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EA Modernization Project Team
Environmental Assessment Modernization Branch
135 St Clair Ave West, 4th Floor
Toronto, ON M4V 1P5

Sent by email to: EAmmodernization.mecp@ontario.ca

Dear EA Modernization Project Team

Re: Proposed Project List under the Ontario *Environmental Assessment Act* (ERO 019-4319)

I represent Environmental Defence in the provincial environmental assessment of the GTA West highway. These comments are specific to the highways provision of ERO 019-4319.

As the material associated with the above ERO posting admits, currently the planning of all new 400 series highway projects are subject to individual EA requirements. The material states that the proposed comprehensive EA thresholds “is based on the thresholds of the federal government”.

There is no material or evidence presented that the 75km threshold, nor the other thresholds that are newly added in this ERO posting such as the number of lanes, physical medians, controlled access and speed limits, has any environmental basis in terms of the risks posed by the project or the reliability of standard mitigation measures. Similarly, the fact that a proposed highway has a prior approval for part of its route is not relevant to whether it would have significant environmental impacts.

The evidence is clear that highways pose significant environmental challenges, particularly controlled access highways with large new rights of way. These relate to both local and regional traffic related air pollution, significant increases in aquatic pollution from roads including nutrients, petrochemicals and salt, destruction of aquatic habitat from water crossings, increased greenhouse gas emissions, as well as destruction of large amounts of habitat including frequently, endangered species habitat. These effects are well-established whether a new highway occurs in an urban or a rural or remote setting.

We are not aware of any underlying rationale for the 75-kilometre threshold used by the federal government in the regulations under the *Impact Assessment Act* either. Thus, reliance on the federal threshold does not make the proposed regulation defensible. We note that the federal government has previously assessed or designated for assessment highways that are shorter than this length. This includes the GTA West Highway which the Federal Minister of Environment and Climate Change recently designated under the *Impact Assessment Act*.

It seems reasonable to assume that the “streamlined” EA contemplated for highway projects under 75 km or that do not meet the other proposed criteria in the regulation would be similar to the regulatory framework set up for the Bradford Bypass or for the streamlined priority transit projects in Ontario.

Such a process could leave the GTA West Highway without any environmental assessment. It does not appear that the individual EA process that is currently being followed for the GTA West would be transitioned under the recent amendments to the *Environmental Assessment Act*. The intention of the proposed transition regulation in this regard is not clear.

With respect, these are not streamlined EAs. They are not EAs at all, since the process followed does not allow the results of the environmental assessment to inform whether the project goes ahead, or what conditions must be met. Without this, **there is no** environmental assessment, only paperwork documenting the effects of a project that is already fully authorized to proceed.

There is no policy basis to stop assessing highways shorter than 75 km for their potentially serious health, land use planning and environmental effects. Ontario should be moving towards health impact assessment and a full climate assessment to address well-established effects such as induced demand, destruction of habitat features and corridors and salination of waterways. Instead, Ontario proposes to leave Ontarians in the dark about major, life-changing infrastructure decisions and to follow a process that does not engage or inform Ontarians, nor the government agencies who are the proponents of this infrastructure in any meaningful way.

We are completely opposed to this aspect of the project list. All MTO highways should be subject to an individual EA. The proposed regulation will leave very large highways, the length of a highway from Brampton to Oshawa completely without an environmental assessment. It is unconscionable that Ontario would do this.

Sincerely,



Laura Bowman
Staff Lawyer

cc: Lana Goldberg, Environmental Defence