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BY E-MAIL ONLY (Lisa.Grbinicek@ontario.ca)

Lisa Grbinicek, MCIP, RPP
Senior Strategic Advisor
Niagara Escarpment Commission
232 Guelph Street
Georgetown, ON L7G 4B1



**Conservation
Halton**
Planning & Watershed Management
905.336.1158 | Fax: 905.336.6684
2596 Britannia Road West
Burlington, Ontario L7P 0G3
conservationhalton.ca

Dear Lisa Grbinicek:

**Re: Proposed Niagara Escarpment Plan Amendment PH 224 21
Environmental Registry of Ontario Proposal #019-5928
Proposed Niagara Escarpment Development Permit H/E/2021-2022/859
Dufferin Aggregates – Milton Quarry East Extension (MQEE)
Part of Lots 11, 12 and 13, Concession 1 (former geographic Township of
Esquesing), Town of Halton Hills, Regional Municipality of Halton and: Part Lots 8-10,
13 and 14, Concession 1 (former geographic Township of Esquesing) Town of Halton
hills, Regional Municipality of Halton and Part of Lots 8-14, Concession 7 (former
geographic Township of Nassagaweya), Town of Milton, Regional Municipality of
Halton Hills.
Conservation Halton File PQ 21**

Related Files:

- Application under the *Aggregate Resources Act* for a Class A Licence – Quarry Below Water
- Regional Official Plan Amendment RQ66A
- Town of Halton Hills Official Plan Amendment D09OPA21.005

Conservation Halton (CH) has received and reviewed the above referenced Niagara Escarpment Plan Amendment (NEPA) and associated Niagara Escarpment Development Permit (DP) applications including the following studies and drawings referenced in conjunction with the above noted application:

- Geology and Water Resources Assessment Report, December 2021, prepared by GHD
- Level 1 and 2 Natural Environment Technical Report (NETR), and Environmental Impact Assessment (EIA, December 2021, prepared by Goodban Ecological Consulting Inc.
- Addendum to Updated Adaptive Environmental Management and Protection Plan (AMP), December 2021, prepared by GHD & Goodban Ecological Consulting Inc.
- Ecological Enhancement Plan (EEP) & Rehabilitation Plan Report, December 2021, prepared by Goodban Ecological Consulting Inc.
- Progressive and Final Rehabilitation Monitoring Study, December 2021, prepared by MHBC Planning, Urban Design & Landscape Architecture
- Planning Justification Report & Aggregate Resources Act Summary Statement, December 2021, prepared by MHBC Planning, Urban Design & Landscape Architecture
- Site drawings and notes package, December 2021, Revision 3 September 2022, prepared by MHBC Planning, Urban Design & Landscape Architecture
- Memorandum Re: JART Woodland Boundary Review – August 8 & 10, 2022 Site Visits, prepared by Goodban Ecological Consulting Inc., dated August 30, 2022; and

- Memorandum Re: MQEE Wetland Boundary Review – August 10, 2022 Site Visit, prepared by Goodban Ecological Consulting Inc., dated August 29, 2022.

Proposal

To amend the Niagara Escarpment Plan (NEP) to redesignate approximately 30.6 ha (75.6 ac) of lands described as Part Lots 11, 12 & 13 Concession 1 (former geographic Township of Esquesing), Town of Halton Hills, Region of Halton from “Escarpment Rural Area” to “Mineral Resource Extraction Area”, and;

To apply a special policy under NEP Part 1.9.3 (Permitted Uses) that applies to the subject properties described as Part Lots 8-10, 13 and 14, Concession 1 (former geographic Township of Esquesing), Town of Hilton Hills, Region of Halton and Part of Lots 8-14, Concession 7 (former geographic Township of Nassagaweya), Town of 2 Milton Region of Halton, that would permit the continued use of an office and maintenance buildings, facilities for washing, processing and stockpiling of aggregate, truck washing facility, recycling facilities and the entrance, for the purpose of supporting the extraction of aggregate on the lands proposed to be re-designated to Mineral Resource Extraction Area, and only while the two sites are actively operated by a single licensee, as an integrated operation.

JART Process

CH is currently participating in the review of the proposed quarry expansion through the Region of Halton’s Joint Agency Review Team (JART) process alongside the Region of Halton, Town of Halton Hills, Town of Milton, and the Niagara Escarpment Commission.

The purpose of JART is to share information and expertise, as well as to review and respond to the applications and submitted materials in a comprehensive and co-ordinated manner. The JART will prepare coordinated technical comments on the reports submitted to inform decision making by the parties reviewing the various applications, which includes the NEPA and DP.

CH’s Regulated Areas and Review Role

Pursuant to Ontario Regulation 162/06, CH regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. Based on CH’s Approximate Regulation Limit (ARL) mapping, the proposed expansion area is adjacent to tributaries of Sixteen Mile Creek with their associated flooding and erosion hazards. CH regulates a distance of 15 metres from the greater of the limit of the flooding or erosion hazards for this particular site. The subject property also contains and/or is adjacent to wetlands including wetlands part of the Halton Escarpment Provincially Significant Wetlands (PSWs). CH regulates 120 m from PSWs and wetlands greater than 2 ha in size, and 30 m from wetlands less than 2 ha in size. The site also potentially contains hazardous lands in the form of karst topography.

Unlike the other agencies, CH is not a decision-making body with respect to the Dufferin Milton Quarry East applications. Under Section 28 (2) of the *Conservation Authorities Act*, areas licensed for aggregate extraction under the ARA are exempt from CA permitting activities. However, CH is responsible for reviewing the applications based on our delegated responsibility to represent the Province on the natural hazard policies of the Provincial Policy Statement (PPS 3.1.1-3.1.7) and for determining if the proposal complies with CH regulatory requirements (e.g., natural hazard or wetland related policy requirements). CH is also acting as a technical advisor providing advice on

natural heritage and water resource matters through the JART technical review process. However, the Region of Halton has the primary review role for natural heritage features that are not regulated by CH (e.g., significant woodlands, significant wildlife habitat, fish habitat, etc.).

We note that CH also has existing agreements with Dufferin Aggregates for the existing *Aggregate Resources Act* (ARA) licensed areas related to the future land conveyance, long term operation of the water management system, and implementation of the Adaptive Management Plan (AMP). Any amendments proposed to these existing agreements will require separate discussions with CH outside of the JART review processes associated with the ARA, NEPA, Niagara Escarpment DP, and Regional and Local Official Plan Amendments.

Outstanding Issues

CH is reviewing the first submission of the natural heritage and water resources matters part of the above-referenced *Aggregate Resources Act* and *Planning Act* applications (Related Files) through the JART process. The technical studies reviewed as part of those applications are the same as those circulated as part of these NEPA and DP applications. As such, CH's feedback that is provided on the *Aggregate Resources Act* and *Planning Act* applications also applies to the proposed NEPA and DP applications under the *Niagara Escarpment Planning and Development Act* (NEPDA). Based on our review of the first submission, we highlight the following key issues and/or deficiencies that will need to be addressed by the applicant:

1. Additional target levels are required for wetlands, including the Halton Escarpment Provincially Significant Wetlands (PSWs), and sensitive surface water and groundwater features within the zone of influence of the proposed expansion areas as the current submission does not include targets for these features. Further mitigation may be needed, to ensure no negative impacts to their form and functions.
2. Existing groundwater and surface water monitoring network and proposed monitoring program needs to be expanded to ensure protection of CH regulated wetlands form and functions.
3. Additional information is needed regarding the continued operation of the water management system post extraction of the proposed expansion area (e.g., which sections of the recharge system would be left in place, who would be responsible for the assessment and decision making regarding the groundwater recharge system, etc.).

Summary

CH feedback on the technical studies for the natural heritage and water resources matters are forthcoming from the Region of Halton on behalf of JART. This feedback will need to be addressed before staff can provide a recommendation on the proposed NEPA and DP applications. Please note that should further issues arise through the technical review, CH reserves the right to provide additional comments.

Please note that CH has not circulated these comments to the applicant, and we trust that the Niagara Escarpment Commission will include them as part of your report.

We trust that these comments are of assistance. Should you have any questions, please contact the undersigned via email jbester@hrca.on.ca or phone 905-336-1158 ext. 2317.

Yours truly,



Jessica Bester, BES, MCIP, RPP
Senior Environmental Planner
Conservation Halton
2596 Britannia Road West
Burlington, ON L7P 0G3

Cc (by email): Joe Nethery & Janice Hogg, Region of Halton (Joe.Nethery@halton.ca & Janice.Hogg@halton.ca)
Jeff Markowiak & Greg MacDonald, Town of Halton Hills (JeffMa@haltonhills.ca & GMacdonald@haltonhills.ca)
Mollie Kuchma, Town of Milton (Mollie.Kuchma@milton.ca)
Jason McLay, Ministry of Natural Resources and Forestry (MNRF)
(Jason.McLay2@ontario.ca)