

To the Department of Fisheries and Oceans Canada
From Rescue Lake Simcoe Coalition

February 21, 2024

Cover letter re: Federal Areas of Jurisdiction affected by the Bradford Bypass



Enclosed are a series of letters which highlight the following areas of Federal jurisdiction affected by the 16 km Bradford Bypass highway connector in Southern Ontario.

Water:

The waters over which the highway would travel are habitat to many fish species, reptiles and migratory birds, and flow through one of Southern Ontario's most significant wetlands, the Holland Marsh. These waters will be negatively affected by additional salt from the highway, the removal of wetland habitat and the construction itself.

Ontario's *permit to take water* program is proposed to change with no cumulative water taking impact assessment done by government before permits are granted. Well and river flow levels are threatened.

Salt Contamination:

The highway will go over the East Holland River, which has exceeded the chronic chloride threshold (120 mg/L) for more than 20 years. And yet, there is no comprehensive examination of the habitat of the fish that the DFO is being asked to permit the destruction of. There are currently no regulations under the Fisheries Act that authorize the deposit of deleterious substances from road salting activities into water frequented by fish. If these deposits were determined to be deleterious, they would be subject to subsection 36(3) of the Fisheries Act. Lake Simcoe itself is on a trajectory to reach the chronic chloride guideline in 36 years. How much evidence is needed for change to occur?

Fish:

We are concerned that the Department of Fisheries and Oceans (DFO) will not proactively request a review of the Bradford Bypass' impacts on fish and their habitat. We request that the DFO ask MTO / AECOM to review the fish and fish habitat files immediately, before detailed design.

No fishing, dip netting, or electrofishing was done to try to find the American Eel, endangered, identified by the Williams Treaties First Nations.

The habitat of the Red Side Dace flows into rivers that would be affected by the Bypass. AECOM, for MTO, did not fish in these rivers, in their fish and fish habitat study. Ontario is proposing [weakening the protection of Red Side Dace](#) presumably to ease construction of this and Highway 413.

There have been no occurrences within the Nottawasaga or Lake Simcoe watersheds where *Fisheries Act* authorizations or SARA permits were formally denied or where refusals to issue letters of advice occurred.

First Nations:

As noted above, local First Nations identified the American Eel.

There is also a significant historical and archaeological site under the Bradford Bypass which is now at Stage 4 archaeology. Local First Nations are not uniformly happy with the destruction of the lands containing their ancestors' remains.

📺 Don't Blast The Past Lower Landing Webinar Apr18 2023

From Claire Malcolmson
Executive Director
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To The Honourable Diane Lebouthillier
Minister of Fisheries and Oceans Canada
Minister's office
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Station 15N100
Ottawa, ON, K1A 0E6
DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca

Dear Minister Lebouthillier,

February 22, 2024

I am writing to express my very serious concern about the potential impacts of the Bradford Bypass on Lake Simcoe's fish, water and environment. Enclosed you will find a description of the permits needed from the Department of Fishers and Oceans Canada (DFO) for this project, a brief history of the project and the prior federal concerns expressed. I am also enclosing a letter sent on Feb 8th to the Bypass project team and the MTO about their fish studies and reports. It details our concerns about the apparent lack of effort to find endangered species identified by First Nations. The final attachment is a letter to ECCC enforcement about the extent of the salt pollution in the East Holland River, which flows into Lake Simcoe, and over which the Bradford Bypass would travel.

All told there are at least seven areas of Federal jurisdiction being ignored so far on this project: First Nations consultation, Fisheries, climate change, protection of water, protection of natural heritage, Species at Risk, and Migratory birds.

Ontario's premier claims that Ontario has the strongest Environmental Assessment process in the world. It does not. Let us remind you that they are using the 2002 conditional approval, waiving the conditions, and self-approving remaining permits. All that is left is Federal oversight.

The project will require the crossing of 13 watercourses along the length of the highway. There are two major river crossings, the east and west branches of the Holland River; almost all of the rivers affected flow into Lake Simcoe. Yet, an MTO ADM told York Region Council that this project would not affect Lake Simcoe. One of our Coalition members did a Freedom of Information request to discover whether this claim was supported by anything, and found NO RECORDS containing the words "Lake Simcoe" in MTO communication about the Bradford

Bypass in the 4 month timeframe this occurred. We regret needing to start this way but we need the Federal government to be extremely clear about what is and what is not happening here.

Our provincial government's approach to building highways means it is not protecting Lake Simcoe, its fish, or its water quality. They are not even talking about it.

DFO Permits Required

We would like the DFO to request a review of the fisheries documents now. The project is advancing to detailed design as if they had permits and as if the only requirement was to mitigate. **They must avoid harm.** At present, their documentation suggests that there will be harm, and we think that they would harm more rivers and creeks than necessary because they have determined that many of these rivers are not fish habitat, despite ample evidence to the contrary. Please see appendix B.

Despite clear communication that it would remove fish habitat, the very definition of HADD (harmful alteration, disruption or destruction of fish habitat), a letter of advice was provided by DFO for “early works” of the Bradford Bypass. The lawyer working with Bypass opponents asked the Ministry to explain how that conformed to the direction to not destroy fish habitat. After a bit of back and forth, staff refused to answer questions and referred her to the legal department. It doesn't look good.

We are expecting the DFO to do its job this time with the full information we are providing about the deficiencies in the province's work (appendix B). You must consult with fisheries experts on the ground and with First Nations. Our fisheries are in real trouble.

The October 2022 Final Environmental Conditions report describes permits required by DFO:

Ontario Ministry of Transportation
Final Environmental Conditions Report
Highway 400 to Highway 404 Link (Bradford Bypass)

Table 1-3: Summary of Potential Permits, Licences, Authorizations or Approval Requirements for the Project

Permits, Licences, Approvals & Authorization Associated Legislative Framework Responsible Jurisdiction	Description
■ Fisheries Act Authorization ■ Fisheries and Oceans Canada ■ Should the project have the potential to result in the death of fish or Harmful Alteration Disruption, Destruction, Fisheries and Oceans Canada review will be required to determine the need for an authorization under the Fisheries Act	■ The project will be assessing to determine if there is the potential for project activities to result in the death of fish or Harmful Alteration Disruption, Destruction of fish and fish habitat including Species at Risk and impacts to Indigenous communities. ■ If approval and/or permits are required through consultation with Fisheries and Oceans Canada, the following assessment information would be provided: – Construction methods and details on all phases (mitigation measures, construction, operation, maintenance, closure) including engineering drawings. – Information on fish habitat, fish community, watershed, wetlands, waterbodies near the construction footprint. ■ Public and Indigenous engagement and consultation undertaken as described in Section 4. ■ The project will be assessed to determine if there is potential for project activities to result in the death of fish or harmful alteration disruption, destruction of fish and fish habitat including species at risk.

History of the Environmental Assessment and 2002 comments

The 2002 Conditional Approval of the Environmental Assessment (EA) noted:

- Severe potential for loss of fish spawning habitat, including Northern Pike spawning habitat.
- Stormwater runoff has the potential to severely impact the quality/quantity of surface water and groundwater.¹
- The conditional approval required stormwater & groundwater protection plans.
- The EA notes that there is the potential for sedimentation to harm terrestrial and aquatic resources.
- The project would dramatically increase the total impervious land surface area south of Lake Simcoe, which is an important metric for predicting impacts to receiving waterbodies, particularly for impairments from phosphorus, nitrogen and chloride

We encourage you to read the EcoJustice letter to the Impact Assessment Agency linked below, as the source of the points above. It is an excellent summary of the project to 2021²

What has happened since 2002, highlighting water concerns

In July 2020, the Province proposed to **exempt the project** from provincial EA requirements including the requirement in the 2002 notice of approval to assess stormwater and groundwater contamination.

That **exemption regulation** contains instructions on what the Groundwater Protection and Well Monitoring Plan shall be. It is incredibly weak.³

Section 23 (2) of the Exemption Regulation states:

The Groundwater Protection and Well Monitoring Plan shall, **at a minimum**, include,

- (a) **the identification** of all areas where the Bradford Bypass Project may directly or indirectly affect groundwater;
- (b) a **groundwater monitoring** program for the identified areas;
- (c) a **description of the locations and parameters** for the monitoring of groundwater quality and quantity;
- (d) the proposed **start date and frequency** of groundwater monitoring; and

¹ 1997 EA, p.177.

² 2021 Request for Impact Assessment of the Bradford Bypass. Ecojustice.

https://rescuelakesimcoe.org/wp-content/uploads/2021/02/20210203_Bradford_Bypass_EA_request.pdf

³

https://www.bradfordbypass.ca/wp-content/uploads/2023/11/RPT_GMWPP_BBP_60636190_2023-11-02_redacted_secured.pdf

(e) a well water **survey**, including plans to **collect appropriate water quality and quantity information as determined by the proponent**.

This is not an action plan or protection plan. It is a plan to plan.

It is important to note that the streamlined EA only looks at the construction of the highway, not the impact of its operation. Construction dewatering information will not be available until detailed design – so the impacts cannot be assessed yet. We are very concerned about this aspect of the project. The province recently consulted on a regulation that would make it easier to dewater construction and other sites for residential housing, not require an upfront review or cumulative effects analysis which, until now, was the protocol.⁴

Ontario's proposal to remove the limit for groundwater-taking and to allow up to 379,000 litres of groundwater-taking per day without permit, while restricting public consultation and removing the requirement to notify conservation authorities, puts the ecosystem, human health, and municipal infrastructure at risk.

The province has put blinders on the regulators. In our opinion, no permits should be provided in the absence of assurance that the rivers will flow. You cannot save fish when their water is gone.

Creating chaos and confusion for regulators and local governments

Further, the province has created chaos and confusion by limiting the Conservation Authority's oversight and permitting powers. Yet the perception that the Conservation Authority is overseeing the impacts of his project persists, with Municipal Councillors making unsubstantiated claims about oversight. In fact, the LSRCA's own report about the Bradford Bypass says, "the Authority has no regulatory authority over the proposed development... as a

⁴ . Exploring changes to streamline the permit-by-rule framework, ERO number 019-6951 ero.ontario.ca/notice/019-6951

Streamlining permissions for water takings for construction site dewatering activities and foundation drains, ERO number 019-6853 ero.ontario.ca/notice/019-6853

Streamlining environmental permissions for waste management systems under the Environmental Activity and Sector Registry, ERO number 019-6963 ero.ontario.ca/notice/019-6963

Streamlining environmental permissions for stormwater management under the Environmental Activity and Sector Registry, ERO number 019-6928 ero.ontario.ca/notice/019-6928

commenting agency [we] provided comments ...".⁵ This confusion persists and helps the province avoid oversight.

Fisheries Concerns: DFO underutilizing its powers

This letter serves to notify the DFO of our ongoing, and now more specific concerns, as they pertain to fish. We urge you to use your authority to do what you can to protect our water, fish and First Nations Hunting and Fishing treaty rights. Please read Appendix B in detail, our recent submission to the AECOM Bradford Bypass team in Ontario, regarding their Fish Habitat and Existing Conditions report, 2023.

We learned via a formal petition to the Federal Environmental Commissioner's Office and the response from Joyce Murray, then Minister of DFO, in June 2022, that there are "NO occurrences within the Nottawasaga or Lake Simcoe watersheds where *Fisheries Act* authorizations or SARA permits were formally denied or where refusals to issue letters of advice occurred." Please see the detailed excerpt in Appendix A.

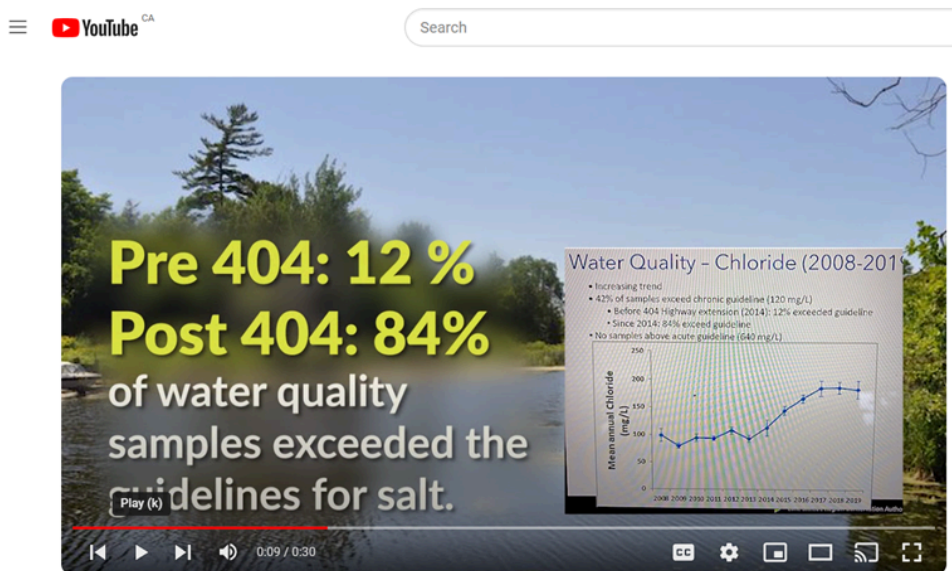
This may go some way to explaining why the Lake Simcoe fisheries are in decline.

Salt is already heavily impacting receiving waters affected by the Bypass

Highways are salt hotspots - we know this because the Maskinonge River, over which highway 404 travels, saw a significant increase in salt post construction.⁶

The Lake Simcoe Region Conservation Authority has studied the trajectory of salt pollution at Lake Simcoe and it is horrendous. They emphasize that there are

salt vulnerable areas, and lo and behold, they are where the Bradford Bypass travels. The salt from the highway will compound this problem.



Claire short - Salt and the Maskinonge River

⁵ LSCRA staff report on Bradford Bypass <https://t.co/6ql3k7FNub> See Agenda. Pg 38 - 69.

⁶ Source: LSRCA staff presentation to Georgina residents re Maskinonge River, 2021.

LSRCA identification of salt vulnerable areas: **“Areas where the greatest increases have been predicted include the south end of Cook’s Bay in East Gwillimbury, particularly around Queensville** (Figure 19). In addition to being a focal area for growth in the Lake Simcoe watershed, the Queensville area is primarily in the headwaters of the Maskinonge River, which has characteristically low flows and limited groundwater discharge. As such, relatively little surface water runoff will be available to dilute salt applied to roads and parking lots in this area. Increases in chloride concentration in this area are predicted to be as high as 6000 mg/L (or roughly equivalent to chloride levels currently observed in Hotchkiss Creek in Barrie; LSRCA, 2012), resulting in a **potential of increasing impacts to 45 aquatic species (of a total of 47 included in analysis)** (Figure 19).⁷

We simply cannot ignore all of this evidence. Fish cannot survive long in these conditions.

York Region chloride in drinking water

Lake Simcoe provides clean water to 7 municipalities, so one must consider the long term costs to residents and municipalities if the source of drinking water is so salty that it needs to be treated. Furthermore, as shown in Appendix D, York Region’s drinking water is already not amazing. It’s critical that the impacts to lake-based and drinking water be assessed for the lifetime of this project.

I do hope you will take the time to review these interrelated problems and use your powers to demand protection of fish, water, natural areas, and endangered species as outlined in the law.

Sincerely,

A handwritten signature in black ink, appearing to read "Claire Malcolmson". The signature is written in a cursive, flowing style. It is positioned above a dotted line that serves as a guide for the signature's placement.

Claire Malcolmson,

Executive Director

⁷ LSRCA Identification of Salt Vulnerable Areas in the Lake Simcoe watershed, 2015.
<https://lsrca.on.ca/salt-vulnerable-areas/>

The Rescue Lake Simcoe Coalition is a lake-wide member-based organization, representing 30 groups in the Lake Simcoe watershed, that provides leadership and inspires people to take action to protect Lake Simcoe.

CC: Minister Sarkaria, Minister of Transportation (MTO)

Hon Vihay Thanigasalam Associate Minister, MTO

Jason Runtas, Fish and Fish Habitat Protection Program, DFO

Rick Kiriluk, Fisheries and Oceans Canada

Ryan Whealey, Senior Manager, Issues and Legislative Affairs, MTO ryan.whealy@ontario.ca

Minister Khanjin, MOECP

Minister Grayson, MNRF

Rob Baldwin, CAO, Lake Simcoe Region Conservation Authority

Adam Weir, Ontario Federation of Anglers and Hunters

The Bradford Bypass Project Team

MP Leah Taylor Roy

MP Tony VanBynen

MP Scot Davidson

Lake Simcoe Fisheries Committee

Williams Treaties First Nations

First Nations consulted on the Bypass

NDP Highways critic Jennifer French

NDP Environment critic Sandy Shaw

Liberal MECP critic Mary-Margaret McMahon

Liberal Critic, Indigenous Affairs, Adil Shamji

ESA American Eel consultation contact

Bill Foster, Forbid Roads Over Green Spaces (FROGS)

Margaret Prophet, Simcoe County Greenbelt Coalition

Laura Bowman, Ecojustice

Adam Weir, Ontario Federation of Anglers and Hunters

Rob Baldwin, LSRCA

Tim Gray, Environmental Defence

Anne Bell, Ontario Nature

Appendix A

Excerpt from response from Joyce Murray, then Minister of DFO, to federal petition to Federal Environmental Commissioner's Office

Rescue Lake Simcoe Coalition and Forbid Roads Over Green Spaces (FROGS) submitted the questions below in a Formal Petition to the Federal Environmental Commissioner's Office. DFO response follows the questions. June 2022.

" Q

How many *Fisheries Act* authorizations, permits and letters of advice have been issued in the Nottawasaga, Holland River, and Maskinonge watersheds?

A A search of the departmental database from January 1st 2001 to April 5th 2022, which included the Nottawasaga, Holland River and Maskinonge watersheds, showed that DFO issued approximately:

- 88 *Fisheries Act* Authorizations
- 273 Letters of Advice
- 2 Species at Risk Permits

Q How many *Fisheries Act* authorizations, permits and letters of advice has DFO denied in any of these watersheds?

A There have been no occurrences within the Nottawasaga or Lake Simcoe watersheds where *Fisheries Act* authorizations or SARA permits were formally denied or where refusals to issue letters of advice occurred.

To date, MTO has not advanced the overall Bradford Bypass proposal to a point where it can submit a formal request for review. **Upon receipt of a request for review, DFO will make a determination as to whether or not the impacts to fish and fish habitat have been sufficiently addressed through either redesign or addition of mitigation measures.** At that point in DFO's review process, the impacts to fish and fish habitat and aquatic species at risk will be assessed to determine whether or not they have been sufficiently managed such that the construction of the proposed Bradford Bypass would be in compliance with the *Fisheries Act* and *Species at Risk Act*."

Appendix B

Letter to the Bradford Bypass team detailing Fisheries concerns about the inadequacy and gaps in their approach.

Attached.

To the Bradford Bypass Project Team
Via email to info@bradfordbypass.ca
ATTN: Katie Easterling, H.B.Sc, Senior Aquatic Biologist

From: Rescue Lake Simcoe Coalition
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resculakesimcoecoalition@gmail.com



Re: [Bradford Bypass Final Fish and Fish Habitat Existing Conditions and Impact Assessment Report](#)
2023 AECOM¹

February 7, 2024

Dear Ms. Easterling,

The Rescue Lake Simcoe Coalition (the Coalition) is requesting a response from the Bradford Bypass team concerning the **Fish Habitat Existing Conditions reports**, the most recent of which is hyperlinked above. The Coalition, our members, and concerned citizens would like to draw attention to undertakings we feel have been inappropriately rushed with deliberate attempts to under-represent the presence of fish and fish habitat including the American Eel.

There is only so much that can be achieved through avoidance and mitigation strategies; harm must be avoided in the first place. We are concerned that the plan is to do detailed design first and get input from the Department of Fisheries and Oceans Canada (DFO) too late to influence the design of the project.

The American Eel² was flagged by members of the Williams Treaties First Nations. Given the multiple areas of Federal jurisdiction affected by this matter, we expect the Federal government to do its due diligence. We also expect Ontario to follow its endangered species legislation, the Endangered Species Act (ESA). We also have concerns about the absence of the Redside Dace (also endangered) in the final Fish Habitat Existing Conditions report.

¹https://www.bradfordbypass.ca/wp-content/uploads/2023/11/RPT_Fish-IA_BBP_60636190_2023-08-22_secured.pdf

² The American Eel is currently being considered by the Federal Government for inclusion in the Federal Species at Risk list. (Consultation period ends April 8, 2024)#. It was listed by COSEWIC as threatened in 2012#, and it is listed on Ontario's species at risk list and the species and its habitat have been protected under the ESA since 2007.

The Redside Dace populations in Ontario are threatened by urban development. It too has federal protections. It is shocking that the report does not mention the Redside Dace. This will be elaborated upon below.

It appears that the Bradford Bypass AECOM and Ministry of Transportation Ontario (MTO) teams are missing the forest for the trees by applying a deliberately reductionist approach to the background studies for the Bypass. The eight lane highway would most certainly result in landscape-level losses including significant damage to the terrestrial and aquatic habitats of a wide variety of interconnected species. This is why **we are requesting due consideration is given to both past and proposed future works and activities to ensure, at a minimum, no net loss is achieved or habitat gains are made possible.**

To evaluate fish conditions without looking at both the past and proposed future decimation of some of their food sources, such as frog eggs, and the water quality of their current and proposed future environment, is inadequate. As it stands, we feel strongly that the proposed project contravenes provincial and federal policies, regulations, and legislation including the Fisheries Act and the Lake Simcoe Protection Plan's Ecosystem Approach³. If the parties involved intend to move forward with this large-scale project, we insist on greater efforts being put towards the protection of natural heritage and the species that rely on these features.

Having reviewed the publicly available report in detail, we have identified a number of items and deficiencies for which we respectfully request you to provide further information on:

1. Habitat

In the [Final Environmental Conditions Report \(ECR\)](#)⁴ dated October 2022 (pg. 93), the preamble to table 2-10 says, *"The fish species identified below in table 2-10 have been recorded in the specific watercourses throughout the Fish and Fish Habitat study."* There are numerous fish in almost every water body listed. But as the work moves closer to the design stage, as the following questions and descriptions reveal, it appears that care was not taken to make sure the AECOM team has confirmed the presence of fish. Sampling appears inadequate and rushed. Species that should be searched for disappear from lists. The end result is described in the following question.

³ Lake Simcoe Protection Plan's Principles to Guide Our Actions includes: An Ecosystem Approach will be used, one that treats Lake Simcoe and its watershed as an interconnected system, individual components of the system, including humans and our activities, affect and are affected by other parts of the system. The Ecosystem Approach uses best available science, considers cumulative impacts, and promotes watershed and subwatershed approaches. It recognizes that a healthy environment provides the foundation for healthy communities and a healthy economy. Pg 5. <https://www.ontario.ca/document/lake-simcoe-protection-plan>

⁴ Final Environmental Conditions Report, October 2022 https://www.bradfordbypass.ca/wp-content/uploads/2022/10/RPT_2022-10-27_BBP-Final-ECR_60636190_AODA.pdf

Q 1a. Given the abundance of fish identified in the Final ECR, we question how only 3 out of 40 watercourses are listed as “significant fish habitat” in the Fish Conditions appendix to the Final Environmental Impact Assessment Report. Where is corresponding and supporting data to confirm these findings?

The **definition of fish habitat under the Fisheries Act** refers to “...water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas.” Regardless of the significance of the fish habitat, greater consideration must be given to all habitat types that broadly fall under Fisheries and Oceans Canada’s definition and not be limited to just “significant fish habitat”.

Q 1b. “Significant fish habitat” is not defined in the Fisheries Act, or the Fish and Fish Habitat Existing Conditions Appendix, nor the ECR; therefore, it requires further explanation/elaboration. How does the consultant define significant? What is the purpose of the “Significant Fish Habitat” column in the Fish Conditions appendix to the Final Environmental Impact Assessment Report?

In the Fish Habitat Existing Conditions Appendix, 24 of 40 water bodies are classified as Indirect or Not Fish Habitat even when there is information about upstream and downstream habitats (which likely support life processes - see definition of fish habitat above). Many of these are tributaries to the rivers the reports acknowledge are direct fish habitat.

Q 1c. What is the justification for the determination that tributaries to fish bearing rivers are not fish habitat? Further, how can a permanent stream not be considered fish habitat? (I.e. See example directly below from the Appendix, Fish Habitat Existing Conditions.)

Waterbody ID	Date	Flow	Thermal Regime	Fish Habitat*	Substrate Type (in order of dominance)	Channel Morphology	Vegetation	Constraints and Opportunities	Significant Fish Habitat
Waterbody Name: Crossing Locations: C27-A-1, (WC-33)	2022-05-19	Permanent	Warm (MNRF, 2019a)	Direct Habitat: naturalized, meandering channel with a riffle run morphology. Clear water was flowing south to north. Some bank slumping was observed but the banks were well vegetated with water tolerant species. Woody debris was observed throughout the reach and shore cover was moderate (60-90%).	Silt (65%), sand (25%), boulder (5%), gravel (5%)	Run (95%), riffle (5%)	Unidentified submergent vegetation and various grass species	N/A	N/A

Q 1d. What justification and criteria are being used to characterise the various water bodies (i.e., intermittent, permanent)?

2. Field Investigations

Field investigations are described on page 91 of the Final Environmental Conditions Report. As per the Fish and Fish Habitat Existing Conditions Appendix, it appears field investigations were insufficient as at least 7 sites had only one site visit, but were labelled as “not fish habitat”. (Unable to provide page numbers; there are no page numbers in the report.) These investigations failed to take into account temporal variations and seasonality and call into question the validity of the findings.

Q 2a. According to the report, at least half of the field investigations occurred on Sept 16, 2020 and June 15, 2021. However, we question the feasibility in investigating all of the sites in two days as well as the thoroughness (or lack thereof) of the field investigations. How many people were sent out on each of those days to do the investigations?

Q 2b. What kind of backpack electrofishing happened?

For the following questions, please provide specific references to ensure transparency by providing the names and wording of the guides you have followed and the years the guides were most recently changed.

3. Concerns about the American Eel

The federal government is considering adding the American Eel to the List of Wildlife Species at Risk (Schedule 1) of the *Species at Risk Act* (SARA) which would afford it additional protections. It is already protected in Ontario by the ESA.⁵ Please note, below we have included some of those ESA objectives, one of which is to fill knowledge gaps. That has not happened here.

AECOM’s reports indicate that the source of the notification of the American Eel is the Williams Treaty First Nation, in 2022.⁶ American Eel appears as present in both the East

⁵ American Eel ESA recovery Strategy Objectives of note:

- Maintain strong Ontario participation and leadership in the development and implementation of coordinated inter-jurisdictional protection, management and recovery of the American Eel and its habitats at national and bi-national levels.
- Ensure ongoing understanding by scientists, managers, stakeholders, First Nations and the general public of the current status of the American Eel and the efficacy of recovery strategy actions.
- Address knowledge gaps to enable and enhance protection, conservation and recovery efforts.

Source: American Eel ESA recovery strategy: <https://www.ontario.ca/page/american-eel-recovery-strategy>

⁶ [Final Fish and Fish Habitat Existing Conditions and Impact Assessment Report, August 2023.](#) pg. 11.

and West Holland Rivers in many of the documents reviewed in the preparation of this letter. For instance:

- In the Fish and Fish Habitat Existing Conditions Appendix, Table 2, American Eel is listed as “personal communication.” The [August 2023, Final Fish Conditions Report and Impact Assessment](#)⁷ says, “Records of American Eel were found in the Holland River and Holland River East Branch where the associated bridge works are located,” (Pg. 81). In the Fish and Fish Habitat Existing Conditions Appendix, Table 2, under the column heading “**species at risk present**” for both the East and West Holland Rivers it says **NO. Not MAYBE.**

Q 3a. We would like to know what you have done and will do to determine whether the American Eel species is present or not.

Q 3b. Have you consulted specifically with First Nations about the endangered species?

Final Environmental Conditions Report, Pg 111 says the following:

2.1.2.3.2 Aquatic Species at Risk

“Under the Ontario Endangered Species Act and the federal Species at Risk Act, only species listed as Threatened and Endangered receive *individual and habitat protection*. For the purposes of this Report, these species will be considered Species at Risk. *It is important to note that any Special Concern species potentially present within the Fish and Fish Habitat Study Area may be uplisted to Threatened or Endangered during the lifetime of the project. [emphasis ours]* Should this occur, relevant federal and provincial government agencies should be consulted immediately to determine how to proceed and avoid contravention of the Endangered Species Act and/or Species at Risk Act.

“... The only aquatic Species at Risk identified by Ministry of Environment,] Conservation and Parks as potentially occurring within the Fish and Fish Habitat Study Area was American Eel (*Anguilla rostrata*). The American Eel is an endangered freshwater eel (not currently listed under the Species at Risk Act; however, it is listed provincially as Endangered under the Endangered Species Act, and federally as Threatened under the Committee on the Status of Endangered Wildlife in Canada) found in Ontario. An American Eel was captured in the North Holland Canal on a previous Ministry of Transportation project, and the North Holland Canal is connected to the Holland River (WC-10) and Holland River East Branch (WC-25) approximately 11 kilometres upstream of the Holland River crossing. **Therefore, American Eel should be considered as**

⁷ Final Fish and Fish Habitat Existing Conditions and Impact Assessment Report, August 2023.
https://www.bradfordbypass.ca/wp-content/uploads/2023/11/RPT_Fish-IA_BBP_60636190_2023-08-22_secured.pdf

potentially present in these two watercourses within the Fish and Fish Habitat Study Area”.⁸

And further:

“The **potential for American Eel (Endangered) to be present in the Holland River (WC-10) and Holland River East Branch (WC-25) will require further review once the design process has advanced.** Further discussions with Ministry of Natural Resources and Forestry and Ministry of the Environment, Conservation and Parks are recommended during the Detail Design stage to determine approvals that may be required under the Endangered Species Act.)⁹

Given the fact that the American Eel has been identified at the **East Holland River** (see above), a field investigation would be warranted. But this was not done.

ECR Table 2-10, Fish Species Records, WC-25 (watercourse 25, which is the **Holland River East Branch**) relies on a 2019 survey done by the MNRF and lists a number of species, but neglects to mention the American Eel. Pg. 95.

The first table of Appendix A, Fish and Fish Habitat Conditions Report, indicates **two** visits to this site, **WC-25 the Holland River East Branch**, but there is no mention of the American Eel.

Table 2 of the same Appendix report, referred to as “Fish Community Summary; Template D2B”, provides some additional information under the column “species at risk present”. No fisheries assessment was conducted specifically for the American Eel and, again, the consultant relies entirely on the 2019 study done by the MNRF.

Similarly, although there is potential for American Eel to be present in the **West Holland River at C17-A-1 (WC-10)**, no fish sampling was conducted. See below. We find it alarming that there were so few site visits, and that there was no sampling in some obvious and important locations.

C17-A-1 (WC-10): West Holland River	■ NA	■ Fish sampling not attempted due to sufficient background information available for the West Holland River ■ MNRF, 2019a: Rock Bass, Brook Stickleback, Northern Pike, Johnny Darter/ Tessellated Darter, Pumpkinseed, Largemouth Bass, Emerald Shiner, Yellow Perch, Black Crappie, Walleye, Common Carp, Golden Shiner, Bluntnose Minnow and Spottail Shiner. ■ Pers Comm: American Eel.	■ N
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Q 3c. Although the North Holland Canal was listed as the site of the American Eel, it was not apparently investigated. It doesn’t appear in these documents. Can you please explain why?

⁸ Final Environmental Conditions Report, Pg 111.

⁹ Final Environmental Conditions Report, Pg 115.

Q 4c. The [August 2023, Final Fish Conditions Report and Impact Assessment](#),¹⁰ references to American Eel are made on page 10 and state, “Historical Records of the American Eel Were returned in the Holland River and Holland River East Branch,” pg. 10. What does that mean?

Q 4d. Table 5-5 of the [August 2023, Final Fish Conditions Report and Impact Assessment](#), acknowledges that the American Eel “has the potential to be present in the West Holland River” (Pg 64). We question why it does not say the same about the East Holland and the North Holland Canal. How were these two water bodies ruled out as potential habitats?

Q 4e. There is a pattern of too much reliance on the 2019 study done by the MNRF instead of field investigations. How representative is the study? What types of assessments were done? Does it account for temporal variations and seasonality? Please provide a longer term dataset to better determine baseline conditions for future monitoring and assessments to be compared to.

Q 4f. What efforts were made through field investigations to confirm the presence/absence of the American Eel in the watercourses cited?

Q 4g. What is the reference document and year for this: An American Eel was captured in the North Holland Canal on a previous Ministry of Transportation project”?

4. Concerns about the Redside Dace

The executive summary of Canada’s Species at Risk registry¹¹ says, “The Redside Dace was assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) as endangered in 2007 and again in 2017; the species was listed as endangered under the Species at Risk Act (SARA) in 2017. This recovery strategy and action plan is considered one in a series of documents for this species that are linked and should be taken into consideration together, including the COSEWIC status report, a recovery potential assessment, the action plan for the Rouge National Urban Park, which includes Redside Dace, and possibly further action plans. **Recovery has been determined to be biologically and technically feasible.**” The population status is listed as poor, but not extirpated in Table 2. The threat from residential and commercial development is high (Table 3). This is clearly a species that needs protection. We are concerned that not enough is being done to find and protect this species.

¹⁰ [Final Fish and Fish Habitat Existing Conditions and Impact Assessment Report, August 2023.](https://www.bradfordbypass.ca/wp-content/uploads/2023/11/RPT_Fish-IA_BBP_60636190_2023-08-22_secured.pdf)
https://www.bradfordbypass.ca/wp-content/uploads/2023/11/RPT_Fish-IA_BBP_60636190_2023-08-22_secured.pdf

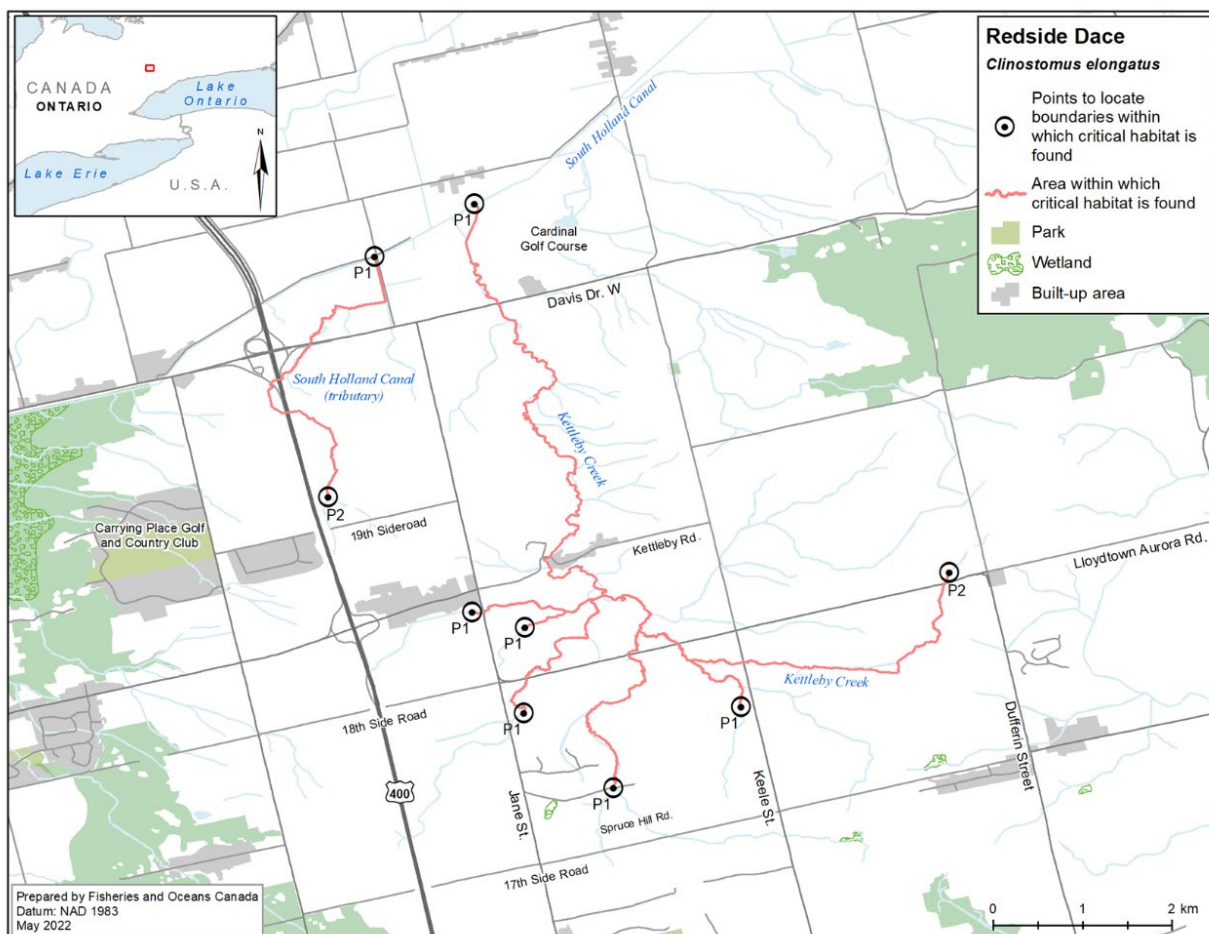
¹¹ Redside Dace Recovery Plan and Strategy <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/recovery-strategies/redside-dace-proposed-2024.html>

The following, from the Bradford Bypass Final Environmental Conditions Report, p. 111, indicates that the Redside Dace fish is in numbers of creeks close to the Bypass: “Redside Dace (*Clinostomus elongatus*) have been known to reside in both the Holland River East Branch and Holland River subwatersheds. However, captures of Redside Dace have only been noted in Sharon Creek, Kettleby Creek, and the 400 Creek, all of which occur outside the Fish and Fish Habitat Study Area (Lake Simcoe Region Conservation Authority, 2010 and Lake Simcoe Region Conservation Authority, 2010b). The only aquatic Species at Risk identified by Ministry of Environment,] Conservation and Parks as potentially occurring within the Fish and Fish Habitat Study Area was American Eel (*Anguilla rostrata*).”

Strangely, the Final Fish and Fish Habitat Existing Conditions and Impact Assessment report, Aug 2023, does not mention redside dace. The proposed federal 2024 Recovery Plan and Strategy for Redside Dace¹² mentions that The Holland River watershed is one of 17 watersheds named with respect to population and distribution objectives (section 6 of the Recovery Plan and Strategy). The Strategy is premised on protecting and recovering extent and historic populations. The Holland River is identified as having areas of critical habitat for Redside Dace (section 8.1.3). There's a description, coordinates and a map, copied below (Figure 18). It does not appear that the proposed highway cuts through these rivers but it should be double checked with appropriate map tools. The streams identified as critical habitat found for Redside Dace in the Holland River watershed in figure 18 flow into the other rivers affected by the Bypass.

Q 4a. Given that the Redside Dace is in the below tributaries of the Holland River, what protection should be afforded to the habitat of the Redside Dace?

¹²Redside Dace Recovery Plan and Strategy <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/recovery-strategies/redside-dace-proposed-2024.html>



Source: Figure 18 Redside Dace Recovery Plan and Strategy

5. Timing concerns

Now we turn to the issue of timing. When exactly are decisions affecting the highway route made? The assumption in the work done by AECOM / MTO for the Bypass appears to assume that permissions will be granted and that remediation is all that is required. We argue that this is not the purpose of Federal review. The DFO's review should INFORM the route, and indeed whether this project is feasible.

On page 115 of the ECR, it states impacts to fish will be evaluated in relation to preliminary design. Then in the [August 2023, Final Fish Conditions Report and Impact Assessment](#),¹³ which WAS released in the preliminary design set of reports, (see image below), it refers to doing the mitigation at the detailed design stage.

¹³ [Final Fish and Fish Habitat Existing Conditions and Impact Assessment Report, August 2023.](https://www.bradfordbypass.ca/wp-content/uploads/2023/11/RPT_Fish-IA_BBP_60636190_2023-08-22_secured.pdf)
https://www.bradfordbypass.ca/wp-content/uploads/2023/11/RPT_Fish-IA_BBP_60636190_2023-08-22_secured.pdf

Preliminary Design:

- [Final Environmental Conditions Report](#)
- [Final Environmental Impact Assessment Report](#)
- [Final Groundwater Protection and Well Monitoring Plan](#)
- [Final Stormwater Management Plan](#)
- [Final Noise Report](#)
- [Final Terrestrial Ecosystems Existing Conditions and Impact Assessment Report](#)
- [Final Fish and Fish Habitat Existing Conditions and Impact Assessment Report](#)
- [Final Fluvial Geomorphology Impact Assessment Report: Holland River Crossings](#)
- [Final Fluvial Geomorphology Impact Assessment Report: Bradford Bypass Crossings](#)
- [Final Air Quality Impact Assessment Report](#)
- [Final Cultural Heritage Resource Assessment Report](#)
- [Final Land Use Factors Report](#)
- [Final Agricultural Impact Assessment Report](#)
- [Final Human Health Implications Scoping Report](#)
- [Final Waste and Excess Materials Management Plan](#)

Source: Project website: [BradfordBypass.ca](https://bradfordbypass.ca)

In Table 5-5 in the [Final Fish Conditions Report and Impact Assessment \(2023\)](#), it states, with respect to the American Eel, “Works may be subject to approvals under the Endangered Species Act. This shall be confirmed during the Detail Design stage. Further discussions with MNRF and MECP are recommended,” (Pg 64). It goes on to describe that this should occur “early in the detailed design phase to confirm ESA permitting requirements,” (Pg 74).

This project is already at the preliminary design phase and, as such, the impacts to fish should have already been evaluated, and these assessments should have influenced the project design long ago. There is only so much that can be achieved through avoidance and mitigation strategies. Harm must be avoided in the first place. With the potential for American Eel and possibly the Redside Dace to be present in some of these locations and, coupled with insufficient monitoring and field investigations, further studies are warranted before the project or approvals proceed.

Q 5a. Is it possible that provincial and federal endangered species permits would be issued before the final design phase?

Q 5b. Could federal fisheries authorizations or letters of advice be issued before the final design phase?

There are numerous references to trout in the Final Fish and Fish Habitat Existing Conditions and Impact Assessment report, Aug 2023. There appears to be just an email

confirmation of critical information that informs the permissions for in water works timing, with major ramifications for all species (See pg. 122).

The Final Environmental Conditions Report says, “Due to the warm/coolwater designation for all the fish-bearing watercourses identified in the Fish and Fish Habitat Study Area, the in-water work timing window (when work can occur) for direct and indirect watercourse locations is from July 16 to March 14 of any year. **No records of fall-spawning species were retrieved from background data collection or observed during field investigations for all other watercourse features. The impact assessment (to follow under separate cover) conducted by certified Fisheries Assessment Specialists will assess in detail the potential impacts to fish and fish habitat based on the Preliminary Design,** provide the mitigation measures and Ontario Provincial Standard Specifications required to avoid or mitigate the risk of harm, and identify the appropriate steps of the Fisheries Protocol (2020) applicable to the project and associated notification, assessment or regulatory review required.”¹⁴

Q 5c. The lack of any records with respect to fall spawning in any area of the route of the Bypass is alarming. The absence of such important information essentially permits in-water works to occur July 16 to February 28th or March 14, 8 months of the year. Do you have any external expert opinion confirming the appropriateness of this course of action? This strikes us as a conclusion we would like outside opinions on.

Q 5d. Has the AECOM team engaged the Lake Simcoe Fisheries Committee meaningfully in this consultation? Have consultations occurred with other experts, for instance fish specialists on COSEWIC?

Conclusion

In conclusion, we find that inadequate efforts have been made to determine the presence of fish and their spawning times, which affect the in-water works timing. There has been no clear attempt to provide overall benefit to affected species, and there is no assurance that mitigation will be adequate. It appears that there has been a willful attempt to not look for fish in locations where species at risk have been known to occur; the cavalier treatment of the American Eel and the absence of information about the Redside Dace is particularly egregious. These endangered species need to be fully investigated and the project should not proceed until these reviews are complete. We would also like to see a peer review or a second opinion on the presence or absence of fall spawning, as this one claim has a significant impact on the water bodies affected by this proposed Highway, and all the fish and life within.

¹⁴ Final Environmental Conditions Report p 115.

As you know, as we all know, this project would serve the two fastest growing municipalities in Canada, Bradford West Gwillimbury and East Gwillimbury. The entire justification for the project is to support existing and planned urban / suburban growth in the area. The environmental impacts that this highway will deliver will be massive, in that it will serve a big expansion of urban boundaries and sprawl, which is the driver of pollution at Lake Simcoe. Pretending that there are no impacts after the project is built is frankly myopic and ridiculous. Thus we request due consideration is given to both past and proposed future works and activities to ensure, at a minimum, no net loss is achieved or habitat gains are made possible.

We look forward to your detailed response to these questions.

Sincerely,



Claire Malcolmson

Executive Director, Rescue Lake Simcoe Coalition

The Rescue Lake Simcoe Coalition is a lake-wide member-based organisation, representing 30 groups in the Lake Simcoe watershed, that provides leadership and inspires people to take action to protect Lake Simcoe. www.rescuelakesimcoe.org

Document guide:

Final Environmental Conditions Report, October 2022 https://www.bradfordbypass.ca/wp-content/uploads/2022/10/RPT_2022-10-27_BBP-Final-ECR_60636190_AODA.pdf

[Final Fish Conditions Report and Impact Assessment, 2023](#)

Final Fish and Fish Habitat Existing Conditions and Impact Assessment Report, August 2023.

https://www.bradfordbypass.ca/wp-content/uploads/2023/11/RPT_Fish-IA_BBP_60636190_2023-08-22_secured.pdf

Final Environmental Impact Assessment Report, November, 2023

https://www.bradfordbypass.ca/wp-content/uploads/2023/11/RPT_2022-11-16_BBP_FinalEIAR_60636190_AODA_secured_web_resized-compressed.pdf

Appendix A – Fish and Fish Habitat Existing Conditions, November, 2023

https://www.bradfordbypass.ca/wp-content/uploads/2023/11/Appendix-A_FishExistingConditions_secured-1.pdf

CC:

Minister Prabmeet, MTO

Minister Khanjin, MOECP

Minister Grayson, MNRF

Lake Simcoe Fisheries Committee

Williams Treaties First Nations

First Nations consulted on the Bypass

NDP Highways critic Jennifer French

NDP Environment critic Sandy Shaw

Liberal MECP critic Mary-Margaret McMahon

Liberal Critic, Indigenous Affairs, Adil Shamji

ESA American Eel consultation contact

Bill Foster, Forbid Roads Over Green Spaces (FROGS)

Margaret Prophet, Simcoe County Greenbelt Coalition

Laura Bowman, Ecojustice

Adam Weir, Ontario Federation of Anglers and Hunters

Rob Baldwin, LSRCA

Appendix C

Letter to ECCC Environmental Enforcement Directorate regarding salt in the Holland River.

Currently there is an ECCC enforcement office who has been assigned to measure the salinity of the East Holland river.

Attached.

Environmental Enforcement Directorate in Ontario
Regional Director, Environmental Enforcement Directorate
Enforcement Branch – Ontario Region
Environment Canada
867 Lakeshore Rd. (WTC Building)
Burlington ON L7S 1A1



Attn: Tom Petrovic

tom.petrovic@canada.ca

November 22, 2023

Dear Sirs,

This past summer the Rescue Lake Simcoe Coalition and Forbid Roads Over Greenspaces sent the letter attached below to Spills, Ontario Web.Foi.MGCS@ontario.ca about extremely high chloride levels in the East Holland and Maskinonge Rivers in the Lake Simcoe watershed. Salt is a harmful substance in waters frequented by fish. It is my understanding that your office is responsible for the pollution prevention aspects of the protection of fish and their habitat.

We have been told that the Environmental Enforcement Directorate in Ontario had been notified and would respond.

We believe that we have provided ample evidence that the cumulative toll on the East Holland River and its fish is unacceptable. It is unclear what conditions would inspire action from your office, if not the threat of a new highway over a river that exceeds the chronic salt level year-round. The data is from 2012; it is probably worse now.

Therefore, we await a response to our letter. There is clearly a pollution problem here. Is there anything your office can and would do about this?
Are there any recommendations you can make to protect Fish Habitat in this case?
Can your office request an opportunity to review in full the detailed design of the Bradford Bypass, with an eye to your responsibilities for the protection of fish and their habitats?

If you have any thoughts or advice we would welcome that information.
Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Claire Malcolmson".

Claire Malcolmson,
Executive Director, Rescue Lake Simcoe Coalition
RescueLakeSimcoeCoalition@gmail.com



C. William D. Foster
Chair, Forbid Roads Over Greenspaces
bfoster@frogs.ca

From:
Rescue Lake Simcoe Coalition
120 Primeau Dr.
Aurora, ON
L4G 6Z4
rescuelakesimcoecoalition@gmail.com
647-267-7572



-And-
Forbid Roads Over Green Spaces
20989 Yonge St.
East Gwillimbury, ON
L3Y 4V8
bfoster@frogs.ca
905-836-0663



Letter to Spills, Ontario Web.Foi.MGCS@ontario.ca

July 27, 2023

Dear Sirs,

We are writing to report that the East Holland River has had so much salt “spilled” into it over many years, that it routinely exceeds Canada’s chronic exposure level for salt / chloride in Summer and Autumn each year and the acute level in Winter (see figure on pg 3).

Furthermore, since the opening of Hwy 404 north of Green Lane, 84% of water samples taken from the Maskinonge River, now exceed chronic salt levels. This river parallels highway 404 and also flows into Lake Simcoe. As we will discuss in more detail later in this letter, the proposed Bradford Bypass is expected to dramatically worsen the quality of adjacent rivers and ultimately Lake Simcoe.

Request for Enforcement of Section 36(3) of the Fisheries and Oceans Act

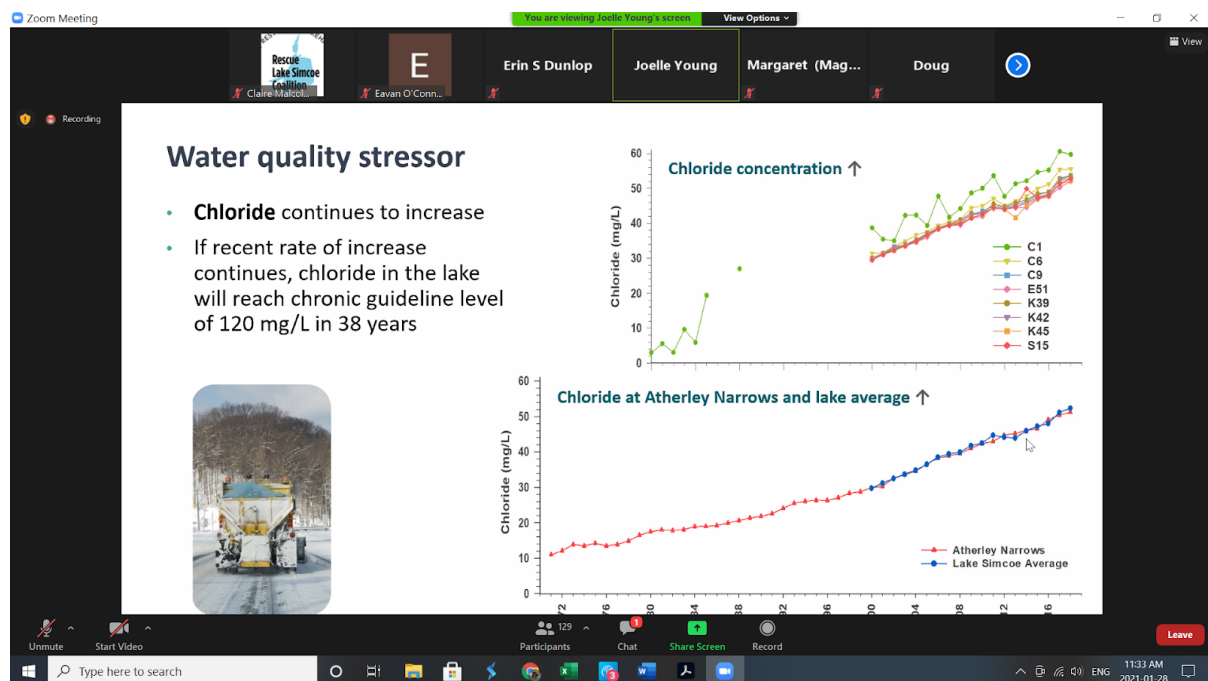
Under these circumstances, by means of this “Spill Report” we are formally requesting that regulations be enacted as soon as possible to prohibit the use of road salt on highway 404 north of Green Lane and any other provincial highway where road salting activities have the potential to contribute salt runoff into Lake Simcoe.

There are a number of environmentally benign salt substitutes that can be used to address these problems. We acknowledge that salt substitutes are more expensive than road salt but wish to point out that both the Province and the Federal Government have committed \$40 million to build a phosphorous recycling facility to improve phosphorus levels in Lake Simcoe. This project will essentially be money thrown away if we do nothing to also curb the chloride levels in Lake Simcoe. To allow this level of chloride loading of Lake Simcoe to continue unabated and subsequently be dramatically increased by construction of the Bradford Bypass is a failure to enforce Section 36(3) of the Fisheries and Oceans Act. Such a failure to enforce the law would be an unconscionable disregard for our national and provincial stewardship responsibilities concerning both our natural environment and the health of the human population which is reliant on the Lake Simcoe watershed.

The MTO intends to build the Bradford Bypass in this area. This new 8 lane, high speed, controlled access highway will dramatically increase the amount of salt discharged into both the East and West Branches of the Holland River. Both of these rivers drain into Lake Simcoe which is currently forecast to reach critical chloride levels within the next 36 years without the Bradford Bypass.

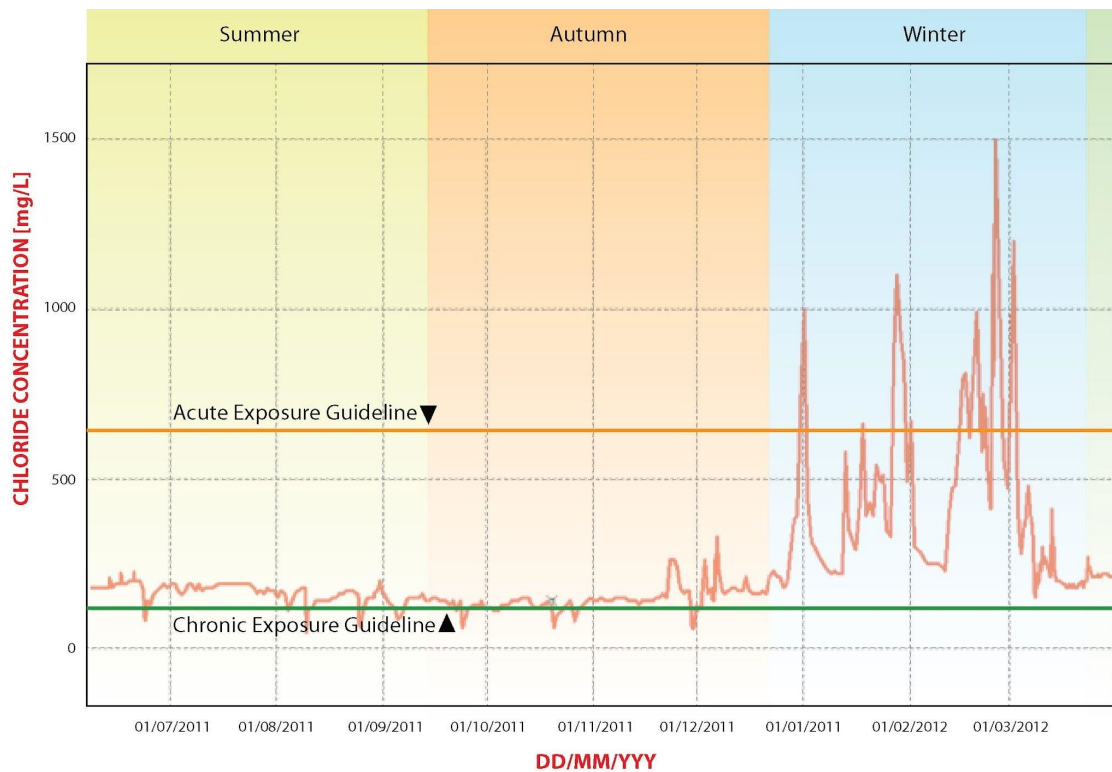
Below we highlight known chloride impacts to Lake Simcoe, the East and West Holland Rivers, and the Maskinonge River, all of which will be affected by the Bradford Bypass.

Lake Simcoe will reach the chronic chloride level in 36 years



Source: Message delivered Joelle Young, MOECP Water Quality
Lake Simcoe Science Event January 28th, 2021, Part of the LSPP review consultation
Ministry of the Environment, Conservation and Parks

Holland River impacts: Holland Landing Station Daily Chloride Concentrations (July 2011 - April 2012)



Source:

<https://www.lsrca.on.ca/Pages/Sodium-Chloride.aspx>

The chart below is from the Lake Simcoe Region Conservation Authority (LSRCA)'s 2015 study, *Identification of salt vulnerable areas in the Lake Simcoe Watershed*, which highlights: "In fact, Hotchkiss Creek, **East Holland River**, and North Schomberg River **have all exceeded the Federal guideline of 640 mg/L for short-term exposure for aquatic organisms several times since 2007.**"

There is more recent data available but they have not been analysed or presented for public viewers <https://www.ontario.ca/page/map-provincial-stream-water-quality-monitoring-network>

The salt problem is getting worse and the speed of degradation will probably increase with all the new development and roads planned for this area.

Summary of chloride trends at Lake Simcoe water quality stations

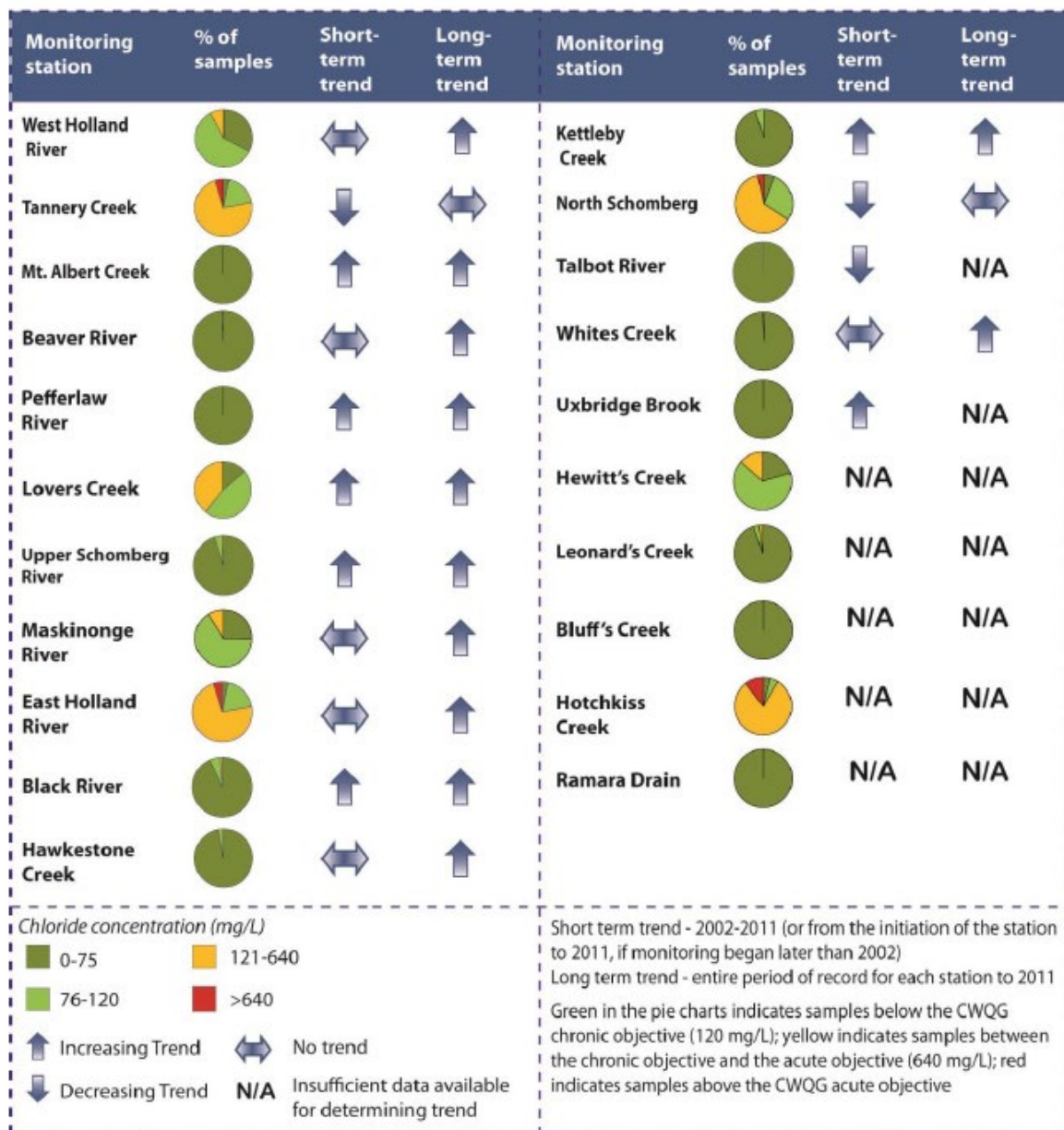


Figure 2. Summary of chloride concentrations at Lake Simcoe water quality stations (taken from LSRCA, 2013)

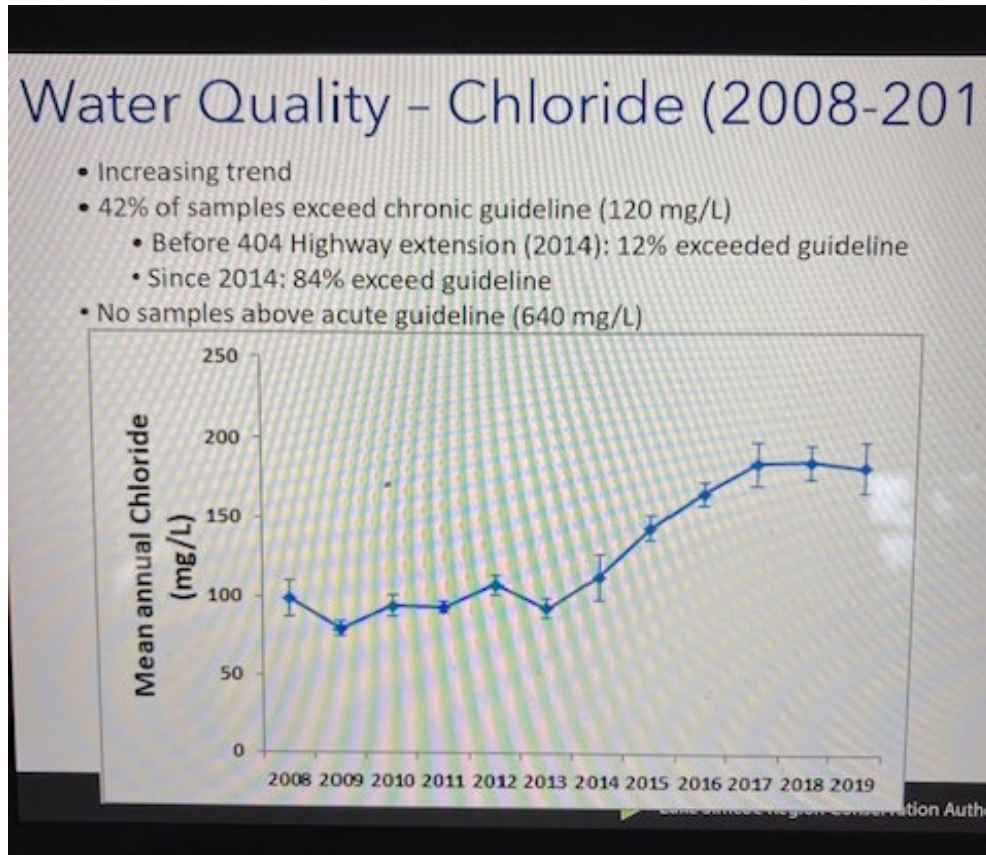
Source: Lake Simcoe Region Conservation Authority (LSRCA)'s 2015 study, *Identification of salt vulnerable areas in the Lake Simcoe Watershed*. p.2.

As you can see most of the long term trends are going up - meaning more chloride. Note the East Holland River.

How the chloride impacts of Highway 404 serve as a cautionary tale

This concern about salt pollution is raised because we have evidence that the salt mitigation measures used on the 404 highway have been ineffective at reducing salt pollution.

Before the 404, 12% of water quality samples on the Maskinonge River exceeded the chronic guideline for chloride. After the 404 was built 84% of samples exceeded the chronic guideline.



Source: Screen capture of a slide presented by the LSRCA to residents in the Maskinonge River subwatershed of lake Simcoe.

The construction of Hwy 404 north of Green Lane, as well as the expansion of the road network, shortened the previous time to critical salination for Lake Simcoe by approximately 11 years. The work was undertaken by the MTO at a time when regulatory controls and MoECP staffing levels were adequate. The fact that this project has resulted in further deterioration of the Maskinonge's water quality is evidence that the guidelines and mitigation approaches used to date are not effective enough.

The Lake Simcoe Region Conservation Authority (LSRCA)'s 2015 study, *Identification of salt vulnerable areas in the Lake Simcoe Watershed* says: "Areas where the greatest increases have been predicted include the south end of Cook's Bay in East Gwillimbury, particularly around Queensville (Figure 19). In addition to being a focal area for growth in the Lake Simcoe watershed, the Queensville area is primarily in **the headwaters of the Maskinonge River, which has characteristically low flows and limited groundwater discharge. As such, relatively little surface water runoff will be available to dilute salt applied to roads and parking lots in this area.** Increases in chloride concentration in this area are predicted to be as high as 6000 mg/L resulting in a **potential of increasing impacts to**

45 aquatic species (of a total of 47 included in analysis).

Stress upon stress is absolutely destroying the Maskinonge River.

⇒ ⇒ ⇒

There is no doubt that these rivers need relief, not more highways built and operated in the same ways that have contributed to their demise.

The Bradford Bypass poses further risks to rivers and Lake Simcoe

The proposed Bradford Bypass Draft Impact Assessment Report only looks at construction related impacts on Lake Simcoe. It totally ignores the cumulative salt impacts to Lake Simcoe caused by the long term operation of this Highway.



Before going ahead with the Bradford Bypass, we need a solution to the salt problem. Using salt alternatives has been proposed and tested; this is a time to insist that a salt alternative be used. It is important to understand that **Ontario proposes to use the same EA process** we have seen for the Bradford Bypass **on another 54 km of highway in the Lake Simcoe watershed** to the east, connecting Hwy 404 to Hwy 12. Either we deal with the salt problem as it is now, or we deal with this again in a decade when it is much worse.

The mitigation commitments contained in the Bradford Bypass Draft Environmental Impact Assessment v 2, July 13, 2023 are so non committal that we can have no confidence the problems caused by the extension of Highway 404 will not also occur with construction of the Bradford Bypass. Pg. 280 of the Draft Environmental Impact Assessment, July 13, 2023, (which can be found here <https://www.bradfordbypass.ca/study-process/>) shows that project mitigation commitments are just to follow best practices. If the same “best practices” were used on the 404 extension, then chloride pollution will increase, as it did on the Maskinonge River.

The Draft Environmental Impact Assessment for the Bradford Bypass makes no reference to the long term impacts of salt from this planned new highway. It totally ignores the formal resolutions of seven local watershed councils which specifically requested an impact assessment of this proposed highway on the future health of Lake Simcoe.

Detailed design of the Bradford Bypass is where the mechanisms to ensure the protection of surface groundwater are to be laid out. The province has left the very important and potentially expensive and challenging work to the free market when they get a design / build contract in place, which is the plan. That could happen this year.

We submit that this approach guarantees a perpetual conflict because every mitigation effort undertaken by the contractor will mean lower revenues for them. Thus the contractor will be under pressure to do as little as possible in order to make more money or avoid losing money, which is also a significant risk given the unstable ground over which this highway will be built.

Ontario and the Federal Government must demand that the polluters, in this case, these highways, stop polluting Lake Simcoe with salt. That is the pollution spill caused by substances entering water that we are reporting. If this pollution problem cannot be addressed through your agency, please tell us who to report this to.

What is Ontario going to do about this ongoing pollution problem? The entire lake is on an accelerated trajectory to reach the chronic chloride exposure level in 36 years. Disregarding this issue is simply issuing a *slow death* certificate to Lake Simcoe.

Sincerely,



Claire Malcolmson,
Executive Director, Rescue Lake Simcoe Coalition
RescueLakeSimcoeCoalition@gmail.com



C. William D. Foster
Chair, Forbid Roads Over Greenspaces
bfoster@frogs.ca

CC:

LSRCA CAO R.Baldwin@lsrca.on.ca

LSRCA Board via t.barnett@lsrca.on.ca

MoECP minister.mecp@ontario.ca

MTO minister.mto.@ontario.ca

MPP Khanjin andrea.khanjin@pc.ola.org

MPP Mulroney caroline.mulroney@pc.ola.org

Federal Regulator re Fisheries Act FPFA-PFLP@ec.gc.ca

GIFN Council

Town of Georgina info@georgina.ca

Town of East Gwillimbury clerks@eastgwillimbury.ca

Town of Bradford West Gwillimbury council@townofbwg.com

NDP Climate Action, Energy critic Peter Tabuns tabunsp-qp@ndp.on.ca

Liberal Environment, Conservation and Parks critic Sandy Shaw Sshaw-QP@ndp.on.ca

Green Party Leader Mike Schreiner mschreiner@ola.org

By Mail:

Georgina Island Administration Office

R.R.#2 Box N-13

Sutton West, Ontario L0E 1R0

Appendix D

Chloride levels in York Region drinking water will be further impacted by the Bypass.

Please note the York Region drinking water information about sodium levels, below. The drinking water well areas in the area of the Bradford Bypass are highlighted. They are currently all above 20 mg/L.

2023 Q2 Average Amount of Sodium – Milligrams per Litre

Ansnerfeldt	41.7
Aurora	20.7
Ballantrae	11.5
Georgina	34.7
Holland Landing	21.8
Keswick	35.1
King City	27.7
Kleinburg	18.3
Mount Albert	14.9
Newmarket	23.5
Nobleton	15.5
Queensville	20.7
Schomberg	21.5
Stouffville	53.5
York Water System — Vaughan	25.9
York Water System — Richmond Hill	16.0
York Water System — Markham	15.8

*The York Water System receives water from Peel Region and the City of Toronto.

York Region's Drinking Water Quality and Monitoring page says, "According to federal guidelines and provincial standards, the objective for sodium is 200 milligrams per litre (mg/L). Anything over 200 mg/L will affect the taste of the water. According to the law, the local Medical Officer of Health must be notified when the sodium in our drinking water is more than 20 mg/L, at which point the officer will notify local physicians. Local physicians will advise patients on sodium-restricted diets."

Source: York Region 2022 Drinking Water Report:

<https://www.york.ca/environment/water-and-wastewater/drinking-water-quality-and-monitoring>

The Bypass's final stormwater plan says, "Consult the Lake Simcoe and Black River Source Protection Area to identify applicable water quality policies and requirements for sensitive areas to chlorine within the Bradford Bypass project limits," pg 14⁸. We will follow up with these committees to find out if and when that would happen and what effect it has. But the wording itself is worrying as it is unclear who is to do this; who is responsible?

⁸ Final Stormwater Management Plan, September 2023.
https://www.bradfordbypass.ca/wp-content/uploads/2023/11/RPT_2023-09-28_GWP-2008-21-00-BBP_SWM-Plan_60636190_secured.pdf