



May 2, 2024

Aggregate Section
Regional Operations Division
300 Water Street
Peterborough, ON, K9J 3C7

Attn: Rose Copland, Aggregate Specialist

Dear Rose;

**RE: ARA Application #626574 - Response to MNRF February 22, 2024 Comments
Waterford Sand & Gravel Limited – Proposed Law Quarry Extension
OUR FILE '0956C'**

On behalf of Waterford Sand & Gravel Limited (“Waterford”), this letter provides a response to the unresolved comments provided by MNRF on February 22, 2024 on the ARA Licence Application for the proposed Law Quarry Extension (#626574). Attached to this correspondence is a detailed comment and response table that addresses the unresolved comments that MNRF has provided on the Licence Application and Site Plan. In addition, a revised copy of Site Plans has also been included with this correspondence that implements the outlined changes. We note that of the 72 comments MNRF had in their January 9, 2023 letter, 38 of these comments were resolved through the previous response letter.

Since January 2023 we have been working on resolving the Agency Comments received during the ARA 60-Day notification and consultation period. No public comments were received. The status of the Agency comments is outlined in the Table below:

Agency	Comments Received during 60-Day ARA comment period	Status
Region of Niagara, Township of Wainfleet, and Region of Niagara Conservation Authority (JART)	Comments received as part of the JART process.	2 nd response to JART comments circulated to the Region of Niagara on March 27 th 2024

Ministry of the Environment, Conservation, and Parks – Groundwater	Surface and Groundwater comments were provided by MECP	No outstanding comments.
Ministry of the Environment, Conservation, and Parks – Species at Risk	Comments received on January 20, 2023	Comments addressed per June 8, 2023 email from MECP
OMAFRA	Comments received on January 27, 2023	OMAFRA confirmed no comments on application
Public	No comments received	n/a

Additional information regarding the status of the additional work undertaken to address MNRFs comments regarding the Biederman Road Allowance included within the proposed Licence Boundary and the Partial Clearance of Archaeological Resources is outlined below:

Biederman Road Allowance

Waterford is working with the Township of Wainfleet on the purchase of the Biederman Road Allowance. A copy of the signed Purchase Agreement, or alternative form of proof of ownership, will be provided to MNRF when available.

Partial Archaeological Clearances

MCM has issued the “Review and Entry into the Public Registry” letters for the Stage 2 Archaeological Assessments for the proposed Law Quarry Extension. The ARA Site Plan notes have been revised to align with the recommendations in the April 3, 2024 and April 19, 2024 MCM letters. In addition, the “Review and Entry in the Public Registry” letter has been issued for Stage 3 Archaeological Assessment Report for Sites AfGt-289 and AfGt-290. These two sites are now considered cleared and have been removed from the revised ARA Site Plan (April 2024).

Waterford has consulted with the HDI, Six Nations of the Grand River, and the Mississauga’s of the Credit First Nation Communities. None of the communities have indicated a concern related with the proposed strategy for the protection of archaeological resources within the Licence Boundary.

We look forward to further discussing MNRF concerns regarding the partial clearance of Archaeological sites within the proposed Law Quarry Extension Licence.

Thank-you for your comprehensive review of the proposed Law Quarry Extension application materials. If any of our responses are unclear or do not resolve your comments, we would be happy to schedule a virtual meeting in order to discuss additional revisions that may be required to satisfy your concerns.

Yours truly,
MHBC



Caitlin Port, MES, MCIP RPP

Cc Carla Riche, MNRF
Ed Lamb, Wateford Sand & Gravel Limited
Neal DeRuyter, MHBC

*Attach Comment and Response Table (MHBC May 2024)
Revised Law Quarry Extension Red-Line Site Plans, April 2024*

**Proposed Law Crushed Stone Quarry Extension, Township of Wainfleet
Aggregate Resources Act (ARA) #626574
Response to MNRF February 22, 2024 Comments**

MNRF Comments	Response from Law Quarry Extension Project Team – April 2024
Natural Environment Report Comments	
<p>1. As per ARA Technical Reports and Information Standards, Section 2.2 (e), endangered and threatened species and their habitat need to be assessed for negative impacts, including inventory, habitat assessments and any proposed preventative, mitigative or remedial measures must be identified. As endangered and threatened species and their habitat are regulated by the Ministry of Environment, Conservation and Parks (MECP), we acknowledge that the applicant has circulated the MECP to ensure that the proposed development, including the proposed rehabilitation, is in accordance with the Endangered Species Act. The proposed inventory, habitat assessments and mitigation recommended (e.g., setbacks) in the Natural Environment Report should be reviewed by MECP to determine whether it is sufficient to avoid negative impact on endangered and threatened species within the study area.</p>	<p>Resolved.</p>
<p>2. Editorial: We noted an error within the Natural Environment Report - Significant Wildlife Habitat Criteria Schedule. Ecoregion 6E was listed in Table 1 (Appendix 5) instead of Ecoregion 7E. However, in our review, we have confirmed that 7E was appropriately used in the analysis. As such, this comment serves to acknowledge this typographical error and confirm we have no concerns with the conclusions made within this section of the report.</p>	<p>Resolved.</p>
<p>3. The Wainfleet Bog Wetland Complex, associated significant woodland and significant wildlife habitat are present in the adjacent lands (within 120 information boundary) and have the potential to be impacted from quarry operations. Please confirm the setbacks are adequate to ensure no impacts to the water budget/balance, water levels, thermal regime and hydroperiod of these natural heritage features.</p>	<p>Resolved (Confirmed in March 7 email from MNRF)</p>
Hydrogeology	
<p>4. It is important to fully understand the degree of hydrological connectivity between the Wainfleet Wetland and groundwater. The report provides references to studies that indicate perched conditions at the Wainfleet Wetland. Please provide specifics of those studies including location of the monitoring wells used during studies and other relevant information. This is needed to ensure that the conclusions in the referenced reports are based on methodology adequately corresponding with the scale and location of the proposed expansion and are valid.</p>	<p>The outstanding hydrogeological comments have been resolved (confirmed in an email from Oleg March 7, 2024)</p>

<p>5. Please provide a map showing calculated drawdowns in the upper layers to visualize a real distribution of the drawdown. Further, please use 0.5 m drawdown as a cut off to produce the contours to better understand potential impacts to the water features located within the zone of influence.</p>	<p>Resolved.</p>
<p>Site Plans</p>	
<p>General</p>	
<p>6. Partially resolved. It is noted that the applicant has removed the alternative option from the site plan and intends to purchase a portion of the road allowance from the road authority. This is acceptable to the ministry however please note, the purchase must be completed, or an extraction agreement in place, prior to the issuance of a licence. Documentation of any agreement is requested</p>	<p>The Township of Wainfleet Council has endorsed a request made by Waterford Sand and Gravel to purchase Biederman Road, in accordance with the Township’s Land Disposal Policy. An Application to purchase Biederman Road has been submitted to the Township and is in the process of being finalized.</p> <p>A copy of the Biederman Road Purchase Agreement will be provided to MNRF when available.</p>
<p>7. Not resolved. The ministry acknowledges the Applicant has been working with MCM to ensure the site plan notes reflect the intent and purpose of the Ontario Heritage Act. MNRF will review the outcome of all consultation prior to resolving this comment.</p>	<p>The “Entry into Public Registrar” Letters have been issued by MCM for the Stage 2 Archaeology Reports. This indicates MCMs agreement with the Archaeological Site protection measures afforded by the Site Plan and issuance of the ARA Licence.</p> <p>In addition, the “Review and Entry in the Public Registry” letter has been issued for Stage 3 Archaeological Assessment Report for Sites AfGt-289 and AfGt-290. These two sites are now considered cleared and have been removed from the revised ARA Site Plan (April 2024).</p> <p>The ARA Site Plan notes have been revised to align with the recommendations in the April 3, 2024 and April 19, 2024 MCM letters.</p> <p>Discussion is ongoing with MNRF to resolve this comment.</p>
<p>8. Numbering in original comment letter missed 8.</p>	<p>No response required</p>
<p>9. Partially resolved. Amendment requests for Licences #4464 and #607541 were received on December 11, 2023, thank you. Once these amendments can be recommended for approval, this comment can be resolved.</p>	<p>Site Plan and Licence Amendments to ARA Licence #4464 and #607541 have been prepared and submitted to MNRF. No further response is required.</p>
<p>10. Not resolved. The rationales provided by the applicant are generally reasonable however, operational requirements change from time to time and those changes are intended to apply to all operations, unless a variance is expressly varied by the site plan. A Licencee has the responsibility to be aware of the rules that apply to them, regardless of the location in which they are found.</p>	<p>All notes that repeat Licence conditions from O.Reg 244/97 s.12 have been deleted.</p> <p>We note that the Blasting Recommendations from the Explotech Blast Impact Assessment are more stringent than the O.Reg 244/97 s.12 requirements and therefore have not been removed.</p> <p>We have deleted some of the redundant wording that duplicated O.Reg 244/97 s.13 requirements. However, for ease of reference for the Site Operator, some of these</p>

	requirements have been included as Site Plan notes (e.g. requirement for fencing, requirement to strip and store topsoil sequentially and separately etc.).
11. Partially resolved. A couple references to NDMNRF were missed: Pg. 4 – Text on drawing & Pg. 5 text on X-section A - Rehabbed conditions.	All references to “NDMNRF” have been updated to “MNR”. We note that MTCS is now “MCM”
Existing Features	
12. Please see Comment #58. Given the ministry's position on excluding archaeological sites from within the extraction area until after MCM clearance has been obtained and a site plan amendment has been approved, the applicant may wish to re-consider the duplication of this information on this page as it would also require revision for consistency with changes to the Operational Plan. Any operational information that remains on the Existing Features page must be consistent with what is outlined on the Operational page.	<p>The Archaeological protection measures have been removed from the Existing Features Page; however, the location of the Archaeological sites is still shown as required by the Aggregate Resources Site Plan Standard (2020) #21 “Significant human-made features on and within 120 metres of the site”.</p> <p>All other operational information has been removed.</p> <p>The setbacks from the natural heritage features have been left for information purposes only. See comment response # 53</p>
13. The symbology for monitoring lines is not in legend. Additionally, some monitoring lines are not labelled with distances. This makes it unclear what is to occur, or not occur, within these areas.	Resolved.
14. The symbology for Significant Wildlife Habitat is overlaid by the licenced boundary symbology, and this makes it difficult to identify. The Ministry recommends overlaying the thinner symbology on the thicker.	Resolved.
15. The Natural Environment Report identifies Significant Woodland within the study area. Please label this feature so it is clear to the reviewer. This information is important to ensure the recommended mitigation is appropriately applied and may have bearing in the consideration of future site plan amendment requests.	Resolved.

Operations	
16. Page 2 Drawing – The existing entrances along the southern boundary remain on the operations page where Acoustic Berm C is required.	Resolved.
17. Page 3 Note C1 explains the intended use of these entrances however, the Ministry requests that further information be added to confirm that the use of these entrances will not interfere with the installation and function of the required acoustic berm, as it's outlined on page 2.	Resolved.
18. Page 2 Drawing – The hatching within Acoustic Berms A & B appears to change in certain areas but the significance of this change is unclear from the legend. Additionally, this distinction would not be easily seen if the site plan were to be printed. Please revise legend and symbology as necessary to comply with the Site Plan Standards.	Resolved.
19. Page 2 Drawing – The text on this drawing refers to several Technical Report recommendations as "M". For ease of reading, please be more specific to the referenced notes on page 3. It may be beneficial to adopt a numbering system that allows unique numbering for each site plan note.	Resolved.
20. Page 2 Drawing - The significance of the broken purple lines within Phases 2 and 4 is unclear from the legend. Additionally, the legend explaining the solid purple line should be revised to say: 'General Direction of Extraction and Phase/Area Boundaries'.	Resolved.
21. Page 2 Drawing – The colouration of symbology for Whip-poor-will habitat is not consistent between drawing and legend. Please revise for consistency.	Resolved.
22. Page 2 Drawing – The drawing identifies a 10m setback adjacent to the Significant Wildlife Habitat. Consistent with O. Reg 244/97, the minimum setback from a licenced boundary must be 15 metres, unless a variance is approved through the site plan. However, it is noted that this area also relates to a Natural Environment Report recommendation and a larger setback is recommended. Please see Comments #1, #3 and #55 for further details.	Resolved.
23. Page 2 Drawing - The drawing and page 3 Note G1 states that water collected on site will be directed to an existing sump on Licence #4464. Please identify the location of the discharge point on page 2. Additionally, please provide confirmation that any necessary approvals from MECP have been obtained. Alternatively, please include "subject to any necessary MECP approvals".	Resolved.
24. Page 2 'Typical Acoustic Berm Detail' and Page 3 'Berms and Screening' Notes - Notes F1 & F2 outline commitments for berm side slopes however, in consideration for regulations under the Occupational Health and Safety Act (OHSA), it is unclear whether the necessary height of the berm can be achieved with these commitments.	Resolved.

<p>Please review the diagram and confirm that there is sufficient footprint within the setback area to meet the commitments listed while also meeting the control and operation requirements in ARA Regulation 244/97 and the safety standards under the OHSA</p>	
<p>25. Page 2 'Berm and Noise Control Schematic' - The hatching for 'Maximum 1 Extraction Loader Permitted' must be applied to area adjacent to R16 where this restriction is also recommended by the noise report.</p>	<p>Resolved.</p>
<p>26. Page 2 'Berm and Noise Control Schematic' - Please explain the purpose of including the following information on the site plan: It is noted that the requirement for Berm A, as well as the noise control items 11 - 17 and 18s (page 3 of 5) are necessitated solely by the receptor R16. If lands associated with Receptor R16 were to be owned by Waterford Group, Receptor R16 would not be considered noise sensitive so long as one of the following conditions is met: 1. It is occupied by persons associated with the quarry operations or who have entered into agreements with the quarry operations confirming that they are aware of any noise which may be generated by the quarry, and which may interfere with some activities of the occupants; or 2. It be left vacant.</p>	<p>Resolved.</p>
<p>27. Partially resolved. Amendment requests for Licences #4464 and #607541 were received on December 11, 2023, thank you. Further communication with regard to these amendments will follow once the ministry has determined whether any consultation is required. Once these amendments can be recommended for approval, this comment can be resolved. Please note a correction to our original comment: Licences #4464 and #607541 currently operate under a combined tonnage limit of 800,000 tonnes per calendar year.</p>	<p>No response required.</p> <p>Amendment requests for Licences #4464 and #607541 were submitted to MNRF on December 11, 2023.</p>
<p>28. Not resolved. Setbacks outlined on the Existing Features page and those on the Operational Plan are inconsistent..</p>	<p>Note A5 has been revised.</p>
<p>29. Page 3 'Site Access and Fencing' Note C4 - The commitment to maintain fencing is more appropriately included in Note C3 with the commitment to install or as a separate note so that it also applies to sediment fencing.</p> <p>Further, this note does not speak to the committed demarcation along the Significant Wildlife Habitat where another variance is requested.</p>	<p>Resolved.</p>
<p>30. Partially resolved. Addressing the temporary movement, storage and use of topsoil/overburden removed from this site through a concurrent site plan amendment for Licence #4464 may be acceptable however, the request for further demonstration of need to import excess fill to complete the proposed rehab has not been addressed. This is addressed under Comment #64.</p>	<p>The variance requesting that topsoil/overburden be permitted to be moved to Licence #4464 for rehabilitation purposes has been deleted.</p> <p>There is very limited topsoil and overburden located onsite that can be used in to create the final rehabilitated landform.</p>

	<p>O.Reg 244/97 permits the importation of excess soil in Licences in accordance with the requirements of s. 0.14. There is no requirement in O.Reg 244/97 or the Provincial Standards (2020) to demonstrate need for the importation of excess soil.</p> <p>The depth of soil/overburden available on-site was determined using information from the Hydrogeology Report. This volume was compared to the calculated volume of material required to create the final rehabilitated contours and landform and it was determined that there would be a deficit of on-site material.</p> <p>The amount of excess soil requested to be imported, as outlined in Note C.9 on Page 3 of the Site Plan and in accordance with O.Reg 244/97, will be used to create the final landform shown on the Rehabilitation Page of the Site Plan.</p>
<p>31. Page 3 'Site Preparation' Note E5 – This note commits to keeping stockpiles 90m away from property with a residential use. Permissible locations for topsoil and overburden stockpiles are addressed by the Control and Operation Standards (O. Reg. 244/97 s.0.13) and the note is not consistent with these requirements. Unless a variance to O.Reg.244/97 is requested, please remove content of notes addressed by regulation.</p>	<p>Resolved.</p>
<p>32. Page 3 'Site Preparation' Note E6 - This note contains a variance to the Control and Operation Standards that has not been requested in Section N 'Variations from Control and Operation Standards'. Consistent with AR 2.00.02, a variance of this requirement would not normally be considered as vegetation provides erosion control and helps preserve the quality and quantity of the soil.</p>	<p>Resolved.</p>
<p>33. Page 3 'Berm and Screening' Note F1 – This note states that berms will be constructed prior to extraction/processing operations in each Phase. However, a Stage 3 archaeological report is outstanding for find spots AfGt-266, AfGt-278 and AfGt-283 that are located within the footprint of a proposed acoustic berm. Consistent with the Stage 1 Archeological Report recommendations, no alterations or soil disturbance may occur within the protected buffers of the archaeological site until these assessments have been completed. It is requested that the sequencing information on the site plan be revised to consider the timing of the required Stage 3 assessments in relation to the construction of berms and extraction.</p>	<p>Resolved.</p>
<p>34. Partially resolved. To resolve this comment fully, please define “lifetime of the quarry” on the site plan to clarify that rehabilitation is not considered within this timeframe. Ideally, this would be added to Noise Note M2 following Notes i & j.</p>	<p>This note has been deleted. Noise Notes M2 i & J have been revised to clarify that berms are required “during quarry extraction and processing operations”</p>
<p>35. Not resolved. The ministry still views the use of the same language to refer to different operational information as limiting the clarity of the Operational Plan. This would make it difficult for the ministry to be speak to compliance with phasing requirements.</p>	<p>The Phases that refer to spatial extraction areas have been renamed as “Extraction Areas”.</p> <p>The term “Phases” has been used to refer to sequential periods of operation. The Operation Phase notes have been update to implement this new terminology.</p>

<p>36. Page 3 Section H 'Extraction Sequence' - This site plan contains a complicated outline of operations with conditions to satisfy noise mitigation while protecting archaeological resources that must still be adequately assessed before disturbance can occur. Additionally, it is acknowledged on the site plan that approval under the ESA in relation to the Category 1 Whip-Poor-Will habitat may be necessary prior to vegetation clearing to facilitate the construction of Acoustic Berm A. It is recommended that the applicant review the Extraction Sequence notes to better integrate all the technical recommendations and the timelines for them. This will help ensure no steps are missed and the licensee remains in compliance with their ARA approval and other associated legislation. For example: A Stage 3 report for find spots AfGt-266, AfGt-278 and AfGt-283, must be completed and accepted prior to Berm B installation. Berm installation must be completed before extraction within Phase 2.</p>	Resolved
<p>37. Page 3 'Extraction Sequence' Note H2 - "Minor deviations" is subjective and therefore may limit enforceability of sequencing. It is requested that the notes be revised to remove the second and third sentences. MNR staff can be contacted to discuss any planned deviation and the need for prior formal approval.</p>	Resolved
<p>38. Page 3 'Extraction Sequence' Note H3 - Subject to the resolution of Comment#7, this note may require removal or modification. Additionally, the commitment to amend Licence #4464 should not be included on a site plan for a different licence. In line with Comment #9, this commitment should be addressed through a formal site plan amendment from the licensee of #4464. The request would be reviewed and if the new licence application is supported for approval, processed concurrently with the issuance of licence #626574.</p>	Resolved
<p>39. Page 3 'Extraction Sequence' Note H4a - Portions of this note appear to apply more generally to site preparation across the site and not only in Phase 1a/b. If this is correct, please separate these statements from the Phase 1a/b heading and include them under Section E 'Site Preparation'.</p>	Resolved
<p>40. Page 3 'Extraction Sequence' Notes H4c and H5c - There appears to be typos in these notes. They speak to the excavation occurring in an easterly direction however the page 2 drawing, arrows show excavation occurring in a westerly direction.</p>	Resolved.
<p>41. Partially resolved. This comment will be reviewed in conjunction with the amendment request for Licence #4464.</p>	The Extraction Sequence notes have been revised.
<p>42. Not resolved. The ministry acknowledges the changes made to the Extraction Sequence notes however, the timing of extraction and progressive rehabilitation in the northwest corner of Phase 2 has not been clarified through the revisions. The</p>	We appreciate MNRs detailed review of the Extraction Area notes and agree that there were some inconsistencies.

<p>notes omit any mention of the portion of Berm A (formerly Berm B) that extends into the Phase 2 extraction area and must remain “for the lifetime of the quarry” (i.e., until extraction within Phase 5 is complete). The notes state that the northern and western boundaries of Phase 2 will be progressively rehabilitated by Phase 3 and 4, respectively, however, for that portion of Berm A to be in place per the Noise report recommendations, a portion of the north and western boundaries cannot be sloped until the berm is removed. Further, with the changes to the Extraction Sequence notes, progressive rehabilitation appears to be delayed from what was originally proposed. For example, the June 2022 draft site plan stated that above-water slopes in the portion of the north limit of Phase 2 not effected by the berm, would be completed <i>before</i> starting in Phase 3 (former Note H6a). The June 2023 draft site plan states that progressive rehabilitation in this area will be completed <i>during</i> Phase 3 (Note H7h).</p>	<p>The Extraction Sequence notes have been revised and simplified to more clearly detail berm construction timing and progressive rehabilitation requirements.</p> <p>Phase C has been revised to re-instate that progressive rehabilitation of the northern portion of Extraction Area 2, outside of the Berm A area, will be completed prior to extraction occurring in Extraction Area 3. Therefore, progressive rehabilitation will have been completed in Extraction Area 1A, 1B and the northern boundary of Phase, prior to extraction occurring in Extraction Area 3.</p> <p>This will maximize the progressive rehabilitation of the Licence to the extent feasible, given that Berm A and B are required to remain while extraction and processing is occurring in Extraction Areas 3, 4, and 5.</p>
<p>43. Page 3 ‘Scrap and Recycling’ Note L1 – This note reiterates components of the 'Control and Operation Standards' of O.Reg.244/97 and should be revised to remove duplication.</p>	<p>The wording of the note has been revised as suggested by MNRF.</p>
<p>44. Page 3 ‘Scrap and Recycling’ Note L2 - Please revise this note to "No aggregate recycling activities will occur."</p>	<p>Resolved.</p>
<p>45. Page 3 ‘Noise’ Note 1 – This note speaks to hours of operation. Please clarify whether any restrictions on days of the week are necessary.</p>	<p>Resolved.</p>
<p>46. Not resolved. The ministry acknowledges the revision made to this note requiring the Licencee to confirm the need for a site plan amendment prior to any modification however, the ministry remains concerned about the ambiguity in the decision-making authority outlined in this note. It remains unclear who within the Ministry would determine the need for a site plan amendment - compliance staff or those with a delegated authority to amend a site plan. The ministry feels that leaving this as a compliance decision leaves the licensee vulnerable to changing interpretation. Further, it is our current position that any modification from the requirements outlined on the site plan would require an amendment to remain in compliance. As such, we request that this note be revised to “Prior to implementing any modifications, the licensee must obtain approval to amend any conflicting site plan notes.”</p>	<p>The wording of Noise Note 5 has been updated as suggested by MNRF</p> <p>The equipment list in Note J1 has been updated to delete “wash plant” and “wash plant loader”</p>
<p>47. Page 3 ‘Noise’ Notes 11, 12 & 15 – These notes appear to conflict with each other. Note 11 states that no processing may occur within Phase 1a whereas Note 12 speaks to processing equipment within Phase 1a that must be shielded from R16 and Note 15 restricts drilling while processing operations are occurring. The 'Berm and Noise</p>	<p>Resolved.</p>

Controls Schematic' on page 2 shows that processing is prohibited in this area. Please revise as necessary to remove any conflict.	
48. Page 3 'Noise' Note 18 – This note is difficult to interpret. We believe the intent of the note is to impose the barrier requirement to shield R16 when the drill is operating east of the 300m black line on the 'Berm and Noise Control Schematic' or to shield R14 and R15 when it's operating west of this line. To ensure this note is clear to the reader, please revise it. It is recommended that labelling on the page 2 schematic be used to assist in this clarification.	Resolved.
49. Page 3 'Noise' Note 28 - The arch drawn on the 'Berm and Noise Control Schematic' to represent this restriction should be shortened to stay within Phase 4 so not to conflict with Noise Note 23.	Resolved.
50. Partially resolved. The referenced Table 1 has been included on the site plan however, this note still only makes reference to information in Figure 18 of the report. Please clarify in this note that those monitoring locations outlined in Figure 18 that are situated within the extent of the drawing on page 2 have been included.	This note has been revised to remove reference from Figure 18. The monitoring well locations are located within the proposed Licence boundary, the existing quarry Licence Boundary, and on adjacent lands owned by Waterford Sand & Gravel Ltd. These monitoring locations are also part of the PTTW/ECA monitoring requirements.
51. Not resolved. The Applicant's response indicates a well interference plan has been included on the site plan however, these notes could not be located. Please confirm their inclusion/location on the site plan	The Well Interference Plan has been added to Page 3.
52. Page 3 'Hydrogeology' Note 2 – This note references monitoring well GLL-9. Please include the location of GLL-9 on the Operational Plan page.	Resolved.
53. Page 3 'Natural Environment – PSW' Bullet 1 – This note references a 'Figure 6' from the technical report and the requirement to mark a setback boundary prior to site preparation. Bullet 2 commits to maintaining a 30m undisturbed setback from the boundary of the PSW. However, this setback is located outside the proposed licenced area and can therefore not be enforced through the ARA site plan. As such, the Ministry requests that the applicant provide confirmation from the author that without these mitigations implemented in an enforceable manner, potential impacts to the PSW will be adequately mitigated as they are also referenced as necessary protection for the Significant Woodlands and Significant Wildlife Habitat (ref. SW Bullet 2 and SWH Bullet 2). Alternatively, please provide additional mitigation that can be enforced through the ARA site plan.	The location of the limit of extraction as shown on the site plan Page 2 of 5 implements the requirement of Site Plan note 4A i Page 3 of 5. Note 4A ii has been revised to indicate that the northern setback between the limit of extraction and the Licence Boundary is to remain undisturbed, except for the berm, and will be progressively rehabilitated in accordance with note F.2.B on the Rehabilitation Plan. This has also been incorporated into the Phase notes on Page 3 of 5 (see notes for Phase C in H. "Extraction Sequence". The 30m setback from the PSW boundary, located outside of the Licence Boundary, is shown for informational purposes only on Page 1 of 5 of the Site Plan.
54. Additionally, the location of the sediment control fencing should be identified on the drawing. The applicant is encouraged to consider the effectiveness of sediment control fencing located on the extraction limit when berm installation is proposed between the extraction limit and the PSW.	Resolved.

<p>55. Not resolved. No significant edits to this note have been made that commits the Licensee to implementing any monitoring report recommendations.</p>	<p>Natural Environment Note 4A vii has been deleted as it duplicates the monitoring requirements outlined in the Hydrogeology notes. We note that the MNRF Hydrogeologist does not have an outstanding concerns with the Hydrogeology mitigation measures. In addition, Hydrogeology monitoring will also occur as part of the ECA/PTTW for quarry dewatering.</p>
<p>56. Not resolved. The ministry acknowledges the revision that labels the setback on the Significant Woodland however, as noted in Comment 53, this mitigation cannot be enforced under the ARA as the setback exists outside the licenced boundary. Please confirm with the NER author that this note can be removed without additional risk to the PSW from the operation of the quarry.</p>	<p>See response to comment #53.</p> <p>No enforcement of this setback is required as the limit of extraction as shown on Page 2 implements this setback. The setback is identified on the Existing Features Page for information purposes only.</p>
<p>57. Not resolved. No edits have been made to improve the enforceability of this note.</p>	<p>The wording in this note has been revised.</p>
<p>58. Not resolved. The ministry acknowledges the Applicant's attempt to resolve this concern with the addition of Note M5diii and the requirement to obtain approval from MNRF however, it is unclear what changes would be made to the site plan and consequently, what decision-making authority would be required to grant it. The ministry maintains its position on excluding the archaeological sites and associated protection buffers (correction to 70m) from the extraction area until an amendment is completed with the support of clearances from MCM. The ministry is exploring options on how the necessary amendments may be scoped and further response will be provided following those internal discussions.</p> <p>Please note, as a result of the revisions made to the Archaeology Notes, there appears to be duplication and conflicts in requirements. For example, Notes 5d and 5e state there will be 70m buffers with fencing applied to archaeological sites whereas Note 5a sets a buffer of 20m on many of the same sites. Please revise the Archaeology section to avoid duplication and conflicts.</p>	<p>See response to comment #7.</p>
<p>59. Page 3 'Archaeological' Stage 1 Notes 1b and 1c – These notes speak to implementing restrictions related to excavation setbacks on the ARA licence. Please provide an explanation for why these conditions are desired on the licence document.</p>	<p>Resolved.</p>
<p>60. Not resolved. The conditions outlined in Notes M6a, M6b and M6c will appear as licence conditions should the application be successful. Please remove them from the site plan.</p>	<p>These notes have been deleted.</p>
<p>61. Not resolved. The status of this comment will be reviewed with the resolution of Comments #7 and #9. Further, to support the requested vertical slopes, please confirm that circulation was made to the Ministry of Labour, Immigration, Training</p>	<p>We can confirm that MOL has been circulated a copy of the Site Plan.</p>

<p>and Skills Development, consistent with AR policy 2.00.02 'Site Plans: Variations from the Operational Standards that Apply to Licences'.</p>	
<p>Rehabilitation Plan</p>	
<p>62. Not resolved. The ministry acknowledges the Applicant's suggested note to require an amendment should clearances not be obtained however, we do not support this approach. The Rehabilitation Plan cannot presume excavation will be recommended by a licenced archaeologist or be supported by Indigenous communities in the future. It must reflect the permitted extraction area and per Comment #58, the extraction area must reflect the protection buffers applied to all archaeological sites that have not been cleared by MCM.</p>	<p>See response to comment #7.</p>
<p>63. Page 4 'Slopes and Grading' Note C1 – This note refers to the use of imported material. Please clarify whether this refers to excess soil, as noted in Note C2, or whether other imported aggregate material is intended for use in rehabilitation.</p>	<p>Resolved.</p>
<p>64. Partially resolved. Please outline how the need for 750,000 m³ of excess soil was calculated. Please provide estimated calculations outlining deficits on Licence #4464, amount existing on this site, amount to be removed from this site to Licence #4464 and amount needed to complete rehabilitation.</p>	<p>See Response to Comment #30. The requested variance to remove topsoil and overburden has been deleted.</p>
<p>65. Should it be demonstrated that inadequate material exists without removal to Licence #4464, the notes listed below must replace those currently drafted on the site plan for the Ministry to support this request. Additionally, the applicant must provide a total amount of soil that may be imported for use in rehabilitation during the life of the quarry.</p> <p>1) Excess soil, as defined in Ontario Regulation 244/97 may be imported to this site to facilitate the following rehabilitation:</p> <ul style="list-style-type: none"> i. Creation of X:1 slopes (Insert: sloping ratio described in rehabilitation notes) ii. qTop dressing to establish vegetation <p>2) Liquid soil, as defined in Ontario Regulation 406/19 under the Environmental Protection Act, is not authorized for importation to the site.</p> <p>3) The quality of excess soil imported to the site for final placement must be equivalent to or more stringent than the applicable excess soil quality standards as determined in accordance with Ontario Regulation 244/97 as amended from time to time and must be consistent with the site conditions and the end use identified in the approved rehabilitation plan.</p>	<p>Resolved</p>

<p>4) Where a qualified person is retained or required to be retained in accordance with Ontario Regulation 244/97, the quality, storage, and final placement of excess soils shall be done according to the advice of the qualified person.</p> <p>5) Excess soil imported to facilitate rehabilitation as described on this site plan shall be undertaken in accordance with Ontario Regulation 244/97 under the Aggregate Resources Act, as amended from time to time.</p> <p>6) The cumulative total amount of excess soil that may be imported to this site for rehabilitation purposes is [Insert amount] m3.</p>	
<p>66. Page 4 'Shallow Shoreline Area Habitat Creation' Note D2 - Please ensure language is revised to create enforceable commitments. For example, the placement of rubble along the shoreline to create basking areas is currently only recommended.</p>	<p>Resolved</p>
<p>67. Partially resolved. It is noted that the site plan notes regarding continued agricultural activities have been removed. It is also noted that new rehabilitation requirements have been applied to the permanent exclusion areas (proposed islands). In discussion with MCM, it is understood that tilling is a permissible disturbance. Since this could differ from MNRF's interpretation of "alteration", "disturbance" or "modification" of land or soil, please add a note to clarify that this activity is permitted within an archaeological site and associated protection buffer.</p>	<p>This wording has been added to Archaeology note 5e. Although, it is unlikely that agricultural activities will occur once the fencing is established.</p>
<p>68. Partially resolved. Requested variation is included on page 3 however, confirmation from MCM has not been provided.</p>	<p>See response to comment #7.</p>
<p>Cross Sections</p>	
<p>69. Partially resolved. The location of the water table has been revised, thank you.</p>	<p>See response to comment #7 regarding archaeological sites</p>
<p>70. Page 5 Side Slope diagrams refer to numbered conditions (e.g. 'Side Slope Condition 1a') however, these do not appear to relate to notes elsewhere on the site plan. Additionally, the labelling for the final floor elevation should be removed from these diagrams so not to impact the enforceability of other notes on the site plan. Please revise as necessary.</p>	<p>Resolved.</p>
<p>Summary Statement</p>	
<p>71. Please provide written confirmation from OMAFRA that the area does not contain prime agriculture lands or their support for the rehabilitation approach to not revegetate back to prime agriculture outside of the pond area.</p>	<p>Resolved.</p>
<p>72. Written confirmation from Township of Wainfleet and the Regional Municipality of Niagara for any necessary Official Plan and Zoning Amendments is required prior to issuance of a licence.</p>	<p>We are working with the Region of Niagara and the Township of Niagara to obtain the necessary Official Plan and Zoning Amendments. When adopted, a copy of the amendments will be provided to MNRF.</p>

