

## Lake Simcoe South Shore Residents Association

Anjala Puvananathan, Regional Director

and Project Manager File 83539

**Re: The Lake Simcoe South Shore Residents Association formal submission to the Impact Agency of Canada to support the Agency's Decision in accordance with Section 16 of the Impact Assessment Act to require an Impact Assessment for the Georgina Island Fixed Link proposal to build a 2.4 km Bridge and Causeway in Lake Simcoe and a 800 m Roadway on federal lands in the Greenbelt between Black River Road and the shoreline. (CIAR # 83539)**

Dear Ms. Punavanathen

As President and on behalf of the Lake Simcoe South Shore Residents Association ("LSSRA"), I offer the following attached report including information and explanation why an impact assessment under the Impact Assessment Act (the "IAA") is (should be) required for the Georgina Island Fixed Link ("GIFL") or ("Fixed Link") or ("Project").

LSSRA is a not-for-profit association that was created to address the community concerns over the proposed Georgina Island Fixed Link. We are very concerned about the environmental damage, destruction of fish habitat, impairment of marine navigation and adverse impacts to species at risk that a project of this size will have on Lake Simcoe. Our Association has the support of the community associations that will be impacted by this project as well as residents of the Town of Georgina. In total, we represent more than a thousand individuals that request an impact assessment under the Impact Assessment Act.

Based on the enclosed report we support the GIFL undergoing an impact assessment so that issues can be identified and studied and a determination whether or not it is in Canada's and in Ontario's best interest to have a Fixed Link or if other reasonable and economically feasible alternatives (like an all season ferry) may better solve the problem statement and purpose of all season access to the Island.

Despite numerous representations that the IAAC process was going to be open and transparent, we have found this process very one sided and flawed. The proponent has represented on numerous occasions that critical information would be made public and continues to not respond or to provide the timing for the Detailed Project Description. GIFL have repeatedly represented that their DPD filing will ostensibly "avoid a federal impact assessment". The lack of transparency of this impact assessment process is in direct conflict with the Agency's guidance on its own website about "meaningful participation in the impact assessment process"

## Lake Simcoe South Shore Residents Association

In closing I would like to thank you for considering our report when making your Section 16 determination on whether an impact assessment is required. We request that this filing be posted on the IAAC – GIFL #83539 website. If you have any questions, please contact me for clarification.

Sincerely

Lee Simpson  
President Lake Simcoe South Shore Residents Association

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Enclosure: Report

## Lake Simcoe South Shore Residents Association

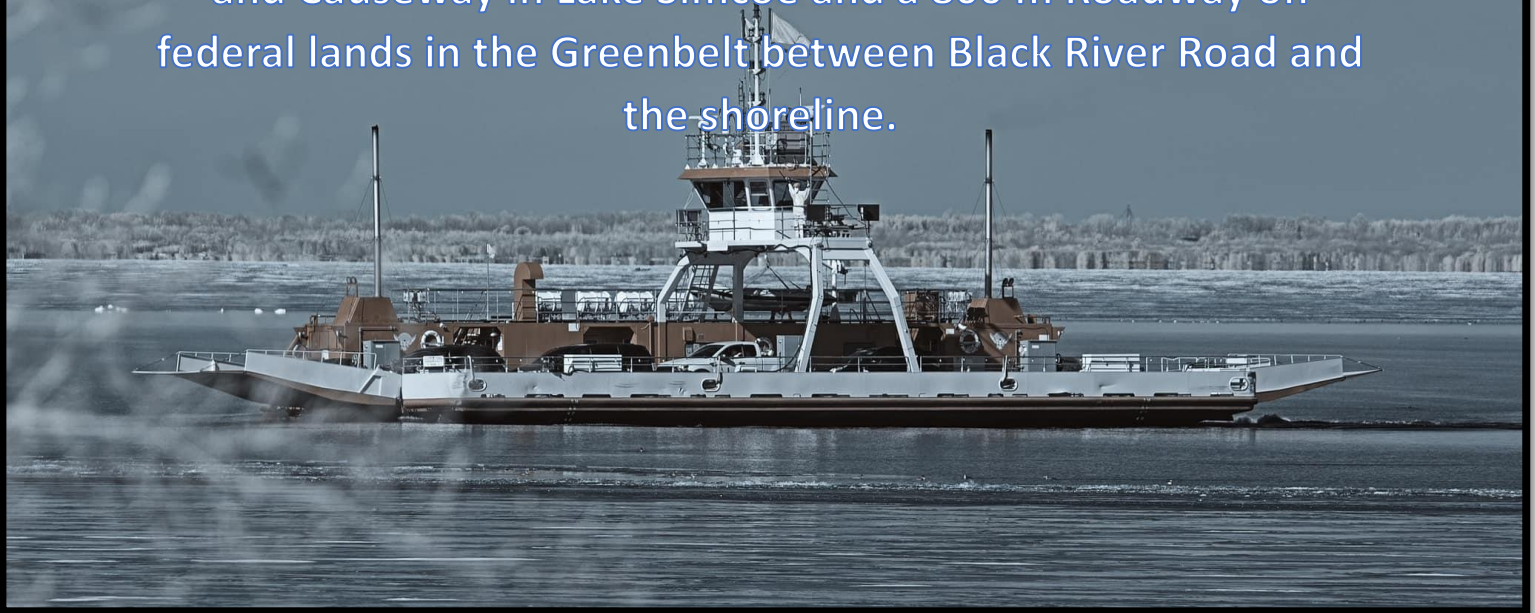
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11. Rob Baldwin, Chief Administrative Officer Lake Simcoe Conservation Authority
12. Chief Donna Big Canoe, Georgina Island Fixed Link
13. The Secretariat of the Fixed Link

## Lake Simcoe South Shore Residents Association:

Review of Georgina Island Fixed Link project, input on why an impact is required in accordance with Section 16 of the Impact Assessment Act

Georgina Island Fixed Link proposal to build a 2.4 km Bridge and Causeway in Lake Simcoe and a 800 m Roadway on federal lands in the Greenbelt between Black River Road and the shoreline.



**DATE: April 22, 2024**

**For: Impact Assessment Agency of Canada and Registry file # 83539**

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## Executive Summary

The Lake Simcoe South Shore Residents Association (LSSSRA) provides this important information to support the rationale for making the Georgina Island Fixed Link project subject to an impact assessment under the Impact Assessment Act. In summary the proposed Georgina Island Fixed Link would be constructed in (is located on) Lake Simcoe within the Great Lakes Basin. The Great Lakes Basin is, according to the International Joint Commission, “... one of the most important freshwater resources on earth. The fishery is worth more than \$7 billion annually to the people of the region, supports more than 75,000 jobs, sustains native fishers, and is the essence of the basin's rich cultural heritage.”

The proposed Georgina Island Fixed Link:

- is larger than the Detroit River Crossing (Gordie Howe Bridge);
- will cause multiple adverse environmental effects in federal jurisdiction
  - destroy 4.6 hectares of Fish Habitat;
  - Impede navigation;
  - will cause adverse impacts to Federally listed Species at Risk and their habitat including, Black Ash, Jefferson Salamander, Blanding’s Turtle, Eastern Whip-poor-will, Red-headed Woodpecker Eastern Meadowlark, Henslow's Sparrow, Bobolink, Loggerhead Shrike, Least Bittern, and King Rail;
  - will have adverse impact on Federal lands; and
- will adversely impact Canada’s ability to comply with its (domestic and international) environmental commitments and obligations; and
- Impacts and Mitigation have not been identified.

The proposed Georgina Island Fixed Link should have an impact assessment as it will adversely impact areas of federal jurisdiction specifically the destruction of fish habitat, impairment of marine navigation, adverse impacts to federal lands, adverse impacts to federally listed species at risk and critical habitat. These adverse effects should strongly point the federal government to requiring an Impact Assessment. We have also identified the 2024 amendments to Ontario’s Environmental Assessment a provincial comprehensive study because the project will involve at least 4.6 hectares of lake infilling in the Great Lakes Basin. The Agency should pause the timelines of the IAA’s planning phase to allow the province to catch up and enable a coordinated harmonized environmental assessment/impact assessment.

Moreover, the area that the Project is located is called the “greenbelt” in the protected “Countryside” designation. Conserving land in the Greenbelt is of particular interest to the Federal Minister of Environment. This area and surrounding drainage basins of Lake Simcoe is subject to other Provincial regional plans and binational plans (Canada-USA):

- Municipal York Region Official Plan;
- Provincial Greenbelt Act and Greenbelt Plan;

- Provincial Places to Grow Plan;
- Provincial Lake Simcoe Act and Lake Simcoe Plan;
- Canada-US Great Lakes Water Quality Agreement;
- Canada-US Lake Huron Lakewide Management Plan; and
- Canada 2022 Trent–Severn Waterway and Peterborough Lift Lock National Historic Sites of Canada Management Plan;

The project will require permits authorizations and licences issued by Canada including:

- Fisheries and Oceans Canada;
- Transport Canada;
- Environment and Climate Change Canada;
- Parks Canada; and
- Foreign Affairs Canada.

The magnitude of the proposed Georgina Island Fixed Link requires that Government of Canada take a “precautionary approach” to ensure the impact to federal jurisdiction are avoided or controlled and the project is consistent with Regional Plans and international treaties or are considered before irrevocable decisions are made by the Impact Assessment Agency of Canada and permits authorizations and licences issued by Fisheries and Oceans Canada, Transport Canada Environment and Climate Change Canada, Parks Canada and Foreign Affairs Canada.

## Context

LSSRA is a not for profit association that was created to address the community concerns over the proposed Georgina Island Fixed Link. We are very concerned about the environmental damage, destruction of fish habitat, impairment of marine navigation and adverse impacts to species at risk that a project of this size will have on Lake Simcoe. Our Association has the support of the community associations that will be impacted by this project as well as residents of the Town of Georgina. In total, we represent more than a thousand individuals that request an impact assessment under the *Impact Assessment Act*.

### **Where is Lake Simcoe and where is Georgina Island?**

Lake Simcoe is located north of Toronto, Ontario in the Great Lakes Drainage Basin draining into Lake Huron via the Severn River. See Figure 1 for the overall all context of where Lake Simcoe is Located. It is the 12<sup>th</sup> largest lake in Ontario with a surface area of 744 km<sup>2</sup> (287 sq mi) 219 m and an estimated water volume of 11.6 km<sup>3</sup> (2.8 cu mi).





Figure 1 Location of Lake Simcoe, middle right within the Lake Huron drainage Basin (source Franks et al 2010).

Lake Simcoe is also part of the Trent-Severn Historic Waterway a historic canal system connecting Lake Ontario and Lake Huron as a short cut for vessels navigating between Lake Ontario and the upper Great Lakes and avoids large parts of Lake Ontario and Lake Erie. The waterway is largely used by recreational vessels and administered by Transport Canada and Parks Canada.

### Canada and the United States Agreements

To support the Great Lakes Water Quality Agreement (GLWQA 2012) in 2018 Environment Canada and the United States Published the Lake Huron Lakewide Action and Management Plan, 2017-2021 (Lake Huron Plan). In this plan Canada expressed its commitment:

... to restore and maintain the chemical, physical, and biological integrity of the waters of the Great Lakes.

The Lake Huron Plan identified five priority threats to the waters of Lake Huron. These include the following:

- Chemical contaminants;
- Nutrients and bacterial pollution;
- Loss of habitat and native species;
- Invasive species; and,
- Climate change impacts.

Lake Simcoe, and development in and on Lake Simcoe influences the implementation of the GLWQA. To efficiently manage the water quality and development challenges facing Lake Simcoe and ultimately the Great Lakes, the Province of Ontario developed the Lake Simcoe Protection Act administered by the Provincial Minister of Environment Conservation and Parks and through the Lake Simcoe and Region Conservation Authority (LSRCA) with the sole and only objective being the protection and administration of Lake Simcoe.

Furthermore, development around the lake is managed by many Provincial statutory “regional plans” namely the Place to Grow Plan, the Green Belt Plan and Act, the York Region Official Plan 2022. The South shore of Lake Simcoe, within the Fixed link subject area, is within the protected Ontario legislated Greenbelt (Greenbelt Act [LINK](#)) and is also within the 2020 “A Place to Grow: Growth Plan for the Greater Golden Horseshoe” which is a plan to protect the natural environment and determine where and how growth should be accommodated in the region. Protection of the natural and countryside areas is a priority recognized by Canada’s Environmental Minister, Steven Guilbeault, who as recently as last year expressed concerns and warned proponents about development within Ontario’s Greenbelt. In January 2023 the Globe and Mail news paper quoted Minister Guilbeault, as saying that the federal government “will be looking at the potential use of federal tools to stop some of these projects.” (read in the Greenbelt) The Globe also noted that “... Guilbeault suggested he could use federal species-at-risk legislation if any proposed development threatened the survival of vulnerable animal populations. The federal government did this in 2016, when it blocked a housing development in a Montreal suburb over concerns about western chorus frog habitat.”

### **Magnitude of the Fixed Link Bridge and Causeway Project**

The Georgina Island Fixed Link proposed by the Chippewas of Georgina Island is the largest project ever proposed to take place in Lake Simcoe. As described in LSSRA’s 2022 submission, we understand that the Fixed Link will consist of a 2.4 km causeway and bridge requiring 4.5 million cubic meters of earthworks of which some 2.5 million cubic meters will be below the water surface, to accommodate only a few cars per day as it will be accessible only to residents or their registered guests of Georgina Island. It will not be open to the public as the majority of the Island residents consider the island to be their community and want to continue to consider it akin to a gated community. Comments in this document are focused on the stated preferred Fixed Link Alignment identified in Figure 2. The proponent of the GIFL purchased 2 blocks of land on the mainland and these are now considered “federal land”. Both parcels were surveyed by the Canada Lands Company in 2019 and 2020 and then added to the reserve lands (Canada Lands Survey 2020a, Project: 201914036; Canada Lands Survey 2020b Project: 202014158)

## Study Area and Alignment Alternatives

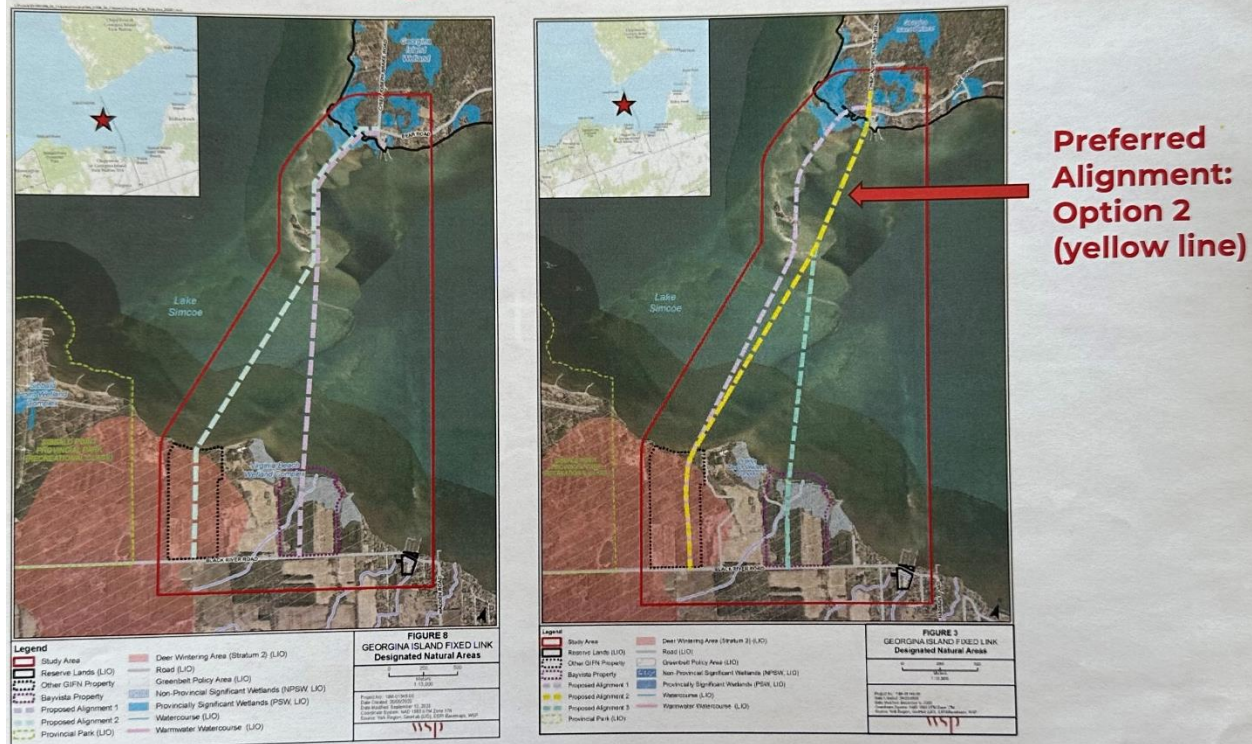


Figure 2 Magnitude of the Georgina Island Fixed Link source January 20, 2024 Open house photo from hard copy information not available online

Both large parcels depicted in Figures 2 and 3 are within the Ontario designated Greenbelt area. One of these parcels is a component of the Fixed Link as a new Roadway is proposed to [it will] connect Black River Road to the proposed Causeway, a distance of about 800 m from the municipal road to the shore of Lake Simcoe.



*Figure 3 Dashed areas show the federal lands in the vicinity of the Fixed link including the 2 mainland blocks for the mainland Fixed Link infrastructure. Two blocks to the West of the existing Island Ferry site are the proposed locations for infrastructure (Data Source NRCan CLSS Map Browser 2024).*

The Project shown in Figure 2, will be larger than the Gordie Howe Bridge a 2.5 km long bridge being completed between Canada and the US in the Windsor Detroit Corridor. Gordie Howe Bridge, formerly know as the Detroit River Crossing, was planned through a coordinated federal-provincial Environmental Assessment process that allowed Canada and Ontario to exercise their respective environmental duties and the process allowed the participation of all affected communities and groups located on both sides of the border ([LINK](#)). With the current improvements to the Federal Impact Assessment Act and Provincial Act it would be an oversight if this project failed to be assessed in a rigorous and robust coordinated EA process.

Basically, the Proposal is to build a causeway, or perhaps it should be called a dam, and a 90 foot high bridge for vehicular traffic two ways back and forth from the mainland to the Island. For perhaps thousands or millions of years, Georgina Island has been an island approximately 3 km from the Lake Simcoe shore with the resultant environmental and ecological formations and habitats for the hundreds if not thousands of acres that would be affected if this Fixed Link Project were to be built. The Proposal estimates at least 4.5 million tons, that's million tons of rock and dirt as inorganic fill would be dumped onto the sandy bottom of Lake Simcoe to a



height sufficient for the asphalt roadway to be laid on top of this intrusive foundation. In effect, this is a dam which will cause significant and profound environmental change to the eutrophication and potential catastrophic damage particularly to areas east and southeast of the dam which are now fed by constant water currents from the West along the entire South Lake Simcoe Coast to at least the peninsula of Duclos Point. Expected should be changes to the Trophic Status in the lake by the significant change and blockage of water currents, runoff, shoreline degradation, and eutrophoric conditions. Expect the causeway to cause an anoxic condition which will have a profound effect on the chemistry and biology of the large affected area. Most likely there will be a significant increase in macrophytes and phytoplankton causing the water area to turn green or brown. Also expect toxic runoff of salt from the roadway over the winter as well as oils and heavy metals into the lake.

The cold fresh water currents bring oxygenated water, nutrients, microorganisms, fish and other marine creatures into the affected area east and southeast of the new proposed dam or causeway. Swimmers, boaters, fishermen and others know this area 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. At the bottom of the natural marine food chain, this vegetation supports an entire marine ecosystem including microorganisms, small organisms, breeding grounds, natural areas for birth from eggs, as well as fish and other marine populations. With the dam or causeway, it must be expected that blocking the cold fresh water currents from the open lake into this area will increase its temperature significantly; cause decay with stillwater lacking sufficient oxygen content for vegetation or marine life; significantly affect the marine ecosystem at the shoreline; starve wetland areas connected to the lake; and probably reduce the surrounding water table on the mainland.

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 the northern shore of Lake Simcoe to Barrie and sometimes Orilla) completely destroyed and cut off by the causeway and the bridge. Thousands if not tens of thousands have enjoyed for years the magnificent sunsets from the south shores of Lake Simcoe with the magnificent dancing colours reflected off the lake. This opportunity will be gone forever. As an area specifically devoted to recreation and enjoyment of the lake, replacing the magnificent view and perspective of the vast water area with the natural position of Georgina Island with a rock supported causeway or dam with the bridge is truly an environmental catastrophe.

The purpose of the Impact Assessment Act is “to fostering sustainability” (section 6(1)(a)) and protect the environment from impact from a project (section 6(1)(b)). Based on the above, an assessment is required.

The GIFN has stated that the “Need” for the Project is mainly one of safety and convenience in the winter months when the existing ferry is not operating and instead travel to and from the Island and the mainland is by an ice road or a scoot which operates on the ice. This need was determined in a “study” performed in 2008 [16 years ago] by Neegan Burnside which study has not been available on the Fixed Link Website. But we understand that back then (2008) ice roads were built on available ice and electric ice-capable ferries were not yet economically or technically feasible for this type of travel. In the last few years, the weather has been so warm that there was never ice thick enough between the Island and the Mainland to build an ice road. The existing ferry operated every day all year and throughout the winter. As well, today electric ice capable ferries are being used worldwide and also in Ontario. The 2008 Neegan Burnside study should be either updated or ignored and the LSSRA suggests that (perhaps) the “need” should be redefined.

### **New Ferry option**

The Chippewa First Nations have a need for safe, reliable, economical and year-round transit for passengers and vehicles to and from Georgina Island and the Mainland. The GIFN are proposing the 2.4 km Bridge and Causeway in Lake Simcoe as well as the 800 m roadway in the Greenbelt ["the Project"] to fulfill the purpose and need for such transit. The GIFN has stated that they do not wish "the public" to explore, visit, or come to Georgina Island uninvited and therefore there will be a checkpoint on the mainland to allow only residents of Georgina Island and their invited guests to use the Bridge and Causeway. There are about 200 residents who live on the Island. It is unlikely that tolls revenue from use of the proposed Fixed Link will cover the operating and maintenance costs of the Bridge and Causeway, let alone any contribution to the capital cost of the Project.

However, we, the LSSRA believe the GIFN is making a mistake, a faulty decision relying on its 2008 study entitled “A Preliminary Evaluation of Engineering and Environmental Alternatives (2008) prepared by Neegan Burnside”. Since that old study, over the past 16 years significant technological advancements have been made such that electric ferries and electric ice capable ferries are now being used worldwide and even in Ontario. That 2008 Neegan Burnside study never considered upgrading the existing ferry to be ice capable and electric, nor the replacement of the existing ferry with the purchase of a new electric ice capable ferry sized for the expected number of passengers and vehicles expected to make the transit to and from the mainland and Georgina Island.

Today, there are several ferry “alternatives” other than the proposed massive Fixed Link for carrying out the purpose and satisfying the stated need of this proposed Project that are technically and economically feasible, including "... the use of best available technologies, and the effects of those means” Note the evaluation and consideration of “best available technologies” is a key purpose of the Impact Assessment Act (Section 6 (1)k).

An electric ice capable ferry built specifically for this purpose such that it is sized for the number of passengers and vehicles anticipated for transit to and from Georgina Island; will operate year-

round through any weather conditions including the potential for transit through ice; is safe [much safer than travel over a snow and ice covered causeway and bridge 90 feet above the lake]; is environmentally friendly providing no emissions, no pollution and no diesel fuel or other smell whatsoever; is economical to operate; is reliable and will operate on a set timetable and schedule; provides transit available to "walk on" passengers without vehicles [the 2.6 km bridge and causeway is only viable for vehicles]; is much less expensive to maintain on an annual basis; will probably cost [Canadian taxpayers] 1/15 or 1/20 of the cost of the Bridge and Causeway; makes use of the extensive already in place and available infrastructure built on Georgina Island and the Mainland for ferry transit including docks, vehicle waiting area, parking, a restaurant, a gas station etc.; and no need to cut down and destroy 1.6 ha and about 10,000 trees through the Greenbelt for the roadway to the proposed causeway. There would be no requirement or need for an Impact Assessment because there are no impacts or effects detrimental to sustainability or the environment from a Ferry as compared to a massive intrusion of the 3.6 km roadway, Causeway and Bridge in Lake Simcoe.

It must also be recognized that with warming temperatures there is no issue with the ferry operating 365 days a year. The existing ferry has operated throughout the winter and all year during 2021/22 and 2022/23 and 2023/24. No issues with ice road as there wasn't one. No issues with emergency equipment or ambulances in the winter because the ferry ran all winter. And no issues of vehicles careening off the Bridge or Causeway into the cold waters of Lake Simcoe because of ice or black ice conditions on cold winter days or nights. Accidents will happen.

We understand from the Initial Project description and from information provided by the GIFN and WSP [the consultant and engineer for the GIFN] that the alternative of an electric ice capable ferry is not being considered; is not being proposed; has not been investigated. Under the IAAC Act, providing "alternatives to" is a requirement of the Impact Assessment Act (Section 6(1)(k) (and) and Section 22 (1)(e)). Therefore, as we understand the alternative of an electric ice capable ferry is not a part of the GIFN DPD filing, while at the same time, the GIFN are asking the IAAC for a decision not to require an IA, knowing that this is not in accordance or compliance with the IAAC Act. The GIFN filing fails in the requirement to investigate and compare "alternatives to" the Proposed Project and an IA is required to accomplish that. Statements by the GIFN that the existing ferry is at "end-of-life"; that the weight of an ice capable ferry will require a draft of more than 10 feet and therefore not viable for the channel; or that a new ferry cannot be delivered into Lake Simcoe because of issues with the Trent Canal have not been technically evaluated and have all been refuted by experts in letters to the IAAC from the manufacturer of the existing ferry, Hike Metal Products and a reputable Marine engineering company 3GA (see Appendix A for a concept of a all season ferry). Therefore, an IA is so important and essential to ensure all information is appropriately considered before a Fixed Link is proposed without evaluating other economically and technically feasible alternatives that are also less impactful environmentally and less costly.

## Milestones since 2022

Since the LSSSRA's impact assessment submission of May 28, 2022 (CIAR document #48), the following has transpired:

1. The Agency undertook consultation on the initial project description and prepared a document called the "Summary of Issues" that was issued and posted on the Canadian Impact Assessment Registry on June 8, 2022 (Registry document #84).
2. Consultants for the Proponent told residents in a public forum (January 20, 2024) that:
  - a. the project is not subject to any provincial processes.
  - b. The Proponent is preparing a detailed project description to "avoid" an impact assessment and this information is not being shared with those who are directly affected.
3. Ian Big Canoe, Fire Chief of the Chippewas of Georgina Island, submitted information to the Agency (Letter of February 26, 2024 (CIAR document #90) indicating there is a petition signed by about half of the Georgina Island residents stating that "..... a large number of Chippewa First Nations living on the island are not in favour of the Bridge and Causeway Project .....and that the Project should not be approved without a full Impact Assessment."
4. Media reports in January 2023 that the Federal Minister of the Environment said he would consider using federal powers to stop development in the Greenbelt; and
5. The Supreme Court of Canada rendered its Ruling on the *Impact Assessment Act* reference case (October 13, 2023) and the Agency issued Interim Guidance on Agency website (October 26, 2023) on the how the Act would be administered in advance of new legislation.

Based on the above, we have divided this submission into 3 parts.

- **Part One**, deals with information on **Federal effects** (fish, fish habitat, navigation, migratory birds, species at risk and effects to federal land) necessary for the Agency to consider and make its opinion known on whether or not an impact assessment is required under Section 16.
- **Part Two**, is supplementary and relates to the documents the Agency is required to issue after commencing the Impact Assessment. As such we provide information on the provincial process and identify our interest in provincial comments on the tailored impact statement guidelines and the federal-provincial IA/EA cooperation agreement.
- **Part Three** is the conclusion and summarizes the reasons why LSSSRA is of the opinion an Impact Assessment of the GIFL is warranted and in the public interest.



## Part 1 Input to support the Agency's opinion that an Impact Assessment is required (Section 16)

Based on the Supreme Court of Canada's Ruling on the constitutionality of *the Impact Assessment Act* and the Interim Guidance issued on October 26, 2023 "Statement on the Interim Administration of the Impact Assessment Act Pending Legislative Amendments" (Interim Guidance) posted on the Impact assessment Agency of Canada's Website ([Link](#)). The Impact Assessment Agency, when making a decision under section 16, about whether a project should undergo an impact assessment is now focusing on potential impacts within federal jurisdiction. Excerpt from interim guidance below (emphasis in bold added):

*With respect to Agency screening under section 16, to determine whether a full impact assessment will proceed, the Agency will provide an opinion, **with a focus on the potential for adverse effects in federal jurisdiction**:*

LSSSRA understanding of the **adverse effects in federal jurisdiction** including those that are relevant to this project would be the following:

1. *adverse* impacts on fish and fish habitat
2. *adverse* transboundary and cumulative effects outside Canada
3. *adverse* impacts on navigation
4. *adverse* impacts on migratory birds
5. *adverse* impacts on species at risk
6. *adverse* impacts on federal lands, and
7. Canada's ability to meet environmental obligations

Based on the Supreme Court Ruling and the IAAC Interim Guidance, our comments focus on the areas of federal jurisdiction noted above that are: not adequately explained; understood; or mitigation as identified in the GIFL Initial Project Description. Lack of information on these areas warrant further studies through the impact assessment process. We provide rationales for each and explain why the LSSSRA is of the opinion that an impact assessment is necessary and warranted in regard to each of these potential adverse impacts within federal jurisdiction.

### **Federal provincial Coordination**

To support federal provincial cooperation, in each section on federal effects we identify where federal effects overlap or link to Provincial jurisdiction areas of interest (published plans and statutory obligations).

The reason we do this is in the “Conclusion” to the *Impact Assessment Act* Reference case (line 216) the Supreme Court encouraged Canada and the provinces to work cooperatively on the potential impacts of projects. Excerpt below emphasis added:

[216]

As I stated at the outset, there is no doubt that Parliament can enact impact assessment legislation to minimize the risks that some major projects pose to the environment. This scheme plainly overstepped the mark. But it remains open to Parliament to design environmental legislation, so long as it respects the division of powers. ***Moreover, it is open to Parliament and the provincial legislatures to exercise their respective powers over the environment harmoniously, in the spirit of cooperative federalism. While it is not for this Court to direct Parliament as to the way forward, I note “the growing practice of resolving the complex governance problems that arise in federations . . . by seeking cooperative solutions that meet the needs of the country as a whole as well as its constituent parts”*** (Reference re Securities Act, at para. 132). Through respect for the division of powers in Canada’s constitutional structure, both levels of government can exercise leadership in environmental protection and ensure the continued health of our shared environment (Hydro-Québec, at para. 154).

LSSSRA recognizes that the Georgina Island Fixed Link is a project of a significant magnitude to require a high degree of federal-provincial cooperation and inter-jurisdictional scrutiny. As such we have added points where federal effect overlap with those of the Province of Ontario.

The LSSSRA expects that no one knows the western science of Lake Simcoe, has more experts, biologists, and scientists who have studied and understand the environmental aspects of the Lake better than the Lake Simcoe Regional Conservation Authority (“LSRCA”). The LSRCA exists for one purpose the management and environmental protection of Lake Simcoe. The LSRCA administers the *Lake Simcoe Protection Act* and the Lake Simcoe Protection Plan.

We the LSSSRA ask the IAAC to consider a joint IA/EA for the Proposed Project. Ontario also has legislation to which this Project must comply. For example:

- Environmental Assessment Act
- Conservation Authorities Act,
- Ontario Water Resources Act,
- Planning Act;
- Lake Simcoe Protection Plan.
- Endangered Species Act

Further the *Environmental Assessment Act* was recently amended February 22, 2024, to capture this project which requires that major projects undertakings, like infilling in the Great Lakes Basin be assessed to determine their impact on the environment.

## 1 Destruction of Fish Habitat

***The adverse effects on fish habitat caused by the direct infilling of the bed of the lake will destroy fish habitat. The quantification these effects on the destruction of fish habitat have not been identified nor has mitigation been identified. Therefore, an impact assessment should be conducted.***

The Lake Simcoe watershed supports 70 species of fish; 50 of these species live and breed in Lake Simcoe. LSRCA on their webpage indicate that Lake Simcoe contributes \$200 million dollars to the local economy with 80% or \$160 million dollars being generated by ice fishing alone.

The proposed Fixed Link will destroy more than 4.6 hectares of fish habitat. Fish Habitat As defined in the *Fisheries Act*, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes (Provincial Policy Statement, 2020). Our calculations of over 4.6 hectares are based on a roadway of 7 metres with a 1 m bicycle lane and a one meter shoulder on both sides of the roadway [7+1+2=total of 10 m] and an average depth of 3 metres. We expect this will require a creating spread of the fill to a width of 30 meters on the lake bed. Along with the in-water support piers this will result in an infill over 4.6 hectares of Lake Simcoe thus destroying 4.6 hectares of fish habitat (see Table 1). As such the project will require an authorization by Fisheries and Oceans Canada under the Fisheries Act for harmful alteration and destruction of fish habitat.

**Table 1. Calculations for infill area assumes 12 piers of 20 by 4 meters and a roadways of 1500 meters with a lake bed footprint of 30 meters.**

Component	Number	Dimensions meters	Footprint area hectares
Piers in water	12	20x4	0.096
In lake road way	1	1500x30	4.5
			<b>Total=4.6ha*</b>

\*1ha=10,000m<sup>2</sup>

DFO in their review of the Project description indicate (CIAR document #77 May 24, 2022), indicate that the PD is:

Missing overall footprint of both options and a detailed description of impacts to fish habitat below the 80<sup>th</sup> percentile high water mark in square meters for each component of the causeway, bridge, culverts and temporary access platforms.

Majority of mitigation measures for impacts to fish habitat are described vaguely and will need to be described in more detail before DFO can comment further on adequacy and effectiveness of proposed measures.

## 1.2 Alteration of Fish Habitat through changes to lake flow regime and Zebra Mussels

***The placement of 2.8 km long groyne-like structure in the Lake will cause significant effects to sediment transport. This will cause infilling of the Lake and alteration of fish habitat. Alteration through sediment deposition have not been identified nor has avoidance or mitigation been identified. Therefore, an impact assessment should be conducted.***

A promontory built into a lake is called a groyne which is typically used to alter currents to trap and encourage the deposition of sand and sediments. Impacts from groynes are typically analysed through studies called Coastal Engineering in an impact assessment.

At a recent open house in January 2024, the proponent presented material on coastal engineering. While there was no interpretation of this information, a number of figures were presented with very little explanation of what they meant. They did identify the anticipated change in the flow of water between the mainland and Georgina Island.

The Lake Simcoe Regional Conservation Authority (a provincial body responsible for lake wide management) identified in their Staff report that a Coastal engineering study should be undertaken to ensure that the adverse impact of this Fixed Link is understood before permitting (see CIAR Document # 91 March 4, 2024)

Lake currents and flow are important for the maintenance of fish habitat and the sand islands between Georgina Island and the Mainland. Altering the flow will significantly change the way in which water flows and sand and sediments are moved around Lake Simcoe. The LSSRA anticipate that the eastern side of the spit/bridge/causeway will end up as an area of deposition and infill and or turn into a wetland (or swamp).

The proponent's own diagrams presented at the January 20, 2024 open house (Not posted on the Impact Assessment Registry) showed changes to the shoreline between 1927 in present-day so that the groynes built at Sibbald Provincial Park which is to the west of the proposed resulted in deposition of sand material and growth of the sand beaches.

These concerns about sedimentation are included in comments provided by the Lake Simcoe Region Conservation Authority Staff report of February 23, 2024 (CIAR document 91 [LINK](#)). Under the *Lake Simcoe Act* and the *Conservation Authorities Act* the Province should ensure they understand the impacts of the proposed groynes on Lake Simcoe.

The current channel between Georgina Island and the mainland is a sandy bottom or muddy bottom with no rocks or structures. The Project will alter the habitat and will provide hard structures for the zebra and quagga mussels to attach to. It is known that this invasive species eat plankton and the other food required by minnows and fish as well as changes in the oxygen level in the water such that fish, other marine creatures and marine vegetation dies.

*Summary: An impact assessment should be conducted because growth of sand beaches will overprint fish habitat change fish habitat through changes to the aquatic vegetation*

*and encourage the growth of invasive species like Zebra Mussels. All these changes (sedimentation, aquatic plants, invasive species) will adversely affect fish habitat in the area and methods to avoid or mitigate the alteration to fish habitat has not been quantified in the project description. And therefore an impact assessment is required and warranted and should be undertaken.*

### **1.3 Transboundary and Cumulative Effects on Fish**

***The Project may cause adverse direct and cumulative effects outside Canada (U.S. - transboundary effects), including effects to fish and fish habitat. The regional, and local significance of Lake Simcoe's fisheries have not been identified nor has avoidance or mitigation been appropriately identified to address the significant adverse impact on fish and therefore an impact assessment should be conducted.***

The Great Lakes are identified by the Great Lakes Fisheries commission as the most important freshwater resources on the earth. Adverse changes to Lake Simcoe fisheries can have a negative effect on the Great Lakes ecosystem and potential impacts to the **1954 Convention on Great Lakes fisheries between the United States of America and Canada** (document <http://www.glf.org/pubs/conv.pdf>). According to the Great Lakes Fisheries Commission, the area in which Lake Simcoe is located:

... one of the most important freshwater resources on earth. The fishery is worth more than \$7 billion annually to the people of the region, supports more than 75,000 jobs, sustains native fishers, and is the essence of the basin's rich cultural heritage.

Canada and the Canadian Minister of Environment hold conservation as an important value. Not assessing the adverse impacts of this project will not only affect Lake Simcoe but adversely affect the reputation of Canada should the potential harmful impacts of this project not be assessed.

Destination Ontario (link <https://www.destinationontario.com/en-ca/articles/lake-simcoe-four-season-fishing-hot-spot>) identify Lake Simcoe as a four-season fishing hotspot. The Lake Simcoe Region Conservation Authority website estimate ice fishing generate \$160 million dollars annually to the local economy.

Fisheries and Oceans Canada the provincial Ministry of Natural Resources and Provincial Ministry of Culture and Tourism have not identified the importance of Lake Simcoe's fisheries to the local economy and the potential adverse effects of this structure on the lake ecosystem. We ask that the Agency ask the experts in the government if this is an important fishery to protect.

*Summary: Due to the international and regional importance of Lake Simcoe and the potential adverse effects on altering fish habitat and cumulative impacts on the Great Lakes basin, a federal impact assessment should be conducted including those authorities that are responsible for administering Canada's duties under the international fisheries commission.*

## 1.4 Navigation

***The effects of the Fixed Link on navigation has not been assessed nor has avoidance or mitigation been appropriately identified to address the significant adverse impacts on navigation and therefore an impact assessment should be conducted.***

The construction of the fixed link will create a 2.4 km barrier in Lake Simcoe, a navigable water and historic waterway canal, and will adversely affect navigation on Lake Simcoe. This fixed link is extremely large, longer than the Gordie Howe bridge connecting Windsor Ontario with Detroit.

Lake Simcoe is a navigable water body used by recreational boaters locally and through the Trent-Severn waterway National historic site. Maintenance and approval of navigation and work in the Lake is shared by the federal Minister of Transportation under Navigation Protection Act and the Department of Transport Act. The management of the historic waterway has been delegated by the Minister of Transportation to the Parks Canada. Parks Canada ensures that works in the Trent-Severn are regulated pursuant to the Historic Canals Regulations (SOR/93-220) under the *Department of Transport Act* [Historic Canals Regulations \(justice.gc.ca\)](http://www.justice.gc.ca). Note the Trent-Severn waterway is listed under schedule 1 as a historic canal.

Attached below is the map of the Trent-Severn waterway (figure 4). The PDF of this map is publicly available to download from the following location [https://pcweb2.azureedge.net/-/media/lhn-nhs/on/trentsevern/WET4/visit/brochures/cartes-maps/carte-trentsevern-map-web\\_EN.pdf](https://pcweb2.azureedge.net/-/media/lhn-nhs/on/trentsevern/WET4/visit/brochures/cartes-maps/carte-trentsevern-map-web_EN.pdf) ). We note that Parks Canada was not asked for their advice on this Project. Parks Canada and Transport Canada have permit and guidelines for development in the waterway. Moreover, Parks Canada has responsibilities for Species at Risk. We ask that this oversight be corrected for the Impact Assessment.



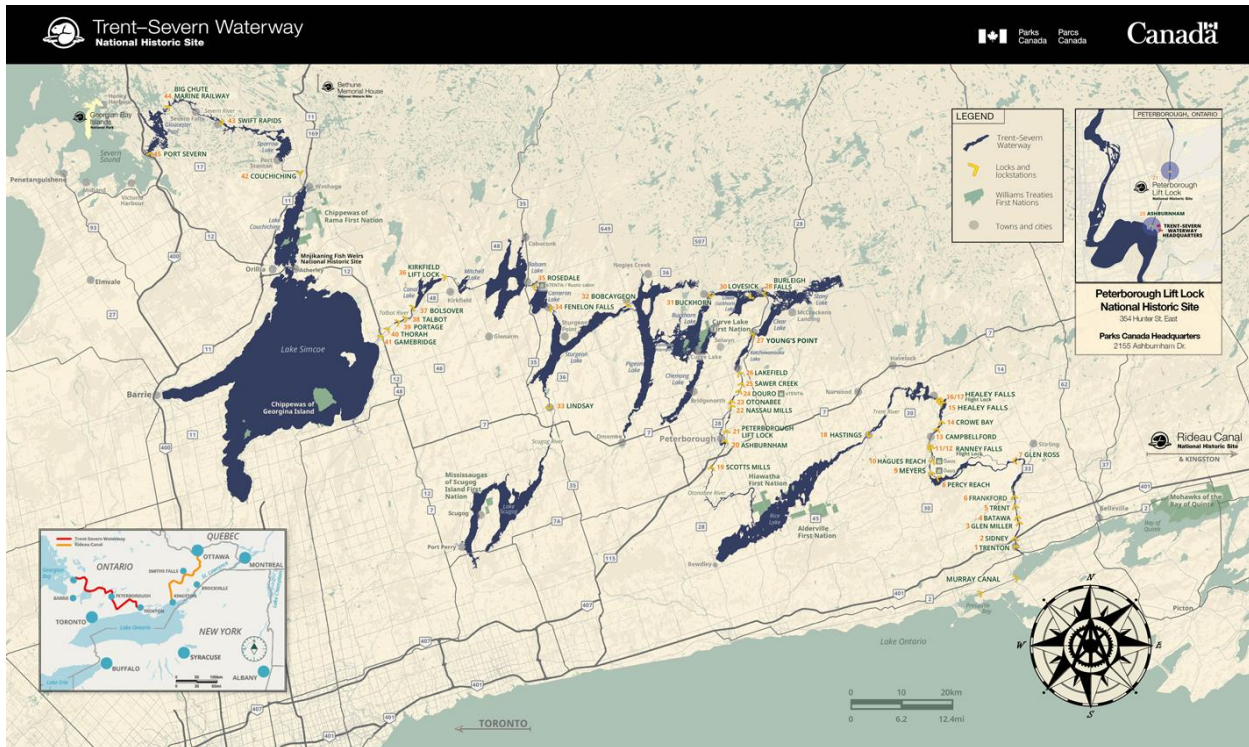


Figure 4 Map of the Trent-Severn waterway from Parks Canada’s website clearly identifying Lake Simcoe being part of this historic waterway canal.

*Summary: Avoidance of navigation impacts or mitigation measures to address the adverse navigation impacts have not been identified nor has the input of Parks Canada been sought in the review of the project or addressed in the Initial Project Description.*

### 1.5 Species at Risk

The Project will adversely affect species at risk and mitigation and measure to avoid impacts are not identified in the Project Description. A number of Federal and Provincial bodies are responsible for Species at Risk. Federally Environment and Climate Change Canada is responsible for issuing Species at Risk Permits on federal land (reserve and Parks Canada) Parks Canada has responsibility for ensuring Species at Risks and Critical Habitat on the Trent-Severn Waterway is protected, Fisheries and Oceans Canada have responsibility for aquatic species at risk. Environment and Climate Change Canada have responsibilities for the Species at Risk on dry Federal lands. Provincially, the Provincial Ministry of Environment Conservation and Parks is responsible for the Provincial *Endangered Species Act*.

Parks Canada (2022b) report that the Trent Severn is “... home to at least 60 species at risk that are known to be regularly occurring at the site, and contains critical habitat for 13 of those species covering more than 50% of the waterway” (Table 2). In the Proponent’s IPD (pages 41

and 42) indicate that the GIFL project may include critical habitat for Blanding’s Turtle (Figure 5) and Red-headed Woodpeckers. The Initial Project Description is unclear where the species occur and which departments or ministries are responsible for protecting and permitting any harm, harassment or destruction to species or their habitat. The project description does not say how impact to species and their habitat will be avoided or mitigated.

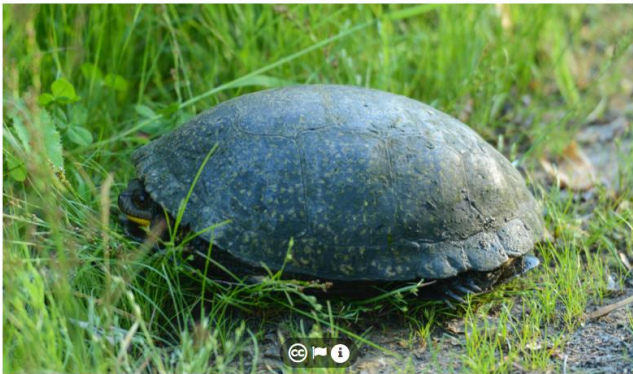
Table 2 Species at Risk on the Trent-Severn Waterway National Historic Site Parks Canada 2022

Endangered species identified by Parks Canada in Trent-Severn waterway 2022	Species identified in Initial Project Description
Acadian Flycatcher	x
Blanding’s Turtle	x
Butternut	x
Cerulean Warbler	x
Eastern Foxsnake	
Eastern Hog-nosed Snake	x
Engelmann’s Quillwort	
King Rail	
Little Brown Myotis	
Northern Myotis	
Pale-bellied Frost Lichen	
Pugnose Shiner	
Red Headed Woodpecker	x
Tri-coloured Bat	x
<b>Threatened</b>	
American Eel	
Bank Swallow	x
Black Ash	
Bobolink	x
Chimney Swift	
Eastern Meadowlark	x
Branched Bartonian	
Canada Warbler	
Channel Darter	
Common Nighthawk	
Dwarf Hackberry	
Eastern Whip-poor-will	
Golden Winged Warbler	
Gray Ratsnake	
Grey Fox	x
Lake Sturgeon	
Least Bittern	x
Louisiana Waterthrush	
Purple Twayblade	



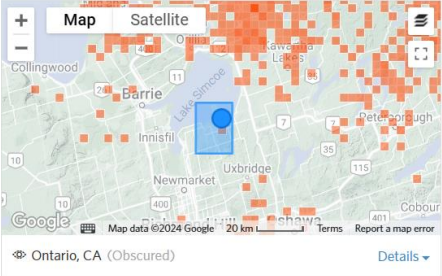
Western Chorus Frog	x
Wood Turtle	x
Wood Thrush	x
Special concern	
American Bumblebee	
Barn Swallow	x
Bridle Shiner	
Eastern Milksnake	x
Eastern Musk Turtle	
Eastern Pondmussel	
Eastern Ribbonsnake	
Eastern Wood-Pewee	x
Evening Grosbeak	
Five Lined Skink	
Flooded Jellyskin Lichen	
Grass Pickerel	
Midland Painted Turtle	x
Monarch Butterfly	
Northern Map Turtle	
Northern Sunfish	
Peregrine Falcon	
Rainbow Mussel	
Snapping Turtle	x
Yellow Rail	
Yellow-banded Bumblebee	x

Blanding's Turtle (*Emydoidea blandingii*) EN Research Grade Follow



applelisa

Observed: June 2019 Submitted: June 2019



Ontario, CA (Obscured) [Details](#)

Figure 5 Picture of Blanding Turtle observed in the vicinity of the proposed Fixed Link.

## **Aquatic Species at Risk**

Below we identify two key aquatic species at risk neither identified by Parks Canada, Environment and Climate Change Canada, Fisheries and Oceans Canada nor the proponent. We recommend that the status of these species be assessed in advance of the project going forward.

### **America Eel**

American Eel is a Species at Risk of uncertain status in Lake Simcoe. Eels were once abundant in the Great Lakes and of importance commercially and culturally important to First Nations. In the Eel recovery strategy McGreggor et al (2013) report that in 2010 an eel was found in Lake Simcoe and based on this, and archaeological evidence, eels may have been native to Lake Simcoe. As such studies on the presence of American Eel should be conducted.

### **Lake Sturgeon**

Lake Sturgeon are an endangered species that once inhabited Lake Simcoe. In the 2011 Lake Sturgeon Recovery Strategy (Golder Associates 2011), the province indicates that while they are not currently in Lake Simcoe; strategy 3 is to restore Lake Sturgeon populations where they have become extirpated, where feasible and where functional habitat exists. This means Lake Simcoe.

Responsible jurisdictions for delivering on the Lake Sturgeon Recovery Strategy according to Golder's 2011 Recovery Strategy are:

- Ontario Ministry of Natural Resources
- Fisheries and Oceans Canada
- Parks Canada Agency

We note that Parks Canada did not comment on the IPD. We also note that DFO and MNRF did not mention Lake Sturgeon Recovery in their advice to the Impact Assessment Agency in 2022.

The Impact Assessment Agency should review and consider the 2011 Lake Sturgeon Recovery when making their IA section 16 opinion. Moreover, the Agency should ask DFO, Parks Canada and Ontario MNRF about how they are identifying functional Lake Sturgeon habitat in advance of issuing their permits under the Fisheries Act and other regulations.

*Summary: Based on the number of Species at Risk in the vicinity including critical habitat for Blanding's Turtles and Red-Headed Woodpecker, no detail on how impacts will be avoided or mitigated, an impact assessment with studies of the species at risk should be undertaken and completed.*

## **1.6. Migratory Birds**

The Migratory Birds Convention Act, 1994 (MBCA) protects all migratory birds, not just avian Species at Risk. The GIFL has the potential to adversely impact migratory birds through direct

habitat destruction harassment and disturbance of foraging nesting and rearing stages from construction activities. Nesting migratory birds are protected under the MBCA; therefore, no work will be permitted to proceed that would result in the destruction of active nests (nests with eggs or young), the wounding or killing of birds, of species is protected under the MBCA and regulations. We estimate 1.6 hectares of forest bird habit will be directly destroyed by the road construction (Figure7). Pictures documenting bird species at the site can be found on the LSSRA website at <https://www.protectlakesimcoe.org/>.

In particular species that use tree cavities for nesting, such as the endangered Red-headed Woodpecker, there needs to be an inventory of their tree nesting habitat and plans to avoid and where not possible mitigation. We are unaware of any studies being done so far to inventory and/or identify Red-headed Woodpecker habitat on the federal lands.

Additional information the Agency should be aware of for the impact assessment decision are four significant areas near the project site that are called Areas of Natural and Scientific Interests (ANSI). These ANSI are all within 25 km kilometres of the proposed fixed link (Figure 6). ANSI's are special areas where the province has collected information on endangered, threatened and species of special concern.

#### ANSI and Distance from GIFL

- Duclos Point Park Reserve 2km
- Zepher Creek Swamp 5km
- Pefferlaw Brook Swamp 12 km
- Holland River Marsh 22km

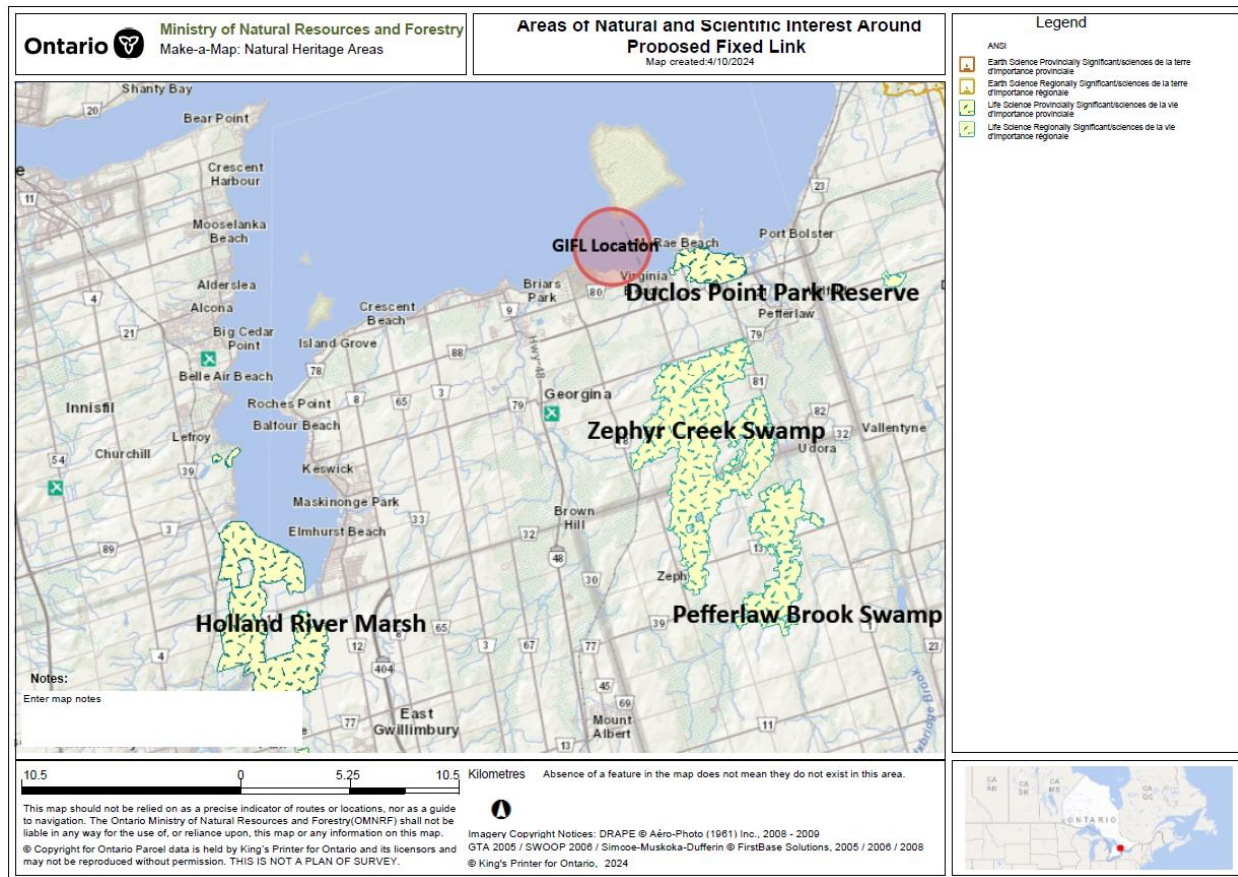


Figure 6 ANSI located near GIFL site. Information from Ontario's Natural Heritage Information Centre (NHIC).

Information from these ANSI should be considered when making decision on this project.

### Endangered and Threatened Bird Species

Threatened and endangered bird species are provided additional environmental protection under federal Species at Risk Act and the provincial Endangered Species Act. Endangered and threatened species and their habitats are protected and activities are not permitted that would harm or harass individuals or destroy their habitat. On federal land the proponent needs to seek a permit under the Species at Risk Act. Similarly on provincial land the Proponent would need to seek a permit under the Endangered Species Act.

The proponent's senior ecologist, Heather Drost, acknowledged that eight species at risk, including two birds (Eastern Whip-poor-will & Least Bittern), were found in the subject area where the Bridge and Causeway would be built. As noted above there are four Areas of Scientific and Natural interest (ANSI), within 25 km of the proposed project site (Figure 6). According to Ontario's NHIC information, there are additional endangered or threatened species found in these nearby ANSIs and these species use the area around the proposed GIFL.

The species include marsh and terrestrial birds. We summarize the information in the following lists. This information is publicly available online from the provincial NHIC data records.

#### Terrestrial birds

- Eastern Whip-poor-will
- Red-headed Woodpecker
- Eastern Meadowlark
- Henslow's Sparrow
- Bobolink
- Loggerhead Shrike

#### Marsh birds

- Least Bittern
- King Rail

Moreover, members of LSSRA have documented, in photo and video, many different species of waterbirds such as swans, ducks, geese and herons that are actively using shallow water on the south east shore of Lake Simcoe. Pictures documenting this wildlife can be found on the LSSRA website at <https://www.protectlakesimcoe.org/>. Birds are using the area as a layover area for their migration or as long term foraging and nesting areas. This is the area that is being proposed for lake infilling which will destroy the habitat of migratory birds.

#### *Summary*

*Based on the adverse impacts to migratory birds, bird habitat as well as adverse impacts to endangered and threatened birds; this project should be subject to a federal impact assessment.*

## 1.7 Adverse Impacts to federal lands

The project activities of clearing the forests on federal lands in the Greenbelt and building at least a 22 meter wide right-of-way through federal lands will have adverse impacts to federal land. This includes Georgina Island and on the Federal lands purchased for the road to be built from Black River Road to the Fixed Link (Figure 7 and Figure 8).



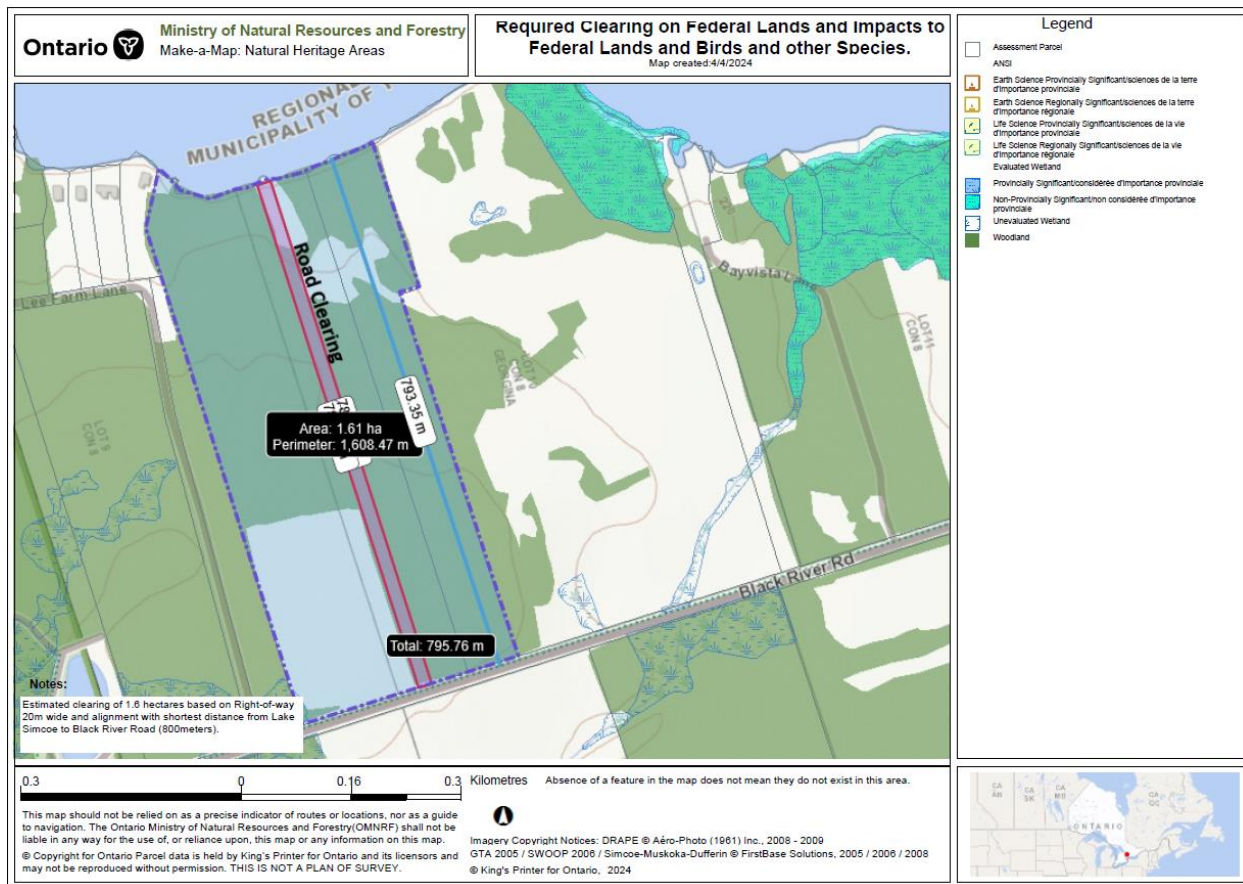


Figure 7 Tree and Forest Clearing required on Federal lands for Road connection to the in Water Fixed Link. A 20 metre Right of Way will destroy 1.6 hectares of forest.

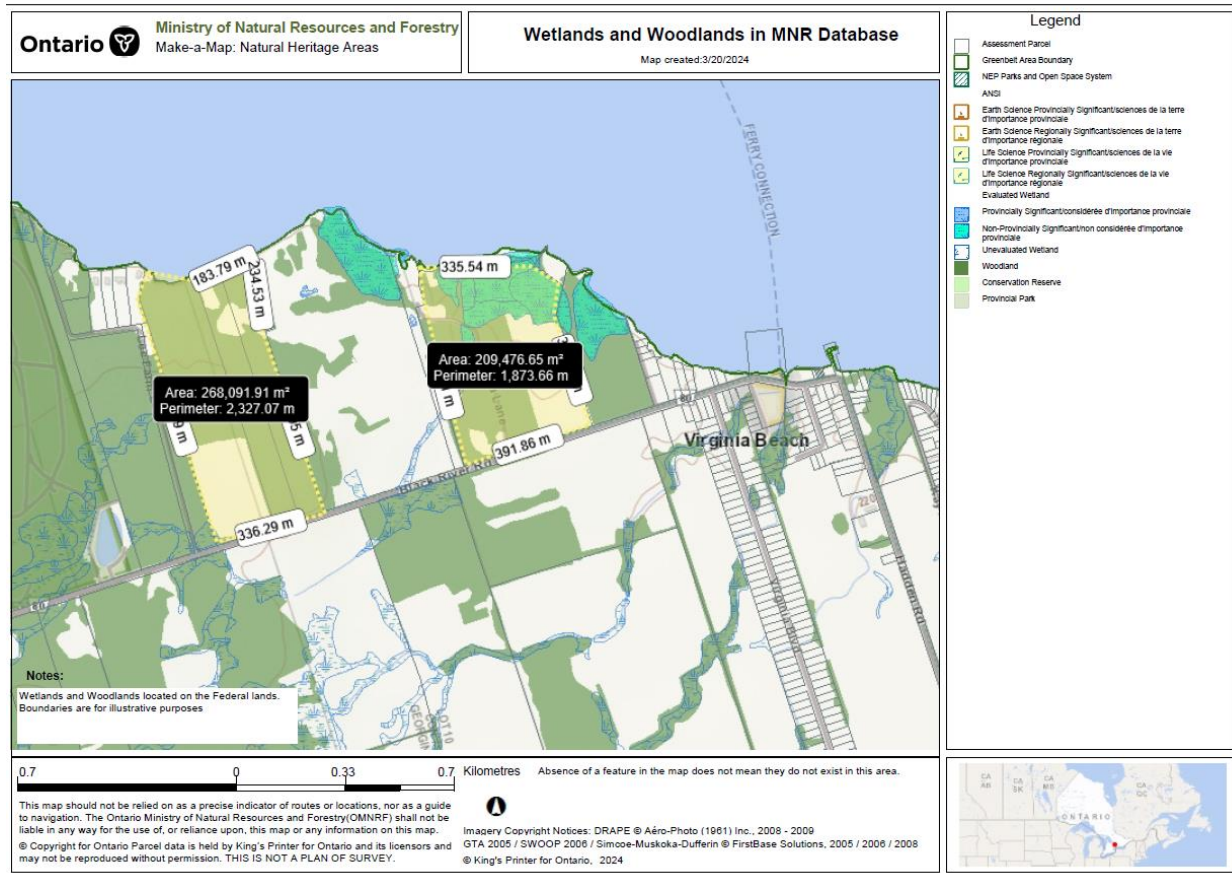


Figure 8 Map showing wooded areas and wetlands on the federal lands being considered for infrastructure (source Natural History online MNR 2024).

Impacts will be on the many federally and provincially listed species at risk. Parks Canada describe the Trent-Severn waterway as including species:

*The Trent-Severn Waterway is home to at least 60 species at risk that are known to be regularly occurring at the site, and contains critical habitat for 13 of those species covering more than 50% of the waterway. Additionally, there are many species of cultural importance to Indigenous Peoples, such as the American eel, sturgeon, walleye and furbearers like muskrats and beavers, living in and along the waterway.*

In addition, the Proponent's Initial Project Description (pages 41 and 42) indicate that the GIFL project may include critical habitat for Blanding's Turtle and Red-headed Wood Peckers. Therefore, it is reasonable to conclude that that clearing a right of way on Federal lands and building in the lake will affect many species at risk conclude those that use federal lands.

As noted in the section on "species at risk for migratory birds" we identified an additional four ANSIs within 25 km kilometres of the proposed fixed link (Figure 6).

ANSI and Distance from GIFL

- Duclos Point Park Reserve 2km
- Zepher Creek Swamp 5km
- Pefferlaw Brook Swamp 12 km
- Holland River Marsh 22km

information from the site shows that there are a number of additional endangered and threatened species that could be harmed harassed killed and their habitat destroyed through the implementation of this project. The clearing of the forest and disturbance to the federal lands (Figure 7 and Figure 8) will harm the following plant and animal species:

- **Black Ash** *Fraxinus nigra* a provincially endangered and federally threatened species
- **Jefferson Salamander** (Unisexual *Ambystoma* populations ) federally and provincially endangered
- **Blanding’s Turtle** *Emydoidea blandingii* provincially threatened federally endangered

The clearing of the forest and disturbance to the federal lands (Figure 7 and Figure 8) will destroy bird habitat and harm the following species of birds:

- **Eastern Whip-poor-will**
- **Red-headed Woodpecker**
- **Eastern Meadowlark**
- **Henslow's Sparrow**
- **Bobolink**
- **Loggerhead Shrike**
- **Least Bittern**
- **King Rail**

*Summary: impacts of the project on federal lands are not quantified in the Project Description and the Land on the mainland were not identified as federal lands. Impacts from tree clearing and road construction and operation will likely harm black Ash, Blanding’s turtle, Jefferson salamander, and at least eight bird species that are endangered and/or threatened. Information on species and potential impacts should be characterized through the planning phase of the impact assessment process.*

### Relevant Regional Assessments

IAAC’s Guide to Preparing an Initial Project Description and a Detailed Project Description state that a Project description should include reference to a regional assessment by” any jurisdiction”. The definition of “jurisdiction” includes

- the government of a province;



- a government of a foreign state or of a subdivision of a foreign state, or any institution of such a government; and
- an international organization of states or any institution of such an organization.

Here is the excerpt from the IAA Guide our emphasis in excerpt below:

Any study or plan relevant to the project that is being or has been conducted of the region where the project is to be carried out, including any Regional Assessment carried out under the Impact Assessment Act, or by **any jurisdiction** including by or on behalf of an Indigenous governing body, where the study or plan is available to the public.

Table 3 List of Publicly available regional assessments relevant to the proposed Georgina Island Fixed link Project.

Regional assessment	Jurisdiction	Why relevant
Lake Simcoe Plan	Ontario and Lake Simcoe Region Conservation Authority	Examined the effects of projects in the Lake Simcoe Watershed and identifies environmental objectives for Lake Simcoe
Green Belt Plan	Ontario	Sets environmental and development objectives for countryside areas.
York Region Official Plan 2022	Ontario York Region	Sets environmental and Development objectives for countryside areas.
A PLACE TO GROW Growth Plan for the Greater Golden Horseshoe.	Ontario Municipal Affairs and Housing	Sets environmental and Development objectives for countryside areas.
Lake Huron Lakewide Action and Management Plan, 2017-2021	Canada, Ontario, USA, Michigan	Examines the effects of projects on aquatic life and water quality in the Lake Huron Basin and sets environmental priorities for the Lake Huron basin
The Sweetwater Sea: An International Biodiversity Conservation Strategy for Lake Huron - Technical Report	Canada, Ontario, USA, Michigan various NGOS	Sets environmental biodiversity targets and priorities and in Lake Huron basin
Trent–Severn Waterway and Peterborough Lift Lock National Historic Sites of Canada Management Plan	Canada	Sets environmental management targets and priorities in Lake Simcoe

The Agency did not provide any of the relevant Regional Assessment identified in Table 3. This suggests that the Agency is not being provided with proper technical support by their federal partners in specific Environment and Climate Change Canada, Fisheries and Oceans Canada, Parks Canada, Transport Canada and Foreign Affairs Canada.

## Environmental Obligations

***The Project may have adverse impacts on Canada's ability to deliver on its international Commitments in terms of conservation, biodiversity and international water quality and fisheries commitments. Avoiding an Impact Assessment would also adversely impact Canada's reputation as a leader in areas of conservation biodiversity and honouring international environmental treaties.***

An important purpose of the IAA is to ensure that projects are planned and implemented in a sustainable manner and that they are in the Public Interest. Another purpose is that Canada's obligations through various international environmental treaties are honoured and appropriately considered.

We know that Canada's obligations around biodiversity and species at risk are not reflected in the planning of the GIFL project. As noted earlier, the project may have adverse impacts on many different federally listed Species at Risk and in provincially listed endangered and threatened species, adversely affect Lake Simcoe and adversely affect the greenbelt.

Why is this important? Is important because Canada has signed on to a number of important biodiversity initiatives. Most recently at COP 15 held in Montréal in 2022, Canada hosted the UN biodiversity conference that resulted in the Kunming-Montreal Global Biodiversity Framework LINK - Biodiversity 30/30 which essentially aims to protect 30% of land by 2030.

The GIFL IPD does not make reference to Canada's international commitments regarding biodiversity. Moreover, the IPD doesn't make reference to the efforts that the province have made to address and reverse the adverse impacts to the Lakes Simcoe through the ***Lake Simcoe Act***.

## Great Lakes Water Quality Agreement and Great Lakes Fisheries Commission

As noted earlier Canada has an international agreement with the United States regarding the water Quality; the Great Lakes Water Quality Agreement 2012; and fisheries in the Great Lakes known as the *1954 Convention on Great Lakes fisheries between the United States of America and Canada*.

Both the federal Minister of Environment and Fisheries and Oceans in cooperation with the provincial Ministers of Natural Resources and Forestry and Environment Conservation and Parks have the responsibility on delivering these commitments. Identification of potential effects of this project in hampering Canada's and Ontario's commitments regarding fisheries were neither identified in DFO's comments provided on the registry number 77 May 20, 2022 nor by the Provincial Ministry of Natural Resources on Registry #73 May 30, 2022.

Based on this oversight it would be premature to make a determination that an impact assessment is not required as this project may hinder Canada and Ontario's ability to comply with their commitments regarding the international fisheries commission.

## Linkage Green Belt plan and Lake Simcoe Protection Act and Plan

As described earlier, national media reported the federal Minister of the Environment making a statement in response to development in Ontario's greenbelt indicating that he would consider using federal powers to stop development in the Greenbelt.

Based on the statement by the Minister and Canada's 30/30 commitments it would be inconceivable for the federal government to reverse his statement and facilitate this project going forward without an impact assessment given that it will threaten areas currently protected under the provincial Greenbelt Act.

*Summary: Not considering the GIFL project through an impact assessment could have adverse impacts on Canada's ability to deliver on its international Commitments in terms of conservation, biodiversity and international fisheries commitments. Avoiding an Impact Assessment would also adversely impact Canada's reputation as a leader in areas of conservation biodiversity and honouring treaties.*

## Part 2 Input on Guidelines and Cooperation Plan

### 2.1 Input on the Tailored Impact Statement Guidelines:

After determining that an impact assessment is required (under section 16), and in accordance with subsection 5(a) of the *Information and Management of Time Limits Regulations* (SOR/2019-283) ([LINK](#)), the Agency is required to prepare "tailored guidelines" regarding the information or studies (also known as the Tailored Impact Statement Guidelines or TISG).

When the Agency is preparing the TISG for the Impact Assessment we expect to provide input about studies necessary to fulfil the "factors to be considered" (IAA section 22(1)(a) to (t)) in the Impact assessment. There are potential impacts that we wish to see appropriately studied, addressed, avoided and or mitigated. We outline our interest for TISG below.

#### **Species to be studied Impacts to the environment IAA section 22(1) (a)**

While the GIFL project will have far reaching impacts to all species, we have identified the following species to be identified in the Tailored Impact Assessment Guidelines as requiring study, assessment and mitigation identified in the impact assessment process.

#### Plant

- Black Ash
- Engelmann's Quillwort

#### Insects

- bumblebees

## Mammals

- Threatened and endangered Bats

## Fish

- Lake Sturgeon
- American eel
- Lake trout
- Perch
- Whitefish

## Birds

- Eastern Whip-poor-will
- Red-headed Woodpecker
- Eastern Meadowlark
- Henslow's Sparrow
- Bobolink
- Loggerhead Shrike
- Least Bittern
- King Rail

## Amphibians and Reptiles

- Jefferson salamander
- Blanding's Turtle

### **Impacts to the environment from lake infilling and changes to the coastal processes IAA section 22(1) (a)**

As identified by the local Conservation Authority, the LSSRA is also very concerned about the adverse impacts to Lake Simcoe's flow patterns and the shoreline dynamics caused by the emplacement significant amount of fill in Lake Simcoe.

We would like to see the Tailored Impact Assessment Guidelines outline a detailed study plan, in collaboration with technical experts at local regulatory bodies such as the Conservation Authority to characterize the potential impacts of this large structure in Lake Simcoe.

### **Need Purpose and Alternatives IAA sections 22(1) (d, e, f)**

As noted, we have questioned the need for the project. The CFN has identified the "need" for safe travel between the mainland and the Island in the winter. Is it possible to solve this need and or purpose in another manner? We would like the Tailored Impact Assessment Guidelines to direct the proponent to explore and evaluate any alternatives to the designated project that are technically and economically feasible and are directly related to the designated project. In this submission we identified other alternatives that are economically and environmentally feasible (like an all-season electric ferry) that would provide all-season access to and from the island and have fewer impacts.

An electric ice capable ferry built specifically for this purpose such that it is sized for the number of passengers and vehicles anticipated for transit to and from Georgina Island; will operate year-round through any weather conditions including the potential for transit through ice; is safe [much safer than travel over a snow and ice covered causeway and bridge 90 feet above the lake]; is environmentally friendly providing no emissions, no pollution and no diesel fuel or other smell whatsoever; is economical to operate; is reliable and will operate on a set timetable and schedule; provides transit available to "walk on" passengers without vehicles [the 2.4 km bridge and causeway is only viable for vehicles]; is much less expensive to maintain on an annual basis; will probably cost [Canadian taxpayers] 1/15 or 1/20 of the cost of the Bridge and Causeway; makes use of the extensive already in place and available infrastructure built on Georgina Island and the Mainland for ferry transit including docks, vehicle waiting area, parking, a restaurant, a gas station etc.; and no need to fill in 4.6 hectares of the lake cut down and destroy 1.6 hectares of forest through the Greenbelt for the roadway to the proposed causeway. We note that there would be no requirement or need for an Impact Assessment for a new ferry because there are no impacts or effects detrimental to sustainability or the environment from a Ferry as compared to a massive intrusion of the roadway, causeway and bridge in Lake Simcoe.

It must also be recognized that with warming temperatures there is no issue with the ferry operating 365 days a year. The existing ferry has operated throughout the winter and all year during 2021/22 and 2022/23 and 2023/24. No issues with ice road as there wasn't one. No issues with emergency equipment or ambulances in the winter because the ferry ran all winter. And no issues of vehicles careening off the Bridge or Causeway into the cold waters of Lake Simcoe because of ice or black ice conditions on cold winter days or nights. Accidents will happen. Damage may occur from boat or vehicle accidents, potentially compromising the structural integrity and risking closure for crossings.

Therefore, we expect an all-season ferry "alternatives to" be identified in the Tailored Impact Assessment Guidelines and evaluated and considered in the process.

#### **Effect of the environment on the Project and Safety IAA sections 22(1) (a) (i)**

We expect that the impact assessment to characterize winter weather and the safety of transportation when high winds and in winter the buildup of snow, sleet, ice and black ice making travel either impossible or very dangerous. Moreover, there are other safety considerations in particular, youth have died from jumping and bridges and what will be done to mitigate risks of death and/or injury from people using the bridge as a platform for recreation.

#### **Cumulative effects IAA section 22(1) (a) (ii) and Other plans IAA section 22(1) (r)**

We expect the impact assessment to investigate any cumulative effects that are likely to result from the designated project in combination with other activities that have been or will be carried out. We see this as linking with the regional plans that were prepared for Lake Simcoe, Lake Huron and the Great Lakes (not exclusive list).

We expect the Agency and Technical experts to identify the appropriate study or plan that is conducted or prepared by a jurisdiction that is in respect of a region related to the designated project and that has been provided with respect to the project.

We have identified a number of plans not considered or identified. As such it is our expectation that in accordance with **section 22(1) (r)** the Impact Assessment Agency will direct the proponent in that Tailored Impact Assessment Guidelines to include information in the project impact assessment to investigate the following:

- Parks Canada’s Trent Severn Historic Waterway Parks Management plan;
- Lake Simcoe Plan;
- Green Belt Plan;
- York Region Official Plan 2022;
- A Place To Grow, Growth Plan for the Greater Golden Horseshoe;
- Lake Huron lakewide management plan;
- The Sweetwater Sea: An International Biodiversity Conservation Strategy for Lake Huron - Technical Report
- Any relevant documents identified by the federal provincial Great Lakes units and/or provided by the advisors at the International Joint Commission;
- Any information from species at risk recovery plans strategies (final or draft) produced by federal (ECCC, Parks, DFO) or provincial (MECP, MNRF). Focusing on threats to individuals and their habitat and appropriate avoidance and mitigation;
- Any information available from the province and municipalities around land use current past and future land use of the area; permitted land-use areas, (linked to Cumulative effects below); and
- Any other plans

### **Cumulative effects**

We would like to see the following physical activities identified as reasonably foreseeable projects and identified as such in the Tailored Impact Assessment Guidelines:

- **Lake fill.** Where will the fill be sourced for the causeway? A large quantity will be required will there be a new pit or quarry or will it be waste material from construction in Toronto such as the new subway lines?
- **Future development on Georgina Island** we would like disclosure of any reasonably foreseeable project in the future.
- **Future development on the federal land** on the mainland. While it’s federal land is within the Greenbelt area, we would like to ensure that this will not be used for future developments and protected in manner consistent with the greenbelt “protected countryside” manner.

### **Accidents and Malfunctions IAA Section 22(1) (a) (i)**

As noted earlier, we are concerned about accidents and malfunctions. We ask the Agency request the Proponent to identify emergency plans when the bridge is closed and a public emergency situation arises. How will ambulances and emergency services access the island. Is a bridge the solution to solve the purpose of need and is it in the public interest? To ensure impacts and the likelihood from boating or vehicle accidents be adequately identified and addressed.

Safety wise last summer a male youth drowned from jumping in the water from the bridge on Lake Drive about 1.6 km west of where the proposed causeway and bridge would be built. It is illegal to jump from that bridge; who is to stop youth or others from jumping from the proposed hundred foot high bridge?

### **Sustainability IAA section 22(1) (h)**

We expect an analysis around sustainability particularly around the extent to which the designated project contributes to sustainability. Under the IAA, sustainability is defined as “the ability to protect the environment, contribute to the social and economic well-being of the people of Canada and preserve their health in a manner that benefits present and future generations”. In considering the extent to which the designated project contributes to sustainability, the decision-makers may consider the key findings associated with the sustainability analysis set out in the Impact Assessment Report. We feel that the adverse impacts from infilling Lake Simcoe and the destruction of fish habitat, destruction of bird habitat, the harming and harassing species, harming the Great Lakes and hindering Canada’s 30/30 conservation objectives are possibly not within the definition of sustainability.

We would like to be consulted by the Agency and proponent around how sustainability is defined and ensure that it is consistent with the vision of provincial land use planners at provincial Ministry of Municipal Affairs, Ministry of Environment Conservation and Parks Ministry of Natural Resources and Forestry, and the various federal provincial ministries departments with mandates to manage and regulate areas in and around Lake Simcoe.

We understand the federal Minister of the environment is concerned about development within Ontario’s greenbelt and I think that environment Canada’s input on defining sustainability should also be considered.

### **Visual impact IAA section 22(1) (a)**

We ask that visual impacts of the Link be considered through a visual impact assessment (VIA), a tool used to ensure the recognition and consideration of the visual aesthetic qualities of the landscape in the process of environmental design and management. In development projects where visual concerns are raised, visual impact assessment is a suitable and necessary component of environmental impact assessment; VIA can provide decision makers with information concerning the impacts of proposed development activities and land use on the

visual quality of the landscape. This information can be incorporated into the impact assessment process so that visual quality factors are considered with biophysical, economic and social factors (Sardon et al. 1983). The ultimate goal of VIA is the “provision of systematic and objective information concerning the visual quality of landscapes and the visual impacts of land use activities pertinent to decision makers”

We expect the Agency to direct the proponent in the Tailored Impact Assessment Guidelines to require a comprehensive and complete Visual Assessment Report that looks at the causeway and bridge not only from the obvious affected area of the south shore, but also from the west and south of Georgina Island and looking south from any areas of the lake. The excessive height is undesirable to not just migratory birds, but also to humans.

### **Environmental Considerations and Climate Change IAA section 22(1) (i)**

#### ***Environmental Considerations***

We’ve already identified that the project may interact adversely with a number of Canada’s commitments with respect to environmental obligations particularly around Great Lakes protection, species at risk, and biodiversity and conservation commitments. We would like the tailored guidelines to include a specific section requesting the proponent to evaluate how the designated project hinder or contribute to the Government of Canada’s ability to meet its environmental obligations and in particular:

- Kunming-Montreal Global Biodiversity Framework
- Great Lakes Water Quality Agreement
- Convention on Great Lakes Fisheries
- Migratory Bird Treaty

#### ***Climate change***

With respect to climate change we would like to see the evaluation of the electric ferry and the greenhouse gas admissions reductions from using the ferry. We would also like to see the indirect emissions caused by the lake fill and subsequent methane production.

## **2.2 Input on the Cooperation Plan**

After determining that an impact assessment is required under section 16, and in accordance with the *Information and Management of Time Limits Regulations* (SOR/2019-283 [LINK](#)), the Agency is required to prepare a “plan for cooperation with other jurisdictions” under subsection 5(b) (termed a Cooperation Plan) .

We note that the Provincial EA Act was amended February 22, 2024 to include lake infilling projects such as the GIFL. The GIFL is considered a lake infilling project under subsection 26(1) of Ontario’s EAA Regulation 50/24 Project Designations and Exemptions ([LINK](#)) and will require a Provincial Comprehensive Environmental Assessment due to the fact that the GIFL is on Lake



Simcoe in the Great Lakes Basin, a tributary to Lake Huron; will act as a groyne (a defined “works”); will infill greater than 4 hectares of the lake bed; and, will alter more than 1 km of shoreline. We are aware that the Province of Ontario was asked to designate this project under section 39 of Ontario’s Environment Assessment Act prior to February 22, 2024.

### 2.3 Suspension of Impact Assessment Time Limits while Ontario reviews a Designation request and Subsection 18 Delegation of IA to Ontario

The project will require a Provincial Comprehensive Environmental Assessment, we expect the Federal government to suspend the Impact Assessment time limits (under subsection 2) the *Information and Management of Time Limits Regulations* to allow Ontario to begin their Comprehensive Environmental Assessment so that their process can either be coordinated with or substituted for the Federal Impact Assessment.

Regarding EA substitution and coordination, the LSSRA submission of May 28, 2022 (CIAR document #48-[LINK](#)) and the submission from the former Provincial Minister of the Environment, (John Wilkinson) May 27, 2022 (CIAR document #41-[LINK](#)) urged the Federal government to Coordinate their respective EA and IA. The *submission* wisely states:

*If this reality is not adequately taken into account at this initial stage, the governments involved will, in my considered opinion, doom the ultimate fate of this proposal to decades of expensive, community destroying legal action and counteraction through the courts. The very best way to prevent this corrosive outcome on all of the communities involved is through a joint and full environmental impact assessment undertaken by the federal and provincial government, in collaboration with both the Chippewa of Georgina Island, the municipality and the conservation authority. Each level of government is rightly focused on meeting the requirements of their own specific legislation, bylaws and regulations. Practically, each must be responsive to the needs of their own citizenry. By recognizing and respecting each other’s jurisdiction at the outset, every level of government involved could and should bring their unique strengths and capacities to the process. As a result, the outcome will transparently take into account both the views and passions of everyone involved. Importantly, the outcome will clearly address the multiple issues raised as a result of the reality of overlapping jurisdiction.*

Since the Provincial process is a “project assessment” it maybe potentially more robust and able to deal with the project issues and able to address the areas of shared concern and areas outside of federal jurisdiction.

### Detailed Project Description

If GIFL does not share the detailed project description and studies in advance of formal submission we ask that the Agency suspend the IAA time limits and provide adequate time to

enable the LSSRA and other directly affected and concerned individuals to review this information being shared with the Impact Assessment Agency and others.

The LSSRA have not been provided with any additional information or materials that are being prepared by the GIFL to ostensibly “avoid a federal impact assessment”. The lack of transparency of this impact assessment process is in direct conflict with the Agency’s guidance on its own website about “Meaningful participation in the impact assessment process (<https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/public-participation-impact-assessment-fact-sheet.html> ).

### **3. Conclusion**

Because the GIFL project will be subject to numerous Federal Acts and regulations, Provincial Acts and regulations and based on the information provided in this letter we feel that the Agency should arrive at an **opinion that an impact assessment is warranted**.

Based on the fact that the GIFL project:

- is larger than the Detroit River Crossing (Gordie Howe Bridge);
- will cause multiple adverse environmental effects in federal jurisdiction and mitigation has not been identified;
- will cause adverse impacts to Species at Risk and their habitat;
- will cause adverse impact to Federal lands;
- will adversely impact Canada’s ability to comply with environmental obligations;

The GIFL project should undergo an impact assessment so that these issues can be identified and studied and a determination whether or not it is in Canada’s and Ontario’s best interest to have Fixed Link or if other reasonable and economically feasible alternatives (like an all season ferry) may better solve the problem statement and purpose of all season access to the Island.

We reiterate the comments made by LSSRA’s lawyers in May 2022 in response to the IPD ([Reference #48- LINK](#)) and our Protect Lake Simcoe submission in October 2023 (Reference Number 89- [LINK](#)) to IAA. Additionally, LSSRA voiced concerns at the January 2024 Public meeting. The Summary of Issues have not been adequately addressed. As of April 22, 2024, the Coastal Engineering Study has still not been posted for our review. We believe this coastal study does not adequately address the future damage to the Lake Simcoe shoreline including private and public property from this significant intrusion. LSSRA explicitly voiced our concerns about the area of study, the most current data, adequate assumptions, real world data, scenarios and other gaps that have not been adequately considered in the WSP Coastal Engineering Study and its models, recommendations and conclusions. The unmitigated environmental impacts allowing this project to proceed could be irreversible and irresponsible.

## References

- Canada Lands Survey 2020a. Survey Report and Supplemental Field Notes of Survey of Parts of Block A, Registered Plan 308 Town of Georgina, Regional Municipality of York, Province of Ontario for the Chippewas of Georgina Island First Nation ATR Application File: SM8206 – 06341 Project: 202014158
- Canada Lands Survey 2020b Survey and Supplemental Field Notes of Survey of Part of Lots 9 & 10, Concession 8 Geographic Township of Georgina, Now in the Town of Georgina, Regional Municipality of York, Province of Ontario for the Chippewas of Georgina Island First Nation ATR Application File: SM8206 – 06341, Project: 201914036
- Environment and Climate Change Canada and the U.S. Environmental Protection Agency. 2018. Lake Huron Lakewide Action and Management Plan, 2017-2021.
- Franks Taylor, Rachael, Amy Derosier, Keely Dinse, Patrick Doran, Dave Ewert, Kim Hall, Matt Herbert, Mary Khoury, Dan Kraus, Audrey Lapenna, Greg Mayne, Doug Pearsall, Jen Read, and Brandon Schroeder. 2010. The Sweetwater Sea: An International Biodiversity Conservation Strategy for Lake Huron - Technical Report. A joint publication of The Nature Conservancy, Environment Canada, Ontario Ministry of Natural Resources Michigan Department of Natural Resources and Environment, Michigan Natural Features Inventory Michigan Sea Grant, and The Nature Conservancy of Canada
- Impact Assessment Agency of Canada 2019 Guide to Preparing an Initial Project Description and a Detailed Project Description
- Impact Assessment Agency of Canada 2020 Meaningful Participation in the Impact Assessment Process
- Ministry of Municipal Affairs and Housing 2020 A PLACE TO GROW Growth Plan for the Greater Golden Horseshoe.
- Parks Canada 2022a Trent–Severn Waterway and Peterborough Lift Lock National Historic Sites of Canada Management Plan
- Parks Canada 2022b Species at Risk Trent-Severn Waterway National Historic Site <https://parks.canada.ca/lhn-nhs/on/trentsevern/nature/eep-sar>.
- Smardon, R.C. with M. Hunter 1983 “Procedures and Methods for Wetland and Coastal Area Visual Impact Assessment (VIA).” In The Future of Wetlands: Assessing Visual-Cultural Values.

# Appendix A

## Diagram of Proposed All-Season Ice-Capable Ferry

