

Honorable J. Wilkinson
Minister of the Environment
77 Wellesley Street West
11th Floor, Ferguson Block
Toronto, Ontario, M7A 2T5

21 January, 2011

Honorable Minister J. Wilkinson,

Pursuant to (1) our letter to you of November 20, 2010, (2) your response via Ms. A. Garcia-Wright on December 15, 2010, and (3) the Environmental Project Report (EPR) submitted to you on December 23, 2010, by the MTO group headed by Project Manager R. Minnes, we are hereby filing our reasoned Objection to this EPR within the prescribed period of 30 days after the latter's submission, to request that (i) you deny the proponent to proceed with the transit project, and (ii) issue a notice requiring further consideration of the transit project, according to subsections 12(1)b and 13(1) of Ontario Regulation 231/08, and specifically, that such further consideration be directed to concentrate on placing the said intermodal hub *north* of Highway 7.

We submit to you that the existing transit project will have a negative impact on a matter of community and provincial importance that relates to both (1) the natural environment of the land where the existing transit project locates a large intermodal transportation hub associated with the GO Concord Station; and (2) the cultural heritage and social fabric of a well established community, uniquely placed as an isolated residential island within the entire study area under consideration, *as if singled out for destruction*.

Technical decisions lack absolute substance and always devolve to political decisions. The present instance is a case in point. When all is said and done, the existing Plan for the Concord intermodal hub abides by a criterion that values more highly a single technical parameter (the short distance between GO and transitway stations) than either the social and cultural fabric of a community or the existence of a sensitive ecological habitat contiguous with the West Don river and near the confluence of two major tributaries of the same. We remind the Minister that the EPR's Conceptual Design of the GO Concord intermodal hub was unanimously rejected by our community at a General Meeting on August 24, 2010; that other residents from neighbouring communities have expressed support for our requests, and that so have a majority of the present members of Vaughan City Council. Moreover, the community does not believe that its own Alternative Plan for the GO Concord intermodal transit hub has received a fair assessment, nor has further definition of the Alternative Plan received any constructive support from the MTO or its private planners.

Further, we request from you, as Minister in charge of protecting the environment - as per the Environmental Assessment Act, subsection 1(c) which defines "environment" to include "the cultural conditions that influence the life of humans or a community" - that you forthwith request the honorable Premier Dalton McGuinty to donate this ORC land to the TRCA, so that (1) this land may be protected in perpetuity as part of the Bartley-Smith Greenway associated with the Don River Valley (a matter of natural heritage); (2) no intermodal hub be placed on this land and thus the cultural and social fabric of our community may be protected (a matter of cultural heritage); and (3) the traditional common law rights of our community to its greenspace be restored.

Sincerely,

Dr. Paulo Correa
Chair Concord West Residents Ad Hoc Committee

Josephine Mastrodicasa
President, Concord West Seniors Club

Maria Bacchin
President, Concord West Ratepayers Association

cc L. Zappone, Project Officer
R. Minnes, Project Manager
D. McGuinty, Premier of Ontario
P. Shurman, M.P.P. Thornhill
M. Bevilacqua, Mayor of the City of Vaughan
G. Rosati, Regional Councillor, City of Vaughan
M. Di Biase, Regional Councillor, City of Vaughan
D. Schulte, Regional Councillor, City of Vaughan
S. Racco, Local Councillor, City of Vaughan
B. Denney, CAO, TRCA
P. Kent, Federal Minister of the Environment

**Objection submitted to the Ontario Minister of the Environment,
the Honorable J. Wilkinson,
by all three civic organs of the Concord West Community
Regarding the Environmental Project Report (EPR)
prepared by the MTO and Delcan/IBI
and submitted on 23 December 2010**

"Let us beware lest democratic republics should reinstate despotism and render it less odious and degrading in the eyes of the many, by making it still more onerous to the few."

A. de Tocqueville, *Democracy in America*, Vol., I, Chapter XV

BRIEF INTRODUCTION

From reading in sequential order **Appendices 1 to 10** that are attached to the present Objection, the Honorable Minister will obtain the history of the current struggle of the Concord West (CW) community to regain its greenspace (ORC property under petition to be transferred to the TRCA, and identified by Land Registry pin number 032320650), and to protect (1) the social environment of the community, (2) the ecological pocket situated in that greenspace, and (3) the Upper West Don river valley at the sensitive point of confluence of two of its tributaries, where the Bartley-Smith Greenway is at its narrowest and most adversely impacted by the proposed Concept Design for the GO Barrie (Concord) Station and the associated intermodal hub.

In particular, *for background leading to the present Objection* to the Environmental Project Report (EPR) prepared by the MTO and private planners Delcan and IBI and submitted on December 23, 2010, the Honorable Minister is directed to **Appendix 5**, containing the formal Submission prepared for the MTO by the three civic organs of the CW community, and submitted to the MTO on September 27, 2010 (included in EPR, Appendix A). Also, *for an analysis of the Alternative Plan* developed by the CW community and unanimously approved by the same in General Assembly on August 24, 2010, the Honorable Minister is directed to **Appendix 10**, containing the December 10, 2010, response of the community to the MTO's rejection of our Alternative Plan.

Appendices 11 to 15 document the support unequivocally expressed by a majority of the members of the Vaughan City Council for the two requests made by the community: that the ORC land in question be transferred to the TRCA, and the Concord intermodal hub placed north of Highway 7, so that the CW community and the greenspace in question be both protected, and the community's access to this greenspace and the Bartley-Smith Greenway be restored. **Appendix 16** is the letter sent to the MTO by our Local Councillor, S. Racco, during review of the EPR draft, where she expresses concern with the proximity and impact of this GO Concord intermodal hub, which is not in "keeping with this neighbourhood or the neighbouring valley lands".

As we do not seek to repeat ourselves, we shall, henceforward proceed to the many objections that stand against the EPR. Please note that all references to the Appendices of the present Objection are made in bold, and the Appendices are numbered so as to distinguish references to them from reference to the Appendices of the EPR.

THE OBJECTIONS TO THE EPR

1. Objections regarding insufficient consultation of the Concord West community, as well as misrepresentation of its involvement and of the main function of the proposed GO Concord Station and intermodal hub

1.1 As to "Environmental Assessment and Consultation Process"

Re. EPR, E. Executive Summary, subsection E2

Under this subsection the EPR reads: "Consultation was conducted with government review agencies, technical agencies, local municipalities, property owners..." (EPR, Executive Summary, p. 1).

Though the consultation process began back in 2007, no residents or property owners that we know of ever received a single notice by ordinary mail. We have repeatedly brought this up with the OMT officials (at the meeting of September 15, 2010; in subsequent emails with G. Ivanoff; at the meeting of January 10, 2011). The answer has been that a notice was mailed (in a batch of some 17,000) to all concerned stakeholders via Canada Post, even though no demonstrable proof of this has to date been produced.

The issue is of importance because the residents and stakeholders of the CW community only realized what was being planned for the petitioned ORC land in July of 2010, when our M.P.P. Peter Shurman arranged for a meeting with R. Minnes, 407 Transitway Project Manager. Thus the above-quoted statement in the EPR is simply *not* factual. Worse, the MTO has been aware of this since at least July of 2010. Yet, such inaccurate statement is made in the EPR.

Two Public Information Centres were held, but far from the community, and advertised in a few prescribed newspapers that, in this day and age, fewer and fewer people read.

1.2. As to the Concord West community's input into the EPR process

Re. EPR, Section 3, p. 45, on "Additional Comments Received"

Several omissions of facts, factual imprecisions, errors and misrepresentations are introduced in this section, which was intended specifically to address the concerns of the Concord West

community and its opposition to the Concept Design of the GO Concord Station and associated intermodal hub.

What was submitted by the CW community to the MTO on September 27, 2010 (see **Appendix 5**; also EPR, Appendix A, pp. 376-402) was a formal objection and alternative proposal (not a "letter") to the then current Concept Design for the location of the intermodal hub. Our Submission provided the history of the fight of the CW community to preserve its greenspace, reported the finding of a protected species on the boundary of that greenspace, and proposed an Alternative Plan for the location and arrangement of the intermodal hub. This Submission followed the September 15, 2010, meeting in which the Alternative Plan was presented to the MTO, YRT/Viva and TRCA.

More importantly, the "Additional Comments Received" subsection of Section 3 of the EPR *misrepresents* this Submission and its context. For, the September 27, 2010 Submission *was a joint effort of all three civic organs of the CW community*: the Concord West Residents Ad Hoc Committee (CWRAHC), the Concord West Seniors Club (CWSC), and the Concord West Ratepayers Association (CWRA). Though the community's original petition to Minister Duguid was initially an initiative of senior residents made under the umbrella of the CWSC, the community has been united in its unanimous opposition to the MTO's Preferred Plan for the Concord GO/Metrolinx intermodal hub.

While Section 3 of the EPR makes it sound as if the September 27, 2010 Submission and the Alternative Plan proposed therein were an elaboration made by some concerned residents that formed the CWRAHC, the facts contained in that Submission (**Appendix 5**) show otherwise:

1. That the CW residents, on two occasions, *unanimously petitioned* Ministers Duguid and Chiarelli to have the ORC land (Land Registry pin number 032320650) transferred to the TRCA in order to protect it as a greenland that should be part of the Bartley-Smith Greenway.

2. That a General Assembly of all CW residents *unanimously voted*, on 24 August 2010, to reject the currently planned location of the Concord intermodal hub on the south side of Highway 7.

3. That the same General Assembly *unanimously voted* to approve the Alternative Plan presented at the September 15, 2010 meeting, the said Plan being the main subject of the September 27, 2010 Submission sent to the MTO.

The improper contextualization of the community's Alternative Plan serves, at the very least, as another factor contributing to its dismissal. Most poignantly, the misrepresentation totally disregards the active involvement of the community in rejecting the current Concept Design and location of the Concord intermodal hub, and in drafting of an Alternative Plan at its own effort and cost.

Moreover, the misrepresentation presented in the EPR disregards the unanimous will of the CW community. Given that this community is the sole residential island in the entire study area of the 407 transitway process (see EPR, Appendix J, p. 13), such decontextualization of its efforts and misrepresentation of its decisions and involvement is particularly offensive to the Concord West residents and property owners.

In keeping with this effective slighting of the aspirations and rights of the CW community, the EPR does not make a single mention of the efforts made by this community to have the ORC land in question declared part of the conservation belt protecting the Bartley-Smith Greenway – efforts which are detailed in **Appendix 5** and of which the MTO was informed since at least July 2010.

1.3. As to whom the proposed GO Concord Station truly serves **Re. EPR, Sections 4.2 and 6.2.3**

As we pointed out to MTO officials and Delcan planners during the January 10, 2011 meeting, what is stated in the EPR concerning the transportation function of the Concord intermodal hub is a complete untruth. It is stated (EPR, Subsection 6.2.3, rubric "Transportation Function", p. 5) that "the main function of the GO Barrie (Concord) Station, however, will be to provide park-and-ride and PPUDO facilities for commuters from the surrounding residential communities located to the north and west of the station site in addition to local walk in access".

The untruths of this statement in EPR Subsection 6.2.3 are many. First off, we were told at the January, 10, 2011 meeting that the main users of the GO Barrie (Concord) Station will be an estimated 70% composed by commuters shuttling between the two stations, GO and Metrolinx. Nowhere is this stated in this subsection that addresses the main transportation function of the GO Barrie (Concord) Station. Rather, what the EPR states is that the main transportation function is to provide service for commuters from the surrounding residential communities located to the north and west of the preferred station site. Well, and secondly, the residential community *located to the west of the preferred station site* is our Concord West community, which has stated over and over again – to a variety of Provincial Ministers, to the Premier of Ontario, and to the MTO planners – that it does not need this GO Station, nor want it, period! Yet, the CW community has accepted, in a constructive spirit that has not been reciprocated, that such an intermodal hub be created, *just not that it be placed on the south side* of Highway 7; rather, the position of the CW community is that it should be placed on the *north* side of Highway 7, where it will comply with the true logic of its future necessity. This brings us to the third untruth of that passage of the EPR: for it follows that the only residential community which the GO Barrie (Concord) Station could serve, is a community located to the north of the so-called "preferred site". The small problem with this claim is that there is, as of yet, no residential community in that northern location! It is a virtual community projected for the future, *and its location lies within the Concord Floral*

lands whose rezoning from agricultural land to high-density mixed use has not yet been approved by the City of Vaughan. On this naked admission of the MTO's EPR, *the entire rationale* of the GO Barrie (Concord) Station is to serve the anticipated high-density occupancy of the Concord Floral lands. Thus, we are forced to conclude that *the real main function of the GO Concord Station is to serve the residential and commercial components of the planned development of the Concord Floral lands.*

Why then does the MTO persist in refusing to consider the logical implantation of the station site on those Concord Floral lands, ie north of Highway 7, when clearly the GO Barrie (Concord) Station is designed to serve the needs of the 'intensified' development anticipated for the same lands?

And how does this refusal of the MTO connect to the confidential agreement made between the Ministry of Infrastructure (the Ontario Realty Corporation), the City of Vaughan and the private owner to bundle up the publicly-owned parcel B of said lands, with the privately owned parcel A of the same lands, for immediate purposes of their joint sale and, ultimately, of development benefiting the present owner of said parcel A and the developer of these joint lands? Could the anticipated development of these lands not advantageously accommodate location of the GO Concord Station *north* of Highway 7 as suggested by our Alternative Plan? Should this solution not be actively pursued by all concerned, when the location *south* of Highway 7 that is presently preferred by the MTO clearly touches matters of community and provincial importance that have simply been disregarded?

1.4. As to the omission of the community's traditional use of the petitioned ORC land as its greenspace, and the misleading description of the said land's vegetation

Re. EPR, Appendix G

The EPR neglects to mention the history of the traditional use of the petitioned ORC land as the greenspace of the CW community, despite the MTO and Metrolinx being extensively and repeatedly informed of it, from July 2010 onward (see **Appendices 1, 2, 5 and 6**). In effect, Honorable Minister, the ORC land in question is an essential component of the cultural heritage of this community, and this fact is the very reason why the initiative to fight for the preservation of this land has been led by the senior residents of our community.

This omission of the ORC land as the CW community's traditional greenspace is all the more glaring in the EPR Appendix G, prepared by McWilliam and Associates, where, on page 7, it reads that the proposed GO Concord Station "will be located on some vacant land adjacent to the Don River valleylands". Photograph 5 of the same Appendix G is totally misleading, as it does not show any part of the ORC land where the intermodal hub is to be implanted.

McWilliam and Associates go on to say that "the only area where there is any significant vegetation is located in the vicinity of the Don River valley, where there are a few groupings of mature vegetation". These consultants seemingly have never visited the land in question, as the vegetation in the valley portion of the land (up to some 30m deep westwardly from the river) is thick, and continues as the land rises to the same altitude as that of the contiguous Concord West neighbourhood, to form the existing woodlot that spreads to over an estimated 120m westward from the river, coming as close as a few meters from the existing railway tracks.

The real vegetation and its quality in this entire area is documented and available, at a mouse click, at:

<http://saveconcordwest.wordpress.com/a-walk-through-the-orc-greenspace/>

and the vegetation directly by the river is documented at:

<http://saveconcordwest.wordpress.com/greenspace-water-a-visit-to-the-don-river/>

A visit to this website should suffice for the Minister to realize how objectionable is that entire EPR Appendix G report. As with other studies in the EPR, it lacks in our view the quality of reporting and factual accuracy which a study of this scope should demand. Perhaps one should be grimly amused by its suggestions, amongst which are "to develop landscape related 'Green' initiatives" (EPR, Appendix G, p. 19), and the planting of "salt-tolerant trees, shrubs, perennials and grasses" along the "transit corridor" (ibidem).

1.5. As to the completely misleading characterization of the isolated Concord West residential community as an Urban Centre

Re. EPR, Appendix A, pp. 268, 284

The two Public Information Centres mischaracterized entirely the residential nature of the Concord West community. On both maps that describe the role of the 407 Transitway in the GTA (EPR, Appendix A, pages 268 and 284), the Concord West community that lies south of Highway 7 is integrally color-labelled as an "Urban Centre"; in fact, as *the* Urban Centre associated with the GO Barrie (Concord) Station. The apparent reason why our community has been so grossly distorted, is that the criterion used to establish station nodes or hubs was the location of the node within 500m of an Urban Centre (EPR, Appendix A, p. 269).

The term 'Urban Centre' connotes a growth nucleus with a high density of occupancy: so, we must wonder whether this signals the fate slated for our community, after it and the greenspace it seeks to protect have been destroyed by the Preferred Plan for a station node?

2. Objections regarding the impact of the EPR's GO Concord Station and intermodal hub upon the natural environment

2.1. As to the claim that the preferred plan of the GO Concord Station preserves the woodlot in the petitioned ORC land, and as to the destruction of the meadow part of this land

Re. EPR, Sections 3; 7.2.1; and Appendices I and H

The claim reiterated in Section 3, p. 45, that "the preferred design also maintains the woodlot" is *not really correct*, if for no other reason than because the transitway proper and the transitway bridge, together with the hub access road, will run right through, and then over, a substantial portion of the existing woodlot (not to mention the necessary destruction of the woodlot required for the construction of the road, transitway and the long bridge recommended by Delcan in EPR, Appendix AA, p. 51, no. 11). Further, the claim is *incorrect* because a surface parking lot will be placed adjacently to whatever woodlot portion will remain after construction and, in effect, over a part of it (north-west portion), so that the remaining woodlot will be exposed to all the salt, chlorides, oil, rubber and sand runoff and atmospheric pollution emissions from a parking lot, bus stop and PPUDO areas.

Furthermore, the contemplated intermodal facilities (parking lot, bus stop and PPUDO areas) will also obliterate a meadow, as if meadows were not worth protecting for ecological reasons, and had no role in water retention. Effectively, the EPR downplays the significance of successional growth in a natural environment, entirely neglecting the fact that it was the hand of man that largely created the meadow, and that nature is dynamic, as meadows become forests. Moreover, according to a botanist (Richard Aaron) who visited the site, the meadow in question serves as stopover point in the yearly migration of the Monarch butterflies (*Danaus plexippus*), as they extract from milkweed necessary nutrients for their caterpillar stage. For the adult Monarchs, the meadows also provide the critical flower nectar (eg, from Asters, abundant in this ORC land) to help them in their long fall flight to Northern South America. The meadows also support the swallowtails, admirals, checkerspots and skippers. They provide feeding and nesting areas for songbirds such as the bobolink and meadowlark. They provide shelter for frogs and small mammals, which in turn attract hawks and owls.

The ecological role of meadows is emphasized in the TRCA comments of November 18, 2010 (EPR, Appendix A, p. 178), which draw attention to the fact that meadow habitats, even "cultural" ones, include potential habitat for species at risk. The TRCA adds: "There are also a significant number of meadow dwelling species recorded within the study area that utilize the cultural meadow habitats that dominate the Parkway lands" (EPR, Appendix, p. 179).

Replacing the meadow immediately adjacent to the woodlot with a large impermeable asphalt surface is not only retrograde in this day and age, but will substantially reduce the groundwater recharge to the subsurface, displacing water drainage to the lower level woodlot where it will increase soil erosion, and ensuring that runoff water will be contaminated with rubber, oil, salt, chlorides and sand. It is worth remarking that in one option (Site Plan Option 1, Sheet No. 6.1, p. 391, Appendix H, EPR) the contemplated residual woodlot is completely surrounded on 3 sides by the parking lot (future expansion). Also noteworthy is the fact that the option marked Preferred in the same Appendix H (Site Plan Option 4 Preferred, Sheet No. 6.4, p. 394, Appendix H, EPR) does *not* match in many of its critical features the final drawing of the MTO's Preferred Plan (the Black Alternative) in the EPR, folder entitled "Station Layouts", P[late 37. We note that incongruities such as these further introduce uncertainty into what it is that the MTO exactly calls the Preferred Option or Plan.

Be that as it may, placing a large parking lot, bus station(s) and PPUDO facilities in close proximity (<<100m) to the point of confluence of the two tributaries of the Upper West Don river, should not be acceptable. What will remain of the woodlot after the construction of the 407 Transitway along the route of the Preferred Plan, will be destroyed by the constant emission of solid, particulate and gaseous pollutants steadily emanating from the intermodal hub and its parking and transportation facilities.

2.2. As to the EPR's disregard for the fact that the ORC land where the Preferred Plan locates the Concord intermodal hub is land that falls within the Don Watershed Plan

We draw the attention of the Honorable Minister to the fact that the TRCA has stated that the land in question falls within the TRCA's masterplan for acquisition for the Don River watershed (**Appendix 3**), and that in its November 18, 2010, Comments on the EPR (EPR, Appendix A, p. 178, point 7), the TRCA unequivocally stated with respect to the "GO Barrie-Concord Station": "the station is proposed on lands currently designated as part of the natural heritage system within the Don Watershed Plan and the TRCA's regulated Area". The Minister should know that the CW community is entirely solidary with this position of the TRCA.

2.3. As to the claims that the Preferred Plan of the GO Concord Station and intermodal hub, and the 407 Transitway route, will minimize impact upon what is considered as "poor quality" wildlife and wildlife habitat

Re. EPR, Sections 3, p. 45; 4, p. 6; and 7, p. 5

Section 7, p. 5 of the EPR states that "most of the available wildlife habitat affected by the 407 Transitway can be characterized as being of poor quality (...). The exception would be the valley systems associated with the West and East Don rivers." Thereby, one would

expect that the ORC land currently under petition for its transfer to the TRCA would be considered as part of the exception. But, alas!, this is not really the case, since the EPR goes on to mention that despite the documented presence "in the West Don River" of a Blanding's Turtle individual, a member of a Threatened species, "this area does not contain habitat considered suitable [f]or this species" (EPR, Section 7, p. 5).

Aside from the imprecision with which the sighting of the Blanding's Turtle is reported – since, per its GPS location (**Appendix 5**), the Blanding's Turtle individual was found on land at the border of the ORC greenland under petition! – the EPR neglects to mention that the Blanding's Turtle is *a landscape animal* that typically forages some 600m per day. In fact, landscape requirements for the threatened Blanding's turtle include a terrestrial migration distance from its aquatic site of 650 -900meters (according to Rowe & Moll, 1991, cited in "Biological Criteria for Buffer Zones around Wetlands and Riparian Habitats for Amphibians and Reptiles", by Raymond D. Semlitsch and J. Russell Bodie). The EPR claims that "habitat for Blanding's Turtle is not believed to be present in this location" (EPR, Section 3, p. 45), but in our view this incorrectly reduces the concept of habitat to the location of nesting, entirely disregarding the fact that habitat encompasses foraging territory and travelling corridors. These facts are even more significant for a landscape animal. In this context, the official letter from the Toronto Zoo (**Appendix 4**) - which, incidentally, was sent following *the only visit to the site* (that we know of) *made to date by a scientist* (biologist Brennan Caverhill, MSc, an expert on the Blanding's Turtle) – refers to the ORC land in question as a "habitat pocket" immediately adjacent to "an important corridor" for the Blanding's Turtle. Caverhill also suggests this should be investigated "more thoroughly come springtime". Further, he orally advised members of the community that the habitat near the confluence of tributaries may likely be suited for Wood Turtles, an Endangered species.

We also want to draw the attention of the Minister to the fact that, as observed in the Kejimikujik Area Stewardship Program, the greatest danger to the Blanding's Turtle is habitat loss or fragmentation caused by human development (please consult: <http://speciesat risk.ca/stewardship/BlandingsTurtle.html>).

The very notion that much needed factual, empirical studies of the existing natural ecology of the ORC greenland under petition should be postponed to the Detailed Design Stage (EPR, Section 3, p. 45) – as the EPR repeatedly advises the Minister is the right course of action – will most likely prove to be a patent waste of taxpayers' monies that placed the cart ahead of the ox. By its logic, we may as well start walking on our heads. Your own Ministry concurred with this, when it advised the MTO to the effect that "the characterization of potential impacts (...) are key parts of the transit regulation project planning process" and "these studies should be included in the final EPR as opposed to being deferred to detail design" (EPR, Appendix A, p. 155, November 5, 2010).

The petitioned ORC land which the community is seeking to protect was, in fact, before the advent of Highway 407, contiguous with the "narrow wetland pocket" (Section 4, p. 6) that the EPR recognizes is located south of Highway 407 and between Keele Street and Centre Street, and "of significance for the native riparian species and wildlife" (ibidem). The contiguity that has remained now is constituted by the narrow corridor under the Highway 407 overpass. More importantly, the petitioned ORC land directly abuts the junction of tributaries 1 and 2 of the West Don River, so that it is the sensitive valley area near the confluence that has been slated to be occupied by the support structures for the long 407 Transitway overpass (see the current modified Concept Design of the GO Concord Station layout in the EPR, folder entitled "Station Layouts", P[late 37]).

The MTO orally assured us that the preferred transitway route, which twice crosses the Upper Don watercourses, was the only one prescribed by the TRCA; but, we are yet to see the TRCA's letter where this is suggested, though we requested it from the MTO at the January 10, 2011 meeting and in a follow-up email to R. Minnes on the next day. Contrary to this, it seems, the TRCA Comments of November 18, 2010 (EPR, Appendix A, p. 178) stress that "it is staff opinion that impacts to wildlife and wildlife habitat can be negatively affected by additional watercourse crossings".

Be this as it may, the EPR acknowledges that habitats along Highway 407 (east-west axis) are fragmented and that, "since most have been disturbed, the few remaining natural areas have become more significant" (Section 4.1.7, p. 6). Accordingly, this should be one more reason not to further disturb the remaining contiguity of the petitioned ORC land with the acknowledged wildlife pocket to the south of it (along a north-south axis), or with the Bartley Smith corridor (along an east-west axis), at the point of confluence of tributaries to the Upper West Don river and where the Bartley-Smith Greenway is narrowest. We respectfully submit to the Minister that *only the community's Alternative Plan for the location of the intermodal hub satisfies this very basic criterion of preserving intact what is left of the contiguity and integrity of the two ecological pockets* – to the north and south of Highway 407. The MTO's Preferred Plan does *not*.

Not only does it not, but the EPR buttressing this Preferred Plan refers to the wildlife pocket in the ORC land under petition as being of "poor-quality" or "overall poor quality" and "low structural diversity" (EPR, Section 7, p. 5), all of these being unsupported statements designed to conclude that this purported poor quality "reduces the level of significance attributable to the loss" (ibidem).

In this context, the same Sections 4.1.7 and 7.2.1 of the EPR also misrepresent the mammalian population that inhabits the petitioned ORC land, solely mentioning "small mammals", to claim that "wildlife species present in these areas are represented primarily by small mammals (...)" (EPR, Section 7.2.1, p. 5). At the very least, in what concerns the ORC greenland under petition this is a patent untruth. As documented in the CWRAHC website, entire white-tail deer families use this ORC greenland to nest and forage, and thus

as their habitat. This fact was repeatedly conveyed to OMT officials, and the link to the evidence was also provided. It can be found at:

www.saveconcordwest.wordpress.com/03-greenspace-plants-and-creatures/

and at:

saveconcordwest.wordpress.com/03-greenspace-plants-and-creatures/white_tailed_deer2/

Despite this freely available documentation provided by the residents of Concord West, there is not one mention of this evidence for large mammals in the EPR. We ask the Minister - how can you, Minister, and how can we, CW residents, owners and taxpayers, have any trust in our publicly hired planners and subcontracted costly private planners when they so wantonly disregard the facts and replace them by fictions?

The woodlands that surround and abut the riverway are also a landbird migratory stopover area for numerous birds species (again, a proper and complete inventory has not been attempted), including birds of Special Concern, such as the Great Blue heron (not mentioned in the EPR). The same woodlands have been reported as a raptor winter roosting area. Notably, they are characteristic of the type of woodlands used by numerous species of breeding migratory birds. The common nighthawk, another Special Concern species, has been sighted in the greenspace. As the Minister undoubtedly knows, there is a very narrow ecological tolerance of such threatened and endangered species. The construction of a transportation hub right in the middle of the woodlands/meadows will grossly overstep that narrow tolerance.

The only poor quality in all this is that of the planning and analysis involved in placing the GO Concord Station on land that should be protected – land that contains at least one Threatened species and large mammals, may contain an Endangered species, and encompasses woodland, meadow and wetland zones near a sensitive confluence of Don river tributaries. Scrapping the Preferred Plan for the GO Concord Station will surely be no loss to the CW community, the threatened ecology and wildlife of this land, or the entire Province of Ontario. Even the ORC which, in all of its communications to the MTO – even as late as October 29, 2010 – never once drew the MTO's attention to the fact that our community had unanimously petitioned Ministers Duguid and Chiarelli for this land to be transferred to the TRCA, nevertheless emphasizes that it is "concerned that additional consideration of environmental impacts is required in particular to ensure natural heritage features" (EPR, Appendix A, p. 110, August 12, 2010). Its main concern centered on the "proposed parking and large storage areas surrounding the stations". It is worth noting that these large storage areas are apparently for Viva/YRT bus and vehicle storage, that they are located right on top of the junction between the two Upper Don tributaries, on private land to be expropriated, and that their contribution to pollution in all forms is nowhere assessed in the EPR. The TRCA comments on these maintenance and storage facilities: "Vegetation,

wildlife habitat and fish habitat are also potentially affected by the proposed maintenance and storage facilities" (EPR, Appendix A, p. 178, TRCA Comments of November 18, 2010).

The EPR seems to proceed on the basis that the impact of the Concord intermodal hub on the natural environment will be insignificant, because this is already a heavily urbanized area and there will only be minor losses to flora and fauna. It also seems to expect that, somehow, wildlife will use the Bartley-Smith Greenway in the same manner that we use Highway 407. In contrast, the City of Vaughan, in its comments to the EPR, has emphasized that the proposed GO Barrie Station will adversely impact the natural environment of the West Don River Valley. While Delcan/IBI and the MTO claim in their response to the City to have addressed this concern in the EPR, our Objection argues that they most certainly have *not* – and we can only hope to have convinced the Minister that they have not. In fact, when considering the overall impacts of the stations, storage facilities, and additional watercourse crossings on wildlife and wildlife habitats, including cultural meadows, the TRCA states that "these are permanent impacts related to the project footprint, and it is staff opinion that this has been understated in the EPR" (EPR, Appendix A, p. 178, TRCA Comments of November 18, 2010).

Minister, it is incumbent upon you and your sole responsibility now to put a stop to this "poor quality" planning that so cavalierly treated the natural environment immediately adjacent to our community.

3. Objections to the identification of alternative GO Concord Station sites and alternate 407 transitway routes, and to their lopsided evaluation process, including the negative impact upon the social environment of the Concord West community

3.1. As to the preferred route of the 407 Transitway in the Preferred Plan

Re. EPR, Section 5.4.2.2 and the December 8, 2010, letter from R. Minnes to Dr. P. Correa, attached herein as Appendix 9 of the Objection

The EPR considered different paths for the 407 Transitway. But the parameters under which alternate routes were rejected were improperly evaluated. A case in point is the rejection of the transitway route hugging Highway 407 on its south side, considered as segment B5 in Figure 5-7 (EPR, Section 5p. 19). Route B5 was rejected because "placing a transitway station on the south side of highway 407 is not feasible due to the limited available and accessible space within and north of the hydro corridor" (EPR, Section 5, p. 16). The fallacy in this justification, however, is readily apparent: there may well not be enough space for locating the transitway (Metrolinx) station on the south side of Highway 407, but this does not mean the alternate route B5 along the south side of Highway 407, or at least a portion of it, should be discarded. Indeed, even though in our Alternative Plan we proposed a transitway route segment that would hug Highway 407 on its north side (see for

example Figures A and B of **Appendix 10**), our Alternative Plan is *perfectly compatible* with a transitway route segment B5 *hugging Highway 407 on the south side*, for the simple reason that our Alternative Plan places the transitway station, not on the south side of Highway 407 (just north of the hydro corridor), but *north of Highway 407*, near the intersection of Centre Street with Highway 7.

The chosen trajectory of the 407 Transitway path in the plan that is preferred by the MTO and Delcan/IBI, not only destroys the ORC land under petition, but also crosses the West Don River *twice*, and in our view unnecessarily so. Conversely, the path of the 407 Transitway in our Alternative Plan (the Real Red Alternative in **Appendix 10**) crosses the river *only once*. This is so *irrespective* of whether the transitway route hugs Highway 407 on its north or its south side. Indeed, let us again emphasize that our Alternative Plan, though shown with the 407 Transitway running along the north side of Highway 407, is perfectly compatible with a path that would run, instead, on the *south side of Highway 407*, and would only cross over this highway *to the east* of the West Don river. If such a crossover point would require, in our Alternative Plan, that the transitway station be built with a higher elevation, this may actually be an added bonus which would likely permit the suspended walkway we have proposed to be entirely level with the transitway station. Such a location of the 407 Transitway route on the south side of Highway 407 as is shown in route segment B5 would be in keeping with the fact that its planned further westward continuation crosses over Keele Street *south* of the existing Highway 407 interchange (this is not shown in Figure 5-7 of Section 5 of the EPR, but can be seen, for example, in EPR, Appendix J, p. 13). We emphasize this fact because the EPR itself admits that "B5 is the alternative route with less complex infrastructure to mitigate intrusion on the flood plains of the West Don river" (EPR, Section 5, p. 16).

Lastly, on this subject of alternate transitway routes, we should mention that the EPR entirely neglects to consider how a variation of segment B5 of the transitway may be advantageously placed over Highway 407 (say, from east of Keele Street to just before Centre Street). Such a solution is directly compatible with our Alternative Plan and would mitigate nearly completely the problems that arise from the transitway's negative impact on the flood plain and the West Don river valley (including the enhanced rates of erosion and sedimentation caused by the contemplated intermodal hub), not to mention that it would spare entirely the ORC greenland under petition.

Even more to the point, the TRCA Comments of November 18, 2010, begin by asking the MTO to "please provide a brief summary response as to why integration [of the transitway] with the existing Highway 407 is not an option" (EPR, Appendix A, p. 177). We also made the same question at the January 10, 2011, meeting with MTO and Delcan, since this option would indeed resolve many problems. The response we got was that it would be too costly. We can only wonder whether such a cost analysis has actually been carried out.

3.2. As to the failure to identify and analyse the Alternative Plan submitted by the CW community, its misrepresentation in the "Identification of Alternatives", and the main argument invoked by the MTO to reject the community's Alternative Plan

Re. EPR, Section 5

In **Appendix 10** we explain at length how the EPR actually fails to identify and analyse the Alternative Plan submitted to the MTO on September 27, 2010 (**Appendix 5**). In effect, the EPR misrepresents our Alternative Plan in the form of what it calls the "Red Alternative". In the same **Appendix 10** we proceed to the actual analysis of our Alternative Plan - the "Real Red Alternative", as we call it therein. The correct comparison between our Alternative Plan (Real Red Alternative) and the MTO's Preferred Plan (Black Alternative) is carried out in the evaluation matrix presented in the form of a table on page 8 of **Appendix 10**. This should be contrasted to Table 5-8, on pages 23 and 24 of Section 5 of the EPR. It is worthwhile to repeat the main features of the Alternative Plan shown on that page 8 of **Appendix 10**, that differentiate the Alternative Plan from the MTO's Preferred Plan. In contrast to the latter, the Alternative Plan that we proposed:

- preserves the social, cultural and urban integrity, and function, of the Concord West community
- preserves the local ecosystem, including at least one Threatened species
- complies with the rights and aspirations of the Concord West community and adjoining residential communities
- complies with the desire of the TRCA to acquire the ORC greenland (see **Appendix 3**)
- does not interfere with the Upper West Don River flood plains
- better serves the future Concord Go Centre development, and the commerce and industry located on the north side of Highway 7
- fully complies with the GO/Metrolinx objectives
- minimizes walking distance between each station and Park-and-ride or PPUDO facilities (see matrix on page 8 of **Appendix 10**).
- proposes an acceptable distance between GO and Metrolinx platforms
- does not require mitigation of noise and visual effects
- does not place idling cars and Diesel buses near the Bartley Smith Greenway or near the Concord West residential community
- does not require any expropriations of private land on the the south side of Highway 7, between Baldwin Avenue and Centre Street.

So why has the Alternative Plan been so glibly rejected by the MTO and Delcan/IBI?

In essence, the community's representatives were told at the January 10, 2011, meeting with MTO and Delcan, that the reason why instead of evaluating the community's Alternative Plan they had to evaluate the obviously faulty modification they called the Red Alternative (see R. Minnes letter of December 2010, **Appendix 9**) was two-fold: (1) the 'impossibility'

of locating a parking facility north of Centre Street along Highway 7 because of its reserve usage for a Highway 407 interchange; and (2) the unacceptably long 380-500m walkway for commuters travelling between the GO Concord station and the Metrolinx station (located near Centre Street along the route of the 407 Transitway).

We addressed at length the first objection in our December 16, 2010, response to R. Minnes (**Appendix 10**), not only showing that the projected Highway 407 interchange at Centre Street has long been rejected by the Vaughan City Council and planning officials, but, more importantly, that parking, bus and PPUDO facilities could be advantageously located in 3 distinct zones (numbered 1 to 3 on our Real Red Alternative maps, Figures 1A and 1B of **Appendix 10**) directly associated with each station.

In the same December 16, 2010, response we also addressed in detail the second objection. Accepting the 'impossibility' of eastwardly curving the track south and north of the GO station (or of placing the Station platform in a curve), the distance travelled by inter-station commuters is not $\approx 500\text{m}$ as generally claimed by the MTO, but $\approx 380\text{m}$, since we propose a slight westward displacement of the Metrolinx (transitway) station, and – as already discussed above – a very different route for the 407 Transitway. However, the EPR refers to this distance in Section 5, p. 23, as "380-500 meter", and we will henceforth refer to it as "380-500m", for ease of reference.

Moreover, we draw the attention of the Minister to the fact that our proposal of a suspended walkway connecting the two stations, GO and Metrolinx, also has the added virtue of resolving entirely the problem of pedestrian crossings at one of the worst intersections in the City of Vaughan, that of Highway 7 and Centre Street, by freeing the timing of the traffic lights from the pedestrian flow, and thus permitting its dedicated use for regulating vehicular traffic.

This distance of $\approx 380\text{m}$ (or supposed $\approx 500\text{m}$) appeared to acquire a disproportionate negative value that became practically determinant of the rejection of our Alternative Plan (the Real Red Alternative), and served as a reason to misrepresent our plan in the form of the so-called Red Alternative. Since all the other parameters considered in the specifications of all the contemplated site plans favor the Alternative Plan (see matrix on page 8 of **Appendix 10**), the negative overvaluation of the 380-500m inter-station walking distance appears even more excessive.

If we take a step further and compare the role of the 'long inter-station walkway' to its corresponding element in the MTO's Preferred Plan and location, the brandishing of the long walking distance parameter as being decisive in the determination of the best location for the intermodal hub simply becomes an absurdity. Indeed, consider what is the corresponding element in the MTO's Preferred Plan and location: *it is not simply a linear distance of some 100m*. No, the commuting is made via a system of elevators that connect the very different elevations of the transitway and the GO line. This solution will constantly

consume electric power. The elevator complex will be placed on the southeast corner of our community, and it will necessarily contain some stairs (a notorious problem for public hygiene and criminal transactions), or escalators (more energy expenditure). The elevator solution is obviously prone to immense lineups, frequent breakdowns, stoppage in brownouts and blackouts. When the elevators become congested or break down, commuters will have to go up or down the stairs. At least, in our suspended walkway solution, the path will be level and not form a congestion node either during a potential breakdown of the electric sidewalks or during hours of peak traffic. Moreover, outside of peak hours, the electric walkways can be turned off, or those in operation reduced in number. Triggered activation could also be utilized.

Placed in its proper planning context, we submit that, all else aside, it is better to have a 380-500m long walkway that also resolves the problem of pedestrian crossing at Highway 7 and Centre Street, than to have a 100m distance mediated by a very problematic elevator/stairs complex. Our analysis hardly warrants the negative overvaluation of the walking distance parameter, let alone to a point where an abstract 100m distance is valued more highly than the integrity of the human or ecological communities impacted by the so-called Preferred Plan.

Now, we have already above drawn the attention of the Minister to the fact that the contemplated intermodal hub, contrary to what is stated as its main function in the EPR, is neither wanted nor needed by the CW community. Further, that therefore it can only serve the high-rise residential community projected for the Concord Floral lands, the associated commercial GO Centre and the existing industry located on the north side of Highway 7. Thus we have argued over and over that the best location for the GO Concord Station should be north of Highway 7. But now let us consider this simple fact: that the intermodal hub really is designed to serve the flux of people to the north side of Highway 7. Well, in light of this, the Preferred Plan and location imposes on all these users a walking distance of well over 500m, if they are to reach either the GO Station or the Metrolinx station! That is a pretty weighty objection against the MTO's Preferred Plan and location, entirely and conveniently glossed over by the EPR... The hub is designed to serve the future residents of the Concord Floral development, yet the Preferred Plan makes them walk the longest distance to either the GO or the Metrolinx stations. Eminently logical.

Likewise, commuters changing from the Viva/YRT system to either the GO or the 407 Transitway lines in the MTO's Preferred Plan, will also have to walk $\approx 500\text{m}$, as is mentioned in the EPR, Section 5. Should the CW community not be comforted with the fact that it alone will have the two stations right at its doorstep, with a tunnel to better access them?

The EPR fails entirely to address the comparison and contrast of all these features relating to the parameter of the distance between the two stations of the Concord intermodal hub, such as they are presented in our Alternative Plan (see **Appendix 5** and the Real Red

Alternative in **Appendix 10**) vs the MTO's Preferred Plan (the Black Alternative, in **Appendices 9 and 10**, as well as in the EPR, Section 5, with reference to Figure 5-10, and pages 23 and 24). The EPR's approach is simply to treat the two distances (100m vs 380–500m) as if they permitted a direct *quantitative* comparison, when they do *not* and involve instead all sorts of *qualitative parameters*. Such obfuscations of what is at stake are underhanded. They underline the fact that there are no technical considerations which are absolute, and all such considerations devolve to political choices. Herein lies the profound injustice of sacrificing real human and natural communities to decontextualized, abstract technical merits.

Finally, we also want to emphasize that Metrolinx itself, in its comments to the EPR (EPR, Section 3, p. 39), notes that the GO Barrie (Concord) Station was not identified as a mobility hub in 'The Big Move'. **Appendix 8**, which contains the email correspondence with Metrolinx, shows that Metrolinx did not appear, until very recently, to be wedded to the location of the intermodal hub on the south side of Highway 7, where the Preferred Plan places it.

3.3. As to the misuse of the Rockview Gardens pedestrian underpass to create an unacknowledged PPUDO and destroy the integrity of the CW community **Re. EPR, Sections 4 and 5**

The social and environmental injustices built into the Preferred Plan defended in the EPR belie, with derision, the stated objectives of the overall report, which claims – under the rubric "socio-economic and cultural environment" – that its purpose is "to link urban areas (...) without disrupting community integrity and function" (EPR, Section 4, p. 10). Nowhere is this claim made more ironic than in the Preferred Plan's proposal to build an east-west tunnel or overpass (EPR, Section 5, p. 20) to cross the railway at the eastern end of Rockview Gardens, the underpass being the preferred method. As discussed in detail in **Appendix 5**, p. 10, the community saw this proposal as a "tainted gift" – for, though overtly presented at the 15 September 2010 meeting as a means to satisfy the community's desire to restore its access to the greenspace (across or around a parking lot...), it is apparently designed to provide commuter and walk-in access to the GO station. At any rate, this would certainly be its obvious usage if the Preferred Plan is accepted. The tainted nature of the gift becomes apparent when, for example, one reads in the EPR, Section 5, Table 5-3, that the "Rockview Gardens Avenue Neighbourhood (East) supports transit-oriented development"; or, when the EPR Appendix B, prepared by IBI, describes Baldwin Avenue as "extending from Southview Drive in the south with Highway 7 in the north" without mentioning that Baldwin Avenue is interrupted at the intersection with Rockview Gardens Avenue, at the request of the community, to prevent traffic from cutting through the residential area. Similarly, in Exhibit 7-2 of EPR, Appendix B, the traffic volume estimates for vehicles entering and leaving our community at Baldwin Avenue, south of Highway 7,

seem to take into account increases that are only attributable to this unacknowledged use of the eastern end of Rockview Gardens Avenue as a PPUDO.

These examples leave little doubt as to the intended usage of the underpass, a usage for purposes of transportation and foreign to the function of our community, that will transform the eastern end of Rockview Gardens Avenue, along with Hartley Court, into another PPUDO and parking zone. Moreover, subject to such usage, the underpass in question will undoubtedly pose problems of hygiene and serve as a focus for street criminal activity. It is evident how such usage of the underpass will precisely disrupt the integrity of the community and of its function, contrary to the stated purposes and guidelines of the EPR. We draw the attention of the Honorable Minister to pages 18-21 and Figure 10 of the community's September 27, 2010, Submission (**Appendix 5**), where we have detailed the concerns of the community regarding the various factors which, in the MTO's Preferred Plan, will threaten the integrity and function of the Concord West community.

From the map presented in the EPR, Appendix J, p. 13, it is readily apparent how the CW community is particularly vulnerable to the impact of the 407 Transitway, as Concord West forms the only residential island in the entire Study Area - isolated in a sea of commercial and industrial employment areas (shown in blue on the map of the EPR, Appendix J, p. 13). To us it is evident – and so should it be to you, Honorable Minister – that a vulnerable community disrupted socially and ecologically in its fabric is a community slated for degradation and, ultimately, destruction. We submit that you have a duty to protect this community and reject the location of this intermodal hub on the south side of Highway 7.

4. Objections as to the quality of the studies in the EPR, in particular concerning the multiplicity of negative impacts upon the Concord West community, the West Don river ecology and the ecological pocket in the ORC land under petition

4.1 As to the veracity and adequacy of the "undertaken study activities"

Re. EPR, Section 1, p. 4, and the various Appendices

In Section 1, p. 4, we read that, "following the MTO Functional planning report dated November 2010", the "Ministry's decision to follow the TPAP process" included further study activities "to identify the existing natural environment, social environmental conditions...", etc.

We have reviewed the EPR, and unless techno-fiction based on modelling carried out with imaginary data qualifies as a study, we must object and simply state that no such field identification or field study of the natural environment appears to have been undertaken (which, after all, seems to be merely a consequence of the special dispensation from carrying

out actual scientific studies during the environmental assessment that was afforded to transportation planning by Ontario Regulation 231/08).

Nor has the EPR identified the social environmental conditions that stand to adversely and irreversibly affect our community – which is the only existing residential community negatively impacted by the preferred location of the intermodal hub.

Therefore, we submit to the Minister our strong objection that no real studies have been performed "to identify the existing natural environment" and "social environmental conditions" affected by the preferred location of this intermodal hub. That a report like the EPR, so heavy in gigabytes and number of pages, fails to cite a single set of actual data or a single scientific study of environmental conditions (*latu sensu*), is and should be unacceptable, and can only be taken to show the EPR as an exercise in marketing at best, or as a waste, at worst.

4.2. As to noise and vibration impact being improperly studied

Re. EPR, Appendix H

Once again, the noise impact analysis is not based on any study that gathered hard data. This is unacceptable, especially for a community that has been under a constantly increasing noise assault from the CN rail yards for the past 20 years, from Highway 407 in the past 16 years, and from the constant intensification of traffic volumes along Keele Street and Highway 7.

Without hard data, Appendix H of the EPR goes on to compare modelled imaginary data for future sound levels resulting from the projected intermodal hub with future ambient sound levels without it, only to conclude that "the impact due to the parking lot [of the Concord intermodal hub] was minimal in comparison to background noise and noise from the 407 Transitway". Over and over this strategy seems to pay off in the reports generated by the private consultants hired by the MTO; the strategy seems to be: do not gather or present data; elaborate on estimates, and model them so that whatever impact will be computed, will be less (and thus negligible) than that which one can project will be the background. Modelling is not a scientific activity, nor separable from a bias that selects the best numbers or outcome.

Incredibly enough, this Appendix H (page 5-4) discards the problem of idling buses in the GO Concord Station hub, by failing to list it as an intermodal station! Thus we can be assured that the GO Concord station "will not have any significant stationary noise" (*ibidem*).

The noise and vibration associated with the expanded GO rail line, the construction of the same (eg with or without pylon driving, etc) and the projected much greater frequency of

scheduled trains are not even mentioned in this Appendix H, nor anywhere else in the EPR - not that we have found.

4.3. As to the atmospheric pollution impact being improperly studied Re. EPR, Appendix I

The same strategy of modelling upon estimates without hard data taken at or near the CW community appears to have also been used for Appendix I, prepared by Delcan, IBI and LGL. It begins with a 'positive note', as it states that "the study identifies that compared to existing conditions (2008), air quality will slightly improve for gaseous pollutants due to newer engine technologies and fuels, despite increases in traffic"(p.1). We would like to ask where, in 2011, is the evidence for this statement ("identifies")?

Continuing to build a castle in the air without hard facts, the EPR Appendix I report concludes to "negligible changes in gaseous and particulate matter concentrations when station parking for passenger pick-up and drop-off emissions are considered", and that it is "expected that particulate matter concentrations at sensitive receptor locations will be within MOE standards" (p.2). The same study, on the same page, concludes that "particulate matter emission estimates may have been overly conservative". Yet, your own Ministry cautioned Project Officer L. Zappone on November 5, 2010, that estimated particulate matter concentrations are "slightly underestimated, and should not be considered conservative" (EPR, Appendix A, p. 154).

Measurement data for nitrous oxides, carbon monoxide and particulate matter were taken from the period 2004-2008, at locations near Yonge and Finch, and Bay and Wellesley, both of which are remote from the location of the Concord West community. The diurnal variation of the pollution indices was not looked at, nor the time of year when measurements were made. Given the growing awareness of the adverse health impact of transportation-associated pollutants, including poisonous byproducts such as low level ozone, other free radicals and the well-proven cancer-causing benzene and derivatives, the Minister should request that a proper scientific study of the present levels and daily variation of all major vehicular pollutants be carried out at the location of Concord West. Measurements of pollutant indices - and free radicals in particular - without attribution of time of day and period of the year are arguably subject to substantial fudge factors. The necessity for a scientific study of actual air pollutants and how their concentrations vary to be carried out *in situ* before the Preferred Plan should ever be deemed "preferred" is underlined by the recognized fact that "benzene and 1,3-butadiene concentrations already exceed applicable criteria" (EPR, Appendix I, p. 5-3). Yet, the background estimates for these chemicals and other carcinogens (EPR, Appendix I, p. 2-16) are considered to be likely too high "since many of the measurements originated from larger US cities in the mid-1970's"... How is this reasoning buttressed against the currently accepted claim that climate change has intensified in the last 10 years?

The EPR Appendix I acknowledges, at least, that the background values employed "are not inclusive of the Highway 407"; accordingly, values for the latter were simply "modelled" (EPR, Appendix I, section 3, p. 3-1). It also states "that bus idling emissions were not considered in this assessment" (EPR, Appendix I, section 3, p. 3-2). These are significant omissions in a study which includes reams and reams of computer-generated results at imaginary (virtual) "sensitive receptors".

4.4 As to how the health hazard resulting from the Diesel emissions from trains and buses associated with the GO Concord Station and intermodal hub is totally omitted in the EPR

Surrounding the CW community with two GO lines and a GO station employing Diesel trains, and a Metrolinx station and a two-way transitway with Diesel-producing BRT cannot be taken lightly as to its impact on the health of the community and its residents, even if BRT is considered a low emission vehicle technology (EPR, Section 5, p. 3). This disregard of Diesel emissions reaches what we view as heights of insanity, when one realizes that the two stations and the elevator system, as well as the train lines and bus lanes all converge in the immediate eastern and southern vicinity of what is the community's children's parkette. At the very least, the only GO and transitway vehicles that should be considered in the context of a 407 Transitway and a Concord intermodal hub are electrically propelled ones. Even without low or zero emission energy-generation methods, and thus despite a greater energy loss or "carbon footprint", the HRT contemplated for a much more intensely travelled Barrie GO line should be electric-propelled and not diesel-powered. The same criterion should stringently apply to the transitway buses, even if existing battery technology does not yet permit them to travel at the high velocities ultimately contemplated for the transitway. LRT would definitely be an option to consider for the transitway. The health of the neighbouring population affected by these services should be paramount, and the energy loss involved in operating electrically-propelled vehicles should be tolerated and displaced to the energy grid for as long as a grid continues to be necessary. If the costs associated with implementing these criteria are considered to be overriding, then these projects, including the Concord intermodal hub, should be shelved until new energy breakthroughs take place, to the benefit of a greater concentration of resources in developing alternate means of transportation, such as the planned subway extension into Vaughan.

4.5. As to basic mistakes made in the EPR that betray improper review and either decontextualize existing problems and/or invalidate modelled solutions

Aside from all the foregoing, there are also serious errors that unfortunately further confuse the assessment and the object of the various analyses presented in the EPR. These errors show that the EPR was *not properly and carefully reviewed*. We limit ourselves to mentioning only the most egregious:

1. The Concord GO/Metrolinx hub is incorrectly treated as not being intermodal: in Appendix H, Section 5, p. 5-4. Accordingly, Appendix H does not treat or evaluate the GO Concord Station as it would a station that is considered intermodal. Yet, right from the get-go in the EPR Executive Summary, page 3, it is stated that "GO Barrie (Concord) station" is an "Intermodal Station", in fact the most important of the entire transitway Area of Study.
2. Recurring misidentification of the West Don river as the East Don river: Appendix K, Table 1, p. 22; Appendix K, p. 36, rubric "Indirect impacts"; Appendix L, Section 3, p. 11.
3. The data used for modelling "future background condition" (and, implicitly, "total future condition") in the EPR, Appendix B – prepared by IBI and exclusively concerned with the GO Barrie (Concord) Station - describes the Concord GO Centre that will occupy the Concord Floral lands as a mixed-use development that "will consist of 510 residential units and 91,000 square meters of retail and commercial space". The latest application we know of for this development, as of February 24, 2010, is described instead as a proposal for high density and mixed use, including 2535 residential units and 25,000 square meters of Commercial Gross Floor Area. Up until at least 2009, IBI was the planner for this development. So, we ask the Minister:

How can a model or plan based on one set of parameters be considered valid for future predictions, if the values of these parameters can change as diversely as, for example, the number of residential units and the area occupied by retail and commercial space in the Concord Floral lands have changed in the span of just one year??

5. Objection as to what is perceived as a conflict of interest by a private planner, and is of concern to the CW community in the context of the Preferred Plan for the GO Concord Station and associated intermodal hub

Lastly, we should draw the Minister's attention to the apparent fact (to the best of our knowledge) that one of the private planners (IBI) hired by the MTO to develop the Concept Design of the Preferred Plan for the Concord intermodal hub, and to produce the EPR and several of its appended studies, is also a partner of the York Consortium for the YRT Plan, and, at least up until recently, the planner for the development of the Concord Floral lands. Whether or not this legally constitutes a conflict of interest is not clear to us, but it is a situation which the community views with concern, and which it felt should also be brought to the attention of the Minister.

CONCLUSION

Honorable Minister, we submit to you that the right and courageous course of action is to declare the ORC land under petition as being part of the Terrestrial Natural Heritage of the Province of Ontario and the Concord West community, to whose stewardship it should be entrusted. This will prevent the location of any intermodal hub on this land, and ensure its future protection. Terrestrial Natural Heritage includes *all the plants and animals associated with land-based natural habitats*, as opposed to purely aquatic environments. *It also encompasses species associated with shoreline and wetland habitats that require dry land for at least a part of their life cycle, which is the case with the Blanding's Turtle.*

York Region's Official Plan (ROP), adopted by Regional Council in December of 2009, was ostensibly developed in the context of the "guiding principles found in the York Region Sustainability Strategy". Listed among its key elements is *"a natural heritage legacy based on a linked and enhanced Regional Greenlands System"* and explicitly connected to lands surrounding the Don river (Report No. 2 of the Planning and Economic Development Committee Regional Council Meeting of March 25, 2010). All three Concord West community organizations call on the Minister to honor this natural heritage, embodied in the ORC land under petition for its transfer to the TRCA.

The map on page 23 of EPR Appendix F, entitled 'final 407 Transitway Natural Heritage Report December 17 201.pdf' marks out, in broad terms, certain of the natural diversity elements of the ORC greenspace under petition: its dry moist old field meadows, its deciduous plantation areas, its mineral cultural thicket and woodland ecosites, its fresh-moist deciduous forest ecosites, its submerged shallow aquatic areas, and its deciduous swamp and minerals meadows. This description however, does not begin to convey its beauty as the seasons roll across it, the multitude of its wild inhabitants, nor the joy and critical association with nature that it affords our community.

This land has been for generations, and still is, profoundly connected to the cultural and social community of Concord West. It is, both historically and ecologically, a contiguous section of the corridor which connects the Bartley Smith Greenway system to the Marita Payne Park. Many of our residents have walked in its green expanse for over 45 years. Treasured not only by the Concord West and Glen Shields communities, this natural corridor is considered to be amongst Vaughan's most beautiful and cherished park systems, projected to eventually span all the way from Steeles Avenue up to Teston Road. As the Bartley Smith Greenway website notes: "We now recognize that these natural corridors are vital to the health of many animal species, since they allow intermingling of local populations, which is necessary for ensuring that genetic diversity is maintained. Restoring and protecting these natural areas will help to conserve and enhance biodiversity in this most heavily urbanized part of Ontario. In this way we can continue to experience the richness and variety of plant and animal life that has evolved here over millions of years." (at: <http://www.bartleymithgreenway.org/naturalheritage.html>)

We remind the Minister that it is the Concord West Seniors Club that has spearheaded our community-wide efforts to save this ORC greenland, and who has repeatedly stated in all meetings and communications with Viva, Delcan, MTO and GO/Metrolinx its opposition to the location by the Preferred Plan of the Concord intermodal hub on this land. Although, obviously, Concord West is not an aboriginal community, our elders, many of whom have lived here for generations, have all concurred with the rest of the community, that this land is part of our (and of Vaughan's and of Ontario's) essential natural heritage and have called for our local, provincial and federal representatives to ensure that it is respected as such.

Our Seniors Club, Ratepayers Association and Ad Hoc Committee to save Concord West have been actively engaged in studying the feasibility of soliciting grants and initiating rehabilitative Stewardship programs in conjunction with the TRCA and/or the MNR to regenerate those areas of the greenspace already negatively impacted by previous developments (eg Highway 407 construction). TRCA biologists have only very recently selected a survey area within the Bartley Smith Greenway "to develop an inventory of the wildlife and plant communities present in the upper West Don watershed. From this information they can assess the overall quality of existing habitats and the enhancements needed to encourage wildlife colonization."

(at: <http://www.bartleysmithgreenway.org/naturalheritage.html>)

Our residents, in conjunction with the Toronto Zoo, have already met - and have agreed to meet again in the spring - with Mr. Caverhill, the Zoo's Species at Risk Stewardship Biologist, to try to gather more information about turtle populations along this portion of the greenway corridor system. The stewards of the Bartley Smith Greenway have not yet conducted such an investigation. We suspect there is much still to be discovered in this long-sheltered habitat located on the ORC land under petition. Our community has, for years, actively pursued protection of this extraordinary natural heritage treasure, in keeping precisely with the TRCA's view that this land is an integral part of the Don River Watershed (**Appendix 3**). Our community has also been documenting the extraordinary diversity of life in the ORC land under petition, on one of its websites (saveconcordwest.org), through which it hopes to introduce others to the irreplaceable habitat that this threatened ORC land provides to so many of our most treasured wildlife neighbours.

The Concord West community has argued repeatedly against the fragmentation of the adjacent greenspace and greenway system. We remind the Honorable Minister that The United Nations Environment Program (1997:1) has concluded that "world-wide habitat loss and fragmentation, the lack of biological corridors, and the decline in biological diversity outside protected areas constitute primary threats to overall biodiversity." (<http://casiopa.mediamouse.ca/wp-content/uploads/2010/05/PRFO-2001-Proceedings-p123-132-Wilkinson.pdf>). Ecosystem fragmentation is known to be a serious problem in Ontario and we would suggest to the Honorable Minister that it is particularly serious in

Vaughan, where development in urban and intensification areas has virtually eliminated greenspace from its maps. Only a few tenuous threads now remain. The fragmentation which, in the MTO's Preferred Plan, the Bartley Smith ecosystem is bound to suffer at this point of confluence of the Upper West Don tributaries, can and should be interpreted as being of "Provincial Interest", and the ORC land contiguous with this confluence of the tributaries should be regarded as an essential component of "ecological systems", as outlined in Ontario's Planning Act (R.S.O. 1990, Part 1, Provincial Administration).

Moreover, given the negative impact of the Preferred Plan upon the social and cultural fabric of the Concord West community, we also submit to the Honorable Minister that protection of public health and safety, as well as rational criteria for urban growth and development, further demand that the Preferred Plan for the Concord intermodal hub and its location on the south side of Highway 7 be rejected. Any location to be contemplated for the Concord intermodal hub should fit, precisely, the criteria proposed by the TRCA in its November 23, 2010, response to the Draft EPR: "a sound environmental site implementation" that should be "consistent with provincial objectives and the expectations of the local communities" (EPR, Appendix A, p. 175).

Honorable Minister, we submit to you that the Preferred Plan for the Concord intermodal hub (GO Barrie-Concord Station, Metrolinx Transitway Station and associated Viva/YRT station and storage facilities) put forth by this EPR is not a sound environmental plan, and its location is not a sound environmental site. Furthermore, the Preferred Plan is not consistent either with provincial objectives or the expectations, the integrity and the function of our community.

In light of all the foregoing considerations and the multiple objections we have voiced to the MTO's Preferred Plan for the GO Concord station and associated intermodal hub, statements such as are made in the EPR – that "the preferred alternative allows opportunities to mitigate effects on the surrounding communities" (Section 3, p. 45) – sound somewhat cynical and totally hollow to our community: not only are the contemplated mitigations based on imaginary results devoid of hard data, that may even seem to have been selected so as to minimize the effort at mitigation, but, more importantly, there can be no mitigation for the preferred location of the Concord intermodal hub when this location and hub will have the effect of destroying (1) the social and cultural environment of our community, (2) the fragile ecological community, including threatened or endangered species, present in the ORC land under petition and in the Don river valley, and (3) the integrity and continuity of the Bartley Smith Greenway.

Honorable Minister, the Concord West community calls on you to protect its integrity and function, and to protect the ORC land under petition by supporting its transfer to the TRCA as an integral part of both the natural heritage and the community heritage of the Province of Ontario, the City of Vaughan and the Concord West community.

Thank you for your kind attention to this sensitive matter.

Dr. Paulo Correa
Chair Concord West Residents Ad Hoc Committee

Josephine Mastrodicasa
President, Concord West Seniors Club

Maria Bacchin
President, Concord West Ratepayers Association