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Approval of the Highway 400 to Highway 404 Extension Link (Bradford Bypass) Environmental Assessment

The ministry's approval of the environmental assessment for a new freeway to connect Highway 400 in Bradford West Gwillimbury to a northerly extension of Highway 404 in East Gwillimbury.

Notice of approval

Proponent: Ministry of Transportation
Environmental assessment file number: TC-CE-02

Take notice that the period for requiring a hearing, provided for in the Notice of Completion of the Review for the above noted undertaking, expired on July 23, 2001, received 55 submissions before the expiration date. Sixteen submissions requested a hearing by the Environmental Review Tribunal or Mediation. The public, including the submitters, had been advised that the Minister was considering applying section 9 of the *Act* with respect to the Environmental Assessment (which has the effect of eliminating the acceptance decision which was necessary prior to January 1, 1997) and were invited to make submissions on that proposal. None did during the comment period.

Pursuant to subsection 12.4(3) of the amended *Environmental Assessment Act*, I order that the provisions of section 9 (other than paragraph 9(2)2 and other than the reference to subsection 6.4(2) in paragraph 9(2)5) apply with respect to the Environmental Assessment.

I do not consider it advisable or necessary to hold a hearing or refer matters to mediation. Having considered the purpose of the *Act*, the Environmental Assessment, the Review and submissions received, I hereby give approval to proceed with the undertaking, subject to conditions set out below.

Conditions of approval

Definitions

Class EA

refers to the Ministry of Transportation's Class Environmental Assessment for Provincial Transportation Facilities, as amended July 14, 2000.

Design
refers to the preliminary design and detail design phases, as defined in the Ministry of Transportation's Class Environmental Assessment for Provincial Transportation Facilities as amended July 14, 2000.

Director
refers to the Director of the Environmental Assessment and Approvals Branch.

EA
refers to the Highway 400-Highway 404 Extension Link (Bradford Bypass) Environmental Assessment Report, One-Stage Submission, dated December 1997. The EA also includes all submissions from the Proponent included in Appendix C and D of the Government Review dated May 2001, and the Proponent's response to public submissions dated February 6, 2002, including attachment 1 (pages 1 through 61).

EA
refers to the *Environmental Assessment Act* as amended.

MOEE
refers to the Ministry of Environment and Energy.

Noise Protocol
refers to the Ministry of Transportation and the Ministry of the Environment's policy agreement, dated February 1986, dealing with noise concerns during the preparation, review and evaluation of environmental assessments for Provincial Highway undertakings.

Proponent
means the Ministry of Transportation, its agents, successors, transferees and assigns who will be carrying out the design, construction, operation and maintenance of the proposed undertaking.

A Protocol for Dealing with Archaeological Concerns on Ministry of Transportation Undertakings
refers to the Ministry of Transportation and the Ministry of Culture, (formerly called Ministry of Tourism, Culture and Recreation) policy agreement, dated October 23, 1989, which identifies the archaeological requirements for the Ministry of Transportation undertakings.

Public Record
is the Ministry of Environment and Energy's Public Record file maintained for the undertaking.

Regional Director
refers to the Director of the Ministry of Environment and Energy's Central Region Office.

Conditions

General conditions

1. The Proponent shall comply with all the provisions of the EA submitted to MOEE, all of the provisions of which are hereby incorporated in this approval by reference, except as provided in these conditions and as provided in any other approvals or permits that may be issued.
2. These conditions do not prevent more restrictive conditions being imposed under other statutes.
3. The Proponent shall advise the Director of the Environmental Assessment and Approvals Branch in writing every two years from the date of this approval, the status and scheduling of the overall undertaking, design studies, and construction projects including the anticipated date of completion.

4. The Proponent during the design and construction of the undertaking shall comply with the MTO's Class EA for Group A Projects all of the provisions which shall apply to the design and construction of the undertaking.
5. The Proponent shall provide to the MOEE for placement on the Public Record Transportation Environmental Study Reports (TESRs) and Design and Construction Reports (DCRs), required by the Class EA, other documents as identified in the EA or required by these conditions, including notices to the public and agencies regarding study commencements and the availability of TESRs and DCRs. The Proponent shall also provide copies of all documents to:
 - o The Regional Director of the MOE Central Region Office;
 - o The Clerk of The Corporation of The Town of Bradford West Gwillimbury;
 - o The Clerk of The Town of East Gwillimbury;
 - o The Clerk of The Town of Newmarket;
 - o The Clerk of The County of Simcoe;
 - o The Clerk of The Township of King;
 - o The Clerk of The Regional Municipality of York; and ,
 - o Local libraries in Bradford West Gwillimbury, East Gwillimbury, and King Township.

These documents will also be provided to other municipalities as considered appropriate by the Proponent.

Design phase – applied mitigation conditions

6. The Proponent shall prepare at the commencement of individual design studies a Stage III Archeological Assessment for review and comment by the Ministry of Culture (MC) The Stage III Archeological Assessment shall comply with the Protocol established between the Proponent and MC. The Stage III Archeological Assessment shall be reviewed by MTO and reviewed and approved by the MC. The Proponent shall implement the recommendations and findings of the approved Stage III Archeological Assessment in the design and construction of the undertaking.
7. The Proponent shall prepare at least 90 days prior to an anticipated construction project, the stormwater management plan identified in section 5.4.6.1 of the EA. The stormwater management plan shall address both water quality and quantity impacts. The plan shall be developed and reviewed by the agencies identified in section 5.4.6.1 the EA. This plan shall include contract specifications that require the preparation of sedimentation and erosion control plans, which provide details of implementation, monitoring, and commitment to undertake modifications, where necessary during construction, to maintain effectiveness.
8. The Proponent shall prepare at least 90 days prior to anticipated construction, the groundwater protection plan, and well monitoring program referred to in section 5.4.2.6 of the EA. The plan shall be developed and reviewed by the agencies, municipalities, and property owners referred to in section 5.4.2.6 of the EA.
9. The Proponent shall not proceed with construction until the Regional Director has given written notification of satisfaction with the stormwater management plan and groundwater protection plan as requested by conditions 7 and 8. The Proponent shall implement the plans in accordance with the written notification.
10. The Proponent shall prepare a detailed noise report and shall submit the report for review to the Director at least 90 days prior to a construction project and shall not proceed with construction until the Proponent has received written notification from the Director that the Report is satisfactory. The report shall be in accordance with the Noise Protocol. The Proponent shall implement the recommendations of the approved detailed noise report in the design and construction of the individual project.

Process for addressing new concerns

11. The Proponent shall not make any changes to the undertaking as approved unless the changes are made in accordance with the requirements of chapter 10 of the Class EA. Monitoring of EA Commitments and EAA Conditions of Approval.
12. Prior to construction, the Proponent shall develop a compliance monitoring plan for each individual construction project that will describe how compliance with all EA commitments, and EAA conditions of approval will be monitored. The plan shall include a description of what indicators will be used to measure compliance, how compliance will be measured, and what data will be used to demonstrate compliance. The Proponent shall not proceed with construction until the Director has provided written notification of satisfaction with the monitoring plan.
13. The Proponent shall submit the compliance monitoring plan for each planned construction project to the Director and Regional Director for placement on the Public Record.
14. The Proponent shall prepare an annual compliance report which includes a summary of the results of the compliance monitoring plan for individual construction projects and a statement as to compliance with all conditions of this approval. The compliance report shall cover the previous calendar year. The Proponent shall each year, no later than three months after the end of the previous calendar year, submit to the Director for placement on the Public Record a copy of the annual compliance report. The Proponent shall submit annual compliance reports until all conditions are satisfied or until the Director notifies the Proponent in writing that annual compliance reports are no longer required. The Proponent shall submit a final compliance report indicating that it is the final compliance report and, that all conditions have been satisfied.
15. The compliance monitoring plan for individual construction projects and any records required to be kept or created by the plan shall be made available to the ministry or its designate upon request in a timely manner when so requested by the ministry during an on-site inspection, audit, or response to an incident report or when information concerning compliance is requested by the ministry.

Reasons

My reasons for giving approval are:

1. On the basis of the proponent's Environmental Assessment and the Review, the proponent's conclusion that, on balance, the advantages of this undertaking outweigh its disadvantages appears to be valid.
2. No other beneficial alternative method of implementing the undertaking was identified.
3. Issues raised in the submissions regarding the environmental effects of the location of the proposed undertaking were addressed in the Environmental Assessment. Issues raised regarding the need for additional information to assess site specific impacts of the proposed undertaking are addressed by the conditions of approval.
4. On the basis of the proponent's Environmental Assessment, the Review and the conditions of approval, the construction, operation and maintenance of the undertaking will be consistent with the purpose of the Act (section 2).
5. The Government Review Team has indicated no outstanding concerns that cannot be addressed through conditions of approval. The public review of the Environmental Assessment did not identify any outstanding concerns which cannot be addressed through these conditions of approval.
6. The submissions received after the Notice of Completion of the Review was published are being dealt with through conditions of approval where appropriate. I am not aware of any outstanding issues with respect to this undertaking which suggest that a hearing should be required.

Dated the 28th day of August 2002 at Toronto

Original signed by:
Minister of the Environment and Energy
135 St. Clair Avenue West, 12th Floor
Toronto, Ontario
M4V 1P5

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