



CLEARVIEW

July 7, 2020

Warden Paul McQueen
Warden's Office
Grey County, 595 9th Avenue East
Owen Sound, ON N4K 3E3

Mayor Paul McQueen
Office of the Mayor
Municipality of Grey Highlands
PO Box 409, 206 Toronto Street South
Markdale, ON N0C 1H0

Mayor Alar Soever
Office of the Mayor
Town of The Blue Mountains
32 Mill Street, Box 310
Thornbury, ON N0H 2P0

Dear Warden and Mayor McQueen and Mayor Soever:

Re: Mayor's Response to your Submissions on Niagara Escarpment Plan Amendment PS 215 18, Township of Clearview

Thank you for providing me with a copy of your June 2020 letters to Nancy Mott, Senior Strategic Advisor, Niagara Escarpment Commission ("NEC"), regarding the reconstruction of Nottawasaga Sideroad 26/27. As I understand your letters, you would like the Township of Clearview to undertake a Class C Environmental Assessment, as opposed to the Class A+ approach we have followed.

I am writing to you today with the hope of persuading you of the appropriateness of the process that has been followed and of the need for area municipalities at all levels to not only work together, but to respect the decisions of and agreements between municipalities in Simcoe and Grey Counties.

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The Appropriateness of the Municipal Class A+ Categorization

With respect, the Township maintains that the reconstruction of the Sideroad as a Class A+ project is appropriate, and we will not be changing our position in that regard. Our position is based on the advice of our municipal engineers and environmental scientists, and our experience applying the Class Environmental Assessment process for other Township road projects.

As you know, the *Environmental Assessment Act* provides for the pre-approval of certain projects, including municipal road improvements, such as the reconstruction of Sideroad 26/27. Pre-approval is based on the professional expertise of members of the Municipal Engineers Association. Class A and Class A+ projects are pre-approved, as stated in the Municipal Class Environmental Assessment document and schedules (MCEA). Apply the criteria of the MCEA, the work on Sideroad 26/27 is very clearly a Schedule A+ project.

This classification is supported by the Ministry of the Environment, Conservation and Parks ("MECP") staff, who have reviewed the details of the project and confirmed that the Township classified the project correctly. On March 5, 2019, Annamaria Cross, the Manager, Environmental Assessment Services Section of the Environmental Assessment and Permissions Branch, wrote to George Powell of the Blue Mountain Watershed Trust Foundation. In that letter, Ms. Cross states very clearly that: "Based on the information and the requirements of the Municipal Class Environmental Assessment, the MECP has determined that the Township's classification of the Project as a Schedule A+ undertaking is appropriate". The correctness of the classification was recently again confirmed by the MECP, in correspondence dated May 21, 2020, addressed to Steve Sage, CAO of the Township of Clearview, and signed by Minister Jeff Yurek.

In any event, as noted in Minister Yurek's letter to Mr. Sage, on June 6, 2019, the *More Homes, More Choice Act* was passed, amending the *Environmental Assessment Act*. As a result, Schedule A and A+ undertakings under the MCEA are exempt from the *Environmental Assessment Act*. As such, any Part II Order requests for projects, such as the Sideroad 26/27 reconstruction, received before or after June 6, 2019, cannot be considered.

The EIS

Not only does the project technically qualify as a Class A+ project, if the concern is the protection of the environment, please rest assured that the project been subjected to a rigorous environmental review, independent of any requirements of the *Environmental Assessment Act*.

In the course of the application process for a Development Permit and an amendment to the *Niagara Escarpment Plan*, the Township commissioned an exhaustive environmental impact study that identified all possible environmental impacts that may be associated with the road improvements and concluded that the development is ecologically and environmentally sound. In particular, section 9.0 of the *Township of Clearview 26/27 Sideroad, Township of Clearview Proposed Improvements Environmental Impact Study* (the "EIS") established that:

1. The proposed road improvements to 26/27 Sideroad in the Township of Clearview, between Townline and 10th Concession improve the safety and conditions of the road for local residents and minimize the damage that the existing stormwater management features are causing to the road surface, ditches and culverts, and to the watercourse, wetlands and forests through significant amounts of sediment deposition.
2. The ecological studies completed as part of the EIS have helped to inform the design of the road improvements, including such mitigation factors as reduced speed, improved surface water and stormwater quality, ecopassage design in sensitive habitat areas and a minimal footprint area within the IA.
3. Low impact design, improvements to water quality, maintenance of hydrology and improvements to fish and herpetofaunal habitat have been included and have resulted in an overall benefit to vegetation communities, wildlife and wildlife habitat within the road corridor and IA. The NVCA is in agreement with rehabilitation offsetting at a separate location in their watershed in order to appropriately compensate for minor impacts to unevaluated wetlands.
4. The duration of the effects will be both short and long-term, but the mitigation and compensation has been designed to result in an overall improvement to water quality, aquatic habitat features and functions and wetland habitats.
5. The proposed development is environmentally and ecologically sound and that the potential impacts are acceptable, on the basis of recommended mitigation and compensation measures.

With a finding that the proposed development is environmentally and ecologically sound and that the potential impacts are acceptable, the Township is completely satisfied that there will be no net negative impacts to the environment. In any event, the upcoming Niagara Escarpment Hearing Office hearing will allow these findings to be tested in a public hearing, and any competing views can be advanced.

I would be happy to provide you with a copy of the EIS.

The Closure of County Road 91 (now Clearview Road 91)

It is very clear to me that your main concern is the planned closure of County Road 91. As you know, however, the closure of County Road 91 was proposed by the County of Simcoe, as a means of addressing the NEC's opposition to re-building County Road 91 to a county road standard, and to address traffic volume issues by diverting regional traffic to County Road 124. This plan was formalized and incorporated into Minutes of Settlement and two written agreements involving Simcoe County, Grey County, Clearview Township and Walker Industries, with the mutual interest and objective in closing County Road 91 as a means of satisfying the NEC and mitigating traffic volumes on and avoiding the reconstruction of County Road 91.

As I am sure you will appreciate, the Township must abide by the terms of the Minutes of Settlement, the Decision of the Joint Board, and all subsequent agreements pertaining to the improvements to the Sideroad. Asking for any additional and unnecessary process will in no way alter the decision to close County Road 91. With a reversal of the decision to close County Road 91 off the table, the only "alternatives" to the proposed work that are available to the Township are to "do nothing" or build an entirely new road, outside of the current road allowance. Perhaps you will agree that the merits of either alternative need little review.

With respect, the Township regards any efforts to resile from or undermine these agreements as a serious and unconscionable breach.

Alternatives and the Public Interest

Your letters also questions the use of the phrase "deemed necessary to the public interest and all other alternatives have been considered". Of course, the use of this phrase simply reflects the actual language of the Niagara Escarpment Plan.

In response to this concern, I would remind you that the extent of any examination of "alternatives" is necessarily always a function of the nature of the project itself, and must be conducted with reasonable regard to the context of the project. Accordingly, even should there be a requirement to look at alternatives (which we do not believe there is), it is the alternatives to the reconstruction of an existing 2.7 kilometre long, local road running between Grey Road 31 and Concession 10 N Nottawasaga Road that would be the subject of a search for alternatives. In our view, it is self-evident that, but for some revised plan for County Road 91 (as per the agreements discussed above), the only possible alternatives would involve the construction of a new road, through all the same environmental features now currently disturbed by the existing road. Moreover, given the limited role Sideroad 26/27 plays in the overall regional transportation network, it is, with respect, beyond the pale to suggest that this project should trigger such a massive, expensive and lengthy study of the entire regional road system, at Clearview's expense.

In any event, if it is the phrasing that you object to, we are happy to have the amendment read that the work "is permitted".

Working Together

Clearview has always tried to work together with neighbouring municipalities. Collaboration between municipal governments is crucial to promoting regional economic development and service provision. However, collaboration requires municipalities to work together as equals and to respect our respective jurisdictions. Intervening in the local affairs of a neighbouring municipality, or a lower-tier municipality in another upper-tier of government, not only vitiates respect for regional and local borders, but in many ways defeats the very basis of regional government.

We ask that Grey County, the Municipality of Grey Highlands, and the Town of The Blue Mountains respect Clearview's jurisdiction. It is an unwelcome precedent when a neighbouring municipality intervenes to stop another municipality from improving a local road within the

existing road allowance. Municipalities routinely improve roads within their own jurisdiction without a Class C Environmental Assessment. For instance, the County of Grey recently improved County Road 31, encroaching onto a Provincially Significant Wetland, without a Class C Environmental Assessment.

Respecting nearby municipalities entails not only acknowledging the jurisdiction of those municipalities to improve their own road network, but also to refrain from interfering in your neighbour's contractual obligations.

While the Township appreciates your interest in this matter, with respect, I must say that we were completely surprised to see you take the rather extraordinary step of challenging our processes for the reconstruction of a local road and asking the NEC to delay the processing of our applications. At a minimum, I would have expected an opportunity to discuss and address any concerns you may have with our project, before such an intervention.

I trust that you will all receive this letter in the spirit in which it has been written. I would be happy to make our staff and consultants available to you or your staff to further clarify the need for these improvements and the process that we intend to pursue to secure them.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Doug Measures", with a long horizontal flourish extending to the right.

Doug Measures
Mayor

