Attachment C Region of Waterloo final comments

Region of Waterloo

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VIA E-MAIL

File: C14-60/6/19011
November 30, 2021

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Township of Wilmot
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And

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Ministry of Northern Development, Mines, Natural Resources and Forestry
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Dear Mr. Martin and Ms. Richardson:

Re: Zone Change Application 11/19 – Regional Comments on Proposed Zone Change and Aggregate Resources Act Application for Category 3, Class 'A' License to Excavate Aggregate from Above-Water Table Pit
Jackson Harvest Farms Ltd. (Hallman Pit)
1894-1922 Witmer Road
Township of Wilmot

This Region has completed its review of the application to the Township of Wilmot for a zoning by-law amendment, and to the Ministry of Northern Development, Mines, Natural Resources and Forestry (to be considered interchangeably with "MNRF" for the purpose of this letter) for a license under the Aggregate Resources Act (ARA) for a Category 3, Class 'A' license to excavate aggregate from the above-noted property. As part of the Region's review of these applications, a number of qualified experts were retained to conduct peer reviews of the various technical reports submitted in support of the application. These included peer reviews of the Dust Best Management Practices Plan (and Cumulative Air Assessment), the Noise Study, the Agricultural Impacts Study, and the Cumulative Impacts Report. Internal experts have also reviewed the Environmental Impact Study and the Hydrogeological Study.

Air Quality (Dust)

Regional staff reviewed "Best Management Practices Plan for Control of Fugitive Dust Emissions" (the BMPP) dated October 1, 2019, prepared by GHD for Jackson Harvest Farms Limited. Regional staff also obtained the services of SLR Consulting (Canada) Ltd., to undertake a peer review of the BMPP. In addition to the BMPP, the following documents were submitted as part of this application:

- "Peer Review of Best Management Practices Plan for Control of Fugitive Dust Emissions", (the Peer Review). prepared by SLR Consulting (Canada) Ltd., dated February 27, 2020;
- "Response to Comments to Letter Dated February 27, 2020, Peer Review of Dust Best Management Practices Plan, GHD, 2019)" prepared by GHD, dated April 9, 2020;
- "Best Management Practices Plan for Control of Fugitive Dust Emissions, Jackson Harvest Farms Ltd – Revision 1" prepared by GHD, dated April 9, 2020;
- "Re: Final Peer Review of Best Management Practices Plan for Control of Fugitive Dust Emissions" prepared by SLR Consulting (Canada) Ltd., dated July 6, 2020;
- "Best Management Practices Plan for Control of Fugitive Dust Emissions, Jackson Harvest Farms Ltd – Revision 2" (the Revised BMPP), prepared by GHD, dated October, 2020;
- "Planning Justification Report – Addendum, Proposed Hallman Pit, 1894 Witmer Road", (Cumulative Impacts Report) prepared by IBI Group, dated October 21, 2020;
- "Cumulative Air Assessment, Hallman Pit, Jackson Harvest Farms", (Cumulative Air Quality Assessment) prepared by GHD, dated August 5, 2021;
- "Peer Review of the Cumulative Air Assessment, Proposed Hallman Pit, Jackson Harvest Farms", prepared by SLR Consulting (Canada) Ltd., dated September 16, 2021;
- "Response to Peer Review of the Cumulative Impacts Air Assessment, Proposed Hallman Pit, Jackson Harvest Farms, Township of Wilmot", prepared by GHD, dated September 30, 2021; and
- "Re: Peer Review Response of the Cumulative Air Assessment, Proposed Hallman Pit, Jackson Harvest Farms – Wilmot Township", prepared by SLR Consulting (Canada) Ltd., dated October 14, 2021.

In Spring 2021, Regional staff requested SLR Consulting (Canada) Ltd. (SLR) review the Cumulative Impacts Report prepared by the applicant, and to opine on whether anticipated cumulative air quality impacts had been adequately considered and addressed, in order to ensure that the applications conform with Regional Official Plan (ROP) Policy 9.C.4 (see section below titled "Cumulative Impacts"). As a result of this request, the Region's peer reviewer (SLR) recommended that a Cumulative Air Assessment be provided in order to fully analyze whether or not there would be cumulative impacts, and to fully comply with Ontario Regulation 419/05.
The Cumulative Air Assessment, dated August 5, 2021, was received and reviewed by SLR. SLR concluded that the revised BMPP and Cumulative Air Assessment are

acceptable. The cumulative dispersion modeling of the Hallman Pit in the Cumulative Air Assessment indicates that operation will comply with Ontario Regulation 419/05.

Archaeological Impacts

Regional staff have reviewed the following documents submitted with the application:

- "Stage 1 and 2 Archaeological Assessment, Jackson Harvest Farms Aggregate Extraction" (the Stage 1 and 2 Archaeological Assessment) dated November 16, 2018, prepared by Archaeological Research Associates Ltd.;
- "Stage 3 Archaeological Assessment, Jackson Harvest Farms Aggregate Extraction", (the Stage 3 Archaeological Assessment) prepared by Timmins Martelle Heritage Consultants Inc., dated September 13, 2019; and
- "Stage 4 Archaeological Assessment, Jackson Harvest Farms Aggregate Extraction", (the Stage 4 Archaeological Assessment) prepared by Timmins Martelle Heritage Consultants Inc., dated September 30, 2019.

Acknowledgement letters have been received for all Archaeological Assessment reports. The Archaeological Assessments included the identification of Archaeological Sites on the subject lands, including "Archaeological Site Jackson Harvest Farms Site 1"; Regional staff is satisfied that archaeological mitigation work for Archaeological Site Jackson Harvest Farms Site 1 is complete, and there are no further concerns related to archaeological resources with the proposed pit. Other archaeological sites were reviewed through the Stage 1, 2 and 3 Archaeological Assessments and were determined to have no Cultural Heritage Value or Interest. No additional mitigating measures are therefore required related to cultural heritage resources. Staff has also reviewed the supplementary documentation provided along with each Archaeological Assessment including all applicable Acknowledgement Letters from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and have no objection to the application as it relates to the protection of cultural heritage resources.

Noise

Regional staff have considered "Noise Feasibility Study for a Category 3 – Class "A" Pit Above Water, Hallman Pit" ("the Noise Report") dated September 12, 2019, prepared by HGC Ltd., as part of the review of this application. Regional staff obtained the services of SLR Consulting (Canada) Ltd., who completed the "Peer Review of Noise Feasibility Study, Proposed Hallman Pit", dated February 28, 2020.

Through this peer review, staff understand that the noise mitigation recommendations for the various Phases of extraction outlined in Section 5 (Pages 6-8) of the Noise Report are feasible and consistent with mitigation requirements and typical practices at other pit and quarry operations. Based on SLR's review of the noise modelling results provided, it was concluded that the noise mitigation recommendations in the Noise Report will result in compliance with the applicable NPC-300 noise guidelines.

Agricultural Impacts

Regional staff have reviewed “Agricultural Impact Assessment”, prepared by DBH Soil Services Inc., dated December 21, 2018 (the “AIA”). Staff obtained the services of AgPlan to conduct a peer review of the AIA. In addition to the AIA, the following documents were considered as part of the Region’s review of this application:

- “Draft Peer Review of the DBH Soil Services Agricultural Impact Assessment for the Jackson Harvest Farms Aggregate Pit Application, Wilmot Township, Region of Waterloo”, dated January 24, 2020;
- “Response to the Draft AgPlan Limited Peer Review of the DBH Soil Services Agricultural Impact Assessment of the Jackson Harvest Farms Aggregate Pit Application” by DBH Soil Services Inc., dated June 1, 2020;
- A final version of “Peer Review of the DBH Soil Services Agricultural Impact Assessment for the Jackson Harvest Farms Aggregate Pit Application”, by AgPlan Limited dated July 29, 2020;
- A revised AIA by DBH Soil Services Inc., dated January 11, 2021; and
- A final letter from AgPlan Limited dated February 22, 2021.

The DBH Soil Services AIA states that the proposed soil rehabilitation processes are “state-of-the-art” and that the site will be rehabilitated back to an agricultural condition. Provincial Policy Statement (PPS) Policy 2.5.4.1 permits aggregate extraction in prime agricultural areas provided the site is rehabilitated back to an “agricultural condition”, which means a condition in which substantially the same areas and average soil capability for agriculture are restored.

Regional staff understand, through discussions with DBH Soil Services and AgPlan, that no scientific evidence is available to demonstrate that the “state-of-the-art” soil rehabilitation process will result in meeting the test for soil rehabilitation to an “agricultural condition” as defined in the PPS. Regional staff understand through discussion with AgPlan and DBH that the missing scientific evidence either does not exist, or is proprietary. Neither AgPlan nor DBH are aware of evidence that could demonstrate that the pit could be rehabilitated to the definition of the PPS, however, through these discussions and discussions with OMAFRA, Regional staff understands that this is a limitation that applies to many aggregate pits in Ontario on prime agricultural lands and acknowledge this limitation.

Hydrogeology and Source Water

The Region’s Hydrogeology and Source Water staff reviewed the technical reports that were submitted in support of the proposed aggregate pit. The following technical reports were reviewed by HSW staff:

- Phase I Environmental Site Assessment (CVD, 2017a);
- Phase II Environmental Site Assessment (CVD, 2017b);
- Hydrogeological Assessment, Level 1 and 2 (Harden, 2019);
- Environmental Services Report (Harden, 2020); and
- Response from Harden (December 9, 2020)

The Region's comments on matters related to Hydrogeology and Source Protection were provided to the Township on February 7, 2020, November 18, 2020 and February 12, 2021 as a result of an internal review by the Region's Hydrogeology and Source Water Division.

The Region's February 7, 2020 comments identified the need for a Record of Site Condition to address contamination. These comments have been addressed through the filing of a Record of Site Condition with the Ministry of the Environment, Conservation and Parks (MECP) on August 25, 2020 as RSC #227095. The Region is in receipt of a letter of acknowledgement dated August 25, 2020. The Region has no further requirements with respect to site contamination.

Regional staff are satisfied that appropriate mitigation measures and any outstanding requirements can be addressed through site plan and have no further concerns with respect to groundwater impacts.

In response to concerns raised by local residents, Regional staff also requested additional information regarding the anticipated application volume of calcium chloride usage for dust control at the proposed Hallman Pit, as approved by the Ministry of the Environment, Conservation and Parks (MECP). Calculations were provided from Harden Environmental Services on October 13, 2021 confirming that a maximum application of 99,000L/year of calcium chloride usage would be acceptable. As a result of further discussions with Regional staff, the proponent is willing to limit the usage of calcium chloride to a maximum usage of 45,000L/year. Regional staff therefore recommend revising General Operational Note 22 as follows:

> "*Note 22: Dust Mitigation: Dust shall be mitigated on-site. Water or any other MECP approved dust suppressant shall be used to control dust on internal roads as often as required and as stipulated in the Best Management Practices Plan for Control of Fugitive Dust Emissions (BMPP) dated April 2020. When calcium chloride is used, it will be applied at the manufacturer's recommended rate but subject to Dust Recommendation Note 4. Refer also to Recommendations from Technical Studies regarding Dust."*

A new Note 4 is also recommended to the Dust Recommendation section which states:

> "*Note 4: The maximum annual volume of a 30% CaCl2 solution to be used as a dust suppressant on the internal haul route is 45,000 litres."*

Natural Environment

The subject application and supporting materials were reviewed by staff and the Region's Ecological and Environmental Advisory Committee (EEAC) with specific focus on the assessment of potential impacts to Regionally-designated environmental features and systems. The supporting reports most relevant to this review include:

- “Natural Environment Level 1 & 2 Report and E.I.S. For Aggregate Licence Application, Part Lot 10, German Block South of Bleams Road, Township of Wilmot, Regional Municipality of Waterloo. Proposed Hallman Pit” prepared by Dance Environmental Inc., September 20, 2019 (the EIS); and
- “Planning Justification Report – Addendum, Proposed Hallman Pit, 1894 Witmer Road” submitted by IBI Group, October 21, 2020, including the appendix “Dance Environmental Inc. Memorandum”, dated September 25, 2020.

The subject property is adjacent to a Core Environmental Feature (Significant Woodland), as designated by the Regional Official Plan. The EIS has satisfactorily demonstrated that there are not any anticipated adverse environmental impacts to the Core Environmental Feature associated with the proposed extraction operation, provided the recommendations related to buffer width and composition are implemented. To this end, it is recommended that only the area to be licensed for extraction be zoned to permit extraction (i.e. Zone 14 – Extractive Industrial), and that the natural areas and buffers surrounding the area to be licensed are zoned as Zone 11 - Open Space. The limits of the Open Space have been confirmed through the delineation of the Significant Woodland feature to the satisfaction of the Region, in accordance with recommendations 2 and 4 of EEAC Report EEAC-20-01 (included as Attachment A to this letter).

In addition to the formal recommendations related to the Zoning By-law amendment (included below) and the Aggregate Resources Act Application (included in the recommendation section, herein), other items for consideration by the applicant were identified in EEAC’s report, and are provided here for the consideration of the Township and Ministry:

<u>Significant Woodland and associated buffer</u>

1. The Eastern Cottonwood seedlings or young trees that require removal within the site be removed in a manner that allows the trees to be relocated to an area of the site that is proposed to be zoned as Open Space.
2. Consideration be given to planting the proposed setback area along the Significant Woodland at the southwest corner of the subject lands with native tree and shrubs, especially in the area that the buffer is reduced to 10m in order to accelerate the woodland edge succession and mitigate growth of agricultural weed species along this edge.

<u>Wetland and associated buffer</u>

1. The connection between the wetland area and the woodland located at the southeast corner of the subject lands represents an opportunity for restoration of a site-level linkage, and it is recommended that consideration be given to including additional native tree and shrub restoration plantings along this corridor to augment the existing and operational stage berm plantings during rehabilitation.

2. Consideration be given to enhancing and restoring the coniferous plantation near the wetland, potentially including targeted thinning of the plantation and inter-planting of native tree species in order to achieve a more diverse mixed woodland condition.
3. Surface water level and quality monitoring within the pond be included in the monitoring plans, and that the surface and groundwater monitoring results be compared against amphibian breeding activity.
4. The monitoring program include turtle basking and nesting surveys according to MECP/MNRF guidelines to track the continued occurrence of turtle habitat functions in and around the wetlands.

General Comments

1. Consideration be given to provision of an annual agricultural rehabilitation report, to begin after the completion of the rehabilitation and revegetation of Phase 1 of the operation.
2. It is requested that no trees be removed in the installation of the farm access gate that is proposed in the vicinity of the woodland located at the southeast area of the subject property, and that a statement to this effect be added to Note 2 Access, note b) of the Operational Plan. It is further requested that this note is amended to ensure that no pit operations, including staff vehicles, will utilize the farm gate accesses.
3. In addition to the passive renaturalization proposed, consideration be given to incorporating targeted planting of tree and shrub species within the passive regeneration areas, similar to the plantings proposed within the active restoration areas.

Based on the review of the supporting materials and the recommendations included herein, there are no objections to the proposed Zoning By-law amendment or Aggregate Resources Act applications from an environmental planning perspective.

Corridor Planning

Regional Corridor Planning staff reviewed “Jackson Harvest Farms 1894 Witmer Road Transportation Impact Study” (the TIS), prepared by Paradigm Transportation Solutions Limited dated February 2019. Regional staff are satisfied that there will be no negative impacts on Regional road infrastructure as a result of this application.

As part of information submitted by local residents regarding visibility at the intersection of Witmer Road and Regional Road 12 (Queen Street) this intersection was further investigated. While visibility for eastbound motorists at this intersection met Transportation Association of Canada guidelines, the stop bar at this location was moved closer to the intersection (while in compliance with the Ontario Traffic Manual), thereby improving visibility further.

Cumulative Impacts

Regional staff have reviewed the studies submitted in support of the zone change and ARA applications and have reviewed "Planning Justification Report" (the PJR) prepared by IBI Group dated October 11, 2019. On September 8, 2020, Regional staff requested an addendum to the PJR to address ROP Policy 9.C.4, which requires that technical studies required in support of aggregate operations will take into account the potential cumulative impacts that may result from a proposed mineral aggregate operation. Regional staff have since reviewed "Planning Justification Report – Addendum, Proposed Hallman Pit, 1894 Witmer Road", (Cumulative Impacts Report) prepared by IBI Group, dated October 21, 2020.

The Cumulative Impacts Report examines the operations of seven nearby licensed pits and the implications for cumulative impacts as it relates to the different technical studies that were undertaken, resulting in the following additional recommendations.

- Noise: "*That the licensee undertake a noise audit of the Hallman Pit operation to ensure that MECP noise guidelines continue to be met upon the opening (active extraction) of the Cattleland Pit (ARA License 10600), Phase 8, Phase 9 and Phase 10, and upon the opening of the Voisin Pit (ARA License 608502), Phase 2. The noise audit shall be undertaken by a qualified acoustical engineer with the results submitted to MNRF, the Region of Waterloo and the Township of Wilmot. Should MECP Guidelines be found to be breached, the Licensee shall undertake operational design changes to ensure compliance."* Regional staff accept the additional noise recommendation to address cumulative impacts and recommend that this requirement be included in the ARA site plans; and

- Geotechnical: *"the length of [Witmer Road] from the Hallman Pit to the Voisin Pit will require upgrading as well as the balance of the haul road to* Regional *Road 12 (Queen Street)".* Regional staff understand that the proponent has agreed to enter into an agreement with Wilmot Township to ensure that road upgrades are completed subsequent to licensing of the lands for aggregate extraction and defer to the Township on any comment on the upgrading of the Township road.

Regional Environmental Planning staff has also reviewed the application and associated technical reports for conformity with Regional Official Plan Policy 9.C.4 regarding consideration of cumulative impacts:

> "*9.C.4 The studies noted in Policies 9.C.3 and 9.D.1 will take into account the potential cumulative impacts that may result from a proposed new mineral aggregate operation when added to other past, present and proposed future mineral aggregate operations in the vicinity of the proposed new operation. The appropriate level of detail, analysis boundaries and baseline data to be used in the cumulative impact assessment will be determined by the Region, Area Municipalities, the Grand River Conservation Authority and the owner/applicant as part of the pre-submission consultation meeting*.

For reference, the ROP defines ‘cumulative impacts’ as:

> *“the changes to the environment resulting from a particular activity in combination with the incremental impacts caused by other closely related past, present and reasonably foreseeable future activities. Cumulative impacts may reveal that relatively minor impacts associated with a particular activity may contribute to more significant impacts when considered collectively with other activities taking place over a period of time.”*

Regional staff has considered the potential for cumulative impacts in light of the ROP policies, with a focus on a systems-level perspective, and do not find that there are any reasonably anticipated cumulative impacts to Regionally- or Provincially-designated natural heritage systems as a result of the proposed aggregate extraction operation. The proposed aggregate extraction operation is unlikely to contribute to potential cumulative impacts to such systems when considered in concert with the existing aggregate extraction operations, or potential future operations in the general area.

The memorandum from Dance Environmental focused on potential wildlife movement along the wooded areas in the immediate vicinity in a north-south direction through wooded areas, and states that the corridor accommodating movement will be maintained through the operation of the proposed pit. Environmental Planning accepts that the north-south movement of wildlife in the immediate vicinity of the proposed aggregate operation will remain possible based on the features being preserved on the subject site (i.e., the pond and wooded area), and the setbacks that are proposed from the adjacent Core Environmental Feature (Significant Woodland).

Environmental Planning staff has also reviewed the presence of natural features in the general vicinity of the proposed operation, and at wider subwatershed and Township-scale overviews. The proposed operation will not directly remove any biotic natural heritage features including Core Environmental Features, Landscape Level Systems, or any components of the Provincial Natural Heritage System of the Growth Plan for the Greater Golden Horseshoe.

The Dance Environmental memorandum speaks to limited wildlife movement occurring in a north-south direction in the immediate vicinity of the subject property. On a broader scale, there are also a series of connections in an east-west direction including Environmentally Sensitive Policy Areas (ESPA) to the north, and a series of Significant Woodlands and wetlands (Provincially Significant and unassessed) within the Natural Heritage System of the Growth Plan which offer larger connected opportunities to protect environmental features.

Because the proposed operation is not directly removing or reducing any designated natural heritage features, or in any way preventing or inhibiting the relationship and connection amongst existing features or natural heritage systems, environmental planning does not find that there are any reasonably anticipated cumulative environmental impacts that require further identification or mitigation.

The Cumulative Impacts Report includes correspondence from the proponent's hydrogeology consultant, revisions to the Dust Best Practices Management Plan (October 2020), a Cumulative Air Quality Assessment (discussed earlier in this letter), and a memo from the proponent's ecological consultant confirming that there are no proposed cumulative impacts with regard to these subject areas.

The Cumulative Impacts Report has been reviewed by the Region's technical consultant SLR Consulting related to the proposed noise and air quality as well as internal experts as it relates to the natural environment and hydrogeology and source water protection and have no objections or additional recommendations to the application as it relates to conformity with ROP Policy 9.C.4 regarding cumulative impacts.

Conclusions

In summary, the Region has no objection to the ARA application or Zone Change Application 11/19, referenced above, subject to the following.

For Zone Change Application 11/19:

- That the Extractive Industrial zone be limited to the proposed extraction area; and

- That the wetland, woodland and associated buffers on the subject lands be re-zoned as Open Space.

For the ARA Application:

- The Region requests the following be included in an approved license or the accompanying site plan and/or site plan notes, as appropriate:

    - Berms are to be seeded with a native meadow mix, appropriate to the site conditions and to the satisfaction of the Region. The seed mix should include Common Milkweed and other species attractive to pollinators;

    - No clearing of vegetation on the site should occur during the bird breeding season in compliance with the Migratory Birds Convention Act, unless it can be ascertained by a qualified expert that no birds covered by the Act are observed to be breeding in or adjacent to the affected area;

    - No tree clearing should occur on the site between April 1st and October 31st, as directed by the Ministry of Environment, Conservation and Parks in correspondence dated January 28, 2020;

    - The annual ecological monitoring reporting proposed in Section 9.0 of the "Natural Environment Level 1 & 2 Report and E.I.S. For Aggregate Licence Application, Part Lot 10, German Block South of Bleams Road, Township of Wilmot, Regional Municipality of Waterloo. Proposed Hallman Pit" (EIS) Prepared by Dance Environmental Inc. (September 20, 2019) be submitted as a stand-alone monitoring report to the MNRF, the Township

of Wilmot, the GRCA and the Region of Waterloo by June 30th of the following year; and

- If a Permit to Take Water is granted by the Ministry of Environment, Conservation and Parks, an annual groundwater monitoring report be prepared by the applicant, and the monitoring report should include well location MW5, or a similarly sited well. The results of such measurements and testing are to be reported by a qualified professional on an annual (calendar year) basis to the MNRF, the Township of Wilmot, the GRCA and the Region by April 30 of the year following. Annual reports are to continue for the operational life of the pit and for five years after completion of rehabilitation.

- The ARA Site Plan notes should be updated as noted in Harden's December 9, 2020 response. Regional staff accept the proposal by Harden to include a limited number of pages (1 to 11) from the Spills Response Plan in the site plan notes, as proposed by the proponent. The site plan notes should also reference the full spills plan;

- Annual water quality monitoring (for BTEX/PHCs) should be included on the ARA Site Plan notes as part of the ongoing groundwater monitoring program regardless of whether asphalt recycling is proposed. This should also be added to the ARA site plan. Regional staff are available to discuss the specifics of where monitoring should occur;

- If asphalt recycling is proposed at the proposed pit the proponent has indicated that a future groundwater monitor MW12 will be installed to monitor for potential impacts related to that activity. This should be added to the ARA site plan notes;

- As recommended in Section 6.32 of the 2020 Harden report, if asphalt recycling is proposed at the subject property, it should be underlain by a one metre thickness of clay or silt materials (over and above the 1.5 m separation from the water table) and that runoff should be captured in the recycling area. This must be included in the ARA site plan notes;

- That Regional staff be circulated on monitoring reports that are submitted to the MNRF for this site;

- The ARA Site Plan Notes for the proposed pit must include that the proponent will adjust the pit floor elevation if future groundwater elevations arise as a result of impacts from climate change as per the Harden 2020 Environmental Services Report;

- Groundwater contamination prevention/management measures as noted in the Harden 2020 Environmental Services Report must be reflected on the ARA site plan notes including siting fuel storage on concrete surfaces and asphalt recycling on low-permeability soil liners;

- The spill contingency plan must be included in the ARA site plan notes;

- Prior to site plan approval a trigger level and contingency plan be established for groundwater quality and groundwater elevations at the on-site monitoring location prior to ARA site plan approval. The trigger level and contingency plan should be added to the ARA site plan notes;

- That Note 22 on the site plan be revised and worded as follows*: Dust Mitigation: Dust shall be mitigated on-site. Water or any other MECP approved dust suppressant shall be used to control dust on internal roads as often as required and as stipulated in the Best Management Practices Plan for Control of Fugitive Dust Emissions (BMPP) dated April 2020. When calcium chloride is used, it will be applied at the manufacturer's recommended rate but subject to Dust Recommendation Note 4. Refer also to Recommendations from Technical Studies regarding Dust."*;

- That a new Note 4 be added under Dust Recommendation section: *The maximum annual volume of a 30% CaCl2 solution to be used as a dust suppressant on the internal haul route is 45,000 litres"*;

- That Monitoring Well 11 be monitored for water quality including BTEX if water quality impacts are observed at MW5. Monitoring requirements will be included in the site plans;

- That the noise recommendations contained in Section 5 (Pages 6-8) of the Noise Report be included on notes on the Operational Plans;

- That the Operational Notes shall include the following recommendation for Phase 1: "5. the licensee undertake a noise audit of the Hallman Pit operation to ensure that MECP noise guidelines continue to be met upon the opening (active extraction) of the Cattleland Pit (ARA License 10600), Phase 8, Phase 9 and Phase 10, and upon the opening of the Voisin Pit (ARA License 608502), Phase 2. The noise audit shall be undertaken by a qualified acoustical engineer with the results submitted to MNRF, the Region of Waterloo and the Township of Wilmot. Should MECP Guidelines be found to be breached, the Licensee shall undertake operational design changes to ensure compliance.";

- That the recommendations in the October 2020 Revised BMPP are implemented through the ARA license and site plans; and

- That the rehabilitation of the pit to agricultural conditions shall occur in accordance with the General Rehabilitation Plan in section 4.8.1 of the January 11, 2021 revised AIA.

General Comments

Please note that Regional staff also reviewed and considered submissions from the public including third party expert reviews of the technical studies submitted. These

submissions have been reviewed by Regional staff and provided to internal and external reviewers and were considered when reviewing the above-referenced applications and providing the comments herein.

Please accept this letter as our request for a copy of any approved or modified site plans, staff reports, decisions and minutes pertaining to each of the applications noted above. Should you require Regional Staff to be in attendance at any meetings or have any questions, please do not hesitate to contact the undersigned.

Any issuance of a building permit for future development on this property will be subject to provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Yours truly,

David Welwood, MCIP, RPP
Principal Planner

(519) 503-3870

cc: David R. Sisco, IBI Group (vie email: david.sisco@ibigroup.com)

Attachments :

A. Regional Report EEAC-20-001, Recommendations of the Region's Ecological and Environmental Advisory Committee, February 24, 2020

Attachment 'A'

Report: EEAC-20-001

Region of Waterloo

Planning, Development & Legislative Services

Community Planning

To: Chair and Members of the Ecological and Environmental Advisory Committee

Date: February 24, 2020 **File Code:** D04-20

Subject: Proposed Aggregate Extraction Operation – Proposed Hallman Pit 1894 and 1922 Witmer Road, Township of Wilmot

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Recommendation:

That the Ecological and Environmental Advisory Committee (EEAC) provide the following advice to Community Planning staff with respect to the proposed zone change and aggregate licence on the proposed Hallman Pit which is adjacent to a Core Environmental Feature (Significant Woodland) within the Township of Wilmot:

1. That the "Natural Environment Level 1 & 2 Report and E.I.S. For Aggregate Licence Application, Part Lot 10, German Block South of Bleams Road, Township of Wilmot, Regional Municipality of Waterloo. Proposed Hallman Pit" (EIS) Prepared by Dance Environmental Inc. (September 20, 2019), and additional information provided by the applicant in support of the proposed zone change and aggregate licence application pursuant to ROP Policies 7.C.9 and 7.G.4(b) satisfactorily fulfills the Terms of Reference presented on February 25, 2019 (EEAC-19-003), and adopted on April 29, 2019, and that the Committee has no objection in principle to the approval of the Zoning By-law amendment application;

2. That the boundary of the Significant Woodland along the southwestern edge of the subject lands be finally delineated at the earliest opportunity in consultation with Regional staff and EEAC working group members, in accordance with the recommendation of section 8.5 of the EIS;

3. That the berms be seeded with a native meadow mix, appropriate to the site conditions and to the satisfaction of Regional staff and the EEAC working group members. The seed mix should include Common Milkweed and other species

attractive to pollinators;

4. That only the proposed extraction area be re-zoned to permit aggregate extraction, and that the wetland, woodland and associated buffers on the subject lands be re-zoned as Open Space;

5. Advise Community Planning staff that the Region request the MNRF consider including the following in the Site Plan of the proposed Hallman Pit Site Licence:

   5.1 That no clearing of vegetation on the Site occur during the bird breeding season in compliance with the Migratory Birds Convention Act, unless it can be ascertained by a qualified expert that no birds covered by the Act are observed to be breeding in or adjacent to the affected area;

   5.2 That no tree clearing occur on the site between April 1st and October 31st, as directed by the Ministry of Environment, Conservation and Parks in correspondence dated January 28, 2020;

   5.3 That the annual ecological monitoring reporting proposed in Section 9.0 of the EIS be submitted as a stand-alone monitoring report to the MNRF, the Township of Wilmot, the GRCA and the Region of Waterloo by June 30th of the following year;

   5.4 That if a Permit to Take Water is granted by the Ministry of Environment, Conservation and Parks, an annual groundwater monitoring report be prepared by the applicant, and the monitoring report should include well location MW5, or a similarly sited well. The results of such measurements and testing are to be reported by a qualified professional on an annual (calendar year) basis to the MNRF, the Township of Wilmot, the GRCA and the Region by April 30 of the year following. Annual reports are to continue for the operational life of the pit and for five years after completion of rehabilitation.

Report:

This report provides recommendations for EEAC to consider for the Proposed Hallman Pit, a Class A Category 3 aggregate extraction operation, which arise from the Greenlands Network designations and policies of the Regional Official Plan (ROP). EEAC approved recommendations will be submitted to Community Planning staff and the Ministry of Natural Resources and Forestry (MNRF) in order to request implementation through the associated Zoning By-law amendment application (Township of Wilmot, ZCA-11-19) and Aggregate Resources Act Site Licence application (MNRF), as applicable, for the proposed Hallman Pit.

The proposed Hallman Pit site is adjacent to a Core Environmental Feature (Significant Woodland) which was found to be of good quality, and in accordance with ROP Policy 7.C.10, an Environmental Impact Statement was required to demonstrate that the proposed development would not result in adverse environmental impacts on the Significant Woodland and its ecological function. There is also a wetland and surrounding treed area on the eastern limits of the site which does not qualify as a feature under the Greenlands Network policies, but which is regulated by the Grand River Conservation Authority (GRCA). Recommendations specific to the wetland/forest feature are included for information and will be provided to the GRCA for their reference.

In addition to the recommendations provided in the section above, the EEAC Working Group members also provide the following recommendations for the consideration of the applicant, and which will be provided to the GRCA for their information:

Significant Woodland and associated buffer

1. The Eastern Cottonwood seedlings or young trees that require removal within the site be removed in a manner that allows the trees to be relocated to an area of the site that is proposed to be zoned as Open Space.
2. Consideration be given to planting the proposed setback area along the Significant Woodland at the southwest corner of the subject lands with native tree and shrubs, especially in the area that the buffer is reduced to 10m in order to accelerate the woodland edge succession and mitigate growth of agricultural weed species along this edge.

Wetland and associated buffer

1. The connection between the wetland area and the woodland located at the southeast corner of the subject lands represents an opportunity for restoration of a site-level linkage, and it is recommended that consideration be given to including additional native tree and shrub restoration plantings along this corridor to augment the existing and operational stage berm plantings during rehabilitation.
2. Consideration be given to enhancing and restoring the coniferous plantation near the wetland, potentially including targeted thinning of the plantation and inter-planting of native tree species in order to achieve a more diverse mixed woodland condition.
3. Surface water level and quality monitoring within the pond be included in the monitoring plans, and that the surface and groundwater monitoring results be compared against amphibian breeding activity.

4. The monitoring program include turtle basking and nesting surveys according to MECP/MNRF guidelines to track the continued occurrence of turtle habitat functions in and around the wetlands.

General Comments

1. Consideration be given to provision of an annual agricultural rehabilitation report, to begin after the completion of the rehabilitation and revegetation of Phase 1 of the operation and the
2. It be requested that no trees be removed in the installation of the farm access gate that is proposed in the vicinity of the woodland located at the southeast area of the subject property, and that a statement to this effect be added to Note 2 Access, note b) of the Operational Plan. It be further requested that this note is amended to ensure that no pit operations, including staff vehicles, will utilize the farm gate accesses.
3. In addition to the passive renaturalization proposed, consideration be given to incorporating targeted planting of tree and shrub species within the passive regeneration areas, similar to the plantings proposed within the active restoration areas.

Additional Background Information:

In order to facilitate the establishment of an above-water table aggregate extraction operation on the subject lands, a Zoning By-law amendment application has been applied for and a companion Class A Category 3 Licence application has been made under the Aggregate Resources Act. In accordance with a Terms of Reference adopted by EEAC on April 29, 2019 (included in Attachment D) and ROP Policy 7.C.10, an environmental report was submitted in support of the applications which are adjacent to a Core Environmental Feature (Significant Woodland): "Natural Environment Level 1 & 2 Report and E.I.S. For Aggregate Licence Application, Part Lot 10, German Block South of Bleams Road, Township of Wilmot, Regional Municipality of Waterloo. Proposed Hallman Pit" (EIS) Prepared by Dance Environmental Inc. (September 20, 2019). Supporting information provided also included an Agricultural Impact Assessment, Air Quality (Dust) Best Management Practices report, Hydrogeological Assessment, Site Plans and Rehabilitation Plans, all of which are currently available through the Township's website (https://developmentapplications.wilmot.ca/Home/Detail?Id=afea319e-c756-4d36-b1c5-05060c25d3ce). In addition to agency reviews, peer reviews have been secured for some of the studies including the Transportation Impact Assessment and the Agricultural Impact Assessment. As of this writing, additional work and/or revisions have been requested based on the reviews of the Hydrogeological Assessment and the

Agricultural Impact Assessment.

The subject lands are approximately 66 hectares in size and are contiguous to a Core Environmental Feature (Significant Woodland) as identified in Attachment A. There is also a wetland area in the northeastern area of the subject lands, but it has been determined that the wetland does not meet the criteria for a Provincially Significant Wetland (PSW). Notwithstanding this, the wetland is regulated under the GRCA and is suspected turtle habitat and the wetland and surrounding wooded area are proposed to be protected. The area to be licensed is 57.3 hectares, which will not include the wetland and woodlands on the subject property as well as associated buffers. The area proposed to be licensed is requested to be zoned Zone 14 (Extractive Industrial) with provisions to import concrete and asphalt for recycling. The areas surrounding the limits of the area proposed to be licenced for extraction are proposed to be zoned Zone 11 (Open Space).

On February 29, 2019, EEAC received Report EEAC-19-003 and adopted a recommendation to scope terms of reference for the Environmental Impact Statement (EIS) required in support of the proposed zone change and aggregate licence applications as per Policies 7.C.9 and 7.G.4(b) of the Regional Official Plan (ROP). Staff and the subcommittee visited the subject property on January 11, 2019 with the applicant and their consultants.

The EEAC working group is of the opinion that the studies and follow-up information identified in the EIS generally fulfill the requirements in the Terms of Reference approved in 2019, and provides the recommendations above for the consideration and implementation, where applicable, by Regional, Township and MNRF staff through Zoning By-law amendment application WIL ZC-11-19 and the associated Site Licence application under the Aggregate Resources Act.

Area Municipal Consultation and Coordination:

Copies of this report have been provided to the Township of Wilmot and Grand River Conservation Authority staff.

Corporate Strategic Plan:

This review supports Focus Area 3 – Environment and Climate Action, and the specific Strategic Objective 3.5 Promote the efficient use of urban land, and protect and enhance agricultural and natural areas.

Financial Implications:

The prescribed fee for review of a scoped EIS was paid in accordance with the Region's

Fees and Charges By-law.

Other Department Consultations/Concurrence:

This application is also being reviewed by Transportation, Hydrogeology and Source Water Protection, Water Services, and Planning staff with the Region.

Attachments:

Attachment A – Location of Proposed Hallman Pit (Subject Property) and Core Environmental Features.

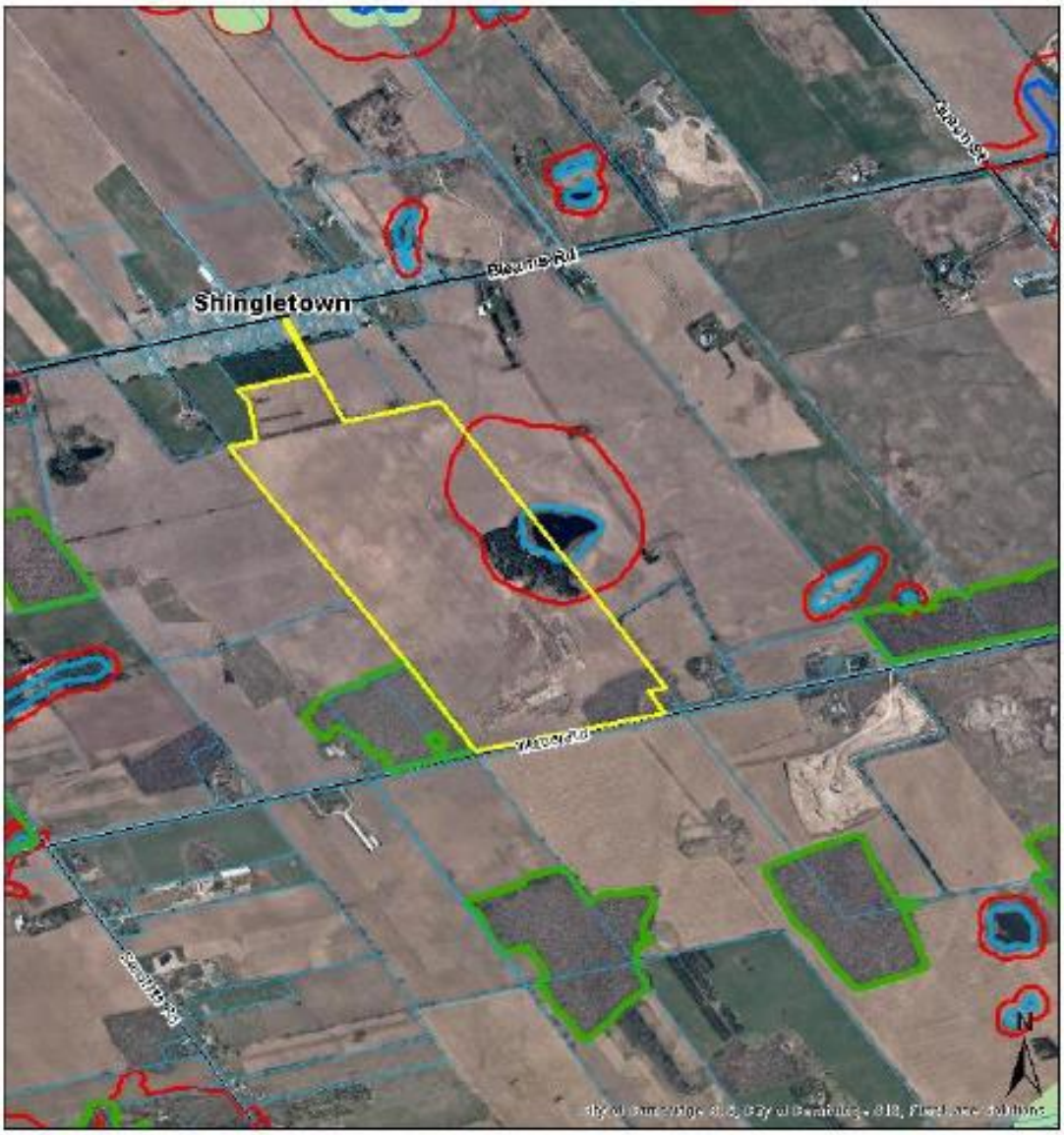
Attachment B – Rehabilitation Plan.

Attachment C – Natural Environment Level 1 & 2 Report and E.I.S. For Aggregate Licence Application, Part Lot 10, German Block South of Bleams Road, Township of Wilmot, Regional Municipality of Waterloo. Proposed Hallman Pit. Dance Environmental Inc., September 20, 2019.

Prepared on behalf of:

Ryan Archer
Wayne Caston
Ken Hough
EEAC Working Group, Proposed Hallman Pit

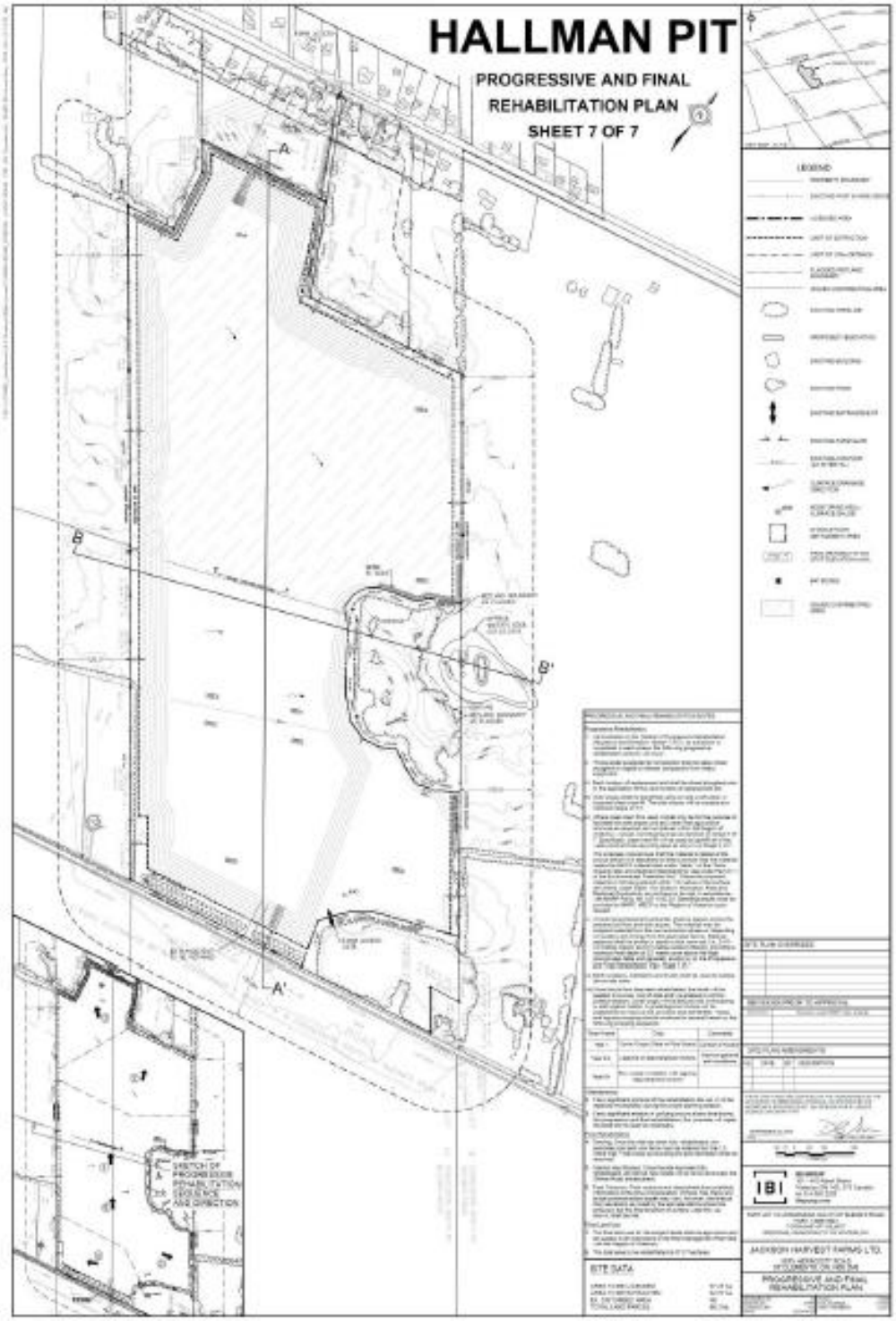
Attachment A - Location of Proposed Hallman Pit (Subject Property) and Core Environmental Features



Legend

- Subject Property
- Significant Woodland
- GRCA Wetland
- GRCA -Regulation Limit

Attachment B – Rehabilitation Plan.



Attachment C – Natural Environment Level 1 & 2 Report and E.I.S. For Aggregate Licence Application, Part Lot 10, German Block South of Bleams Road, Township of Wilmot, Regional Municipality of Waterloo. Proposed Hallman Pit. Dance Environmental Inc., September 20, 2019

Region of Waterloo

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File: C14-60/6/19011
December 1, 2021

VIA E-MAIL

Andrew Martin
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Township of Wilmot
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Baden, ON N3A 1A1
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And

Seana Richardson, Aggregate Technical Specialist
Ministry of Northern Development, Mines, Natural Resources and Forestry
1 Stone Road West,
Guelph, Ontario
N1G 4Y2
E-mail: Seana.Richardson@ontario.ca

Dear Mr. Martin and Ms. Richardson:

Re: Zone Change Application 11/19 – Addendum Regional Comments on Proposed Zone Change and Aggregate Resources Act Application for Category 3, Class 'A' License to Excavate Aggregate from Above-Water Table Pit
Jackson Harvest Farms Ltd. (Hallman Pit)
1894-1922 Witmer Road
Township of Wilmot

Further to the Region's comment letter dated November 30, 2021, Regional staff also request that the results of the two years of monitoring requested in our November 18, 2020 letter be provided to the Region prior to site plan approval and/or extraction.

Yours truly,

David Welwood, MCIP, RPP
Principal Planner
dwelwood@regionofwaterloo.ca
(519) 503-3870

cc: David R. Sisco, IBI Group (vie email: david.sisco@ibigroup.com)