

May 28, 2022

Impact Assessment Agency of Canada
160 Elgin Street, 22nd Floor
Ottawa, ON K1A 0H3

Dear Mesdames/Messieurs:

Re: Reference No. 83539 (Georgina Island Fixed Link)

We are legal counsel for the Lake Simcoe South Shore Residents Association (“LSSSRA”) and are submitting comments on their behalf to the Impact Assessment Agency of Canada (“IAAC”) regarding the Georgina Island Fixed Link (“GIFL”) Initial Project Description.

Introduction

The Chippewas of Georgina Island First Nation (“GIFN”), of approximately 936 members of which 209 reside on Georgina Island, should have a safe and convenient method of passage to and from Georgina Island. For nine months residents of Georgina Island rely on the Marine Ferry system from Virginia Beach to Georgina Island. During the winter months, with ice on the Lake, travel is by scoot/air boat ferry and an ice road. The GIFN have identified these modes of travel in the winter as health and safety issues that warrant a solution. In this regard, a Health Impact Assessment has been completed for the GIFN that identifies the GIFL as the “only” solution to effectively address these issues.

As described the Initial Project Description, the GIFL will consist of a 2.8 km causeway and bridge requiring 4.5 million cubic meters of earthworks of which some 2.5 million cubic meters will be below water surface, to accommodate an estimated 400 vehicles per hour.

The LSSSRA is very concerned that the GIFL will act as a dam causing significant adverse environmental change and damage particularly to areas west, east, and south of the dam-like structure which are now fed by constant water currents from the west along the entire South Lake Simcoe shoreline to at least the Peninsula of Duclos Point. With substantial blockage of water currents, the LSSSRA is concerned that there will be eutrophication in the Lake combined with shoreline degradation. There is also a concern with toxic runoff of salt from the GIFL roadway over the winter as well as oils and heavy metals from cars and trucks crossing the GIFL.

Swimmers, boaters, fishers and residents know this area of the proposed GIFL to be quite shallow reaching a depth of about seven or perhaps 8 feet with a totally sand bottom filled with green flourishing natural vegetation. This vegetation supports a rich marine ecosystem that depends upon the cold fresh water currents from the open Lake into this area.

1. Lack of Information & Need for Complete Impact Assessment

Despite the assertion that a fixed link is the “only” solution, the Initial Project Description acknowledges that much more information and study is required to properly understand the effects of the proposed GIFL. The following studies/reports are listed as needed:

- (i) Transportation Impact Study to analyze potential traffic impacts and identify mitigation measures;
- (ii) Detailed Natural Environment and Ecological Impact Assessment including terrestrial ecology and wildlife existing conditions, aquatic ecology existing conditions, arborist report, fish and fish habitat, breeding bird surveys, ELC and botanical inventories, and species at risk assessment;
- (iii) Air Quality Existing Conditions and Impact Assessment Study;
- (iv) Noise Existing Conditions and Impact Assessment Study;
- (v) Surface Water Quality Impact Study;
- (vi) Erosion and Sediment Control Plan;
- (vii) Stormwater Management Report;
- (viii) Geotechnical Investigation;
- (ix) Coastal Engineering Plan;
- (x) Hydrogeological Baseline Conditions and Impact Assessment Report;
- (xi) Phase I and II Environmental Site Assessments; and
- (xii) Accidental Spills and Malfunctions Assessment.

In addition to the foregoing, GIFN also needs to conduct a visual impact assessment. The identification of valued landscapes as part of a baseline study is important, and a visual impact assessment is an important tool used to ensure the recognition and consideration of the visual aesthetic qualities of the landscape in the process of environmental design and management. From the visual perspective, the public, residents, cottagers, visitors, boaters, campers especially from Duclos's point all the way to Sibbald Point, will have their beautiful perspective of the Island and the Lake (often with the ability to see across the Lake to the northern shore of Lake Simcoe to Barrie and sometimes Orillia) completely cut off by the causeway and the bridge undermining an area specifically devoted to recreation and enjoyment of the Lake.

The Transportation Impact Study should include a detailed analysis of road safety risks and mitigation strategies particularly with respect to icy roads on the GIFL in extreme weather, including blowing snow, and freezing rain with black ice. There are also consequent road safety risks to be assessed on the mainland resulting from the construction and operation of the GIFL.

Given the size, location and potential effects of the GIFL as well as the significant amount of information that is still required to be obtained or updated, it is the firm position of the LSSSRA that a comprehensive and complete impact assessment is required followed by the Minister referring the GIFL to a panel review.

2. Responses to Issues Raised

The LSSSRA notes from the Summary of Community Engagement that answers to certain questions and issues have been deferred to future studies. In particular, during the GIFN Youth Workshop held on November 9, 2021, the following concerns were raised:

- (i) Increased development that may happen after the GIFL is built;
- (ii) Security of the GIFN community;
- (iii) Population growth with more cottagers;
- (iv) Putting the GIFN community in debt due to GIFL costs; and
- (v) Job loss due to the loss of the ferry system.

These are significant factors that bear on the impact assessment. Detailed information should be provided as part of the detailed project description and assessment.

With respect to concern no. (iv), GIFN states that the “initial rough order” of the magnitude of costs for the GIFL is \$250 million with The Canada Infrastructure Bank potentially investing approximately 80% of the capital required to construct the GIFL. Significantly more detail is required to determine the potential financial obligations and risks confronting the GIFN community and others. The LSSSRA notes as well that a detailed assessment needs to be conducted respecting anticipated ongoing maintenance and operating costs associated with the GIFL.

3. Assessment of Alternatives to the GIFL

Alternatives to the GIFL are based on a Proposed Fixed Link Study prepared by Neegan Burnside fourteen years ago (2008). The proposed alternatives included:

- (i) Do Nothing;
- (ii) Improve Existing Aazhaawe Ferry and Ice Road Operations;
- (iii) A Bridge; and
- (iv) A Combination of a Bridge and Causeway.

There was no consideration of an electric ice breaking ferry. Available and operating in Ontario, at other locations in Canada, and at various locations around the world, are modern “green” ferries using electric propulsion producing zero emissions and that can operate 12 months of the year

without any difficulty. For example, the Ministry of Transportation Ontario recently approved an electric, zero-emission Wolfe Island Ferry to operate year round between Kingston and the Island.

With respect the Neegan Burnside Study is outdated and should be redone to include the alternative of employing a “green” ferry system that has the existing infrastructure in place to accommodate landings at the Island and on the mainland.

On a related point, the GIFL Initial Project Description contains a section on greenhouse gas emissions (“GHG”). It concludes that the proposed GIFL will result in a 15% decrease in GHG emissions compared to the existing ferry operations. However, such an analysis should also include GHG reductions stemming from a “green” ferry system.

4. Consultation and Cooperation with Other Jurisdictions

As you are aware, under section 21(b) of the *Impact Assessment Act*, IAAC or the Minister (if the designated project has been referred to a review panel) must offer to consult and cooperate with respect to the impact assessment of the designated project with the government of a province and any agency or body established under an Act of a legislature of a province. Under section 18 of the GIFL Initial Project Description there is a list of federal authorities, Ontario Ministries and bodies as well as municipalities that have been consulted by the GIFN with respect to the assessment of the GIFL’s environmental effects. There could be other Ministries that should be consulted including would include Ministries of the Government of Ontario including the Ministry of Transportation Ontario, the Ministry of Infrastructure, Ministry of Health, Municipal Affairs, as well as the Ministry of Heritage Sports, Tourism and Cultural Industries.

In GIFN discussions with the Ministry of Northern Development, Mines, Natural Resources and Forestry (“MNDMNRF”), it was confirmed that there is an overlap in the requirements between MNDMNRF and the federal impact assessment process and that an “integrated” approach would be required. The GIFN has offered to circulate relevant information to MNDMNRF as early as possible and will continue to engage with the MNDMNRF (and presumably other provincial Ministries and bodies as well as relevant municipalities) throughout the course of impact assessment.

The LSSSRA notes that there is also a statutory obligation on IAAC or the Minister (if the GIFL is referred to a review panel) to consult and cooperate with these other jurisdictions regarding the impact assessment. It would be important for all parties engaged in the impact assessment process to be informed as to the nature and extent of the required consultation and cooperation. In particular, the LSSSRA would like to understand the role that the Lake Simcoe Regional Conservation Authority (“LSRCA”) will play in the impact assessment process in order to discharge its ongoing obligations to protect the Lake.

The LSSSRA also expects that during this phase of the impact assessment process that IAAC will request other federal authorities in possession of specialist or expert information or knowledge with

respect to the GIFL relating to Lake Simcoe to make such information available to IAAC, GIFN and the public.

5. Schedule and Notice Requirements

The LSSSRA notes that the IAA schedule set out in the Initial Project Description does not contemplate or reference the potential for the Minister referring the GIFL impact assessment to a review panel. For the reasons set out herein, the LSSSRA believes that it would be in the public interest for such a referral to take place. At a minimum, the IAA schedule should at least reference such a possibility as the public may not be aware of that potential avenue for review of the GIFL.

Even though the GIFN is aware that LSSSRA members have attended earlier webinar sessions hosted in connection with the preparation of the GIFL Initial Project Description, and left e-mail addresses for receipt of further information, no notice was provided to the LSSSRA regarding the comment period that ends on May 30, 2022. In speaking with their neighbours on Lake Simcoe, not one resident said they received a notice. It should be assumed that no notice was sent, mailed, emailed, or telephoned.

A friend of a member of the LSSSRA noticed the small advertisement in the local newspaper, and in passing, mentioned this process on or about May 12, 2022. The LSSSRA is concerned that many residents in the area still do not know about the impact assessment process relating to the GIFL.

Conclusion

Given the size, location and potential effects of the GIFL as well as the significant amount of information that is still required to be obtained or updated, it is the firm position of the LSSSRA that a comprehensive and complete impact assessment is required followed by the Minister referring the GIFL to a panel review.

Yours truly,



Charles J. Birchall

Partner

*Certified as a Specialist in Environmental Law
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