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August 13, 2007

SUBMISSION OF:
ONTARIO SMART GROWTH NETWORK
TO
ONTARIO MINISTER OF THE ENVIRONMENT

IN THE MATTER OF:
PUBLIC REVIEW OF TESR #3 (MINISTRY OF TRANSPORTATION)

SUBMITTED: AUGUST 13, 2007

About Us

Formed in 2003, the Ontario Smart Growth Network brings together organizations that are working to stop urban sprawl and promote sustainable, compact and healthy communities across Ontario. The Network is part of a broader North American smart growth movement involving national, provincial and statewide organizations as well as local community organizations.

We believe that there are three basic requirements with respect to achieving the principles of smart growth in Ontario: stopping urban sprawl, fostering healthy communities, and supporting community involvement in planning.

Introduction

The policy context for the extension of Highway 404 has changed dramatically since 2002. We now have comprehensive provincial planning legislation in the Places to Grow Act, Revised Provincial Policy Statement and the Greenbelt Act. A person born in northern York Region in 1985 would be 22 years old today, and not have had a chance to participate in the first EA.

In 2002 there was a different government in office, with a different planning vision for northern York Region, the GTA and Ontario. A government, which had a vision of highways and more highways as a solution to gridlock in the GTA, made the 2002 approval for the extension of Highway 404. A government, which lacked a vision of smart growth, approved the extension.

The Ontario government's award winning Places to Grow legislation did not exist and Highway 404 was envisioned as extending well into the Lake Simcoe region. In 2002 an individual EA of less than 100 pages for a

major highway was submitted to the Ministry of the Environment for approval, and it got it. But the approval came with conditions, one of which was conducting the Class EA that is the subject of this bump-up request.

We believe Ontarians deserve better than the expensive, sprawl-driving highway infrastructure projects of the past. We believe that the context has changed this into a significantly different plan and project than it was a decade ago when the previous EA was completed. Ontarians deserve infrastructure that supports smart growth, not sprawl.

The extension of Highway 404 is a highway to nowhere; it is a highway that can only lead to excessive, uncontrolled growth into the provincially designated greenbelt areas. Keswick and Sharon both already have official plan amendments in the works that – driven by the extension of Highway 404 – encroach on the newly designated Greenbelt. This Class EA clearly shows that the highway won't be needed or justified until at least ten years after its planned completion, if not longer. This EA will test the mettle of the Provincial government's commitment to preserving agricultural lands, green space, wetlands, and curbing sprawl.

Executive Summary

1. The EA submitted by MTO is a new “undertaking” for the purpose of the Ontario Environmental Assessment Act.
2. The EA fails to address the requirements in MTO's statement of environmental values, and therefore the requirements set out in *Class EA for Provincial Transportation Facilities* (1997).
3. The EA fails to address the “no negative impact” requirements of the Provincial Policy Statement (2005) and the Greenbelt Plan (2005).
4. The EA is incomplete.

Requests

1. That the Minister “bump up” the environmental assessment of the design to a full EA under s.16 of the OEAA; and
2. That the Minister refer the environmental assessment to a full hearing under s.7.2(3) of the OEAA; and
3. That the Minister review the original 2002 approval to ensure it accords with new provincial smart growth policies: Places to Grow, the Greenbelt Act and the 2005 Provincial Policy Statement under s.11.4 of the OEAA.

Background

The examination of the extension of Highway 404 into northern York Region started in 1992. Approval of the Environmental Assessment for that project was not received until ten years later.¹ The approved extension of Highway 404 includes 45 kilometres of new four-lane freeway from Davis Drive in Newmarket to Highway 48 east of Pefferlaw. It also includes the twinning from two to four lanes of nine kilometres of the existing Highway 48 to Highway 12/48. However, this approval² contained a lengthy list of 17 conditions, which had to be met by MTO to proceed with the project.

In May 2004, the Ministry of Transportation initiated the Class Environmental Assessment for the preliminary design of the Highway 404 Extension from Green Lane northerly to Woodbine Avenue/Ravenshoe Road.

1) The EA submitted by MTO is a new “undertaking” for the purpose of the Ontario Environmental Assessment Act

¹ *W.P. 299-86-00 Highway 404 Extension – Davis Drive to Highway 12 – Route Planning and Environmental Assessment* – December 1997

² OIC 1530/2002

The EA completed one decade ago by MTO between 1992 and 1997 assumed that Highway 404 between Green Lane and Ravenshoe Road would consist of a four lane divided highway. It is our submission that the change from a four to a six lane highway in the last decade is not a “design refinement” for the purposes of the terms of reference. Rather, such a dramatic alteration of the highway is a new “undertaking” for the purpose of s.5 of the Ontario *Environmental Assessment Act*. The environmental effects in terms of noise, salt, air pollution and the footprint of the actual highway have the potential to be significantly different.

The summary comparison of alternative 1 (4 lanes), and alternative 2 (6 lanes) notes these changes, but does not take them into consideration.³ No comprehensive review of the change is included in TESR #3.

Fish and aquatic habitat

For example, the TESR notes that the increase to six lanes will result in:

Slight increase in wetland removal anticipated at MR16 with wider footprint (perhaps 2 to 5 %) – shallow marsh type. However, wider footprint may increase risk of edge intrusion into riparian wetland associated with MR13. Anticipate about 4.7 ha of Unit 17 wetland removed (increase of about 4%) assuming about a 5 m footprint widening to east (further into wetland). Stormwater management facility in vicinity of the Woodbine Avenue interchange can be located outside PSW on west side of Woodbine Avenue.⁴

The evaluation of such a dramatically different impact is clearly insufficient. This explanation contains absolutely no evaluation of the environmental impact of this change. What will be the impacts on the quality of the Maskinonge River Wetland Complex (“MRWC”), the wildlife and fisheries therein of removing almost 5 additional ha of this provincially significant wetland? There is no EIS associated with this change for public review.

These changes cannot be overstated, as the true environmental impact of this dramatic increase in size on aquatic habitat in the study area and beyond remains shrouded in mystery. Take for example, this statement made in the Alternative 1 vs. 2 section of the TESR.

Alternative 2 requires longer culverts than Alternative 1. This results in slightly larger fisheries impacts and wildlife crossing impacts. These impacts are not considered significant because the culverts can be oversized to facilitate wildlife crossing and the fish habitat affected is not considered significant and can be mitigated.⁵

First, this comment acknowledges “larger fisheries impacts” and then denies the significance of those impacts without any supporting evidence. It is our submission that this aspect of the EA requires re-evaluation. Fish habitat is protected by federal law, whether or not it is “significant” and in any case, the habitat has already been designated provincially significant and is protected by “no negative impact” policies, which are not described, addressed, or evaluated. In the 1997 EA it was expected that the crossings would have “high fisheries impacts” including the loss of pike spawning grounds, in this EA these impacts are constantly avoided, dismissed or not mentioned at all.

Traffic Volumes, Noise, Air Pollution

The comparison between four and six lanes is incoherent and fails to evaluate this change in terms of noise. The TESR claims, “Each alternative has the same noise impacts, as the daily future traffic volumes are constant and the difference in proximity of the edge of pavement to noise sensitive receivers are similar.”⁶

³ This begins at p.81 of TESR #3

⁴ TESR #3 p.81

⁵ TESR #3 p.82

⁶ TESR #3 p.82

The extension of Highway 404 is to promote future growth in the East Gwillimbury area, which is a growth “node” under the Places to Grow Plan. Future growth in that area is contingent on the building of Highway 404. Therefore the size of Highway 404 and the resulting traffic volumes are not two disconnected, unrelated processes. TESR #3 does not justify this approach to evaluating the impacts of highway expansion with any data proving that wider highways do not result in higher traffic volumes. Nowhere in TESR #3 is there any analysis supporting this conclusion, which assumes rather than shows that a wider highway has zero impact on future growth and traffic volumes.

Six lanes not consistent with Places to Grow

Places to Grow removed the Bradford-Bypass project as a priority project after extensive planning and policy development and following comprehensive public consultation. The area encompassing the Bradford Bypass is now in the provincial greenbelt plan, and contains an evaluated environmentally significant area. The EA supporting this project will be over a decade old when the 404 extension is built. Yet, the possible addition of the Bradford Bypass highway 400 connection is cited as one of the reasons in TESR #3 for the expansion from four to six lanes,⁷ as well as the reason for the design of the Queensville Sideroad interchange. We submit that building the highway to facilitate “Ghost Growth” that is inconsistent with Places to Grow and the Greenbelt Plan north and west of the proposed 404 extension is not an acceptable reason to drastically modify this project.

Overall, these changes are dramatic and significant, and merit a bump-up of this EA because a six lane highway is a new “undertaking” for the purpose of the act. Proponents should not be left to make major alterations to the size and nature of such a large infrastructure project at the class EA level.

2) The EA fails to address the requirements in MTO’s statement of environmental values, and therefore the requirements set out in *Class EA for Provincial Transportation Facilities (1997)*

The Class EA for design is a Group A project under the Class EA for Provincial Transportation Facilities document.⁸ This document describes the requirements of the class EA as follows:

The proponent shall take all reasonable steps to ensure that:

- The existing environmental conditions relevant to the project are recognized;
- Reasonable alternatives are considered and that appropriate project design, construction and environmental protection strategies and details are developed to address “significant environmental concerns”; and
- Commitments to project-specific design and construction solutions are implemented.

Subsection 4.2.1 of the Provincial Transportation Facilities Class EA guide, sets out a number of environmental protection principles, including the need to meet the intent of other provincial policies, identifying existing environmental conditions, and address MTO’s statement of environmental values which themselves include

- Reduce transportation-related air emissions.
- Reduce transportation-related discharges of contaminants to water.
- Improve salt management practices and to minimize releases to the environment.
- Promote the efficient and prudent use of water in its activities.
- Conserve and preserve lands whenever possible and practical.
- Protect natural habitats whenever possible and practical.
- Promote an integrated transportation system and the use of public transportation and other alternative forms, including non-motorized transportation options in Ontario.
- Consider energy efficiency when planning transportation systems.
- Research and develop environmentally-compatible transportation technologies and methods
- Encourage the reduction, reuse and recycling of materials in all facets of its business.
- Be conscious of the energy efficiency of ministry buildings and transportation fleet.
- Give preferred status to environmentally friendly products and processes.

⁷ Letter in Appendix to TESR #3 from URS consulting to Town of East Gwillimbury March 15/07.

⁸ OIC 1653/99 as amended.

Likewise, section 14(2)(4) of the Ontario Environmental Assessment Act requires that the expected range of environmental effects that may result from proceeding with undertakings in the class be assessed in the Class EA context.

- i) The EA is project-specific and therefore fails to address the cumulative effects of sprawl and the relationship of sprawl to highways.

The Transportation Environmental Assessment Study makes no mention of the effect of sprawl on northern York Region and Durham. Both York and Durham regions have planned the dramatic expansion of their constituent communities based on the northward extension of Highway 404. There is a direct relationship between highway construction and planning options and opportunities in Northern York, and Durham.

Sprawl has many known social, health and environmental effects that will be cumulative with those of the highway. These include increase in diabetes, obesity and hypertension,⁹ poor air quality, farmland loss and food supply and security difficulties,¹⁰ increased use of fuel and the related social, environmental, health and economic costs of that fuel use.¹¹

TESR #3 ignores totally the causal relationship between the extension of Highway 404 and sprawl in the northern GTA.¹² The relationship between growth and highway extension in Northern York Region is obvious and clear. Every town and regional official plan mentions this relationship. The extension of Highway 404 is used to explain numerous settlement area expansions in East Gwillimbury and Georgina, both finalized and proposed in Queensville, Sharon, Keswick and elsewhere. Some of these are described on pages 55-56 of TESR #3.

We submit that TESR #3 must include the cumulative effects of sprawl related to the highway expansion to fulfill the requirements of s.14 of the Ontario *Environmental Assessment Act*.

- ii) The Air Quality Assessment in TESR #3 is inadequate.

Air emissions are specifically referenced as an item for study as part of the Group A Class EA process for provincial transportation facilities. However, the study used in TESR #3 for the extension of Highway 404 simply regurgitates Provincial AAQC guidelines, without analysis of the health impacts of the increases described, or the cumulative health impacts taking into consideration the background air quality.

This is a failure to use an ecological approach, the approach mandated by provincial policy. An ecological approach demands specific analysis of the environmental impacts, not simply a statement of the predicted compliance with the Ministry of the Environment's Statement of Environmental Values. Provincial guidelines are not a panacea and do nothing to describe or further understand the actual environmental impact of a proposed undertaking.¹³ As the Environmental Review Tribunal recently noted:

An ecosystem approach is about preventing ecological consequences of the total load of human activity, wherever or whenever the sources of that impact may originate. Under an ecosystem approach, it does not matter how much of which contaminant is coming from which facility. What matters is the cumulative or overall ecological impact to which the approved activity is contributing. Therefore, an ecosystem approach requires a consideration of cumulative impacts and baseline conditions.¹⁴

There is no consideration of any potential health impacts from air pollution in TESR #3, even if the predicted contaminant levels are accepted. The cumulative impacts of sprawl surrounding the highway and increased

⁹ Smart Growth America, the Health Effects of Sprawl ,<<http://www.smartgrowthamerica.org/report/HealthSprawl8.03.pdf>>

¹⁰ <http://www.sprawlwatch.org/health.pdf>

¹¹ Ontario College of Physicians, The Health Effects of Sprawl (2005)

<<http://www.ocfp.on.ca/local/files/Communications/Current%20Issues/UrbanSprawl.pdf> >

¹² Owen D. Gutfreund, Twentieth Century Sprawl: Highways and the Reshaping of the American Landscape, Oxford University Press, Oxford (2004),

¹³ See *Dawber v. Ministry of the Environment* (2007) Environmental Review Tribunal.

¹⁴ Ibid.

background levels are not predicted. This is not consistent with MOE's SEV or the SEV of the Ministry of Transportation.

3) The EA fails to address the “no negative impact” requirements of the Provincial Policy Statement (2005) and the Greenbelt Plan (2005).

The Maskinonge River-Wetland complex

The Maskinonge River Wetland complex (“MRWC”) is a provincially significant wetland evaluated as recently as 2004 by the Ministry of Natural Resources. This complex is therefore a “natural heritage feature” under both the 2005 Provincial Policy Statement and the Greenbelt Plan, as it is located within the “protected countryside” areas of the Greenbelt Plan.

Subsection 2.1.6 of The Provincial Policy Statement (2005) reads:

Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Subsection 3.2.2 of the Greenbelt Plan (2005) reads:

New *development or site alteration* in the Natural Heritage System (as permitted by the policies of this Plan) shall demonstrate that:

- a) There will be no negative effects on *key natural heritage features or key hydrologic features* or their functions;
- b) *Connectivity between key natural heritage features and key hydrologic features* is maintained, or where possible, enhanced for the movement of native plants and animals across the landscape;
- c) The removal of other natural features not identified as *key natural heritage features and key hydrologic features* should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible; and
- d) The disturbed area of any site does not exceed 25 percent, and the impervious surface does not exceed 10 percent, of the *total developable area*, except for uses described in and governed by sections 4.1.2 and 4.3.2. With respect to golf courses, the disturbed area shall not exceed 40 percent of the site.

Significant portions of the Highway 404 extension to Ravenshoe road propose to impinge on the MRWC, affecting tributary creeks, adjacent woodlands,¹⁵ and water quality. Yet no mention is made in this EA relating to how the “no negative effects” and “no negative impacts” requirements above will be achieved. Instead the EA surveys broad mitigation proposals for these features and states that an Environmental Impact Study will be prepared later on.¹⁶ This is not sufficient to show that the approval of this EA is consistent with other Provincial policies cited above.

Perhaps the most egregious example of this concerns the decision to place an interchange (Woodbine/Ravenshoe) and a commuter parking lot in the wetland. The TESR states:

From an overall perspective, the benefits of a commuter parking lot (i.e. supporting the Province's HOV Strategy) outweigh the minor incremental impact (approximately 0.6ha) to the Provincially Significant Wetland (EA Unit 17), particularly given the transitional and somewhat disturbed nature of this part of the wetland.

¹⁵ TESR #3 p.43-44

¹⁶ TESR #3 p.23

This comment minimizes the significance of a wetland, which the Ontario Ministry of Natural Resources has already evaluated and found to be significant. This section of the TESR fails to comply with the 2005 Provincial Policy Statement, which demands that no negative impact on the MRWC. TESR #3 does not even attempt to address this requirement.

No coherent explanation is given for how the proposed mitigation of planting vegetation will result in no negative impact. The only alternative location for the parking lot suggested was Alternative 4 and this was not evaluated because it was “out of the way” and presented “access concerns” and implied that it would increase traffic at the Woodbine/Ravenshoe intersection. This is illogical since, if commuters park at a commuter parking lot and carpool or take transit from this location, traffic volumes would be reduced. These concerns are not justified in TESR #3. Remarking that something is “out of the way” or presents “concerns” of a non-specific nature is not sufficient to demonstrate that there is no reasonable alternative in accordance with the PPS.

As for the interchange, the only explanation for not routing the Woodbine/Ravenshoe interchange on Ravenshoe, away from the MRWC, is that “existing grading” does not make this option desirable. Once again, this is not sufficient to be consistent with the PPS.

Not only is the explanation of mitigation insufficient, the TESR actually concludes that the project does not meet the “no negative impact” requirements of the PPS or the Greenbelt plan finding ultimately that “the overall scale of residual negative effects is low to moderate.”¹⁷ Not only impacts on fisheries, but on other aquatic organisms are admitted, including amphibians in the study area.¹⁸ In the 1997 EA it was expected that the crossings would have “high fisheries impacts” including the loss of pike spawning grounds, and alterations to other habitat functions such as feeding and refugia. The habitat in the channels provides feeding and refugia habitat for minnow species and possibly seasonal spawning habitat. However, in this EA these impacts are constantly avoided, dismissed or not mentioned at all.

The utter disdain for the natural heritage policies in the PPS and the Greenbelt Plan are evident throughout TESR #3, despite MNR designations as natural heritage features under the PPS and the Greenbelt Plan, aquatic habitat is routinely described as “marginal”, “poorly defined,” or “intermittent”. Specific policies in the Greenbelt Plan and the PPS are not addressed or considered, despite requests from MNR for these additions.¹⁹ In our opinion the only thing that is “poorly defined” is MTO’s commitment to protect our waterways and fish habitat.

4) The EA is incomplete

i) TESR #3 fails to adequately describe or explain the need for the project, or the traffic volume predictions it uses to justify the addition of lanes.

TESR #3 claims that the traffic “problem” identified in the 1997 EA for the 404 extension remains substantially the same, and then notes that traffic volume needs were reassessed for TESR #3 with a 2031 planning horizon and using growth predictions in the Places To Grow plan and municipal Official Plans. However, it is not clear how this reassessment of traffic volumes meets condition 6 of the 2002 EA approval. This condition is not mentioned or explained in TESR #3. Moreover, the EA is inconsistent about how future traffic evaluations play into construction timing.

For example on p.4 TESR #3 states:

Based on traffic modelling undertaken as part of this study, it is anticipated that these conditions will be reached in the year 2024. However, given that this is based on the results of a traffic modeling exercise, and not on actual traffic volumes, it is recommended that future operational studies be undertaken at this intersection between 2021 and 2031 to monitor and confirm traffic volumes/operations/queues at this intersection. If and when it is demonstrated that these operational conditions have been reached at the Woodbine Avenue/Ravenshoe Road intersection, the Ministry of Transportation will construct the arterial road extension from Woodbine Avenue to Ravenshoe Road within 5 years.

¹⁷ TESR #3 p.174

¹⁸ TESR #3 p.182

¹⁹ November 15/2006 letter from MNR to URS consulting in appendix to TESR #3

Later in TESR #3, 2013 is routinely used as the construction date, however the statement above appears to indicate that there is not yet any demonstrated need and will not be until ten years after construction. This too, begs the question of why the lane expansion is necessary.

It appears that the March 2007 promise of federal funding for the Highway 404 project has clouded or replaced the careful planning embodied in the above quote. Whatever the funding source, if Highway 404 is not needed for another ten years to handle traffic volumes, why should taxpayers pay for and build it now?

ii) Archaeological and cultural resources

A key condition of the 2002 approval of the 404 extension EA was that stage III archaeological assessments are completed for the highway route. Condition number 7 of that approval states:

The proponent shall prepare at the commencement of individual design studies a stage III archaeological assessment for review and comment by the Ministry of Culture. Stage III Archaeological assessment shall comply with the protocol established between the proponent and MC. The stage III archeological assessment shall be reviewed and approved by the MC. The proponent shall implement the recommendations and findings of the approved stage II archaeological assessment in the design and construction of the undertaking.

No stage III archaeological assessments have been completed for the proposed route. Instead, TESR #3 describes the vast majority of the route as "Stage II assessments to be completed." This precludes effective consultations with Huron-Wendat and Georgina Island First Nation stakeholders since the necessary information about potential burial sites, and other archaeological finds are not available for public review, First Nation review, or the review of the Ministry of Culture.

The presence of archaeological resources is highly relevant to the appropriateness of the route in the design. It is also highly relevant to the issue of whether the consultation process used for First Nations in the area is sufficient to meet the Crown's duty to consult. The absence of a clear demonstrated effort, such as requests to current landowners to conduct archaeological evaluations renders this EA incomplete. If archaeological assessments are not completed as part of the Class EA, First Nations are cut out of a valuable public review opportunity in the review period.

An April 2007 letter to the Wendat regarding four archaeological sites that have been identified within the ROW (three are lithic scatters 17th C Wendat ceramics) went unanswered and it is not mentioned at all in TESR #3. This is a major oversight that requires remedial efforts on the part of MTO.

iii) Plant and wildlife evaluations are incomplete

The identification of the rare butternut tree along the route of the highway in three locations is not subjected to any clear mitigation efforts or alternatives. No alternative routes are considered in TESR #3 to avoid the trees, no replanting efforts are committed to, despite MNR's helpful comments on this point. TESR #3 tries to minimize the significance and importance of this endangered tree listed in schedule 1 of the federal Species At Risk Act. Despite acknowledgement of this in the original EA, and concerns raised by MNR, MTO has refused to secure lands for replanting.

Other residual environmental effects described in the study, after mitigation are as follows:

- Reduction of forest size and habitat quality (Unit 7, 8a, 9, 11, 13,14)
- Reduction in habitat for migratory birds
- Removal of butternut
- Removal of open meadow and marsh
- Salt spray zone will encompass portions of bordering meadow marsh and east forest block.
- Noise in meadow marsh and east forest patch.

Even the re-routing in Unit 14, which TESR #3 mentions as a "mitigation" effort to move the route of the highway away from the MRWC involves the removal of significant vegetation, which is a part of, and within 50m of MRWC and therefore part of the natural heritage features in provincial policies.

iv) Water quality issues related to stormwater management are not addressed

In September 2006, further information on water quality and flow was requested as they related to the stormwater management plan (a condition of the 2002 approval). However, the responses from URS consulting (October 23, 2006) related only to flow, and did not address water quality in the stormwater pond discharges. The description of the effectiveness of bioswales in the numerous uncontrolled discharge areas not covered by stormwater management facilities was as follows:

“With regard to the degree of quality control provided by these measures, this is not possible to quantify, as there is currently no standard by which to measure their effectiveness.”

We submit that Provincial Water Quality Objectives and “no negative impact requirements” of provincial policies are perfectly reasonable standards by which to measure the effectiveness of stormwater measures. TESR #3 does not use or apply these standards. The MOE response dated Nov 16/06 indicates that the conditions of the 2002 approval are “substantially” met but does not follow-up on the request for water quality information from the stormwater plan. Even after this oversight, MTO proposed to alter their plans to add further bioswales in an area of high aquifer vulnerability – a major change to the stormwater plan made as late as February of this year without any detailed explanation in TESR #3 as to how the effects of this change would be mitigated or what alternatives were considered.

v) Town requests for further bicycle access, carpool lots, pedestrian sidewalk and trail access, and realignment of the Maskinonge received no clear response

The Town of East Gwillimbury made reasonable requests related to the need for better pedestrian access, more interchanges, wildlife linkages, and the addition of extra carpool lots that are predominantly smart growth suggestions. MTO provided no clear explanation for why no additional carpool lots were considered and made no improvements to pedestrian linkages and access. This fails to comply with Places to Grow, which requires municipalities to ensure integration of pedestrian and bicycle networks into transportation planning.

vi) Numerous important issues are left unexplained

TESR #3 is vague and inconsistent, including:

- Repeated references to possible PTTW applications required but with no details of where, or whether these would occur in areas of high aquifer vulnerability.
- Constant references to “limited potential for fish use” in areas that are clearly fish habitat or MNR designated provincially significant wetlands.
- References to engineering problems (ex. Grades at Ravenshoe Road) precluding alternatives that are not clearly justified or explained.
- Failure to explain or justify the Queensville sideroad interchange in a manner consistent with Places to Grow (i.e. assuming no Bradford Bypass to 2031).
- Failure to clearly identify the location of Mt. Albert Creek, or to explain why no alternative route for the Doane Road crossing was considered. Doane road design explained as “increasing radius of curve” with no explanation of why this is necessary. No analysis of how future interchange might impact Mt. Albert Creek and forested area adjacent to it.
- Insufficient plant inventories for EA Units 3, 8a, 10, and all EA units for butternut and waterleaf in EA unit 9.
- The highway extension goes right through EA unit 9, which is a woodlot. This route alignment also brings it very close to MRWC, and causes the SWMP to be right next to MRWC.

Conclusion

The extension of Highway 404 is not “smart growth” and in our submission, this is why TESR #3 presents a disorganized, confused disdain for provincial smart growth policies, protection of wetlands, greenbelt protection, fiscal responsibility and environmental values. Obvious design alternatives were cursorily dismissed at the Woodbine/Ravenshoe interchange despite many helpful suggestions from MNR.

Requests

For the reasons stated in this submission, Ontario Smart Growth Network requests:

1. That the Minister “bump up” the environmental assessment of the design to a full EA under s.16 of the OEAA; and
2. That the Minister refer the environmental assessment to a full hearing under s.7.2(3) of the OEAA; and
3. That the Minister review the original 2002 approval under s.11.4 of the OEAA to ensure it accords with new provincial policies for places to grow and the Greenbelt, as well as the 2005 provincial policy statement.

If you have any questions about our bump-up request, please contact Janet May at 416 533-1635 ext 3.

Yours sincerely,

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