

November 18, 2024

DELIVERED VIA ONLINE FORM

Environmental Assessment Branch

135 St. Clair Ave W
4th Floor
Toronto, ON M4V 1P5

To Whom It May Concern,

RE: Comments on the Proposed Highway 413 Act – ERO #: 019-9213

Please accept this submission on behalf of AEL Advocacy in response to the proposed *Highway 413 Act* (the “Proposed Act”) released on October 21, 2024.¹

A. About AEL Advocacy

Animal Environmental Legal Advocacy (“AEL Advocacy”) is a public interest law practice and not-for-profit organization based in Ontario. Our lawyers understand the important interconnection between humans, animals, and the environment. We combine our in-depth knowledge of the legal and political landscape with a commitment to supporting individuals and organizations working to protect animals and the environments where they live.

B. Comments on the Proposed Act

AEL Advocacy recognizes the importance of developing efficient transportation infrastructure to connect communities across Ontario. However, such projects must be approached thoughtfully to minimize irreversible harm to wildlife, biodiversity, and critical ecosystems. The construction of Highway 413 exemplifies a shortsighted approach, with significant environmental risks and questionable long-term benefits.

This submission highlights the shortcomings of Highway 413 and advocates for sustainable alternatives, emphasizing the importance of protecting species at risk, conserving wetlands, prioritizing public transit, and maintaining rigorous

¹ <https://ero.ontario.ca/notice/019-9213#connect-with-us>

environmental oversight. To this end, AEL Advocacy offers the following comments and recommendations.

I. Alternatives to Highway Construction Should be Considered

Highway construction presents significant risks to the environment, wildlife, and biodiversity. Research consistently demonstrates that increasing roadway capacity, whether through new highways or expanding existing ones, fails to alleviate traffic congestion due to the principle of *induced demand*.² This phenomenon highlights that any temporary benefits from increased capacity are quickly offset by higher roadway usage. Consequently, the objectives of the Proposed Act are unlikely to be achieved in a sustainable or long-term manner through the construction of Highway 413.

Before undertaking irreversible actions that will result in lasting environmental damage, alternative solutions must be carefully explored. The project's website notes that Stage One of the Environmental Assessment process concluded that, even with significant investments in regional public transit, a new highway corridor would still be required.³ However, proceeding with Highway 413 before fully realizing the potential of enhanced public transit infrastructure is both premature and shortsighted, locking in permanent environmental harm.

A viable alternative, proposed by Environmental Defence and Ecojustice, suggests rerouting trucks from Highway 401 to Highway 406. This approach could alleviate congestion for all road users, reduce travel times for truck drivers, save taxpayers an estimated \$6 billion, and preserve critical natural assets, including 2,000 acres of farmland and 400 acres of Greenbelt.⁴ Prioritizing such solutions over new highway construction would offer a more prudent and environmentally responsible path forward.

RECOMMENDATION NO. 1: Prioritize economically and environmentally sustainable alternatives, such as enhancing public transit services, before pursuing invasive urban planning projects like highway construction.

II. Species at Risk Concerns

If constructed, Highway 413 would destroy critical species habitats, including portions of the Greenbelt, pollute waterways it intersects, and impact 29 federally listed

² [Increasing Highway Capacity Induces More Auto Travel](#)

³ [Highway 413 - The Environment](#)

⁴ [Potential Cancellation of Highway 413 Impact Assessment is a Gross Abdication of Responsibility - Environmental Defence](#)

species at risk.⁵ These species include the Rusty-Patched Bumble Bee, the Monarch Butterfly, and the Red-Headed Woodpecker.

Applications for permits and authorizations under the *Endangered Species Act* related to Highway 413 should be held to the same rigorous standards and scrutiny as any other project. Since these applications would rely on preliminary plans submitted by the Ministry of Transportation of Ontario (MTO), it is essential that permits and authorizations remain revocable and subject to continuous reassessment to address any unforeseen impacts.

RECOMMENDATION NO. 2: Carefully consider species at risk through continuous monitoring by the Minister of Natural Resources under the *Endangered Species Act*.

III. Wetlands and Conservation Concerns

Special attention must be given to the hundreds of wetlands directly and indirectly impacted by the Proposed Act and the construction of Highway 413. This project would pave over wetlands, destroying vital habitats for numerous flora and fauna. Areas adjacent to the proposed highway would also suffer from road effects, including salt runoff and air pollution.

Wetlands and other green spaces are not only critical habitats but also serve as natural flood mitigators by absorbing stormwater and reducing the risk of urban flooding. A 2022 report by the Office of the Auditor General of Ontario criticized provincial land-use planning for its failure to adequately protect wetlands and green spaces, which are essential in guarding against urban flooding.⁶ The flash floods in Toronto and southern Ontario in July 2024, resulting in nearly \$1 billion in insured damages, underscore the indispensable role of these natural buffers.⁷

RECOMMENDATION NO. 3: Wetlands and other green spaces must be prioritized for protection. Where wetlands are destroyed, comprehensive measures should be implemented to safeguard nearby wetlands and mitigate the loss.

⁵ [HIGHWAY 413: The Road to our Ruin - Environmental Defence](#)

⁶ https://www.auditor.on.ca/en/content/annualreports/arreports/en22/ENV_CCUrbanFlooding_en22.pdf

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<https://www.canadianunderwriter.ca/adjuster/industry-estimates-the-price-tag-for-ontarios-july-flooding-1004249493/>

IV. Increased Scrutiny and Transparency in Accelerated Environmental Assessment Process

Assessing environmental impacts and developing mitigation plans based on the preliminary design provided by the Ministry of Transportation of Ontario (MTO) carries a significant risk. An accelerated environmental assessment process may fail to accurately capture the full environmental consequences of the Highway 413 project.

To minimize the harmful unintended consequences of relying on a preliminary design that could be subject to change, environmental impact assessments and mitigation measures must be held to the highest standards of scrutiny. Effective mitigation strategies, such as wildlife corridors and habitat restoration initiatives, should be implemented to offset environmental harm. Moreover, initiatives such as wildlife corridors increase safety for both humans and animals through reducing collisions.⁸

Furthermore, recognizing the potential for design changes during the project, ecological impacts must be closely monitored throughout construction. Any significant changes to the design should automatically trigger a reassessment of environmental impacts.

RECOMMENDATION NO. 4: Prioritize biodiversity-preserving strategies, including wildlife corridors, habitat restoration initiatives, and strict monitoring of ecological impacts throughout the construction process.

RECOMMENDATION NO 5: Implement transparency measures for the accelerated Environmental Assessment process. These measures should compare it to traditional assessment processes, highlight key differences, and clearly outline the risks posed by the accelerated approach.

C. Conclusion

AEL Advocacy urges the Provincial Government to reconsider the construction of Highway 413 in light of its significant environmental and ecological impacts. However, should the project proceed, we strongly recommend the following measures to minimize harm and promote transparency:

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<https://calgaryherald.com/news/local-news/alberta-wildlife-corridors-reducing-animal-car-collisions>

RECOMMENDATION NO. 1: Prioritize economically and environmentally sustainable alternatives, such as enhancing public transit services, before pursuing invasive urban planning projects like highway construction.

RECOMMENDATION NO. 2: Carefully consider species at risk through continuous monitoring by the Minister of Natural Resources under the Endangered Species Act.

RECOMMENDATION NO. 3: Wetlands and other green spaces must be prioritized for protection. Where wetlands are destroyed, comprehensive measures should be implemented to safeguard nearby wetlands and mitigate the loss.

RECOMMENDATION NO. 4: Prioritize mitigation strategies that preserve biodiversity, such as wildlife corridors, habitat restoration initiatives, and strict monitoring of ecological impacts throughout the construction process.

RECOMMENDATION NO. 5: Implement transparency measures for the accelerated Environmental Assessment process. These measures should compare it to traditional assessment processes, highlight key differences, and clearly outline the risks posed by the accelerated approach.

AEL Advocacy is grateful for the opportunity to contribute on this important matter. We welcome the opportunity to further discuss the above comments and recommendations.

Sincerely,

ANIMAL ENVIRONMENTAL LEGAL ADVOCACY



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