

November 24, 2020

Jeff Markowiak Town of Halton Hills 1 Halton Hills Drive

Halton Hills, ON L7G 5G2 Dear Mr. Markowiak:

# RE: Pre-Consultation comments – Dufferin Aggregates Milton Quarry East Extension Part of Lot 12, Concession 1

# 10305 Nassagaweya Esquesing Townline Town of Halton Hills, Region of Halton

Thank you for the opportunity to participate in the November 19, 2020 Pre-consultation on the Dufferin Aggregates Milton Quarry East Extension proposal on the above-noted lands, as part of the Joint Aggregate Review Team (JART). Please accept this letter in response to the Pre- consultation Application notice and meeting.

The subject lands proposed for the aggregate expansion are 66.5 ha in size and are located within the Niagara Escarpment Plan (NEP) Rural Area designation and subject to Development Control as established by Ontario Regulation 826/90, Designation of Area of Development Control. It is staff’s understanding that the licensed area boundary being proposed is approximately 29.9 ha in size of which 16 ha is to be proposed for extraction.

Part 1.2.2.1 of the NEP (2017) provides the following policy with regards to proposals for Mineral Resource Extraction Area:

*Mineral aggregate operations within a new Mineral Extraction Area producing more than 20,000 tonnes annually may be considered on lands within the Escarpment Rural Area land use designation through an amendment to the Niagara Escarpment Plan. Such an amendment will be to effect the change from Escarpment Rural Area to Mineral Resource Extraction Area.*

Pursuant to the above-noted policy, a Niagara Escarpment Plan Amendment (NEPA) application will be required for consideration by the Commission. Subject to the approval of an Amendment application, a subsequent Development Permit Application (DPA) will also be required to facilitate development on the subject lands.

## Niagara Escarpment Plan (2017)

Part 1.5 of the NEP (2017) provides the Objectives, Criteria for Designation, and Permitted Uses for lands within the Escarpment Rural Area designation. The NEPA application will be required to propose a change in designation from Escarpment Rural Area to Mineral Resource Extraction Area (MREA). Part 1.9 of the NEP (2017) provides the Objectives, Criterion for Designation and Permitted Uses for lands within the MREA designation. The applicant will be required to address the Objectives and applicable policies contained under Parts 1.5 and 1.9 when preparing the supporting planning documentation and technical studies.

The NEPA and Development Permit applications will be further subject to demonstrating compliance with all applicable NEP (2017) Part 2 Development Criteria. NEC Staff has identified the following characteristics of the subject lands, based on a desk-top exercise:

* The subject lands are currently largely vacant lands, comprised of open field and pasture, formally used as hayfields.
* Key Natural Heritage Features are situated adjacent to the subject lands, including Significant Woodlands, Life Science Significant Area of Natural and Scientific Interest (Halton Forest North ANSI), Environmentally Sensitive Area (Hilton Falls Complex) and three (unevaluated) wetlands situated to the north, east and south.
* The subject lands are identified as containing the regulated habitat of an endangered species under the *Endangered Species Act* (ESA).
* The subject lands are contiguous with the existing Milton Quarry, bounded by the existing Milton Quarry East Cell to the north, the existing North Quarry to the west, and the existing Main Quarry at some distance to the southwest and south.
* Niagara Escarpment Parks and Open Space System (NEPOSS) lands are situated immediately to the east (Tirion Tract Resource Management Area) and west of the subject lands (Cox Tract).
* The Bruce Trail and Hilton-Falls Side Trail is situated in proximity (to the east) of the subject lands.
* The lands are ranked as “Attractive” by the Landscape Evaluation Study (NEC, 1976).
* The subject lands appear to be within a known karst area.
* There do not appear to be private residential lands or water supply wells within proximity of the subject lands.
* The subject lands are not considered to be prime agricultural area, although they have been identified as previously having been under agricultural production.
* There are known archaeological sites within proximity of the subject lands.

Based on the above preliminary desk-top analysis of the subject lands, the following Part 2 NEP (2017) objectives and policies must be considered and addressed in the applicable supporting planning and technical submissions:

* Part 2.2 (General Development Criteria)
* Part 2.5 (Development Affecting Steep Slopes and Ravines)
* Part 2.6 (Development Affecting Water Resources)
* Part 2.7 (Development Affecting Natural Heritage)
* Part 2.8 (Agriculture)
* Part 2.9 (Mineral Aggregate Resources)
* Part 2.10 (Cultural Heritage)
* Part 2.12 (Infrastructure)
* Part 2.13 (Scenic Resources and Landform Conservation)
* Part 2.11 Recreation (with respect to the proposed rehabilitation plans)

## Requested Studies

The following studies are being requested by NEC Staff to accompany the NEP amendment application in order to properly assess the proposal against the relevant policies of the NEP (2017):

* Planning Justification Report
* Agricultural Impact Assessment (scoped)
* Natural Heritage Level 1 & Level 2 Technical Reports and Environmental Impact Assessment
* Visual Impact Assessment
* Cultural Heritage Impact Assessment
* Archaeological Assessment
* Hydrogeological and Hydrologic Resources Assessment
* Karst Assessment
* Blasting Impact Assessment
* Air Quality
* Noise Impact Study
* Transportation/Haul Route Impact Assessment
* Adaptive Management Plan
* Rehabilitation and Monitoring Plan

NEC staff have received and reviewed the draft Terms of Reference (TOR) (October 29, 2020) for the following studies:

* Natural Heritage Level 1 & Level 2 Technical Reports and Environmental Impact Assessment
* Geology and Water Resources Assessment (including Karst and Hazard Lands)
* Adaptive Environmental Management and Protection Plan (AMP)
* Progressive and Final Rehabilitation / Monitoring Study Staff provide the following comments on the above noted draft TOR:

## Natural Heritage Level 1 & Level 2 Technical Reports and Environmental Impact Assessment (October 29, 2020):

* A minor point of clarification is identified in Part 2.4 Niagara Escarpment Plan (pg.4), as follows: The Niagara Escarpment Plan ~~Planning and Development Act~~ was first approved in ~~1990~~1985 and was last amended in 2017.
* NEP Policy Framework – the Natural Heritage Level 1 & 2 Technical Study places an emphasis on the NEP policies of Part 2.7 Development Affecting Natural Heritage. Staff notes that Part 2.6 Development Affecting Water Resources must also be considered in all applicable technical studies.
* The NH Levels 1 & 2 studies refer to the comprehensive understanding of the area that already exists as a result of the previous approval of the Milton Quarry. While this background information will be useful to the application, the TOR should include a comprehensive characterization of the present-day baseline conditions. This includes sections respecting Landscape Setting, Physiography and surficial geology and soils, and topography and drainage.
* With respect to the adjacent unevaluated wetlands, staff requests that additional (present-day) characterization of these wetlands be provided, including the delineation and evaluation of the wetland boundaries (specifically for the U1 wetland). This should inform buffer widths.
* Cumulative Impacts on the of the existing and proposed developments on the escarpment environment should be addressed.
* Additional detailed studies with respect to Significant Wildlife Habitat (SWH) should be identified, both on and adjacent to the subject lands, consistent with the Natural Heritage Reference Manual and SWH Ecoregion Criteria Schedules (2015).
* The NEP includes several relevant objectives and policies supporting a landscape systems approach. Considering the lands adjacent to the proposed aggregate operation include the sensitive Escarpment Natural Area which supports Significant Woodlands and ANSI, greater consideration is requested with respect to the assessment of the proposed expansion on landscape connectivity and wildlife corridors and the identification of any potential impacts to existing corridors as well as opportunities for enhancements through the Rehabilitation/Ecological Enhancement Plan.
* A minimum 10m buffer to Significant Woodlands has been identified with the rationale that this is the same approach that was taken for the Acton Quarry expansion. Proposed buffers to key natural heritage features will be required to demonstrate how the feature and its functions will be maintained and where possible, enhanced. In some cases, it may be necessary for the width of buffers to be increased.
* With respect to Species at Risk (SAR), a more comprehensive evaluation of the potential for SAR habitat (including additional surveys where appropriate), both on and adjacent to the subject lands is requested, or alternatively justification provided for the limits of the studies undertake. Including but not limited to, the potential impacts to bats. Staff notes that Conservation Halton maintains data for SAR which should be consulted.

## Geology and Water Resources Assessment (including Karst and Hazard Lands) and Adaptive Management Plan

* The NEC defers in part to Conservation Halton and Halton Region with respect to technical considerations respecting Geology and Water Resources Assessment.
* Consistent with the above noted comment regarding the Natural Heritage TOR, the TOR for the Water Resources Assessment does not include consideration of the NEP Part 2.6 Development Affecting Water Resources.
* The report should provide details regarding the methodologies used to evaluate any alterations in surface water drainage to inform potential negative impacts on wetlands and required mitigation measures.
* Regarding the requirement for pumping in perpetuity, the NEP Part 2.9. Mineral Aggregate Resources requires that in areas with below-water table extraction, mineral aggregate operations requiring perpetual water management after rehabilitation is complete should be avoided unless it can be demonstrated that such would support other public water management needs. The Water Resources Assessment and AMP/Rehabilitation Plan will be required to provide adequate justification for perpetual pumping.

## Progressive and Final Rehabilitation and Monitoring Study

* The analysis of the NEP objectives and provisions respecting rehabilitation and after use policies should include Part 2.8 Development Affecting Water Resources and Part 2.11 Recreation and Part 2.13 Scenic Resources and Landform Conservation.
* Consideration should be given to the development and implementation of a Tree Preservation Plan and Edge Management Plan as part of the comprehensive rehabilitation and enhancement plans.

## General Comments

* Overall, greater integration between the disciplines subject of the technical studies and reports is required in order to provide for a comprehensive understanding of the potential impacts and proposed mitigation measures.

## Copies of Materials Requested:

Please provide the following copies of all technical studies/reports in the formats identified:

* + One Digital Copy on a Memory Stick
  + Two hard copies of all the Technical Reports/Studies requested above (pg.3)

To facilitate the continuation of the review and planning process, submission of the NEP Amendment application to the NEC, together with the requested studies, will be required. The approval of an Amendment application (by the Minister), and approval and issuance of a Development Permit is required prior to any decisions being rendered on related *Planning Act* applications pursuant to Sec. 24(3) of the *Niagara Escarpment Planning and Development Act* (NEPDA).

I trust the above review will be of assistance. Should you have any questions or concerns please do not hesitate to contact the undersigned.

Regards,

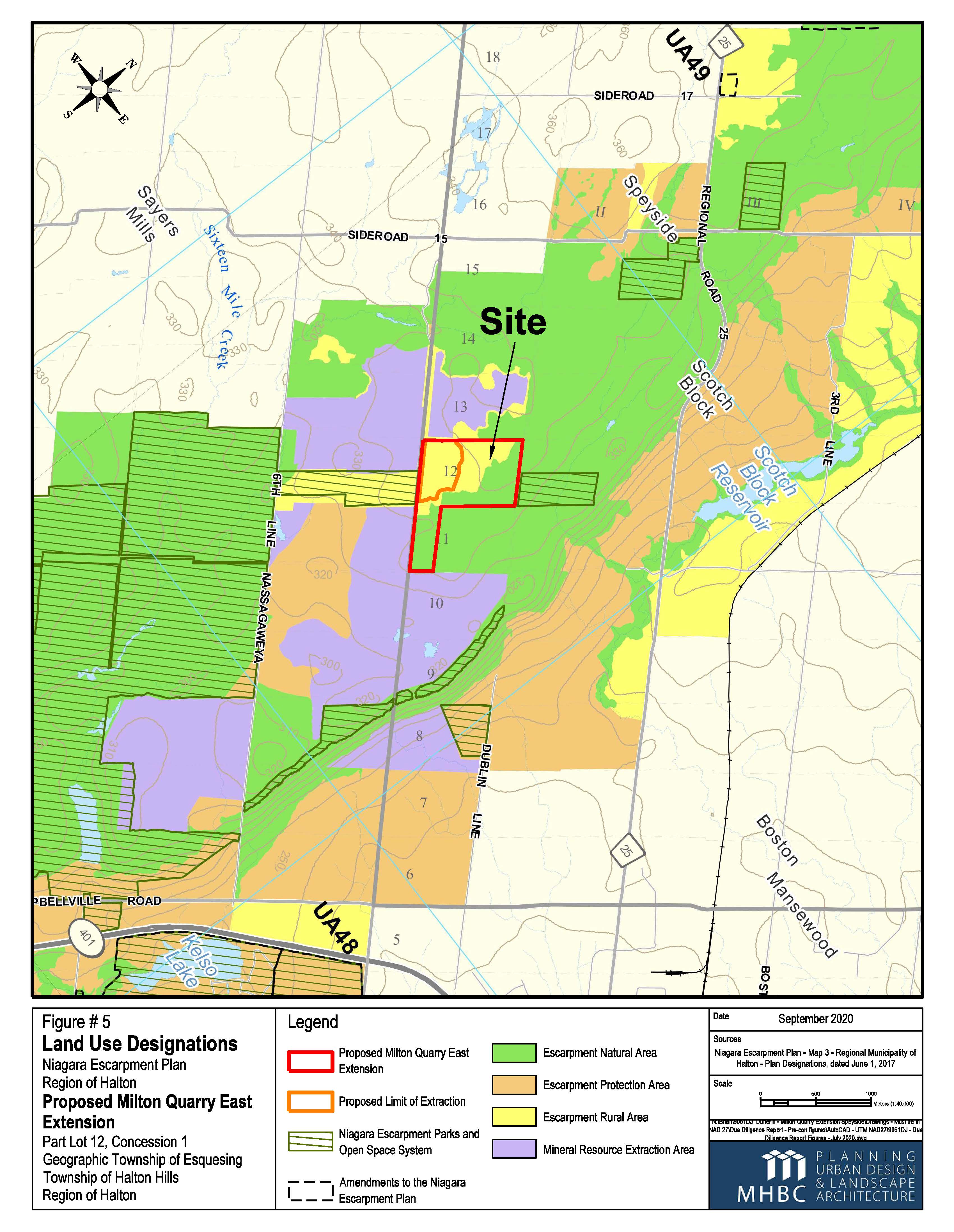


Original signed by:

Lisa Grbinicek, MCIP, RPP Senior Strategic Advisor

**c. Halton Region Town of Milton**

**Conservation Halton**

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