designation are permitted on these lands.
- Townhouse Blocks north of Line 8, Special Policy Area 4 – Town of Bradford West Gwillimbury: low-density and medium-density residential designations
- Lands North of the Bradford Bypass, Special Policy 8 – Town of Bradford West Gwillimbury; identified for future urban development
- Special Industrial/Commercial, Special Policy 11 – Town of Bradford West Gwillimbury: allowance for high density "adult lifestyle" development

- Holland Landing – River Drive Park – Town of East Gwillimbury: plan recognizes the existing built area and plans for lands to accommodate additional residential and employment growth.

Refer to Figure A-3, which shows the location of the plan amendments relative to the highway.

Agriculture

As a commitment of the 2002 Approved EA, an Agricultural Impact Assessment (AIA) will be undertaken to the existing standards and with reference to the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) *Draft AIA Guidance Document (March 2018)*. The existing standard for AIAs in Ontario is considered as the *AIA Guidelines, Regional Official Plan Guidelines, Halton (2014)*. In addition to specific policy direction provided by these AIA documents, the following documents will be reviewed and referenced: *The Greenbelt Plan (2017)*; *A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020)*; *PPS (2014)*; *PPS (2020)*; *The Minimum Distance Separation (MDS) Document – Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks (Publication 853) (2016)*; Local Official Plans and Zoning By-Law; and, MTO Class EA, including the *Environmental Reference for Highway Design (ERD; MTO, June 2013)* and the 2002 Approved EA. As part of the AIA, the Ministry will consult with key stakeholders, municipalities and OMAFRA.

Property Impacts

The new highway will result in varying impacts to properties that intersect with the highway ROW and associated infrastructure. During preliminary design, the Ministry will undertake a review of the property-focused impacts of the preferred preliminary design. This review will clearly identify each property, legal description and provide a professional planning opinion on the highest and best use of those lands in the absence of the undertaking. This impact assessment will calculate a quantitative impact on each property in terms of area and frontage of each parcel. It will further involve a review of the qualitative impacts of the required undertaking, including such matters as impacts on access, use of the retained lands (particularly from an agricultural perspective) and opportunities to mitigate impact through property exchanges.

2.3.2.2 Air Quality

The MTO's ERD for Air Quality includes the following impact assessment objectives for Air Quality, Climate Change and Greenhouse Gas Emissions (GHG):

- Provide comparative pollutant emissions that can be used in the selection of the preferred transportation and route alternative(s). This information can become part of the set of traditional project planning and design criteria and enhance the societal value of the selection process.
- For the preferred alternative and the planning timeframe (typically, 20 years);
- Assess local air quality impacts and, specifically, the likelihood, extent and duration of exceeding provincial ambient air quality criteria and national air standards. The results of this assessment are of direct interest to the agencies and to local residents, institutions and businesses.

- Assess regional air quality impacts. The results of this analysis are of particular interest to local, provincial and federal governments and can assist in the project approvals. The impacts can be either positive or negative relative to a do-nothing scenario.
- Assess the incremental increase or decrease in expected GHG emissions. The information is of particular interest to the provincial government with respect to the *A Made-in-Ontario Environment Plan* and the federal agencies responsible for Canada's international efforts on Climate Change.
- Assess the need for and practicality of mitigation measures and predict their utility. This information can be useful to MTO, regulatory agencies, stakeholders, and the public.

MTO first published the *Environmental Guide for Assessing and Mitigating Air Quality Impacts and Greenhouse Gas Emissions of Provincial Transportation Projects* (the Air Guide) in 2012. The Air Guide, which was updated in May 2020 was reviewed and developed in consultation with numerous provincial and federal agencies including Environment and Climate Change Canada. It provides a framework and methodology to assess and quantify air quality impacts and GHG emissions in transportation projects. The methodology was designed to meet the needs of both provincial and federal regulatory agencies, in the spirit of the Canada-Ontario Agreement on Environmental Assessment Cooperation.

The Air Guide provides guidance to support air quality and greenhouse gas assessments to support the selection of a preferred route in the early stage of projects using build and no-build scenarios, as appropriate for the project type (e.g. new or expansion).

Once a preferred route is confirmed, a detailed assessment (comprehensive analysis) is completed for air quality and GHG emissions. For the GHG analysis, the estimated emissions for build and no-build scenarios for the reference years (year of construction, 10 and 20 years after construction) are assessed:

- Predicting the annual vehicle-kilometres-traveled (VKT) for each major vehicle type (e.g. passenger vehicle, heavy trucks, buses, and freight trains);
- Estimating the emission factors in gram/ VKT of GHGs for each vehicle type using the US EPA MOVES emissions software; and
- Determine the total GHG emissions on the roadway for the reference years.

Following the selection of the refined design alternative, an Air Quality Comprehensive Analysis Impact Assessment will be performed as per the MTO's Air Guide. MTO's air quality impact assessment predicts the cumulative concentration of various contaminants of concern due to the operation of the project using a combination of historical background concentrations in the vicinity of the project and air emissions / dispersion modeling and compares to the Provincial Ambient Air Quality Criteria (AAQC) and the Canadian Ambient Air Quality Standards (CAAQS).

Mitigation may be warranted if provincial or federal air quality criteria and standards for one or more criteria air contaminants are exceeded. MTO may consult with the MECP on mitigation requirements, and will consider a number of factors, such as the extent,

frequency, severity of the impacts, as well as the sensitivity of receptors and difference between build and no-build scenarios.

Based on the analysis, opportunities for mitigation may be identified and implemented on a project by project basis. This could include options to reduce greenhouse gas emissions in construction, design criteria and/or operational phases of the project.

Details of this methodology are discussed further in MTO's Air Guide. An Air Quality Impact Assessment Report will be prepared that includes the need for mitigation, construction impacts and a discussion of regional burden analysis of Provincial air pollutants and GHGs.

Federal Strategic Assessment of Climate Change and Bradford By-Pass

The Bradford Bypass workplan includes an air quality and GHG impact assessment report that will follow the *Environmental Guide for Assessing and Mitigating Air Quality Impacts and Greenhouse Gas Emissions of Provincial Transportation Projects* (MTO's Air Guide). As the project is a new highway build and a preferred route has been established, the work will follow the detailed assessment for a build only scenario (using 0, 10, and 20 years), as described above.

To align with the Federal *Impact Assessment Act* requirements, the workplan will build upon the provincial requirements to include analysis of construction related GHG emissions. Results of this analysis could inform GHG mitigation measures for both the construction and operational phases of the project.

Section 3.2 of the Federal Strategic Assessment considers the upstream GHG emissions of a project does not apply, as they are not significant.

2.3.2.3 Cultural Heritage

All ministries and public bodies prescribed under Ontario Regulation 157/10, including the MTO, are required to follow the *Standards and Guidelines for Conservation of Provincial Heritage Properties* (Standards & Guidelines), prepared under section 25.2 of the *Ontario Heritage Act*, when making any decisions affecting cultural heritage resources on lands under their control. Cultural heritage resources include archaeological resources, built heritage resources and cultural heritage landscape.

2.3.2.3.1 Archaeological Resources

In advance of the preliminary design, MTO completed a Stage 1 archaeological assessment. **Table 2-1** summarizes the various reports that were sourced from the Ontario Archaeological Sites Database (OASD) within 500 m of the proposed ROW to inform the Stage 1 archaeological assessment. The Stage 1 Archaeological Assessment Report was submitted to MHSTCI on March 9, 2020 and on March 20, 2020 the MHSTCI confirmed that the report as complete and has been 'filed'.

Table 2-1: Archaeological Reports with Relevant Background Information

Year	Title	Author	PIF Number
1997	<i>An Archaeological Assessment of the Proposed Bradford Bypass, Yonge Street to East Holland</i>	Archaeological Services Inc.	97-017

	<i>River, Town of East Gwillimbury, Regional Municipality of York</i>		
2005	<i>Stage 3 Test Excavation of the East Holland River Site (BaGv-42), Town of East Gwillimbury, Regional Municipality of York</i>	New Directions Archaeology Ltd.	P018-063
2006	<i>Stage 1 Archaeological Assessment for the Highway 400 Employment Area Secondary Plan, Town of Bradford West Gwillimbury, Former West Gwillimbury Township, Simcoe</i>	Archaeological Services Inc.	P046-026-2006
2006	<i>Stage 3 ARA of: The Rogers Site: BaGv-54, Part of Lot 13, Con 8, Town of Bradford, West Gwillimbury, County of Simcoe, Ontario</i>	Archeoworks Inc.	P029-271-2006
2007	<i>Report on the 2007 Stage 1-2 Archaeological Assessment of the Proposed Draft Plan Subdivision, Part of Lot 11, Concession 8, Town of Bradford-West Gwillimbury, Geographic Township of West Gwillimbury, County of Simcoe</i>	AMICK Consultants Limited	P038-246-2007
2008	<i>The Stage 1-3 Archaeological Assessment of the Lormel Developments (Bradford) Ltd. Subdivision, Draft Plan S-05-05, Part of Lot 14, Concession 8, Town of Bradford West Gwillimbury, County of Simcoe</i>	Archaeological Assessments Ltd.	P013-360-2007
2008	<i>Stage 4 Archaeological Mitigation of: The Rogers Site: BaGv-54, Part of Lot 13, Concession 8, Town of Bradford, West Gwillimbury, County of Simcoe, Ontario</i>	Archeoworks Inc.	P029-339-2006
2010	<i>Stage 1 Archaeological Assessment, County Road 4 Road Widening and Intersection Improvements, Class B/C EA Study, County of Simcoe</i>	URS Canada Inc. (now AECOM)	P088-028-2010
2010	<i>The Stage 2-3 Archaeological Assessment of the widening of the 8th Line/Dissette Street, Barrie street to Holland Street, Town of Bradford West Gwillimbury, County of Simcoe</i>	Archaeological Assessments Ltd.	P013-530-2010
2011a	<i>The Stage 4 Excavation of the Belfry Site (BaGv-59), Lormel Developments Subdivision, Draft Plan S-05-05, Part of Lot 14, Concession 8, Town of Bradford West Gwillimbury, County of Simcoe</i>	Archaeological Assessments Ltd.	P013-364-2007
2011b	<i>The Stage 1 Archaeological Assessment of The Solmar Development Corp Subdivision Development, Part Of Lot 14, Concession 7, Town Of Bradford West Gwillimbury, County Of Simcoe.</i>	Archaeological Assessments Ltd.	P013-614-2011

2013	<i>Stage 2 Property Assessment, Upper York Sewage Solutions Individual Environmental Assessment: Preferred Water Reclamation Centre Site and York Durham Sewage System Modifications Route, Former Townships of East Gwillimbury and Whitchurch, York County, Towns of East Gwillimbury and Newmarket, Regional Municipality of York, Ontario</i>	Archaeological Services Inc.	P382-002-2012
2014	<i>Stage 1 Archaeological Background Study of Green Earth Village, Part Lots 120, 119, 118, 117 & 116, Con. 1 E. of Yonge St., Part Lots 21 & 22, Con. 2, Lots 23, 24 & 25, Con. 2, Part Lots 22 & 24, Con. 3, Lot 23, Con. 3 (Geo. Twp. of East Gwillimbury, York County), Town of East Gwillimbury, R.M. of York</i>	AMICK Consultants Limited	P058-876-2012
2015	<i>Stage 1 Archaeological Assessment of the Proposed Henderson Park, 3171 Line 9, Part of the North Half of Lot 10, Concession 8, Geographic Township of West Gwillimbury, County of Simcoe, Town of Bradford West Gwillimbury, County of Simcoe</i>	Archaeological Services Inc.	P049-0774-2015
2015	<i>Report on the 2009 Stage 1 to 2 Archaeological Assessment of Bond Head Properties Inc. Parcel 110, Part of Lot 6, Concession 7, and the Stage 3 CSP of Bond Head Site 4 (BaGv-95) located in the Town of Bradford West Gwillimbury, Historic Simcoe County, Geographic Town of Bradford West Gwillimbury, Simcoe County, Ontario</i>	This Land Archaeology Inc.	P059-147-2009
2015	<i>Stage 1 Archaeological Assessment for the Detailed Design Services of the Bradford North Servicing Linear Works In the Geographic Township of West Gwillimbury and Tecumseth Historical County of Simcoe, Now in the Town of Bradford West Gwillimbury, County of Simcoe, Ontario</i>	Archeoworks Inc.	P1016-0038-2014
2016	<i>Stage 2 Archaeological Assessment, Upper York Sewage Servicing, 20908 and 20854 Leslie Street Part of Lots 23 and 24, Concession 2, Town of East Gwillimbury, Regional Municipality of York (Former Township of East Gwillimbury, County of York), and Part of Lot 88, Concession 1 East of Yonge Street, Town of Newmarket, Regional Municipality of York (Former Township of Whitchurch, County of York), Ontario</i>	Archaeological Services Inc.	P049-0195-2014

2016	<i>Stage 2 Archaeological Property Assessment of 3171 Line 9, North Half Lot 10, Concession 8, (Geographic Township of West Gwillimbury) Town of Bradford West Gwillimbury, County of Simcoe</i>	AMICK Consultants Limited	P1024-0129-2015
2018	<i>Stage 2 Archaeological Assessment County Road 4 Widening Bradford 8th Line to 1 Kilometre North of County Road 89 Class B/C Environmental Assessment, Design and Supervision of Construction Simcoe County, Ontario</i>	URS Canada Inc. (now AECOM)	P123-0252-2014

Through preliminary design, archaeological investigations will be undertaken to identify archaeological resources within the project limits, consider the potential impacts to these resources and identify appropriate mitigation / protection measures.

Archaeological assessment documentation will be submitted to Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*. The reports are reviewed to ensure that they comply with the *Standards and Guidelines for Consultant Archaeologists* (2011) that are issued by MHSTCI, and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario. When all matters relating to archaeological sites within the study area of a development proposal have been addressed to the satisfaction of the MHSTCI, a letter will be issued by MHSTCI informing the consultant archaeologist, the proponent (MTO) and the approval authority (in this case MECP) that the report has been entered into the Ontario Public Register of Archaeological Reports.

It is an offence under Sections 48 and 69 of the *Ontario Heritage Act* for any party other than a licensed archaeologist to make any alteration to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from the site, until such time as a licensed archaeologist has completed fieldwork on the site, submitted a report to the Minister stating that the site has no further cultural heritage value or interest, and the report has been filed in the Ontario Public Register of Archaeology Reports referred to in Section 65.1 of the *Ontario Heritage Act*.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the *Ontario Heritage Act*.

Archaeological sites recommended for further archaeological fieldwork or protection remain subject to Section 48 (1) of the *Ontario Heritage Act* and may not be altered, or have artifacts removed from them, except by a person holding an archaeological license.

The *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33 (when proclaimed in force in 2012) require that any person discovering human remains must

notify the police or coroner and the Registrar of Burial Sites, War Graves, Abandoned Cemeteries, and Cemetery Closures.

Throughout the archaeological assessments, the Ministry of Transportation will be engaging Indigenous communities should they wish to receive copies of the archaeological assessment reports or participate in archaeological investigation monitoring. The participation of Indigenous Community Field Liaisons (CFL's) on Stages 2, 3 and 4 assessments will be included at the request of the communities in line with current Ministry of Transportation policies.

2.3.2.3.2 Built Heritage Resources and Cultural Heritage Landscapes

The Ministry completed a Cultural Heritage Resource Assessment (CHRA) for Built Heritage Resources and Cultural Heritage Landscapes in advance of the preliminary design phase (2020) given the legislative and regulatory changes and the time of the previous assessment in 2002. The purpose of the assessment was to identify known and potential built heritage resources and cultural heritage landscapes within, or immediately adjacent to, the study area as an update to the findings of the approved EA.

As part of the preparatory works the Ministry recognized that considerable changes have occurred in provincial legislation and policy pertaining to the assessment of Cultural Heritage Resources since the 2002 approved EA, which are to be factored into current and future heritage evaluations. These changes included: updates and revisions to the Provincial Policy Statement (2005, 2014, 2020), *Ontario Heritage Act*; creation of Ontario Regulations 9/06 and 10/06, the *Ontario Heritage Toolkit*, and the *Bulletin on the Preparation of Heritage Impact Assessments*, MTO *Environmental Guide for Built Heritage and Cultural Heritage Landscapes (2007)*; and release of the *Standard and Guidelines for the Conservation of Provincial Heritage Properties*.

The preparatory works and changes to the legislative requirements will be used through preliminary design and future design stages to support recommendations regarding cultural heritage value or interest as well as future impact assessments and development of mitigation strategies. Eight Built Heritage Resources (BHR) and 13 Cultural Heritage Landscapes (CHLs) were identified within a broader 500 m study area of the 2002 approved EA alignment (ROW). It is recognized that the MTO, through a CHRA considers cultural heritage resources pursuant to relevant legislation and policies as identified above.

In accordance with the policies of both Canada and Ontario, BHRs and CHLs are considered to be aspects of the environment, the effects on which must be evaluated in fulfillment of the requirements of the IAA (formerly the Canadian Environmental Assessment Act) and the Ontario *Environmental Assessment Act*. Cultural heritage is a matter of provincial interest and importance as recognized in the *Ontario Heritage Act*, the *Planning Act*, the PPS (2020) pursuant to the *Planning Act*, and other documents. Also, all municipalities throughout the Bradford Bypass study area have officially recognized the desire to conserve and properly manage these resources and to ensure that cultural resource concerns are addressed during the planning stages of development projects. In support of this, each municipality has identified policies for conservation of heritage resources in their Official Plans. Further, each has compiled a Heritage Registry listing significant cultural resources within their jurisdiction. This

includes properties designated under Part IV of the *Ontario Heritage Act* as well as those that are “listed” but not designated.

As part of the design, the Project Team will consider the potential affects to BHR and CHL.

2.3.2.4 Drainage and Hydrology

The Ministry considers potential adverse impacts to surface water systems including physical characteristics, water quality and quantity.

The Project Team will undertake drainage and hydrology engineering studies to satisfy the MTO ERD, Highway Drainage Design Standards, Drainage Management Manual and other provincial and regulatory requirements to develop an efficient and effective drainage system for the highway, while addressing potential impacts relatives to runoff and the change in impervious cover. Findings from previous studies will be factored into the preliminary design for drainage and stormwater management.

The Study Area falls within two watersheds, the Nottawasaga Valley watershed and the Lake Simcoe watershed. There are three subwatershed that discharge to Lake Simcoe, the Holland River Subwatershed, the East Holland River Subwatershed and the Maskinonge River Subwatershed, which are within the jurisdiction of the Lake Simcoe Region Conservation Authority (LSRCA) pertaining to *O. Reg. 179/06*. There is one subwatershed that intersects within the Nottawasaga Valley watershed; Innisfil Creek Subwatershed, which is within the jurisdiction of the Nottawasaga Valley Conservation Authority (NVCA) pertaining to *O. Reg. 172.06*. It is expected that several stormwater management ponds will be required as part of the design to meet the MTO Highway Design Standards and the very stringent LSRCA requirements for water quantity and quality control of discharges to Lake Simcoe, within the jurisdiction of the LSRCA. Measures that are reflective of phosphorus level reductions due to the highway construction will need to be considered, and will further consider water quantity and quality with respect to the *Lake Simcoe Protection Act, 2008*. For those stormwater management facilities that may occur within the jurisdiction of the NVCA and potentially influence the subwatershed, the Ministry will apply NVCA water quantity and quality control guidelines.

Surface water studies will characterize and assess the performance of the existing surface drainage network in the study area and assess the following key areas and components:

- Overview of the watershed/subwatershed surface drainage patterns and characteristics including base flows;
- Significant groundwater recharge and discharge areas;
- Describe surface water quality and quantity within the context of the watershed;
- Overview of significance and sensitivities for fish and terrestrial habitat in features of the natural environment that will receive surface water drainage from lands within the proposed transportation corridor (in collaboration with Fisheries and Terrestrial technical specialties);

- Overview of the sensitivities of water uses defined for receiving surface water conveyance networks; and
- Hydraulic performance evaluation of existing drainage works, with reference to criteria defined by the current policy framework and surface water environmental protection requirements.

The assessment of potential impacts will consider short-term and long-term surface water related impacts associated with proposed highway design alternatives through preliminary design; construction methodologies and the future operation and maintenance needs/requirements for the highway.

Based on the impact assessment and drainage design considerations in consideration of applicable policies and legislation, environmental protection and mitigation measures will be developed. These will consider structural (design), vegetative and/or procedural measures to be integrated as required to mitigated quality and quantity factors related to surface water interactions resulting from the proposed design. Through consultation and review of the design with key stakeholders and regulatory agencies, the Project Team will consider the following approaches to mitigation:

- Design alternatives/elements
- surface water conveyance and management measures;
- strategic plantings to enhance the performance of proposed drainage and storm water management measures;
- erosion and sediment control measures to be implemented during construction;
- construction methods and operational constraints, such as complying with timing restrictions for all in-stream works;
- measures for spill control/containment/contingency plans; and
- a construction inspection and monitoring plan, including use of qualified personnel, reporting and response procedures.

2.3.2.5 Erosion and Sediment Control

In accordance with Section 3.13 of the MTO ERD and the MTO *Environmental Guide for Erosion and Sediment Control* during Construction of Highway Projects, the MTO will complete an Erosion and Sediment Control Overview Risk Assessment (ESCORA). The ESCORA will provide preliminary, technical information on erosion and sedimentation potential and risk to assist in the development of an Erosion and Sediment Control Plan during further design stages for construction. The development of the Erosion and Sediment Control Plan will be a collaborative approach that takes into consideration potential impacts to fish and fish habitat, drainage, hydrology, fluvial geomorphology and terrestrial ecology.

2.3.2.6 Fish and Fish Habitat

Fisheries assessments will be led by a Registry, Appraisal and Qualification System (RAQS) qualified Fisheries Assessment Specialist (that is, a person recognized by MTO, Department of Fisheries and Oceans, and Ontario Ministry of Natural Resources and Forestry (MNRF) as qualified) and will follow the MTO/ Fisheries and Oceans Canada (DFO) / MNRF Protocol for Protecting Fish and Fish Habitat on Provincial Transportation Undertakings – Version 4, 2020 (or most recent version) (Fisheries Protocol), the *Interim MTO Environmental Guide for Fish and Fish Habitat (2020)* (Fish Guide), and the *MTO ERD (2013)* (or most recent version). This will involve a comprehensive fisheries assessment supported by field investigations to document and assess potential impacts to fish, fish habitat and aquatic species at risk (SAR).

General Overview of Existing Conditions

The study area falls within two (2) watersheds, the Nottawasaga Valley Watershed and the Lake Simcoe Watershed. Within the Nottawasaga Watershed, there is one (1) subwatershed that intersects with the study area; Innisfil Creek Subwatershed. Penville Creek is the only applicable watercourse within the Innisfil Subwatershed. Three (3) subwatersheds within the Lake Simcoe Watershed cover the rest of the study area; the West Holland River Subwatershed, the East Holland River Subwatershed and the Maskinonge River Subwatershed.

Table 2-2 below identifies the watercourses and waterbodies considered to occur within the study area and provides a summary of the thermal sensitivities as they relate to fish communities to be considered through current and future impact assessments for the Project. This will involve focused studies to identify specialized, limiting or rare fish habitat features to be considered as environmental constraints and opportunities to the proposed design.

Table 2-2: Waterbodies and Summary of Thermal Regimes for Fish Habitat

Waterbody	Thermal Regime	Location of Waterbody (UTM Coordinates)	
		Easting	Northing
Tributary to Penville Creek	MNRF (2019): Coolwater	609218	4885909
Fraser Creek	MNRF (2019): Warmwater	609930	4886069
Fraser Creek Pond	Not Applicable (Offline)	610069	4885842
Tributary to Fraser Creek	MNRF (2019): Warmwater	610547	4886272
Online Pond to WC-04	Not Applicable	611554	4886645
Online Pond to WC-04	MNRF (2019): Warmwater (Online to WC-04)	611634	4886778

Tributary to Fraser Creek	MNRF (2019): Warmwater	612791	4886960
Tributary to Fraser Creek	MNRF (2019): Warmwater	613197	4887078
Tributary to West Holland River	MNRF (2019): Warmwater	615762	4887454
Tributary to West Holland River	MNRF (2019): Warmwater	615116	4887564
West Holland River	MNRF (2019) Warmwater	616323	4887569
Tributary to West Holland River	MNRF (2019): Warmwater	616421	4887579
Unnamed Drain	MNRF (2019): Warmwater	616752	4887653
Unnamed Drain	MNRF (2019): Warmwater	616797	4887641
Unnamed Drain	MNRF (2019): Warmwater	616827	4887700
Unnamed Drain	MNRF (2019): Warmwater	616879	4887657
Unnamed Drain	MNRF (2019): Warmwater	616949	4887722
Unnamed Drain	MNRF (2019): Warmwater	617035	4887722
Unnamed Drain	MNRF (2019): Warmwater	617100	4887710
Unnamed Drain	MNRF (2019): Warmwater	617195.7362	4887766.187
Unnamed Drain	MNRF (2019): Warmwater	617263	4887804
Unnamed Drain	MNRF (2019): Warmwater	617304	4887800
Unnamed Drain	MNRF (2019): Unknown	617654	4887836
East Holland River	MNRF (2019): Warmwater	618939	4888106
Silver Lakes Golf Course Ponds	Unknown	619215	4888519
Holborne Drain	MNRF (2019): Warmwater	620961	4888719
Holborne Drain Irrigations Ponds	MNRF (2019): Warmwater (Online to WC-22)	620961,	4888719

Ravenshoe/ Boag Drain	MNRF (2019): Warmwater	621711	4889266
Tributaries to Ravenshoe/ Boag Drain	MNRF (2019): Warmwater	622946	4889756
Tributaries to Ravenshoe/ Boag Drain	MNRF (2019): Warmwater	623418	4889926
Tributaries to Ravenshoe/ Boag Drain Irrigation Ponds	MNRF (2019): Warmwater	623398	4889840
Tributaries to Ravenshoe/ Boag Drain	MNRF (2019): Warmwater	623672	4889997
Tributaries to Ravenshoe/ Boag Drain Irrigation Ponds	MNRF (2019): Warmwater (Online to WC-26)	623872	4889639
Tributaries to Ravenshoe/ Boag Drain	MNRF (2019): Warmwater	623941	4890096
Tributaries to Ravenshoe/ Boag Drain Irrigation Ponds	MNRF (2019): Warmwater (Online to WC-27)	623971	4890102
Maskinonge (Jersey) River	MNRF (2019): Warmwater	624846	4890350

Provincial and Federal Species at Risk

Based on a desktop screening of sources, no federal or provincial SAR, or SAR habitat were identified to be present within the study area at this time. The Ministry understands that the legislation is updated regularly, and species may be reclassified at any time. Should any species that are considered to be or known to be present within the study area be reclassified as either federal or provincial SAR prior to construction, the Ministry will consult with MECP and/or DFO to determine appropriate mitigation considerations should potential impacts be identified.

The Ministry will maintain awareness and consideration for American Eel which is considered by MECP to occur within the Holland River; however, at this time, this species has no status or schedule under the federal SARA.

Reporting and Documentation

A comprehensive fisheries impact assessment will consider the existing fish and fish habitat within the study area and assess potential impacts to comply with the *Fisheries Act*, provincial ESA and federal SARA. Mitigation measures and design considerations will be carried out by the Project Team in consultation with the MECP, MNRF, Conservation Authorities, and DFO. The EA process will be carried out as a collaborative approach with consideration for drainage, hydrology, fluvial geomorphology, erosion and sediment control and terrestrial ecology.

During the preliminary design stage, the ministry will prepare a Fish and Fish Habitat existing conditions and Preliminary Impact Assessment Report. This will document the existing conditions and preliminary assessment of potential impacts based on the preliminary design and develop appropriate avoidance / protection measures to be considered and applied through design development in order to avoid “harmful alteration, disruption or destruction of fish habitat” (HADD). On-going consultation and engagement with DFO through a review under the *Fisheries Act* will be undertaken for the Project.

Further details on how the Project will address adverse effects to fish and fish habitat is outlined in **Section 3.1**.

2.3.2.7 Fluvial Geomorphology

A fluvial geomorphological assessment will be undertaken to characterize the geomorphological baseline conditions within the highway corridor and provide input to the preliminary design for new watercourse crossings. The assessment will consider established Ontario protocols (TRCA, 2004. Belt Width Delineation Procedures; TRCA, 2015. Crossing guidelines for Valley and Stream Corridors; and CVC, 2019. Technical Guidelines for Watercourse Crossings, Version 1.0) to evaluate potential erosion risks through a meander belt assessment. The assessment will identify constraints and opportunities for design and be carried out in collaboration with hydrologic assessments, groundwater assessments, and preliminary fisheries impact assessments. The results will guide future considerations for natural channel designs at relevant watercourse crossings, including avoidance of avoid channel realignments where possible, mitigate risk of erosion and scour and avoid adverse impacts to watercourses.

2.3.2.8 Groundwater

In advance of the preliminary design, existing conditions related to groundwater were identified through a desktop review exercise to update the results of the 2002 Approved EA and guide the preliminary design study within the study area. This involved:

- Evaluation of the local hydrogeological conditions;
- Identify potential impacts from the highway planning and design work to the local hydrogeology;

- Identify existing and potential drinking water threats and potential impacts from the proposed highway work to the existing drinking water wells, if any present; and
- Recommend measures that could mitigate the identified potential impacts.

This review, and future hydrogeological assessments are undertaken in accordance with MTO's ERD (2013). The ERD provides guidance to managing the typical hydrogeological impacts faced in transportation project design with respect to groundwater.

The groundwater vulnerability within the study area is generally classified as low to medium. Higher risk areas are present in vulnerable areas including Wellhead Protection Areas (WHPAs), Highly Vulnerable Aquifers (HVAs), Significant Groundwater Recharge Areas (SGRAs), Intake Protection Zones (IPZs) and along the valleys of Holland River and Holland River East Branch.

The potential impacts from the highway work to the local groundwater system may include, but are not limited to, the following:

- Changes to recharge/discharge regimes resulting from the increase of pavement surface, the disturbance of the ground surface, ground clearing and compaction;
- Potential spills of hydrocarbons and other chemicals used during construction activities could impact the groundwater aquifer and groundwater-dependent water bodies;
- Application of commercial fertilizers during seeding activities to re-establish vegetative cover; and
- Potential dewatering impacts, if dewatering is required, that include a reduction in groundwater level and/or reduced flow to the nearby water wells and groundwater dependent water bodies.

A review of the MECP Source Protection Information Atlas indicates that there are no significant threats identified for the WHPAs, IPZs, HVAs and SGRAs present within the study area. Therefore, the proposed highway work will not pose significant drinking water threats in the vulnerable areas. However, this will be confirmed as part of the study.

Through design, the Ministry will evaluate and implement mitigation measures to avoid and minimize potential impacts to groundwater sources. Where required, a water taking permit (permit to take water (PTTW) or Environmental Activity Sector Registry (EASR)) will be obtained through the MECP. Further information on potential water taking permits is outlined in **Table 4-1**.

The Ministry will consider during design of the Bradford Bypass, the *Clean Water Act*, Source Water Protection Plan, *Ontario Water Resources Act*, and *O. Reg. 387/04*, as well as municipal planning.

2.3.2.9 Noise and Vibration

The MTO ERD provides guidance on the process and procedures for the assessment of noise during highway design. The ERD provides the requirements for the following:

- The assessment of noise;

- Mitigation (as required);
- Technical reports; and
- Qualifications of the Acoustic Specialist.

A full noise analysis will be required where there is new road infrastructure or significant improvements to existing road infrastructure (greater than three metres widening of pavement surface) adjacent to Noise Sensitive Areas (NSAs).

As part of the Project, a noise impact assessment will be conducted on the refined alternative during Preliminary Design. The assessment will capture approved residential developments during the review of noise sensitive areas and the evaluation of alternatives. The assessment will be conducted in accordance with the MTO *Environmental Guide for Noise*. Noise modelling will be completed to determine the need for mitigation investigation and both asphalt and concrete pavement types will be considered in the assessment. The results of the assessment and mitigation recommendations will be documented in a Noise Report.

Noise mitigation consideration is given to receptors that experience an increase in noise levels compared to the “No-build” alternative or predicted noise levels are over a threshold. For noise mitigation to be warranted, it must meet MTO’s technical, economic and administrative feasibility criteria as defined in MTO’s *Environmental Guide for Noise*. Noise mitigation options during construction considers the type/ operation of equipment, hours of operation or proximity of equipment to NSAs. The technical and economic feasibility of various alternatives of noise mitigation options such as timing constraints, setback distances, quieter alternatives are evaluated prior to selection of a noise mitigation option. Further details are available in MTO’s *Environmental Guide for Noise*.

Highway projects are not typically associated with significant ground-borne vibrations therefore the MTO *Environmental Guide for Noise* does not include an assessment for operations-related ground-borne vibration. At this time, the Project Team has not received comments regarding vibration concerns directly related to the proposed Bradford Bypass by members of the public. Should vibration become a concern, the Ministry will address it on a case by case basis. Measures to minimize vibration impacts during construction will be considered during further stages of design and addressed as commitments during construction through Ontario Provincial Standard Specifications.

2.3.2.10 Landscape Design, Aesthetics and Local Recreation

The Ministry will develop a preliminary landscape plan for the preferred alternative based on consultation with local municipalities and regulatory agencies. The landscape plan will address municipal and natural environmental requirements. The design will provide preliminary landscaping mitigation, compensation or enhancements within the project corridor to support the Ministry’s mandate towards meeting climate change and sustainability requirements. The design will be a collaborative process considering inputs from environmental factor-specific specialties to understand existing conditions, develop appropriate recommendations for the conceptual landscape plan that is integrated with the various design components, including the mainline corridor, interchanges, bridges/culverts, stormwater management, sensitive natural areas, snowdrift, cultural heritage and aesthetics, etc.

2.3.2.11 Snowdrift Assessment

A snowdrift assessment will be carried out for the preliminary design to determine the severity of potential snowdrift and mitigation options for the new highway. The results of the snowdrift modeling will be considered to prioritize design, assess the benefits of mitigative options and provide recommendations to mitigate snow drifting. Mitigation options are anticipated to include static and living fences (i.e. tree/shrubs) that can be implemented at identified locations susceptible to snow drifting within the corridor. The results of the assessment will be documented in the EA and factored into the preliminary landscape design.

2.3.2.12 Terrestrial Ecosystems and Species at Risk

In advance of the preliminary design, the Ministry completed a review of existing conditions within the study area and acknowledge the changes to various legislations, policies and regulations associated with the natural environment since the 2002 approved EA. **Table 2-3** below summarizes the legislation, policies and regulations relevant to terrestrial ecosystems as they relate to the proposed project as of February 2020.

Table 2-3: Relevant Legislation and Policies for Terrestrial Ecosystem Resources

Legislation	Governing Authority	Relevant Information
Federal: Species at Risk Act (2002)	Environment and Climate Change Canada (ECCC)	<ul style="list-style-type: none"> The goal of the SARA is to monitor and protect disappearing species; provide recovery strategies for Extirpated, Endangered, or Threatened species, as well as to manage species of Special Concern. For wildlife species, this legislation generally applies to federal lands or projects or approvals administered by a federal agency or provincial lands without equivalent protection.
Federal: Migratory Birds Convention Act (1994)	Environment and Climate Change Canada (ECCC)	<ul style="list-style-type: none"> Intended to protect migratory birds, their eggs and their active nests. Includes more than 700 species of birds Prohibits the possession, destruction and harm of migratory birds and / or their nests.
Provincial: Endangered Species Act (2007)	MECP	<ul style="list-style-type: none"> Under the <i>ESA</i>, species are listed as Extirpated, Endangered, Threatened and Special Concern. The <i>ESA</i> prohibits the killing, harming or harassment of Endangered or Threatened species and the damage or destruction of their habitat. MECP may grant a permit, or other authorization, for activities that would otherwise not be allowable under the <i>ESA</i>.

		<ul style="list-style-type: none"> • For the purposes of this report, Special Concern species are considered Species of Conservation Concern (SOCC).
<p>Provincial: Planning Act (1990) and Provincial Policy Statement (2014)</p>	<p>Ministry of Municipal Affairs and Housing (MMAH)</p>	<ul style="list-style-type: none"> • The <i>Ontario PPS, 2014 (PPS)</i> was issued under Section 3 of the <i>Ontario Planning Act, 1990</i>. • <i>PPS</i> identifies seven (7) types of natural heritage features to be protected: <ul style="list-style-type: none"> • Significant habitat of endangered or threatened species • Significant wetlands • Coastal wetlands • Significant woodlands in Ecoregions 6E and 7E. • Significant valley lands in Ecoregions 6E and 7E • Significant wildlife habitat (including habitat of SOCC) • Significant Areas of Natural and Scientific Interest (ANSI) • The Natural Heritage Reference Manual (NHRM; OMNR 2010) was developed to provide technical guidance for implementing the natural heritage policies of the <i>PPS</i>. According to the Natural Heritage Reference Manual, SWH includes the habitat of SOCC. SOCC include Species with provincial or sub-national ranks (S-rank) assigned by the Natural Heritage Information Center (NHIC) as S1 (critically Imperilled), S2 (imperilled) or S3 (Vulnerable), species listed as special concern under the <i>ESA</i>, and species identified nationally as Endangered or Threatened by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), which are not otherwise protected under the <i>ESA</i>. • Although SOCC do not receive legal protection under the <i>ESA</i>, they may be afforded protection under other legislation, such as the <i>PPS</i>, the <i>Migratory Birds Convention Act, 1994</i> and <i>Ontario Fish and Wildlife Conservation Act, 1997</i>, and other planning documents. • Policies in the <i>PPS</i> are used to guide decision making in the <i>Class EA for Provincial Transportation Facilities</i> process. Under the <i>PPS</i> development and site alteration are prohibited in significant wetlands. In addition,

		<p>development and site alteration are not permitted within the remaining natural heritage features unless it can be shown that there will be no negative impact.</p> <ul style="list-style-type: none"> • Draft changes to the PPS were introduced in May of 2019 as part of the “More Homes, More Choice: Ontario’s Housing Supply Action Plan”.; However, these changes are still considered draft and have yet to be enacted into law. Should the proposed changes to the PPS be enacted this section can be updated as necessary.
<u>Provincial:</u> <u>Greenbelt Plan</u> <u>(2017)</u>	MMAH	<ul style="list-style-type: none"> • The Plan contains land use designations that are divided into Protected Countryside lands and Urban River Valley lands. • All infrastructure within <u>Protected Countryside</u> needs to meet one (1) of the following two (2) objectives: <ul style="list-style-type: none"> • supports agriculture, recreation and tourism, Towns/Villages and Hamlets, resource use or the rural economic activity that exists and is permitted within the Greenbelt; or • serves the significant growth and economic development expected in southern Ontario beyond the Greenbelt by providing for the General Policies for the appropriate infrastructure connections among urban centres and between these centres and Ontario’s borders.
<u>Municipal:</u> <u>Municipal</u> <u>Official Plans</u>	<p>The County of Simcoe Official Plan (2016)</p> <p>The Regional Municipality of York Official Plan (2019);</p> <p>Town of Bradford West Gwillimbury Official Plan (2018)</p> <p>King Township Official Plan (2017)</p>	<ul style="list-style-type: none"> • Municipal Official Plans provide specific policies and direct guidance on local or regional environmental matters that may be affected by development applications. Highway undertakings need to consider such policies/guidelines in the context of the EA process and subsequent design/construction. The policies and guidelines may identify wildlife resources and habitats (and Conservation Priority bird species) that require consideration in an undertaking.

	Town of East Gwillimbury Official Plan (2018)	
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Through preliminary design and future design stages, the Ministry will undertake Terrestrial ecosystem studies and impact assessments in accordance with the *ERD* (2013). The studies will involve consultation and engagement with regulatory agencies, documentation of existing conditions through field investigations to support the impact assessment and development of mitigation measures and recommendations.

The Project Team will consider the designated natural areas, sensitive vegetation and vegetation communities, significant wildlife habitat, migratory birds, and SAR that may be present within the study area. **Table 2-4** provides a summary of the designated natural areas that will be considered as part of the EA. Consideration for provincially and federally listed species and designated habitat will be identified and evaluated in consultation with the MECP, MNRF, and Environment and Climate Change Canada (ECCC).

Further details on how the Project will address adverse effects to migratory birds and species at risk is outlined in **Sections 3.2** and **3.3**.

Table 2-4: Designated Natural Areas

Designated Natural Areas	Identified in 2002 Approved EA study area	Identified in Updated Background Information Review (2019)
<i>Areas of Natural and Scientific Interest (ANSIs)</i>		
Holland River Marsh Provincially Significant Life Science ANSI	Yes	Yes
<i>Environmentally Significant/Sensitive Areas</i>		
Holland Marsh Environmentally Significant Area (LSRCA)	Yes	Yes
<i>Provincially Significant Wetlands (PSW)</i>		
Holland Marsh (BW5)	No	Yes
Holland Marsh Wetland Complex	Yes	Yes
Maskinonge River Wetland Complex	No	Yes
<i>Policy Areas</i>		
Deer Wintering Areas (MNRF)	No	Yes
Greenbelt Plan - Protected Countryside	No	Yes
LSRCA Natural Heritage System - Core Features ¹	No	Yes
York Region Official Plan – Regional Greenlands System ¹	No	Yes
County of Simcoe Official Plan – Greenlands ¹	No	Yes

Town of East Gwillimbury Official Plan – Natural Heritage System - Core Areas and Supporting Areas ¹	No	Yes
Township of King Official Plan – Natural Heritage System ¹	No	Yes

2.3.2.13 Contaminated Property and Waste Management

A contamination overview study (COS) was undertaken by the Ministry in advance of the preliminary design, to identify and review properties / areas within the study area for the Project with actual or potential site contamination for soil and groundwater. The results of the COS provide direction to future environmental investigations to be carried out and opportunities for development of mitigation measures.

The COS considered available data including land use, environmental databases, aerial photographs and fire insurance plans to analyze and identify areas of potential contamination. Based on the information collected, data were further analyzed to evaluate the relative potential for and severity of contamination. Ratings of “high”, “medium” or “low” potential for contamination have been applied to the properties within the study area.

Properties considered as “High Potential” are generally recognized to consist of:

- Properties where land uses consist of both current and historical industrial use, waste disposal sites and waste transfer sites are at a greater risk of having an environmental impact to the properties;
- Properties that were historically used for orchards, based on Agri-food Canada survey of agriculture related to historical uses pesticides including lead and arsenic (i.e. lead arsenate and calcium arsenate);
- Properties or areas within rail corridors;
- Presence of visible transformers, potential fill material of unknown quality and where significant spills were reported; and
- Areas with “potentially contaminating activity” (PCA) as defined by the MECP, as listed in Table 2 of Schedule D of *O. Reg. 153/04*.

Properties of “Medium Potential” are generally recognized to consist of:

- Properties where land uses consist of commercial use (with no evidence of “high” potential contaminating activities such as fuel / chemical storage tanks), light industrial businesses (such as shipping and receiving operations and light assembly); and vehicle and equipment storage; and
- Institutional facilities such as churches, public schools nursing homes and community centres may have used or stored larger quantities of chemical including heating oil and are ranked as “medium”, unless specific sources of information suggest that they have “high” or “low” potential.

Properties of “Low Potential” are generally recognized to consist of:

- Properties where land uses consist of open space, residential, or agricultural areas that are not suspected of using / generating chemical compounds harmful to the environment or human health have lower risk.

Other contamination considerations include regional potential contamination issues that may result for the application of road salt and vehicular traffic facilities. This pertains to existing road infrastructure and large parking lots associated with commercial parking lots.

Areas of potential contamination for soil and groundwater will be considered and further assessed in accordance with the MTO ERD (2013), including considerations for preliminary site screenings, environmental site assessments (Phase I and II), and screening level risk assessments. The purpose of these studies will be to clearly define the extent of contamination relative to the proposed design to confirm the extent of suspected environmental liabilities and property contamination issues that have been identified and facilitate decision-making regarding site management options.

The ultimate goal will be to design and implement an effective and practical strategy to mitigate site contamination. The results will inform the soil and excess material management plan for the Project and applied to groundwater management with respect to water taking and discharge requirements through the MECP and municipal/regional water quality treatment standards.

2.3.2.14 Human Health

The proposed Project is expected to provide a vital highway connection not only to the local community, but also expand the highway transportation infrastructure network within the Greater Golden Horseshoe. As with all motorized transportation projects, there are potentially both positive, as well as adverse health impacts that may result from the Project. A developed HHI Scoping Report will provide input for the Refined Route of the project from a human health perspective. The HHI Scoping Report informs the need for a broader project-level health assessment exploring the project impact on socio-economic valued components within the study area. Human Health Impact Assessment (HHIA) may be developed based on the findings from initial human health screening and scoping discussions.

A Human Health Risk Assessment (HHRA) or Screening-level Human Health Risk Assessment (SLHHRA) may be developed based on the findings from the Air Quality Impact Assessment (AQIA). If provincial or federal ambient air quality standards are exceeded or are of significant project and stakeholder concern, a HHRA or SLHHRA will provide further detail on the biophysical project impacts on human health.

A compiled human health report may be constructed utilizing a determinants of health approach and a human health impact assessment framework. Recommendations from the human health study will be taken into consideration by the project team, including mitigation and program follow-up options that may enhance beneficial impacts or reduce adverse impacts of the project.

The Ministry will also consider stakeholder concerns to evaluate the need for a HHRA or (SLHHRA) for the refined alternative(s). Further consideration of factors that have potential to impact human health are outlined in the following sections:

- Air Quality in **Section 2.3.2.2**;
- Drainage and Hydrology (including water quantity and quality) in **Section 2.3.2.4**;
- Groundwater in **Section 2.3.2.8**;
- Noise and Vibration in **Section 2.3.2.9**; and
- Contaminated Property and Waste Management in **Section 2.3.2.13**.

MTO will follow and apply the current MTO Best Management Practices to minimize threats from all activities by way of adherence to the Ministry plans and policies, the use of special contract provisions, and contract oversight and monitoring.

2.3.2.15 Indigenous Peoples of Canada

#4b

- v. *Potential impacts to Indigenous peoples of Canada, including on:*
 - *Current use of lands and resources for traditional purposes;*
 - *Physical and cultural heritage; and*
 - *Any structure, site or thing that is of historical, archaeological, paleontological or architectural significance;*
- vi. *Potential adverse effects on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982;*

Section 35 of the Constitution Act

As a representative of the provincial Crown, MTO is committed to fulfilling the duty to consult, and accommodate where appropriate, the potential adverse impacts of the project on established or credibly asserted Aboriginal and treaty rights for the project itself. The Project Team is committed to an open and transparent process that provides opportunities for all potentially adversely impacted Indigenous communities to help shape the outcome of the project and mitigate adverse impacts to their Aboriginal and treaty rights. MTO recognizes that consultation with Indigenous communities is not a one-time conversation but is instead an ongoing process over the lifespan of a project, from the planning phase through to construction and maintenance. The Ministry consultation involves touchpoints with Indigenous communities at key milestones for the project, which include key decision points in the EA process. The Ministry will also consider providing Indigenous communities with capacity funding to facilitate participation in consultation processes.

Consultation and engagement with Indigenous communities will continue to include open and transparent discussion throughout the project, specifically related to impacts to physical and cultural heritage; current use of lands and resources for traditional purposes; structures, sites or things of historical, archaeological, paleontological or

architectural significance, as well as adverse impacts to Aboriginal and treaty rights (e.g. rights to hunt, fish, trap, gather and potential rights to title).

Potential Impacts

The project has the potential to impact Aboriginal and treaty rights, specifically in relation to the right to hunting, fishing, trapping and gathering. Potential impacts are related to temporary (construction) activities as well as permanent impacts. The purpose of the TESR for the Preliminary Design study will be to update the existing conditions within the proposed highway ROW including fish and fish habitat, terrestrial ecosystems including wildlife, vegetation, species at risk as well as groundwater, etc., (further outlined in sections above). Based on the 2002 Approved EA the Preliminary Design activities such as field work and analysis will be completed to determine potential permanent and temporary impacts, and will inform the mitigation measures to address these potential impacts. Completion of field work and impact assessments are dependent on securing Permission to Enter for properties within the study area and therefore impact assessment in certain locations may be undertaken in later study phases.

The Indigenous communities that the Project Team has engaged to date have indicated a few initial concerns noted in **Section 5.3**, including archaeological considerations. These concerns and how MTO will address them are detailed in **Table 5-3**.

Engagement and Consultation with Indigenous Communities during the Current Preliminary Design

Under the current Preliminary Design, engagement and consultation has been initiated and on-going consultation activities, such as meetings, will be scheduled with Indigenous communities to present material, receive feedback and listen to concerns regarding the project impacts to communities' Aboriginal and treaty rights. Our current consultation is focused around key study milestones:

- The refinements to the 2002 EA approved route
- The preliminary design of the refined route

The Project Team currently, engaging and consulting with the following Indigenous communities:

- Alderville First Nation
- Beausoleil First Nation
- Chippewas of Georgina Island First Nation
- Curve Lake First Nation
- Chippewas of Rama First Nation
- Hiawatha First Nation
- Mississaugas of Scugog Island First Nation
- Mississaugas of the Credit First Nation
- Huron Wendat Nation (regarding archaeological resources only)

- MNO Georgian Bay Métis Council

Please note that the above list is currently being reviewed internally by the MTO. MTO recognizes that the Ministry may need to consult with additional communities as project details are refined and as result of new assertions and claims made by Indigenous communities.

Indigenous communities are being consulted to obtain feedback on the ongoing EA work for the Project, including potential impacts as well as proposed mitigation measures. The Ministry has received comments from Indigenous communities as outlined in **Table 5-3**. The comments have included but are not limited to requests to be engaged in archaeological studies, requests for meetings, requests for filing fees, as well as a summary statement of potential impacts. As we are in the early stages of the study and impacts are not yet known, the Ministry is currently discussing each community's comments and concerns with each community directly.

Environmental Studies

To the extent that Permission to Enter is received, the environmental impacts will be assessed during this Preliminary Design phase, and appropriate mitigation measures will be developed as a result. Further work will be conducted to complete these studies during the Detail Design Phase which is not currently funded.

- Stage 1 archaeological assessments were completed during the initial EA in 1997 and were refreshed in 2020. This report has been submitted to MHSTCI and entered into the register in 2020.
- Stage 2 Archaeological assessments were initiated in 2020 and will continue through the 2021 field season where Permission to Enter has been secured.
- Cultural Heritage Resource Assessments were conducted during this Preliminary Design Phase in 2020 to determine any potential impacts to any physical and cultural heritage; any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.
- paleontological or architectural significance.

Once potential impacts have been identified, measures will be developed to mitigate impacts required under the *EA Act* and other relevant legislation. The results of the assessments, including potential impacts and proposed mitigation measures will be included in the final documents for review and summarized in the TESR. Additionally, these reports will be made available to Indigenous communities for discussion and input regarding potential impacts Indigenous cultural heritage, with opportunities provided to participate in the archaeological field assessments and/or receive a presentation(s) to review the results. Further information on Cultural Heritage is outlined in **Section 2.3.2.3** above.

Please see **Section 5.3** for additional detail on Indigenous consultation and engagement.

2.3.2.16 Safety

Safety is and will continue to be the top priority for both construction and operation of the provincial highway network in Ontario.

The geometric design for all roads is being designed in accordance with the standards and manuals listed below, and if there is any conflict, ambiguity or inconsistency between the criteria contained in the standards and manuals, the following applies in descending order of precedence to the extent necessary to resolve the conflict:

- Safety requirements for The Highway 400 – Highway 404 Link (The Bradford Bypass);
- *Accessibility for Ontarians with Disabilities Act (AODA) and O. Reg. 413/12;*
- Design Supplement for TAC Geometric Design Guide (MTO);
- Roadside Design Manual (MTO);
- Geometric Design Guide for Canadian Roads (TAC);
- The applicable Ministry Directives, Drawings, and Design Bulletins;
- Engineering Survey Manual (MTO);
- The applicable standards of the relevant municipality; and
- American Railway Engineering and Maintenance-of-Way Association (AREMA) standard.

The design of any proposed high occupancy vehicle (HOV) Lanes will be consistent with the Transportation Association of Canada's (TAC) Geometric Design Guide for Canadian Roads manual – June 2017.

All bridges and structural elements will be designed and constructed in accordance with the latest version of the following documents:

- Canadian Highway Bridge Design Code (CHBDC) CSA-S6
- All applicable MTO manuals, reports, memos, guidelines, standards and relevant publications.

As part of preparatory works for this assignment, the mainline and freeway to freeway interchange geometrics developed as part of 2002 Approved EA were updated to be in accordance with current Ministry standards. Highway geometrics were reviewed for the Bradford Bypass and opportunities were identified to modify the design to be in accordance with current Ministry standards in the following order of precedence: Safety Requirements for the Bradford Bypass, MTO Supplements to TAC, and TAC manual. Specifically, the proposed typical section, the horizontal alignment, and the vertical geometry (profile) were updated and review to reflect the current design standards. Where standards were presented as a range of acceptable values, the geometrics has been updated to reflect the desirable (upper range) value. This study will look to further develop the components identified as part of these works.

Roadside Safety Review

A preliminary safety analysis and roadside safety review will be undertaken for the proposed design of the preliminary design assignment. Roadside hazards throughout the study area will be reviewed, and recommendations will be provided for mitigation measures in conformance with Ministry's standards. The review will include, but not be limited to, an analysis of various elements including poles, culverts, signs, illumination,

utilities, cuts/fills, guide rail and barriers installations, and associated end treatments, etc.

Traffic Management Plan

A Preliminary Traffic Management Plan will be developed to maintain safe operations on existing roadways and pedestrian facilities within the study area and minimize traffic impacts during construction of the Bradford Bypass, a preliminary staging plan will be developed as part of the preliminary design phase.

- The potential impact of staging schemes for the safe and efficient movement of roadway users including traffic, cyclists and pedestrians;
- The selection of preliminary staging schemes that will safely and adequately facilitate efficient operations without creating undue delay to the travelling public; and
- Proposed methods to inform the travelling public, emergency response agencies and other stakeholders of the potential impacts of staging/detour.

Operational Performance Review and Collision Analysis

An Operational Performance Review and Collision Analysis will also be conducted. The analysis will be completed applying the Ministry's Guidelines for Operational Performance Reviews, and Ministry standards. A Safety Improvement Benefit/Cost Review will be undertaken, to assess the safety benefits of proposed highway elements within the study area utilizing the methodology detailed in the Roadside Design Manual, MTO Economic Analysis Tool, and Highway Safety Manual, as applicable. Collision analysis will also be undertaken and desirable treatment options for identified concerns within the specified project limits detailed.

Advanced Traffic Management Systems (ATMS)

The study will investigate and develop ATMS components for the Bradford Bypass and portions of Highway 400 and Highway 404 leading up to the Bradford Bypass that currently do not have ATMS infrastructure. The need to expand the existing COMPASS system will be evaluated upstream of the existing ATMS limits. Subsystems contributing to driver safety that will be evaluated include but are not limited to:

- Closed-Circuit Television Camera (CCTV);
- Variable Message Sign (VMS);
- Travel Time (TT);
- Queue Warning Sign (QWS);
- Wildlife Detection Warning (WDW); and
- Weather Warning (Road Weather Information Systems (RWIS)).

2.3.3 Transportation Environmental Study Report

The EA document for the preliminary design is a Transportation Environmental Study Report (TESR). The TESR will be developed in accordance with the Class EA and satisfy the documentation principles of section 6.1 of the Class EA. As such, the TESR

will document the project-specific details and issues and document the results of the study to date. The study results will include the environmental factor-specific existing conditions and preliminary impact assessments relative to the development and evaluation of design alternatives, and the overall preliminary design. The environmental concerns, commitments and mitigation measures will be documented and carried forward through future design and construction stages. The EA documentation will also consider previous mitigation measures, commitments made from the 2002 approved EA, where feasible. As per the ERD, the TESR shall include, but not be restricted to the following:

- A complete discussion and documentation of the generation, assessment, evaluation, selection and development of the design alternative;
- The transportation engineering and environmental issues and how they were incorporated into the EA program;
- If an individual EA has been conducted, a summary of the EA report shall be provided;
- A full description of the identified potential environmental condition changes, effects and commitments to mitigation measures,
- Completion of the Summary of Environmental Concerns and Commitments Table;
- Commitments to further work, including any environmental effects monitoring that is required;
- A full description of the study's consultation program;
- Identification of all project approvals, licences and permits which have or must be obtained; and

Elements of construction documentation.

To provide Indigenous communities, external stakeholders and agencies an opportunity to review the documentation and provide comments, the TESR, will be made available for a 30-day public, Indigenous community and agency review period at the completion of the Study. A notice of filing of the TESR will be sent to Indigenous communities, published in local newspapers, distributed to the project contact list and posted to the project website, advising of the review period and comment process. It is understood that Indigenous communities may require additional time to review and provide feedback on the TESR.

2.4 Issues Resolution

Opportunities were made available to raise issues and seek resolutions as part of the previously approved EA study. Based on the submissions received as part of the 2002 approved EA, the Minister of Environment and Energy (now Minister of Environment, Conservation and Parks) issued the notice of approval to proceed with the undertaking and order under subsection 12.4(3) of Section 9 of the *EA Act* (EA File #TCCE02) on August 28, 2002. The conditions of this approval are to be considered through the current and future phase of the EA study for this project.

The commencement of the 2020 study to refine the design provides opportunities throughout to address and resolve issues and concerns raised. Formal opportunities are described further below.

Upon Study Commencement the Project Team starts to solicit public and Indigenous communities' comments and feedback on the Project. The public and Indigenous communities are made aware of the Project and are provided an opportunity to identify any concerns they may have about the Project and ask questions to the Project Team. Depending on the nature of the comment or request, the Project Team will hold an individual meeting to discuss their questions or concerns further, which shall consider the opportunity to present the PIC material to Indigenous community representatives in advance of the public session. Also, the Project Team will be holding two Public Information Centres (PICs) to provide opportunities for the public and Indigenous community members to review existing conditions and initial design considerations, as well as to comment on the refinements presented (PIC #1) and the technically preferred alternative (PIC #2). The Project Team will constructively address input received during the consultation process and document how these comments influenced the project. Upon completion of the Preliminary Design, the Project Team prepares a TESR (further outlined above in **Section 2.3**) which is made available for a 30-day public review period.

The Project Team will meet with Indigenous communities upon request, or where it provides a meaningful opportunity to consult with community representatives. Community information sessions in Indigenous communities will also be considered in consultation with community representatives.

If a concern is related to an Aboriginal or treaty right, a request may be made to the MECP for an Order requiring a higher level of study (i.e. requiring an individual/comprehensive EA approval before being able to proceed), or that conditions be imposed (e.g. require further studies. As of July 2020, requests on other grounds for an Order will not be considered by MECP.

The Class EA process also includes Indigenous consultation and engagement throughout the life of the project. Further details on Indigenous engagement are outlined in **Section 5.3**.

3 Potential Adverse Effects within Federal Jurisdiction

#5 For all federal licences, permits, authorizations, approvals, and/or financial assistance that may be provided for the Project, describe any anticipated adverse direct or incidental effects (including changes to health, social and economic conditions) that may occur as a result. For all effects, indicate whether the provincial assessment process would manage them. Where applicable and available, provide general information such as mitigation and follow-up program measures, or provide a rationale for why such are not required.

As indicated in **Section 2**, the Ministry is currently in the early stages of this Preliminary Design and Class EA Study. In preparation for Preliminary Design, various

environmental studies are being undertaken to identify environmental concerns, commitments and recommend mitigation measures. Detailed impact assessments will be completed to document the specific potential for adverse effects to the natural, socio-economic and cultural environments, including those directly linked to a federal authority (e.g. *Fisheries Act*, *Migratory Birds Convention Act*, *SARA*, *Canadian Navigable Waterways Act*)

The following is a summary of what is known about the study area regarding existing conditions that are federally regulated including fish and fish habitat, migratory birds, SAR and navigation and how potential effects will be managed through the Class EA process.

3.1 Fish and Fish Habitat

Based on secondary source data (to be confirmed with field investigations) there are 28 watercourses (river, streams and roadside/ agricultural drains) that the Recommended Plan will cross. The study area falls within two (2) watersheds, the Nottawasaga Valley Watershed and the Lake Simcoe Watershed.

Based on a desktop screening of sources, no federal or provincial SAR, or SAR habitat were identified to be present within the study area. MTO will maintain awareness and consideration for American Eel which is considered by MECP to occur within the Holland River; however, at this time, this species has no status or schedule under the federal SARA and is therefore not afforded federal protection at this time.

Fisheries assessments will follow the most recent versions of the MTO/ DFO / MNR Protocol for Protecting Fish and Fish Habitat on Provincial Transportation Undertakings (most recent version), *MTO Environmental Guide for Fish and Fish Habitat* (2009), and the *MTO ERD* (2013). This will involve a comprehensive fisheries assessment supported by field investigations to document and assess potential impacts to fish, fish habitat and aquatic SAR.

The Governing Authority for *Fisheries Act* is DFO. Since the 2002 Approved EA, DFO brought into force new Fish and Fish Habitat Protection Provisions of the *Fisheries Act* (August 28, 2019). The 2019 changes to the Act observe a return to certain policies that were enforced prior to the 2012 *Fisheries Act* amendments, focusing on the following key concepts:

- Protecting all fish and fish habitat (i.e., the focus is no longer on only protecting Commercial, Recreational and Aboriginal [CRA] fisheries);
- Restoring the previous prohibition against HADD; and
- Restoring a prohibition against causing ‘the death of fish by any other means than fishing’.

Included in the new Fish and Fish Habitat Protections is creation of Standards and Codes of Practice that will specify procedures, practices or standards in relation to specific types of work, undertakings and activities during construction, operation, modification, etc. Use of the Standards and Codes of Practices will be contingent on providing DFO advance notice before conducting allowable activities in fish habitat.

Until new Standard and Codes of Practice are published, MTO will continue to use the guidelines set out in the MTO/DFO/MNRF Fisheries Protocol and Fish Guide (most recent versions). MTO Best Management Practices (BMPs) and Routine Works, as identified in the MTO Best Management Practices Manual for Fisheries (Draft for Pilot, Version 2.3, 2018), will still be used in the fish and fish habitat impact assessment to be completed in future project stages.

If BMPs cannot be applied, then the fisheries assessment process will continue. However, instead of Fisheries Assessment Specialists determining the likelihood that the Project may result in 'serious harm' to fish and fish habitat, the determination of HADD will be completed for each proposed project activity and associated waterbody using the Pathways of Effects (PoE) diagrams and assessment table.

Where MTO determines, based on the outcome of the fisheries assessment, that proposed project activities are likely to cause HADD, and/or where federally listed aquatic SAR are present, MTO shall refer the Project to DFO, requesting a project review under the fish and fish habitat protection provisions of the *Fisheries Act* and under the SARA (if applicable).

3.2 Migratory Birds and Nests

The *Migratory Birds Convention Act*, 1994, is intended to protect migratory birds, their eggs and their active nests. The Act includes protection of more than 700 species of birds and prohibits the possession, destruction and harm of migratory birds and / or their nests.

Based on secondary source information, migratory birds exist within the corridor. There are potential impacts to migratory birds, including within areas that may provide habitat for migratory birds.

Tree and vegetation removal, including within areas that may provide habitat for migratory birds, will comply with the *Migratory Birds Convention Act*. Specific removal requirements will be confirmed through further assessment. As project planning and design proceed, opportunities to reduce the potential impacts on vegetated areas will be explored, and at a minimum, mitigation will include applying required timing windows and surveys for construction activities that may impact migratory birds.

With the implementation of the appropriate mitigation measures, including avoidance timing windows, no permits are anticipated under the *Migratory Birds Convention Act*.

3.3 Species at Risk

The goal of the SAR legislation is to monitor and protect disappearing species, provide recovery strategies for Extirpated, Endangered, or Threatened species, as well as to manage species of special concern. For wildlife species, the legislation generally applies to federal lands or projects or approvals administered by federal agency or provincial lands without equivalent protection.

Based on secondary source information, SAR may exist within the corridor. There are potential impacts to SAR, including within areas that may provide habitat for species.

The following federally listed species have potential to be present within the study area:

- Jefferson Salamander
- Bank Swallow

- Barn Swallow
- Bobolink
- Chimney Swift
- Easter Meadowlark
- Eastern Whip-poor-will
- Henslow's Sparrow
- Least Bittern
- Louisiana Waterthrush
- Little Brown Myotis (Bat)
- Northern (Long-eared) Myotis (Bat)
- Tri-colored Bat
- Butternut
- Blanding's Turtle

All of the above species are protected under the Ontario ESA. The Ministry will work to understand and avoid where possible any potential impacts to SAR. Should any potential impacts be confirmed to endangered or threatened species, the Ministry will work with MECP to obtain a permit under the Ontario ESA, which may include mitigation and / or monitoring conditions, and consultation requirements. At this time, it is anticipated that all potential impacts to SAR will be managed through the conditions of a future permit under the Ontario ESA.

As noted in **Section 2.3.2.6**, American Eel has no status or schedule under the federal SARA and is therefore not afforded federal protection at this time. No other aquatic SAR are known to occur within the study area at this time. As the listing of species changes, consideration for aquatic SAR will be evaluated and approval requirements amended.

3.4 Navigation Protection

As part of the Preliminary Design, the Ministry will consider the legislative requirements and consult with Transport Canada under the *Canadian Navigable Waters Protection Act* (CNWA) for the proposed crossings of the Holland River and East Holland River branch. Both watercourses are identified as Schedule Waterways per Paragraph 5(1)(b) and subsections 10(1) and (2) and 29(1) to (3), Part 2 "Rivers and Riverines" of CNWA.

Table 3-1: Scheduled Waterways within the Project Limits

Item	Name	Approximate Downstream Point	Approximate Upstream Point	Description
48	Holland River	44°12'10" N, 79°30'52" W	44°06'46" N, 79°32'44" W	From the Bridge Street bridge to Lake Simcoe
49	Holland River East Branch	44°07'35" N, 79°30'15" W	44°07'35" N, 79°30'15" W	From the Queensville Side Road bridge to the Holland River

As part of the on-going consultation for the Project, the Project Team is seeking input from the public, Indigenous communities and key stakeholders to understand navigation uses to facilitate design development of the structures and support CNWA approvals requirements. The following is the request and information that was included in the Notice of Study Commencement materials to all stakeholders and is available through the project website:

Navigability of the Holland River and Holland River East Branch (Indigenous Community Initial Request):

The design and future construction of the bridges may affect navigability within the Holland River and Holland River East Branch. We welcome receiving information about current and historical uses of the Holland River and Holland River East Branch by members of your community (i.e. recreation, commercial, or to access areas used to exercise Aboriginal and treaty rights). In addition to river use, we would appreciate receiving information on what types of vessels are, or were used by your community (e.g. canoe, kayak, motorized boats <5m in length, motorized boats 5-8m in length, motorized boats >8m in length).

Navigability of the Holland River and Holland River East Branch (General Initial Request):

Navigability of the Holland River and Holland River East Branch: The design and future construction of the bridges may affect current navigability within the rivers. For the purpose of protecting the existing navigable function of these waterways, please complete the following: Does your organization use the Holland River or Holland River East Branch within the study area for navigation (i.e., recreation or commercial uses), or are you aware of others doing so? (Yes / No)

If Yes, please indicate the vessel type(s) used: Canoe/Kayak length, Commercial Vessels 8m length, Motorized Boats <5m, Motorized Boats 5m to 8m, Motorized Boats >8m, and if Other Vessels (please specify below) [_____].

The Ministry will work to minimize potential impacts to navigation and follow the process for Major Work over a Scheduled Waterway identified in *MTO's Navigable Waters Guidelines, BRO-067* (2020). This process will include consultation with Transport Canada and further Indigenous and public consultation as the Project progresses through design into construction.

3.5 Federal Lands

The project will not impact lands outside of Canada as it is located entirely within the province of Ontario and locally within Simcoe County and York Region, Ontario. It is also noted at this time that the Recommended Plan does not impact or impede on federal lands.

3.6 Cumulative Effects

4 b) xi. Whether the Project would result in cumulative effects, considering potential cumulative effects associated with other highway proposals in the project area, and expansion of municipal settlement and employment area boundaries in the vicinity of

the project. If yes, describe how you intend to manage those impacts, or provide a rationale for why such management would not be required.

The project shall consider MECP's Code of Practice, *Preparing and Reviewing Environmental Assessments in Ontario*, which encourages proponents to consider potential cumulative effects of the project in combination with past, present and reasonably foreseeable future activities where possible. Cumulative effects assessment would include consideration of the interdependence of air, land, water and living organisms, and the relationships with respect to the rights of Indigenous people and cultures, and among environmental, social, health and economic effects.

The environmental studies being undertaken as part of preliminary design include documenting existing conditions to minimize potential impacts to the natural, socio-economic and cultural environments. Mitigation measures and the management of project specific impacts shall be developed and implemented in a manner that are technically and economically feasible to avoid or minimize the adverse effects of the proposed undertaking.

3.7 Federal Funding

#3 Any federal financial assistance that would be required for the Project and the associated project components or activities.

The project does not require and currently is not receiving federal funding or financial assistance. The project, and associated project components or activities, are provincially funded and where appropriate, completed through agreements with municipal and/or regional governments.

4 Regulatory Approvals and Legislative Requirements

#3 A list of all regulatory approvals (federal, provincial, municipal, other)

#4 a) for each licence, permit, authorization and approval that would be required for this project, provide the following information:

- i. Name of the licence, permit, authorization or approval, the associated legislative framework, and the responsible jurisdiction.*
- ii. Whether it would involve an assessment of any of the effects outlined in the paragraphs above, and if so, a general description of the assessment that you intend to undertake. Would conditions be set and if yes, what effects would those conditions address?*
- iii. Whether public and/or Indigenous consultation would be required and, if yes, provide information on the approach you tend to take (if any steps have been taken, provide a summary, including issues raised as well as your responses). If there is an issues resolution process associated with the consultation, describe it.*

As noted in sections above, a wide range of environmental discipline studies including field investigations will be carried out as part of this project, as related to natural, socio-

economic, cultural, and technical disciplines. All reports will be undertaken in accordance with current legislative requirements, standards and best practices, including the *MTO Environmental Guides* and the MTO ERD. These studies will assess 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, including, but not limited to, ESA, *Greenbelt Plan*, *Heritage Act*, *Fisheries Act*, SARA, etc.

The Project Team has, and will continue to engage with local municipalities, stakeholders and Indigenous Communities regarding the study and design of the Project. The results of the engagement and consultation, environmental studies and engineering design will be documented in reports to present information to the public and review agencies.

Through environmental studies, consultation and engagement a list of federal, provincial and municipal permits, licences, authorizations or approvals (PLAAs) will be developed in accordance with environmental protection principles of the *Class EA for Provincial Transportation Facilities* and current standards, conditions and legislation. **Table 4-1** below provides a preliminary list of anticipated PLAAs that will be required for the Project to proceed to construction.

A confirmed list of PLAAs will be provided in final environmental study documentation and will be carried forward as commitments through further stages of design to construction.

Public and Indigenous consultation and engagement is a requirement under some of the below PLAAs. The Bradford Bypass process for consultation and engagement approach, described in **Section 5** is robust and would cover any Ministry led consultation requirements in support of these PLAAs. Regulatory bodies that lead consultation initiatives as part of PLAA processes are noted in the table.

In addition to PLAAs, the Project will also strive to meet various legislative requirements that do not necessarily require a specific PLAA but will include conditions and/or commitments to be carried forward through further stages of design and construction. These anticipated legislative requirements are outlined in **Table 4-2**.

Table 4-1 Summary of Potential Permits, Licences, Authorizations or Approval Requirements for the Project

PLAA, Associated Legislative Framework, Responsible Jurisdiction	Description	Potential Conditions (to be confirmed with respective agency)	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
Federal				
<p>Fisheries Act Authorization DFO</p> <ul style="list-style-type: none"> Should the Project have the potential to result in the death of fish or HADD, DFO review will be required to determine the need for an authorization under paragraph 35(2)(b) of the <i>Fisheries Act</i> 	<p>The Project will be assessing to determine if there is the potential for Project activities to result in the death of fish or HADD including SAR and impacts to Indigenous Nations. If approval and/or permits are required through consultation with DFO, the following assessment information would be provided:</p> <ul style="list-style-type: none"> Construction methods and details on all phases (construction, operation, maintenance, closure) including engineering drawings. Information on watershed, wetlands, waterbodies near the construction footprint. Public and Indigenous consultation undertaken as described in Section 5. 	<ul style="list-style-type: none"> Timing window restrictions Sediment and erosion control measures Water intake screening requirements Fish rescue Riparian restoration Compensation for habitat loss Clearing and Grubbing Plan Landscaping and Ecological Restoration Plan Erosion and Sediment Control Plan Surface Water Monitoring and Mitigation Plan 	<ul style="list-style-type: none"> Applicable to all in-water works If it is determined that authorization is required to be issued for the proposed works, DFO will undertake Indigenous consultation as required. 	<ul style="list-style-type: none"> Local Recreation – considers recreational and commercial fishing Indigenous communities - considers adverse impacts to fish and fish habitat, species at risk and watercourses will be discussed with communities regarding potential impacts to the Aboriginal and treaty rights to hunt, fish, trap and gather.
<p>Application for Approval for Schedule Waterway under <i>Canadian Navigable Waters Act</i> Transport Canada (TC)</p> <ul style="list-style-type: none"> Under Section 9 and Section 10 of the <i>Canadian Navigable Waters Act (CNWA)</i>, approval for bridge work as defined under the Major Works Order for works over a scheduled waterway TC Navigation Protection Program (NPP) administers the CNWA 	<p>Under the Canadian Navigable Waters Act (CNWA), owners of works who propose to construct, place, alter, rebuild, remove or decommission works that are in, on, over, under, through or across any navigable water may be required to apply for an approval to Transport Canada (TC), or seek authorization through the public resolution process.</p> <p>As part of the Preliminary Design, the Ministry will consider the legislative requirements and consult with Transport Canada under the CNWA for the proposed crossings of the Holland River and East Holland River branch. Both watercourses are identified as Schedule Waterways per Paragraph 5(1)(b) and subsections 10(1) and (2) and 29(1) to (3), Part 2 “Rivers and Riverines” of CNWA.</p> <p>As part of consultation, the Ministry is seeking input from the public and key</p>	<ul style="list-style-type: none"> Structural design considerations Construction timing restrictions Advance signing and notifications Temporary access / Portage Routes Access Management Plan 	<ul style="list-style-type: none"> Applicable to all works over navigable waterways Holland River bridge East Branch of the Holland River bridge Temporary and permanent works that may interfere with navigation on waterways listed on the schedule of the CNWA, or those considered to be categorized as “major works”. Potential for additional public consultation associated with the works beyond the public and Indigenous engagement and consultation undertaken as described in Section 5. 	<ul style="list-style-type: none"> Public Safety – contemplates potential effects to navigation and access on waterways during construction and through the life of the Project. Local Recreation – considers recreational boating Indigenous communities - considers adverse impacts to fish and fish habitat, species at risk and watercourses will be discussed with communities regarding potential impacts to the Aboriginal and treaty rights to hunt, fish, trap and gather.

PLAA, Associated Legislative Framework, Responsible Jurisdiction	Description	Potential Conditions (to be confirmed with respective agency)	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
	<p>stakeholders to understand navigation uses to facilitate design development of the structures and support CNWA approvals requirements.</p>			
<p>Species at Risk Act (SARA) Environment and Climate Change Canada</p>	<ul style="list-style-type: none"> • The goal of the SARA is to monitor and protect disappearing species; provide recovery strategies for Extirpated, Endangered (END), or Threatened (THR) species, as well as to manage species of Special Concern (SC). • For wildlife species, this legislation generally applies to federal lands or projects or approvals administered by a federal agency or provincial lands without equivalent protection. • The following federally listed species have potential to be present within the study area: <ul style="list-style-type: none"> – Jefferson Salamander – Bank Swallow – Barn Swallow – Bobolink – Chimney Swift – Easter Meadowlark – Eastern Whip-poor-will – Henslow’s Sparrow – Least Bittern – Louisiana Waterthrush – Little Brown Myotis (Bat) – Northern (Long-eared) Myotis (Bat) – Tri-colored Bat – Butternut – Blanding’s Turtle <p>All of the above species are protected under the Ontario ESA.</p>	<p>Potential conditions would be covered under a provincial ESA <i>Permit</i> further outlined below, and may include the following:</p> <ul style="list-style-type: none"> • Timing window restrictions • Compensation habitat • Monitoring the efficacy of mitigation efforts (such as artificial roost structures) 	<ul style="list-style-type: none"> • Applicable to all Project components. • Public and Indigenous consultation. 	<ul style="list-style-type: none"> • Indigenous communities - considers adverse impacts to species at risk will be discussed with communities regarding potential impact to the Aboriginal and treaty right to hunt, fish, trap and gather.

PLAA, Associated Legislative Framework, Responsible Jurisdiction	Description	Potential Conditions (to be confirmed with respective agency)	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
Provincial				
<p>Permit to Take Water (PTTW) Ministry of the Environment, Conservation and Parks (MECP)</p> <ul style="list-style-type: none"> Required if temporary water takings are estimated to be greater than 400,000 L/day for dewatering during construction activities in accordance with the <i>Water Resources Act (O. Reg. 128/03) Section 34</i> 	<p>Further consultation with MECP will occur. If permits are required, the appropriate approval package will be submitted.</p> <ul style="list-style-type: none"> PTTW includes requirements to assess impacts to surface and groundwater quantity and quality due to project activities. <p>PTTW places limits on the quantity and duration of water taken and requires reporting.</p>	<ul style="list-style-type: none"> Settling monitoring Regular reporting of water takings Natural feature monitoring Water quality and volume monitoring Ensuring wellhead protection Erosion and Sediment Control Plan Dewatering/Discharge Plan Groundwater Monitoring / Protection Plan Well monitoring program Surface Water Monitoring / Mitigation Plan <p>Additional conditions could include monitoring requirements, seasonal restrictions, modifications to discharge locations and remediation.</p>	<ul style="list-style-type: none"> Applicable to all Project components where dewatering is required as applicable. Public and Indigenous consultation undertaken as described in Section 5 would address the consultation requirements. When an application for a PTTW is made, it must be posted on the Environmental registry for 30-45 days for public comment, as determined by MECP. 	<ul style="list-style-type: none"> Public Safety – contemplates potential effects to subsidence and geotechnical stability Human Health – contemplates potential effects to well supply, water quality and quantity Indigenous communities - considers adverse impacts to watercourses and groundwater and will be discussed with communities regarding potential impact to Aboriginal and treaty rights.
<p>Environmental Activity and Sector Registry (EASR) for construction dewatering MECP</p> <p>Required if temporary water takings of ground water and storm water for the purpose of construction dewatering have volumes estimated to be greater than 50,000 L/day, but less than 400,000 L/day under normal conditions in accordance with <i>O. Reg. 245/11 Registrations Under II.1 of the Act – General and O. Reg. 63/16: Registrations Part II.2 of the Act – Water Taking.</i></p>	<p>Pending detail design, EASRs would be obtained as required.</p> <ul style="list-style-type: none"> Registration information needs to remain up-to-date and the water takings must continue to meet the criteria set out in <i>O. Reg. 245/11</i> and <i>O. Reg. 63/16</i>, as applicable. Limited to prescribed activities: <ul style="list-style-type: none"> -Taking of ground and/or stormwater of the purpose of dewatering a construction site. -the use, operation, establishment, alteration, extension or replacement of a sewage works that is used solely for the collection, transmission and disposal of storm water to dewater a construction site. 	<ul style="list-style-type: none"> Settling monitoring Regular reporting of water takings Natural feature monitoring Water quality and volume monitoring Ensuring wellhead protection Erosion and Sediment Control Plan Dewatering/Discharge Plan Groundwater Monitoring / Protection Plan Well monitoring program Surface Water Monitoring / Mitigation Plan <p>Additional conditions could include monitoring requirements, seasonal restrictions, modifications to discharge locations and remediation.</p>	<ul style="list-style-type: none"> Applicable to all Project components where dewatering is required as applicable. Public and Indigenous consultation undertaken as described in Section 5 would address the consultation requirements. When an application for an EASR is made, it must be posted on the Environmental registry for 30-45 days for public comment, as determined by MECP. 	<ul style="list-style-type: none"> Public Safety – contemplates potential effects to subsidence and geotechnical stability Human Health – contemplates potential effects to well supply, water quality and quantity Indigenous communities - considers adverse impacts to watercourses and ground water will be discussed with Indigenous communities regarding potential impact to Aboriginal and treaty rights.

PLAA, Associated Legislative Framework, Responsible Jurisdiction	Description	Potential Conditions (to be confirmed with respective agency)	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
<p>Environmental Compliance Approval (ECA) for Industrial Sewage MECP</p> <ul style="list-style-type: none"> Ontario Water Resources Act Section 53 under the Environmental Protection Act 	<p>Industrial sewage works are works involving the collection, transmission, treatment or disposal of sewage generated from industrial activities. This could include projects to handle storm runoff, domestic sewage and process sewage from industrial sites.</p> <p>The Project will be assessed to determine if there is potential for Project activities to result in the death of fish or HADD including SAR.</p> <ul style="list-style-type: none"> An ECA for Industrial Sewage may be required if changes to existing sewers, stormwater management facilities and stormwater pumping stations are required as a result of detailed design. This may either require an amendment to an existing ECA(s) or a new ECA. 	<ul style="list-style-type: none"> Water quality sampling testing to meet discharge criteria. Compliance reporting requirements. 	<ul style="list-style-type: none"> Applicable to all Project components involving stormwater management and sewage discharge. Public and Indigenous consultation and engagement undertaken as described in Section 5 would address the consultation requirements. Where an application for an ECA is made, it must be posted on the Environmental Registry for 30-45 days for public comment as determined by MECP. 	<ul style="list-style-type: none"> Public Safety – municipality to review and concur that ECA will not contravene municipal by-laws; assesses threats to drinking water supplies. Indigenous communities - considers adverse impacts caused by pollutants to watercourses and groundwater and will be discussed with Indigenous communities regarding potential impact to Aboriginal and treaty rights.
<p>Drinking Water Works Permit (DWWP) MECP</p> <ul style="list-style-type: none"> Safe Drinking Water Act, 2002, O. Reg. 170/03 	<p>Pending detailed design, may be required to alter drinking water system.</p> <ul style="list-style-type: none"> Impacts to existing licenced operation systems will be identified and the appropriate licences will be engaged to determine potential impacts to the existing drinking water system to determine permitting requirements. If required, impacts will be mitigated to the extent feasible and alternation would be completed in accordance with the terms and conditions of the permit. <p>The conditions of the DWWP and the licence will apply, as applicable, to the additions, modifications, replacements or extensions of the drinking water system authorized by the issuance of a Schedule C (Authorization to Alter</p>	<ul style="list-style-type: none"> Conditions imposed on a licence will typically relate to requirements respecting the performance, operation and maintenance of the system as well as monitoring and recording of specific indicators of water quality and environmental impact, and provision of contingencies to prevent and deal with accidental spills or upsets. Well Monitoring 	<ul style="list-style-type: none"> Applicable to the Project components that interact with existing or planned drinking water systems, dewatering or surface water discharge, and stormwater management Consultation with well licence owners is required. 	<ul style="list-style-type: none"> Public Safety – considerations for public drinking water supply and drinking water supply for Indigenous communities Indigenous communities – considers adverse impacts to watercourses, groundwater and drinking water and will be discussed with Indigenous communities regarding potential impact to Aboriginal and treaty rights.

PLAA, Associated Legislative Framework, Responsible Jurisdiction	Description	Potential Conditions (to be confirmed with respective agency)	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
	the Drinking Water System) document.			
On-site and Excess Soil Management MECP <ul style="list-style-type: none"> Approval and/or permits may be required under <i>O. Reg. 406/19</i> to address excess soil management requirement. 	Applicability to be determined pending detailed design. <ul style="list-style-type: none"> Volume, quality and soil condition to be determined as part of construction planning process. Management guidelines to be completed and outline sampling, monitoring, handling and documentation requirements. Management of Excess Soils to be completed under the supervision of a Qualified Person as prescribed. 	<ul style="list-style-type: none"> Follow guideline (On-Site and Excess Soil management and the associated MECP Rules for Soil management and Excess Soil Quality Standards, dated December 8, 2020). Contamination and Waste Management Plan Earth Management Plan Spill Management Plan Sampling Plans 	<ul style="list-style-type: none"> Applicable to the Project components that generate excess soil or require on-site soil management during construction. The work must be registered on the Resource Productivity and Recovery Registry and be available for public comment. 	<ul style="list-style-type: none"> Human Health – Identification of contamination
Record of Site Condition / Certificate of Property Use MECP <ul style="list-style-type: none"> Records of Site Condition to be filed with MECP as required as per <i>O. Reg. 153/04</i>. Certificate of Property use may be issued by MECP in accordance with <i>O. Reg. 153/04</i> 	Assessment includes: <ul style="list-style-type: none"> Identification of contamination through investigative drilling and soil sampling; Risk assessments to identify required risk management measures; and The development of remediation plans. 	<ul style="list-style-type: none"> Engineering requirements – capping, vapour intrusion mitigation measures, ground water management controls Administrative requirements – Health and Safety Plan, Soils and Groundwater Management Plan, Groundwater control and Management Plan, site prohibitions (e.g., planting fruit or vegetables, constructing certain types of structures, prohibiting certain uses, access restrictions for underdeveloped portions, etc., if relevant). Monitoring/ Maintenance Requirements – develop and implement: <ul style="list-style-type: none"> Groundwater monitoring plan Cap inspection and maintenance program Vapour / air quality monitoring plan; vapour intrusion mitigation measures inspection and maintenance program Annual reporting requirements 	<ul style="list-style-type: none"> Applicable to Project components when a Phase Two Environmental Site Assessment is required. RSCs and CPUs must be posted on the Environmental registry for public comment. 	<ul style="list-style-type: none"> Human Health – identification of contamination, remediation plans

PLAA, Associated Legislative Framework, Responsible Jurisdiction	Description	Potential Conditions (to be confirmed with respective agency)	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
<p>Endangered Species Act Permit MECP</p> <ul style="list-style-type: none"> Permit under s. 17(1) in accordance with clause 17(2)(c) of the ESA 	<ul style="list-style-type: none"> Under the <i>ESA</i>, species are listed as Extirpated, Endangered, Threatened and Special Concern. The <i>ESA</i> prohibits the killing, harming or harassment of Endangered or Threatened species and the damage or destruction of their habitat. The Project will be assessed to determine if there is any potential for Project activities to result in impacts to SAR. Should impacts be identified, a permit will be prepared to provide species-specific survey, mitigation, monitoring and compensation requirements. The following species have potential to be present within the study area: <ul style="list-style-type: none"> Jefferson Salamander Bank Swallow Barn Swallow Bobolink Chimney Swift Easter Meadowlark Eastern Whip-poor-will Henslow's Sparrow Least Bittern Louisiana Waterthrush Little Brown Myotis (Bat) Eastern Small-footed Myotis (Bat) Northern (Long-eared) Myotis (Bat) Tri-colored Bat 	<ul style="list-style-type: none"> Timing window restrictions Compensation habitat including overall benefit plans Monitoring the efficacy of mitigation efforts (such as artificial roost structures) 	<ul style="list-style-type: none"> Applicable to all Project components. Public and Indigenous consultation 	<ul style="list-style-type: none"> Indigenous communities - considers adverse impacts to species at risk and will be discussed with Indigenous communities regarding potential impact to the Aboriginal and rights to hunt, fish, trap and gather.

PLAA, Associated Legislative Framework, Responsible Jurisdiction	Description	Potential Conditions (to be confirmed with respective agency)	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
	<ul style="list-style-type: none"> • Butternut • Blanding's Turtle 			
<p>Archaeology Assessment Review Letters MHSTCI</p> <ul style="list-style-type: none"> • <i>Ontario Heritage Act</i> 	<ul style="list-style-type: none"> • Upon confirmation that the Stage 1, 2, 3, and 4 (as applicable) archaeology assessments have met fieldwork and licencing requirements, MHSTCI will issue a letter confirming their entry into the Ontario Public Register of Archaeological Reports. 	<ul style="list-style-type: none"> • Monitoring by a licensed archaeologist during construction as part of archaeological site avoidance and protection strategies (if full mitigation by excavation was not conducted prior) • Implementing an archaeological resources protection or contingency plan during construction. • Compliance with Section 48, 69.1, and 69 of the <i>Ontario Heritage Act</i> • Compliance with the <i>Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33</i> (when proclaimed in force in 2012) • Access Management Plan • Other conditions, based on the recommendations of the archaeological assessment report. 	<ul style="list-style-type: none"> • Applicable to all Project components involving ground disturbance. • Indigenous communities will be extended the opportunity to review archaeological assessment reports and participate in archaeological field work undertaken for the Project. • Information / Reports on archaeological work will be provided to interested Indigenous Nations. 	<ul style="list-style-type: none"> • Indigenous communities - potential adverse impacts to archaeological sites will be discussed with Indigenous communities regarding potential impact to Indigenous cultural heritage resources.
<p>Minister's Consent MHSTCI</p> <ul style="list-style-type: none"> • <i>Ontario Heritage Act, Part III.1</i> • Standards and Guidelines for Conservation of Provincial Heritage Properties 	<p>As a provincial ministry, MTO is subject to the Standards and Guidelines for Conservation of Provincial Heritage Properties (the Standards and Guidelines) issued under the <i>Ontario Heritage Act</i>. Consent of the Minister of Heritage, Sport, Tourism and Culture Industries is required for the demolition or removal of any buildings or structures on a provincial heritage property of provincial significance or for transfer of the property, in whole or in part, out of provincial control. The Minister may grant consent, with or without conditions, where the Minister is of the opinion that the removal, demolition or transfer is the best option after all alternatives have been</p>	<ul style="list-style-type: none"> • Documentation and Pre- and Post-Construction Conditions Assessment • Landscape Management Plan to restore altered cultural heritage landscapes to pre-construction conditions • Documentation and Restoration Plans to restore altered built heritage resources to preconstruction conditions • Interpretative and Commemoration Strategy and Plan. • Relocation Plans for heritage attributes planned to be temporarily relocated for the duration of construction activities. 	<ul style="list-style-type: none"> • Applicable to all Project components that may require demolition, removal, or transfer out of provincial control associated with PHPPSs. • Consultation with MHSTCI and municipal staff • Public and Indigenous consultation undertaken as described in Section 5 would address the consultation requirements. 	<ul style="list-style-type: none"> • Social – considers impacts to the cultural resources and landscape within the context of local community history.

PLAA, Associated Legislative Framework, Responsible Jurisdiction	Description	Potential Conditions (to be confirmed with respective agency)	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
	considered by the ministry or prescribed public body requesting consent.	<ul style="list-style-type: none"> Relocation of heritage buildings and/or structure, including consideration of adaptative re-use alternatives Heritage Monitoring / Mitigation Plan(s) Strategic Conservation Plan(s) Other conditions, based on the recommendations of the technical cultural heritage studies and/or the Minister of Heritage, Sport, Tourism and Culture Industries' Consent conditions. 		
Local Planning Appeal Tribunal (LPAT) Approval of Road Closure LPAT <ul style="list-style-type: none"> Planning Act, Municipal Act, Expropriations Act 	The Local Planning Appeal Tribunal is an independent administrative tribunal that hears applications and appeals on municipal and planning matters such as zoning bylaws, subdivision plans, official plans, consents and minor variances under the Planning Act, land compensation matters under the Expropriations Act, and objections to municipal proposals to borrow to finance capital works under the Municipal Act and other legislation.	<ul style="list-style-type: none"> Alternate motor vehicle access to and from the owner's lands Purchasing or expropriation of lands without reasonable or agreeable access Consultation and Notifications 	<ul style="list-style-type: none"> Permanent road closures in conflict with the highway where realignment and other options are not reasonable or technically feasible. 	<ul style="list-style-type: none"> Social & Economic – considers access to lands and the movement of goods and resources
Municipal				
Site Plan Review Township of King, Town of East Gwillimbury, Town of Bradford West Gwillimbury	Although a site plan review is not required for a provincial undertaking, the Ministry will work with municipalities to review proposed site plans that may include but are not limited to, potential for future commuter parking lots, connection with existing or proposed public transit, connection with active transportation plans.	<ul style="list-style-type: none"> Potential to incorporate feedback on features such as design, site access and servicing, landscaping and aesthetics 	<ul style="list-style-type: none"> Applicable to all Project components with connection to municipal infrastructure. 	<ul style="list-style-type: none"> Public Safety – accessibility standards Aesthetics – tree preservation, landscaping Human Health – active transportation and connection to non vehicular modes of transportation
Sewer discharge permit York Region and Bradford West Gwillimbury <ul style="list-style-type: none"> Sewer Use By-law 	Although the Ministry is not required to obtain municipal permits, any discharges to storm sewers will be assessed to determine if there is potential for Project activities to result	<ul style="list-style-type: none"> Water quality testing to meet municipal standards Monitoring volume to meet capacity limits. 	<ul style="list-style-type: none"> Applicable to all Project components involving discharge into a municipal sewer. 	<ul style="list-style-type: none"> Human Health – water quality and quantity Indigenous communities - considers adverse impacts to environmental factors and will be

PLAA, Associated Legislative Framework, Responsible Jurisdiction	Description	Potential Conditions (to be confirmed with respective agency)	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
	in the death of fish or harmful alteration, disruption or destruction if fish habitat including SAR.			discussed with Indigenous communities regarding potential impact to the Aboriginal and treaty rights
Good Forest Practices Permit and/or Special Permits York Region and Simcoe County <ul style="list-style-type: none"> • Forest Conservation By-laws 	Although the Ministry is not required to obtain municipal permits, the Project Team is aware of the municipal by-laws regarding forest conservation and will work with York Region and Simcoe County to discuss avoidance and mitigation of potential tree removals.	<ul style="list-style-type: none"> • Avoidance and / or mitigation measures of direct or indirect effects • Timing restrictions • Qualified individuals • Replacement of trees 	<ul style="list-style-type: none"> • Vegetation clearing and construction activities for the Project as a whole. • Consultation will be undertaken with York Region and Simcoe County as the design progresses. 	<ul style="list-style-type: none"> • Aesthetics – tree preservation, landscaping • Social & Recreation – considers the social and recreational importance of forests within the local community. • Indigenous communities - considers adverse impacts to environmental factors and will be discussed with Indigenous communities regarding potential impact to the Aboriginal and treaty rights
Demolition Permits Township of King, Town of East Gwillimbury, Town of Bradford West Gwillimbury, York Region, Simcoe County	Demolition permits may be required from municipalities should structures require demolition.	<ul style="list-style-type: none"> • Specified timelines to complete required works. • Restoration works completed within the specified timelines. • Traffic control measures provided. • Adequate protections of pedestrians and motorists. 	<ul style="list-style-type: none"> • Consultations with municipalities, property owners, and potentially other ministries (i.e. MHSTCI) 	<ul style="list-style-type: none"> • Public Safety – consideration of adjacent properties and the public during demolition • Socio-economic – consideration of structures with heritage potential • Human Health – consideration for potential contamination or designated substances on the site
Road Occupancy Permit / Road Closure Permits Township of King, Town of East Gwillimbury, Town of Bradford West Gwillimbury, York Region, Simcoe County	Road Occupancy Permits / Road Closure Permits may be required for any lane closures or full temporary road closures of municipal roads during construction or investigations. These may be in the form of permits or agreements with the municipality.	<ul style="list-style-type: none"> • Specified timelines to complete required works. • Restoration works completed within the specified timelines. • Traffic control measures provided. • Adequate protections of pedestrians and motorists. 	<ul style="list-style-type: none"> • Pavement/foundation investigations, other investigations that may require road or lane closures • Construction activities such as bridge construction 	<ul style="list-style-type: none"> • Public Safety – consideration of safety measures to the moving public and to workers on site
Other and Ancillary PLAAs				
Permission to Enter and Construct (PTEC) agreement, Permanent or Temporary Limited Interest agreement Ministry of Transportation and landowner	Should the design require works to be completed on private property not owned by the Ministry, a Permission to Enter and Construct agreement or a Permanent or Temporary Limited Interest agreement between the	<ul style="list-style-type: none"> • Varies dependant on landowner, property type, proposed construction, duration, or access requirements • Landscaping of impacted land back to pre-construction or agreed upon condition 	<ul style="list-style-type: none"> • Construction on municipal lands or private property 	<ul style="list-style-type: none"> • Public Safety – consideration of safety measures to the landowner and to workers on site • Aesthetics – vegetation preservation, landscaping

PLAA, Associated Legislative Framework, Responsible Jurisdiction	Description	Potential Conditions (to be confirmed with respective agency)	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
	Ministry and the landowner must be obtained.			
Encroachment Permits Ministry of Transportation	Encroachments may include signs, survey work, banners, acceleration and deceleration lanes, curbs, gutters, sidewalks, safety islands, sewers, pipelines, coaxial or fibre optic cable, or other works or structures that may during the construction, installation, or maintenance thereof, obstruct, cause material to be deposited upon, enter upon, take up, bridge over, tunnel under or in any way interfere with the land within the limits of a highway or the roadway or any structure forming a part of the highway.	<ul style="list-style-type: none"> • Safety considerations and coordination with potential other contractors • Specified timelines to complete required works • Timing windows and / or restrictions associated with vegetation clearing or clearing in areas which are not cleared of archaeological potential 	<ul style="list-style-type: none"> • Any installation or works, upon, under or within the limits of a provincial highway ROW placed by someone other than MTO. 	<ul style="list-style-type: none"> • Public Safety – consideration of safety measures to the contractor and to the public • Aesthetics – vegetation preservation, landscaping
ECA for Air / Noise MECP <i>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)</i>	<ul style="list-style-type: none"> • For activities as described in Section 9 of the EPA, projects must demonstrate compliance with current air standards at points of impingement (POI) and current noise and vibration standards. An ECA for Air/Noise is not required for transportation corridors but may be required for support sites such as work yards and fixed locations with addresses.	<ul style="list-style-type: none"> • Construction Air Quality Plan • Construction Noise and Vibration Plan 	<ul style="list-style-type: none"> • Applicable to new support facilities. • Public and Indigenous consultation and engagement undertaken as described in Section 5 would address the consultation requirements. • Where an application for an ECA is made, it must be posted on the Environmental Registry for 30-45 days for public comment as determined by MECP. 	<ul style="list-style-type: none"> • Human Health - contemplates potential effects to noise and air quality • Indigenous communities - considers adverse impacts to Indigenous communities and discuss with Indigenous communities potential impact to Aboriginal and treaty rights.
EASR for Air/Noise MECP <i>O. Reg. 1/17 Registrations under Part II.2 of the Act – Activities Requiring Assessment of Air Emissions</i>	Pending detailed design, prescribed activities outlined in <i>O. Reg. 1/17</i> must be registered in the EASR. <ul style="list-style-type: none"> • EASR registration requires completion of modeling to demonstrate compliance with air, noise and/or vibration criteria. EASR registration is not required for transportation corridors but may be required for support sites such as work yards and fixed locations with addresses.	<ul style="list-style-type: none"> • Fugitive dust control requirements • Monitoring, testing and reporting requirements • Equipment operational requirements • Construction Air Quality Plan • Construction Noise and Vibration Plan 	<ul style="list-style-type: none"> • Applicable to new support facilities. • Consultation is not required for EASR activities; however, the public and Indigenous consultation and engagement undertaken as described in Section 5 would be undertaken prior to applying for an EASR. 	<ul style="list-style-type: none"> • Human Health – provide modelling for air dispersion, noise reports. • Indigenous communities - considers adverse impacts to Indigenous communities and discuss with Indigenous communities potential impact to Aboriginal and treaty rights.

Table 4-2 Summary of Legislative Requirements Applicable to the Project

Legislation	Description	Potential Conditions	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
Federal				
Migratory Bird Convention Act (MBCA) Environment and Climate Change Canada	<ul style="list-style-type: none"> The MBCA is intended to protect and conserve migratory birds as a population and individual birds, their eggs and their active nests. Includes more than 700 species of birds Prohibits the possessions, destruction and harm of migratory birds and / or their nests. 	<ul style="list-style-type: none"> Timing window restrictions Exclusion measures Clearing and Grubbing Plan Landscaping and Ecological Restoration Plan Access Management Plan 	Vegetation clearing and construction activities for the Project as a whole. Rehabilitation, demolition, replacement or repairs to existing structures (i.e. culverts, buildings, bridges, etc.) that may be used by migratory birds for nesting.	Not applicable
Provincial				
Public Transportation and Highway Improvement Act, R.S.O. 1990. c. P.50	Formal designation of the ROW for the proposed highway was completed through provisions of the PTHIA through the 2002 Approved EA highway alignment. Governs the design, operation and management of Crown lands under jurisdiction of the Ministry of Transportation. Includes consideration for and is linked to the following acts as of 2020: <ul style="list-style-type: none"> Expropriations Act COVID-19 Economic Recovery Act Legislation Act Municipal Affairs Act The Highway Improvement Act Highway Traffic Act Indian Act (Canada) Class Environmental Assessment for Transportation Facilities 	<ul style="list-style-type: none"> Property impacts and expropriation Design alternative development and evaluation of alternatives Environmental Assessment process for a Group A project, including environmental impact assessments, consultation and review periods for EA documentation Indigenous community consultations 	<ul style="list-style-type: none"> The design, construction, operation and management of the highway 	<ul style="list-style-type: none"> Public Safety – design, operation and maintenance standards to be applied for the life of the Project. Social & Economics – the highway is considered to support local and regional growth plans and meet the Ministry’s mandate to facilitate the mobility of people and goods, and promote the development of industries that provide transportation systems, services, and products, in ways that reflect the needs of Ontario’s diverse population and support the broader economic, social and environmental objectives of the province. Indigenous communities - considers adverse impacts to Indigenous communities and discuss with Indigenous communities potential impact to Aboriginal and treaty rights.
Lake Simcoe Protection Plan Lake Simcoe Protection Act, 2008, S.O. 2008, c. 23	The purpose of this Act is to protect and restore the ecological health of the Lake Simcoe watershed. 2008, c. 23, s. 1.	<ul style="list-style-type: none"> Stormwater Management Plan Dewatering / Discharge Plan(s) ESCP Spill Plans 	<ul style="list-style-type: none"> Stormwater management design Watercourse crossings Consultation with respect to surface water, groundwater and 	<ul style="list-style-type: none"> Human Health – Surface Water quality / Drinking Water quality Human Health - Recreational use of the Holland River / East Branch of the Holland River with

Legislation	Description	Potential Conditions	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
<p>Ministry of the Environment, Conservation and Parks</p>	<p>The objectives of the Lake Simcoe Protection Plan are to protect, improve or restore the elements that contribute to the ecological health of the Lake Simcoe watershed, including: water quality, hydrology, key natural heritage features and their functions, and key hydrologic features and their functions; to restore a self-sustaining coldwater fish community in Lake Simcoe; to reduce loadings of phosphorus and other nutrients of concern to Lake Simcoe and its tributaries; to reduce the discharge of pollutants to Lake Simcoe and its tributaries; to respond to adverse effects related to invasive species and, where possible, to prevent invasive species from entering the Lake Simcoe watershed; to improve the Lake Simcoe watershed's capacity to adapt to climate change; to provide for on-going scientific research and monitoring related to the ecological health of the Lake Simcoe watershed; to improve conditions for environmentally sustainable recreational activities related to Lake Simcoe and to promote those activities; to promote environmentally sustainable land and water uses, activities and development practices; to build on the protections for the Lake Simcoe watershed that are provided by, provincial plans that apply in all or part of the Lake Simcoe watershed, including the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan, and provincial legislation, including the <i>Clean Water Act, 2006</i>, the <i>Conservation Authorities Act</i>, the <i>Ontario Water Resources Act</i> and the <i>Planning Act</i>; and any</p>	<ul style="list-style-type: none"> • Groundwater Monitoring Plans • Landscaping and ecological restoration measures / plan • Fluvial geomorphological designs for watercourse • Scour assessment and protection measures based on channel geomorphology 	<p>environmental impacts within the Lake Simcoe watershed will be carried out with MNRF, MECP, LSRCA, NVCA, and regional / municipal governments and include consultation with federal agencies including DFO.</p>	<p>potential indirect impacts to and Lake Simcoe downstream of the Project.</p> <ul style="list-style-type: none"> • Indigenous communities - considers adverse impacts to environmental factors and discuss with Indigenous communities potential impact to Aboriginal and treaty rights.

Legislation	Description	Potential Conditions	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
	<p>other objectives set out in the Lake Simcoe Protection Plan. 2008, c. 23, s. 4.</p>			
<p>Lakes and Rivers Improvement Act, 1990 MNR</p>	<p>The Lakes and Rivers Improvement Act (LRIA) provides the requirements for the construction and maintenance of dams, water crossings and channelization in Ontario. While the LRIA does not bind the Crown, as matter of policy, the MNR elects to apply the requirements (e.g., technical standards and criteria) to dams and other in-water works constructed and maintained by the Ministry. Consistent with this approach, The Ministry may elect to apply LRIA standards to in-water works.</p> <p>LRIA approval must be obtained from the Ministry for: Dams; Water Crossings – Bridges, Culverts and Causeways; River Channels – Channelization of rivers including dredging, diverting or enclosing a channel except for the installation or maintenance of a drain subject to the Drainage Act; Enclosures; Buried Pipelines and Cables – installing cables and pipelines where they will hold back, forward or divert water; and, Municipal and Other Drains (not subject to the <i>Drainage Act</i>)</p> <p>LRIA approval is not required where: construction is within the area of a conservation authority in the circumstances prescribed in Section 2.1; the Public Lands Act applies including: a private water crossing spanning from one parcel of private land to another over a Crown owned riverbed. If the span is greater than 3 metres, the crossing structure shall be</p>	<ul style="list-style-type: none"> • Structural design considerations for bridge span lengths and openness ratios based on hydrological and fluvial geomorphological assessments 	<p>Bridges and culverts for the new highway will be designed and constructed in accordance with the <i>Public Transportation and Highway Improvement Act</i>;</p>	<ul style="list-style-type: none"> • Public Safety – contemplates potential effects to navigation and access on waterways during construction and through the life of the Project. • Local Recreation – considers recreational boating and other recreational uses of waterbodies • Indigenous communities - considers adverse impacts to environmental factors and discuss with Indigenous communities potential impact to Aboriginal and treaty rights.

Legislation	Description	Potential Conditions	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
	<p>designed by a Professional Engineer; construction is part of a forest operation to which the Forest Operation and Silviculture Manual under the Crown Forest Sustainability Act applies; the water crossing drains an area greater than 5 sq km and construction is being undertaken by a provincial Ministry or municipality, or a contractor employed by a provincial Ministry or municipality on lands owned by the Crown or the municipality; the water crossing is a clear span bridge above the high water mark; or, the works are done under the <i>Public Transportation and Highway Improvement Act</i>.</p>			
<p>Environmental Assessment Act, Class EA for Provincial Transportation Facilities Ministry of the Environment, Conservation and Parks</p> <ul style="list-style-type: none"> • Environmental Clearance 	<p>Environmental Clearance is the proponent's internal process of ensuring that the EA requirements have been met before construction begins. Environmental clearance is required for all Group A and B projects. Environmental Clearance may be issued for the following:</p> <ul style="list-style-type: none"> - Utility Relocation - ROW Designation - Property Expropriation - Construction Start 	<ul style="list-style-type: none"> • Conditions of approval for the 2002 Approved EA Approved alignment • Consultation Plan • Environmental impact assessment • Environmental mitigation measures and commitments to future works • Conditions of approval for the 2002 Approved EA • EA compliance monitoring plan • Annual compliance report 	<ul style="list-style-type: none"> • Applicable to all components of the Project • Class EA consultation requirements 	<ul style="list-style-type: none"> • Considers the positive and adverse direct or Incidental effects and potential impacts for a broad range of transportation, environment and consultation principles (including potential impacts to health, social, economic conditions, and in consideration of Aboriginal and treaty Rights). • Considers both temporary and permanent impacts and effects of the undertaking.
<p>Greenbelt Plan MMAH</p>	<ul style="list-style-type: none"> • The Plan contains land use designations that are divided into Protected Countryside lands and Urban River Valley lands. • All infrastructure within <u>Protected Countryside</u> needs to meet one (1) of the following two (2) objectives: <ul style="list-style-type: none"> • supports agriculture, recreation and tourism, Towns/Villages and Hamlets, resource use or the rural economic activity that exists and is permitted within the Greenbelt; or 	<ul style="list-style-type: none"> • Avoidance and / or mitigation measures • Commitments to future works 	<ul style="list-style-type: none"> • Applicable to all components of the Project within the Green Belt 	<ul style="list-style-type: none"> • Socio-Economic – identification of potential socio-economic impacts associated with land use, agriculture, recreation and tourism • Indigenous communities - considers adverse impacts to environmental factors and discuss with Indigenous communities potential impact to Aboriginal and treaty rights.

Legislation	Description	Potential Conditions	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
	<ul style="list-style-type: none"> serves the significant growth and economic development expected in southern Ontario beyond the Greenbelt by providing for the General Policies for the appropriate infrastructure connections among urban centres and between these centres and Ontario's borders. 			
<p>Planning Act (1990) and Provincial Policy Statement (2020) MMAH</p>	<ul style="list-style-type: none"> The <i>Planning Act</i> (1990) and the associated <i>Provincial Policy Statement</i> (2020) provide a legislative framework for land use planning in Ontario while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. Both documents identify matters of provincial interest, which include the conservation of natural heritage resources, including the Great Lakes, agricultural resources, mineral resources, and cultural heritage and archaeological resources. 	<ul style="list-style-type: none"> Avoidance and / or mitigation measures Commitments to future works 	<ul style="list-style-type: none"> Applicable to all components of the Project Natural heritage resources Agricultural resources Archaeological resources Built Heritage Resources Cultural Heritage Landscapes 	<ul style="list-style-type: none"> Socio-Economic – identification of potential socio-economic impacts associated with land use, agriculture, recreation and tourism Indigenous communities - considers adverse impacts to environmental factors and e discuss with Indigenous communities potential impact to Aboriginal and treaty rights; and, adverse impacts to Indigenous archaeological and cultural resources will be discussed with Indigenous communities regarding impacts and potential avoidance and mitigation strategies.
<p>Ontario Heritage Act, R.S.O. 1990, c.018 MHSTCI</p>	<p>The purpose of the OHA is to give municipalities and the provincial government powers to preserve the heritage of Ontario.</p> <p>The primary focus of the OHA is to protect heritage properties and archaeological sites.</p> <p>Amendments to OHA: The <i>Government Efficiency Act</i> came into force on November 26, 2002. It included changes to the Ontario Heritage Act</p> <p>In 2005, the government passed comprehensive amendments to the</p>	<ul style="list-style-type: none"> Avoidance and / or mitigation measures Commitments to future studies and documentation 	<ul style="list-style-type: none"> Highway design and construction areas with potential or known archaeological resources Earth and ground disturbing activities Highway design and construction within or adjacent to cultural heritage resources and cultural heritage landscapes. 	<ul style="list-style-type: none"> Socio-Economic: Direct and indirect impacts to Indigenous communities as it relates to archaeological resources, built heritage resources, and cultural heritage landscapes, and the inclusion of Community Field Liaisons (CFL's) to participate in the archaeological assessments.

Legislation	Description	Potential Conditions	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
	<p>Ontario Heritage Act. These amendments strengthen and improve heritage protection in Ontario, bring Ontario's heritage legislation in line with leading jurisdictions in Canada and:</p> <ul style="list-style-type: none"> • Give the province and municipalities new powers to delay and also to stop demolition of heritage sites. They balance enhanced demolition controls with an appeals process that respects the rights of property owners. • Further expand the province's ability to identify and designate sites of provincial heritage significance. • Provide clear standards and guidelines for the preservation of provincial heritage properties. • Enhance protection of heritage conservation districts, marine heritage sites and archaeological resources. 			
Municipal				
<p>Municipal Noise By-Laws Township of King, Town of Bradford West Gwillimbury, Town of East Gwillimbury, York Region, County of Simcoe</p>	<p>As of 2019, MTO no longer obtains local municipal noise bylaw exemptions. MTO recognizes the impact noise can have on a community, and all reasonable attempts will be made to work within local noise bylaws. Where this is not feasible, MTO will work within the spirit of the local bylaw and continue to provide clear and consistent communication with the municipality. The MTO document "Environmental Guide for Noise" stipulates all noise analyses/ considerations that must be</p>	<ul style="list-style-type: none"> • Noise Barriers • Landscaping design • Timing restrictions • Construction Noise and Vibration Plan • BMPs 	<ul style="list-style-type: none"> • Applicable to all components of the Project • Class EA consultation requirements 	<ul style="list-style-type: none"> • Human Health - contemplates potential effects to noise and air quality

Legislation	Description	Potential Conditions	Applicable Project Components and Consultation requirements	Anticipated Adverse Direct or Incidental Effects (including changes to health, social and economic conditions)
	<p>undertaken when noise is deemed to be a potential issue.</p> <p>There are several best practices available for consideration when work does not align with municipal noise by-laws.</p>			
<p>Conservation Authorities NVCA, LSRCA</p> <ul style="list-style-type: none"> Development, Interference with Wetlands and Alterations to Shorelines and Watercourses 	<ul style="list-style-type: none"> O. Reg. 179/06 (LSRCA) O. Reg. 172/06 (NVCA) <p>Ontario Regulation pertaining to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses</p> <p>The Ministry does not require a permit under these Ontario Regulations from the conservation authorities.</p>	<ul style="list-style-type: none"> Plant type selection for site restoration within regulated areas Rare plant and community mitigation measures/compensation measures Drainage & hydrologic modelling Water quantity / quality mitigation (stormwater management) Fluvial geomorphology Fish and fish habitat mitigation Wildlife and habitat mitigation 	<ul style="list-style-type: none"> Watercourse crossings – bridges and culverts Channel realignments Stormwater Management Erosion and Sediment control Consultation with Indigenous communities 	<ul style="list-style-type: none"> Human Health - Surface Water quality / Drinking Water quality Safety – Stormwater management Indigenous communities - considers adverse impacts to environmental factors and discuss with Indigenous communities potential impact to Aboriginal and treaty rights.

5 Consultation and Engagement

5.1 Approach to Consultation

Building on the public consultation undertaken during the 2002 Approved EA, the Project Team has developed and will implement a comprehensive consultation and engagement program for this project. This study will follow the approved planning process for a Group 'A' project under the MTO *Class Environmental Assessment for Provincial Transportation Facilities (2000)*. Design alternatives within the study area will be generated and evaluated based on technical and environmental factors and in consultation with Indigenous communities, public stakeholders, municipalities and government agencies.

Consultation is an integral component of the Class EA process and is critical to a project's success. Effective consultation must be inclusive and timely in its approach to engage participants. The Project Team will strive to provide consultation opportunities that are meaningful and provide stakeholders with the ability to provide meaningful input to the outcome of the study.

To facilitate a comprehensive consultation program for this study, the Project Team will be implementing the following communication and consultation activities to reach all stakeholders and provide them the opportunity to submit comments and feedback for consideration by the Project Team:

- Project Website (www.bradfordbypass.ca);
- Project Telephone Line (1-877-247-6036);
- Project Contact List;
- Emails via the Project Team email address (ProjectTeam@bradfordbypass.ca);
- Mailings/notifications (via physical mail or email);
- Newspaper advertisements;
- Distributions of brochure notifications (copy of OGN) through Canada Post Neighbourhood Mail to residences and businesses within 500 m of the entire study area (approximately 13,500 notices at the time of Study Commencement in September 2020);
- PICs (two (2) to be held throughout the study either virtually or in-person dependant on government restrictions of group events);
- Outreach regarding engagement and consultation to Indigenous Communities (Indigenous engagement and consultation is described separately in Section 5.3);
- Regular meetings and correspondence with municipalities; and,
- Meetings with technical stakeholders, local community groups and property owners.

As a result of the on-going public health measures linked to COVID-19 that continue to restrict large in-person gatherings, the Project Team is planning to hold current and

future stakeholder consultation events (e.g. meetings with technical stakeholders, PIC #1) virtually by leveraging various platforms (i.e. Microsoft Teams/Skype/the Project Website). Virtual consultation events have proven to be as engaging and effective as in-person consultation events. These events often include extended opportunities to view materials online, comment periods to provide feedback to the Project Team and opportunities to request one-on-one meetings with the Project Team. They provide flexibility for those wishing to attend who may have conflicts or restrictions that limit their ability to attend an event in person (e.g. childcare needs, work requirements, transportation). Within the virtual platform there is an opportunity address accessibility needs as they arise.

Should government restrictions be lifted during the preliminary design study, opportunities for in-person stakeholder consultation events, to diversify virtual consultation efforts will be considered by the Project Team and where meaningful and appropriate, be implemented as part of the consultation plan going forward. The use of both in-person and/or virtual consultation methods will be evaluated as part of the consultation plan for each phase of design and EA study for the project. The intent will be to provide meaningful consultation and engagement opportunities to meet the consultation principles of the Class EA.

During the preparatory work in advance of the preliminary design study, a Project Contact List was prepared based on the consultation conducted as part of the 2002 Approved EA. Contacts from the 2002 Approved EA were added to the Contact List where possible, with the understanding that some government agencies and interest groups may have changed their name or no longer exist. Additional contacts have requested to be added to the Contact List throughout the course of this Preliminary Design Study by using the comment page on the Project Website, emailing the Project Team email, leaving a voicemail on the Project Telephone Line or through direct consultation with a Project Team member. All stakeholders on the Contact List will receive notification via email/physical mail at key project milestones (Notice of Study Commencement, Notice of PIC #1, Notice of PIC #2, Notice of Study Completion).

Appropriate contacts at review agencies (i.e., federal, provincial, municipal and conservation authorities) were confirmed through outreach during initial consultation activities. Elected officials (i.e., Members of Parliament, Members of Provincial Parliament, Mayors and Councillors) with jurisdiction in the Bradford Bypass study area were confirmed through online resources and will be updated as required following elections. Indigenous Communities were identified by MTO during the Advance Works Task 1 Assignment (list of communities is currently under review by MTO).

5.2 Public Consultation

5.2.1 Summary of Steps Undertaken to Consult the Public and Other Interested Parties to Date

#6 a) Describe the steps that you have taken to engage the public and any steps that you will take for engagement during all phases of the Project.

Consultation for this Project builds on the consultation completed as part of the 2002 Approved EA to comprehensively engage with members of the public to hear their

interests and concerns in the Project. The consultation process for the transportation planning and route planning study is detailed in Section 2.2 of the 2002 Approved EA document, including an overview of changes resulting from consultation (**Section 2.3**).

At the time of this response, the Project Team has undertaken the following steps to consult with members of the public:

- Study Commencement Notification (September 24, 2020);
 - Direct emails/physical mail to stakeholders identified on the Project Contact List;
 - Newspaper advertisements (Bradford West Gwillimbury Topic, East Gwillimbury Express);
 - Distribution of brochure notifications (copy of OGN) through Canada Post Neighbourhood Mail to residences and businesses within 500 m of the entire study area (approximately 13,500 notices);
- On-going virtual engagement opportunities to provide feedback and submit inquiries via Project Website (www.bradfordbypass.ca) and Project Team email (ProjectTeam@bradfordbypass.ca); and,
- On-going engagement opportunities to provide feedback and submit inquiries via Project Telephone Line (1-877-247-6036).

The Project Team maintains a record of all correspondence received from stakeholders. This consultation record will be included in the EA documentation which will be available for public review (with personal information redacted).

Virtual public engagement is conducted on the Project Website (<http://bradfordbypass.ca>). The website provides interested parties the opportunity to review previous EA documentation and learn more about the EA process for this Preliminary Design and Class EA study, including a list of environmental studies which will be undertaken and Frequently Asked Questions (FAQs). The website will be updated to provide new information and provide access to publicly available documentation and materials. Interested parties may submit their comments or inquiries through the Project Website via the Contact Us page or by emailing the Project Team email.

The Project Team will continue to engage with members of the public through the above-noted methods, as well as future consultation activities, including (likely virtual) Public Information Centres (PICs) that will solicit input at key decision point sin the design refinement and impact assessment process, property owner meetings and Project Committee meetings.

Indigenous engagement and consultation is described separately in **Section 5.3**.

5.2.1.1 Summary of Steps Undertaken to Obtain Permission to Enter (PTE) from Property Owners

As part of the preparatory works in advance of the preliminary design study, permission to enter (PTE) was sought for properties where field investigations were required during the study. Properties were identified and contact information for the property owners

was gathered through a combination of data collected from property ownership and land registry databases by the Ministry. Through the property fabric information and available contact details, the identified property owners were contacted to seek permission to enter the property to undertake project specific site investigations. The following contact methods were utilized as required to solicit PTE from property owners, in order of precedence:

- Emails were sent to property owners using email addresses identified by the Ministry;
- Physical letters/PTE forms were sent to property owners using mailing addresses identified by the Ministry;
- Phone calls were made using telephone numbers identified by the Ministry;
- Internet searches (ex. Google, Canada Post, Canada411.com) were undertaken to find missing contact information (mailing addresses, email addresses, telephone numbers) and above listed contact methods were utilized with the new information;
- Municipalities were consulted to obtain revised/updated contact information (mailing addresses, email addresses, telephone numbers) and above listed contact methods were utilized with the new information; and,
- Hand-delivered letters/PTE forms were distributed by Project Team members in accordance with government restrictions and relevant health and safety plans to properties with physical structures who had not responses to previous contact attempts.

5.2.2 Overview and Approach to Addressing Public Concerns

#6 b) Indicate whether you are aware of public concerns in relation to the Project. If yes, provide an overview of the issues including those raised in the enclosed letter, and indicate in general terms how you intend to address these matters.

At the time of this response, most of the issues raised by the public and other interested stakeholders in response to the Notice of Study Commencement of the preliminary design study (September 24, 2020) have been related to the EA process, environmental and socio-economic impacts, proposed alignment, impacts to watercourse navigability, and property impacts. The Project Team has received and responded to over 200 comments since initiation of the preliminary design and issuance of the Notice of Study Commencement. The 2002 Approved EA documents the consultation process and issues/resolution from the Route Planning stage, and have not been summarized in this response as the focus is to provide information on consultation that is not yet publicly available.

Table 5-1 provides a summary of the public concerns received and addressed to date.

Table 5-1: Summary of Preliminary Design Public Concerns and Ministry Responses to Date

Category	Concerns	Response to Concerns
EA Process	<ul style="list-style-type: none"> • Concerns regarding the potential EA exemption and a comprehensive EA not being completed as a result of the regulation changes • Inquires regarding timing of public consultation events (ex. PICs) 	<ul style="list-style-type: none"> • Development and provision of responses*, including a note that at this time, the Project Team will be following the standard planning process for a Group 'A' MTO Class EA with opportunities for members of the public to submit their feedback throughout the Project, including at future PICs. • For inquiries regarding timing of PICs, the Project Team informs the stakeholder that PIC #1 will be held in Spring 2021 and PIC #2 is anticipated to be held in Fall 2022. Commenters are added to the Project Contact List to receive notification and invitations to participate in planned PICs and consultation events.
Environmental and Socio-Economic Impacts	<ul style="list-style-type: none"> • Concerns regarding impacts to Holland Marsh and sensitive natural areas • Concerns regarding impacts to wildlife and SAR • Concerns regarding loss of agricultural lands • Concerns regarding impacts to noise and air quality • Concerns regarding traffic impacts during construction • Requests to receive environmental reports/field work data 	<ul style="list-style-type: none"> • Development and provision of responses*, including providing a list of relevant EA studies that will be completed as part of this Project and noting that the findings from these assessments will be discussed at future PICs and documented in reports for review later in the study. • Stakeholders are directed to the Project Website where they can find more information regarding the previous EA documents and a list of all environmental studies being conducted.
Proposed Bradford Bypass Alignment Design and Construction	<ul style="list-style-type: none"> • Requests that the proposed Bradford Bypass alignment be shifted from its current location • Requests to receive design information/drawings • Inquiries about the timing of construction 	<ul style="list-style-type: none"> • Development and provision of responses*, including a note that updated highway design information is not available at present, as the plans are still being developed and will be presented at future PICs. • Stakeholders are directed to the Project Website where they can find more information regarding the

Category	Concerns	Response to Concerns
		<p>2002 Approved EA including design plates of the proposed alignment and interchanges.</p> <ul style="list-style-type: none"> For inquiries regarding construction timing, the Project Team notes that the current Preliminary Design is anticipated to be completed in early 2023 and that construction of the Bradford Bypass is subject to funding, completion of detail design, and having permits, licenses, approvals, and authorizations in place prior to construction
Impacts to Watercourse Navigability	<ul style="list-style-type: none"> Concerns regarding navigation of various vessels along the Holland River and Holland River East Branch when the proposed bridges are constructed 	<ul style="list-style-type: none"> Development and provision of responses*, including a note that the future construction of the bridges will take into consideration navigability and maintaining proper access to the Holland River and Holland River East Branch. The Project Team also notes that they will be engaging with Transport Canada and members of the public to receive information about vessel types and sizes to better inform the design by understanding the existing navigable function of the waterways.
Property Impacts	<ul style="list-style-type: none"> Concerns raised by stakeholders about specific impacts to their property/properties 	<ul style="list-style-type: none"> Development and provision of responses*, including directing the stakeholder to the Project Website where they can view the relevant design plate(s) from the 1992-1997 Route Planning Study showing the proposed Bradford Bypass alignment in relation to the property/properties in question. For impacted properties, the Project Team will hold specific meeting with property owners (either in-person or virtual) to discuss specific impacts and establish next steps.

* Note: The Project Team maintains a record of all correspondence received from stakeholders. This consultation record will be included in the EA documentation which will be available for public review (with personal information redacted in accordance with the *Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31*).

5.3 Indigenous Communities Engagement and Consultation

5.3.1 Summary of Steps Undertaken to Engage Indigenous Communities to Date

#7 a) Describe the steps that you have taken and will take to consult with Indigenous groups (please list the groups included). If available, provide a generalized record of engagement as well as planned engagement. Provide general information about your commitments to work with Indigenous groups to mitigate any potential impacts.

The Ministry and Project Team will satisfy the consultation principles of the Class EA and those associated with provincial and federal legislation with respect to consultation and engagement with Indigenous communities. Refer to Section 5.2 for information related to the consultation process and the integrated approach to consult with key stakeholders, including Indigenous communities as part of the environmental assessment process for the proposed undertaking. The following speaks to the Ministry's understanding of obligations and commitments to satisfy the Duty to Consult.

Section 35(1) of the *Constitution Act*, 1982 provides that, "The existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed." Over the years, the common law has developed as court decisions have determined how governments are to give meaning to the protection of Section 35 rights.

Notification is to be provided to each Aboriginal community identified by the government that:

- Have or assert to have constitutionally protected aboriginal or treaty rights that may be adversely impacted by the project;
- May be otherwise interested in any negative environmental effects of the project.

MTO is committed to fulfilling its Duty to Consult requirements with Indigenous communities regarding Section 35 rights by the following:

- Meaningfully consulting with First Nations and Métis communities about adverse impacts of MTO initiatives on their Aboriginal and treaty rights (fulfilling the duty to consult);
- Accommodating, where appropriate, the adverse impacts on Aboriginal and treaty rights; and
- Consideration of providing Aboriginal communities with funding to facilitate participation in consultation processes.

Under the current Preliminary Design, engagement and consultation with Indigenous communities may include:

- Access to general information and consultation through the Project Website (www.bradfordbypass.ca);
- Access to general communication through Project Telephone Line (1-877-247-6036);

- Inclusion on the Project Contact List to receive regular project updates and to ensure that the correct individuals may be consulted by the Project Team;
- Receive email communications and contact the Project Team through a dedicated Project email address (ProjectTeam@bradfordbypass.ca);
- Receive project specific Mailings and notifications (via physical mail or email);
- Newspaper advertisements and where appropriate, notifications will be provided in Indigenous community newspapers;
- Indigenous community information sessions, and/or pre-screenings for Indigenous communities at PICs (two (2) held throughout the study either virtually or in-person dependant on government restrictions of group events; and
- Meetings and correspondence with Chiefs and Councils, or their delegates.

As a result of the on-going public health measures linked to COVID-19 that continue to restrict large in-person gatherings, the Project Team is planning to hold future consultation events (e.g. meetings with technical stakeholders, PIC #1) virtually by leveraging various platforms (i.e. Microsoft Teams/Skype/the Project Website). Virtual consultation events have proven to be as engaging and effective as in-person consultation events. These events often include extended opportunities to view materials online, comment periods to provide feedback to the Project Team and opportunities to request one-on-one meetings with the Project Team. They provide flexibility for those wishing to attend who may have conflicts or restrictions that limit their ability to attend an event in person (e.g. childcare needs, work requirements, transportation). Within the virtual platform there is an opportunity address accessibility needs as they arise.

Should government restrictions be lifted during the preliminary design study, opportunities for in-person consultation events, to diversify virtual consultation efforts will be considered by the Project Team and where meaningful and appropriate, be implemented as part of the consultation plan going forward. The use of both in-person and/or virtual consultation methods will be evaluated as part of the consultation plan for each phase of design and environmental assessment study for the project. The intent will be to meaningful consult and engage with communities to meet the consultation principles of the Class EA and to fulfill the duty to consult. Our current consultation is focused around key study milestones:

- The refinements to the 2002 approved EA route; and
- The preliminary design of the refined route.

The Bradford Bypass Project Team is planning to engage and consult with the following Indigenous communities. Initial outreach has commenced, per the table below. MTO is sensitive to the potential need for extended timelines for the Indigenous consultation process due to the current pandemic:

- Alderville First Nation
- Beausoleil First Nation
- Chippewas of Georgina Island First Nation

- Curve Lake First Nation
- Chippewas of Rama First Nation
- Hiawatha First Nation
- Mississaugas of Scugog Island First Nation
- Mississaugas of the Credit First Nation
- Huron Wendat Nation (regarding archaeological resources only)
- MNO Georgian Bay Métis Council

Please note that the above list is currently being reviewed internally by the MTO. Review and revisions to communities that will be consulted is on-going due to the iterative nature of consultation with Indigenous communities. As project details are refined, communities may be added or removed from the list depending on whether there are (or are not) potential adverse impacts to Aboriginal and treaty rights. MTO is also aware of recent assertions made by the Mississaugas of the Credit First Nation to Aboriginal title in the vicinity of the project. This assertion has been deemed to be credible by the Ministry of Indigenous Affairs (Ontario) and MTO is consulting with the Mississaugas of the Credit First Nation accordingly.

The following table summarizes the Indigenous community consultation record from September 2020 to February 2021. Consultation with communities and their representatives is on-going through each phase of design and will be documented throughout the EA process.

Table 5-2: Summary of Initial Preliminary Design Study Engagement with Indigenous Communities to Date

Date	Initiator	Who Contacted	Method	Concerns Raised / Response from Community
September 24, 2020	MTO	Indigenous Community Representative(s)	Email	Notice of Study Commencement
July 8, 1998	Chippewas of Georgina Island	Ministry of the Energy and the Environment (MOEE)	Letter	Impact to the archaeological site at the Holland River East Branch crossing
December 14, 1998	Chippewas of Georgina Island	MOEE	Letter	Further concerns regarding the archaeological site at the Holland River, East Branch crossing
September 24, 2020	MTO	All Indigenous and Métis Communities	Email	Study Commencement Notice

Date	Initiator	Who Contacted	Method	Concerns Raised / Response from Community
September 29/30, 2020	MTO	Curve lake FN, MNCFN, Scugog FN, Alderville FN	Email	Study Commencement Notice – 2 nd attempt.
November 3, 2020	MTO	Huron-Wendat FN	Email	Provided Stage 1 AA Report upon request from HW on Sept 29, 2020
November 19, 2020	Mississauga's of Scugog Island FN	MTO	Email	Confirmed no comments on this project as it is occurring in the Territory of the Chippewas. However, wish to be kept apprised of the Project.
November 23, 2020	Curve Lake FN	MTO	Email/Letter	Letter sent requesting a File Fee, summary statements pertaining to potential environmental impacts.
December 2, 2020	MTO	Huron-Wendat FN	Virtual Presentation	Presentation included an overview of the Project, study area, environmental field investigations including archaeology, study schedule, and next steps.
February 8, 2021	Hiawatha FN	MTO	Email	Would like to see the EA regarding this project. Has not received anything else regarding this project and regarding the consultation process with the Williams Treaty communities.
February 9, 2021	Project Team	Hiawatha FN	Email	Initial Acknowledgement of

Date	Initiator	Who Contacted	Method	Concerns Raised / Response from Community
				the request and provided direction to access the 2002 Approved EA from the project website. Additional response and consultation forthcoming from the Ministry.

At the time of preparing this response, MTO is in the process of scheduling future meetings with all of the Williams Treaties First Nations (Chippewas of Beausoleil, Georgina Island and Rama and the Mississaugas of Alderville, Curve Lake, Hiawatha, Scugog Island). MTO will offer to meet with Indigenous communities at key milestones or design stages for the Project. Additional Individual and/or collective meetings and presentation to Indigenous communities will be arranged during each phases of the study at the request of the Indigenous communities.

5.3.2 Overview and Approach to Addressing Concerns

#7 b) Indicate whether you are aware of general concerns from Indigenous groups in relation to the Project. If yes, provide an overview of the key issues and indicate how you plan to address these matters.

A summary Indigenous Communities' concerns and the steps the Ministry has taken to acknowledge / address these concerns is presented in **Table 5-3** below. While there have been no specific concerns raised with the Project as of the time of this response, the Ministry remains committed to meaningful consultation and will address any future concerns should they be communicated.

Table 5-3: Summary of Indigenous Communities Concerns and Ministry Responses to Date

Concerns	Response to Concerns
On September 30, 2020, Huron-Wendat Nation formally requested to be engaged in further archaeological studies as part of the Project and to receive the Stage 1 Archaeological Assessment Report.	The Ministry acknowledged the request for the Huron-Wendat Nation to be engaged throughout the Project regarding archaeological assessments and provided them with a PDF copy of the Stage 1 Archaeological Assessment Report prepared by AECOM in 2020 as part of the Advance Works Task 1 Assignment.
On November 11, 2020, Huron-Wendat Nation requested a meeting with the Ministry to discuss the Project.	A virtual presentation was held on December 2, 2020 between Huron-Wendat Nation and members of the Project Team, including the AECOM

Concerns	Response to Concerns
	Archaeological representative, to discuss Huron-Wendat Nation's interests in archaeology related to the Project.
On November 23, 2020, Curve Lake First Nation requested a filing fee, a summary statement of potential impacts to all environmental factor areas and capacity funding to participate in the consultation process.	The Ministry noted that it is reviewing their request for a consultation filing fee. The Ministry also noted that the current Group 'A' Class EA is focused on developing a TESR for the Project which will summarize all potential impacts and mitigations. The Ministry informed Curve Lake First Nation that Project Team members would be reaching out to them to schedule a virtual meeting to discuss their interests in the Project as well as their request for capacity funding.
On February 8, 2021, Hiawatha First Nation requested to receive the EA documentation.	The Project Team informed Hiawatha First Nation that their request had been received and provided a link to the Project Website where Hiawatha First Nation would be able to review the 2002 Approved EA Report. Further response and consultation is forthcoming by the Ministry.

5.4 Municipal Engagement

The 2002 Approved EA alignment and designated highway ROW is situated within Simcoe County, Town of Bradford West Gwillimbury, Regional Municipality of York, Township of King and the Town of East Gwillimbury. Consultation with municipal and regional representatives, and elected officials was undertaken during the process that led to the 2002 Approved EA alignment. Consultation as part of the current study has been initiated and will continue through each stage of design and construction of the Project.

5.4.1 Engagement with Elected Officials

The following Elected Officials were issued the Notice of Study Commencement for the preliminary design study via email on September 24, 2020, notifying them about the study, opportunities for consultation and when the Notice of Study Commencement was set to be published in local newspapers:

- Member of Parliament Scot Davidson (York-Simcoe);
- Member of Provincial Parliament Caroline Mulroney (York-Simcoe);
- Mayor Steve Pellegrini (Township of King);
- Councillor Jordan Cescolini (Township of King);
- Councillor David Boyd (Township of King);

- Councillor Jakob Schneider (Township of King);
- Councillor Bill Cober (Township of King);
- Councillor Debbie Schaefer (Township of King);
- Councillor Avia Eek (Township of King);
- Mayor Rob Keffer (Town of Bradford West Gwillimbury);
- Deputy Mayor James Leduc (Town of Bradford West Gwillimbury);
- Councillor Raj Sanhu (Town of Bradford West Gwillimbury);
- Councillor Gary Baynes (Town of Bradford West Gwillimbury);
- Councillor Gary Lamb (Town of Bradford West Gwillimbury);
- Councillor Rob Orr (Town of Bradford West Gwillimbury);
- Councillor Peter Ferragine (Town of Bradford West Gwillimbury);
- Councillor Mark Contois (Town of Bradford West Gwillimbury);
- Councillor Peter Dykie Jr. (Town of Bradford West Gwillimbury);
- Mayor Virginia Hackson (Town of East Gwillimbury);
- Councillor Lorelea Carruthers (Town of East Gwillimbury);
- Councillor Terry Foster (Town of East Gwillimbury);
- Councillor Tara Roy-DiClemente (Town of East Gwillimbury);
- Councillor Joe Persechini (Town of East Gwillimbury);
- Councillor Scott Crone (Town of East Gwillimbury); and,
- Councillor Cathy Morton (Town of East Gwillimbury).

MTO has received no comments from Elected Officials as of February 28, 2021.

5.4.2 Engagement with Technical Stakeholders

Technical stakeholders engaged throughout the Project to-date, including federal, provincial and municipal agencies, conservation authorities and other technical stakeholders (ex. utility companies) are listed below.

Federal Agencies

- Fisheries and Oceans Canada (DFO)
- Indigenous and Northern Affairs Canada
- Transport Canada
- Canadian Environmental Assessment Agency
- Environment and Climate Change Canada
- Canadian Transportation Agency

Provincial Agencies

- Ministry of Indigenous Affairs
- Ministry of Natural Resources and Forestry (MNRF)
- Ministry of the Environment, Conservation and Parks (MECP)
- Ministry of Municipal Affairs and Housing (MMAH)
- Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA)
- Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI)
- Ministry of Health and Long-Term Care
- Ministry of Energy, Northern Development and Mines
- Ministry of the Solicitor General
- Infrastructure Ontario
- Metrolinx
- Ministry of Economic Development, Job Creation and Trade
- Ontario Provincial Police
- Ontario Federation of Agriculture

Municipal Agencies

- Town of East Gwillimbury
- County of Simcoe
- Township of King
- Town of Bradford West Gwillimbury
- York Region
- Central York Fire Services
- York Regional Police
- South Simcoe Police Services
- Queensville Fire
- King Fire and Emergency Services
- Bradford West Gwillimbury Fire & Emergency Services
- East Gwillimbury Fire Services
- York Catholic District School Board
- York Region District School Board
- Simcoe County District School Board
- Conseil scolaire catholique MonAvenir
- Conseil scolaire Viamonde
- Student Transportation Services of York Region

- York Region Transit
- Bradford West Gwillimbury Public Library
- King Chamber of Commerce
- East Gwillimbury Chamber of Commerce
- Bradford Board of Trade
- The Corporation of the County of Simcoe
- Holland Marsh Drainage System Joint Municipal Services Board

Conservation Authorities

- Lake Simcoe Region Conservation Authority (LSRCA)
- Nottawasaga Valley Conservation Authority (NVCA)

Other Technical Stakeholders

- Ontario Trucking Association
- Oak Ridges Moraine Foundation
- Canadian National Rail
- Canadian Pacific Rail
- The Friends of the Greenbelt Foundation
- York Simcoe Naturalists

Table 5-4: Engagement with Technical Stakeholders to Date

Date	Technical Stakeholders in Attendance	Method	Topic
July 29, 2020	Simcoe County	Virtual Presentation	Simcoe County and MTO project/ program plans with a focus on the proposed Simcoe County widening project on County Road 4 from the north entrance to Bradford limits to 1km north of Simcoe Road 89
October 13, 2020	Simcoe County, Town of Bradford West Gwillimbury	Virtual Presentation	Provide an overview of the Project and project goals to the municipalities, to obtain immediate feedback on the Project and initiate future correspondence.
October 20, 2020	York Region, King Township, Town of East Gwillimbury	Virtual Presentation	Provide an overview of the Project and project goals to the municipalities, to obtain immediate feedback on the Project and initiate future correspondence.
January 22, 2021	Simcoe County, Bell Canada,	Virtual Presentation	Coordinate with key utility stakeholders working with Simcoe County on their

Date	Technical Stakeholders in Attendance	Method	Topic
	Telecon, Zayo, Hydro One, Ainley Group		widening works and discuss impacts on the Project.

At the time of this response, the Ministry is coordinating with municipal and regional governments to meet with representatives to present and discuss the proposed preliminary design alternatives to solicit their feedback. These on-going discussions support the Project Team as part of the EA process for the evaluation of design alternatives. Feedback will be considered and incorporated into the design alternatives that will be presented at the first PIC in the spring of 2021.

5.5 Additional Consultation - Project Committees

Project Committees will be formed to provide a forum for key stakeholders and Indigenous communities to discuss opportunities, concerns, needs, issues and risks related to the Bradford Bypass and the preliminary design considerations where design overlaps with the Highway 400/9th Line Structure Replacement, which is undertaken by the Ministry as a separate project. It is noted that these are in addition to the planned engagement with stakeholders and Indigenous communities as documented above (e.g., PICs, municipal meetings). These unique committee meetings may include representatives from provincial ministries, agencies and federal departments, local municipal and regional governments, Indigenous communities as well as individuals/designated representatives from local communities and environmental stakeholder groups that have focused interests or lands within the study area. The frequency and need for these Project Committee meetings will be determined based on the specific concerns raised by stakeholders during the Preliminary Design. Specific concerns raised can include, but are not limited to, environmental concerns/approvals, regulatory constraints, as well as municipal planning and development constraints. Meetings will be held with the Project Committees at key project milestones throughout the Project either in-person or virtually, depending on government restrictions.

6 Effects Management

8 Provide any other comments in relation to environmental effects or impacts to the public or Indigenous peoples and how you intend to address and manage these effects.

The Ministry is committed to fully acknowledging / addressing and managing environmental impacts of the Project including impacts to the public and Indigenous communities. As part of the Preliminary Design, as described in **Section 2** under the EA Process, the Ministry will identify potential environmental impact, as well as potential adverse impacts to Aboriginal and treaty rights and mitigation measures to minimize potential impacts. Through the Preliminary Design a list of environmental concerns, mitigation measures and commitments will be developed and will be carried forward for resolution through further stages of design and into construction. In addition, a review of previous commitments made as part of the 2002 Approved EA will be carried forward,

where feasible. The commitments will include but will not be limited to the permits, licences, authorizations, approvals and legislative requirements outlined in **Section 4**. The Ministry also commits to continuing to seek feedback from the public and Indigenous communities regarding how the Bradford Bypass could impact communities, as well as feedback on how the impacts could be prevented, remedied or mitigated.

7 Applicability of Designation under the Impact Assessment Act

#9 Explain your views on whether the Project should be designated under IAA

The Ministry reviewed the Physical Activities Regulations (SOR/2019-285) under the IAA in order to reconfirm the applicability and requirements pertaining to the Bradford Bypass. The Ministry considered the applicability of the proposed Bradford Bypass as a 'Designated Project' pursuant to the IAA, whereas Section 51 of the Physical Activities Regulations applies to "The construction, operation, decommissioning and abandonment of a new all-season public highway that requires a total of 75 km or more of new right of way." The proposed Bradford Bypass project may include up to 35.0 km of road works, which takes into consideration the new Highway 400 to Highway 404 link mainline / designated ROW (16.2 km), plus consideration for associated infrastructure works to connect with existing segments along Highway 400 and Highway 404, municipal roads (10th Sideroad, County Road 4, Artesian Industrial Parkway, Bathurst Street, Yonge Street, 2nd Concession, and Leslie Street), and a segment associated with the Metrolinx rail line. The associated segments on existing infrastructure account for approximately 13.2 km (without staging) to 18.8 km (with staging).

In consideration for the length of the Project, Section 51 of the Physical Activities Regulations does not apply to the proposed Bradford Bypass, which involves less than 75 km or more of new ROW.

The following were also considered in the determination of the proposed Bradford Bypass being subject to the criteria of a Designated Project per the IAA:

- The Recommended Plan does not impact or impede on federal lands;
- The Recommended Plan is not located within a Wildlife Area as defined in the Wildlife Area Regulations;
- The Recommended Plan is not located within a Marine Conservation Area;
- The Recommended Plan is not located in a migratory bird sanctuary, as defined in the Migratory Bird Sanctuary Regulations; and
- The Recommended Plan is not located on land administered by Parks Canada.

Per review of the applicability of Section 51 of the Physical Activities Regulations and other considerations, the proposed Bradford Bypass does not meet the criteria for a defined 'Designated Project' per the Physical Activities Regulations under the IAA and, therefore is not subject to Federal Impact Assessment requirements per the IAA. MTO acknowledges that under subsection 9(1) of IAA, the Minister may, by order, designate a physical activity that is not prescribed in the Physical Activities Regulations.

It should also be noted that the Bradford Bypass' potential impacts within federal jurisdiction are limited and will be managed through the Class EA process and federal PLAAs (refer to **Section 2, 3 and 4**). The management and consideration of federal jurisdiction and approvals was initiated during the route planning study as part of the 2002 Approved EA alignment. A comprehensive consultation and engagement program with local community members, Indigenous communities, the municipalities, and stakeholders has been underway since initiation of the preliminary design study in 2020 and will continue through project implementation (see **Section 5**). The Ministry is actively addressing concerns from Indigenous communities and interested parties and will continue to do so throughout the Project lifecycle.

Designation of the Bradford Bypass under the IAA would delay realization of the tremendous benefits of the Project including supporting the travel demand and economic development in the area.

MECP has been considering the results of consultation on a regulatory proposal (<https://ero.ontario.ca/notice/019-1883>) for a streamlined process to complete the Environmental Assessment for Bradford Bypass, tailored to the specifics of the project and the procurement and delivery models planned. The regulation, if approved, will still require MTO to gather information about environmental conditions, predict and mitigate impacts to the extent practicable, consult with the public and stakeholders, consult with indigenous peoples, and document decision-making. Other provincial and federal legislative and permitting processes would still apply. Please refer to MECP for details on the regulatory proposal.

8 Conclusion

Significant population growth is projected for both Simcoe County (increase to 416,000 residents by 2031) and York Region (increase to 1.79 million residents by 2041). The Bradford Bypass has been proposed as a response to this dramatic growth in population and travel demand in the area, and to address the forecasted increase in congestion on key east-west roadways linking Highway 400 to Highway 404. *Places to Grow: Growth Plan for the Greater Golden Horseshoe* (2020) enacted by the Government of Ontario identifies and supports planned transportation corridors which are required to meet projected travel demands, such as the proposed Bradford Bypass. The Bradford Bypass will support travel demand in the area and economic development.

As outlined in **Section 2**, the Ministry is completing a Class EA, in accordance with the *Class EA for Provincial Transportation Facilities* under the *Environmental Assessment Act*. Through this process, the Ministry is required to consider all impacts to the environment as defined by the *Environmental Assessment Act*, including those within federal jurisdiction, mitigate these impacts, and undertake robust and meaningful consultation at each stage (design to construction).

The Ministry is committed to working closely with community partners, municipalities, the public, and Indigenous communities as MTO advances this provincial priority project.

Appendix A : Land Use Figures