

04 July 2019

Ms. Kim Benner
District Planner
Ministry of Natural Resources and Forestry – Midhurst District
2284 Nursery Road
Midhurst, ON L9X 1N8

Dear Ms. Benner:

**RE: Application for a Category 2, Class A Licence under the Aggregate Resources Act
Part Lot 40, Concession Broken Front, Township of Ramara (Geographic Township of
Rama), County of Simcoe (Fowler Construction Company Ltd. – Fleming quarry)
OUR FILE 1515A**

On April 9, 2019 MNRF submitted its continued objection letter regarding Fowler Construction Company Ltd's. Fleming quarry extension. In the letter, MNRF provided seven comments. Four of these comments stated MNRF was satisfied with or have no concerns with four of the proposed revisions to the site plans.

The following provides a response to MNRF's three remaining comments:

MNRF comment #1

We are satisfied that the updated rehabilitation plan has changed the proposed artificial wetland to a woodland condition. Note 8 on page 3 of the updated site plan identifies the species that will be planted to a woodland condition. We have no concerns with the addition of this note. The creation of 2:1 slopes for rehabilitation of the proposed extension, however, should take precedent over the creation of a woodland condition.

Response

The attached figure has been prepared that shows the proposed changes to the site plans by removing the proposed woodland and using the material to create 2:1 sloping along the eastern and northern setback limits.

It is our opinion that the proposed woodland is more beneficial, however if MNRF's preference is to maximize the 2:1 slope, Fowler agrees to make the required change. Please advise.

MNRF comment #2

We feel that the explanation provided in the response for retaining the remaining vertical faces does not meet the exceptions listed in AR 2.00.02. We continue to have concerns with the proposed rehabilitation of the quarry faces. During our meeting last June, we indicated that we would be open to a proposal which included a mix of 2:1 slopes and vertical faces. The updated site plan does not provide 2:1 slopes outside of the setback area but rather proposes to create one break within the setback area with 2:1 slopes created to the water's edge. This proposal was not discussed at our meeting. It's our opinion that this one break in the setback is insufficient.

Response

As outlined above, all of the available material on-site would be used for 2:1 sloping (except the berms as discussed in response to MNRF comments #3).

With the revised rehabilitation plan the only vertical face would be 550 metres along the western boundary and southern corner of the existing quarry and proposed extension (excluding 2:1 sloping and the ramp).

The following is a response to the three exceptions listed in section 5.19 of policy AR. 2.00.02.

- a) Maintaining a portion of vertical face is consistent with landforms in the ecodistrict and will enhance biodiversity. The vertical face in this location will be approximately 6 metres above final lake level. As discussed at our meeting on June 28, 2018 it was agreed that quarry faces provide important wildlife habitat and are permitted in other quarries throughout Ontario.
- b) The existing quarry and the extension lands contain a limited amount of overburden on-site for the construction of 2:1 sloping as part of final rehabilitation. Fowler does not want to propose alternative options such as the importation of fill at this site based on comments from the community over the amount of quarry related truck traffic.
- c) The rehabilitation plan includes a water body and the plan incorporates considerations regarding fish habitat and vegetation of slopes to control erosion. In addition, with 2:1 side slopes, the ramp along the southern boundary, and the proposed access point along the west edge, the furthest distance anyone would have to swim to reach an access would be approximately 200 metres. If MNRF requires an additional access point along the western edge to reduce this distance, the rehabilitation plans can easily be revised to accommodate another access point located within the setback and graded to a 2:1 slope to the water's edge.

MNRF comment #3

We continue to have concerns with the retention of the northern and western berms on the updated rehabilitation plans for the extension application and the existing quarry. We feel that the retained berms do not meet Operational Standard 5.17 which requires that all topsoil or overburden stripped in the operation of the site be used in the rehabilitation of the site. Our ministry may be satisfied that some of the berms remain, however, we request that the majority of the berms be removed, and the topsoil or overburden be used in the creation of the 2:1 slopes.

Response

The attached figure has been prepared that shows the proposed changes to remove the berms along the western and northern property boundaries. As can be shown on the attached figure, removal of the berms is not even sufficient to create 1 additional metre of 2:1 slope to grade (this landform would still be 20 metres below the final lake elevation). As a result we continue to be of the opinion that maintaining the berms, which are forested, as part of the final landform will be beneficial in the long-term for the natural environment and surrounding community.

Subject to MNRF's confirmation that the proposed revisions address MNRF's remaining concern with the Fleming quarry extension, MHBC will submit a copy of the updated site plans so MNRF can withdraw its objection to the application. If you have any questions, please do not hesitate to call.

Yours truly,

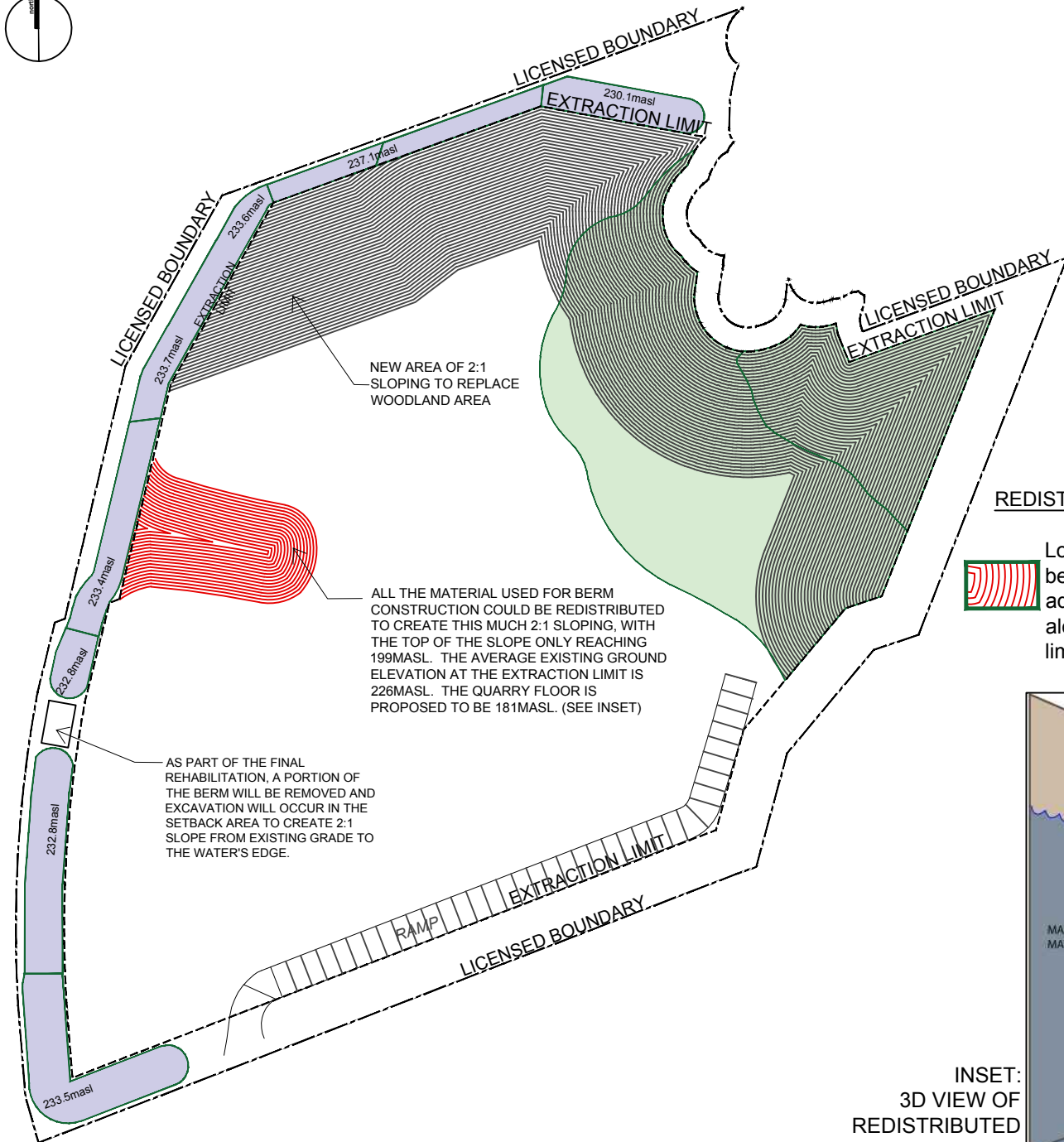
MHBC

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: John Almond, MNRF
Brent Armstrong, MNRF
Robert Herbst, MNRF
Jodi Benvenuti, MNRF
Moreen Miller, Brandy Creek Consulting
Nicolle Gonneau, Fowler Construction Company Ltd.
James Gordon, Fowler Construction Company Ltd.
James Newlands, MHBC

Rehabilitation Landforms - On-Site Material for Redistribution



NEW AREA OF 2:1 SLOPING TO REPLACE WOODLAND AREA

ALL THE MATERIAL USED FOR BERM CONSTRUCTION COULD BE REDISTRIBUTED TO CREATE THIS MUCH 2:1 SLOPING, WITH THE TOP OF THE SLOPE ONLY REACHING 199MASL. THE AVERAGE EXISTING GROUND ELEVATION AT THE EXTRACTION LIMIT IS 226MASL. THE QUARRY FLOOR IS PROPOSED TO BE 181MASL. (SEE INSET)

AS PART OF THE FINAL REHABILITATION, A PORTION OF THE BERM WILL BE REMOVED AND EXCAVATION WILL OCCUR IN THE SETBACK AREA TO CREATE 2:1 SLOPE FROM EXISTING GRADE TO THE WATER'S EDGE.

EXISTING REHABILITATION LANDFORMS (JANUARY 2019)

	Total volume of material to be used for creation of woodland along eastern extraction limit	Cubic Metres
	~1,043,000m ³	
	Total volume of material used for berm construction	~65,000m ³

REDISTRIBUTION OF MATERIAL TO CREATE ADDITIONAL SLOPING

- Location of redistributed berm material if you create additional 2:1 sloping along western extraction limit
- Location of redistributed material for the woodland to create additional 2:1 sloping along northern and eastern extraction limits

INSET:
3D VIEW OF REDISTRIBUTED BERM MATERIAL

