



**Addendum to Mississauga Road / Old Main Street, Bush
Street, Olde Base Line Road, and Winston Churchill
Boulevard Class Environmental Assessment
Environmental Study Report**

FINAL REPORT

March 30, 2015

Addendum to Mississauga Road / Old Main Street, Bush Street, Olde Base Line Road, and Winston Churchill Boulevard Class Environmental Assessment Environmental Study Report

March 30, 2015

1. Introduction

The Region of Peel completed a Schedule 'C' Class Environmental Assessment (EA) Study for proposed improvements to Winston Churchill Blvd. from Olde Base Line Rd. to Bush St.; Olde Base Line Rd. from Winston Churchill Blvd. to Mississauga Rd.; Mississauga Rd./Old Main St. from Olde Base Line Rd. to Bush St.; and Bush St. from Mississauga Rd./Old Main St. to Winston Churchill Blvd. – (MOBOW EA). The study was completed in accordance with the Municipal Engineers Association (MEA) Municipal Class EA (October 200, as amended in 2007 and 2011), as approved under the Ontario Environmental Assessment Act. The purpose of the study was to develop a road design that addresses safety, drainage, and pavement deficiencies in the study area.

The Region filed the Environmental Study Report (ESR) which documents the planning, consultation process, and preferred design. The Notice of Study Completion was issued on June 23, 2014 and the 30-day review period ended on July 29, 2014. During the 30-day review, a Part II Order request was sent to the Ministry of the Environment and Climate Change (MOECC) from the representatives of the Belfountain Community Organization (BCO), which was subsequently withdrawn on November 7, 2014 – see Appendix A - Correspondence of Part II Order Request and Withdrawal.

During the MOECC review process the Region provided additional information as requested, and continued to work with the BCO to try to move forward in a collaborative manner and identify solutions. As a result of these discussions, the Part II Order request was withdrawn with the MOECC, and the Region agreed to prepare an addendum to remove a section of the study area (Belfountain Village – Old Main St. / Mississauga Rd. from Caledon Mountain Dr. to Bush St. and Bush St. from Old Main St. to Shaw's Creek Rd. - see Appendix B) from the Class EA study. The new EA study area will no longer be a closed loop, and the section removed from the EA will be subject to a future study examining pedestrian and active transportation opportunities in Belfountain Village.

2. Overview of Municipal Class EA Addendum Process

The MOBOW EA was carried out as a Schedule C activity pursuant to the Municipal Class EA. Section A.4.3 of the Municipal Class EA allows the proponent to issue an addendum to the ESR if there is a "modification to the project or change in the environmental setting for the project" from that originally anticipated. Any significant change that occurs after filing the ESR requires a review to be carried out to:

- Identify the circumstances necessitating the change;
- Determine the potential environmental implications of the proposed changes along with any measures for mitigating potential adverse environmental effects;
- Document the proposed changes, rationale, implications, and mitigation measures in an Addendum to the ESR; and

- File the Addendum and ESR for a period of 30 calendar days, with the Notice of Filing of Addendum issued to potentially affected members of the public, review agencies, as well as those parties who were notified in the preparation of the ESR and confirmed their desire to be notified of the filing of the ESR.

Only the proposed changes documented in the Addendum are subject to review by the public and agencies. The remaining portions of the preferred design set out in the MOBOW EA remain approved under the EA Act.

3. Proposed Change to the Approved Project

a. Circumstances Necessitating the Change and Description of Proposed Change

The Region filed the ESR for the Mississauga Road / Old Main Street, Bush Street, Olde Base Line Road, and Winston Churchill Boulevard Class EA Study in June 2014. During the 30-day review period, the BCO filed a Part II Order Request with the MOECC. Subsequent to reviewing this Part II Order Request, and further discussions with the MOECC and the residents, the Region and the BCO agreed to remove Belfountain Village from the EA study area through an Addendum Report, and the BCO would withdraw the Part II Order Request. The BCO withdrew their Part II Order Request in November 2014. The study area removed from the EA will be subject to a future study examining pedestrian and active transportation opportunities in Belfountain Village.

The future study will aim to prepare a transportation plan for the Belfountain area that will enhance multimodal connectivity within the community by identifying improvements to accommodate all modes of travel. The study would include input from a number of stakeholders including but not limited to the Town of Caledon, the Credit Valley Conservation (CVC) Authority, and interested resident groups.

4. Environmental Implications of the Proposed Change

a. Summary of the Potential Effects and Recommended Mitigation Measures

The potential environmental effects and proposed mitigation measures associated with the preferred design for the Belfountain Village are documented in Section 9.3 of the ESR. Given that this Addendum proposes to reduce the scope documented in the ESR (i.e. removing works in the Belfountain Village), there are no environmental implications associated with the proposed change and no additional mitigation measures are required.

b. Land Acquisition Implications of the Proposed Change

The preliminary design in the ESR was prepared with the goal of minimizing property impacts. Accordingly, the initial design proposed in the ESR, which went through the Belfountain Village, did not anticipate a need for property acquisition. Temporary working easements were identified in Section 9.3.2 of the ESR based on 1m buffer around grading as well as 2.5m around culverts and storm sewers. Given that this Addendum proposes to reduce the scope documented in the ESR (i.e. removing works in the Belfountain Village), there are no land acquisition implications associated with the proposed change.

5. Public and Agency Consultation

a. Notice of Filing of Addendum

In accordance with Section A.4.3 of the Municipal Class EA, the Notice of Filing of Addendum was issued on March 30, 2015 to potentially affected members of the public and review agencies, as well as those who were notified in the preparation of the original ESR and confirmed their desire to be notified of the ESR filing. The notice was also published in the local newspapers (Caledon Citizen and Caledon Enterprise) on March 26, 2015 and April 9, 2015. Appendix C provides a copy of the Notice of Filing Addendum and the associated letter.

b. Public Review

The ESR Addendum will be available for public review, beginning on March 30, 2015 and ending on April 30, 2015, at the following location:

Region of Peel
Clerk's Department
10 Peel Centre Drive
5th Floor, Suite A
Brampton, ON L6T 4B9
Monday to Friday: 8:30 a.m. to 4:30 p.m.

Interested person should provide written comments regarding the project within the prescribed review period (by April 30, 2015) to the following individual:

Mr. Gino Dela Cruz, P. Eng.
Project Manager, Infrastructure Programming & Studies
Transportation Division, Public Works, Region of Peel
10 Peel Centre Dr., Suite B 4th Floor, Brampton, ON L6T 4B9

Only the proposed changes documented in the Addendum are subject to review by the public and agencies. The remaining portions of the preferred design set out in the MOBOW EA remain approved under the EA Act.

If concerns arise during the prescribed review period that cannot be resolved through discussion with the Regional Municipality of Peel, a person may request that the Minister of the Environment and Climate Change make an order for the project to comply with Part II of the EA Act. This request must be received by the Minister within the above prescribed 30 calendar day review period, at the address listed below and copied to Mr. Gino Dela Cruz at the Regional Municipality of Peel. If no request is received on or before the end of the review period, Peel intends to proceed with the implementation of the proposed changes as documented in the ESR Addendum.

The Ministry/Minister of the Environment and Climate Change
77 Wellesley Street West, 11th Floor
Toronto, ON M7A 2T5
Fax 416 314 8452

Given that this Addendum proposes to reduce the scope documented in the ESR (i.e. removing works in the Belfountain Village) and does not result in additional environmental implications and no additional mitigation measures are required, a Public Information Centre was not undertaken for this project.

c. Comments Received and Their Consideration

All written comments received following the issuance of the Notice of Filing of Addendum will be addressed in writing and supplemented by a telephone call(s) from a member of the project team, where necessary. Response letters and further information details were prepared and sent directly to the residents via email.

Public concerns taken into consideration during this Addendum process and copies of the correspondence with the public will be summarized in a Consultation Tracker Sheet, and included in Appendix D. A suitable template tracking sheet has been included in this report for informational purposes only.

Appendix A – Correspondence of Part II Order Request and Withdrawal



July 29, 2014

Hon. Min. Glenn Murray
Ministry of the Environment and Climate Change
Ferguson Block, 11th Floor
77 Wellesley Street West
Toronto, ON M7A 2T5

Dear Minister Murray,

**Re: Environmental Assessment Act, Part II Request
Belfountain Community Organization
Class C Roads Environmental Assessment - Caledon
Mississauga Rd., Old Main St., Bush St., Winston Churchill Blvd., Olde
Base Line Rd.**

Congratulations on your appointment as Ontario's first Minister of the Environment and Climate Change. Your appointment to protect and improve the quality of our environment by coordinating action on climate change comes at a critical time.

Donnelly Law represents the Belfountain Community Organization ("BCO"), a not-for-profit corporation committed to protecting and preserving the rural heritage and environmental integrity of the Village of Belfountain ("Belfountain") and environs. BCO has over twenty years of experience working with the community in the UNESCO-recognized Niagara Escarpment in this capacity.

The BCO has significant concerns with the Region of Peel's ("Peel") Class C Roads Environmental Assessment, Town of Caledon, Mississauga Rd., Old Main St., Bush St., Winston Churchill Blvd., Olde Base Line Rd. (the "Class EA"). The Region of Peel issued the Notice of Completion for the Class EA on June 23, 2014.

This letter serves as the BCO's request pursuant to subsection 16(5) of the *Environmental Assessment Act*, R.S.O. 1990, c. E.18 (the "EAA") that you:

1. Require the proponent to comply with a Part II Order and prepare terms of reference for an individual environmental assessment. The terms of reference should explicitly refer to the opinion of Belfountain residents regarding proposed undertakings and cultural heritage resources in Belfountain;
2. Refer the matter to mediation before making a decision on the Class EA; or,
3. Impose conditions to be met before Ministerial approval of the Class EA, including:
 - a. The analysis of different detailed designs of the proposed undertakings for Belfountain, not limited to the preferred design selected by Peel;
 - b. The completion of a Cultural Heritage Resource Report ("CHRR") to assess different options for the detailed design and final proposed design's impact on Belfountain's cultural heritage resources.
 - c. Retaining a recognized independent heritage expert to produce the CHRR in collaboration with the BCO, Heritage Caledon, and Peel, to recommend the preferred final detailed designs for Belfountain;
 - d. The selection of a detailed design for Belfountain that preserves and conserves the heritage character of the village, individual built heritage resources, and Old Main Street/Bush Street;
 - e. The completion of a social impact analysis of the proposed undertaking, directly involving consultation with the BCO and Belfountain residents; and
 - f. Amending the Municipal Class EA document for Road Works (and all future transportation EAs) to explicitly consider and prefer alternative design and mitigation measures that reduce greenhouse gas emissions.

Summary of Reasons for Request

The BCO is concerned the Class EA process and Environmental Study Report (“ESR”) did not appropriately address BCO’s concerns and may result in significant adverse effects to the Belfountain environment.

BCO requests the above relief from the Minister for the following reasons:

1. Belfountain's residents' concerns do not appear to have been factored into the decision-making process on the preferred alternatives;
2. The potential for significant adverse environmental effects on the social and cultural conditions that influence the life of residents in the community are not considered;
3. The preferred alternatives are not the options with the least impact on the endangered Jefferson Salamander, its habitat, and other significant habitats;
4. Uncertainty regarding the potential to impact water supply wells in Belfountain in close proximity to the Study Area;
5. Downstream residents and municipalities have not been consulted regarding potential impacts of introducing additional impermeable surfaces and traffic to a sensitive upper watershed, with many headwater systems flowing from it;
6. The rationale for the proposed road works in Belfountain is not clear, and does not appear to outweigh the potential environmental effects;
7. Impacts to the Niagara Escarpment, a UNESCO Biosphere Reserve, and the Greenbelt Plan are not considered;
8. Air quality and impacts to human health are not considered;
9. First Nations interests and consultation are not adequately addressed;
10. Notwithstanding the greatest crisis facing our generation, and subsequent generations is climate change, the Class EA fails to mention the nexus between paving the natural environment to facilitate motor vehicle traffic and impacts on the atmosphere from CO₂ and other harmful emissions; and,

11. The financial, environmental and cumulative impacts of adopting a policy of paving large sections of hamlets, towns, and villages across Ontario is a potentially extremely negative precedent set in this case that is not considered.

The BCO is run by a 16-member board elected annually. BCO's current membership is 180 people. BCO believes the hamlet is unanimous in its opposition to this intrusive environmental assault, or very nearly so.

Description of Study Area

Located in an area that the proponent and Province recognize is of "high ecological significance"¹, the study area includes Winston Churchill Boulevard, Olde Base Line Road, Bush Street, Mississauga Road/Old Main Street, in the vicinity of the village of Belfountain (the "Study Area") (see Attachment "A"). The Study Area extends beyond Belfountain and comprises land designated as follows:

- Niagara Escarpment Plan ("NEP") Escarpment Natural Area, Escarpment Protection Area, and Escarpment Rural Area²;
- Greenbelt Plan Natural Heritage System and Protected Countryside³;
- Peel Regional Official Plan Greenlands system Core Areas⁴;
- Three Provincially Significant Wetland ("PSW") complexes and several non-PSW complexes⁵;
- Two Life Science Areas of Natural and Scientific Interest ("ANSI")⁶;
- Two Environmentally Significant Areas ("ESA")⁷; and,
- Is located in the upper watershed with "many headwater systems"⁸.

The Study Area has a total of 31 built heritage resources and 17 cultural heritage landscapes, four of which are designated under the *Ontario Heritage Act*⁹, 11 of

¹ Appendix B, "Natural Heritage Assessment" p. 170.

² Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 12.

³ Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 10.

⁴ Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 39.

⁵ Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p.37.

⁶ Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 39.

⁷ Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 39.

⁸ Appendix B, "Natural Heritage Assessment" pp. 34-35.

⁹ R.S.O. 1990, c. O. 18.

which are listed with high significance on the Town of Caledon's municipal heritage inventory, 23 of which are listed on the Town of Caledon's municipal heritage inventory, and 10 of which are identified in the course of field review for the ESR.¹⁰

Belfountain is a unique historic settlement village in the Study Area. There are approximately 100 homes in the village, with a population estimated at 300.

The Village of Belfountain:

- Is a Minor Urban Centre in the NEP, located entirely within the NEP Area, including land designated Escarpment Natural, Protection, and Rural Areas (see Attachment "A");
- Contains 26 built heritage resources and three cultural heritage landscapes within the Study Area, including five residences and one cultural heritage landscape listed with high significance on the Town of Caledon's municipal heritage inventory, 19 properties and one cultural heritage property listed on the Town of Caledon's municipal heritage inventory, and one built heritage resource and one cultural heritage landscape that were unassessed as of the date of the study¹¹ (see Attachment "B" for the locations and photographs of Belfountain's cultural heritage resources);
- Is located in the upper watershed with "many headwater systems", including two tributaries to the west branch of the Credit River¹², one of which provides sensitive cold/cool water habitat for brook trout¹³;
- Comprises land in the Credit Forks ANSI, a complex of 46 individual wetlands that offers habitat for sizeable populations of amphibians, predominantly salamanders¹⁴;
- Is home to numerous Species at Risk, designated endangered or threatened per the ESA, including the chimney swift, little brown myotis (potential), Butternut tree, and Jefferson Salamander¹⁵;

¹⁰ Appendix C.2, "Built Heritage Resource and Cultural Heritage Landscape Assessment – Mississauga Road/Old Main Street and Bush Street", Dated October 2010, p. 32.

¹¹ Appendix C.2, "Built Heritage Resource and Cultural Heritage Landscape Assessment – Mississauga Road/Old Main Street and Bush Street", Dated October 2010, p. 34, 42-44.

¹² Appendix B, "Natural Heritage Assessment" pp. 34-35.

¹³ Appendix B, "Natural Heritage Assessment" p. 171.

¹⁴ Appendix B, "Natural Heritage Assessment" p. 37.

¹⁵ Appendix B, "Natural Heritage Assessment" pp. 128-131.

- Falls almost entirely within regulated habitat for Jefferson Salamander, including a confirmed pond, potential breeding pond, surrounding areas that support dispersal, one known crossing on Old Main Street and suspected crossing location within the village¹⁶ (see Attachment “A”); and,
- Is home for approximately 100 households and 300 residents highly motivated and engaged in protecting its unique character.

Belfountain has “highly spatially constrained ROWs [Right-of-Ways]”¹⁷, with no sidewalks or paved shoulders. BCO believes this streetscape gives Belfountain its rural, historic feel and special sense of community¹⁸. The 2010 Cultural Heritage Assessment Report produced in the Class EA process identified the Belfountain Historic Core along Main St. and Bush St. as “an evolved cultural heritage landscape” that was previously identified as a Candidate Cultural Heritage Landscape¹⁹. Please refer to Attachment “C” to review photographs taken by BCO of Belfountain that capture the rural character of the village.

BCO is shocked and dismayed that a consideration of the local planning context was not considered, including the location within the UNESCO Biosphere Reserve and Greenbelt. Residents are worried about climate change and carbon emissions, but the EA signs off on increasing the areas of impermeable surface with a view to increasing traffic movement with a more carbon-intensive preferred alternative. This omission runs contrary to this government’s stated intent to address climate change in discretionary decision-making. The ESR does not refer to climate change a single time, even though you, Minister, are justifiably proud of the fact you are the first government Minister to be car-free since 1912!

Details of the Class EA

Peel considered the following alternatives for road works in the Study Area:

- Option 1: Do Nothing;
- Option 2: 9.3 metre Platform Semi-rural Road with Sidewalk;
- Option 3: 9.3 metre Platform Semi-rural Road with Paved Shoulder;
- Option 4: 9.3 metre Platform Semi-rural Road with Paved Buffer;

¹⁶Appendix B, “Natural Heritage Assessment” p. 128, and Appendix I, Agency Meeting Minutes, Minutes of Belfountain Transportation EA Meeting Notes, July 9, 2013, p. 2.

¹⁷ Appendix B, “Natural Heritage Assessment” p. 117.

¹⁸ Appendix C.2, “Built Heritage Resource and Cultural Heritage Landscape Assessment – Mississauga Road/Old Main Street and Bush Street”, Dated October 2010, p. 12-31, specifically the description for Feature CHL 17, Belfountain Historic Core at p. 31.

¹⁹ Appendix C.2, “Built Heritage Resource and Cultural Heritage Landscape Assessment – Mississauga Road/Olde Main Street and Bush Street”, Dated October 2010, p. 31.

- Option 5: 10.6 metre Platform Semi-rural Road with Multi-Use Trial; and,
- Option 6: 11.7 metre Platform Semi-rural Road with Sidewalk and Parking.

Peel's preferred three of the above alternatives for the proposed road works in Belfountain, for different sections of the road²⁰:

- Bush Street, from Shaw's Creek to Old Main Street: 9.3 platform semi-rural road with sidewalk. The estimated cost is reported to be 3.5 million dollars, apparently without the inclusion of cost for sidewalks²¹;
- Old Main Street, between Bush Street and Belfountain Community Hall: 11.7 metre platform semi-rural road with sidewalk and parking; and,
- Old Main Street, between Belfountain Community Hall and 580 metres north of Caledon Mountain Drive: 9.3 platform semi-rural road with paved shoulder. The cost of the proposed undertakings on Old Main Street cannot be confirmed, as it is part of the total cost for proposed undertakings along Mississauga Street.

A reproduction of the preferred alternatives for Belfountain is found in Attachment "D".

Significantly for BCO, the preferred alternatives introduce sidewalks, paved shoulders, curbs, and parking into the rural village without justification or adequate consideration of the environment per the EAA, as outlined next in the reasons for the Part II Request. By comparing the preferred alternative schematics to the photographs of Belfountain in Attachment "C", one can clearly see how the preferred alternatives will urbanize this rural village.

Was a landscape designer engaged to consider how innovative plantings and signage could achieve the same benefit, without resorting to countless tax-dollars being spent, and a substantial portion of the Village being paved?

Why was the only "climate friendly" option considered the "do nothing" option? For this reason alone, this EA needs to be bumped-Up and brought into line with current climate change thinking.

²⁰ Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 308.

²¹ Appendix X, "Preliminary Cost Estimates", p. 9.

Reasons for Request per EAA Subsection 16(4)

1. **Lack of Response to Belfountain Residents' Concerns**

The BCO is concerned that Belfountain residents' voices have been pushed to the sidelines in this Class EA process. Residents and BCO members attended the Class EA Open House and both Public Information Centres ("PIC").

As the consultation record reveals²², Belfountain residents were unwavering in their resolve that the preferred alternatives for the proposed undertaking maintain the rural character and countryside scenic quality²³. Most comments received express the following concerns:

- No impacts to heritage fencing (stone or cedar);
- No vegetation removed;
- No street lamps;
- No sidewalks; and,
- No changes to the topography of the roads.

The Facilitator's PIC reports reveal the issue of sidewalks was controversial, with many residents of Belfountain expressing concern on the impact of sidewalks on the rural character of the village²⁴. Residents questioned how solutions would be implemented, asking for a "realistic focus on accommodation for pedestrians in the Village²⁵", and expressed concern about how solutions would be implemented so that the road profile that defines the village would be maintained.

Given this concern, BCO wrote Peel and requested a plebiscite on the preferred alternatives of the Class EA (see Attachment "E"). BCO is also circulating a petition to allow concerned residents and visitors to voice their disagreement with Peel's preferred alternatives for their village (see Attachment "F"). This petition has 338 signatures to date in opposition to the proposed road works, collected on the July 26, 2014 weekend. In gathering these signatures, visitors told BCO members that they love and appreciate Belfountain's rural and quaint character, and wish to see this character respected.

²² Appendix A, "Public and Stakeholder Consultation Material".

²³ Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 27.

²⁴ E.g. see Appendix A.1, *Public Information Centre #2 Feedback Report*, dated November 20, 2013, pp. 5-6; *Public Open House Feedback Report*, pp. 4, 11, 15-18.

²⁵ Appendix A.1, "Public Consultation" *Public Information Centre #1 Feedback Report*, dated May 9, 2013, pp. 5-7.

Participants in the Class EA Process expressed concern with how their comments were not being addressed by the project team, including with respect to need with the proposed road works²⁶. The Environmental Commissioner of Ontario noted in 2008 that “public unhappiness with weak consultation is often exacerbated by related failings, such as...blocked public input on front-questions of need...”²⁷ BCO reports this same problem with the Class EA process, and believes a Part II EA is required to address this failing.

2. Potential for Significant Adverse Environmental Effects: Social and Cultural Conditions Have Not Been Considered

Belfountain is a community rich in cultural heritage and community pride. The EAA defines “environment” broadly, as including “plant, and animal life, including human life”, and “the social, economic and cultural conditions that influence the life of humans or a community”²⁸. BCO believes the ESR does not adequately address potentially significant adverse environmental effects of the proposed road works on the social and cultural conditions that influence its members' lives as residents of Belfountain. This is tied directly to Reason #1 of this request, the lack of response to Belfountain's residents' concerns.

First, the ESR glosses over the 29 non-renewable cultural heritage resources in Belfountain and does not address specific direct or indirect impacts to these resources²⁹ (see Attachment “B”).

Second, the 2010 Cultural Heritage Assessment Report (“CHAR”) completed in the Class EA process made six recommendations³⁰:

- i. Road improvements should be planned to avoid identified cultural heritage resources. Construction activities should be planned to ensure associated vibration impacts do not adversely impact resources in close proximity to road right-of-ways.

²⁶ E.g. see Appendix A.1, *Public Information Centre #2 Feedback Report*, dated November 20, 2013, pp. 11-12.

²⁷ Environmental Commissioner of Ontario, *Getting to K(no)w: Annual Report, 2007-2008*, p. 46.

²⁸ *Environmental Assessment Act*, R.S.O. 1990, c. E.18, s. 1.

²⁹ Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 48.

³⁰ The six recommendations are paraphrased by Donnelly Law for brevity, and can be found in their entirety at Appendix C, “Cultural Heritage Assessment Report, Built Heritage Resources and Cultural Landscapes” –Executive Summary, dated October 2010.

- ii. Wherever possible, historic roadscapes and agricultural landscapes should be suitably planned so that identified cultural heritage landscapes are appropriately conserved.
- iii. When detailed road improvement plans are complete, a qualified heritage consultant should identify specific direct and indirect impacts of the road works on cultural heritage resources in close proximity and develop appropriate mitigation measures.
- iv. In cases where resources are subject to indirect impacts, appropriate mitigation may include landscaping to screen the disruptive aspects of proposed road improvements.
- v. In cases where resources are subject to indirect impacts, the completion of a Heritage Impact Assessment by a qualified heritage consultant will be required.
- vi. Further research regarding the age, construction, and historic significance of the stone wall should be undertaken.

Note the 2010 CHAR did not consider the preferred alternatives, as the CHAR predated the selection of possible alternatives for road works. Other expert reports e.g. Natural Heritage (Appendix B) explicitly address impacts of the preferred alternatives selected by Peel. The 2010 CHAR is the only expert report on heritage resources in Belfountain.

The ESR only lists the first two recommendations from the CHAR. The ESR then **only recommends contacting a heritage consultant in order to confirm impacts of the undertaking on potential cultural heritage resources if “future work require[s] an expansion of the current study corridor/or an additional study area”**.³¹

Section 9.3 of the ESR identifies further concerns and proposed mitigation measures as follows, in italics³²:

- i. *Further review of the extent of impact to culturally significant fencing i.e. cedar and stone fence lines by a cultural heritage consultant.*

³¹Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 49.

³² Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 322.

Where technically possible, make further adjustments to the profile, cross-section and grading limits of the proposed road improvements to avoid directly impacting the fencing and stone walls. Note this appears to have been included following comments from the Niagara Escarpment Commission (“NEC”) preferring a “greater commitment to maintaining and conserving the stone walls” on May 1, 2014³³; and,

- ii. Complete a cultural heritage landscape documentation report to document the roadscape in advance of the construction activities.

This last “mitigation measure” is not mitigation at all, but takes the impacts on the heritage roadscape as a ‘given’. This is not what BCO desires, and does not represent good planning or stewardship. The ESR recommendations do not include a reference to key recommendation #3 of the 2010 CHAR: that a qualified heritage consultant should review the detailed road improvement plans. Given the acknowledgement by Peel in the Class EA of the desire to maintain the rural character of Belfountain, preservation of Belfountain’s cultural heritage resources should inform the detailed design, and not be an afterthought.

Third, there is no record in the ESR of consultation on heritage resources with Caledon’s heritage resources officer and committee, or the Niagara Escarpment Commission. Municipal Class EA Appendix 3 “Screening Criteria” provides that where there are Historical or Archaeological Resources in a study area, the proponent should contact the local heritage or historical group, including a conservation advisory committee.

To the best of BCO’s knowledge, this Class EA procedure was not followed. There is no reference in the ESR to Heritage Caledon, a statutory committee established under the *Ontario Heritage Act*. Further, it is not apparent from the record that Caledon’s Planning Department reviewed it. The Project Team Technical Advisory Committee Members for Peel and Caledon include no staff from heritage or planning³⁴.

It is clear the social and cultural fabric of Belfountain is of great concern to its residents. On June 16, 2014, BCO passed a unanimous resolution to initiate an application to Caledon to designate Belfountain and environs as a Cultural Heritage District pursuant to Part V of the *Ontario Heritage Act* (see Attachment

³³ Appendix A.2 “Public and Stakeholder Consultation Material”, “Agency Consultation”, comment 3.5, p. 5.

³⁴ Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, pp. 5-6.

“G”). Heritage Caledon advised BCO its resolution may be on the September 8, 2014 agenda.

Surely this designation process should be folded into an individual EA, and would render any decision to proceed with urbanizing the streetscape premature.

The BCO plans on engaging the NEC in its work to designate Belfountain and its environs for Cultural Heritage Designation per the *Ontario Heritage Act*. The designation of Belfountain and its environs as a Cultural Heritage Landscape by Caledon was recommended by a heritage consultant retained by the Town of Caledon in 2009, Mr. André Scheinman (Heritage Preservation Consultant, Environs – the Hough Group) following completion of a Cultural Heritage Landscapes Inventory. This opinion is not referred to in the ESR.

Fourth, the ESR acknowledges all three preferred alternatives for Belfountain will impact the rural character and countryside scenic quality due to “some changes to [the] existing character within [the] Village of Belfountain with a more urbanized cross-section.”³⁵ The socio-economic environment impacts list two areas related to residents’ concerns, as follows:

- Residential properties: Potentially impact driveways and properties due to wider roadway platform³⁶;
- Built and cultural heritage resources: “Potential minor impacts at constrained locations within existing ROW due to modification of roadway platform; more so than other options, which may require additional assessment.”³⁷

To summarize, the Class EA process and ESR did not adequately address potential significant adverse effects to cultural and social conditions due to:

- Apparent lack of review of the road works cross-section options by a qualified heritage consultant;

³⁵ Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 298.

³⁶ Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 300.

³⁷ Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 301.

- Lack of direct consultation with residents who live in the community, who take great care to restore their historic homes and commercial operations to maintain the rural character of their community;
- Narrow and limited consideration of socio-economic impacts, without referring to residents' or local business owners' concerns;
- Lack of a complete social impact analysis that takes into account the heritage character of Belfountain;
- Introduction of a network of sidewalks, curbs, paved shoulder, and on-street paved parking when the historic settlement of Belfountain is characterized in part by its streetscape lacking curbs, sidewalks, with minimal shoulders. The proposed undertakings will no doubt impact the historic core streetscape and could impact on the rural character of the village; and,
- Refusing this request will deprive the community the opportunity to achieve its stated noble goal of placing a historic conservation designation over the Village.

3. Preferred Alternatives Are not the Option with the Least Impact on the Endangered Jefferson Salamander

The ESR identifies no significant impacts to natural heritage in Belfountain, provided the recommended mitigation measures as outlined in Table 47³⁸ are implemented.

However, the ESR also acknowledges that the “Do-Nothing” approach option is preferred in terms of the natural environment, due to a lack of impacts to the natural heritage system and features³⁹. Given this government's stated desire to protect the habitat of species at risk, BCO respectfully submits the “Do-Nothing” option should be re-characterized as the “Do-the-Least-Harm” option, and should be preferred.

Perversely, Peel's preferred alternative for one rural section of Belfountain, to introduce concrete sidewalks and parking, is identified as the **least preferred option for Species at Risk** and occurs within the endangered Jefferson Salamander regulated habitat.

³⁸Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 325

³⁹ Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, pp. 302-307.

The Ministry of Natural Resources (“MNR”) “expects that the Region of Peel will undertake a more detailed analysis of the area of impact within the regulated habitat for Jefferson Salamander at the detailed design stage.”⁴⁰

BCO, cognizant of the fact an authorization under the *Endangered Species Act, 2007, S.O. 2007 C. 6* (“ESA”) will be required, remains concerned that approving the proposed road undertakings prior to ESA authorization is premature. Furthermore, there are options for proposed road works that would have less of an impact on the endangered Jefferson Salamander. These options should have been included in the Class EA e.g. landscaping, signage, etc.

4. Uncertainty Regarding Potential to Impact Water Supply Wells in Close Proximity to the Study Area

Belfountain residences are serviced by private wells and septic systems. The Class EA proposes substantial new paving and vectors for contamination in a highly sensitive watershed, and source of drinking water. Residents are concerned of potential effects on water supply from the proposed undertaking as the location of wells will only be confirmed in the detailed design phase⁴¹.

The ESR states at page 322:

“Water supply wells within or in close proximity to the study area may be affected by road construction, either because of construction activities or, later, due to additional or more proximate road salt application. Prior to construction, it is recommended to confirm which wells are used domestically, to ensure that affected well owners will continue to have water supplies of appropriate quality and adequate quantities...”

In response to this threat, BCO retained Dr. Ken Howard, P. HG, P. Geo (Director of the Groundwater Research Group at the University of Toronto) for his opinion on the Class EA (see Attachment “H”). In correspondence to BCO, Dr. Howard states:

“Your [BCO's] concerns that street widening, tree cutting and changes to drainage may threaten the local hydrology and impact domestic water supplies are well founded.”

⁴⁰ Appendix A.2 “Public and Stakeholder Consultation Material”, “Agency Consultation”, comment 5.5, p. 9.

⁴¹ Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 51

It is possible these threats can be managed, yet it is also possible these threats can only be avoided by maintaining the “status quo”, under the “Do-Nothing” option.

After the tragedy at Walkerton and subsequent to the findings of the O'Connor Commission, every Minister of the Environment has confirmed Ontario's primary role as stewards of safe drinking water. In addition, Ontario committed itself to the precautionary principle of erring on the side of caution in the face of any credible threat to drinking water safety. Minister, until such time as there is a guarantee that BCO members' drinking water will not be compromised, we believe any decision to pave our natural water infiltration and treatment system is premature and just plain wrong.

Given the potential to impact private water supply, BCO requests more information be provided on the risks of this impact, and the location of wells be confirmed prior to approval of the Class EA.

5. No Consultation on the Introduction of Additional Impermeable Surfaces and Traffic to an Upper Watershed with Many Headwater Systems

The ESR does not refer to Belfountain's location in the upper watershed of the West Credit River, with headwater systems predominantly maintained by groundwater discharge⁴². The Greenbelt Plan, Policy 3.2.3, addresses the need for watershed planning using integrated watershed management, including a consideration of the relationship of headwaters to other water features in the system. The ESR does not appear to take this watershed approach, but considers only the impact of the proposed undertaking on particular tributaries.

Similarly, the Niagara Escarpment Plan and designation of the Escarpment as a UNESCO World Biosphere Reserve requires decision-makers to take extra care before developing sensitive watershed features.

6. Lack of Rationale for Road Works in Belfountain

The rationale for the proposed undertakings is unclear to the BCO as the benefits of the proposed road works do not seem to outweigh the impacts.

⁴²Appendix B, “Natural Heritage Assessment” p. 128, and Appendix I, Agency Meeting Minutes, Minutes of Belfountain Transportation EA Meeting Notes, July 9, 2013, p. 34.

The ESR identifies the problems addressed in the Class EA as follows:

- i. Deficient pavement conditions;
- ii. Deficient drainage;
- iii. Deficient sightlines; and
- iv. Safety for all road users.

Among other items, the Class EA identified the need to:

- v. Accommodate cyclists and pedestrians; and,
- vi. Address parking congestion⁴³.

As explained below, BCO is unclear how certain problems identified in the Study Area apply to Belfountain.

- i. Deficient pavement conditions: The ESR describes the pavement conditions in Belfountain as “good” with “moderate distress”.⁴⁴
- ii. Deficient Drainage: BCO does not understand Peel's position that there is “deficient drainage” in Belfountain. The PIC #2 comments in the ESR do not indicate any concerns with insufficient drainage⁴⁵. The ESR does not describe any drainage concerns for Bush Street, while it does for other parts of the Study Area e.g. Winston Churchill Blvd⁴⁶.
- iii. Safety for all road users: The Segment Collision Analysis for the roads in Belfountain reveals these roads rank below the top 300 locations in Peel in Potential for Safety Improvement (“PSI”) (see pp. 105-106). Higher PSI rankings indicate a higher potential for improvement of road safety.

Between 1996 and 2011, Belfountain experienced an overall decline in traffic⁴⁷. Most accidents in and around Belfountain are due to encounters with wildlife⁴⁸. It is not clear how the preferred alternatives will address this

⁴³Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. ii.

⁴⁴Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 135.

⁴⁵Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 31.

⁴⁶Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 135.

⁴⁷Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, pp. 76-77.

⁴⁸Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 113.

human versus wildlife cause of collisions on Belfountain's roads. In actual fact, by facilitating more traffic, it seems that the proposed alternatives only layer one road safety concern over another.

Further, during the Class EA consultation process, residents relayed to Peel how road improvements in nearby areas led to higher speeds by road users. For example, on nearby Forks of the Credit road, residents report an increase in speeding and street racing, which have yet to be curtailed by law enforcement⁴⁹. BCO is therefore concerned road works would cause the same fate of increased speed and traffic volume for their Village.

- iv. Accommodate cyclists and pedestrians: There have been no accidents involving pedestrians in Belfountain in the last five years⁵⁰, despite a lack of sidewalks. Regarding pedestrians and sidewalks, there is no assessment in the ESR on "pedestrian needs" of villagers or visitors. The ESR implies the sidewalk network would connect the Village and elementary school. However, the proposed sidewalks do not extend to the school, and stop abruptly at the Belfountain Community Centre. It is not clear to the residents who will use these sidewalks, or why sidewalks are required along Bush Street and part of Old Main Street.
- v. Address parking congestion: Other options for addressing parking (if there is an identified, studied need) were not considered e.g. creation of lot, use of nearby Conservation Area parking lot, etc. Peel should first define the magnitude of parking congestion to evaluate how this preferred alternative will address it.

To summarize, the problems identified on Study Area roads do not necessarily apply to Belfountain. Certain needs to be addressed i.e. accommodating cyclists, pedestrians, and parking congestion, have not been particularly identified for Belfountain. Implementing the proposed alternatives for Belfountain is premature without a better description of the nature of the problem in the community.

⁴⁹ Appendix A.1, "Public Consultation" *Public Information Centre #1 Feedback Report*, dated May 9, 2013, pp. 10-11.

⁵⁰ Mississauga Rd./Old Mail St., Bush St., Olde Base Line Rd. and Winston Churchill Blvd. Class EA: Environmental Study Report, dated June 2014, p. 113.

7. Implications for Matters of Significant Provincial Interest: Cultural Heritage, UNESCO Biosphere Reserve, and Niagara Escarpment and Greenbelt Plans

The proposed undertakings will impact on matters of significant provincial interest, as identified in section 2 of the *Planning Act*⁵¹: the conservation of features of cultural or historical interest. Indeed, Policy 1.7.1 (d) of the 2014 Provincial Policy Statement recognizes economic prosperity should be supported by:

“Encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*.”

Given that the Province has recognized the importance of non-renewable cultural heritage resources, the Class EA should not be approved without a robust assessment of impacts to Belfountain’s heritage character. To reiterate, the present course will undermine Belfountain residents’ stated desire to be designated a heritage conservation district.

Belfountain is located in the NEP Area. The Niagara Escarpment is recognized as a United Nations Educational, Scientific and Cultural Organization (“UNESCO”) Biosphere Reserve. The Niagara Escarpment is one of only 16 biosphere reserves in Canada.

“A biosphere reserve is an international designation of recognition from UNESCO...for an area in the world which is deemed to demonstrate a ‘balanced relationship between humans and the biosphere.

[...]

The UNESCO designation recognizes the Niagara Escarpment as an internationally significant ecosystem for its special environment and unique environmental plan.”⁵²

The ESR refers once to the fact the Niagara Escarpment is a “Biosphere Reserve” (page 12). This internationally-recognized landscape should have been at the forefront of the Class EA process, with heavy influence on the definition of the problems and needs to be addressed in the Class EA.

⁵¹ R.S.O. 1990, c. P. 13.

⁵² Niagara Escarpment Commission, *UNESCO Biosphere Reserve Designation* accessed online at <http://www.escarpment.org/biosphere/designation/index.php>.

The Class EA and ESR do not recognize the need to preserve the uniqueness and internationally-recognized value of one of Canada's UNESCO Biosphere Reserves.

The NEP recognizes road improvements may be necessary for maintenance and safety. The first object of the NEP is "to protect unique ecologic and historic areas"⁵³. Part 1.6 of the NEP strongly encourages the designation of Minor Urban Centres, such as Belfountain, with the *Ontario Heritage Act* and there are heritage policies with the objective of conserving and maintaining cultural heritage in the Niagara Escarpment. Roads in the NEP Area "should be in harmony with the Escarpment landscape" and designed to preserve the natural, visual and cultural characteristics of the area⁵⁴.

The Greenbelt Plan ("GBP") builds upon the ecological and cultural heritage protections in the NEP, and includes the goal of "support for the conservation and promotion of cultural heritage resources."⁵⁵

The ESR briefly considers impacts to the Niagara Escarpment for each proposed cross-section in a single line at page 307. The comments focus only on the potential for encroachment into the Escarpment Natural Area, and state the need for a plan amendment for road works within wetland areas or regulated habitat. The ESR does not consider other policies or objectives of the NEP, as listed above.

The Class EA should consider the larger policy framework, and test the cross-section alternatives against those policies.

The NEP and GBP seek to preserve the natural and cultural heritage of the Plan areas. Of the road cross-section options considered, the status quo, the option that involves the least paving and addition of impermeable surfaces, should be given more weight.

BCO is concerned the eve of the plan reviews of the Niagara Escarpment Plan and Greenbelt Plan, Peel Region is proposing a pavement solution to a non-problem that will set an unfortunate precedent for countless town, hamlets, and villages on the Escarpment, Oak Ridges Moraine and in the Greenbelt.

⁵³ Niagara Escarpment Plan, Objective 1.

⁵⁴ Niagara Escarpment Plan, Policy 2.2 paragraph 5.

⁵⁵ Greenbelt Plan, Policy 1.2.2 paragraph 3a.

8. Lack of Consideration of Air Quality and Impacts to Human Health

The ESR does not address the potential of the preferred road works to increase traffic through Belfountain, increasing emissions from cars, trucks and motorcycles.

9. First Nations Interests and Consultation Not Adequately Addressed

Appendix A.3, "First Nations Consultation", lists the First Nations and Aboriginal peoples contacted during the Class EA. The Study Area falls within the Huron-Wendat Nation's area of interest, but the Huron-Wendat Nation is not listed in the First Nations Consultation Record.

1. Was the Huron-Wendat Nation consulted in the Class EA process?
2. Has or will the Class EA process and ESR be reviewed in light of the recent Supreme Court of Canada decision, *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44?

10. No Reference to Climate Change in the ESR

The ESR does not refer to climate change or greenhouse gas emissions once. In renaming the Ministry of the Environment to the Ministry of the Environment and Climate Change, the Government of Ontario has demonstrated its commitment to addressing climate change in all its decisions concerning our environment.

Two statements leap out from the Speech from the Throne, delivered by Premier Wynne on July 3, 2014:

1. Ontarians are proud to be leaders in the global fight against climate change.
2. Climate change is an overarching concern for this province, as it is for this country and the world.

In terms of climate change, why was the least preferable alternative selected, without explanation?

BCO does not submit the paving of Belfountain will dramatically increase the volume of harmful CO₂ in the atmosphere: very few projects are so large. Cumulatively, the risk of accelerating climate change is certain, if we continue to assess projects in a piece-meal fashion, without regard to alternative, or more preferred, means of reducing our carbon footprint. This simple calculation would change EA for the better in Ontario, and make us a world leader.

11. Potential for Negative Precedent to Pave Large Sections of Hamlets, Towns and Villages Across Ontario

For all of the reasons cited above, the Class EA is deficient as it does not address the most critical impact of all: favouring the car over the natural environment.

The preferred alternative for Belfountain will see a 12% increase in paved area, while the total increase in pavement area for the Study Area proposed improvements will result in a 33% increase in impervious area over existing conditions⁵⁶. Surely a more natural, less invasive solution is available?

While on a province-wide project-by-project basis, this appears to be a small increase in paved surface area, in the Village of Belfountain, this is a radical and irreversible conversion. On a wider scale, there is no consideration for the cumulative impacts of piece-meal decisions on road works on natural heritage systems across the Niagara Escarpment and Greenbelt.

Further, the estimated total cost of over three million dollars for road works, where it is unclear whether the benefits outweigh the negative impacts of the project, could set an extremely negative precedent that similar road works are required in hamlets, towns, and villages across Ontario. This would no doubt lead to large financial cost for Ontarians. BCO knows that a more natural, less invasive solution would cost substantially less. This consideration also needs to be considered in this EA, and future EAs i.e. is a natural solution also a more cost-effective solution?

Why a Higher-level Assessment Would Address BCO's Concerns

A higher-level assessment would address BCO's concerns with the Municipal Class EA. Specific terms of reference would direct the EA to appropriately consider cultural heritage resources, and social and cultural conditions.

Road works in a rural setting with significant heritage resources require different considerations than similar road works in suburban or urban sites. The roadscape of Belfountain forms part of its heritage character, and must be front and centre of a proposed assessment of road works. At the very least, the proposed alternatives should be evaluated by heritage, hydrogeology, and landscape architect experts (at a minimum) prior to a decision by the proponent on the preferred alternatives, and not just by transportation engineers.

⁵⁶ Appendix R, HDR Corporation, Stormwater Management Report, May 2014 at p. 18.

Finally, an individual EA under a Part II Order would allow the directly affected community to implement its conservation heritage designation, and develop alternative solutions (where required, if at all) that fit local needs and concerns.

Efforts to Date to Discuss and Resolve Concerns with the Proponent

In addition to attending the Public Open House and two Public Information Centres for the Class EA, the BCO has met with Peel to discuss its concern as follows:

- December 2013: BCO meeting with Regional Councillor Richard Paterak. BCO was advised the public process for the Class EA was closed.
- June 4, 2014: BCO meeting with Regional Councillor Richard Paterak. BCO stated it does not want sidewalks in the community.
- July 2, 2014: BCO meeting with Region of Peel representatives, Mr. Steve Ganesh (Manager, Infrastructure Programming & Studies) and Mr. Gino Dela Cruz (Project Manager, Class EA). At this meeting, BCO advised Belfountain does not want parking, sidewalks, and street lights, and is concerned that re-grading the roads will encourage speeding in the Study Area. The Region advised BCO to prepare a Part II request letter, as the Region was not advised of these concerns in the Class EA process. BCO believes the public consultation record does reveal these concerns were made known to Peel throughout the Class EA process.

The BCO also initiated and attended meetings with representatives of the Credit Valley Conservation Authority and NEC.

BCO also wishes to state for the record that it took several days to receive a copy of the ESR, which was ultimately received from the NEC on July 8, with the Region providing electronic copies on July 10, 2014. BCO urges the Minister to encourage all proponents to post the draft and final ESRs, complete with appendices, to a website. This would facilitate public access and participation in the Class EA process.

Purpose of the EAA

It is the BCO's position that the preferred alternatives for Belfountain will not lead to a "betterment" of their environment, a historic village in an area of high ecological significance in a UNESCO World Biosphere Reserve. The preferred alternative will significantly impact on residents' lives in this heritage hamlet nestled in Ontario's Niagara Escarpment.

Minister, fundamental flaws with EA in Ontario identified by the Environmental Commission of Ontario ("ECO") were exposed through this Class EA Process, e.g. a discredited consultation processes, the necessity of scrutinizing the need for projects and undertakings, and the neglect of the statutory principle of "betterment"⁵⁷. As the ECO noted in his 2007-2008 Annual Report:

"The problem is that the MOE has been very hesitant to support EA approval conditions that venture beyond the minimum *status quo* standards set out in other environmental legislation."⁵⁸

The Class EA should not emphasize mitigation, but make a positive contribution to "better" the environment of Belfountain. BCO's Part II request is your opportunity to address these flaws in the EA process, while protecting and conserving a piece of Ontario, its cultural and natural heritage enjoyed by residents and visitors alike for over a century.

Finally, this request represents the first and best opportunity for the new government to implement its promise to make Ontario a world leader on climate change.

Please feel free to contact me at 416-572-0464 or david@donnellylaw.ca, copying my Associate, Ms. Anne Sabourin MES JD at anne@donnellylaw.ca regarding this Part II request.

Yours truly,



David R. Donnelly

cc. Director, Environmental Approvals Branch
G. Dela Cruz, Region of Peel
T. Gan, HDR

⁵⁷ Environmental Commissioner of Ontario, *Getting to K(no)w: Annual Report, 2007-2008*, p. 38.

⁵⁸ Environmental Commissioner of Ontario, *Getting to K(no)w: Annual Report, 2007-2008*, p. 45.



November 7, 2014

Via e-mail to Dorothy.Moszynski@ontario.ca

Dorothy Moszynski
Project Evaluator, Project Review
Ministry of the Environment and Climate Change
12A-2 St. Clair Avenue West
Toronto, ON M4V 1L5

Dear Ms Moszynski,

**Re: Belfountain Community Organization, Part II Order Request – Class EA
Mississauga Road, Old Main Street, Bush Street, Olde Base Line Road and
Winston Churchill Boulevard (Peel Region)
Withdrawal of Part II Order Request**

We write on behalf of our client, the Belfountain Community Organization (“BCO”). As the Ministry is aware, BCO and the Region of the Peel (“Peel”) have been in discussion to address BCO’s concerns with certain proposed road works in the Class EA, described in the Part II Request filed on July 29, 2014.

Peel has agreed to file an Addendum to the Class EA currently before the Minister, removing the Village of Belfountain from the Study Area, and to conduct further study of potential road works in Belfountain through a future class environmental assessment process.

As a result, BCO withdraws its Part II Order Request.

BCO would appreciate the opportunity to work with Peel and the Ministry in finalizing the Addendum document.

The substance of BCO’s bump-up request was to ensure that future decision-making be consistent with Regional and provincial policy regarding the preservation of natural heritage, greenspace, and cultural heritage with the least impact to our rapidly changing climate. The Village of Belfountain is a unique place in the province. BCO believes proposed changes to Belfountain’s

environment e.g. paving or engineering that may accommodate increased, faster traffic, should be carefully considered in consultation with Village residents. Following the filing of the Addendum, BCO will continue to work in good faith with Peel on transportation issues in the Village of Belfountain.

Please do not hesitate to contact me at 416-572-0464 or by email to david@donnellylaw.ca, cc'ing anne@donnellylaw.ca.

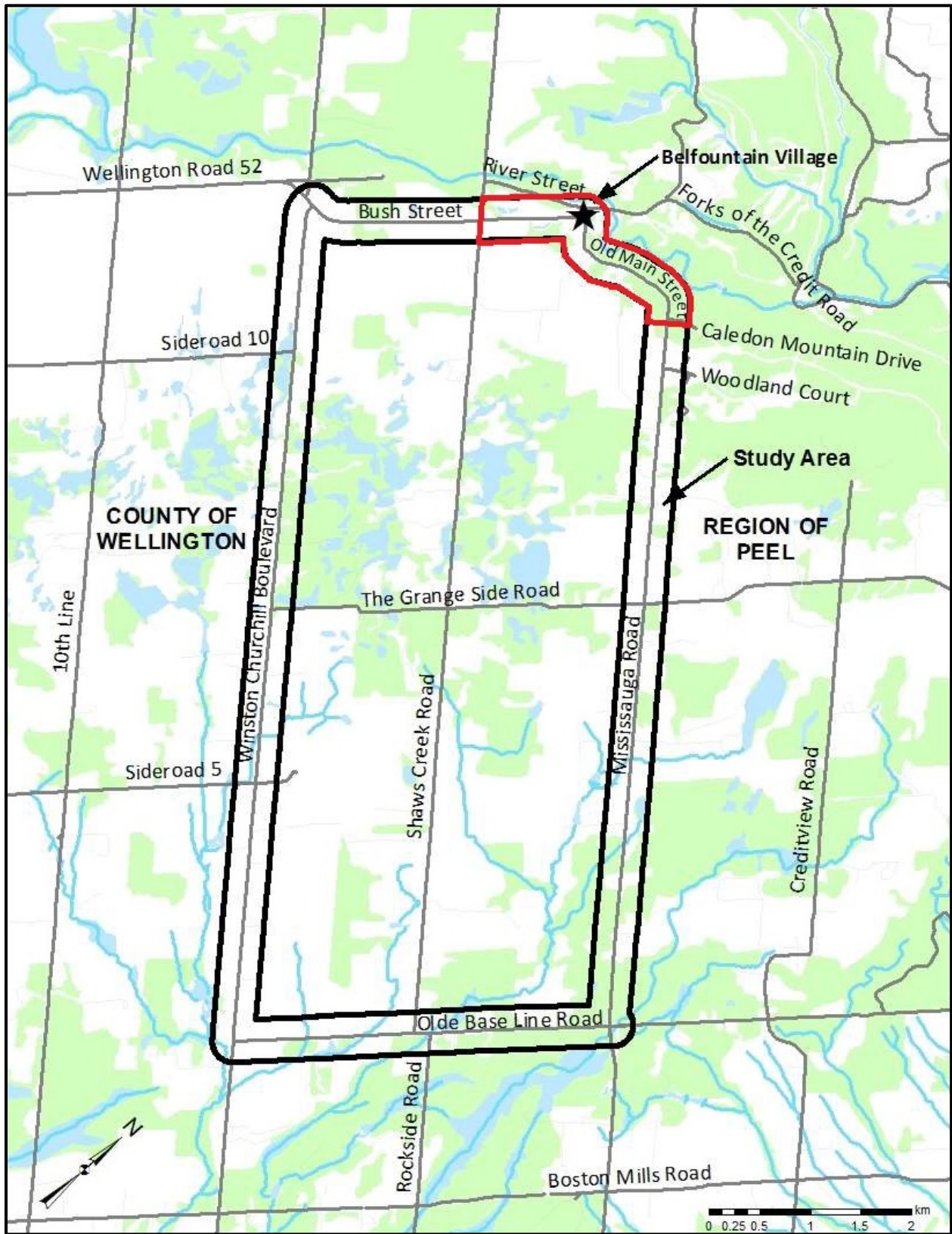
Yours truly,

A handwritten signature in blue ink, appearing to read "D. Donnelly", with a long horizontal flourish underneath.

David R. Donnelly

cc. E. Kolb
P. O'Connor
D. Labrecque
S. Ganesh
G. Dela Cruz

**Appendix B – Study Area with Belfountain Village to be removed per this Addendum
(highlighted in red)**



Appendix C – Notice of Filing of Addendum



NOTICE OF FILING OF ADDENDUM MISSISSAUGA ROAD / OLD MAIN STREET, BUSH STREET, OLDE BASE LINE ROAD AND WINSTON CHURCHILL BOULEVARD

The Region of Peel completed a Schedule 'C' Class Environmental Assessment (EA) Study for proposed improvements to Winston Churchill Blvd. from Olde Base Line Rd. to Bush St.; Olde Base Line Rd. from Winston Churchill Blvd. to Mississauga Rd.; Mississauga Rd./Old Main St. from Olde Base Line Rd. to Bush St.; and Bush St. from Mississauga Rd./Old Main St. to Winston Churchill Blvd. – (MOBOW EA). The study was completed in accordance with the Municipal Engineers Association (MEA) Municipal Class EA (October 200, as amended in 2007 and 2011), as approved under the Ontario Environmental Assessment Act. The purpose of the study was to develop a road design that addresses safety, drainage, and pavement deficiencies in the study area.

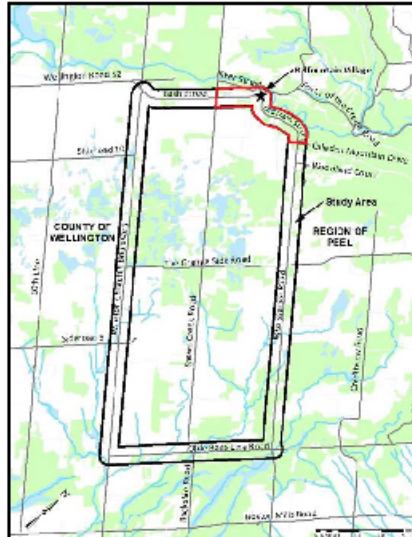
The Region filed the ESR for the Mississauga Road / Old Main Street, Bush Street, Olde Base Line Road, and Winston Churchill Boulevard Class EA Study on June 23, 2014. During the 30-day review period, the Belfountain Community Organization (BCO) filed a Part II Order Request with the Ministry of Environment and Climate Change (MOECC). After reviewing this Part II Order Request and conducting further discussions with the MOECC and the BCO, the Region and the BCO agreed to remove Belfountain Village from the EA study area through an Addendum Report, and the BCO would withdraw the Part II Order Request. The study area removed is shown in the map, highlighted – from Old Main St. / Mississauga Rd. from Caledon Mountain Dr. to Bush St. and Bush St. from Old Main St. to Shaw's Creek Rd. The BCO withdrew their Part II Order Request on November 7, 2014. The area removed from the EA will be subject to a future study examining pedestrian and active transportation opportunities in Belfountain Village. Please note that only the changes proposed in the Addendum are open for review, and the MOECC has approved the EA for the sections outside of the Belfountain Village including Winston Churchill Blvd., Olde Base Line Rd., and parts of Mississauga Rd. and Bush St.

By this Notice, the Addendum is being placed on the public record for review in accordance with the requirements of the Municipal Class Environmental Assessment. The Addendum is available for review at the following location:

Region of Peel
Clerk's Department
10 Peel Centre Drive
5th Floor, Suite A
Brampton, ON L6T 4B9
Monday to Friday: 8:30 a.m. to 4:30 p.m.

Further information may be obtained from:

Mr. Gino Dela Cruz, P. Eng.
Project Manager, Infrastructure Programming & Studies
Transportation Division, Public Works, Region of Peel
10 Peel Centre Dr., Suite B 4th Floor, Brampton, ON L6T 4B9
Phone: 905-791-7800 x7805
Email: gino.delacruz@peelregion.ca



Please provide written comments to the Regional Clerk within 30 calendar days from the date of this Notice. If concerns regarding the revisions to the MOBOW EA cannot be resolved through discussion with Peel, a person may request that the Minister of the Environment and Climate Change make an order for the project to comply with Part II of the Environmental Assessment Act (referred to as a Part II Order), which addresses an individual environmental assessment. Requests must be received by the Minister at the address below by April 30, 2015. A copy of the request must also be sent to the Regional Clerk. If no request is received by April 30, 2015, the Region intends to proceed with construction as outlined in the Addendum.

The Ministry/Minister of the Environment and Climate Change
77 Wellesley Street West, 11th Floor
Toronto, ON M7A 2T5
Fax 416 314 8452

The Region of Peel is committed to ensure that all Regional services, programs and facilities are inclusive and accessible for persons with disabilities. Please contact the Project Manager if you need any disability accommodations to review the ESR.

Date posted: March 30, 2015

With the exception of personal information, all comments will become part of the public record of the study. The study is being conducted according to the requirements of the Municipal Class Environmental Assessment, which is a planning process approved under Ontario's Environmental Assessment Act.

