

Brock Council  
Via Clerks

Rescue Lake Simcoe Charitable Foundation  
120 Primeau Dr.  
Aurora, ON  
L4G 6Z4



## Regarding the Bradford Bypass and letter from Barrie

Dear Mayor Grant and Brock Council,

July 5, 2021

It is our understanding that all Lake Simcoe municipalities have received a letter from the City of Barrie that reflects that Council's position on the Bradford Bypass. We urged Barrie Councillors to pass such a motion as Barrie Council has a clear understanding of the importance of the health of Lake Simcoe for the viability of their waterfront area, among other things. Though Innisfil Council could not come to an agreement about a motion, were stalemated and did not pass a resolution, we were pleased that Innisfil Council did not "strongly support" the Bradford Bypass. We appreciate these Council actions.

Now that all Lake Simcoe area municipalities have received correspondence on this item from Barrie, we would like to support other Councils in passing similar motions to signal to the province that their Bradford Bypass EA proposal is inadequate to protect the health of Lake Simcoe and our delicate climate.

Indeed, the Ontario Society of Professional Engineers (OSPE) wants the provincial government to examine alternatives, like public transit. OPSE CEO, Sandro Perruzza, acknowledged "the project could create jobs for engineers, but said the profession also has a duty to protect the public and the environment. .... Before the project should proceed, an updated environment assessment (should) be done by qualified professional engineers."<sup>1</sup>

Ontario's Auditor General also has reservations about the province's Environmental Assessment system. In a letter to 413 activist Jennie Leforestier, the Auditor General says

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<sup>1</sup> <https://www.nationalobserver.com/2021/06/10/news/ontario-engineers-raise-red-flags-about-bradford-bypass>

that 81% of her office's recommended actions for the EA process following an audit of the program in 2016 are still outstanding.<sup>2</sup>

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. To that end, the Lake Simcoe Protection Plan (LSPP) was supported unanimously by MPPs at Queen's Park in 2008 because people of all political stripes want clean water. The LSPP lays out a path to recovery, but the lake's recovery will be undermined by the Bradford Bypass and uncoordinated urban / suburban growth.

The 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

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.

A recent letter from Environment Minister Jeff Yurek to our organizations claims 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:

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.

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<sup>2</sup> Letter from Auditor General Bonnie Lysyk, dated May 18, 2021, to Jennie Leforestier regarding EAs and provincial highway plans: "In 2016, my Office published a value-for-money audit report on the province's environmental assessment process. The report included 12 recommendations, consisting of 21 actions, to address our audit findings. Recommendations in this report were intended to help achieve the objectives of the Environmental Assessment Act, which was designed to ensure the protection, conservation and wise use of the environment prior to proceeding with activities that could harm the environment. As part of our normal process, we conduct a follow-up audit after two years to determine the status of implementation of recommendations. We continue to follow-up on recommendations every year after the standard two-year follow-up until every recommendation is either fully implemented or no longer applicable. As of March 31, 2020, 17 of the 21 recommended actions, or 81%, were still outstanding. We will continue to follow-up on these recommendations and publicly report the implementation rates as part of our Annual Report."

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.<sup>3</sup>

To be perfectly clear, on the Environmental Registry of Ontario, the Province is still considering an exemption to the EA Act for the Bradford Bypass<sup>4</sup> which would mean they would not do many of the activities listed on their project website.<sup>5</sup>

There are currently no mitigation measures for Bradford Bypass that have been demonstrated to protect and restore the health of Lake Simcoe. Take salt, for instance. Lake Simcoe is on a trajectory to reach the chronic guideline level of 120 mg/L in 38 years. It has recently come to light that the building of highway 404 has increased salt pollution in the Maskinonge River<sup>6</sup>. 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. Building the Bradford Bypass as proposed would contribute to this problem in

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<sup>3</sup> Letter to Minister Wildonson, February 2021 [https://rescuelakesimcoe.org/wp-content/uploads/2021/02/20210203\\_Bradford\\_Bypass\\_EA\\_request.pdf](https://rescuelakesimcoe.org/wp-content/uploads/2021/02/20210203_Bradford_Bypass_EA_request.pdf)

<sup>4</sup> <https://ero.ontario.ca/notice/019-1883>: Proposal to exempt various Ministry of Transportation projects from the requirements of the Environmental Assessment Act.

<sup>5</sup> <https://www.bradfordbypass.ca/ea-process/> MTO project site.

<sup>6</sup> Presentation to Friends of the Maskinonge by LSRCA staff, on Zoom, June 2, 2021.

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 for municipal governments to demand that the province 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. For us this fight is far from over.

**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.**

Finally, the ultimate irony. In the recent introduction of Bill 306,<sup>7</sup> *York Region Wastewater Act*, Minister Yurek was quoted saying to Queen's Park Today, "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. 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." This standard should apply equally to a wastewater treatment plant and a highway. We would 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. We have asked the province repeatedly to 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. We hope you will do the same.

We are asking your council to support Barrie's motion in your municipality and notify MTO and MOECP that you would like the impacts to Lake Simcoe fully studied before any early works or construction can begin.

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<sup>7</sup> <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-306>

Sincerely,

Claire Malcolmson

Executive Director, Rescue Lake Simcoe Coalition

[www.rescuelakesimcoe.org](http://www.rescuelakesimcoe.org)

Margaret Prophet

Executive Director, Simcoe County Greenbelt Coalition

<https://simcoecountygreenbelt.ca/>