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December 18, 2008

Mr. Kathryn Pounder, MA, MCIP, RPP
Senior Strategic Advisor
Niagara Escarpment Commission
232 Guelph Street
Georgetown, ON
L7G 4B1

Dear Ms. Pounder:

**RE: Niagara Escarpment Plan Amendment PS161 05 (Walker Aggregates)
Lot 25 and Part of Lot 26, Concession 12 and Part of Lot 25, Concession 11,
Township of Clearview, County of Simcoe
Our File: P6937**

The Grey Sauble Conservation Authority has reviewed the noted application and we offer the following comments. We note that we have discussed some these comments previously with the proponent and had been asked by the proponent to "hold off" on providing written comments to the Niagara Escarpment Commission. The commission has now requested that we provide any comments to ensure that all concerns are brought forward at this time.

In discussions with the proponent at our office on June 24, 2008, we raised a number of concerns with the proposal including the wetland setback (we recommended the 120 meter setback was appropriate and noted that this setback has been used on a number of occasions in Grey and Bruce Pit/Quarry applications), the woodland removal, the Hart's Tongue population, butternut and the loss of the springs SW2A and SW2B. We also suggested a smaller extraction area and designating some of the existing and/or proposed natural features escarpment natural in the Niagara Escarpment Plan Amendment.

General Site Description

The site includes a mixture of woodlands and agricultural lands situated on top of the watershed divide of the Beaver River, the Pretty River, and Batteaux Creek. The Beaver River is part of the Grey Sauble Conservation Authority's jurisdiction. Within the jurisdiction of the Grey Sauble Conservation Authority there is a spring that occurs in the south west corner of the site. There are also karst features within the southwest portion of the property that are subject to seasonal flooding as evidenced in the karst and the Natural Environment reports. A wetland is identified in the north western portion of the proposed quarry and is part of larger wetland known as the provincially significant Rob Roy Swamp.

Member of



Watershed Municipalities

Arran-Elderslie, Chatsworth, Georgian Bluffs, Grey Highlands,
Meaford, Owen Sound, South Bruce Peninsula, Blue Mountains



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GSCA Regulations

A portion of the subject property is affected by the conservation authority's Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses Regulation (Ontario Regulation 151/06, effective May 4, 2006). The regulated area is associated with the spring on the property and the provincially significant ROB Roy swamp as well as the 120 meter adjacent lands to the wetland. A permit is required from this office prior to development and/or site alteration within the affected area as outlined on the enclosed map.

Provincial Policy Statement (PPS)

3.1 Natural Hazards

Hazard lands on the property include the provincially significant wetland and its potential flood plain and the spring in the southwest portion of the site as well as seasonally flooded areas in the south west portion of the proposed extraction area. These hazard areas are noted on the attached map. It has been our experience that extraction limits are generally located outside hazard land limits and we recommend that the extraction limit be revised to be located outside the identified hazard area associated with SW2A and SW2B stream and spring system along with a minimum 30 metre setback from the limits of the hazard area.

2.1 Natural Heritage

2.1.2 Natural features and areas shall be protected for the long term.

2.1.2 The diversity of natural features in an area, and the long term ecological function and biodiversity of natural heritage systems should be maintained and where possible , improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

The proposal removes a natural woodland feature adjacent to a provincially significant wetland and an area of natural and scientific interest (ANSI). There is currently a woodlot linkage and wildlife travel corridor between the provincially significant wetland, the ANSI, the springs (SW2A-SW2B south west corner of extraction area flowing to the Beaver River) and some karst features in this area. This woodlot is part of the natural heritage system and within the greenlands designation in the new (and existing) Simcoe County Official Plan. The spring at SW2A and SW2B as well as the perennial stream from SW2A and the ephemeral stream from SW2B are natural features that shall be protected for the long term according to the PPS. This woodlot feature is also located on a watershed divide and source water area for the Beaver River, Batteaux Creek and The Pretty River. The diversity of the woodlot and the quality of the woodlot is in generally quite good. The current management of the woodlot does not appear to be compromising the natural features of the site and diversity is there. There are many other species other than sugar maple in the woodlot including yellow birch, ash, white elm, black cherry, ironwood, butternut among others. In fact the Hart's Tongue population as observed in 2008 has improved in vigour from our 2004 site visit.

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2.1.3 Development and Site Alteration shall not be permitted in

a) Significant Habitat of Endangered Species and Threatened Species

Through site visits to the site and the Stantec Report there are a number of endangered butternut trees on the site in various stages of health. There is also butternut regenerating on the site as evidenced by seedling and sapling stage trees. It is our understanding that the Ministry of Natural Resources is going to evaluate these trees in the spring/summer of 2009 under the protocol established for the Endangered Species Act.

b) Significant Wetlands

According to Ministry of Natural Resources mapping, part of the provincially significant Rob Roy Swamp wetland is located on the lands owned by the proponent. The 120 metre adjacent lands to the wetland cover a portion of the proposed extraction area. Ontario regulation 151/06 prohibits development within the wetland itself and 120 metre adjacent lands. The proposal is to reduce the setback from the wetland to 30 metres. Stantec Consulting Inc has provided a number of references referring to buffers and setbacks. They have suggested that the minimum 30 metre setback has been considered as an acceptable standard setback. There are a number of species noted on the property and within the wetland that utilize buffers of more than 30 metres. (i.e. wood frog, spotted salamander, spring peeper, and juvenile leopard frog). Some of these species overwinter in upland areas.

The setback of 120 metres is currently regulated for the Interference with wetlands & alteration to shorelines and watercourses. The 120 metre setback again is a minimum setback where impacts need to be assessed. The woodland feature within the proposed extraction area provides an excellent buffer for the wetland and provides habitat for a number of species of flora and fauna during their life cycle.

The Rob Roy wetland boundary according to the Ministry of Natural Resources mapping does not coincide with the Ecological Land Classification(ELC) Mapping (SWD2-2 Green Ash Mineral Swamp) Although both systems vary subtly in methodology, the wetland boundary should be flagged and coordinates identified to ensure accuracy of the wetland boundary. The line should be verified by the Ministry of Natural Resources.

It is our opinion that "no negative impacts on the natural features or their ecological functions" would not be able to be addressed with a 30 metre setback. Furthermore, with the extraction going below the water table, the solution is to pump water back to the wetland when needed. Although, there is natural variability in natural systems there will be no assurances that the wetland levels will be maintained in the long term. Pumping would be solely at the discretion of the Quarry operator. The quarry extraction area should be amended to be located outside the area of interference with the wetland.

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2.1.4 b) Significant Woodlands

It is our opinion that the woodland feature on the property is a significant woodland according to the PPS and should be retained. This woodland area has been identified as part of the Greenland Designation within the County of Simcoe's new and existing official plan. It is also designated Escarpment Natural Area in the County's new Official Plan. It is also attached to significant woodlands identified through the Grey County Official Plan five year review. The woodland provides connections and wildlife corridors across the watershed divide between the Beaver River watershed and the watersheds of Batteaux Creek and the Pretty River. The suggested criteria to identify Significant woodlands within the Ministry of Natural Resources Natural Heritage Reference Manual include the following:

1. Woodland Size:

The Beaver River watershed includes forest cover in the range of 35 % cover. The proposal is to remove 40.5 hectares of forest cover primarily within the Beaver River watershed and replace it primarily within the Batteaux and Pretty River watersheds. Under the technical manual for the evaluation of woodland size where woodland cover is over 30 % cover the guidelines suggest to consider other criteria. We do not have forest cover figures for the County of Simcoe, Clearview Township and will defer to the Nottawasaga Valley Conservation Authority for figures within their watershed.

2. Woodland Shape and Proximity (to Other Woodlands or to Other Habitat Types)
Woodland patches that are close to one another are more value to wildlife than more distant patches. This woodland is in close proximity and attached to a large contiguous forest. The woodland shape provides a significant amount of interior forest.

3. Linkages

Linkages to other natural heritage features or areas, to waterbodies, or to other woodlands are important.

Woodlands with one or more natural heritage features or areas within their boundary are considered for significance.

Woodlands which overlap other natural heritage features and areas

Woodlands located within 250 metres of another natural heritage feature.

Woodlands that are in, close to, or adjacent to, a groundwater discharge or headwater region.

The woodland links the provincially significant wetland (in two locations), the regional ANSI/wetlands, springs/water resources on the escarpment and the Beaver River. The woodland includes significant wildlife habitat, endangered species, woodland breeding habitat for amphibians and interior breeding bird habitat.

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4. *Uncommon Characteristics*

The woodland has been managed and has not had an opportunity to become an old growth forest. There are large diameter white elm (at least two) in the north east part of the extraction area that appear to be unaffected by Dutch elm disease and this would potentially be considered an uncommon characteristic.

5. *Woodland Diversity*

The woodland provides a greater diversity in areas adjacent to the wetlands and karst features. The topography provides a diversity of ground covers.

6. *Woodland Management Value*

The woodlot is viable from a long term management prospective and diversity could be improved though proper forest management techniques. The woodlot is in generally good health based on our site inspections.

7. *Other*

The woodland is within the Niagara Escarpment Plan area and contributes to the continuous natural environment in accordance with the Purpose and objectives of the Niagara Escarpment Plan.

Based on the above discussion and suggested standards within the Natural Heritage Technical Guide, it is our opinion that the woodland feature within the proposed extraction area would be considered a significant woodland and should be retained. Total removal of 40.5 hectares would be a negative impact as the woodlot would be removed from the Beaver River watershed. Thus, it is our opinion that removal of the woodland does not meet the test of the PPS in regards to "no negative impacts".

Fish Habitat

We have forwarded the reports and information to the department of Fisheries and Oceans Canada for review. In comments provided above, we have recommended that the SW2A and SWB2 springs and watercourses be excluded from the extraction area and be maintained in a natural state under natural hazards policies. The report identifies that this spring would be lost and provides support for fish habitat downstream. Fisheries and Oceans will be providing comments on this issue upon the completion of the hydrogeological review.

2.1.4 c) *Significant Wildlife Habitat*

The Significant Wildlife Technical Guide (MNR 2000) is utilized to identify the significant wildlife habitat. The main categories include the following: *Seasonal Concentration Areas, Rare Vegetation Communities or Specialized habitats for wildlife, Habitats of Species of Conservation Concern, excluding the Habitats of endangered and threatened species, and Animal Movement Corridors.*

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Seasonal Concentration Areas

At least two issues do not appear to be addressed or at least discussed under this section: Landbird migratory stopover areas and Raptor wintering areas.

Rare Vegetation Communities

The Ecological Land Classification map did not identify any rare vegetation communities within the proposed extraction limit.

Specialized habitats for wildlife

-Sites supporting area-sensitive species

The proposed site does support area sensitive birds and a landscape approach is suggested in protecting these areas. The County of Simcoe's Official Plan identifies the woodland in the Greenland Designation and the objectives in this designation support the retention of the woodland.

-Forest stands providing a diversity of habitats

The guide indicates that *stands containing species of conservation concern and a large number of cavity dependent species should be considered significant. Stands containing other specialized habitats for wildlife should be considered significant (i.e. presence of springs and seepage areas)*

The forest stand contains springs (SW2A & SW2B), species of conservation concern (Hart's Tongue fern), and cavity dependent birds (the following of which have been documented on site: Downy woodpecker, Yellow-bellied sapsucker, Hairy woodpecker, Northern flicker, Pileated woodpecker, great crested flycatcher, Black capped chickadee, Tree swallow, white-breasted nuthatch, red-breasted nuthatch, winter wren, and house wren)

-Amphibian Woodland breeding ponds

A number of amphibian breeding ponds have been identified in the Rob Roy Wetland. The guide indicates that the best adjacent habitats are closed-canopy woodlands with rather dense undergrowth that maintains a damp environment. The minimum 120 metre setback from the wetland and beyond provides this habitat. There may other amphibian breeding issues within the NVCA watershed not commented on here.

-Specialized raptor nesting habitat

There were two raptors noted on site. There is no discussion of nesting habitat related to these species.

-Mink Denning sites

There was mink noted in the observation sheets and no discussion of potential den sites as per section 5.4.2.11 of the technical guide.

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-Seeps and Springs

The guide notes that *springs and small intermittent streams provide habitat for numerous uncommon species. In winter, wild turkey and white-tailed deer forage in these areas because of lack of snow cover.*

Habitats of Species of Conservation Concern, excluding the Habitats of endangered and threatened species

The Hart's Tongue fern population within the woodlot has been well documented through Stantec's letter of June 17, 2008. We did note on our last site visit, that monitoring devices for the Hart's Tongue was strapped to an Endangered species (Butternut Tree). This population appears to be the largest documented population in this area with over 10,000 plants estimated. In reviewing documented reports from the Natural Heritage Information Centre (NHIC) from Owen Sound to Singhampton there are no populations noted over 5000 plants. In reviewing numerous applications for development and completing forest management plans on public lands over the past 20 years our staff has not seen a population of this magnitude.

The proponent has apparently transplanted 5% of this population in November of this year without the support of provincial agencies. We question the timing and appropriateness of this transplant.

Animal Movement Corridors

The proposed loss of 40.5 hectares of forest cover would eliminate a north/south wildlife movement corridor in the Beaver River Watershed connecting two portions of the Provincially significant Rob Roy Swamp.

2.2 Water

The proposed crosses three watershed divides. We are not convinced through the reports supplied to date that sensitive surface water and ground water features and their hydrologic functions are being protected through this application.

Section 2.2.1 e) indicates: *Planning Authorities shall protect, improve, or restore the quality and quantity of water by maintaining linkages and related functions among surface water features, ground water features, hydrologic function and Natural heritage features and areas.*

The proposal removes significant natural heritage features and surface water features. The proposal requires constant monitoring and human intervention to mitigate impacts on the wetlands and balance water flow to the three watersheds. We will provide further comment on this issue once the hydrogeological peer review is completed.

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Summary of Recommendations

Niagara Escarpment Plan

It is our recommendation that the woodland area which includes the Hart's tongue fern populations be considered for the Escarpment Natural Designation as outlined in the Simcoe County Official Plan under the Niagara Escarpment Designation map. Additionally, we recommend that the Rob Roy Swamp be designated Escarpment Natural in the proposed plan amendment. Additionally, the spring in the South west corner of the site and identified hazard area should also included in this designation.

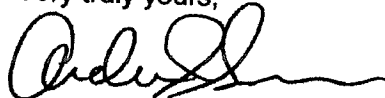
Provincial Policy Statement(PPS)

The enclosed map outlines a revised extraction area that addresses no negative impacts on the natural hazard and natural heritage features. The extraction in these amended areas should remain above the water table to maintain existing watershed areas and the sensitive surface and ground water features in the area. The water table determination across the site varies from 509m A.S.L.in topographic low to 526m A.S.L. in the topographic high areas. The suggested Adaptive Management Plan could be used to ensure quarrying above the water table is maintained. We believe this scenario addresses the requirements of the Provincial Policy Statement by allowing some extraction of the provincial significant aggregate resource while maintaining unique and significant natural hazard/ natural heritage features.

As noted previously, we will provide further comments once the peer review of the Hydrogeological studies is complete.

If any questions should arise, please contact the undersigned.

Very truly yours,



Andrew Sorensen
Environmental Planner

enclosure

cc Duntroon Quarry Expansion -- Distribution List