



April 14, 2020

Via: Email (Nancy.Mott@ontario.ca)

Ms. Nancy Mott, MCIP, RPP
Senior Strategic Advisor
Niagara Escarpment Commission
232 Guelph Street
Georgetown, ON L7G 4B1

Dear Nancy:

**Re: Township of Clearview, Sideroad 26/27
Niagara Escarpment Plan Amendment PS 215 18
Responses to Comments Received from Agencies, Residents,
Local Businesses and Interest Groups
Project No.: 300034587.0000**

As a result of the circulation by the NEC of the proposed amendment of the Niagara Escarpment Plan described as file PS 215 18, as well as the related public meeting and information centre held on May 8, 2019 at the Township of Clearview Administration building, comments were received by the NEC from ten (10) agencies including three (3) municipalities, seven (7) interest groups, three (3) local businesses and approximately forty (40) area residents. The comments received from Agencies, Residents, Local Businesses, and Interest Groups have been summarized on the attached matrix of comments where the content of the comments have been categorized into sixteen (16) themes as noted on the matrix.

We provide below a response to the comments relative to each theme as identified on the comment matrix.

1. Lack of Public Process/NEC not Fulfilling Goals

(Comments 7, 14, 17, 19, 23, 31, 33, 34, 35, 36, 37, 38, 43, 45, 46, 48, 50, 51, 52, 54, 55, 57, 58, 59, 60 and 61)

The Township of Clearview is the public authority for 26/27 Sideroad. This road in its current condition has inadequate granular base, as well as deficient drainage features, which creates erosion and sedimentation issues that have a negative impact on the adjacent natural features. The Township of Clearview has determined it must improve the condition of the road to address public safety. The reconstruction of the road is necessary to address the growing demands on the road and to mitigate the negative impact on the adjacent environment. These proposed improvements are located within the existing right-of-way for 26/27 Sideroad and the Township believes that this upgrade is necessary to the public interest and that there is no alternative.

An application for a Development permit to improve 26/27 Sideroad was submitted to the NEC on January 31, 2014. As with any Development Permit application, the NEC circulated to various agencies for comments and provided public notice of the application. Comments were received from Grey Highlands, Grey County, MNR, NVCA, GSCA, Bruce Trail Conservancy and numerous property owners. Simcoe County, MOECC, Historic Saugeen Metis and Metis Nation of Ontario did not provide comments but were obviously circulated. The comments submitted by property owners were summarized in Appendix C of the NEC staff report dated November 19, 2015. The Development Permit Application was the subject to a hearing before the Niagara Escarpment Commission.

On February 6, 2018 an application for a Niagara Escarpment Plan Amendment was submitted, based on the policies of the Niagara Escarpment Plan and the previous decision of the NEC that the required upgrades were not deemed “essential”. The application for an amendment to the NEP was also presented to a public meeting of the NEC and the consideration by the NEC of the proposed amendment has created a further opportunity for the agencies and public to offer comments. Moreover, as suggested by the NEC staff and agreed to by the Township of Clearview, the Township held a public meeting on May 8, 2019. This meeting was attended by approximately 50 persons with an opportunity to provide verbal comments during the meeting and written comments afterwards.

Considering that comments on the proposed amendment have been received from the Ministries of Environment, Conservation and Parks; Tourism, Culture & Sport; Natural Resources and Forestry; the Nottawasaga Valley Conservation Authority, the Grey Sauble Conservation Authority; the County of Grey; the Town of The Blue Mountains; the Municipality of Grey Highlands; seven local interest groups; three local businesses; and approximately 40 residents, there can be no questioning the adequacy of opportunity for public input and, in our opinion, comments regarding a lack of public process are unfounded.

It is also important to note that many of the comments are directed at the decision to close a portion of former County Road 91, a decision that is not the subject matter of this application. The closure of former County Road 91 was addressed extensively as part of the Duntroon Quarry expansion application and the ensuing Joint Board hearing process. This application resulted in a Road Settlement Agreement, initiated by the Simcoe County and later endorsed through a subsequent agreement with Grey County and the decision of the Joint Board.

In our respectful submission, the issues and controversies associated with the expansion of the Duntroon quarry and the closing of former County Road 91 are not proper issues in the Commissions and/or the Niagara Escarpment Hearing Office’s consideration of the Township’s proposed amendment to the NEP.

2. Environmental (Wetland)

(Comments 2, 8, 12, 13, 26, 31, 37, 38, 39, 41, 42, 45, 47, 49, 52, 53, 54, 57 and 58)

A number of comments from residents identified the sensitivity of the wetlands, and other natural features. The EIS provides an investigation of the vegetation communities and includes the limits of each community and a listing of the plant species found within each of the distinct vegetation communities as identified during the ecologist field investigations. Documentation of wildlife use and / or presence within the wetlands by amphibians, birds and bats was completed.

This natural heritage information, combined with other investigations including hydrogeology, stormwater and fisheries has given a comprehensive understanding of the existing features and the potential impacts.

The road was designed to reduce impacts to the adjacent wetland features through the implementation of mitigation factors that will benefit the wetland including improved stormwater and surface water quality. Also, the footprint of the improved road has been reduced from a typical cross-section by utilizing steeper backslopes on road swales that reduce the outward encroachment into adjacent wetland communities.

Wildlife, including amphibians and small mammals, that uses the wetlands as habitat will benefit from the culverts designed to allow for safe passage under the roads. Bedding within the culverts will be placed to allow for a central low flow channel with higher benches for terrestrial wildlife use. There will also be a reduction of impacts to small wildlife through the installation of approximately 1 metre tall permanent wildlife exclusion fencing where the road edge intersects with the wetland edges on the east portion of the project area. We acknowledge that there is proposed wildlife exclusion fencing but no ecopassage being installed at the Rob Roy PSW portion of the site (west limit). We will work with conservation authority staff to mitigate impacts of road mortality while maintaining functional connections between the wetland portions on the north and south sides of the road.

It is acknowledged that wetland compensation within the right-of-way cannot happen due to space constraints, and the Township and their agents will work with their Conservation Authority partners to determine a reasonable approach to provide for offsite wetland enhancement and compensation as part of the NVCA and GSCA permit application process.

3. Environmental Terrestrial

(Comments 2, 3, 5, 12, 20, 37, 41, 47, 52 and 53)

Similar to the wetland component, many of the concerns about impacts to natural features and wildlife have been addressed within the EIS. Studies of vegetation and wildlife were carried out and findings (including data) are provided within the EIS.

Temporary impacts to wildlife will be reduced by restricting clearing and grubbing activities to a time outside of critical lifecycle periods for amphibians, bats and birds, i.e., no tree clearing between April 1st and October 31st.

Long-term impact reduction to wildlife is anticipated through improved sightlines resulting from the road improvements and the reduced speed limit that will allow drivers to avoid wildlife. Furthermore, the brush clearing required to prepare the site for reconstruction, along with anticipated seasonal maintenance by mowing ditches will allow for drivers to see wildlife.

Vegetation loss to accommodate the construction is estimated to be 2.37 hectares of natural forested and wetland habitat, combined with some areas of anthropogenic land use and culturally influenced vegetation communities. The vegetation communities that were reviewed are common in Ontario and many of the dominant species within these communities are considered pioneer / early successional species that are tolerant of impacts and capable of recolonizing disturbed areas. Encroachment into terrestrial natural heritage features by road construction has been reduced through the implementation of steeper than usual backslopes on road swales.

Offsite compensation and / or enhancement will need to be coordinated with Conservation Authority as part of NVCA and GSCA permit application process.

4. Environmental (Escarpment/Steep Grade Change)

(Comments 2, 7, 8, 12, 13, 14, 24, 25, 26, 31, 33, 37, 38, 39, 41, 42, 45, 46, 47, 48, 49, 52, 53, 54, 57, 58 and 61)

Impacts to the Niagara Escarpment have been reduced by maintaining the road within the existing footprint to the greatest extent possible and reducing the cross-section of the road using steeper backslopes on road swales. Steeper stabilized backslopes reduced the area of disturbance for the reconstructed road and mitigated the environmental impacts.

5. Environmental (Fish Habitat/Cold Water Stream)

(Comments 8, 12, 14, 31, 33, 36, 38, 39, 42, 48, 52, 53, 54, 57 and 58)

A number of the comments can be categorized as concerns about potential negative impacts to fish habitats, relocation of a portion of a watercourse, increased size of culverts, salt and sand run-off impacting Brook Trout in the stream and damage to the cold water fishery.

Based on current existing conditions the granular base road is causing impacts to the cold water stream from run-off carrying sediment and granular material into the channel (Tributary of the Pretty River). There has also been evidence of the adjacent private pond on a vacated property to the south overflowing the berm and contributing to the gravel driveway washouts that also are impacting the cold water stream. It is anticipated that the road will be paved shortly after the reconstruction subject to anticipated traffic volumes. The relocation, set back, and realignment of a portion of Tributary A will improve those conditions since the paved road would not be erodible and slopes will be vegetated. An increase in culvert size has been incorporated in the road design to accommodate flood flows and is a standard approach to watercourse crossings in road improvement design. The Department of Fisheries and Oceans (DFO) reviewed the existing site conditions and has approved the detailed design based on realignment of the stream, an improvement to surface run-off and to control stormwater from road run-off. A Letter of Advice by DFO was issued to the Township on June 19, 2017.

A review of a "pickled sand" (92% sand and 8% salt) application to the new road has been modelled to determine potential impacts to cold water species such as Brook trout that currently exist in the stream. It was determined that a concentration of 173mg/L chloride based on a twice daily application of pickled sand to the asphalt surface was used. Based on the model, concentrations of chlorides to the stream will meet the National Recommended Water Quality Criteria - Aquatic Life Criteria of 230mg/l chloride concentration from the United States Environmental Protection Agency (EPA) based on a twice daily application of pickled sand by the Township. The chloride standard for Aquatic Life based on the Canadian Water Quality Guidelines (CWQG) is 640mg/L based on short-term exposure to chlorides for the protection of aquatic life. The CWQG standard is higher than the US EPA and therefore both standards for Aquatic Life have been met based on the model.

It has been noted that one of the downstream properties has waterfalls and pools of which one is partially filled with granular based sediment from the existing road. A primary goal in undertaking the road improvement is to mitigate the existing erosion and sedimentation conditions through various storm water quality and management measures.

Tributary A to Pretty River runs parallel to the road and various other smaller tributaries currently cross the right-of-way. Due to these conditions and the significant grade, seasonal impacts to the road from run-off occur. The absence of ditches to retain run-off allow water to sheet flow across areas of the road and discharge directly into the watercourse. Sediment and granular material is washed into the adjacent cold water stream potentially impacting fish habitat and stream function. The detailed design for road improvements includes ditches to carry stormwater run-off from a paved surface that is not erodible and therefore limits impact to the watercourse. The Department of Fisheries and Oceans reviewed the existing site conditions and has approved the detailed design based on realignment of the stream, upgraded culverts that allow fish passage and an improvement to control stormwater run-off.

Mitigation following the Tributary A realignment will be enhanced through the installation of sod blocks, comprised of material harvested onsite within the construction area and reapplied to the channel area. This technique will allow for instant reestablishment of the riparian ground layer vegetation that supports fish communities.

6. Stormwater Quality, Erosion & Sedimentation

(Comments 8, 12, 36, 42 and 48)

Currently runoff travels uncontrolled off of the existing road surface carrying large amounts of sediment with it into the receiving natural stream system.



The proposed stormwater management strategy incorporates two types of low impact development (LID) stormwater management practices, in a treatment train approach, to achieve enhanced stormwater quality control. The first method is a bioretention LID concept adapted to a rural road cross-section. The second is the use of enhanced grassed swales. Both methods receive good reviews in the CVC/TRCA LID Stormwater Management Planning and Design Guide for achieving quality control and water balance benefits.

“Performance results from both laboratory and field studies indicate that bioretention systems have the potential to be one of the most effective BMPs for pollutant removal (TRCA, 2009b). Bioretention provides effective removal for many pollutants as a result of sedimentation, filtering, soil adsorption, microbial processes and plant uptake.” (CVC/TRCA, 2010).

With respect to enhanced grassed swales the guide states: “Median pollutant mass removal rates of swales from available performance studies are 76% for total suspended solids, 55% for total phosphorus, and 50% for total nitrogen (Deletic and Fletcher, 2006).”

The proposed LID controls consisting of enhanced grass swales and bioretention are sized to provide enhanced quality control for road runoff prior to it entering the natural stream. From Sta. 5+420 (roughly the brow of the escarpment) west, ditch slopes are relatively flat, and the ditch does not contain any watercourses, therefore this section of road is treated by enhanced

grassed swales. Rock check dams are placed within the ditches to slow stormwater velocities and achieve the necessary retained stormwater volume to provide enhanced quality control. From 26/27 Sideroad Sta. 5+420 east the bioretention level spreaders are to be constructed on both sides of the road and check dams are to be located in steep (greater than 4%) ditch sections.

The enhanced grass swale design includes densely vegetating the ditch with native vegetation and installing a series of rock check dams as noted above. Where it descends the escarpment, the ditch design reduces stormwater velocities and erosion, it increases dissolved oxygen levels through the use of a series of cascading pools formed by the check dams and it increases infiltration through the use of the bioretention design.

The bioretention component of the quality control design consists of a series of level spreaders constructed of Filtrexx Silt Soxx (or similar tubular filter media device) attached at a level angle (0% slope) to the side of the road embankment. The road embankment is to be restored with 75 mm topsoil. The embankment and level spreader is to be seeded with a native seed mix appropriate for riparian restoration. The silt soxx level spreader over time will be naturalized such that it will appear as a small vegetated berm on the road embankment.

The proposed Stormwater Management Plan employing bioretention, enhanced grassed swales and select use of perforated underdrains satisfies the project criteria. It achieves enhanced quality control and mimics the infiltration that occurs on the existing gravel road.

Erosion and Sediment Control

The proposed erosion and sediment control design reduces erosion and sedimentation relative to existing conditions by addressing existing erosion problems on the road and capturing sediment before it leaves the site. The erosion and sediment control design applies to the entire site, but focusses in particular on existing erosion and sedimentation problems including the steep ditch sections where the existing road ditches descend the escarpment; wash-off of fines from road granulars downstream; and existing erosion areas at culvert inlets and outlets where stream flow is concentrated.

Standard erosion and sediment control will be required throughout the project as per NVCA requirements. In addition, "a series of check dams should be used for swales/ditches with a significant gradient or slope length" as per the *Erosion and Sediment Control Guidelines for Urban Construction* (Greater Golden Horseshoe Area Conservation Authorities, 2006). As such, a series of permanent check dams are to be located in the steeper ditch sections to reduce erosion and form a run of cascading pools. The stepped check dam design addresses the active erosion occurring in the existing ditch as it descends the escarpment.

Restoration of ditches is to also include revegetation using native seed mix. To maximize the catch of the seed, the mix can be applied with a spray emulsion and covered with biodegradable erosion protection matting to improve how quickly it takes hold and how well it withstands rain events.

In the location where Tributary 'B' descends the escarpment it may not prove possible to establish vegetation on the very bottom of the ditch because of the water flowing in Tributary 'B'. In this case the ditch would still have erosion protection because the ditch side slopes would be vegetated with the native seed mix and the ditch invert would be protected by the cascading

pool design achieved through the use of permanent rock check dams. This design would somewhat simulate the way Tributary 'A' descends the steeper sections of the escarpment in cascading pools.

The proposed quality control design encourages sheet flow through the use of naturalized level spreaders which will reduce potential scour of the road embankment.

Proposed culvert crossings for Tributaries C and D have improved scour protection at the inlet and outlet through the use of an enlarged flow area and river stone embedment. The Tributary C crossing is to be improved by realigning the culvert from a near right angle confluence with Tributary A to approximately a 45 degree confluence. This adjustment reduces potential scour on the opposite bank of Tributary A.

For more detail concerning the enhanced quality stormwater management, and the erosion and sediment control design refer to Nottawasaga 26/27 Sideroad Stormwater Management Report (October 2018).

7. Stormwater Quantity Control

(Comments 12 and 61)

The quantity control criteria for this project require that proposed peak flow rates should not exceed existing rates for the 2-100 year storm events. The hydrologic modelling completed for the project shows that the proposed paving of the road will not have a significant impact on runoff peak flow downstream. Peak flows were determined for each of the existing site outlet locations. The existing site outlet locations are shown schematically (labelled in red) on Figure 1 - Calculated Catchments-Existing of the Nottawasaga 26/27 Sideroad Stormwater Management Report (October 2018). Existing peak flow rates are summarized in Table 1.

Table 1 – Existing Peak Flow Rates at Existing Site Outlet Locations

Outlet Name								
Design Storm	Return Frequency	Sta. 4+300 Rob Roy Wetland m ³ /s	Trib. B m ³ /s	Trib. C m ³ /s	Trib. B+C Confluence m ³ /s	Trib. D m ³ /s	Trib. E m ³ /s	Culvert Crossing 26/27 SR at 10 Conc. m ³ /s
SCS Type II Design Storm, 24 hour duration	2-year	0.12	0.31	0.16	0.46	0.18	0.11	0.09
	5-year	0.20	0.51	0.27	0.76	0.30	0.18	0.15
	10-year	0.26	0.67	0.36	0.99	0.39	0.23	0.20
	25-year	0.34	0.89	0.48	1.32	0.51	0.31	0.26
	50-year	0.40	1.06	0.58	1.59	0.62	0.37	0.31
	100-year	0.47	1.25	0.68	1.86	0.73	0.43	0.37
Chicago Design Storm, 4 hour duration	2-year	0.073	0.15	0.07	0.21	0.08	0.05	0.04
	5-year	0.12	0.30	0.14	0.43	0.16	0.10	0.08
	10-year	0.16	0.42	0.21	0.60	0.23	0.14	0.12
	25-year	0.23	0.60	0.30	0.87	0.33	0.20	0.17
	50-year	0.29	0.74	0.38	1.09	0.41	0.25	0.21
	100-year	0.34	0.90	0.47	1.31	0.50	0.31	0.26
Timmins Regional Storm		0.75	2.18	1.04	3.20	1.07	0.64	0.55

There are no proposed changes to external areas. As such, the external area hydrologic parameters stay the same in the existing and proposed conditions modelling.

In the proposed condition modelling an assumed paved road surface 9.0 m wide is modelled for the entire length of 26/27 Sideroad from the Townline to Concession 10. The 9.0 m paved width represents the maximum potential paving scenario and is assumed as a conservative (maximum) paved surface which must be considered in the stormwater management calculations. The proposed paving is the only significant hydrological change from existing to proposed conditions.

Proposed parameters, including paving of the road, were entered into the proposed condition hydrologic model yielding the results shown in Table 2.

Table 2 – Proposed Peak Flow Rates at Existing Site Outlet Locations

Outlet Name								
Design Storm	Return Frequency	Sta. 4+300 Rob Roy Wetland m ³ /s	Trib. B m ³ /s	Trib. C m ³ /s	Trib. B+C Confluence m ³ /s	Trib. D m ³ /s	Trib. E m ³ /s	Culvert Crossing 26/27 SR at 10 Conc. m ³ /s
SCS Type II Design Storm, 24 hour duration	2-year	0.11	0.30	0.16	0.44	0.17	0.11	0.09
	5-year	0.18	0.49	0.27	0.73	0.28	0.17	0.15
	10-year	0.24	0.64	0.36	0.96	0.37	0.22	0.19
	25-year	0.31	0.85	0.47	1.28	0.49	0.29	0.26
	50-year	0.37	1.01	0.57	1.54	0.59	0.35	0.31
	100-year	0.43	1.19	0.67	1.80	0.70	0.41	0.36
Chicago Design Storm, 4 hour duration	2-year	0.09	0.25	0.07	0.29	0.09	0.06	0.04
	5-year	0.13	0.33	0.15	0.42	0.16	0.10	0.08
	10-year	0.15	0.41	0.21	0.60	0.22	0.14	0.12
	25-year	0.22	0.58	0.30	0.86	0.32	0.20	0.17
	50-year	0.27	0.72	0.38	1.07	0.41	0.25	0.21
	100-year	0.33	0.87	0.47	1.29	0.49	0.30	0.26
Timmins Regional Storm		0.73	2.14	1.04	3.14	1.05	0.63	0.54

A comparison of Tables 2 and 3 reveals that proposed and existing peak flows are generally the same. The majority of storm events show a slight decrease in the proposed condition with the exception being the 2 and 5 year Chicago events which show a slight increase. The variance up or down is less than 0.1 m³/s and is not considered significant relative to the quantity control criteria for this project. Therefore, the quantity control criteria for this project are satisfied. For more detail concerning the enhanced quality stormwater management design refer to *Nottawasaga 26/27 Sideroad Stormwater Management Report* (October 2018).

8. Stormwater Drainage

(Comments 12, 27 and 61)

Replacement culverts are proposed in the same location as existing culverts. The capacity of the proposed culverts is the minimum required to adequately drain the area and allow for the appropriate environmental mitigation. The minimum drainage criteria used on the proposed

design is based on the requirements of a rural arterial road, to ensure 26/27 Sideroad is designed to current engineering standards.

9. Hydrogeology (Comments 8, 45, 49 and 56)

The existing and proposed ditch descending the escarpment are at similar elevations. However, as the proposed ditch descends the escarpment, in a number of locations it is at a higher elevation than the existing ditch. In order to mimic the existing ditch elevation, it is proposed that a perforated underdrain is to be placed in the existing ditch prior to placement of fill to create the new ditch. The purpose of the underdrain is to capture the ground water at the existing ditch elevation and daylight it to the ditch periodically as the proposed ditch descends the slope. The underdrain will be surrounded by a granular jacket to prevent clogging long term. By installing an underdrain in the proposed ditch at the existing ditch invert elevation the underdrain keeps groundwater flowing freely at its existing elevations. If there are existing groundwater inputs to the ditch as it descends the escarpment the underdrain is proposed to prevent these groundwater inputs from being impeded, thereby preserving these potential cold water inputs to downstream cool/cold water fisheries.

10. Class EA Process (Comments 7, 8, 9, 12, 14, 15, 17, 34, 37, 43, 48, 51 and 59)

While the determination of the most appropriate Class EA category is not properly a part of the consideration of the application to amend the NEP, so that there can be no confusion, we respectfully submit that the proposed upgrading of Sideroad 26/27 is a Schedule A+ Municipal Class EA project. This characterization has been determined by the "Proponent", the Township of Clearview, in conjunction with its engineers, R.J. Burnside & Associates Limited (Burnside), and has been confirmed by the provincial Ministry responsible for review of these projects, the Ministry of Environment, Conservation and Parks¹.

For your reference, Schedule A+ Municipal Class EA projects include Reconstruction where the reconstructed road or other linear paved facilities will be for the same purpose, use, capacity and at the same location as the facility being reconstructed². As you know, the proposed project is the reconstruction of an existing Township road in the same "location", for the same "purpose" and "use" and for the same "capacity", all as defined in the Municipal Engineers Associations (MEA) Municipal Class Environmental Assessment document. The road will be reconstructed on the same alignment within the existing ROW, will continue to serve vehicular traffic and the travelling public and will be built to the Township of Clearview's minimum standard for a rural cross section road. Although a significant portion of the existing road is open year around, there is a portion, which for operational reasons, is not maintained through the winter months. This is an operational decision made by the Township of Clearview which could change at any time.

The project is therefore "Pre-approved" with acknowledgement that the public is to be advised prior to project implementation. Specifically, **Schedule A+ activities are Pre-approved;**

¹ On January 23, 2019, the MECP contacted the Niagara Escarpment Commission for the latest information on the project. Based on MECP's review of this 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. See attached MECP letter dated March 5, 2019.

² Item 19 of the Project Schedules, *Municipal Class Environmental Assessment*

however, the public is to be advised prior to project implementation³. No public consultation process is required during the EA phase of the project; however, a formal notice will be provided to the public when the design components are finalized, and the Township is in a position to proceed with the proposed project.

That said, although this is a Schedule A+ project in accordance with the MCEA Class Environmental Assessment, it is important to understand that there are a significant number of agency permits, authorizations and approvals required, over and above the permissions of NEC, all of which involve consultation with the respective agencies and the provision of appropriate mitigation measures.

11. Closure of Former County Road 91

(Comments 7, 8, 9, 12, 13, 15, 19, 20, 24, 33, 34, 35, 36, 37, 38, 39, 40, 42, 44, 45, 47, 48, 50, 51, 52, 56 and 58)

As stated above, the decision on whether to close a portion of former County Road 91 is not the subject matter of this application. This matter was addressed extensively as part of the Duntroon Quarry application and Joint Board hearing process. This application resulted in a Road Settlement Agreement, initiated by the Simcoe County and later endorsed through a subsequent agreement with Grey County and the decision of the Joint Board.

The Road Settlement Agreement is legally binding on all parties and the Township of Clearview is obligated to implement the terms of the agreement. Closure of a portion of former County Road 91 does not require an EA as it is a pre-approved project as identified in the MCEA as an A+ project.

It is understood that the closure of the western portion of County Road 91 and the downloading of a portion from Simcoe County to Clearview Township would reduce the volume of traffic on 91 and mitigate the need to reconstruct the road to a County standard. This action addressed the concerns of the local residents regarding the volume of traffic on 91 as well as the NEC's concern about the reconstruction of 91 to a County standard.

12. Proposal to Divert Former County Road 91

(Comments 12 and 42)

With respect, the Township of Clearview, not to mention the Niagara Escarpment Commission and the Niagara Escarpment Hearing Office, should not have to entertain or respond to the proposal presented by the BMWT to divert 91 through the existing Walker Industries quarry (on the south side of 91) as it is not the subject of this application and is not consistent with the Road Settlement Agreement, the NEC Development Permit or ARA site plans that were approved as part of the Duntroon Quarry..

Moreover, the proposal to introduce a major diversion of Road 91 raises a number of issues as follows:

- The proposal does not mitigate the vehicle and truck traffic issues on 91 as raised by the public and potentially generating the need for ultimate reconstruction of the road to a County Standard which was opposed to by the NEC.

³ MCEA Section A.1.2.2

- The proposal to construct a new road through the quarry would have significant impacts on the Adaptive Management Plan for Walker's quarry.
- The proposed road diversion will pass through and impact a PSW.
- The proposal would require the re-negotiation of the Road Settlement agreement and would require revisions to approvals that were issued by the Joint Board in its decision on the Duntroon Quarry, including the NEC Development Permit and MNRF ARA site plans.

13. Increased Emergency Response Times

(Comments 9, 16, 24, 26, 27, 28, 33, 36, 38, 39, 40, 44, 45, 51, 54 and 56)

There will be no difference to response times in Grey Highlands for fire calls as the First response is from Singhampton and the Second response is from Grey Highlands Fire department. The Third response if required is from Nottawa or Stayner which in many cases would be shorter with the construction of 26/27 Sideroad. It is anticipated that the road may be paved shortly after the reconstruction subject to anticipated traffic volumes.

There is no certainty with respect to the location of ambulances dispatched or to which hospital they will travel to. Some residents may actually have better service than currently exists.

14. Potential Impact on Travel and Regional Transportation Alternatives

(Comments 7, 8, 9, 12, 14, 17, 19, 20, 26, 27, 33, 35, 36, 37, 38, 39, 41, 43, 44, 47, 48, 50, 51, 54, 56, 57, 59 and 61)

The County of Simcoe's decision to transfer ownership of County Road 91 to the Township, and close a portion of it, was endorsed by the County of Grey, as part of the Duntroon Quarry approvals. This decision was to address transportation issues and other factors and does not result in a major change to traffic patterns in the area.

26/27 Sideroad will be constructed and eventually paved to the same standard as the reconstructed 91 between the 10th Concession road and County Road 124 and will actually be to a higher standard than the existing 91 between the 10th Concession and the Town line and as the traffic volumes on 26/27 are anticipated to be lower, the use of the reconstructed 26/27 will actually be safer than 91.

In any event, it is not the responsibility of the Township of Clearview to address Regional Transportation issues, certainly not through the proposed upgrades to an existing Township sideroad.

15. Road Design

(Comments 7, 12, 13, 26, 27, 28, 31, 38, 39, 41, 43, 47, 51, 52, 57 and 60)

The typical road cross section as shown on the engineering drawings conforms to the Township's minimum standard for a rural cross section road with respect to lane and shoulder widths and the proposed road profile meets the geometric design standards for a 70 km/hr design speed. This provides for 3.5 metre wide driving lanes, 1.0 metre shoulders and 0.25 m rounding. The sight distances on the vertical curves meet the requirements of a 70 km/hr design speed with the intent that the road will be posted for a 60 km/hr speed limit.

This is the same standard used for the reconstruction of 91 between the 10th Concession and County Road 124 (Duntroon) and consequently the reconstructed road will have the same lane and shoulder widths and sight distances as the reconstructed portion of former County Road 91. This standard will exceed the current conditions found on 91 between the 10th Concession and the Grey/Simcoe Townline.

The steepest gradient on the proposed reconstructed 26/27 Sideroad is 11.87 % for a road section of approximately 200 metres in length. The gradient over the 500 m of road up the escarpment slope ranges from 10.77% to the 11.87% noted above. The balance of the road which is over 2 km in length has gradients of 7% or less. The statement that the gradient on 26/27 Sideroad is twice as steep as 91 is just not factual.

We have made some comparisons on other roads on the escarpment and note that the proposed gradient is not unusual. There are many examples, but we provide nine (9) examples below for comparison purposes:

- Lavender Hill south of Dunedin – 12.9%
- Jardine Sideroad just west of Townline – 11.99%
- 21/22 Sideroad just west of County Road 124 – 11.7%
- 10th Concession just south of 12/13 Sideroad – 13%
- Concession 10 just north of 6/7 Sideroad – 13.4%
- Section of 91 as reconstructed – one section at 10.67%
- Section of 91 west of Concession 10 – 11.3%
- Grey Road 119 (Scenic Caves Road) – 12%
- Grey Road 30 Bowles Bluff Road – 12%

Steeper grades are often found on escarpment roads as a result of the natural slopes and topography and the desire to mitigate the impact on the surrounding/adjacent lands.

The objective of the proposed design was to mitigate the impact on the adjacent lands and environment and to complete the proposed reconstruction within the existing Right of Way. This has been accomplished but did require that ditch backslopes be steepened in many areas. The ditch back slopes are similar to many other roads on the escarpment and similar to the reconstructed portion of 91. Similar to 91 slope protection has been incorporated to stabilize any of the steeper slopes.

Considerable effort was made to design a safe road that respects the adjacent natural features and drainage, and to design an efficient LID stormwater management system with erosion and sedimentation controls which are described in previous sections of this letter.

It was the original intent to retain a gravel surface for a period in an attempt to encourage Regional traffic to use County Road 124 from Singhampton to Duntroon rather than 26/27 Sideroad. It is anticipated that the road may be paved shortly after the reconstruction subject to anticipated traffic volumes.

The road design has evolved with minor adjustments to mitigate the impact on the adjacent environment. Efforts have been made to preserve existing trees and vegetation as much as possible, to mitigate the impact on the streams and adjoining wetland areas.

It is noted that the reconstruction of 26/27 Sideroad has been addressed in a Visual Impact Assessment and due to the nature of the topography in the area, the existing or the improved road has very little visibility from the surrounding area unless you are on the road itself. This is not the case with 91 which is visible from much of central and north Simcoe County. The NEC objected to the reconstruction of 91 to a County standard due to the visual impacts of such a project. The visual impact of reconstructing 26/27 is much less than that of reconstructing 91 to a County standard.

16. Public Safety

(Comments 7, 8, 9, 11, 16, 17, 19, 20, 21, 26, 27, 31, 35, 38, 39, 40, 41, 42, 43, 44, 47, 48, 50, 51, 54, 55, 56, 57, 59 and 61)

As an active transportation corridor, the road is subject to the impacts from regular vehicular traffic which generates the need for ongoing maintenance of the road surface and drainage features. As required by the Provincial Road Maintenance Standards and typical of the Township's approach on the overall road system, the Township monitors the road conditions and implements the required maintenance works to ensure the road is as safe as possible for the travelling public and to mitigate any potential liability associated with the road conditions.

The Bruce Trail crosses the existing 26/27 Sideroad and hikers need to traverse relatively steep slopes from the Trail down to the road surface. In its submission of June 24, 2019, the Bruce Trail Conservancy has stressed the need for pedestrian crossing safety and parking. There is currently some informal (not a legally recognized or designated parking area) parking on 26/27 which is not currently a safe practice. The road elevation at the Bruce Trail crossing will be raised and culverts are proposed to facilitate hikers crossing the roadside ditches. This will improve the safety of the hikers crossing the road with a flatter trail surface and improved visibility. It is acknowledged that there may be more traffic on 26/27 after the proposed reconstruction but improved visibility and a flatter trail surface will offset the impacts of more traffic. It is also noted that the Bruce Trail crosses many other municipal roads where traffic is anticipated to be even higher than 26/27 Sideroad. Such examples being the existing Road 91 and County Road 124.

The Township of Clearview is open to discussions relative to the creation of off-road parking in the vicinity of the Bruce Trail crossing but it would not be immediately adjacent to the current crossing and it is reiterated that there is no designated /legal parking on the road now.

The reconstructed 26/27 will be to a higher standard than the existing 91 between the 10th Concession and County Road 124. The existing 91 is not built to a County Standard and the portion between the 10th Concession and the Townline does not even meet the Township's minimum standard relative to lane and shoulder width and sight distances.

It has been suggested that the speed limit should be reduced to 50 km/hr. Experience has shown that drivers will drive at speeds based on the roadside environment and a 50 km/hr posted speed is unreasonable for the roadside environment found adjacent to the road.

Should you have any questions, please contact our office to discuss.

Yours truly,

R.J. Burnside & Associates Limited



Don McNalty, P.Eng.
Senior Municipal Engineer
DMcN:sj

Enclosure(s) Comments Matrix – Last revised 04/14/2020
MECP March 5, 2019 letter regarding EA Classification

cc: Nancy Frieday, GSP Group, Via: Email (nfrieday@gspgroup.ca)
Harold Elston, Elston Watt Barristers and Solicitors, Via: Email (helston@elstonwatt.ca)
Steve Sage, Township of Clearview, Via: Email (ssage@clearview.ca)

Other than by the addressee, copying or distribution of this document, in whole or in part, is not permitted without the express written consent of R.J. Burnside & Associates Limited.

26 27 NEC Response Comments 200414.docx
14/04/2020 3:31 PM

COMMENT MATRIX
Comments Received from Agencies, Residents, Local Businesses and Interest Groups
 Niagara Escarpment Plan Amendment PS 215 18
 Chart prepared by GSP Group Inc. Nov 5, 2019
 Revised by Burnside Jan. 28, 2020, Revised by Burnside April 14, 2020

Type	Name/Organization	Format	Date of Comment	In Favour (Y/N)	Summary of Concerns	1. Lack of Public Process/NEC not Fulfilling Goals	2. Environmental (Wetland)	3. Environmental Terrestrial	4. Environmental (Escarpment/Steep Grade Change)	5. Environmental (Fish Habitat/Cold water stream)	6. Stormwater Quality, Erosion & Sedimentation	7. Stormwater Quantity Control	8. Stormwater Drainage	9. Hydrogeology	10. Class EA Process	11. Closure of 91	12. Road 91 Diversion through Quarry	13. Increased Emergency Response Times	14. Potential impact on travel and Regional Transportation Alternatives	15. Road Design	16. Public Safety
1 Agency	Grey Sauble Conservation Authority	Letter	30-Aug-19	No Objection	Project is not anticipated to have negative hydrologic impacts to the provincially significant wetland or measurable negative drainage impacts in the Upper Beaver River Watershed with the jurisdiction of the GSCA; the regulated area associated with the Rob Roy PSW includes a 120-metre area of interference and a permit will be required from the GSCA; not opposed to the Amendment provided that all the recommendations in the EIS are complied with and a permit is obtained.																
2 Agency	Nottawasaga Valley Conservation Authority	Letter	28-Aug-19	TBD	Additional information is required; technical inaccuracies with regards to significant wildlife habitat; conclusions regarding degree of impact to wildlife movement are not clearly substantiated; further information needed regarding wildlife exclusion and crossing infrastructure; a permit will be required and more comments regarding fish habitat and fish passage will be provided at that time; applicant must address wetland enhancement and compensation; land clearing window must be extended to account for local bird nesting season; additional engineering design details are needed.		X	X	X												
3 Agency	Ministry of Environment, Conservation, and Parks	email	26-Sep-19		Information with respect to bats has been addressed in the guidance from the MNRF; records for other species at risk exist and the consultant should comment on whether the other species (birds) would be impacted by the development.			X													
4 Agency	Ministry of Tourism, Culture, and Sport	email	31-May-19		Archaeological assessment may be required if not completed as part of the Duntroon hearing.																
5 Agency	Ministry of Natural Resources and Forestry	Letter	14-Jun-19		Significant Wildlife Habitat and Mitigation			X													
6 Agency	Simcoe County				No comment.																
7 Agency	Municipality of Grey Highlands			N	PPS identifies need to co-ordinate with other orders of government, agencies, boards and Aboriginal communities; in addition there should be a co-ordination of economic development strategies, multimodal transportation systems, Great Lakes related issues, housing needs and emergency management; this is non-existent in the amendment application; complete lack of public process and lack of recent traffic studies that show true use of the roads affected by this amendment application; no true need to close County Road 91 has been provided to this municipality since the tunnel beneath the road has been put into place; request that the NEC deny the amendment application request; failure to do so will result in an irreversible impact on the Escarpment on what is now a relatively pristine area.	X			X						X	X			X	X	X
8 Agency	Grey County	Letter	30-May-19		Twps. should complete a Class EA for the re-construction of SR 26/27 in light of new environmental information; new County OP identifies PSW adjacent to Grey Rd. 31 and SR 26/27; EIS must demonstrate no negative impact on the PSW; a number of comments from the public including that SR 26/27 was not an adequate substitute for 91, concern about negative impact to wetlands, fish habitat, springs and groundwater, reduced emergency response times, need for updated traffic studies, lack of consultation, no need to close 91 since Walker has a tunnel under it, concern about commercial vehicles using other roads in the winter when they can't use SR 26/27.		X		X	X	X			X	X	X			X		X
9 Agency	Town of The Blue Mountains, Mayor Soever	Letter	21-May-19		Extremely concerned that SR 26/27 will not be an adequate replacement for Simcoe Rd. 91; loss of 91 will force traffic to use other routes including Hwy. 26 which is already at capacity and move up the date for a major bypass across the Escarpment with huge environmental impact and cost of millions of dollars to taxpayers; SR 26/27 would have to be paved right away; recent traffic counts undertaken showing 1265 vehicles per day using 91; need for a property traffic study to determine if SR 26/27 would be a suitable replacement of 91 to meet function of gateway to our Town, used by commuters and tourists; negative visual impact, increased timelines for EMS/Fire; environmental concerns related to PSW; Class C EA should be done.										X	X		X			X
10 Agency	Historic Saugeen Métis	Email	2-Apr-19	NA	Project is outside HSM traditional territory so no comments will be provided.																
11 Interest Group	Bruce Trail Conservancy (BTC)	Letter	24-Jun-19	No Objection	Bruce Trail crosses Sideroad 26/27 in the centre of the section of road to be improved; unofficial on-road parking continues to provide hikers with a place to park in this location; it would be helpful if a traffic study was available to assist in understanding the future impacts of re-rerouting traffic from County Road 91; we anticipate that traffic volumes and speeds will increase dramatically making the Bruce Trail crossing hazardous for users and parking unsafe; if the NEPA is approved we request that speeds be limited to 50 kmh for the entire road and that signs be posted to alert drivers of the trail crossing; new culverts will facilitate pedestrian crossing of the road; this section of the Bruce Trail is heavily used and we would like assurance that hikers will be able to cross the road safely during construction; we would welcome discussions with Clearview Township to accommodate parking in the area, potentially off road on quarry owned lands; no objection to the Amendment if it respects NEP policies pertaining to securement of NEPOSS and the Bruce Trail.																X
12 Interest Group	Blue Mountain Watershed Trust (G. Powell)	Email	13-May-19	N	Cost of road improvement now \$4,000,000 place the project as a Schedule C. Relocation of Pretty River tributary; increased size of culverts; make it a Schedule C project - BMWT experts recommend they strongly oppose the NEPA.		X	X	X	X	X	X	X		X	X	X		X	X	
13 Interest Group	CONE			N	This road is too steep and disturbs many sensitive wet areas; we believe that the original haul road is the best; not the proposed changes that will not be safe when completed.		X		X							X				X	
14 Interest Group	Friends of the Pretty River Valley (FPRV)	Letter	12-May-19	N	Reasons NEC turned down DP valid. Project did not meet the test of essential as alternatives were not taken into consideration. 26/27 upgrades not essential because there is a tunnel under the road. Widening the road would offend the objectives of the ENA and EPA. Environmental harm to cold-water streams and steep Escarpment slopes.	X			X	X					X	X					
15 Interest Group	Grey Highlands Chamber of Commerce				Closure of 91 will have an impact on the citizens and businesses of Grey and Simcoe; new projects happening in the sensitive plan area should be environmentally sound; evaluating SR 26/27 using only Class A EA is insensitive to all citizens living in the area; impact on people's lives and the environment will be extraordinary; Class B or C EA should be done; SR 26/27 is not an essential road; other options should be considered; loss of east/west corridor may impact tourism and economic development; SR 26/27 if improved should be paved at the outset.									X	X						
16 Interest Group	Brewster Lake Home Owner's Association	Email	20-May-19	N	EMS comes from Stayner and uses CR91. Closing CR91 could add 5-6mins to EMS response times (potential life threatening consequences).													X			X
17 Interest Group	Georgian Shores Drive Preservation Association (Eric Button, President)	Email	24-May-19	N	Incorrect procedure. Closing 91 will adversely affect the Grey/Simcoe road network – more traffic onto Highway 26. Class C EA.	X									X				X		X

Type	Name/Organization	Format	Date of Comment	In Favour (Y/N)	Summary of Concerns	1. Lack of Public Process/NEC not Fulfilling Goals	2. Environmental (Wetland)	3. Environmental Terrestrial	4. Environmental (Escarpment/St eepest Grade Change)	5. Environmental (Fish Habitat/Cold water stream)	6. Stormwater Quality, Erosion & Sedimentation	7. Stormwater Quantity Control	8. Stormwater Drainage	9. Hydrogeology	10. Class EA Process	11. Closure of 91	12. Road 91 Diversion through Quarry	13. Increased Emergency Response Times	14. Potential impact on travel and Regional Transportation Alternatives	15. Road Design	16. Public Safety
Local Business	Walker Aggregates (via MHBC Planning)				Closure of County Road 91 and improvement to SR 26/27 was considered during the Walker Duntroon hearing; public concerns about traffic, safety and noise on 91 were known to Twp. Council during public meetings and Council meetings; concerns were addressed through Settlement Agreement between Simcoe, Twp. and Walker; the agreement was mentioned in the Joint Board decision noting that the Twp and County will be benefit from the development of the quarry but that the elected councils were acting in the public interest in reaching the agreement and trying to resolve public concerns; Grey County and Grey Highlands did not object; Jt. Bd. concluded that SR 26/27 can provide an appropriate alternative access to the closing of 91 with nominal visual impact to the Niagara Escarpment; open the local road on a year round basis is an operational matters that vests with the Twp.																
Local Business	CBM Aggregates	Letter	22-May-19		Closing Clearview Rd. 91 is at the heart of the matter; Township's application is premature, not essential, not in the public interest or an immediate need of Walker as they have many years of reserves in the quarry extension before they need the aggregate under the road; closure would have significant economic impact to other existing aggregate operations in the area, including their Osprey quarry; closure of 91 would force them to serve customers using Grey/Simcoe Roads 31/95 and 124, adding 14 km to the haul route which would be extremely detrimental to our business and adversely impact competitive pricing within the local market.	X										X			X		X
Local Business	Seeley and Amill Construction	Letter	16-May-19	N	Contrary to provincial policy; closing Clearview 91 makes no sense except to limit competition to aggregate entering the local markets from the west to the benefit of Walker Industries; adds 14 km. round trip to haul to market (70 cents per tonne disadvantage); there will be a change to the natural environment on SR 26/27 and change to the open landscape character; optimize existing infrastructure; transportation management strategy should be used; using longer route means more greenhouse gas emissions; vertical grades have improved on 91 and trucks supplying aggregate have been using it with no issues.			X								X			X		X
Local Business	Seeley and Amill Construction	Letter	29-Apr-19	N																	X
Resident	Redacted (Collingwood)	Letter	No Date	N	Improper public consultation (road improvement agreement not part of tribunal report).	X															
Resident	Redacted (Singhampton)	Email	30-Mar-19	N	Closing CR91 and upgrading 26/27 would be an environmental disaster. CR91 is used for emergency services.				X							X		X			
Resident	Redacted (Singhampton)	Email	1-Apr-19	N	Closing CR91 is unnecessary; environmental impact, would cause damage. Would like Walkers to just keep using their tunnel and have CR91 fixed/upgraded.				X												
Resident	David Stevenson	Letter	24-Jun-19	N	Comments provided by George McKibbin, planning consultant retained by resident: Twp. Planning Justification does not support an Amendment to the NEP; the works required on the road bed are substantially different than what was considered at the Walker hearing; the wetland feature was discovered after the hearing; the development will sever the continuous natural environment by widening an edge in the forest canopy, cutting into the Escarpment face and filling in the lower section; impacts to the Escarpment and significant natural heritage will be profound and cannot be ameliorated; new NEP policy requires a setback from the brow and emphasizes a landscape approach and this is not addressed in the applicant's planning justification; a right of way enables a land use and is subject to NEP policy; if a permit is required, the policies of the NEP apply; the NEPDA and NEP protect the public interest and there should be a consideration of alternatives and a setback from the brow of the Escarpment; local residents, the travelling public, EMS, other businesses and aggregate producers and a range of stakeholders will be prejudiced by this decision; Sideroad 26/27 is not a suitable alternative to County Road 91 as the roadbed is not of equivalent in design, traffic safety and performance; an alternative would be to restore the road to a natural state, transfer it to the Nature Reserve and relocate the County Road within the quarry as part of its rehabilitation		X		X									X	X	X	X
Resident	Redacted (Flesherton)	Email	5-May-19	N	CR91 and 26/27 are not comparable/equivalent (width, drainage, setback of trees) and using 26/27 would increase travel time. Can't accommodate 2 trucks side-by-side. Using 26/27 would hinder emergency response times and snow clearance. Expects that 26/27 will be upgraded to the same standards as CR91 (at a very minimum).								X					X	X	X	x
Resident	Redacted	Email	8-May-19	N	Heard that 26/27 will be upgraded but will only be gravel (should be paved and registered with EMS as useable route).													X		X	
Resident	Redacted	Email	9-May-19	Y	Hope that the agreements will respect the intent (to prohibit quarry traffic from using the upgraded road).																
Resident	Redacted	Email	9-May-19	Y	Believe the improvements will provide traffic circulation. No solution is perfect but seems to be a perfect imperfect solution. 26/27 is not in great condition (have helped a lot of people who get lost or are stranded because of the state of the road - thankfully no serious injuries yet).																
Resident	Redacted (Singhampton)	Email	10-May-19	N	Existing 26/27 is rugged and trail-like (not usable by automobiles). Area along road contains wetland, fish habitat. Upgrades will encourage high traffic and speeding. Road improvement agreement was made 10+ years ago in time when traffic needs were different.	X	X		X	X										X	x
Resident	Redacted (Duntroon)	Email	10-May-19	Y	Walkers has been a conscientious neighbour and they support closure of CR91. Truck traffic has increased on CR91 since CBM quarry has opened and drivers have no regard for local residents (this is not their haul route).Truck traffic from CBM quarry adds extra wear and tear on CR91 (at cost to Clearview). Closing CR91 will force them to use their approved haul route.																
Resident	Redacted (Brewster Lake)	Email	12-May-19	N	Presentation was misleading saying that closure of CR91 is a done deal (can't be done until 26/27 is upgraded). CR91 is the EMS route from Stayner. Concerned about damage to escarpment and to trout streams.	X			X	X						X		X	X		
Resident	Redacted (Singhampton)	Letter	12-May-19	N	Road Improvement agreement was not mentioned in 2014 Joint Board Order. Should have been Class C EA.	X									X	X					
Resident	Redacted (Singhampton) (same as May 12, 2019 resident letter)	Letter	13-May-19	N	CR 91 is an essential route and shouldn't be removed from 26/27 SR discussion. Review of file should be broad (not just 26/27 SR).	X										X			X		x
Resident	Redacted	Email	14-May-19	N	Closure of CR91 will add time for emergency vehicles. If CR91 is closed and then road 124 is closed for any reason, there are no viable alternatives. No public process. 26/27 isn't an option for farming equipment. Upgrades to 26/27 will damage escarpment and cold water stream.	X					X					X		X	X		
Resident	Redacted (Collingwood, ON)	Email and Letter	15-May-19	N	Road Improvement agreement was rushed without due diligence and assessment of environmental impacts. 26/27 (either as gravel or upgraded) cannot be considered a replacement to CR 91. 26/27 works not a necessity, CR91 provides for existing needs (is existing transportation infrastructure). Should have been Class C EA. Environmental implications on Escarpment.	X	X	X	X						X	X			X		

Type	Name/Organization	Format	Date of Comment	In Favour (Y/N)	Summary of Concerns	1. Lack of Public Process/NEC, not Fulfilling Goals	2. Environmental (Wetland)	3. Environmental Terrestrial	4. Environmental (Escarpment/St eep Grade Change)	5. Environmental (Fish Habitat/Cold water stream)	6. Stormwater Quality, Erosion & Sedimentation	7. Stormwater Quantity Control	8. Stormwater Drainage	9. Hydrogeology	10. Class EA Process	11. Closure of 91	12. Road 91 Diversion through Quarry	13. Increased Emergency Response Times	14. Potential impact on travel and Regional Transportation Alternatives	15. Road Design	16. Public Safety	
Resident	Redacted (Singhampton, ON)	Letter	15-May-19	N	CR 91 is a key access route (employment, EMS, farming). Notes importance of clause in agreement that CR91 cannot be closed until 26/27 SR is upgraded. Shocked at lack of concern for environment/NE (existing ROW width contains sensitive features). Concerned that no traffic data/counts done on 26/27. Alternate: paving 2 remaining gravel sections of Con 10 rather than going east into Duntroon via CR 91. Intersection at Con 10 and 26/27 is a blind T intersection (unsafe). Gravel on 26/27 shouldn't have been disturbed in 2017 in the first place. Paving roads means salt and sand runoff (Chris and Adrian).	X	X		X	X						X		X	X	X	x	
Resident	Redacted (Collingwood, ON)	Letter	17-May-19	N	CR 91 not a direct link to any roads (jog) - concerns with emergency response times. Potential safety concerns for Con 10 and 26/27 intersection. Concerned about salt/sand runoff from paved road and impacting the cold-water stream (Chris and Adrian). Springs within ROW on 26/27 that continually rutted and washed away road.		X		X	X						X		X	X	X	x	
Resident	Redacted	Email	19-May-19	N	Concerned about increased travel times for medical attention (CR91 is quickest route to Duntroon, then Barrie).											X		X			x	
Resident	Redacted (Grey Road 31)	Email	19-May-19	N	Opposed to closing CR91 (Environmental concerns, loss of wildlife/natural heritage, commuting will be more difficult, safety concerns in winter/not winter route).		X	X	X										X	X	x	
Resident	Redacted	Email	21-May-19	N	26/27 are not in the public interest (too steep, impacts wetlands/wildlife). There are alternatives (CR91 or through the quarry). Area contains headwaters for Pretty River and has extensive wetlands.		X		X	X	X					X	X				x	
Resident	Redacted (Singhampton)	Email	21-May-19	N	Should have been a Class C EA. Alternatives were not assessed graded (retired civil engineer). The intersection of Con 10 and 26/27 is unsafe (serious grading problem - doesn't allow any sightlines).	X									X				X	X	x	
Resident	Redacted (Singhampton)	Letter/Fax	21-May-19	N	26/27 not appropriate replacement (will affect EMS times, travel times for farming/employments, safety).											X		X	X		x	
Resident	Redacted	Email	23-May-19	N	Digging from gravel pit will affect water table/wells. Road improvements agreement was done in secret. Want CR 91 to remain open, 26/27 has been washed out due to natural underground springs and isn't suitable to hold emergency vehicles.	X	X		X					X		X		X				
Resident	Redacted	Email	24-May-19	N	Alternatives should have been discussed.	X			X													
Resident	Redacted (Osprey Estates)	Email	25-May-19	N	26/27 not a safe or viable substitute for CR91. Would like to see upgrades done in an environmentally acceptable way and that will provide a safe roadway.		X	X	X							X			X	X	x	
Resident	Redacted	Email	26-May-19	N	No public consultation on closure. No Traffic Study to support the closure of Road 91. Damage to Escarpment and the cold-water fishing stream and adjoins Nottawasaga Lookout Provincial Nature Reserve. Should be Class C not A.	X			X	X	X				X	X			X		x	
Resident	Redacted	Email	26-May-19	N	Springs in the middle and steep slopes of 26/27. Cost of maintaining 26/27 would be high.		X		X					X								
Resident	Redacted	Email	27-May-19	Y	3 issues with closing Road 91 – convenience of travel route; environmental and public safety. Believes public safety is greater than environmental impact overall. More fully loaded aggregate truck illegally using Road 91. Road safety appears not to be a purview of the NEC. Supports closing Road 91, given volume of through traffic, and leaving Sideroad 26/27 as is or upgrading it and not allowing any trucks.	X										X			X		x	
Resident	Redacted	Email	28-May-19	N	Do not want 26/27 to replace Road 91. 911 response times. More traffic on 10th Line. Possible traffic accidents at 26/27 and 10th Line intersection. MECP should review Class Schedule. Grey Highlands should have had a say in the transfer of Road 91 to Walkers.	X									X	X		X	X	X	x	
Resident	Redacted	Email	30-May-19	N	Sideroad 26/27 never a viable alternative. Public roads should not be surrendered for profit. Natural habitats should be preserved. Mentions article that worldwide we are eroding the very foundations of economies, livelihoods, food security, health and quality of life worldwide.	X	X	X	X	X						X				X		
Resident	Redacted	Email	30-May-19	N	Damage to ecosystem from quarry is enough, road will cause more damage.		X	X	X	X												
Resident	Redacted	Email	30-May-19	N	Approving roadworks is not consistent with the intent of the UNESCO designation. Extensive exemptions to the NEP are required (NEPA).	X	X		X	X								X	X		x	
Resident	Redacted	Email	30-May-19	N	Lack of process in Grey Highlands to discuss closing Road 91. Upgrading 26/27 has serious flaws that have not yet been appropriately addressed. Quality of life in surrounding communities.	X															x	
Resident	Redacted	Email	30-May-19	N	Great concern about closing Road 91. Underground springs that keep the roadway wet in the (spring, summer and fall). Road 91 is serving the needs of all including the quarry).									X		X		X	X		x	
Resident	Redacted	Email	31-May-19	N	Owner of 50 acres on the southwest corner of the 10th Concession and Sideroad 26/27 – disturbed that no person has approached them about the impact of the road reconstruction on their property. Property has several waterfalls and pools – one pool is now filled with gravel. Kevin Elwood said the township would do nothing to repair the stream past damage has no bearing on NEC App. Catastrophic impacts on the stream from Township work in 2016. Cold water stream holds brook trout and other fresh-water species. To suggest that 26/27 is seeing increased use is not true. Concerns about cars turning left onto Concession Road 10 (did Burnside contact this person?).	X	X		X	X										X	X	x
Resident	Redacted	Email	31-May-19	N	At CR10, climb steep hill to go south to Road 91; most vehicles will not be able to climb the hill in poor weather. Issues were never considered around the closure of road 91 throughout the Walker's application. Not addressed at the hearing because it was too late to bring in experts (stunned to learn of Agreement between Simcoe and the Township. Undermine all the financial and volunteer investment by municipalities from Niagara Falls to Tobermory since the 1960s. Minor amendments to the NEP over the years but this is a major affront to the integrity of the NEP.	X	X		X	X						X						
Resident	Redacted	Email	1-Jun-19	N	Appear to live on 26/27. As professional engineer, he disagrees that this is a Class A project. Questioning Townships' argument to the MECP about the Schedule A activity. Use, capacity and classification of 26/27 is proposed to change. Will accept the results of a complete evaluation of the road but until that time, will continue to object.	X									X				X		x	
Resident	Redacted	Email and Letter	10-Jun-19	N	Purpose and Objectives of the NEP easily defeated due to pressure from municipalities, industry and other interest groups and NEC authority eroded, 17 (mentions legal challenge sale of road to Walker's because fair market assessment was not undertaken). Resources under the road worth \$80 million (expert consulted by local opposition group Quarry Aware). If Walkers is not quarrying under the road, why has it fought so hard for Sideroad 26/27?	X														X		

	Type	Name/Organization	Format	Date of Comment	In Favour (Y/N)	Summary of Concerns	1. Lack of Public Process/NEC not Fulfilling Goals	2. Environmental (Wetland)	3. Environmental Terrestrial	4. Environmental (Escarpment/St eep Grade Change)	5. Environmental (Fish Habitat/Cold water stream)	6. Stormwater Quality, Erosion & Sedimentation	7. Stormwater Quantity Control	8. Stormwater Drainage	9. Hydrogeology	10. Class EA Process	11. Closure of 91	12. Road 91 Diversion through Quarry	13. Increased Emergency Response Times	14. Potential impact on travel and Regional Transportation Alternatives	15. Road Design	16. Public Safety
61	Resident	Redacted	Email	18-Jun-19	N	Against the road reconstruction 10 years ago and still opposed. Sideroad 26/27 road allowance is half of County Road 91. 26/27 is steep, estimate 20% in some places. Water runs across the road causing washouts. Additional land required to widen the road. Can the steep slope be averaged to an acceptable slope? Switchbacks required? Has a fixed price bid been obtained to reconstruct the road? How was the \$10 million cost determined? Questions about safety, paving of Concession 10 road. Not a win-win, with taxpayers put at risk.	X			X			X	X						X		X
TOTALS							26	19	10	27	14	5	2	3	4	13	28	2	16	27	16	30

https://rjburnside.sharepoint.com/sites/300034587Clearview2627SideroadReconstruction/Shared Documents/General/01_Correspondence/EIS Comments Response 2019/[26 27 Clearview NEPA Comments_REV 200414.xlsx]All Comments

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement,
de la Protection de la nature et
des Parcs



Environmental Assessment
and Permissions Branch

Direction des évaluations et des
permissions environnementales

135 St. Clair Avenue West
1st Floor
Toronto ON M4V 1P5
Tel.: 416.314.8001
Fax: 416.314.8452

135, avenue St. Clair Ouest
Rez-de-chaussée
Toronto ON M4V 1P5
Tél. : 416 314.8001
Télec. : 416 314.8452

BY EMAIL ONLY

March 5, 2019

Mr. George Powell
Blue Mountain Watershed Trust Foundation
hpowell@sympatico.ca

Dear Mr. Powell:

Thank you for your December 17, 2018 correspondence to the Ministry of the Environment, Conservation and Parks (MECP) in regards to the reconstruction of Side Road 26/27 (Project) as proposed by the Township of Clearview (Township).

The MECP previously wrote to the Blue Mountain Watershed Trust Foundation on May 2, 2017 and August 2, 2018 about your concerns with the classification of the Project as a Schedule A+ undertaking under the Municipal Class Environmental Assessment. At the time, the Niagara Escarpment Commission (NEC) refusal of a development permit for the Project was appealed to the Niagara Escarpment Hearing Office (NEHO) of the Environmental Review Tribunal. Since that time, the Township has also filed a Niagara Escarpment Plan Amendment for the Project, which is under review by the NEC.

On January 23, 2019, the MECP contacted the Niagara Escarpment Commission (NEC) for the latest information on the Project. Based on this 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 Township must obtain all necessary permits and authorizations from the NEC, as well as the Nottawasaga Valley and Grey Sauble Conservation Authorities. Furthermore, the NEHO will review the Niagara Escarpment Plan Amendment appeal, which will subsequently be reviewed by the NEC. The NEC will make a recommendation to the Minister of Natural Resources and Forestry for a decision under section 10 of the Niagara Escarpment Planning and Development Act.

You are encouraged to continue working with the Township and participating in the NEC and NEHO processes to resolve your outstanding concerns. You may contact Mr. Gerry

Mr. George Powell
Page 2.

LeMay of the Township directly at 705-428-6230 ext. 230 or at glemay@clearview.ca.
You can also contact Ms. Nancy Mott of the NEC directly at 905-877-8363 or at nancy.mott@ontario.ca.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'A. Cross'.

Annamaria Cross
Manager, Environmental Assessment Services Section
Environmental Assessment and Permissions Branch

c: Gerry LeMay, General Manager, Township of Clearview
 Nancy Mott, Senior Strategic Advisor, NEC
 Rick Watt, Senior Planning Coordinator, NEC
 Chunmei Liu, Environmental Assessment Coordinator, MECP