



Impact Assessment
Agency of Canada

Ontario Region
600-55 York Street
Toronto ON M5J 1R7

Agence d'évaluation
d'impact du Canada

Région de l'Ontario
600-55 rue York
Toronto ON M5J 1R7

February 12, 2021

Sent by email

Chief Emily Whetung
Curve Lake First Nation Government Services Building
22 Winookeedaa Road
Curve Lake, ON K0L 1R0
<Email address removed>

Dear Chief Emily Whetung:

**Subject: Designation Request for the Proposed Bradford Bypass Project
under the *Impact Assessment Act* – Please Reply by March 5, 2021**

On February 3, 2021, the Minister of Environment and Climate Change received a request to designate the proposed Bradford Bypass Project under subsection 9(1) of the *Impact Assessment Act* (IAA). The designation request from Ecojustice, on behalf of Rescue Lake Simcoe Coalition and Simcoe County Greenbelt Coalition is enclosed (Enclosure 1).

The Proposed Project

The Ontario Ministry of Transportation is proposing the construction and operation, including maintenance, of a new 16.2-kilometre four-lane controlled access all-season public highway. As proposed, the Bradford Bypass Project (also known as the Highway 400-404 Connecting Link, the Highway 400-404 Extension Link or the Holland Marsh Highway) would connect Highway 400 in Bradford West Gwillimbury (Simcoe County), and cross north King Township, to Highway 404 in East Gwillimbury (Regional Municipality of York) in Ontario. The corridor would require a new 100-metre wide right of way, and would involve water crossings over the Holland River and Holland River East Branch within the Holland Marsh. The Project would also include the replacement of the 9th Line structure on Highway 400. The Project as proposed is not a designated project as described in the *Physical Activities Regulations*. The impact assessment process under IAA only applies to designated projects.

Further information on the Project including a project map can be found on the proponent's website at www.bradfordbypass.ca.

The Project would be located in Simcoe County and the Regional Municipality of York Region, in Ontario, which the Impact Assessment Agency of Canada understands falls within your treaty/traditional territory.

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Provincial Process

On August 28, 2002, the Government of Ontario approved the individual environment assessment for the Project. As a condition of this provincial approval, the design and construction of the highway became subject to the Ontario Ministry of Transportation Class Environmental Assessment for Provincial Transportation Facilities, as a “Group A” project. However, the Government of Ontario is proposing to exempt the Project from further provincial review. More information on the Government of Ontario’s proposal to exempt the Project is available at www.ontario.ca/page/highway-400-highway-404-extension-link-bradford-bypass.

Designation Process

Under subsection 9(1) of IAA the Minister may, by order, designate a physical activity that is not prescribed in the *Physical Activities Regulations*. The Minister may do this, if, in the Minister’s opinion, the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (resulting from federal decisions), or public concerns related to those effects warrant the designation. In accordance with subsection 9(4) of IAA, it is expected that the Minister will respond, with reasons, to the request by May 4, 2021.

The Agency will review information about the Project; any concerns expressed by your community, from the public and other Indigenous groups; and technical advice from relevant federal authorities and provincial ministries in order to prepare a recommendation to the Minister on whether the Project should be designated. If the Project were designated by the Minister, the Ontario Ministry of Transportation (the proponent) would be prohibited from carrying out the Project and would be required to submit an Initial Project Description, thereby commencing the planning phase of IAA. During the planning phase, the Agency would determine whether an impact assessment is required.

Additional information regarding the process for designation requests can be found on the Agency’s website at the following link: www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html.

Seeking your views

The Agency is requesting that you provide responses to the following questions:

1. Confirm whether your community was consulted as part of the provincial assessment process.
2. Please describe the proponent's consultation with your community on the project to date.
3. Indicate whether the proponent has worked with you to address any concerns identified by your community.
4. Please describe whether and how the Project may impact your community's rights as protected under section 35 of the *Constitution Act, 1982*.

Optional questions if the proponent has not consulted your community:

5. Please describe whether and how the potential adverse effects of the Project could result in changes to your community's:
 - (a) physical and cultural heritage (e.g. ceremonial sites, burial sites, cultural landscapes)
 - (b) current use of lands and resources for traditional purposes (e.g. hunting, fishing, trapping)
 - (c) structures, sites or things of historical, archaeological, paleontological or architectural significance (e.g. artifacts, important historic buildings or symbols)
6. Please describe whether and how the Project may result in changes to your community's health, social or economic conditions (e.g. employment opportunities, access to goods and services, economic development, access to health-care services).

Given the 90-day legislated timeline, your response is requested by **Friday, March 5, 2021**.

Important Note: All records produced, collected or received in relation to the designation request process—unless prohibited under the *Access to Information Act* or *Privacy Act*—are considered public and may be released. The Agency's Submission Policy¹ determines which submitted information can be shared publicly, and what should remain private. For further information on how we protect your privacy, please refer to the Privacy Notice.²

In the coming days, a Registry page for the Project will be available on the Canadian Impact Assessment Registry Internet site at iaac-aeic.gc.ca/050/evaluations. Please use the *submit a comment* feature on the Project's Registry page to provide the Agency with information regarding this file. Letters can be uploaded using this feature. If you have difficulties using this feature, please contact the Project Manager immediately.

COVID-19 Constraints on Participation

The Agency recognizes the circumstances surrounding the COVID-19 pandemic and the challenges they may present. The Agency will work to adapt where possible to support your community within the legislated 90-day timeline.

Next Steps

The Agency would be pleased to offer a virtual meeting with your community to discuss the Project and to answer any questions you may have about the designation request process. If you are interested in attending a virtual meeting with the Agency, please let us know by **February 19, 2021**.

The Minister's determination on whether the Project is to be designated, with reasons, will be posted to the Canadian Impact Assessment Registry Internet site. Should the Project be designated, the Agency will contact you to discuss further steps under IAA.

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¹ <https://www.iaac-aeic.gc.ca/050/evaluations/participation/conditions>

² <https://www.iaac-aeic.gc.ca/050/evaluations/protection>

Agency Contact

Further questions regarding the federal designation request process can be directed to Conor Anderson, Project Manager by email at Conor.Anderson@canada.ca or by telephone at 416-735-1673.

Sincerely,

<Original signed by>

Anjala Puvananathan
Director, Ontario Region

Enclosure Designation request letter from Ecojustice on behalf of Rescue Lake
Simcoe Coalition and Simcoe County Greenbelt Coalition

c.c. Julie Kapyrka, Curve Lake First Nation
Kaitlin Hill, Curve Lake First Nation