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RE: Addendum to Planning Justification Report & Aggregate Resources Act Summary Statement
OUR FILE 1515A

Please accept this letter as an addendum to the Planning Justification Report & Aggregate Resources Act Summary Statement prepared November 2017 by MacNaughton Hermsen Britton Clarkson Planning (MHBC).

Overview

Section 3.1 of the Planning Justification Report includes an analysis of the Growth Plan for the Greater Golden Horseshoe (2017) (Growth Plan). Since the completion of the Planning Justification Report, the Province has released the natural heritage systems map for the Greater Golden Horseshoe. The existing Fleming quarry and proposed extension are included within the natural heritage system of the Growth Plan. Relative to this mapping the following are key aspects to consider:

- Pits and quarries are a permitted use in the Provincial natural heritage system;
- The Ministry of Natural Resources and Forestry (MNRF) has reviewed the Fleming quarry extension application and subject to some minor modifications, the Province is satisfied from a natural heritage perspective.
- Since this application is for an extension to the existing quarry, the only additional policies to consider are the rehabilitation policies of Section 4.2.8 of the Growth Plan; and

- The Province's natural heritage system mapping is not unique to this site. Within the Township of Ramara, over 96% of the Canadian Shield is mapped as part of the natural heritage system.

Analysis

The following is an analysis of the natural heritage system policies from the Growth Plan that relate to the Fleming quarry extension application. The following are policy excerpts from the Growth Plan, followed by a response:

4.2.3.1 *Outside of settlement areas, development or site alteration is not permitted in key natural heritage features that are part of the Natural Heritage System or in key hydrologic features, except for:*

d) mineral aggregate operations and wayside pits and quarries;

The Growth Plan permits mineral aggregate operations within the natural heritage system, including key natural heritage features and key hydrologic features.

4.2.8.2 *Notwithstanding the policies in subsections 4.2.1, 4.2.2, 4.2.3 and 4.2.4, within the Natural Heritage System, mineral aggregate operations and wayside pits and quarries are subject to the following:*

c) an application requiring a new approval under the Aggregate Resources Act to expand an existing mineral aggregate operation may be permitted in the Natural Heritage System, including in key natural heritage features, key hydrologic features and any associated vegetation protection zones, only if the related decision is consistent with the PPS and satisfies the rehabilitation requirements of the policies in this subsection

Section 3.2 of the November 2017 Planning Justification Report addresses how the application is consistent with the PPS. The following illustrates how the proposed rehabilitation plan satisfies the rehabilitation policies of subsection 4.2.8 of the Growth Plan:

4.2.8.4 *For rehabilitation of new mineral aggregate operation sites, the following apply:*

a) the disturbed area of a site will be rehabilitated to a state of equal or greater ecological value and, for the entire site, long-term ecological integrity will be maintained or enhanced;

As noted in the Natural Environment Report, prepared by RiverStone Environmental Solutions Inc. (RiverStone), dated November 2017, the integrated rehabilitation plan for the existing quarry and proposed extension will support and maintain the existing ecological diversity of the site by creating a 19.4 ha lake, a 1 ha wetland, and 5.7 ha of terrestrial habitat.

Since submission of the application, MNRF has requested that the 1 ha wetland area be restored to woodland since there are no wetlands proposed to be removed and wetlands are prevalent in the surrounding landscape. As a result the rehabilitation plan has been revised to include a 19.4 ha lake and 6.7 ha of terrestrial habitat. With the revisions to the rehabilitation plan, Riverstone is still of the opinion that the existing ecological diversity of the site will be maintained.

b) if there are key natural heritage features or key hydrologic features on the site, or if such features existed on the site at the time of the application:

i. the health, diversity, and size of these key natural heritage features and key hydrologic features will be maintained or enhanced; and

ii. any permitted extraction of mineral aggregate resources that occurs in a feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation;

MNRF has reviewed the application and with the implementation of the recommended mitigation measures (e.g. specialized barrier fencing, restrictions on tree clearing, etc..) the Fleming quarry extension has been designed to maintain the heath, diversity and size of key natural features and key hydrologic features.

c) aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement, which will be representative of the natural ecosystem in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation will meet the intent of policy 4.2.8.4 b);

Revisions have been made to the rehabilitation plan to address comments from MNRF. The revised rehabilitation plan for the extension and existing quarry will result in a 19.4 ha lake and 6.7 ha of terrestrial habitat. These features are representative of the natural ecosystem in the ecodistrict and the existing ecological diversity of the site will be maintained.

4.2.8.5. *Final rehabilitation for new mineral aggregate operations in the Natural Heritage System will meet these additional criteria:*

b) where there is extraction below the water table, no less than 35 per cent of the non-aquatic portion of the land subject to each license in the Natural Heritage System is to be rehabilitated to forest cover, which will be representative of the natural ecosystem in that particular setting or ecodistrict. If the site is also in a prime agricultural area, the remainder of the land subject to the license is to be rehabilitated in accordance with policy 2.5.4 of the PPS, 2014; and

With the revisions to the rehabilitation plan, all of the non-aquatic portions of the site within the proposed licence area are either existing forested area that will not be disturbed or will be rehabilitated to forest cover. As a result, all of the non-aquatic portion of land within the licence area will be in a forested condition.

c) rehabilitation will be implemented so that the connectivity of the key natural heritage features and the key hydrologic features on the site and on adjacent lands will be maintained or enhanced.

As noted in the natural environment report, the rehabilitation plan has been designed to maintain connectivity between the natural heritage and hydrologic features that will be created on-site and the adjacent key natural heritage features and key hydrologic features. Specific design elements include:

- the outlet channel in the existing quarry will allow passive discharge from the lake into the Green River Tributary and include fish passage and riparian wildlife habitat connections;
- off-site key natural heritage features and key hydrologic features are located to the east of the site. Subject to finalization with MNRF, portions of the eastern boundary of the quarry will be backfilled to a 2:1 slope and provide a key access point for wildlife movement between the lake edge and the existing natural heritage features; and

- Fowler is working with MNRF to provide some additional minor areas of 2:1 sloping around the perimeter of the extraction area for rehabilitation. This revision will provide additional access points for wildlife to access the lake edge to provide connectivity between features.

In summary, it is our opinion that the application conforms to the Growth Plan, including the policies related to the natural heritage system mapping.

If you have any questions please don't hesitate to call.

Yours truly,

MHBC

A handwritten signature in black ink that reads "Brian Zeman". The signature is written in a cursive style with a large, stylized initial 'B'.

Brian Zeman, BES, MCIP, RPP
President

cc. *James Gordon, Fowler Construction Company Ltd.*
James Newlands, MHBC