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March 12, 2026

The Honourable Julie Dabrusin
Minister of Environment and Climate Change
House of Commons
Ottawa, Ontario,
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The Honourable Julie Dabrusin:

Re: Trans-Canada Improvement Project (Ontario and Manitoba)—Designation and Regional Assessment Requests

We write to request an “adverse effects” designation of an improvement project for the Trans-Canada highway (TCIP) a project involving twinning a stretch of highway from Kenora to the Ontario-Manitoba border and twinning through the Whiteshell Provincial Park (Falcon Lake Corridor) (IAA section 9 (1)).¹

We also request a Regional Assessment of the “effects of existing or future physical activities” for the TCIP described below.

Trans-Canada Improvement Project Description In Ontario the TCIP covers the Trans-Canada highway from the Manitoba border to Kenora, Ontario—a total of 39-kilometres. Section I, a 6.5-kilometre (K) stretch, has been completed. Two more sections remain to be completed: Section II—8.5 kilometres (K); and Section III—24 kilometres (K). Ontario has started a consultation process with respect to Section 2 on route selection. The TCIP project in Manitoba will cover a 17-kilometre stretch of the highway through Whiteshell Provincial Park (the Falcon Lake Corridor).

¹ *Impact Assessment Act*, S.C. 2019, c. 28, s. 1, <https://laws.justice.gc.ca/eng/acts/i-2.75/page-2.html#h-1160225>. We refer to the expansion project as the Trans-Canada Improvement Project (TCIP) rather than the “twinning project.” The reason is that whether or not the highway along the project route should or will be twinned is open for debate. The 2+1 Swedish road building model offers a much more cost-effective and safety-effective option to twinning. The fact that the first of three sections of the Ontario project (a 6.5 kilometre stretch) has been twinned does not make twinning a foregone or inevitable model for the next two stages or for the Falcon Lake Corridor in Manitoba. In addition, there are other even less intrusive and less costly options than either twinning or the Swedish model including passing lanes, turning lanes and rest stops.

We note first that the Impact Assessment Agency informed us by letter dated September 17, 2024, that the TCIP—the project related to Ontario only—could not be designated as twinning construction on Section I—the “the carrying out of the physical activity”—had “substantially begun.”²

What is different in our request this time is that *we are asking for a designation of the whole of the TCIP project*, from the beginning of the Falcon Lake Corridor to Kenora—one involving lands in Ontario and lands in Manitoba and lands which are part of Treaty 3. We are also asking for a Regional Assessment which can take place for “existing” projects—that is for projects which have already “substantially begun” or are completed.

In addition, because the project involves multiple jurisdictions, two Provinces and Treaty territory, we say that the interests of a multiple jurisdictions *make the TCIP a natural choice for a Regional Assessment*.

We make the following submissions:

1. EACH SECTION OF CONSTRUCTION ON THE ONTARIO SIDE OF THE BORDER IS A SEPARATE PHYSICAL ACTIVITY.³ Section I of the twinning project on the Ontario side of the border, twinning 6.5 kilometres (K) of highway from the Ontario-Manitoba eastwards, was completed in 2025 but no work has been done on Section II. Each Section should be looked at as a separate physical activity because each Section requires a new environmental assessment Transportation Environmental Study Report (TESR) and the *TESR completed for Section I is, in particular in respect to federal areas of jurisdiction, deficient* (points 6 and 7 below).⁴
2. THE ONTARIO-MANITOBA TRANS-CANADA HIGHWAY IMPROVEMENT PROJECT (TCIP) IS AN INTERPROVINCIAL UNDERTAKING AND FALLS WITHIN TREATY 3 TERRITORY ON BOTH SIDES OF THE ONTARIO-MANITOBA BORDER.⁵ Section I of three phases (Sections) of twinning starting at the Ontario-Manitoba border has been completed and Manitoba plans to join up to the Ontario twinned highway by twinning the Trans-Canada (TC) through the Whiteshell Park (Falcon Lake Corridor). We submit that the highway improvements completed and planned on both sides of the border constitute one undertaking and one physical activity.

² Letter from Éric Landry - Acting Vice-President, Operations Sector, Impact Assessment Agency; *Impact Assessment Act*, note 1.

³ *Impact Assessment Act*, note 1.

⁴ *MINISTRY OF TRANSPORTATION - NORTHWESTERN REGION HIGHWAY 17, Section 1: Four-Laning from the Manitoba / Ontario Border to Highway 673 (6.5 km) CLASS ENVIRONMENTAL ASSESSMENT FOR PROVINCIAL TRANSPORTATION FACILITIES GROUP 'B' PROJECT TRANSPORTATION ENVIRONMENTAL STUDY REPORT FINAL*, July 2021, prepared by WSP, a global firm providing engineering, transportation planning and environmental due diligence reports, <https://www.wsp.com/en-CA/what-we-do>.

⁵ *CONSTITUTION ACT*, 1982, Schedule B to the Canada Act 1982, 1982, c. 11 (U.K.), section 92 (10) assigns “works and undertakings connecting the province with any other or others of the provinces” to the federal government, <https://www.canlii.org/en/ca/laws/stat/30---31-vict-c-3/latest/30---31-vict-c-3.html>.

3. A DESIGNATION WOULD LIKELY LEAD TO ONTARIO, MANITOBA WORKING WITH CANADA ON AN ADVERSE IMPACT ASSESSMENT IN CONSULTATION WITH INDIGENOUS FIRST NATIONS AND THE MANITOBA MÉTIS FEDERATION (MMF) Manitoba and Ontario have each signed a Memorandum of Understanding (MOU) with Wauzhushk Onigum Nation, Washagamis Bay First Nation, Shoal Lake 40 First Nation and Niisaachewan Anishinaabe Nation, four First Nations within Treaty 3 territory, a territory which encompasses the planned TCIP on both sides of the border.⁶ Both Provinces are consulting these First Nations and Manitoba is consulting with the MMF.⁷

Manitoba will conduct an environmental assessment on the Falcon Lake Corridor improvement project; and Ontario will prepare TESRs for each of Section II and III of the TCIP. The most efficient assessment process to assess “adverse effects” (what an Impact Assessment is designed to do) to the environment and to Indigenous interests (and this includes the interests of First Nations and Métis in both Provinces) is for the Provinces and the federal government to work together with Indigenous peoples on one assessment covering all planned TC highway improvements.⁸

The MMF is involved in consultation with the government of Manitoba on the TCIP.

⁶ Niiwin Wendaanimok (Four Winds) Partnership is comprised of four First Nations, Wauzhushk Onigum Nation, Washagamis Bay First Nation, Shoal Lake 40 First Nation and Niisaachewan Anishinaabe Nation; it is “an Indigenous owned and operated corporation dedicated to providing construction contracting and environmental monitoring services in Treaty 3 territory with a mandate to employ Anishinaabe workers and assets in development projects and ensure Anishinaabe laws and voices are respected in development within their territory,” <https://niiwinwendaanimok.com/>. Neither MOU is available online; the government of Manitoba has provided the authors with the Manitoba MOU, and the authors await Ontario providing them with its MOU.

⁷ Manitoba, *Conceptual design study PTH 1E (5.0km west of PR 301 to the Ontario boundary)*, *Engagement Round 2A, Winter 2025*, https://www.gov.mb.ca/asset_library/en/engagemb/pth1-phase-2-presentation.pdf; the authors have also been in contact with the MMF and are advised that it is actively involved in consultation on the TCIP.

⁸ A harmonized assessment where the federal government and the two Provinces “jointly develop a process, collaboratively determining how the assessment will be conducted” or a Joint Review Panel involving the federal government and the two Provinces in conducting an assessment are the appropriate mechanisms to consider. See Canada, *Government and elected officials from Provinces and Territories: What are the benefits of impact assessments?*, <https://www.canada.ca/en/impact-assessment-agency/corporate/our-impact/impact-assessments-that-work/federal-impact-assessment-process-provinces-territories.html>.

4. WHETHER OR NOT A DESIGNATION IS APPROPRIATE UNDER 9 (1) THERE ARE COMPELLING REASONS TO CONDUCT A REGIONAL ASSESSMENT UNDER 93 (1).⁹ We list the following reasons:

- A Regional Assessment can be implemented irrespective of whether the TCIP has “substantially begun.”
- It can inform future federal impact assessment decisions with respect to the Trans-Canada highway as there are calls on the federal government to fund improvements to the highway across northern Ontario.¹⁰
- The adverse effects from the TCIP in the region from Kenora to the Falcon Lake Corridor are clear and elaborated upon below
- The TCIP presents a very clear opportunity for the federal government to protect federal and Indigenous interests and jurisdiction especially in view of the inadequacy of Ontario’s environmental and Indigenous interests’ assessment (see below), the fact that Manitoba has yet to begin its environmental assessment and the tremendous *added value* which a Regional Assessment would offer in terms of cost, comprehensiveness and efficiency
- The joint undertaking (Canada–Ontario Memorandum of Understanding on the Assessment of Effects in Areas of Federal Jurisdiction of the Highway 413) offers an example of federal-Provincial collaboration which is akin to a Regional Assessment: it is based on the values of “cooperation,” “collaboration,” the “sharing of expertise and the reduction of “duplication.”¹¹
- There is clear public interest in the TCIP based, generally on issues of highway safety.¹²

⁹ *Impact Assessment Act*, note 1. The list is based on the government of Canada’s “Process for Requesting a Regional or Strategic Assessment,” *Operational Guide: Requesting a Regional or Strategic Assessment under the Impact Assessment Act*, <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/requesting-regional-strategic-assessment-iaa.html>.

¹⁰ Eric Melillo, “ON THE HILL: Northwestern Ontario’s highways must be twinned,” *Kenora Miner and News*, February 09, 2026; the Member of Parliament for Kenora-Kiiwetinoong, has sponsored a petition calling for the federal government to “immediately support the twinning of the Trans-Canada highway in northwestern Ontario” https://www.kenoraminerandnews.com/opinion/column/on-the-hill-northwestern-ontario-s-highways-must-be-twinned/article_e839d56d-9509-4de2-8a6d-9897e90eeb60.html. e-7105 Petition to the Government of Canada, House of Commons: Petitions, <https://www.ourcommons.ca/petitions/en/Petition/Details?Petition=e-7105>.

¹¹ Memorandum of Understanding, April 15, 2024, <https://iaac-aeic.gc.ca/050/evaluations/document/157201?culture=en-CA>.

¹² Eric Melillo, “ON THE HILL: Northwestern Ontario’s highways must be twinned,” note 10; and see *Kenora Miner and News*, “ ‘lot of people are dying’: MPPs visit Kenora to talk highway safety,” March 09, 2026, https://www.kenoraminerandnews.com/news/local-news/a-lot-of-people-are-dying-mpps-visit-kenora-to-talk-highway-safety/article_334e299a-0727-41a5-a9b0-4f60ee555b07.html.

5. ONTARIO’S ENVIRONMENTAL ASSESSMENT (TESR) IS INADEQUATE TO PROTECT THE ENVIRONMENT

9 (2) (d) — “whether a means other than an impact assessment exists that would permit a jurisdiction to address the adverse effects within federal jurisdiction.”¹³

The TESR for Section I is deficient and does not, for example, consider or does not adequately consider, the effects of twinning on animal safety, consider crossings for animals, fish and other amphibians, or consider or adequately consider the effects on plant life; it does not evaluate the effects of increased traffic and GHG emissions on human health, the health of animals, the health of water bodies adjacent to the TCIP nor does it assess the effects of increased tourism on, for example, fisheries (see Appendices A to D).

6. ONTARIO’S ENVIRONMENTAL ASSESSMENT (TESR) IS INADEQUATE TO PROTECT INDIGENOUS TERRITORY, CULTURE AND LIVELIHOOD Concerns relating to the preservation of land, water and skies (to borrow language from the *Harmonized Impact Assessment: Twinning of the TransCanada Highway - Phase 1* prepared for four First Nations) within and adjacent to the twinning project corridor were not adequately addressed prior to or during the construction of Section I including, *inter alia*, the failure to construct animal crossings or animal protective measures. We note that *we do not speak on behalf of Indigenous peoples* but base our submission on the information and values contained in the HIA.¹⁴

2 — THE TCIP IS AN INTERPROVINCIAL UNDERTAKING A partnership of four First Nations, Niiwin Wendaanimok, entered into a Memorandum of Understanding (MOU) with the Province of Ontario and a separate MOU with the Province of Manitoba.¹⁵

The national, inter-provincial and intra-Treaty territorial aspect of the TCIP is outlined in the Manitoba-Niiwin Wendaanimok MOU which reads, in part, as follows

WHEREAS the TransCanada Highway (PTH 1) is Canada's national travel and trade highway and twinning the PTH 1 is part of a National Trade Corridor strategy;

¹³ *Impact Assessment Act*, note 1.

¹⁴ Niiwin Wendaanimok (Four Winds) Partnership, *Harmonized Impact Assessment: Twinning of the TransCanada Highway - Phase 1*, April 2021, (prepared by Narratives Inc., Winnipeg, Manitoba, <https://narrativesinc.com/our-projects/harmonized-impact-assessment-phase-1/>, https://niiwinwendaanimok.com/wp-content/uploads/2021/05/02-RPT_20210420_NW1001_Harmonized-Impact-Assessment_PUBLIC_FN_Cns_Reduced.pdf. Niiwin Wendaanimok (Four Winds) Partnership is comprised of four First Nations, Wauzhushk Onigum Nation, Washagamis Bay First Nation, Shoal Lake 40 First Nation and Niisaachewan Anishinaabe Nation, “is an Indigenous owned and operated corporation dedicated to providing construction contracting and environmental monitoring services in Treaty 3 territory with a mandate to employ Anishinaabe workers and assets in development projects and ensure Anishinaabe laws and voices are respected in development within their territory,” <https://niiwinwendaanimok.com/>.

¹⁵ Neither MOU is available online; the government of Manitoba has provided the authors with the Manitoba MOU and awaits Ontario providing its MOU.

AND WHEREAS trade corridors support supply chains and help grow the local and national economy through the development of stronger, safer, more resilient, and more efficient transportation corridors to international markets;

AND WHEREAS in the Government of Canada's Throne Speech 2025, Canada stated it is committed to advancing reconciliation as it moves forward with nation-building projects, it will always be firmly guided by the principle of free, prior and informed consent;

AND WHEREAS Manitoba Transportation and Infrastructure ("MTI") is working to plan, design and construct the twinning of a section of PTH 1 from 5.0 km West of PR 301 to the Ontario Boundary (the "Proposed Project") that lies entirely within Treaty 3 territory;

The MOU also underlines the fact that on both sides of the border, the TC Improvement Project lies “entirely within Treaty 3 territory” involving a partnership of four First Nations.

5 and 6 — PROTECTING AND PRESERVING INDIGENOUS TERRITORY, CULTURE, WATER, SKIES AND LIVELIHOOD — ADVERSE EFFECTS

9 (1) [T]he Minister may, in deciding whether to make an order [designation], consider

- (a) public concerns related to the adverse effects within federal jurisdiction — or the direct or incidental adverse effects — that may be caused by the carrying out of the physical activity;
- (b) the adverse impacts that the physical activity may have on the rights of the Indigenous peoples of Canada . . .¹⁶

We submit that Ontario’s environmental assessments (TESR), which was informed by the *Harmonized Impact Assessment* (HIA), prepared for the above-mentioned four First nations and used as a basis for discussion with the MTO on Indigenous interests, has failed to protect the natural habitat.

The TESR has failed to protect creatures of the lands, waters and skies (to borrow language from the HIA)— has failed to protect Indigenous culture, territory and livelihood including the failure of MTO to implement measures which Niiwin Wendaanimok (Four Winds) Partnership brought to the Ministry’s attention.¹⁷ We set out below our a general summary and elaborate in Appendices attached to this letter.

The HIA outlines the importance to livelihood, culture and wellbeing of Indigenous peoples of *inter alia*, moose and deer animals, fish, and birds, fishing, hunting, and gathering and of lands, waters and skies and addresses some of the adverse effects of the construction of and use of a twinned highway within TCIP.¹⁸

¹⁶ *Impact Assessment Act*, note 1.

¹⁷ *Harmonized Impact Assessment*, note 12.

¹⁸ HIA, note 14.

What it and the TESR fail to address or adequately address—are set out in the attached Appendices; Appendix C explores the issues related to plastics, tire tread wear, noise, acidification (but one aspect of the consequences of GHG emissions) and pressure on the fishery—all of which issues are not addressed by the TESR and not comprehensively addressed by the HIA.

To give a feel of the broad range of *issues which should be addressed* in an Impact Assessment we use the following list from the HIA which relates to the relocation of utilities (hydro and fibre cable):

- Stripping and clearing for utility relocation will result in the loss of access to traditional hunting areas, negatively impacting the wellbeing of the Anishinaabe.
- Removing terrestrial and aquatic vegetation will remove habitat and food sources used by waawaashkeshiwag (deer) and moozoog (moose) year-round. Changes to the habitat of waawaashkeshiwag (deer) and moozoog (moose) could further affect their populations, consequently affecting availability for hunting, and hence the wellbeing of the Anishinaabe.
- Similarly, removing terrestrial and aquatic vegetation will remove habitat and food sources used by zhiishiibag (ducks) and nikag (Canada geese) during the warmer months, potentially negatively affecting their populations, affecting their availability for hunting.
- The temporary increase in construction traffic will increase the likelihood of vehicle collisions with game species, negatively affecting their populations. This will reduce the number of species available for hunting, negatively impacting the wellbeing of the Anishinaabe. (*Authors' Note: whether through twinning or using another highway expansion option, an increase in traffic will be permanent and collisions with animals, birds and insects will increase*)
- Noise disturbance from equipment and haul traffic may disturb game species, further displacing them and resulting in less species available for hunting, negatively affecting the wellbeing of the Anishinaabe. (*Author's Note: with an increase in traffic which any form of TC expansion will bring, an increase in noise will follow—an issue which the TESR ignored.*)
- Dust generated through stockpiling and hauling materials and equipment can result in sedimentation and runoff, potentially negatively affecting water quality and therefore the habitat of zhiishiibag (ducks) and nikag (Canada geese). (*Author's Note: with an increase in traffic which any form of TC improvement will bring, not only will there be a permanent increase in dust, but other particulate matter thrown off by vehicles, including tire TREAD wear—another issue ignored by the TESR.*)¹⁹

¹⁹ HIA, note 14, “6.6.4.2.4 Relocating Utilities” at p. 491.

The issues in the list are important to animal welfare and *inter alia*, the cultural, hunting, trapping and gathering, practices of the Anishinaabe (the Ojibwe term generally used to describe Indigenous people within Treaty 3). With respect to hunting the HIA tells us:

Hunting is a traditional activity of the Anishinaabe that has been practiced from time immemorial and into the present day. Community members identified hunting as a critical part of their wellbeing, as it provided a source of food and income, goods for everyday use, and acted as a tool for cultural education and teachings. As hunting occurred out on the land, it offered an opportunity to connect with the land, which is an integral part of Anishinaabe wellbeing. Hunting also bridges a connection to the ancestors of the Anishinaabeg, who once also relied on hunting for their own survival. In the present day, hunting continues to be a crucial component of Anishinaabe culture and wellbeing.²⁰ 345

We deal with the issue of Animal Crossings in depth in Appendix D. Here we want to flag the fact that MTO appears not to have followed up on commitments made to mitigate harm to animal life. MTO told Niiwin Wendaanimok that it would install “wildlife signage and barriers to block wildlife access to [the] road.”²¹

The authors have seen no signs and no barriers along Section I.

The MTO also committed to “implementing a highway design that improves visibility and stopping sight distance for motorists, thereby reducing the risk of animal collisions.” As the additional two lanes of highway in Section 1 follow the line of the pre-existing two-lane highway, it is difficult to see what design improvements were implemented to limit animal-vehicle collisions.²²

As indicated, we address environmental issues more fully in the Appendices, noting here that we have not elaborated on the GHG emissions consequences of the TCIP because these are obvious adverse effects and have been the subject of federal government study, legislation and policy for decades.

ALTERNATIVE MECHANISMS TO REVIEW AND ADDRESS ADVERSE EFFECTS

In deciding not to designate the Highway 413 Project under section 9 of the IAA, the Impact Assessment Agency’s President, Terence Hubbard, took into account that Provincial and federal “legislative mechanisms, and related consultations with potentially impacted Indigenous Peoples, provide a framework to address . . . potential adverse effects and impacts that the Project may cause, and concerns raised by Indigenous Peoples and members of the public.”²³

²⁰ HIA, note 14, “5.7 Wellbeing, 5.7.7,” Hunting at p. 345.

²¹ HIA, note 14, “6.6 Impacts on Wellbeing, 6.6.4 Hunting, 6.6.4.2.3 Building the Road at p. 491 (a commitment also made with respect to deer in 6.2.1.5 Mitigation Measures to Protect *Waaswaashkeshiwag* (deer)” at p. 364).

²² HIA note 14, “6.6 Impacts to Wellbeing, 6.6.4.4 Operation, 6.6.4.4.1 Using the New Highway” at p. 493.

²³ *President's Response*, December 20, 2024, <https://iaac-aeic.gc.ca/050/evaluations/document/160428>; *Impact Assessment Act*, note 1.

Federal legislation implicated in the 413 Project, said the President, include the *Fisheries Act* and *Species at Risk Acts*, and the *Migratory Birds Convention Act, 1994*.

Whatever protections might be offered by federal legislation, for reasons outlined above, we do not believe that the TESR process offers sufficient protection to federal environmental jurisdictional interests nor to the protection of Provincial environmental jurisdictional issues nor to the jurisdictional interests of Indigenous peoples.

Our thinking is not guided by technical considerations, the legal niceties of the splitting and sharing of environmental jurisdiction between Canada and the Provinces of Ontario and Manitoba and reject that the focus of federal environmental concerns within the TCIP should be limited to the protection of endangered/at-risk species. *We echo Jane Goodall who has told us that the natural world is experiencing a sixth extinction event. In our view all of the animal world, all the creatures of land, water and air are at risk from destruction of habitat from roadbuilding.*

Now is no time to hide behind jurisdiction, to try and find an endangered at-risk species which would demand the involvement of the federal government. No one should pretend that Ontario has done the kind of due diligence required during a sixth extinction event. No one should pretend that the TESR is in any way adequate or that future TESRs completed for Sections I and II of the Ontario Project will be better.

We say that Canada should use its power to convince Ontario and Manitoba to work in collaboration with Canada, First Nations and the Manitoba Métis Federation to perform a truly national, truly nation-building environment assessment guided not simply by “due” diligence but by the utmost due diligence.

We look forward to your favourable consideration of our requests.

Sincerely,

<original signed by>

Doug Orchard

<original signed by>

Henry Rasmussen

<original signed by>

Peter Kirby

cc Impact Assessment Agency
Attention Éric Landry
Vice-President, Operations Sector

Appendix A — *JUSTIFICATION FOR TWINNING: Value for Money*

Project Justification—what are the costs and the benefits of twinning? and are there cheaper and equally effective options?

Safety *We do not deny that driver safety is a concern for drivers on the TC between Kenora and the Ontario-Manitoba border, and elsewhere on the highway, especially considering the number of transports using the road; we simply say that the TESR Ontario failed to prove the case that twinning is will make the TCIP safer and has failed to consider other options to improve safety (see below).*

We also note that recent data may show an elevated number of fatalities on northern highways in general.²⁴ We have not been able to gain access to this data: if it was available to Ontario, when the TESR process was underway, we must assume that it would have been included in the report.

The TESR notes that “Highway 17 is the only east-west highway link between Kenora and the Manitoba border” (project route).²⁵ Though the TESR does not provide data on commercial and tourist use, the highway is a busy long-distance truck route and, in the summer months, a busy route for passenger vehicles carrying tourists and cottagers (largely from Manitoba) to the northwest and points beyond.

The TESR, citing several reports produced by northerners which speak to the need for highway improvement in the northwest for reasons of economic growth and safety, notes that highways in the northwest are “mostly two-lanes and have infrequent passing lanes and rest areas” and that “accidents or natural disasters may lead to highway closures, which in many cases result in lost time and money.”²⁶

It is remarkable that the TESR seems to accept at face value an *improving highway safety rationale* for twinning without citing any data which would allow for a comparison between the accident rates on the existing two-lane highway and other two-lane and four-lane highways, when accident rates would likely be available through the MTO.²⁷

We note that the Ministry of Transportation for Ontario (MTO) data for the project route ends with the year 2016 and that there is no data for the period, 2011 to 2016. Surely, MTO could have, with the assistance of the Ontario Provincial Police, filled in the missing data and updated the statistics to the time of completion of the TESR, 2021.

²⁴ *Kenora Miner and News*, “‘lot of people are dying’: MPPs visit Kenora to talk highway safety,” note 12.

²⁵ TESR note 4, “3.1 PROJECT JUSTIFICATION” at p. 14.

²⁶ TESR note 4 at p. 14, Northern Ontario Municipal Association, *Enhancing the Economy of Northwestern Ontario* 2007, at pp. 38 to 39, <https://collections.ola.org/mon/21000/280520.pdf>; Robert G. Rosehart, *Northwestern Ontario: Preparing For Change* (Facilitator Report) 2008, at pp. 25 to 27, <https://collections.ola.org/mon/21000/280450.pdf>; and Ministry of Transportation, *Connecting the North: A Draft Transportation Plan for Northern Ontario*, Dec 2020 at p. 3, <https://files.ontario.ca/mto-northern-ontario-transportation-plan-en-2020-12-10.pdf>.

²⁷ Ministry of Transportation, *Provincial Highways: Traffic Volumes 1988-2016*, <https://www.library.mto.gov.on.ca/SydneyPLUS/TechPubs/Theme.aspx?r=702797&f=files%2fProvincial+Highways+traffic+Volumes+1988-2016.pdf&m=resource>.

Doing a cursory check of the accident rate for various sections of the 401—a four lane, and in places an eight lane or more, super-highway—and comparing those rates to the rate for the TCIP route, nothing stands out as alarming.

In any event, *examining the accident rate addresses only one part of road safety*. We also need to know, of the accidents along the project route, how many resulted in fatalities or serious injuries, and what were the causes of the accidents. One would have to analyze to what extent twinning would eliminate or protect against causes of accidents such as speeding, poor road conditions (ice and snow), lack of maintenance (plowing and sanding), the level of surveillance by the OPP and MTO officials for driving, maintenance and road safety infractions, and animal-vehicle collisions—and—a topic of great interest over the past few years, transport driver training. We also need to know how many accidents involved collisions between pickup trucks and cars and SUVs and how many between semi-trailers and semi-trailers, and between semi-trailers and other vehicles.

The *Harmonized Impact Assessment (HIA)* uses data from 2016 that there were over 500 collisions “near Kenora” which resulted in 111 injuries and 2 deaths, to conclude that “the two-lane highway is becoming increasingly more hazardous for road-users and local wildlife.”²⁸ As indicated above, if we do not have statistics allowing us to compare the project route’s accident rate, and the severity of accidents, with the rates and severity for other highways, how can we say that the road is ‘becoming increasingly more hazardous’? And does ‘near Kenora’ include the highway 17A bypass north of the City or highway 17 east of the City? What are the boundaries for the stretch of road on which the 500 accidents occurred?

The most recent report available from the Ontario government, *Ontario Road Safety Annual Report 2022*, indicates 956 collisions for the District of Kenora—this includes municipalities like Red Lake, and Sioux Lookout, “Provincial Highways” (no definition is provided for this term) and “Other Areas” (again no definition is provided). If we strip out the data for places other than municipalities along the TC, we find that collision reports from Dryden and Kenora total about 340. However, because this figure is not broken down as to the roads upon which these collisions occurred, it cannot be relied upon as a reliable statistic for the number of collisions on the TC.²⁹

Though Ontario does provide statistics on animal-(domestic and wild)vehicle collisions, the data is generalized for the whole of Ontario: there is no data on wild animal-vehicle collisions along the TC in northern Ontario.³⁰ Of 367,000 collisions *across Ontario* it appears that about 3% involve wild animals.³¹

Manitoba Public Insurance records that of the “most prevalent contributing factors recorded for collisions in 2022,” animal-vehicle collisions were responsible for 5%.³²

²⁸ HIA, note 14 at p. 4.

²⁹ Ministry of Transportation, *Ontario Road Safety Annual Report 2022*, <https://www.ontario.ca/files/2026-02/mto-orsar-annual-report-en-2022-2026-02-05.pdf>.

³⁰ *Ontario Road Safety Annual Report 2022*, “TABLE 3.3: Motor Vehicles Involved in Collisions Based on Initial Impact, 2022.”

³¹ *Ontario Road Safety Annual Report 2022*, “TABLE 3.3.

³² Manitoba Public Insurance, *Traffic Collision Statistics Report, 2022*, at p. 5, <https://www.mpi.mb.ca/wp-content/uploads/TCSR2022.pdf>.

Cost and Efficiency— Traffic Volume The TESR indicates that “daily traffic is expected to grow by approximately 12-18% from 2016 levels” by 2029, increasing the “annual average daily traffic to 5,480 vehicles, and the summer average daily traffic to 7,810 vehicles.”³³ In his Report *Northwestern Ontario: Preparing For Change Northwestern Ontario* (2008), Dr. Rosehart notes that “it may be difficult to justify a crossregion four-laning initiative from the standpoint of current and projected traffic levels.”³⁴

However, if there is a vehicle per day standard on which government can build a case that it is cost efficient, that standard is not given in either the TESR or the HIA studies.³⁵

Tourism Dr. Rosehart reports that the TC twinning project under discussion would “significantly enhance the attractiveness of Kenora and adjacent municipalities to Manitoba residents (particularly those in Winnipeg)” and would “provide a significant boost to regional tourism, as well as to local economic development initiatives.”³⁶

Tourism is a main driver of twinning.³⁷ The words of a Washagamis Bay First Nation’s Elder, referring to the effect of man-made water level fluctuations on Lake of the Woods on the Indigenous fishery, are apt. He said that it is “all because of the tourism because tourism bringing them millions of dollars into the economy of Kenora. Like fishing tournaments, fish cottagers, tourists, and all that goes with it.”³⁸

Jobs In MTO’s *Draft Transportation Plan for Northern Ontario*, we read that twinning “will create local jobs.”³⁹ The Minister of Transportation, Caroline Mulroney offered the same rationale for the project earlier this year.⁴⁰

Surely, boasting that highway construction will create jobs, though true, distracts from the fact that road construction jobs are limited in duration and, more importantly, that twinning must be prioritized against meeting other pressing needs in the northwest, like housing, seniors’ care and health care.

Full Cost Accounting For climate change and other environmental adverse effects, we ask, what is the net economic benefit of twinning compared to dealing with these other priorities? *At the very least, we should ask the question whether the economic benefit of twinning could be obtained by pursuing less intrusive and less costly options for the TCIP such as adding passing lanes and rest stops with washrooms or implementing the Swedish model.*

³³ TESR, note 4, at p. 14

³⁴ Rosehart, note 17 at pp. 25 to 27, <https://collections.ola.org/mon/21000/280450.pdf>.

³⁵ Rosehart at p. 25.

³⁶ Rosehart at p. 25.

³⁷ TESR note 3, “APPENDIX A: CORRESPONDENCE”; (unpaginated) on the first page we read that the TESR team received correspondence from Jim Antler, former Minister of Tourism, Culture and Sport, inquiring “how the project can facilitate additional tourism-related travel into Northwestern Ontario.”

³⁸ HIA, note 14 at p. 320

³⁹ *Connecting the North: A Draft Transportation Plan for Northern Ontario*, note 17 at p. 3, <https://files.ontario.ca/mto-northern-ontario-transportation-plan-en-2020-12-10.pdf>.

⁴⁰ Sidney McInnis, “Twinning of Highway 17 expected to begin this spring,” *KenoraOnline*, March 30, 2022, <https://www.kenoraonline.com/articles/twinning-of-highway-17-expected-to-begin-this-spring>.

Before we discuss options to twinning, we want to flag an obvious financial cost consideration: to add one lane to a two-lane highway is obviously going to cost less than adding two lanes. The size of the cost differential can be seen along the completed Section I of the TCIP where a vast swathe of untouched forest land was blasted and shaped to create an additional two lanes—part of that now scarified landscape being a median separating the eastbound from the westbound lanes.

OPTIONS NOT CONSIDERED Below are options not considered or given little weight by the government of Ontario in its twinning project:

1. *increasing the number of passing lanes*
2. *adding rest stops with washrooms and make other improvements suggested in Connecting the North: A Draft Transportation Plan.*⁴¹
3. *adding turning lanes to access cottages and gas stations, stores, restaurants and rest stops*
4. *implementing the Swedish 2+1 model, making the TC, in effect a three-lane highway alternating passing lanes with a hard median separating the lanes*
5. *adding more buses and activating rail passenger services between Winnipeg and Kenora and making cargo haulage by rail more attractive to carriers to take some of the transport trucks off the TC*
6. *improving surveillance to ensure driver obedience to the rules of the road by the OPP and the MTO and, in particular, improving surveillance on transport trucks, and improving the training of transport truck drivers*
7. *increasing the width of the roadway and installing a painted median with rumble strips, raised markers or a median barrier or fence to prevent vehicles crossing over into oncoming traffic*

The TESR refers to options 1 and 2 without much discussion, does not mention or consider option 5 and rejects option 6.⁴²

⁴¹ TESR, note 4, “Goal 3: Keeping People Safe and Providing Reliable Transportation Options” at pp. 29 to 32.

⁴² TESR and HIA, notes 4 and 14.

The Swedish Model The TESR analysis has been overtaken by northern Ontario municipal support for the 2+1 model, a model which is supported by the Federation of Northern Ontario Municipalities (FONOM), the Northern Policy Institute and by the City of Kenora.⁴³ *The TESR did not examine the Swedish model in its analysis of how to improve the capacity of the Trans-Canada.*

Below are excerpts from a background report prepared for FONOM:

2+1 Roads – A Critical Component of a safe and efficient northern Canadian transportation Corridor

. . . . A 2+1 highway is a simple concept that turns a two lane, undivided highway into a divided highway that consists of two lanes in one direction and one in the opposite direction, divided by a crash rated median barrier. This 2+1 profile alternates every 2-5 km and provides overtaking opportunities on a regular basis for drivers while also preventing inappropriate passing. 2+1 roads are used very successfully around the world and provide safety performance equal to fully divided four lane highways. (1) 2+1 roads work very effectively at moving traffic on roads with volumes of 2000 – 20,000 average annual daily traffic (AADT).

2+1 roads around the world

Due to the success of 2+1 roads in Sweden and then Ireland, other countries have looked at 2+1 roads as a critical component to make their roads safer and to improve efficiency. These countries include Denmark, Norway, Estonia, Finland, Lithuania, Australia, New Zealand and Japan. . . . Safety results from 2+1 roads in Sweden and Ireland have been exceptional. (1) The reduction in fatality and serious injury rates has been very significant. 2+1 roads are equal in safety performance as motorways (divided highways). From an economic perspective the investment in 2+1 roads shows a better return than motorways where volumes are below 20,000.

Construction and Maintenance

. . . . 2+1 roads are generally built as expansions to existing two lane highways. This provides some significant benefits for construction. The requirement to obtain land is much less than for the construction of full four lane highways. Environmental assessments are also more efficient, and the entire environmental impact is significantly less. Although maintenance of 2+1 roads will be more than two lane roads, they require less maintenance than four lane divided highways.⁴⁴

⁴³ Federation of Ontario Municipalities, <https://fonom.org/>; *FONOM Calls for Nation-Building Commitment to Northern Ontario's Trans-Canada Highway*, August 22, 2025, <https://www.northernpolicy.ca/upload/documents/publications/reports-new/closing-the-gap.pdf>; William Dunstan, Bryanne de Castro Rocha, and Dr. Martin Lefebvre, *Closing the Gap: How 2+1 Roads Can Save Time, Lives, and Taxpayer Dollars*, November 2023, <https://www.northernpolicy.ca/upload/documents/publications/reports-new/closing-the-gap.pdf>; and City of Kenora Council, Resolution, November 25, 2025—available from the City of Kenora.

⁴⁴ Background Report prepared for the Federation of Ontario Municipalities (nd)—available from FONOM.

Rest Stops A Northern Ontario Municipal Association report from 2007, *Enhancing the Economy of Northwestern Ontario*, referred to in the TESR, lamented “infrequent passing lanes” and “poorly developed rest stops which mean that drivers are not afforded safe places to rest when they become tired.”⁴⁵ This view is also supported in *Northwestern Ontario: Preparing For Change* and by the MTO report, *Connecting the North: A Draft Transportation Plan for Northern Ontario* (2020).⁴⁶

For eastbound travellers, there is one rest stop with washrooms at the Visitor Information centre on the border (which provides a large parking area and rest stop for truckers), and commercial stops at Clearwater Bay gas station about 25 K from the border, and two food stops, open during the summer months only (22 K east of the border). There are no other washroom-equipped stops along the way. Calls of nature cause stress and the resort by some long-distance truck drivers to urinating into bottles is something which surely distracts from full attention to the road.⁴⁷

Adding rest areas with clearly marked *public* washrooms (no purchases required) and *open year-round, twenty-four hours per day*, are easy fixes to make, will, promote traveller comfort and safety, and will provide—if thoughtfully located—beautiful views, saying “welcome” to tourists in a very tangible way.⁴⁸

Turning Lanes We note that there are no turning lanes at the commercial stops listed above. There should be. Some supporters of twinning rely on the head-on collision at the Barren Lake turnoff (in the Falcon Lake corridor in Manitoba) as a justification. A father and son from Dryden heading west lost their lives when hit by a transport truck heading east. At points like Barren Lake, where access to cottage roads connect to the Trans-Canada, designated turning lanes would prevent such accidents.

For an example of what could be done is exemplified in the turning lanes, eastbound and westbound, which allow vehicles to safely access the road linking Iskatewizaagegan No. 39 Independent First Nation to the Trans-Canada.

Passing Lanes The TESR refers to an Environmental Assessment on improving the highway, done in 2006; as a result, passing lanes were built. Between Kenora and the Ontario-Manitoba border, there are three passing lanes for west-bound traffic and two for east-bound traffic.⁴⁹ More could be added; however, with the four-laning of Section I, there is now an additional 6.6 K passing lane for traffic travelling in either direction.

⁴⁵ Northern Ontario Municipal Association, note 17 at pp. 38 to 39.

⁴⁶ Rosehart, note 17 at p. 25; and Ministry of Transportation, note 4, “Goal 3: Keeping People Safe and Providing Reliable Transportation Options,” at pp. 29 to 32.

⁴⁷ Rosehart, note 17 at p. 38.

⁴⁸ TESR, note 4 at p. 13.

⁴⁸ TESR, note 4 at p. 49.

⁴⁸ TESR, note 4 at p. 49.

Bus and Rail The TESR concludes that such options “do not support area tourism focus.”⁵⁰ The study also claims that these options will do nothing to relieve highway congestion and will not meet future needs as “highways are the major means of transportation.”⁵¹ It is, at the very least, improbable to say that increasing bus and rail transportation will not have a tourism focus. Again, no studies are mentioned which support this conclusion.

We note that there was a time when Manitobans thronged to Kenora by train; the CPR line connects directly from Winnipeg to Kenora parallel to the TC. We note that seniors—the fastest growing demographic in Canada—would appreciate opportunities to leave the driving to someone else. We think that frequent bus and rail service would be a draw not only for tourists but for people in the Kenora area who have appointments or business in Winnipeg especially during the long winter months, most people want to avoid road travel.

The TESR has ignored history, public sentiment and common sense and made a big assumption that there is no political will to improve public transportation by bus and rail or to increase shipment of goods by rail, thus removing some transport trucks from the TC.

⁵⁰ TESR note 4 at p. 49.

⁵¹ TESR note 4 at p. 49.

Appendix B — *Tiny Tragedies: Treating Insects as if They Mattered*

Though both the HIA and TESR discuss some adverse effects of twinning on plant, animal, bird, and aquatic life, neither alludes to the effect of twinning on insect life.⁵²

Lest anyone think the concern for insects is fanciful or that their destruction can be ignored, we remind readers of the decimation of bee colonies, a die-off which tells us that we cannot take nature for granted.⁵³

Jane Goodall has told us that the natural world is experiencing a sixth extinction event as a result, *inter alia*, of the reduction of natural habitat and climate change. We are reaching the limits of growth and are ethically duty-bound to elevate a “due diligence” standard of care for the earth to one of “utmost care”—including the care for the smallest of creatures.

An holistic approach to road building would take into consideration the effects not just on animals, birds, and fish, but on the tiniest of creatures, insects, which comprise 80% of species, and without which, the food chain is broken and predators, and plants which depend on pollinators are put at risk.⁵⁴ We also believe that if we want to take care of big things, like climate change and water, we must start by taking care of small things—which are often the only things we have the immediate power to protect in our day to day lives.

A Canadian study, done with the participation of the Magnetawan First Nation, Laurentian University and the MTO, looked at the destruction caused to all forms of pollinators, including moths, flies, and butterflies, by collisions with vehicles on a two-lane section of highway 69—a northern part of the TC connecting Sudbury to points south.⁵⁵

During the period from the first of May until the end of August, during the years 2012 and 2013, along a 2 kilometre stretch of highway 69, a research team found the following road-kill rates: for Lepidopterans (butterflies and moths), a rate of 10.1 individuals/km/day (a total of 2725 over the four month study period), for Hymenopterans (bees and wasps) a rate of 26.8/km/day (a total of 8486 over the four month study period), and for Dipterans (horseflies and blowflies) a rate of 202.3/km/day (a total of 93456 over the four month study period).⁵⁶

⁵² TESR and HIA, notes 4 and 14.

⁵³ Desmond Brown, “Bee industry losses could surpass \$1B this year due to massive die-off, Niagara beekeeper says,” *CBC News*, May 04, 2022, <https://www.cbc.ca/news/canada/hamilton/hamilton-niagara-bee-colony-losses-1.6440038>.

⁵⁴ Baxter-Gilbert et al., “Road mortality potentially responsible for billions of pollinating insect deaths annually,” *Journal of Insect Conservation* (2015) 19: 1029–1035 at pp. 1029 and 1033, <https://link.springer.com/article/10.1007/s10841-015-9808-z>; and Muñoz et al., “Effects of roads on insects: a review”, *Biodiversity and Conservation* (2015) 24:659–682 at p. 660, <https://link.springer.com/article/10.1007/s10531-014-0831-2>.

⁵⁵ Baxter-Gilbert, note 29 at p. 1030.

⁵⁶ Baxter-Gilbert, note 29, Table 1 at p. 1031.

Over the full length of highway 69 (388 km), the team estimated that over 11 million insects were killed in the study period.⁵⁷ It is worth noting that the study team collected insects that they found on the road surface and shoulders; they did not count insects which bounced off vehicles to points beyond the shoulders and did not account for insects flattened against windshields and vehicle bodies or whose carcasses were harvested by other creatures.⁵⁸

If we extrapolate the study's findings to the project's 39.5-kilometres, and round up, we can estimate that the insect death total for this section from the beginning of May until the end of August in any given year, would be in the neighbourhood of 1.1 million insects. However, if we account for a doubling of the road surface which twinning will bring, perhaps we can double the total to 2.2 million.

The researchers remind us that roadkill is only one of many threats to insect populations.⁵⁹ We note issues with vehicle lights, vibration and noise.

With the dramatic numbers killed on our highways, we must take roadkill seriously.

*Building animal crossings, underpasses and overpasses **will help reduce the killing of insects by allowing some safe passage across the TC.***

⁵⁷ Baxter-Gilbert, note 29, Table 2 at pp. 1032 to 1033.

⁵⁸ Baxter-Gilbert, note 29 at pp. 1030 and 1033.

⁵⁹ Baxter-Gilbert, note at p. 1029.

Appendix C — *Plastics, Tire Tread Wear, Noise, Acidification and Pressure on the Fishery*

We simply note some of the evidence which is staring us in the face. We start with the Lake of the Woods fishery about which we read, concerning 2021:

The once plentiful *walleye population in Ontario's Lake of the Woods is in trouble*, with the current fishery now unsustainable, according to Ontario's Ministry of Natural Resources and Forestry.⁶⁰

Whether the concern remains in 2026, we simply flag the need to protect the fishery and note the obvious: increased tourism will bring more recreational fishers to the Lake of the Woods and other water bodies in the northwest.

Other areas which must be considered are: the effect of an increase in motorboat noise and on fish, an issue about which there is scientific literature demonstrating the potential for deleterious effects; and the harm caused to creatures which ingest the detritus caused by the breakdown of plastics and vehicle tires which finds its way into lakes and rivers; and the lowering PH levels in freshwater lakes as a result of absorbing carbon (acidification).⁶¹ We also note that there are vehicular noise issues and an issue with respect to the effect of vehicle lights and traffic noise and vibration on the natural world.

*We ask why neither the TESR nor the HIA explored these and other issues.*⁶²

⁶⁰ "Lake of the Woods' walleye fishery in jeopardy, say Ontario conservation officials," *Outdoor Canada*, August, 2021, <https://www.outdoorcanada.ca/lake-of-the-woods-walleye-fishery-in-jeopardy-say-ontario-conservation-officials/>; and see "Walleye fishing at levels above sustainable levels in Lake of the Woods: MNRF," *CBC News*, May 03, 2021, <https://www.cbc.ca/news/canada/thunder-bay/lake-of-the-woods-walleye-population-1.6007794>.

⁶¹ de Jong et al., "Predicting the effects of anthropogenic noise on fish reproduction," *Reviews in Fish Biology and Fisheries* (2020) 30:245-268, <https://link.springer.com/content/pdf/10.1007/s11160-020-09598-9.pdf> (Creative Commons Licence at <https://creativecommons.org/licenses/by/4.0/legalcode>); "A ubiquitous tire rubber-derived chemical induces acute mortality in coho salmon," *Science*, December 03, 2020, <https://www.science.org/doi/10.1126/science.abd6951>; Thiele et al., "Microplastics in fish and fishmeal: an emerging environmental challenge," *Scientific Reports* (2021) 11:2045, <https://www.nature.com/articles/s41598-021-81499-8.pdf>; Cody V. Veneruzzo et al., "Effects of microplastics on Yellow Perch (*Perca flavescens*) metabolic rates," *Proceedings of the 19th Annual International Rainy-Lake of the Woods Watershed Forum 2022*, p. 20 (Abstract only), <https://lowwsf.com/forum-proceedings/122-2022-forum-proceedings/file>. With respect to ocean acidification—the lowering of the PH level in salt water so that it becomes relatively more acidic and less alkaline because of the absorption of carbon is "occurring at a rate 30 to 100 times faster than at any time during the last several million years driven by the rapid growth rate atmospheric CO₂ that is almost unprecedented over geologic history" (Woods Hole Oceanographic Institution, <https://www.whoi.edu/know-your-ocean/ocean-topics/how-the-ocean-works/ocean-chemistry/ocean-acidification/>); Scott C. Doney et al., "The Impacts of Ocean Acidification on Marine Ecosystems and Reliant Human Communities," *Annual Review of Environment and Resources*, 2020, <https://www.annualreviews.org/doi/epdf/10.1146/annurev-environ-012320-083019>. Though the effects are still being researched, no one can safely predict that ocean life can adapt to the change to water chemistry occurring now and predicted to increase as the planet continues to warm.

⁶² TESR and HIA, notes 4 and 14.

Along with massive forest fires meaning that forests can no longer serving as carbon sinks, melting glaciers, thawing permafrost, rising sea levels and warming oceans, droughts and massive, uncontrollable, acidification is the most real, most incontrovertible evidence of our climate crisis.⁶³

⁶³ Caleb T. Hasler et al., “Biological consequences of weak acidification caused by elevated carbon dioxide in freshwater ecosystems,” *Hydrobiologia* (2018) 806:1–12 at pp. 2 and 8, <https://link.springer.com/article/10.1007/s10750-017-3332-y>; <https://aslopubs.onlinelibrary.wiley.com/doi/epdf/10.1002/lno.11298> (author manuscript: <https://aslopubs.onlinelibrary.wiley.com/doi/am-pdf/10.1002/lno.11298>). In *Forest Carbon* (Natural Resources Canada) we read:

For the past century, Canada's managed forests have been a significant carbon sink, steadily adding carbon to that already stored. In recent decades, however, the situation has reversed in some years: Canada's forests have become carbon sources, releasing more carbon into the atmosphere than they are accumulating in any given year. (<https://www.nrcan.gc.ca/climate-change-adapting-impacts-and-reducing-emissions/climate-change-impacts-forests/forest-carbon/13085>)

Appendix D — Crossings and Corridors for Animals—Birds, Fish and Turtles, Deer, Moose, Small Animals and Insects

The MTO has proven the worth of animal crossings along the now twinned highway 69, which along with fencing, has reduced animal-vehicle collisions by a reported 74 per cent.⁶⁴

Animal Crossings — highway 69, south of Sudbury, Ontario



There are other models: Banff which has 6 overpasses in addition to 38 underpasses on the TC (which have reportedly reduced wildlife collisions by 80 per cent), California, which is building a huge bridge over a ten-lane freeway, and France, where 9 overpasses are being added to the existing 100.⁶⁵

Crossings allow animals to maintain habitat; the crossings become part of migration corridors.

⁶⁴ Along the now twinned highway 69, there is one large culvert and one overpass, which, along with fencing, have reduced animal-vehicle collisions by a reported 74 per cent. See “Do animals actually use highway crossings? The MTO says yes,” *Sudbury.com*, August 13, 2020, <https://www.sudbury.com/local-news/do-animals-actually-use-highway-crossings-the-mto-says-yes-2589416>; “Sneak a peek at animals using wildlife overpass,” *Cottage Life*, November 09—20, <https://cottagelife.com/outdoors/sneak-a-peek-at-animals-using-wildlife-overpass/>; and see Josef Hamr, David J. Lieske, Michelle Martin, Connor B. Nickel, Jesse N. Popp, “The efficacy of highway wildlife collision mitigation in preventing elk mortality in central Ontario,” *The Journal of Wildlife Management*, January, 2022, <https://wildlife.onlinelibrary.wiley.com/doi/full/10.1002/jwmg.22184>; and EcoKare International, “Effectiveness monitoring of wildlife mitigation measures for large- and mid-sized animals on Highway 69 in Northeastern Ontario, 2020,” <https://eco-kare.com/wp-content/uploads/2020/10/EcoKare-Final-Report2-to-MTO-Hwy-69-Effectiveness-monitoring-public-version-15Oct20.pdf>.

⁶⁵ Over forty years ago, Banff has led the world in creation of such mitigation measures and has been a beacon to the world. Banff which has 6 overpasses in addition to 38 underpasses on the Trans-Canada, corridors which have reportedly reduced wildlife collisions by 80 per cent. See “As Banff’s famed wildlife overpasses turn 20, the world looks to Canada for conservation inspiration,” *Canadian Geographic*, December 04—17 updated July 22—22, <https://canadiangeographic.ca/articles/as-banffs-famed-wildlife-overpasses-turn-20-the-world-looks-to-canada-for-conservation-inspiration/>. And see Ben Goldfarb, “Crossings: How Road Ecology is Shaping the Future of our Planet,” (2023, W. W. Norton & Company) at pages 7, which highlights what Banff has taught the world, and pages 69 to 70 and 73 to 76. The following are references to corridor and animal protection measures around the world: *France*: “France is building overpasses to reduce roadkill,” *The Economist*, June 02—22, <https://www.economist.com/europe/2022/06/02/france-is-building-overpasses-to-reduce-roadkill>; *California*: “How a lonely mountain lion led to the creation of the world’s largest wildlife overpass,” *CNN*, April 08—23, <https://www.cnn.com/2023/10/08/us/iyw-wildlife-overpasses/index.html>, and *Texas*: “Texas Wildlife exits on Texas roads could help endangered ocelots: Specially designed crossings keep animals from getting hit by cars,” *Popular Science*, October 16—23, <https://www.popsci.com/environment/wildlife-exit-ocelots/>.

Of the impacts outlined by Niiwin Wendaanimok in the HIA, mitigation measures “noted” for the MTO’s consideration (for some reason the HIA, throughout, avoids the use of “recommended”) included the use of animal crossings to reduce vehicle-animal collisions but recorded that the MTO was only prepared to commit to “supporting additional investigations to identify areas of wildlife crossing and determine if wildlife corridors can be a viable option for subsequent phases of the project” “or to “explore” such crossings.”⁶⁶

In what appears to be anomaly, MTO, in the HIA discussion on deer, apparently committed to use “large culvert designs to allow for the uninhibited movement of wildlife and water . . .”⁶⁷ However this is not consistent with the general limited commitment to signage, barriers and a commitment to “explore” crossings of with the very clear language in the TESR, Ontario’s environmental assessment upon which the MTO is, presumably, relying, that “specific measures to reduce on-going wildlife highway mortality are not feasible in this section (e.g., there are no low draws or valleys that might support larger structures for an underpass)” and “opportunities to design larger highway culverts with overbank areas that may facilitate movement of small animals will be reviewed and incorporated if appropriate.”⁶⁸

Given its refusal to consider underpass crossings or culverts for the first stage of the TC twinning project and its undertaking to incorporate such underpasses in the next two stages only if “viable” and “appropriate”, and only, so the TESR states, to protect “small animals”, *it is clear that the MTO is committed to do very little to protect animals, birds, and insects* along the project route. In addition, the commitment to examine culverts for small animals with nothing for large animals emphasizes the weakness of the MTO’s commitment to any form of animal crossing or any other form of mitigation to protect animals.

In the following comment, the TESR also minimizes the potential doubling of animal-vehicle collisions:

In general, some increase in wildlife mortality can be expected to occur as a result of the proposed highway twinning and potential for increased traffic flow, although this may be in part offset by general improvements in visibility and expansion of the ROW [right of way], which may deter some movement across the highway.⁶⁹

Not only is the TESR minimizing the potential of a doubling of animal roadkill which twinning may cause (animals must cross four lanes not two) it is suggesting that improvements in visibility and expanding the right of way “may deter” animals from crossing the highway. It presents no evidence that either would be effective.

One has to question why the MTO’s tepid and shallow response when the Ministry has proved the worth of crossings on Highway 69.

⁶⁶ HIA, note 14 at p. 364, 6.2.1.5 Mitigation Measures to Protect Waawaashkeshiwag (deer); 6.6 Impacts on Wellbeing, 6.6.4 Hunting at p. 493.

⁶⁷ HIA, not 14, “6. Impacts & Mitigation, 6.2.1 Waawaashkeshiwag (Deer), 6.2.1.5 Mitigation Measures to Protect Waawaashkeshiwag” at pp. 363 to 364

⁶⁸ TESR, note 4, 7.4.4 Site-Specific Mitigation Measures at p. 7.

⁶⁹ TESR, note 4, at p. 69.

FISH AND OTHER AMPHIBIANS The MTO did commit to offer protection to fish and turtles by “designing culverts at watercourses where giigoonyag (fish) have been identified to allow for giigoonh (fish) passage” and made the same commitment for the protection of mishiikenyag (turtles).⁷⁰

This commitment to tiny creatures stands in stark contrast Ontario’s lack of commitment to animals and to Indigenous interests generally.

Whether such culverts have been designed or installed on Section I is unknown; it is a subject for investigation by the joint/collaborative assessment which the authors are urging the IAAC to undertake/coordinate.

⁷⁰ HIA, note 14, “6.6 Impacts to Wellbeing, 6.6.3 Fishing, at p. 484 (with respect to turtles, see 6.5 Impacts to the Waters, 6.5.4 *Mishiikenyag* (Turtles, Order Testudines)” at p. 469.