

Minister Yurek
Ministry of Environment, Conservation and Parks
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Dear Minister Yurek,

June 14, 2021

Thank you for your letter dated June 2, 2021, regarding Lake Simcoe, the Bradford Bypass, the Upper York Sewage System and the review of the Lake Simcoe Protection Plan. We appreciate that your Ministry will consider our comments in the review of the Lake Simcoe Protection Plan (LSPP).

The point we wish to make, however, is that the possible approval of growth and infrastructure as currently proposed in the watershed will exceed the Lake's ability to manage development impacts. Clearly, neither the Growth Plan nor the LSPP adequately limits development to sustainable levels. It is your government's responsibility to plan for the future with all of these factors in play.

The LSPP was supported unanimously by MPPs at Queen's Park in 2008 because people of all political stripes want clean water. It will be increasingly difficult to maintain clean water with the impacts of climate change and invasive species. So we all have to work harder, and be far more careful with what we have today.

Bradford Bypass

It is for this reason that the LSPP contains a number of principles to guide our actions. In our analysis of the impact of the Bradford Bypass we were struck by the number of ways the Bradford Bypass violates the principles that all parties supported with the passage of the Lake Simcoe Protection Act in 2008.

Lake Simcoe Protection Act objectives affected by the Bradford Bypass:

- Reduce the discharge of pollutants to lake Simcoe and its tributaries
- Improve the Lake Simcoe watershed's ability to adapt to climate change
- Improve conditions for environmentally sustainable recreation activities...
- Promote environmentally sustainable land and water uses, activities, and development practices.

Lake Simcoe Protection Plan principles ignored by the Bradford Bypass:

- Precautionary approach: Caution will be exercised to protect the environment when there is uncertainty about environmental risks.
- Adaptive management approach: Continuously improve and adapt our approaches, policies, and management by incorporating new knowledge and innovative design, practices and technology from ongoing science and monitoring
- Sustainable development approach: Economies and communities in the Lake Simcoe watershed will need to continue to grow but must do so in conformity with provincial plans including this Plan, GP, GB Plan, ORMCP, PPS, so that growth is managed in a manner that sustains a healthy ecosystem, healthy communities and healthy economies.

Lake Simcoe Protection Plan objectives undermined by the Bradford Bypass:

- Achieve protection of wetlands
- Achieve a greater proportion of natural vegetative cover in the watershed
- Restore natural areas or features
- Achieve increased ecological health based on the status of indicator species and maintenance of natural biodiversity
- Other impacts: salt and phosphorus increases from roads, dissecting and fragmenting natural areas, migratory birds, climate change.

Please understand we do not think it is appropriate or responsible for a government to fast-track an ancient highway plan that makes a mockery of the effort to save Lake Simcoe in an astounding number of ways. There is no evidence that the objectives of the Lake Simcoe Protection Plan can be achieved with the Bradford Bypass in place. There are currently no mitigation measures for Bradford Bypass that have been demonstrated to protect and restore the health of Lake Simcoe.

Your letter indicates that your Ministry is still considering the ERO exemption for the Bradford Bypass. It also states that "a previous EA process has been completed and the effects are well understood". We disagree with this statement. I quote from the letter written by our lawyer Laura Bowman, at Ecojustice, to Federal Minister Wilkinson in March of 2021 (https://rescuelakesimcoe.org/wp-content/uploads/2021/02/20210203_Bradford_Bypass_EA_request.pdf)

The EA for this project was completed 23 years ago. It concluded that the project would cause adverse effects to fish habitat including severe stormwater and

groundwater impacts. The environmental assessment did not evaluate the impacts on species at risk, migratory birds or climate change. This study has not been updated.

It did not consider cumulative effects, climate change, or detail the impacts on natural heritage, migratory birds, fisheries, First Nations or discuss air pollution. The 1997 EA was approved by the Ontario Minister of the Environment under the Ontario Environmental Assessment Act in 2002. The 2002 Notice of Approval conditions required upgraded studies on archaeological resources, stormwater management, groundwater protection plan, noise, and compliance monitoring.

Pursuant to the Ontario Environmental Assessment Act the EA required 5-year updates through the streamlined, self-approved, class assessment process. However, the plans for the highway were put on hold in the mid-2000s. As a result, no 5-year updates were completed.

On July 8, 2020 the Ontario Government proposed to exempt the Bradford Bypass from completion of any environmental assessment updates, and to exempt the project from all existing conditions of approval including those mentioned above for stormwater management and groundwater protection. The project is proposed to be exempted from further environmental assessment studies before construction begins on early works, such as bridges and water crossings.

The 1997 EA also rejected, without any scientific basis, mitigation measures and impact studies recommended by experts such as the Lake Simcoe and Region Conservation Authority and the Ministry of Natural Resources for addressing loss of forest cover and wetlands and impacts from stormwater.

It has recently come to light that the building of highway 404 has increased salt pollution in the Maskinonge River. Before the 404, 12% of samples of river water quality tests exceeded the provincial acceptable chloride levels; post 404 74% of samples exceeded the acceptable chloride level. We believe there are little to no remediation techniques for this impact of highways. Lake Simcoe is on a trajectory to reach the chronic guideline level of 120 mg/L in 38 years. Building the Bradford Bypass as proposed would contribute to this problem in other sub-watersheds such as the East and West Holland River, as well as in the Maskinonge watershed.

As made clear by the statements above, the impacts to Lake Simcoe are not well studied or clear. If the province intends to fast track this highway project, then most of the communications driven by Minister Mulroney, and the MTO project team are disingenuous. It is vitally important that your government come clean about which studies will be done, when, and what can and cannot be changed based on those studies. We submit that it is entirely irresponsible to build bridge supports before environmental impact studies have been completed, before impacts to Lake Simcoe are known, understood, or are going to be mitigated.

We request a new full provincial individual EA, a complete update to the 1997 EA, including an examination of alternatives to a highway, and examination of need. We also would like a transparent review by the Federal government of endangered species and fisheries impacts.

Innisfil Council declined to “strongly” support the Bradford Bypass for these reasons. Barrie Council went further, passing a motion recommending a comprehensive impact assessment of the project on Lake Simcoe and vulnerable watersheds and inflows to Lake Simcoe, and that alternative routes be considered. We will continue to erode support for a project whose need has not been defined publicly, and which will negatively affect Lake Simcoe.

Upper York Sewage Solution

The news about Bill 306 and the Upper York Sewage Solution (UYSS) says that your Ministry is going to create an expert panel for the UYSS decision. We would like to respectfully suggest that the proper place for this conversation is the updating of the Lake Simcoe Phosphorus Reduction Strategy, which considers all sources of Phosphorus, and sets up plans for reducing those loads. We believe that it would be most transparent and fair if this Phosphorus reduction conversation were undertaken with all affected municipalities and First Nations.

The lack of transparency on the UYSS file is problematic as well. In the recent introduction of Bill 306 Minister Yurek, you have been quoted saying, “Protecting Ontario’s water resources, now and in the future, is a top priority for our government — but any changes to that system need to be based on the most current and accurate information,” said Yurek in a statement to Queen’s Park Today. “That is why the province is proposing legislation that would put a hold on the current application from York Region to expand its sewage servicing capacity using infrastructure going to Lake Simcoe and establishing an Expert Advisory Panel to provide us with recommendations on a path forward.”

We would like to know why this standard applies to a wastewater treatment plant but not to a highway? We would really appreciate it if this attitude were also apparent and applied to development planning.

Lake Simcoe is seriously stressed by growth, sewage, inadequate natural heritage protection, salt, invasive species, and climate change. The solutions to these problems are cross jurisdictional, and require new ways of making decisions that affect multiple Ministries and municipalities. Please bring together the Lake Simcoe watershed municipalities and First Nations to discuss in a transparent way, how we can save Lake Simcoe together, while sharing the benefits that a healthy Lake and watershed bring to our area municipalities.

Sincerely,

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