



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**

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.

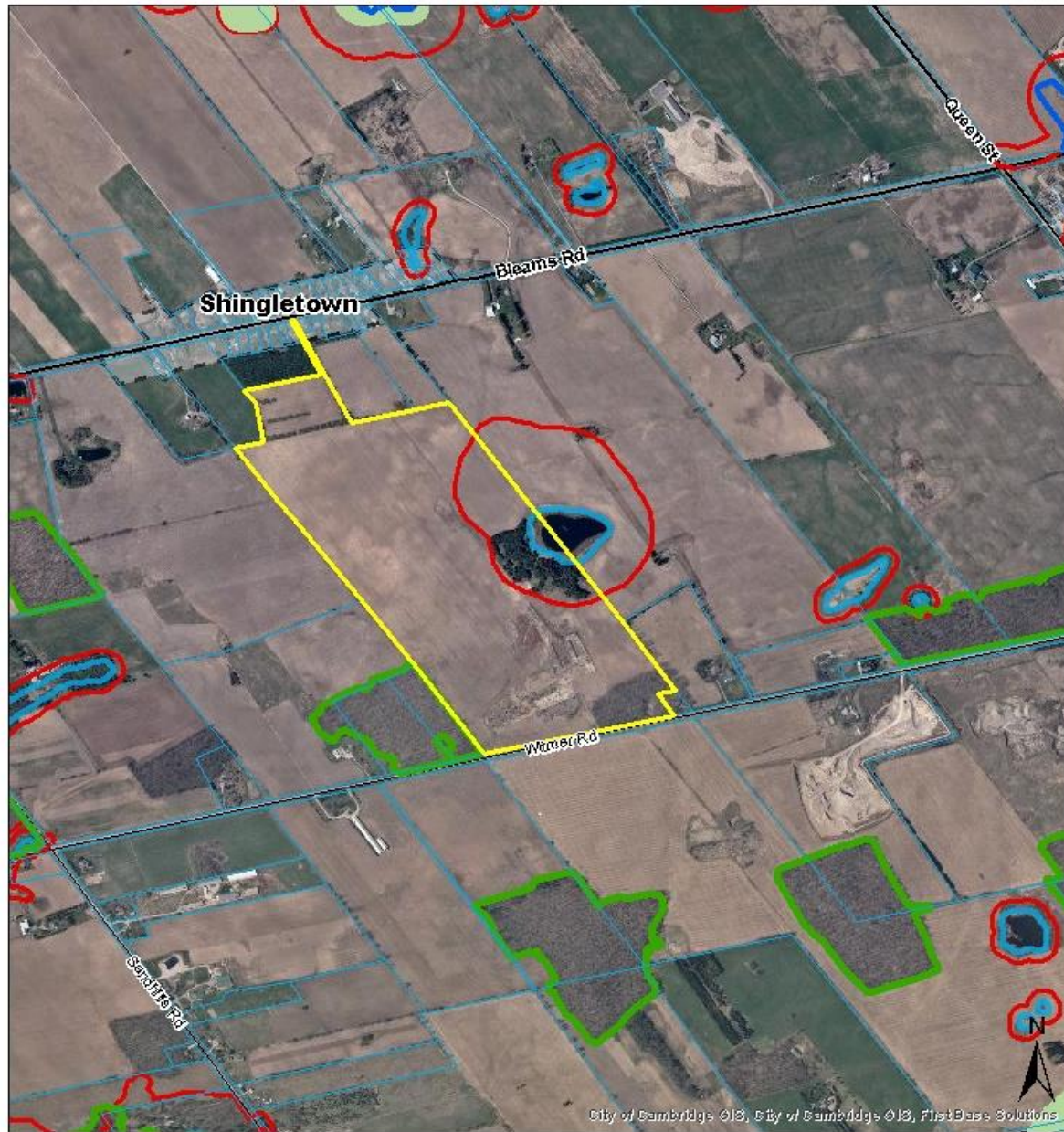
Prepared on behalf of:

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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

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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