

Norman, Sean

From: Norman, Sean
Sent: Wednesday, May 22, 2024 3:17 PM
To: Norman, Sean
Subject: FW: Update re MECP Response to IGF Submission re Little Brown Myotis - Uppers Quarry
Attachments: RE: IGF Form - Walker Aggregate Inc Proposed Uppers Quarry

From: Debra Walker <dwalker@mhbcplan.com>
Sent: Friday, May 10, 2024 2:53 PM
To: Norman, Sean <Sean.Norman@niagararegion.ca>; A Bryce <abryce@niagarafalls.ca>
Cc: araapprovals@ontario.ca; Kevin Kehl <KKehl@walkerind.com>; Sergi, Michelle <Michelle.Sergi@niagararegion.ca>; Morreale, Diana <Diana.Morreale@niagararegion.ca>; Stea, Angela <Angela.Stea@niagararegion.ca>; Busnello, Pat <pat.busnello@niagararegion.ca>; Acs, Erik <Erik.Acs@niagararegion.ca>; Norio, Ann-Marie <Ann-Marie.Norio@niagararegion.ca>; A Bryce <abryce@niagarafalls.ca>; Kira Dolch <kdolch@niagarafalls.ca>; Sarah Mastroianni <smastroianni@npca.ca>; Eusebi, Daniel <dan.eusebi@stantec.com>
Subject: Update re MECP Response to IGF Submission re Little Brown Myotis - Uppers Quarry

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Good afternoon Sean and Andrew,

For JART's information and record, please see attached an email response from MECP confirming that neither sections 9 nor 10 of the Endangered Species Act will be contravened for the Little Brown Myotis species.

Further to MECP's comment, we note that the ARA Site Plan (Drawing 4 of 6), E. Natural Heritage, Note 3 (Woodland and Terrestrial Habitat Enhancement), subsection (a.) currently states: "The 2.0 ha woodland situated on the east side of Thorold Townline Road shall be removed during the advancement of operations in Phase 1A/1B. Tree clearing in the woodlot shall be undertaken outside of the breeding bird period and the active bat season from March 23rd and August 26th".

To address the longer fall window noted below by MECP and to also address tree removal associated with the coniferous plantation central to the quarry site, we intend to revise this Note E.3.a on Drawing 4 of 6 as follows: "**The 2.0 ha woodland situated on the east side of Thorold Townline Road shall be removed during the advancement of operations in Phase 1A/1B and the 0.3 ha coniferous plantation situated in Phase 4 will also be removed during the advancement of operations in Phase 4. Tree clearing in the both of these woodlots shall be undertaken outside of the breeding bird period and the active bat season from March 23rd and August 26th to September 30th.**"

Once we have all remaining comments coming out of JART's review of our last submission, we will update and resubmit the Site Plans to reflect this change together with the water monitoring note (referenced in the May 1st email below) and any other changes required.

Kind regards,
Debra

Debra Walker (formerly Kakaria)

dwalker@mhbepian.com

cell: 416-605-6039

Norman, Sean

From: Norman, Sean
Sent: Wednesday, May 22, 2024 3:19 PM
To: Norman, Sean
Subject: FW: IGF Form - Walker Aggregate Inc Proposed Uppers Quarry

From: Wedgewood, Jamie R. (MECP) <Jamie.R.Wedgewood@ontario.ca>
Sent: Friday, May 10, 2024 8:28 AM
To: Eusebi, Daniel <dan.eusebi@stantec.com>
Cc: kkehl <kkehl@walkerind.com>; Debra Walker <dwalker@mhbcplan.com>; Myschowoda, Clairissa (MECP) <Clairissa.Myschowoda@ontario.ca>; Taylor, Andrew (Waterloo) <andrew.taylor@stantec.com>; Tonellato, Kelly (MECP) <Kelly.Tonellato@ontario.ca>
Subject: RE: IGF Form - Walker Aggregate Inc Proposed Uppers Quarry

Hello Daniel,

The Ministry of the Environment, Conservation and Parks (MECP) has reviewed the Information Gathering Form concerning the Walker Aggregate Inc Proposed Uppers Quarry submitted by Stantec on behalf of the Proponent, Walker Aggregates on May 8, 2024 to assess the potential impacts of the proposal on Little Brown Myotis protected under the *Endangered Species Act, 2007* (ESA).

Based on the ministry's review of the project documentation and information that has been provided, the conclusions that that neither sections 9 nor 10 of the ESA will be contravened for species identified above appear reasonable and valid and therefore authorization is not required.

Should any of the project activities change, please notify MECP immediately to obtain advice on whether the changes require authorization under the ESA. Failure to carry out these activities as described could potentially result in contravention of the ESA. Further, it is recommended that Walker Aggregates continue to monitor for Little Brown Myotis while carrying out the activities to document changes, in the event that there should be any. The proponent remains responsible for ensuring compliance with the ESA and may be subject to prosecution or other enforcement action if activities result in any harm to an at-risk species or habitat.

Please note, tree removal should not take place during the active season for bats, April 1 – September 30.

The ministry's position here is based on the information that has been provided to MECP by Walker Aggregates and/or its project team. Should information not have been made available and considered in MECP's review or new information come to light that changes the conclusions made, or if on-site conditions and circumstances change so as to alter the basis for the conclusions, please contact the Species at Risk Branch as soon as possible to discuss next steps.

We also note that while it does not appear that an ESA authorization will be required, the proposed activities may be subject to other approvals, such as those issued by local municipalities and conservation authorities. Please be advised that it is the responsibility of Walker Aggregates to be aware of and comply with all other relevant provincial or federal requirements, municipal by-laws or required approvals from other agencies. It is also the responsibility of Walker Aggregates to ensure that all required approvals are obtained and relevant policies adhered to.

Kind regards,
Jamie Wedgewood

Jamie Rose Wedgewood

A/ Management Biologist | Permissions Section | Species at Risk Branch
Ministry of Environment, Conservation and Parks | Ontario Public Service
Jamie.r.wedgewood@ontario.ca

From: Eusebi, Daniel <dan.eusebi@stantec.com>

Sent: May 8, 2024 7:55 AM

To: Species at Risk (MECP) <SAROntario@ontario.ca>; Wedgewood, Jamie R. (MECP) <Jamie.R.Wedgewood@ontario.ca>; Myschowoda, Clairissa (MECP) <Clairissa.Myschowoda@ontario.ca>

Cc: kkehl <kkehl@walkerind.com>; Debra Walker <dwalker@mhbcpplan.com>; Taylor, Andrew (Waterloo) <andrew.taylor@stantec.com>

Subject: IGF Form - Walker Aggregate Inc Proposed Uppers Quarry

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To Whom it May Concern,

Please find attached the IGF in support of a licence application for the proposed aggregate operations on lands referred to as Upper's Quarry located in Lots 119, 120, 136 and 137 in the former Township of Stamford, City of Niagara Falls, Niagara Region.

As discussed in previous phone calls, the IGF offers details concerning the studies and results of SAR findings, in a format that allows for a concise review of the data collected.

Stantec and Walkers would be interested to engage in an iterative process with MECP to discuss the IGF directly to facilitate the review.

I can be reached at 519- 827-7564 or via this email address.

Thank you for your time and consideration to this matter.

Dan

Dan Eusebi BES RPP MCIP
Senior Associate
Senior Environmental Planner

Direct: 519 585-3452
Mobile: 519 827-7564
dan.eusebi@stantec.com

Stantec
100-300 Hagey Boulevard
Waterloo ON N2L 0A4



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People who laugh are the masters of the world