

December 31, 2018

Note (2019): The Township's consultant, Ainley and Associates, submitted on MRA's Part II Order. MRA responded as documented below. We also submitted supplementary information regarding Agriculture (Sections 9) and a chronology of events (Section 10).

MRA Response to Proponent's comments re Part II Order request

We have now had time to reviewed Ainley's comments on behalf of the Proponent and have found an all too familiar pattern: criticisms and concerns made by affected residents have yet again either been disregarded or discredited. Ainley mainly lifts excerpts from their draft ESR rather than adding new material. Details are provided herein.

In our opinion, the Proponent still fails to address resident's issues.

It is important to note that, whenever given the opportunity, Springwater residents have voted for a largely anti-MSP (Midhurst Secondary Plan) Council every time since 2008, when the MSP was adopted without meaningful public input. In 2014, that included the Mayor and the Deputy Mayor and several Councillors. In 2018, the new Mayor is the former Deputy Mayor (same views) and several new Councillors clearly in favour of agricultural and environmental protection.

Moreover, the MRA enjoys undiminished support locally and farther afield. We now have 48,000+ supporters.

It's clear the MSP is not wanted, except by the developers who stand to earn \$4 BILLION + dollars from it.

Below, we've summarised our main issues with the MSP in the form of essential but unanswered questions, followed by our response to Ainley's comments.

Two (2) additional sections have been added to provide supplementary facts concerning the irregular MSP.

Key UNANSWERED questions regarding the Midhurst Secondary Plan

ONLY a Council unprepared to answer the following basic questions could reasonably entertain, in all good conscience, a housing development the size of the MSP for a small, rural unserved village :

1. Why do we need an additional 30,000 people in a rural Township of only 19,000?
2. Where will these people work?
3. Do existing Springwater residents want this scheme? If so, what are the net benefits?
4. This development will put several local farms out of business and permanently destroy 1,800 acres of class 1 and 2 agricultural land. How will this affect the remaining farms?
5. What will be the effect of 5,000 additional vehicles on the existing local road system and the provincial highways?
6. What will it cost to provide - AND maintain thereafter - drinking water, wastewater, police, fire, transportation, library, schools, and medical, recreational, garbage and snow removal services for the new City of Midhurst? Will additional development charges cover these costs? How much will property taxes have to rise over how long a period? What will be the new level of Springwater debt?

Review of Proponent's Response and Summary of Unresolved Concerns

The section numbers below are taken directly from the MRA's Part II Order request. The Proponent, however, chose to use an alternate numbering system. We have tried to provide Ainley's relevant numbers in brackets.

1. INTRODUCTION (Proponent Nos. 1 - 4)

Our concern regarding the **need** for such a mega-development was acknowledged, but disregarded as "*being beyond the scope of the EA.*"

Ainley (representing the Proponent) maintains it was "*our assessment that both the Class EA and the adopted Secondary plan conform with Provincial Law and Policies*".

This statement runs counter to the following facts:

- Paragraph 2.3 of the 2005 *Provincial Policy Statement (PPS)*, in effect when the MSP was adopted, makes it clear that:
"Prime agricultural areas shall be protected for long-term use for agriculture".
- In 2008, Simcoe County wrote three (3) letters to Springwater Township confirming non-compliance of the MSP with the Provincial policies.
- In October 2011, the Province wrote a similar letter to the County, confirming MSP is non-compliant.

(See **Appendix 3.4** of the MRA Part II Order request for more examples of irregularities. Confirmation of the facts can be found in the original 2005 and 2006 government documents).

Ainley's response refers back to the 2016 Golder report and other studies contained in the DRAFT ESR (dESR). There is nothing new in their comments. They reiterate that further studies will be conducted at the Permit to Take Water (PTTW) stage, which will be too late - as we have documented in our Request.

2. NON-COMPLIANCE WITH PROVINCIAL LAWS AND POLICIES *(Proponent's No. 5)*

Ainley confuses the 2005 PPS with the 2014 PPS. Section 4.2 of the 2014 PPS states the following:

*"4.2 In accordance with section 3 of the Planning Act, a decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter, "shall be consistent with" **this** Provincial Policy Statement.*

*Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government "shall be consistent with" **this** Provincial Policy Statement".*

[Bold added by MRA]

The quotations cited in Section 2 of MRA's Part II Order request, were made by Rodney Northey, certified specialist in Environmental Law at Gowling WLG. As an internationally renowned expert in his field, his legal opinions relating to the DRAFT ESR do not warrant dismissal.

3. SOURCE WATER *(Proponent Nos. 6 - 24)*

Ainley offers very few *new* arguments in its response to this section. Instead, the focus is on excerpts from the DRAFT ESR and blanket reassurances that any outstanding concerns will be dealt with *LATER* at the PTTW stage or, *EVEN LATER*, through regular monitoring once the development is completed.

4. WATER VOLUME IN WILLOW CREEK AND THE MINESING WETLANDS

(Proponent Nos. 25 - 27)

4.2 WILLOW CREEK WATER FLOW - conflicting reports and threats to wildlife

(Proponent's No. 25)

- Golder claims that aquifers A1 & A2 are "**hydraulically separated**" from aquifers A3 & A4. *The import of this assertion is that water drawn from A3/A4 would not affect the amount of water in A1/A2. As such, water-taking from A3/A4 **would not reduce** the level of water in Willow Creek which is fed from A1/A2.*
- Golder also states the flow of water in Willow Creek **will be reduced** due to water pumping from aquifers A3/A4.

These two statements contradict each other - either A1/A2 are hydraulically separated from A3/A4 OR they are not. This contradiction cannot stand.

It is important to keep in mind that our Part II Order request demonstrates that there will be threats to the environment in either case:

In the first scenario, the majority of threats will be to the Minesing Wetlands chiefly due to increased water volume i.e. if there is no reduction in water level in Willow Creek, the full output of the WWTP will be a net gain to the Wetlands of 12 million litres of water per day, every day of the year. **See also Sections 4.3, 4.4 and 6.**

In the second scenario, threats will be mainly to local wells and the wildlife in Willow Creek because of the reduced water volume in Willow Creek and resulting temperature increase.

Golder's alternative fact (**second bullet**) states that the reduction in water volume in Willow Creek will be less than 10% and that this will be insignificant. The Ministry, however, has stated it does not agree with the Proponent "*that a 10% loss in baseflow would be insignificant*". This presumably means there would be some jeopardy to wildlife.

If A1/A2 and A3/A4 are only partially hydraulically separated, the threats will be spread among the Wetlands, the Creek and the wells.

4.3 Aquifers A3 and A4 and their potential to increase flooding

(Proponent No. 26)

Ainley seems to have missed the main concern expressed in Section 4.3, namely that the addition of water pumped from A3/A4 into Willow Creek in the form of treated sewage effluent, will result in increased flooding.

Ainley acknowledges that "*upward gradients likely underneath Minesing Wetlands and some portion of water originating in A3/A4 eventually becomes surface discharge via a shallower unit directly connected to Willow Creek or Minesing Wetland*". They go on to say that "*There is some (limited) connection between pumping in Aquifer A3/A4 and the Willow Creek sub-*

watershed as evidenced by the simulated base flow loss occurring at this receptor." (DRAFT ESR reference given).

The above is a contradiction to the Golder claim that *"The target regional aquifers are believed to discharge directly into the Nottawasaga Bay."*

Regardless of the ultimate discharge point, groundwater pumped from A3/A4 and discharged into Willow Creek **upstream** of the Wetlands, would constitute a net gain in water to the wetland system. This greater volume of water, compounded by the increase in water run-off and siltation from such a large housing development and its many new roads, would obviously exacerbate the already extensive springtime flooding in the George Johnson Road area and in the Minesing Wetlands.

4.4 Minesing Wetlands *(Proponent No. 27)*

Ainley reiterates its goal of a zero net increase in phosphorus and describes the use of LID techniques to mitigate the harmful effects of water run-off from the development. However, these comments do not address the main issues exposed in MRA's Section 4.4.

Section 4.4 is concerned with protecting deciduous trees in the Minesing Wetlands from drowning. Ainley's claim that the target aquifers A3 and A4 "flow under the Minesing Wetland with ultimate discharge to Georgian Bay" exacerbates this problem. As already mentioned, MRA's hydrogeologist disputes this statement. That said, intercepting this groundwater to provide potable water for the development and then discharging it as treated effluent into Willow Creek upstream of the Wetlands will add to the surface water entering the Wetlands by up to 12 million L/day. This is not an insignificant quantity.

- It is the **cumulative effect** of adding 12 million litres of water per day **every day of the year** (4.3 billion litres) which is the issue. The deadly combination of extra siltation, extra water and a shallow gradient throughout the Minesing Wetlands will further impede drainage from the wetlands, thereby further upsetting an already fragile ecological balance.
- Even today, the Minesing Wetlands cannot absorb the annual spring run-off, thereby causing flooding and dying trees.
- LID or no LID, increased run-off from the mega-development will add even more water to the Creek and, therefore, to the Wetlands.
- When winter inevitably brings ice jams and log jams, how will the already saturated Wetlands handle the 24,000 L/s peak flow (per Golder) from Willow Creek, plus the extra water and siltation?

The proposal to discharge effluent from a WWTP servicing 10,000 homes directly into Willow Creek flies in the face of previous scientific reports, which have confirmed that 60 years of this

type of practice has been responsible for the significant decline in forest cover in the Wetlands*.

** See "60 years of forest change in the Minesing Wetlands". We urge the Ministry to consult this important work and its many references.*

https://minesingwetlandsfriends.files.wordpress.com/2013/12/minesing_forestloss_may8_14_final.pdf

5. HINE'S EMERALD DRAGONFLY - One Endangered Species *(Proponent No.28)*

Water volume and quality remain serious concerns for the future of this endangered creature, found ONLY in the Minesing Wetlands.

6. FLOODING AND DRAINAGE *(Proponent No. 29)*

Ainley's response to Section 6, gives us pause because it does not jibe with the governance philosophy of Springwater Township.

Can the legal Proponent (Township of Springwater) seriously consider flooding issues in and around the Minesing Wetlands - which will only be exacerbated by the MSP - *"beyond the scope of this Class Environmental Assessment process?"*

Does the Township bear no responsibility for protecting the Minesing Wetlands, which is one of its major tourist attractions e.g. Canoe trips, wildlife sanctuary, Fort Willow, Nine Mile Portage, etc.? Please refer to these links for more information:

<https://minesingwetlands.ca>

<https://www.nvca.on.ca/recreation/ConservationAreas/MinesingWetlands>

7. WASTEWATER QUALITY - TOTAL PHOSPHORUS *(Proponent Nos. 30 - 36).*

a) Ainley's claim that new phosphorus amounts due to transportation improvements outside the development area need not be counted towards NVCA's Condition of Approval of zero net increase in phosphorus is problematic. These enhancements are needed **solely because of** the proposed mega-development. It stands to reason, therefore, that the ensuing phosphorus **MUST** be included in the calculations used to satisfy NVCA's demand.

b) Ainley's comment that 134 Kg of phosphorus is "*a very small fraction of the total load that is annually released into the downstream system and unlikely to be of any concern*" misses the point.

There are **many** other sources contributing "small fractions" of phosphorus into the system. All development contributes to the chronic degradation of the Minesing Wetlands. Hence, NVCA's requirement for **NO** net increase in phosphorus.

c) Ainley's phrase that "*only through completing the Class EA process are we able to accurately quantify the change in pre to post development phosphorous*", discredits the earlier claim that the project will create 134 Kg of phosphorus per year. 134 Kg is a precise figure to use.

d) As for eliminating septic systems in Midhurst, this solution - already vetoed by Council - would only marginally alleviate the phosphorus problem. The attached graph shows that septic systems are responsible for only a very small fraction of the total *phosphorus in the system*.

NOTE: *this graph was part of the 2006 Assimilative Capacity Studies conducted by the Intergovernmental Action Plan for the NVCA. Willow Creek was one of twelve rivers/creeks studied.*

8. CONCLUSIONS for Sections 1 - 7. *(Proponent Nos. 37 - 44).*

Most of Ainley's comments with respect to MRA's conclusions have already been addressed. However Proponent's comment No. 44 is new and deserves a response.

Ainley refers to a meeting held on March 6, 2017 between NVCA and the Township, during which it was stated that homes within 300m of Willow Creek discharge approximately 2Kg of phosphorus per year into the creek. Using this number Ainley deduces that only about 70 homes would need to be connected to the Midhurst WWTP and "not over 1,000 as noted." However Ainley does not explain how it would be practical to connect just the homes along the length of the creek and not the others.

In any case the above is moot because, as noted in 7 d) and in the accompanying IGAP graph, septic systems contribute only a small amount of phosphorus to Willow Creek.

9. AGRICULTURAL CONCERNS - SUPPLEMENTARY ISSUE

Agricultural concerns were not highlighted in MRA's Part II Order request largely because of Ainley's March 3, 2013 answer to a question posed by a Springwater resident at the October 2012 PIC:

Question: *"Are these Springwater farmlands truly "a reasonable choice for the location of urban development?"*

Ainley: *"This Class EA is solely related to identifying the Water, Wastewater & Transportation Infrastructure necessary to support the development of the Midhurst Secondary Plan. The referenced May, 2008 Agricultural Assessment Report (prepared by AgPlan Limited) was prepared in support of the Development Applications that were going through the Secondary Plan process at the time".*

AgPlan's report concluded that, *"Springwater Township has better agricultural lands than those found in the Midhurst Secondary Plan area. Poorer agricultural lands such as the Midhurst Secondary Plan area provide a reasonable choice for the location of urban development".*

However, MSP lands have been classified by the Canada Land Inventory as mostly Class 1 with the remainder chiefly Class 2. Soil in the Doran Road area (MSP Neighbourhood 2), for example, is vasey sandy loam, which has excellent properties for both water retention and drainage.

The AgPlan report was never peer-reviewed, nor were studies conducted concerning the effects of development on the remaining farms.

See the attached letter from local dairy farmer Robert Wright and a map showing the location of his farm. See also the Wrico Holstein dairy farm YouTube link below:

<https://www.youtube.com/watch?v=QE8PDsb7R80>

Mr. Wright and his family are now worried about farm access for his heavy equipment, proximity of the mega-development, runoff polluting his feed crops, and new well-head protection regulations restricting what he can do on his multi-generation farm.

Also attached is a letter from the Simcoe County Federation of Agriculture, expressing their concerns.

10. CHRONOLOGY OF MSP - SUPPLEMENT

Background

January 19, 2012 - Liberal Minister of Infrastructure created a "Special Rule" to permit [(NOT MANDATE) Phase 1 of the MSP. In so doing, the Ontario Government ignored many of their own policies, regulations and studies.

Springwater Township's Official Plan was approved by the Ontario PC Government in 1998. The Midhurst Secondary Plan (MSP) was adopted by the Township in 2008.

One of the MSP's most glaring deviations from Ontario policy was to ignore the **standard planning horizon of 20 years**, as set out in 1.1.2 of the PPS and in 2.1.1 of Springwater's Official Plan. Instead, the MSP specified an extraordinary "long-term planning horizon".

1996 Director of Planning/co-author of the Springwater Official Plan, Larry Cotton, drew demarcation lines on a map of Midhurst. This map became Schedule A8 of the Official Plan. The purpose of these lines was to *"delineate the area requiring detailed study through the Secondary Plan process."* Mr. Cotton said, *"It was recognized that the Official Plan would provide the overall policy to protect agricultural lands within the follow-up Secondary Plan"*, which was expected to remain *"consistent with the intent of the Official Plan"*.

There never was a **Municipal Comprehensive Review** to determine a Midhurst "settlement area".

The **Ontario PC Government** introduced the **Provincial Policy Statement in 1996**.

1998 **Springwater's Official Plan was approved directly by the PC provincial government.** The OP contains strict policies for the protection of wetlands, agricultural lands and lands of natural heritage. Section 8.6.2.1 states: *"The area set out on Schedule A-8 generally identifies the study area within which the contemplated Secondary Plans will set out future growth opportunities"*.

That Study Area was to include all of the above land designations and also Springwater Provincial Park. **It is inconceivable that the province would have approved the Official Plan** had these land -use policies and restraints not been in place.

2001 **Ontario PC Government** introduced the *Oak Ridges Moraine Conservation Act*

2005 **The Provincial Policy Statement (PPS), section 2.3.1** states that **Prime agricultural areas** shall be protected for long-term use for agriculture.

Places to Grow Act.

2006 *Intergovernmental Action Plan (IGAP) for Simcoe County.*

It states:

- a. The County has more than enough land already approved for development to last through 2031.
- b. Most new growth should be directed to the City of Barrie, with some growth being distributed throughout the rest of the County.

The Growth Plan for the Greater Golden Horseshoe. It is full of development restrictions to protect farmland, discourage urban sprawl and reduce long distance commutes.

2008 County wrote two (2) letters to the Township explaining why the MSP is non-compliant with County and Provincial policies. Nevertheless,
Springwater adopted the MSP.
County wrote a 3rd letter to Township - County cannot approve MSP until compliant.

MSP remained stalled for three years

2011 County suddenly approved the MSP.
Province appealed County decision to the OMB.

2012 Minister for Infrastructure created a "*Special Rule*" - O. Reg. 8/12 (amendment to O.Reg. 311/06).

October - McGuinty prorogued legislature

November - Office of Development facilitator orchestrated a series of letters from Township, County and Province to expedite the MSP.

The Province withdrew its OMB appeal.

2013 Amendment O. Ref 22/13 - *Lands for Urban Uses* requirement dropped
- "Extra Special Rule"
New Premier - Kathleen Wynne
MRA appeared at several OMB hearings. MRA denied opportunity to speak and dismissed by OMB.

2014 MRA met with PC MPPs Jim Wilson, Jim McDonnell and Rod Jackson at Queens Park
Springwater elected new mayor Bill French and new council.
New council largely opposed to the MSP

2016 At the OMB, County initially sided with Springwater to deny developers 20,000 more people for Midhurst mega-development.

Four months later - County made a deal with the developers and gave them some of the requested population. This was the County's 3rd flip-flop regarding its MSP decisions.

2018 Province elected new PC Government.

Springwater voters elected a new Council and Mayor - mostly environmentally-friendly and opposed to the MSP.

MRA has volumes of lobbying letters from the developers, which were used to persuade weak provincial, county and municipal governments to capitulate to their demands.