

Memorandum

To: Mike McLean (Fieldgate Developments)

From: Imran Khan (Beacon Environmental Ltd.)

Date: April 12, 2021

Ref.: 214398

Re: 17(2)(c) Overall Benefit Permit Application for Pedestrian Crossings and Trail System
Springbrook Creek and Tributary 8B West, City of Brampton

Beacon Environmental Limited (Beacon) facilitated the application and permitting process for two pedestrian crossings located within the Block 5 development lands (hereto referred as the subject lands); bounded by Queen Street West to the north, the Orangeville Railway Development Corporation (ORDC) rail line to the south, Chinguacousy Road to the east, and Creditview Road to the west, in the City of Brampton. As both the Springbrook Creek and Tributary 8B West that traverse the site are considered occupied Redside Dace (*Clinostomus elongatus*) habitat, a 17(2)(c) Overall Benefit Permit under the Endangered Species Act (ESA, 2007) was required. Redside Dace were uplisted to endangered in 2009 under the ESA, which was formerly administered by the Ministry of Natural Resources and Forestry (MNR). However, as of April 1, 2019, the provincial government officially transitioned all duties regarding administration to the Ministry of the Environment Conservation and Parks (MECP). Further changes during this period included the revised Guidance for development activities in Redside Dace protected habitat (March 2016). Permits were also required from the Credit Valley Conservation Authority (CVC) and Fisheries and Oceans Canada (DFO). The obtained permits are as follows:

- Credit Valley Conservation Authority Permit No. 18/180 and 17/001;
- Ministry of the Environment, Conservation and Parks Permit No. AU-C-015-14; and
- Fisheries and Oceans Letter of Advice No. 19-HCAA-01976.

Background

The planning and approvals process for the Block 5 pedestrian trail system was initiated in 2008. This included an evaluation of alternative locations for the valley trail system and NHS crossings, undertaken in consultation with CVC and the City of Brampton. This consultation process resulted in the design of a trail system that was generally located along the valley tablelands. Site meetings were held with CVC staff to review all potential NHS crossing locations; the preferred trail alignments were determined to minimize disturbance to existing natural vegetation by focussing on sections of the valley which had

previously been disturbed. Conditional approval for the Block 5 pedestrian crossings was issued by the City of Brampton in 2012 and 2013:

- North Springbrook Creek Crossing – February 27, 2012; and
- Tributary 8B West Crossing – June 5, 2013.

During this period, the Block 5 Development lands were undergoing approvals reflective of changes to the ESA (2007) for various road and stormwater infrastructure projects. Through consultation with the MNRF, they requested prioritization of development infrastructure within the subject lands as the Regulation continued to evolve. In certain cases, projects were approved through mitigation plans under a *transitional exemption* process. However, the pedestrian crossings did not qualify for the exemption according to the MNRF.

Agency Consultation and Permitting

Through further agency consultation during the permitting process, several meetings were held to discuss the proposed valley trail system to bring the projects in line with ESA and current Redside Dace requirements.

December 15, 2014 – Block 5 Landowners Representative, City of Brampton, MNRF, Beacon, MBTW Group

The meeting was held to provide an update to the current approved plans. The MNRF indicated that the design alternatives for the conditionally approved spans need to be further discussed prior to permitting of the trail system. MNRF suggested the valley span crossings would be preferred, as they would have the least disturbance on regulated Redside Dace habitat, and should be considered in the design alternatives.

February 18, 2015 – Block 5 Landowners Representative, City of Brampton, MNRF, Beacon, MBTW Group

The meeting was held to identify various alternatives to the previous preferred design for the crossings. MNRF indicated preference larger span structures at all crossings, Springbrook Creek North and South, and Tributary 8B. MNRF also indicated to prioritize consigns along Springbrook Creek to minimize disturbance and permitting requirements. This was to consider removing the Springbrook Creek South crossing from the application process.

MNRF also suggested a separate meeting with City staff to discuss prioritization of other road and trail works within regulated habitat throughout the City as there were numerous projects being proposed for implementation and MNRF saw challenges with meeting all City needs.

July 15, 2016 – City of Brampton, CVC, MNRF, Beacon, MBTW Group

A meeting with CVC and MNRF was held on to discuss the new design alternatives for the crossings to address MNRF comments. The 'Span Channel Migration Zone' was selected as the preferred design

solution, which would accommodate the governing meander amplitude in the reach but fall within the meander belt limits. The new span alternatives for the for Springbrook Creek North included an increased crossing span to 25 m and the Tributary 8B crossing span was increased to 16.5 m. The alternatives were in consideration of the revised Guidance for development activities in Redside Dace protected habitat (March 2016).

CVC also indicated at the meeting that the proposed design must conform to span requirements in CVC's Technical Guidelines for Pedestrian Bridge Crossings (2007) and identified updates to the previous Restoration Planting Plans to consider current guidelines.

December 3, 2019 – MECP Issued Permit

Subsequent to receipt of the Permit, an application to the DFO was made on December 17, 2019 referencing the above consultation process, and approved design plans. We note that amendments to the Fisheries Act came into force on August 28, 2019. Furthermore, a review under the Species at Risk Act (SARA) was required as Redside Dace was listed as Endangered on Schedule 1 in May 2017. No further changes to the design resulted from this permitting process.