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12 October 2007

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Dear Ms. Woeller, Ms. Pounder and Mr. Wynia:

**RE: APPLICATION FOR CATEGORY 2, CLASS A LICENCE
PURSUANT TO THE AGGREGATE RESOURCES ACT,
APPLICATION TO AMEND THE NIAGARA ESCARPMENT
PLAN, APPLICATION FOR NEC DEVELOPMENT PERMIT
AND APPLICATION TO AMEND THE TOWNSHIP OF
CLEARVIEW OFFICIAL PLAN, DUNTROON QUARRY
EXPANSION, WALKER AGGREGATES INC. (FORMERLY
GEORGIAN AGGREGATES AND CONSTRUCTION INC.),
OUR FILE 9811S**

Further to our meeting on May 1, 2007, please find enclosed a comprehensive submission of the following material in support of the above-noted applications:

- Level 2 Hydrogeological Assessment Addendum Cumulative Impact Assessment prepared by Jagger Hims (October 2007);
- Groundwater and Surface Water Monitoring Program Addendum prepared by Jagger Hims (October 2007);
- Escarpment Brow Interpretation prepared by Jagger Hims (May 2007);
- Level 2 Natural Environment Report Technical Report Addendum: Response to Agency Comments and Cumulative Effects Assessment prepared by Stantec (October 2007);
- Agricultural Impact Analysis (updated September 27, 2007) prepared by Stantec Consulting Ltd.;
- Visual Impact Assessment Report Addendum (September 2007) prepared by Stantec Consulting Ltd.;

- Sound Impact Analysis prepared by Valcoustics Canada Ltd. (updated October 3, 2007);
- Addendum to Blasting Impact Assessment prepared by Golder Associates (September 23, 2007);
- Traffic Impact Study prepared by iTrans (updated October 2007);
- Cumulative Impact Assessment (April 10, 2007) and Stage 2 Archaeological Assessment of Outstanding Section (May 2007) prepared by Archaeological Assessments Ltd.;
- Cultural Heritage Cumulative Impact Assessment for Duntroon prepared by Unterman McPhail Associates (April 10, 2007);
- Karst Investigation of the Duntroon Quarry Expansion Lands prepared by Marcus Buck Karst Solutions and Worthington Groundwater, October 2007;
- Economic Benefits of the Duntroon Quarry Expansion prepared by Altus Clayton, October 2007; and,
- Revised ARA Site Plans, October 5, 2007, prepared by MHBC Planning

The above reports have been prepared in response to a number of comments and requests for additional information from various agencies, and in particular:

- October 5, 2006 comments from the Niagara Escarpment Commission;
- October 16, 2006 comments from Ministry of the Environment;
- November 14, 2006 comments from the County of Simcoe;
- November 17, 2006 comments from the Ministry of Natural Resources;
- April 23, 2007 comments from the Township of Clearview;
- several requests by agencies for cumulative impact assessment; and
- other agency comments.

Also, please note that due to corporate restructuring, Georgian Aggregates and Construction Inc. has changed its name to Walker Aggregates Inc. This submission and the accompanying reports reflect this name change.

Key Conclusions from Additional Study and Research

The key conclusions arising from additional study and research are as follows:

1. In order to provide an additional measure of protection, the proposed extraction setback from adjacent wetlands should be increased from 10 metres to 30 metres;
2. In terms of natural heritage, water resources, agriculture, operational noise, blasting, traffic, archaeology and built heritage resources and visual impact, and taking into account proposed mitigation, the cumulative impacts of the proposed Walker Aggregates Duntroon Quarry expansion and the proposed MAQ Highland Quarry are acceptable;

3. If both the Duntroon Quarry expansion and the MAQ Highland Quarry are approved and proceed, there is no predicted impact on nearby domestic wells. If the Duntroon Quarry proceeds on its own, the domestic wells on the Kekanovich property (site of proposed Highland Quarry) may be impacted, but the impacts can be mitigated;
4. Proposed quarrying will not impact the springs on the Niagara Escarpment. If impacts are greater than predicted, they can be mitigated. Surplus quarry water can be directed to recharge the rock above the Escarpment in the vicinity of the springs. In addition, recharge injection wells could be developed around the quarry as a contingency mitigation measure, if needed;
5. Proposed quarrying will not negatively impact fish habitat in the Beaver River;
6. Potential impacts to wetlands to the north and north-east of the proposed quarry can be mitigated by directing surplus water from the quarry into these areas. Although it is not believed to be necessary, backup mitigation proposed is installation of injection wells;
7. The Karst Report demonstrates that the recharge of surplus quarry water as the primary mitigation measure and the backup mitigation of injection wells is feasible and appropriate;
8. No significant wetlands will be directly affected by the proposed quarry expansion and indirect impacts will be mitigated. There will be no negative impact to significant wetland features or functions;
9. As a result of the Duntroon Quarry expansion, there will be a net increase in total wetland area which will be achieved through quarry rehabilitation;
10. Surface and groundwater inputs to important ecological resources can be maintained within the limits of natural variability, by managing quarry discharge water. The quality and quantity of water directed to these features will be similar to existing conditions and will not lead to negative impacts;
11. The proposed extraction area does not represent significant habitat for the butternut as it is not required for the maintenance, survival or recovery of the species;
12. The woodlands situated on the lands to be extracted are not significant woodlands. However, Walker is prepared to implement, and has already started to implement, a comprehensive compensation planting plan;
13. The reforestation proposed by Walker to mitigate the removal of trees within the proposed extraction area will increase the overall woodland size, provide more interior forest habitat and improve existing, and add new, natural system linkages;
14. The proposed reforestation will lead to creation of functioning replacement woodlands prior to removal of significant portions of the existing woodland;
15. The hart's tongue fern is not an endangered or threatened species. It is considered to be "Special Concern" (Rank S-3, NHIC);
16. The proposed extraction area includes hart's tongue fern habitat which forms a part of a large regional population, much of which is within protected areas

in the Escarpment Plan Area (and outside the proposed area of extraction). Mitigation is proposed (transplantation). Evidence of successful transplantation has been provided. Even if transplantation fails, the loss of the hart's tongue fern on the quarry expansion property does not represent a negative impact on significant wildlife habitat because it does not threaten the health and integrity of the larger hart's tongue fern population in the area;

17. The proposed area of extraction avoids the Rob Roy PSW and the unevaluated wetlands situated to the northeast. The proposed area of extraction is outside of the regionally significant ANSI. However, it is proposed that the licence area include these natural heritage features on the basis that it provides an added level of enforcement and a stronger level of protection for these features. This approach is recognized by the Government of Ontario as a legitimate and valid means of resource management and environmental protection;
18. It is recognized that the inclusion of the wetlands and the ANSI within the licenced area means that lands currently designated Escarpment Natural and Escarpment Protection will be "licenced", under the Aggregate Resources Act. While the NEC suggests that this is contrary to the Niagara Escarpment Plan, the NEC has in the past supported inclusion of such lands within an ARA licence;
19. Walker's purpose in including the Escarpment Natural and Escarpment Protection lands within the licence area is twofold: provide a higher level of protection to natural heritage features and to ensure that the proposed mitigation is allowed outside the proposed extraction area. If approval authorities are prepared to implement alternative means which achieve the same purpose, Walker would consider any such alternatives;
20. It has been demonstrated that the proposed extraction area is located in excess of 400 metres from the brow of the Niagara Escarpment which exceeds the regulatory requirement of a minimum 200 metre separation;
21. By correspondence of May 1, 2007 the Ministry of Northern Development and Mines advised that it concurred with the determination of the location of the brow as set out in the Jagger Hims Report dealing with the location of the Escarpment Brow; and
22. There are substantial economic benefits arising from the proposed quarry expansion as set out in the report prepared by Altus Clayton.

ARA Site Plan Revisions

In response to comments made by various agencies, the proposed ARA Site Plans have been revised as follows:

- All plans reflect surveyed elevations of the Rob Roy 2 Wetland and the two unevaluated ANSI wetlands provided by Zubek, Emo, Patten and Thomson Surveyors;
- The wetland boundary has been confirmed where it is in proximity to the proposed extraction area. It is clearly denoted on the ARA site plans;

- The setback of the extraction limit to the wetland boundary has been increased from 10 m to 30 m;
- Two structures (house and shed) on Walker's property (formerly Bridson) are no longer there and have been removed from the Existing Features and Operational Plans;
- Note 9 (under General Notes) on the Operational Plan has been added to confirm that the houses within site boundaries will be demolished as each phase of the site is prepared for extraction;
- Walker no longer proposes that the quarry expansion site accommodate a ready mix concrete plant. Therefore, General Note 14, Operational Plan has been modified accordingly;
- General Note 22 on the Operational Plan has been modified to clarify the means of positive drainage to adjacent wetlands;
- Note 2 (under Natural Environment) of the Operational Plan has been expanded to provide additional detail on the restoration program and monitoring through the Adaptive Management Plan;
- Note 4 (under Natural Environment) of the Operational Plan has been expanded to identify specific parameters to be covered in the Adaptive Management Plan;
- Note 5 (under Natural Environment) of the Operational Plan has been modified to clearly refer to the 30 metre setback. Further, Note 5 is expanded to identify limited uses permitted in the buffer;
- Note 6 (under Natural Environment) of the Operational Plan has been added to implement specific test plot reforestation recommendations from the Stantec Level 2 Natural Heritage Report Addendum;
- All references to concrete ready mix plant have been deleted from the Operational Plan;
- The Rehabilitation Plan and Cross Sections have been revised to reflect revised final lake level elevations (i.e. expansion quarry is 511.9 m ASL) based on work completed by Jagger Hims (2007); and
- Note 5 of the Rehabilitation Plan has been modified to confirm positive drainage from the future lake to adjacent wetlands.

Response to Planning Issues

The following is in response to planning-related issues raised in comments received from various agencies:

Licence in Escarpment Natural Area and Escarpment Protection Areas

The rationale for including the wetlands and the ANSI within the licence boundary is as follows: doing so provides a greater level of protection for the identified environmental features. Including them in the licence means that they are subject to site plan notes on the ARA Site Plans. Any encroachment into the

protected environmental features, contrary to the ARA Site Plans, makes the operator subject to the penalties of the Aggregate Resources Act, which include suspension or revocation of the Licence.

The merit of this approach to include sensitive environmental features within the licence area has been recognized by the Provincial Government as a legitimate and appropriate means of enforcement of the public interest. Cabinet, by Order in Council 2384/2006 approved the Dufferin Aggregates Milton Quarry Expansion on December 1, 2006. One of the conditions of approval was:

“Cabinet has also decided that all of the wetlands (W7, W8, and V2) will be brought into the licensed area. The inclusion of the wetlands within the license will provide greater protection than if they remained outside the license, since lands within the licensed area are subject to the restrictions of the site plan under the *Aggregate Resources Act*.”

It has also been suggested that an ARA licence simply cannot be placed on lands designated Escarpment Natural or Escarpment Protection because doing so would be contrary to the Niagara Escarpment Plan. However, this can be, and has been, done when the public interest is better served by so doing. For example, the Niagara Escarpment Commission approved Amendment 135 for Dufferin Aggregates where lands partially rehabilitated, but still under ARA licence, were placed in the Escarpment Natural Designation pursuant to the Niagara Escarpment Plan. With respect to the Duntroon quarry expansion, the lands would remain designated Escarpment Natural and extraction would not be permitted by both the ARA site plans and the Niagara Escarpment Plan.

Permission of asphalt plant and concrete plant in Mineral Resource Extraction Area

Walker, by means of this correspondence, formally withdraws its request to allow a concrete ready mix plant within the Duntroon Quarry expansion lands. However, permission for an asphalt plant to be located in the proposed Mineral Resource Extraction Area designation continues to be requested for the following reasons.

An asphalt plant has operated on the existing Duntroon Quarry for decades. Haul routes are established and neighbours are climatized to its operations. Since purchasing the property in 1995, Walkers continues to improve the conditions of the asphalt plant to further mitigate potential noise impact.

It is recognized that provincial policy generally encourages that industrial uses be directed to settlement areas where infrastructure is available to support such uses. However, in this case, the proposed asphalt plant will be processing aggregate material extracted from this remote, rural site only (not from outside sources). Permission requested is on a temporary basis (until extraction of the quarry is complete) and would not permit further long-term industrial use of the property beyond the life of the quarry. In this case, the advantages of locating the asphalt plant on the quarry expansion site include:

- material can be processed on site reducing truck traffic, road wear / maintenance and operational costs associated with transporting material to a settlement area before being delivered to market;
- by combining the location of aggregate production and asphalt production, there is a reduction in truck distance traveled to job sites with corresponding reduction in greenhouse gas emissions. It is environmentally responsible;
- potential impacts are minimized given extensive berming and buffers already in place;
- as extraction takes place, the plant can be situated on the quarry floor and impacts are further mitigated as a result of high quarry walls; and
- the asphalt plant is a dry industrial use and does not require municipal water and sewer services to operate efficiently. Extensive studies on hydrogeology have been undertaken and monitoring will be continued for the life of the operation.

In response to comments made by the Township of Clearview, Valcoustics Canada Ltd. has updated its Noise Impact Analysis to specifically assess the impact associated with the asphalt plant when relocated to the expansion lands. This updated report is enclosed with this resubmission. Valcoustics concluded that the asphalt plant could locate within the expansion lands while meeting provincial noise standards.

It should be noted that the request to allow an asphalt plant would permit the existing plant to be relocated from one site within the Niagara Escarpment Plan Area to another site within the Plan Area.

In summary, this application is in keeping with the purpose and objectives of the Niagara Escarpment Planning and Development Act and the Niagara Escarpment Plan. The Niagara Escarpment will remain as a continuous natural environment and potential impact associated with the proposed asphalt plant will be held to acceptable levels. Permission requested for the asphalt plant is only for the life of the quarry expansion. Rehabilitation of the site will be for purposes of a natural area which will enhance and support the surrounding natural heritage features and area.

Balancing Provincial Policy Interests

Section 4.3 of the PPS, 2005 provides that the PPS shall be read in its entirety and all relevant policies are to be applied to each situation. This is commonly referred to the "balancing provision."

In the case of the Walker applications it is the policies of Section 2.0 "Wise Use and Management of Resources" which are relevant. Consideration must be given to policies relating to natural heritage features and areas, water resources, agriculture, mineral aggregate resources, and cultural heritage/archaeology.

The reports submitted by Walker relative to agriculture, cultural heritage and archaeology demonstrate that there are no provincial interest issues associated with its application.

In terms of natural heritage features, wetlands, woodlands, the butternut tree, the hart's tongue fern and fisheries are relevant considerations in assessing the Walker application.

Section 2.1.3 of the PPS indicates that development and site alteration is not permitted within significant habitat of endangered or threatened species or in provincially significant wetlands (PSW). The proposed extraction area avoids the PSW's in the area. In fact an enhanced buffer setback is now proposed. Stantec has concluded that the wetland features and functions will not be negatively impacted as a result of the proposed quarrying. There is no significant habitat of endangered or threatened species within the proposed extraction area. The Walker applications are consistent with Section 2.1.3 of the PPS.

Section 2.1.4 of the PPS provides that development and site alteration shall not be permitted within significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest (ANSI), *unless* it can be demonstrated that there will be no negative impact on the natural feature or its ecological function. There are no significant valleylands or significant ANSI's within the area to be extracted.

Stantec has concluded that the wooded area within the proposed extraction area is not a significant woodland. Nonetheless, Walker has committed to a compensation planting plan which will increase the net area of forest cover and interior forest habitat while at the same time improving ecological linkages. There will be a net environmental gain.

It is relevant to note that the hart's tongue fern is not an endangered or threatened species. It is identified as a species of "special concern". Nonetheless, Walker is prepared to commit to transplant hart's tongue ferns from within the proposed extraction area to a preferred area outside the extraction area. There are examples of successful transplantation. However, even if transplantation fails, the loss of the hart's tongue fern on the quarry expansion property does not represent a negative impact on significant wildlife habitat because it does not threaten the health and integrity of the hart's tongue fern population in the area, which is extensive.

Nonetheless, Walker is prepared to commit to transplant hart's tongue ferns from within the proposed extraction area to a preferred area outside the extraction area. There are examples of successful transplantation.

For the reasons set out above, the Walker application is consistent with Section 2.1.4 of the PPS.

There is no development or site alteration within fish habitat and therefore the Walker application is consistent with Section 2.1.5 of the PPS.

The work undertaken by Stantec and Jagger Hims demonstrates that the Walker application is consistent with Section 2.1.6 insofar as the proposed site alteration adjacent to the wetlands and ANSI will not negatively impact those features and their ecological functions.

The detailed Karst Report, the Jagger Hims Monitoring Report and the Jagger Hims Cumulative Impact Study provides extensive evidence that the Duntroon quarry expansion is consistent with Section 2.2 of the PPS which deals with water resources.

Section 2.5.2.1 of the PPS reads: *“As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.”* The Amabel formation is considered by the Province to be a resource of provincial significance and provided the tests set out in Section 2.5.2.2 of the PPS are met, it is in the provincial interest to licence as much of the aggregate resource as is realistically possible to make it available.

Section 2.5.2.2 of the PPS requires that extraction be undertaken in a manner which minimizes social and environmental impacts. The extensive reports submitted in support of the Walker application demonstrates that the proposal is consistent with Section 2.5.2.2 of the PPS.

The Niagara Escarpment Plan (the Plan) provides that an objective of the Escarpment Rural Area is to *“provide for the designation of new Mineral Resource Extraction Areas which can be accommodated by an amendment to the Niagara Escarpment Plan.”* The requirements of the Niagara Escarpment Planning and Development Act (the Act) must be met together with the Plan’s Development Criteria.

The detailed natural heritage and water resource studies which have been submitted in support of the Walker application demonstrate that the requirements of the Act, the Plan and the Plan’s Development Criteria have all been met.

Taking into consideration all of the provincial interests identified in the PPS and the Niagara Escarpment Plan and considering the balancing provision of the PPS, it is in the provincial interest to approve the Walker application which will make available a provincially significant aggregate resource.

Conclusion

The proposal by Walker to expand the Duntroon Quarry represents responsible resource management and good planning. Natural heritage features and water resources have been exhaustively examined and it is concluded that extraction can take place in accordance with the policies of the Provincial Policy Statement, the Niagara Escarpment Plan and the County and Township Official Plans.

Further, the cumulative impact of both the Duntroon Quarry expansion and the proposed MAQ Highland Quarry has been examined in detail and it is concluded

that both projects can proceed while limiting impacts to acceptable levels and respecting provincial, county and township policy.

This resubmission represents a comprehensive and thorough response to issues and questions raised by commenting agencies. Given the fact that the existing quarry is quickly becoming depleted, Walker is anxious to proceed to a public meeting and to have various agencies prepare final review comments. Please notify me if there is anything we can do to expedite the final review of the technical information which has been provided.

We intend to contact you shortly to set up a meeting to discuss the findings of our updated reports. We thank you in advance for your cooperation in this regard.

Yours truly,

MHBC PLANNING



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*only ARA Site Plans and Traffic Addendum Report