

Appendix A

List of Technical Material Submitted

- List of Technical Material Submitted (dated July 12, 2024)

Proposed Uppers Quarry (Niagara Falls)
ROPA, LOPA, ZBLA Applications – List of Technical Material Submitted

Item	Date Submitted
1st Submission	
1. Cover Letter to Niagara Region, prepared by MHBC, dated November 22, 2021	• November 22, 2021
2. Cover Letter to City of Niagara Falls, prepared by MHBC, dated November 22, 2021	• November 22, 2021
3. Cover Letter to NPCA, prepared by MHBC, dated November 22, 2021	• November 22, 2021
4. Cover Letter to City of Thorold, prepared by MHBC, dated November 22, 2021	• November 22, 2021
5. Completed Application to Amend the Regional Official Plan	• November 22, 2021
6. Completed City of Niagara Falls Application Form	• November 22, 2021
7. Planning Justification Report and ARA Summary Statement, prepared by MHBC, dated October 2021	• November 22, 2021
8. Aggregate Resource Act Site Plan drawings, prepared by MHBC, dated October 29, 2021	• November 22, 2021
9. Alternative Site Analysis, prepared by MHBC, dated October 2021	• November 22, 2021
10. Level 2 Water Study Report, prepared by WSP, dated October 2021	• November 22, 2021

Item	Date Submitted
11. Maximum Predicted Water Table Report, prepared by WSP, dated October 2021	<ul style="list-style-type: none"> • November 22, 2021
12. Level 1 and Level 2 Natural Environment Technical Report and Environmental Impact Study, prepared by Stantec, dated October 2021	<ul style="list-style-type: none"> • November 22, 2021
13. Agricultural Impact Assessment, prepared by Colville Consulting, dated October 2021	<ul style="list-style-type: none"> • November 22, 2021
14. Acoustic Assessment Report, prepared by RWDI, dated October 2021	<ul style="list-style-type: none"> • November 22, 2021
15. Air Quality Assessment Report, prepared by RWDI, dated October	<ul style="list-style-type: none"> • November 22, 2021
16. Blasting Impact Assessment, prepared by Explotech Engineering Ltd., dated October 2021	<ul style="list-style-type: none"> • November 22, 2021
17. Traffic Impact Study, prepared by TMIG, dated October 2021	<ul style="list-style-type: none"> • November 22, 2021
18. Cultural Heritage Impact Assessment, prepared by MHBC, dated October 2021	<ul style="list-style-type: none"> • November 22, 2021
19. Visual Impact Assessment, prepared by MHBC, dated October 2021	<ul style="list-style-type: none"> • November 22, 2021
20. Economic Benefits Analysis, prepared by Prism, dated October 2021	<ul style="list-style-type: none"> • November 22, 2021
21. Stage 1 Archaeological Resource Assessment of Walker Aggregates Proposed South Niagara Quarry, Part of Lots 102, 119, 120, 136 & 137, prepared by Archaeological Research Associates Ltd., dated December 2008	<ul style="list-style-type: none"> • November 22, 2021

Item	Date Submitted
22. Stage 1-2 Archaeological Assessment of Part 9764 Uppers Lane, Part of Lots 119 & 120, prepared by Archaeological Research Associates Ltd., dated November 3, 2005	<ul style="list-style-type: none"> November 22, 2021
23. Stage 2-3 Archaeological Assessment, Part of Lots 102, 119, 120, 136 & 137, prepared by Archaeological Research Associates Ltd., dated November 21, 2012	<ul style="list-style-type: none"> November 22, 2021
24. Stage 1-2 Archaeological Assessments, Upper's Quarry Additional Lands, Part of Lots 119 & 120*, prepared by Archaeological Research Associates Ltd., dated April 20, 2020	<ul style="list-style-type: none"> November 22, 2021
25. Stage 3 Mitigation of Development Impacts, Final Excavation Report, Walker XI (AgGt-411), Upper's Quarry, prepared by Archaeological Research Associates Ltd., dated May 26, 2021	<ul style="list-style-type: none"> November 22, 2021
26. Stage 4 Mitigation of Development Impacts, Final Excavation Report, Walker IX (AgGt-178), Upper's Quarry, prepared by Archaeological Research Associates Ltd., dated July 22, 2021	<ul style="list-style-type: none"> November 22, 2021
27. Archaeological Report and Ministry Approval Letter: Stage 3 Site-Specific Assessment. Walker XI (AgGs-411)	<ul style="list-style-type: none"> November 22, 2021
28. Cover Letter for February 2022 Updates, prepared by MHBC, dated February 8, 2022.	<ul style="list-style-type: none"> February 8, 2022
29. Updated ARA Site Plan Drawings (Redline), prepared by MHBC [last updated January 2022]	<ul style="list-style-type: none"> February 8, 2022

Item	Date Submitted
30. Updated ARA Site Plan Drawings (Signed), prepared by MHBC [last updated January 2022]	<ul style="list-style-type: none"> • February 8, 2022
31. Updated Level 1 and 2 Water Study Report, prepared by WSP, dated October 2021	<ul style="list-style-type: none"> • February 8, 2022
32. Updated Maximum Predicted Water Table Report, prepared by WSP, dated October 2021	<ul style="list-style-type: none"> • February 8, 2022
33. Addendum 1: Statement of Qualifications (re Level 1 and Level 2 Natural Environment Report and Environmental Impact Study), prepared by Stantec, dated February 3, 2022	<ul style="list-style-type: none"> • February 8, 2022
34. Cultural Heritage Report Checklists	<ul style="list-style-type: none"> • February 8, 2022
35. Information Request for Uppers Quarry Natural Environment Report Received from Dougan & Associates March 31, 2022, prepared by Stantec Consulting Ltd., dated June 9, 2022	<ul style="list-style-type: none"> • June 9, 2022
2nd Submission	
36. 2 nd Submission Cover Letter, prepared by MHBC, dated August 28, 2023	<ul style="list-style-type: none"> • August 28, 2023
37. Response Matrix to JART Comments, dated August 25, 2023	<ul style="list-style-type: none"> • August 28, 2023
38. Response Matrix to MNRFC Comments, dated August 25, 2023	<ul style="list-style-type: none"> • August 28, 2023
39. Updated Site Plan Notes, prepared by MHBC, dated August 28, 2023	<ul style="list-style-type: none"> • August 28, 2023

Item	Date Submitted
40. Updated ARA Site Plan Drawings, prepared by MHBC, dated August 28, 2023	• August 28, 2023
41. Updated Planning Justification Report, prepared by MHBC, dated August 2023	• August 28, 2023
42. Updated Alternative Site Analysis, prepared by MHBC, dated August 2023	• August 28, 2023
43. Updated Air Quality Assessment, prepared by RWDI, dated July 12, 2023	• August 28, 2023
44. Updated Acoustic Assessment, prepared by RWDI, dated August 3, 2023	• August 28, 2023
45. Updated Blast Impact Assessment, prepared by Explotech, dated August 2023	• August 28, 2023
46. Updated Natural Environment Level 1 & 2 Report, prepared by Stantec, dated August 28, 2023	• August 28, 2023
47. Response to JART Hydrogeology Comments, prepared by WSP, dated October 3, 2022	• August 28, 2023
48. Updated Economics Benefits Study, prepared by Prisim, dated February 2023	• August 28, 2023
49. Transportation Impact Study Addendum, prepared by TYLin, dated March 2023	• August 28, 2023

Item	Date Submitted
50. Visual Impact Addendum Letter, prepared by MHBC, dated February 24, 2023	<ul style="list-style-type: none"> • August 28, 2023
3rd Submission	
51. 3 rd Submission Cover Letter, prepared by MHBC, dated April 5, 2024	<ul style="list-style-type: none"> • April 5, 2024
52. 3 rd Submission Response Matrices (1-16), prepared by MHBC, dated April 2024	<ul style="list-style-type: none"> • April 5, 2024
53. Updated ARA Site Plans, prepared by MHBC, dated April 4, 2024	<ul style="list-style-type: none"> • April 5, 2024
54. Updated Planning Justification Report, prepared by MHBC, dated April 5, 2024	<ul style="list-style-type: none"> • April 5, 2024
55. Updated Alternative Site Analysis, prepared by MHBC, dated February 5, 2024	<ul style="list-style-type: none"> • April 5, 2024
56. Updated Air Quality Assessment, prepared by RWDI, dated December 5, 2023	<ul style="list-style-type: none"> • April 5, 2024
57. Updated Acoustic Assessment, prepared by RWDI, dated January 11, 2024	<ul style="list-style-type: none"> • April 5, 2024
58. Updated Blasting Impact Assessment, prepared by Explotech, dated April 2024	<ul style="list-style-type: none"> • April 5, 2024
59. Updated Natural Environment Report, prepared by Stantec, dated April 4, 2024	<ul style="list-style-type: none"> • April 5, 2024

Item	Date Submitted
60. Updated Visual Impact Study, prepared by MHBC, dated April 2024	• April 5, 2024
61. Updated Economic Benefits Analysis, prepared by Prisim, dated April 2024	• April 5, 2024
62. Headwater Drainage Assessment Field Notes, prepared by Stantec, dated April 18, 2022	• April 23, 2024
63. Hydrogeological Monitoring Program Site Plan Notes, prepared by WSP, dated April 26, 2024	• May 1, 2024
64. E-mail re: Species at Risk Act and Information Gathering Form, MHBC, dated May 10, 2024	• May 10, 2024
65. Cover Letter re: Natural Environment Resubmission, MHBC, dated June 26, 2024	• June 27, 2024
66. Comment Response Matrix – JART (In response to Comments by Dougan and Associates, Dated May 27, 2024), prepared by Stantec, dated June 25, 2024	• June 27, 2024
67. Updated ARA Site Plans, prepared by MHBC, dated June 2024	• July 2, 2024
68. Updated ARA Site Plan Notes - redlined, prepared by MHBC, dated June 2024	• July 2, 2024
69. Uppers Quarry, Niagara: Level 1 and Level 2 Natural Environment Technical Report and Environmental Impact Study – Revision 3, prepared by Stantec, dated June 25, 2024.	• July 3, 2024

Item	Date Submitted
70. Letter re: Beaver and Great Blue Heron Observations, prepared by Stantec, dated July 2, 2024	• July 2, 2024

Appendix B

Plain Language Summaries

- Appendix B1 – Noise Plain Language Summary, prepared by Englobe, dated January 26, 2024
- Appendix B2 – Air Quality Plain Language Summary, prepared by Englobe, dated January 30, 2024
- Appendix B3 – Blasting Plain Language Summary, prepared by Englobe, dated January 19, 2024



January 26, 2024

The Regional Municipality of Niagara
Planning and Development Services
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7
Attention: Sean Norman, PMP, MCIP, RPP

Subject: Upper's Quarry Final Peer Review Plain Language Summary - Noise - Revision 1
Summary of revised Acoustic Assessment Report for the Upper's Quarry in Niagara Falls, ON
Prepared by RWDI Air Inc. for Walker Aggregates Inc., dated Aug. 02, 2023 (RWDI #1603157)
Englobe reference: 02105316.000

1 Introduction

Englobe Corp. ("Englobe") was retained by the Regional Municipality of Niagara ("the Municipality") to provide a brief plain language memorandum summarizing the latest Acoustic Assessment Report (AAR) for the proposed Upper's Quarry ("the Quarry") in Niagara Falls, Ontario. The AAR was prepared by RWDI Air Inc. ("RWDI") and presented to the Municipality, with the following primary objectives:

- Determine the worst-case operating scenario for the Quarry from a noise perspective.
- Calculate the noise level impact on nearby noise-sensitive lands (in this case, residences).
- Compare the calculated, worst-case noise level impact with limits provided in provincial guidelines.

Please note that this memorandum was prepared with the purpose of summarizing and simplifying the Quarry's latest AAR and associated studies with respect to noise emission and its potential impact on nearby receptors.

Some of the terminology and concepts were adapted and/or streamlined in an effort to ease a layperson's comprehension of the AAR. Please refer to the original reports for full context and technical terminologies, including descriptions, justifications, and assumptions.

2 Project Background

The proposed Quarry is located east of Thorold Townline Rd, west of Beechwood Rd, north of Upper's Lane (by approximately 400m), and south of Upper's Lane to the power transmission line right-of-way.

Extraction of aggregate materials within the Quarry will be done in phases, with each phase focusing on a limited area of the overall Quarry limits. The initial phase is located in the southwestern area of the Quarry limits, where the distances to nearby residences is the greatest. Each subsequent phase results in Quarry equipment operating gradually closer to nearby residences.

The operating hours for the quarry operations is generally Monday to Saturday, from 7am to 7pm. However, the following specific activities are expected to operate 24/7:

- Hauling aggregate materials within the Quarry.
- Shipping and receiving activities.
- Asphalt plant operations.

3 Noise Level Limits

The applicable noise level limits are defined in the Ministry of the Environment, Conservation and Parks (“the Ministry”) Publication “NPC-300”. For the proposed Quarry and the surrounding area, the acoustical environment is defined as “Class 2”, meaning it is dominated by the activities of people (usually road traffic) during the daytime, whereas evening and night-time noise levels are low and defined by the natural environment and infrequent human activity. For the Class 2 residences surrounding the proposed Quarry, the specific noise level limit at each particular receptor is prescribed by the NPC-300 guidelines, and ranges from 45 dBA to 50 dBA, as outlined in the AAR.

Of note, Class 2 noise level limits presented in the NPC-300 Guidelines should not be considered “inaudible” at the receptors - the limits represent acceptable noise levels for the majority of the population. Expressed differently, it is understood that the noise level limits prescribed by NPC-300 aim to protect the public from excessive noise while allowing for reasonable industrial and commercial activities; these limits are set to accommodate the interests of businesses and residents alike.

Table 1, below, contains various examples of common and relatable noise sources and their approximate expected noise levels. Please note that this table is intended to assist with contextualizing the above noted noise level limits and is not a direct comparison between the noise levels produced by the Quarry and the noise sources listed below.

Table 1: Comparative Examples of Environmental Noise Levels [1] [2] [3] [4]

Subjective Volume	Reference Noise Level, dBA	Source Comparison
VERY LOUD	110+	Live Music Concerts; Sporting Events
	100 - 110	Use of a Snowmobile, Snow Blower, or Jackhammer
	90 - 100	Use of a Power Lawnmower, Power Tools, or Hair Dryer Motorcycle Engine at 7.6 m
LOUD	80 - 90	Typical use of a Ringing Telephone, Alarm Clock, or Food Blender
	70 - 80	Typical use of Vacuum Cleaner TV Audio
MODERATE	60 - 70	Normal Conversation (1.0 - 1.5 m away) Business Office
	50 - 60	Moderate Rainfall
SOFT	40 - 50	Quiet Library
	30 - 40	Whispers

4 Acoustic Assessment Methodology

Industry-standard software package “CadnaA”, developed by Datakustik, was used to calculate and predict the noise level impact of the Quarry on nearby residences. In essence, the software analyses the noise impact based on three main parameters: noise sources (Quarry equipment), noise propagation (terrain, ground absorption, etc.) and sensitive receptors (residences).

4.1 Noise Sources

A list of all significant noise-generating equipment was compiled, including over 30 “steady” noise sources and 1 “impulsive” noise source (short burst-like noise source). The noise level data used for the calculations are based on historical measurement data on file at RWDI. For each phase of the extraction within the Quarry, the associated noise-generating equipment was incorporated into the CadnaA model in locations expected to generate worst-case (ie. highest) noise levels at the residences. Based on the AAR, the loudest equipment associated with the Quarry include the primary and secondary crushers, as well as the impulsive noise associated with the asphalt plant silo.

Of note, noise sources associated with construction activities are not regulated in Ontario, as it is understood that they are “short-term” in nature. For the proposed Quarry, this would include activities related to overburden-clearing and berm construction. Sections 5.3 and 6 of the AAR nonetheless provides an overview of “best practice recommendations” that will help minimize the potential for construction noise impacts.

4.2 Sensitive Receptors

Six (6) worst-case receptors (ie. residences) were selected based on their proximity to the proposed Quarry - residences located further away are expected to experience lower Quarry-related noise levels. Each residence was assessed in two locations: in an outdoor location representative of the backyard, and at the building façade facing the Quarry. For two-storey residences, the façade location was assessed at the 2nd storey, which is typically exposed to higher noise level compared to the 1st storey. The six (6) worst-case receptors assessed as part of the AAR are listed below:

- Residence at 10148 Beaverdams Rd
- Residence at 9722 Beaverdams Rd
- Residence at 9602 Beaverdams Rd
- Residence at 5584 Beaverdams Rd
- Residence at 5769 Beaverdams Rd
- Residence at 9944 Lundy’s Ln

The following two comments pertaining to specific locations in proximity to the Quarry are also provided in Section 4.1 of the AAR:

- *“There is a neighboring church on the southwest corner of the intersection of Upper’s Lane and Beechwood Rd, approximately 60 m from the Quarry boundary. [The Quarry operator] has a special agreement in place with the Church to avoid noise disturbance. Therefore, the Church was not assessed as a noise sensitive receptor.”*
- *“There is a residential-zoned vacant lot for the Rolling Meadows development approximately 420 m west of the Quarry. The vacant lot was not considered as a receptor for this assessment since the*

land developer will be required to mitigating any noise within 500m of the bed rock resource area according to policy B.8.12.3. of the Rolling Meadows Secondary Plan.”

5 Recommendations and Mitigation Measures

In order to comply with the noise level limits referred to in Section 3, the following mitigation measures are recommended by RWDI in the AAR (some of the text below is copied from the AAR; however, please refer to the original report for full details):

- A 3m-tall perimeter berm shall be constructed around the Quarry.
- The primary crusher shall stay within 30m of the working face of the Quarry to maximize the noise-shielding effect of the Quarry terrain.
- Material extracted from the South Extraction Area shall be processed in the Mid Extraction Area.
- While processing in Phases 4 and 5, the licensee shall maintain an 8 m tall barrier at a radius of 40m to the southeast of the processing plant secondary crushers. The barrier can be material stockpiles, noise walls, or a combination of both.

6 Results and Comparison to Applicable Limits

All predicted noise levels at each residence are given in Tables 3a to 3h of the AAR. The predicted, mitigated noise levels are at-or-below the applicable noise level limits outlined in Section 3. As discussed in Section 3, it should be noted that this does not mean that the Quarry activities will be inaudible at nearby residences - instead, it is concluded that, with the implementation of the recommended mitigation measures listed in Section 5, it is reasonable to expect that the Quarry activities will not produce noise levels that will adversely impact the nearby residences.

7 Closure

We trust the foregoing will satisfy your present requirements. If you have any questions regarding this matter, please do not hesitate to contact us.

Yours very truly,

Englobe Corp.



Martin Villeneuve, P. Eng.
Acoustical Engineer

8 References

- [1] Cochary, J. (2021, May 15). *Common noise levels*. Noise Awareness Day.
<https://noiseawareness.org/info-center/common-noise-levels/>
- [2] Decibel (Loudness) Comparison Chart. (n.d.). National Hearing Conservation Association.
<https://www.hearingconservation.org/assets/Decibel.pdf>
- [3] Decibel levels - Measuring dangerous noise – Hearing Health Foundation. (n.d.). Hearing Health Foundation. <https://hearinghealthfoundation.org/decibel-level>
- [4] Noise Sources and Their Effects. (2000, February). Purdue University.
<https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm>

Revisions and publications log

REVISION No.	DATE	DESCRIPTION
0A	November 17, 2023	Final Summary Report
0B	January 26, 2024	Revision 1

Distribution

1 PDF copy	Sean Norman Erik Acs
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eNGLOBE



January 30, 2024

The Regional Municipality of Niagara
Planning and Development Services
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7
Attention: Sean Norman, PMP, MCIP, RPP

Subject: **Upper's Quarry Final Peer Review Summary - Air Quality**
Summary of revised Air Quality Assessment Report for the Upper's Quarry in Niagara Falls, Ontario
Prepared by RWDI Air Inc. for Walker Aggregates Inc., dated July 12, 2023 (RWDI #1603157)
Englobe #02105316.002

1 Introduction

Englobe Corp. ("Englobe") was retained by the Regional Municipality of Niagara ("the Municipality") to provide a brief memorandum summarizing the latest Air Quality Assessment (AQA) Report for the proposed Upper's Quarry ("the Quarry") in Niagara Falls, Ontario. The AQA Report was prepared by RWDI Air Inc. and presented to the Municipality, with the following primary objectives:

- Determine the worst-case operating scenario for the Quarry from an air quality perspective.
- Calculate the air quality impact on the closest sensitive receptors.
- Compare the calculated, worst-case air quality impact to provincial guidelines.

Please note that this memorandum was prepared with the purpose of summarizing and simplifying the Quarry's latest AQA Report and associated studies with respect to dust emission and its potential impact on nearby receptors, as dust is usually recognized as one of the main issues when it comes to quarry operations.

Some of the terminology and concepts were adapted and/or streamlined in an effort to ease a layperson's comprehension of the AQA Report. Please refer to the original reports for full context and technical terminologies, including descriptions, justifications, and assumptions.

2 Project Background

The proposed Quarry is located east of Thorold Townline Rd, west of Beechwood Rd, north of Upper's Lane (by approximately 400 meters), and south of Upper's Lane to the power transmission line right-of-way.

Extraction of aggregate materials within the Quarry will be done in phases, with each phase focusing on a limited area of the overall Quarry limits. The initial phase is located in the southwestern area of the Quarry limits, where the distance to nearby residences is the greatest. Each subsequent phase results in Quarry equipment operating gradually closer to nearby residences.

The operating hours for the Quarry operations is generally Monday to Saturday, from 7am to 7pm. However, a few specific activities are expected to operate 24/7:

- Hauling aggregate materials within the Quarry.
- Shipping and receiving activities.
- Asphalt plant operations.

3 Air Quality Standards

As presented in the AQA Report, the primary compound of interest is airborne dust generated by various activities in the Quarry. With respect to air quality studies, dust particulate components are usually divided into three airborne particulate types based on their sizes and effects on human health:

- Total suspended particles, which are particles that can become airborne.
- Coarse particles, small enough to be inhaled into the lungs.
- Fine particles, small enough to be drawn into the alveoli inside the lungs.

The Ontario Ministry of the Environment, Conservation and Parks (“the Ministry”) has published Ambient Air Quality Criteria, which are desirable ambient concentrations of contaminants, including particles, based on protection against adverse effects on health or the environment. Environment and Climate Change Canada also has defined Canadian Ambient Air Quality Standards for certain contaminants, including particles.

Criteria and Standard datasets are used by the Province to implement air quality improvements. They are not enforceable, but rather used as indicators for desirable outdoor air quality conditions.

The Aggregate Resources Act regulations require that dust emissions from quarry operations shall be controlled to make sure that Air Quality Criteria and Standards are respected. For instance, dust suppressants shall be applied as frequently as necessary to control dust emissions from internal haul routes.

4 Air Quality Assessment Methodology

The Ministry’s regulatory air quality model AERMOD was used to calculate particle dispersion and to predict the air quality impact of the Quarry on nearby receptors. The model was applied with the regulatory default options. Terrain information and regional meteorological data for the Quarry were downloaded from the Ministry’s website and used within the model in accordance with the Ministry’s Guideline.

The dispersion modeling was performed for the worst-case weather scenario, including maximum wind speed and absence of rainfall that could naturally mitigate dust pollution issues. Wind is a key parameter driving the atmospheric dispersion of fugitive dust around a quarry. The dispersion distance of the dust emitted by quarry operations greatly depends on operating and weather scenarios.

For the Quarry site wind data averaged over several years exhibit prevailing winds from the north-west, west, and south-west.

4.1 *Pollution Sources*

Potential particle-generating activities at the Quarry would include:

- Drilling and blasting operations.
- Material crushing, screening, conveying, and stockpiling.
- Material handling operations such as loaders loading trucks.
- Asphalt plant operations.
- Suspension of road dust by vehicle traffic on unpaved surfaces.
- Tailpipe emissions from on-site vehicles and heavy equipment.

The maximum operating scenario examined in the AQA Report reflects the maximum production and shipping operations at the site, based on various types of activities and hours of operations. This scenario is meant to provide an upper range estimate of potential emissions. In all cases, it is expected that operations would realistically occur at levels below these levels over most of the life of the Quarry.

A 95% control efficiency was applied to fugitive dust emissions generated by on-site mobile equipment to account for the effect of dust mitigation measures, such as watering of haul roads, and use of spray bars on processing equipment. This high level of control efficiency of dust emissions is achieved with the combination of measures described in the Best Management Practices Plan (BMPP) for dust and is also supported by the dust control references provided in the Reference section of the AQA Report: a watering rate that would achieve a 95% control efficiency is possible in Southern Ontario with a water application rate of 1.5 liters of water per square meter per hour.

4.2 *Sensitive Receptors*

The AQA evaluates the impact of quarry operations on the eleven (11) closest discrete receptors, including homes and businesses, in the area near the Quarry.

During the initial sinking cut operations, potential emission sources would be at the same altitude as the receptors. However, later on, sources associated with peak operations would be all located on the quarry floor, i.e., at a lower altitude than that of the receptors. Dust plumes are therefore expected to be contained within the geographical area of the site and have a limited impact on the closest receptors located higher.

The AQA Report states that due to the nature of the sources of emission, the impact on potential receptors further away, including the residential area southeast of the Quarry, was not assessed, as impacts would decrease rapidly with distance.

5 Results and Conclusions

For all operating phases, concentrations of air pollutants were predicted at the receptor locations. Background particulate concentrations were added to modeling results to calculate the cumulative effect on receptors. Total concentrations were then averaged over different time periods to compare to Air Quality Criteria and Standards.

With additional background concentrations, cumulative effects for all operating phases represent on average 57%, 68%, and 65% of the Ambient Air Quality Criteria and Standards for total suspended particles, coarse particles, and fine particles, respectively. Therefore, with appropriate controls on the haul routes, the predicted

impact on particulate levels for the three size fractions are below Provincial Limits, based on the modelled mitigated emissions applied to the dust dispersion model.

6 Recommendations and Proposed Mitigations

The site will have to operate in accordance with the Best Management Practices Plan for dust emissions. Emission estimates calculated in the AQA Report account for the effect of dust mitigation measures including in the BMPP, such as:

- Reducing the vehicle traffic.
- Reducing the speed.
- Improving road design.
- Watering haul roads.
- Covering unpaved roads with gravel.

Additional mitigation measures should be followed:

- Blasting operations occurring within 300 meters of a residential receptor shall have a blast area not exceeding 200 square meters in area.
- Aggregate extraction, processing and shipping does not exceed 9,000 tonnes per day.
- Under dry conditions, water application should be more frequent and watering rate should increase to 1.5 liters of water per square meter per hour.

7 Closure

We trust the foregoing will satisfy your present requirements. If you have any questions regarding this matter, please do not hesitate to contact us.

Yours very truly,

Englobe Corp.

A handwritten signature in black ink, appearing to read 'D. Lavoué', with a long horizontal flourish extending to the right.

David Lavoué, Ph.D., M.Eng.
Air Quality Specialist

Revisions and publications log

REVISION No.	DATE	DESCRIPTION
0A	November 17, 2023	Final Summary Report
0B	January 30, 2024	Revision 1

Distribution

1 PDF copy	Sean Norman Erik Acs
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Englobe Corp.’s subcontractors who have carried out on-site or laboratory work are duly assessed according to the purchase procedure of our quality system. For further information, please contact your project manager.”



January 19, 2024

The Regional Municipality of Niagara
Planning and Development Services
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7
Attention: Sean Norman, PMP, MCIP, RPP

Subject: Upper's Quarry Final Peer Review Plain Language Summary - Blast Impact Analysis - Revision 1

Summary of revised Blast Impact Assessment Report (AAR) for the Upper's Quarry (the Quarry) in Niagara Falls, Ontario prepared for Walker Aggregates Inc. (WAI), prepared by Explotech Engineering Ltd. (Explotech) dated August 2023
Englobe reference: 02105316.000

1 Introduction

Englobe Corp. (Englobe) was retained by the Regional Municipality of Niagara (Municipality) to provide a brief plain language memorandum summarizing the latest Blast Impact Assessment Report for the proposed Upper's Quarry (the Quarry) in Niagara Falls, Ontario. The Blast Impact Assessment (BIA) was prepared by Explotech Engineering Ltd. in accordance with guidelines outlined in the Aggregate Resources Policies and Procedures Reference Manual. The main objective of the report was to determine if the planned aggregate extraction on the proposed property can be carried out safely and within guidelines set out in the Ministry of Environment, Conservation and Parks (MECP) Model Municipal Noise Control By-law NPC 119 which governs blasting operations in mines and quarries in the province of Ontario. As part of the report Explotech also acknowledges the presence of third-party (not owned by WAI) sensitive (residential and commercial properties) and non-sensitive (pipelines and transmission towers) receptors within the vicinity of the proposed extraction area and provides mitigation measures to address potential impacts of the blasting operations on these receptors to maintain compliance with MECP, TC Energy pipeline and transmission tower companies specific vibration, overpressure and blasting specifications.

In addition to the requirements specified in the Aggregate Resources Act, Explotech's BIA report also addresses issues such as flyrock control, potential impact on residential water wells, and nearby waterbodies.

Please note that this memorandum was prepared with the purpose of summarizing and simplifying the Quarry's latest BIA Report. As such, some of the terminology and concepts were adapted and/or streamlined in an effort to ease a layperson's comprehension of the BIA Report. Please refer to the original reports for full context and technical terminologies, including descriptions, justifications, and assumptions.

2 Project Background

The proposed Quarry is located east of Thorold Townline Rd, west of Beechwood Rd, north of Upper's Lane (by approximately 400m), and south of Upper's Lane to the power transmission line right-of-way. A full, legal description of the Quarry limits is provided in the BIA Report.

Extraction of aggregate materials within the Quarry will be done in phases, with each phase focusing on a limited area of the overall Quarry limits. The initial phase is located in the southwestern area of the Quarry limits, where the distances to nearby residences is the greatest. Each subsequent phase results in Quarry equipment operating gradually closer to nearby residences.

The operating hours for the quarry operations is generally Monday to Saturday, from 07h00 to 19h00. However, the following specific activities are expected to operate 24 hours per day, 7 days a week:

- Hauling aggregate materials within the Quarry.
- Shipping and receiving activities.
- Asphalt plant operations.

3 Blast Vibration and Overpressure Limits

Peak Particle Velocity (PPV), measured in mm/s, is used to describe vibration levels due to its superior correlation with the appearance of cosmetic cracking. Many blasting consultants recommend, as a general guideline, that blasting vibrations monitored at the closest structure to the blast site be kept below 50 mm/s Peak Particle Velocity. The maximum “zero to peak” particle velocity of 50 mm/s at frequencies above 40 Hz is in our opinion, and that of most other blasting consultants, including experts such as the United States Bureau of Mines (USBM), the American Insurance Association (AIA), and the National Research Council of Canada (NRC), the threshold for the possibility of cosmetic cracking in weak construction materials such as drywall and plaster. The MECP guidelines for blasting in mines and quarries are amongst the most stringent in North America. The guideline limits at sensitive receptors suggested by the MECP in NPC 119 for routinely monitored blasts in mines and quarries in Ontario are:

Vibration: 12.5 mm/s Peak Particle Velocity

Overpressure: 128 dB(L) Peak Sound Pressure Level (PSPL)

A TC Energy High Pressure Natural Gas Pipeline and Hydro One transmission line corridor run adjacent to certain limits of the proposed quarry license. The MECP guideline for blast induced vibration does not apply to these receptors as they are not classified as sensitive receptors. As such, vibration levels are dictated by their respective owners. Both TC Energy and Hydro One employ a vibration limit of 50 mm/s on their respective infrastructure.

4 Sensitive Receptors

As part of the BIA report, all receptors within 500 m of the proposed extraction limits and the closest distances to the extraction limits have been identified. A total of 41 sensitive and 5 non-sensitive receptors ranging in distance from 484 m to 63 m are located within 500 m of the licence boundary. The guidelines and regulations noted above were used as the basis for assessing the impact of the blasting on these receptors.

5 Results and Comparison to Applicable Limits

In order to mitigate the potential impact of vibrations and overpressures generated by blasting activities on the existing receptors, the BIA uses a well-known predictive model known as the US Bureau of Mines (USBM) prediction formula or Propagation Law, to predict vibration and overpressure levels at various standoff distances. This prediction formula is the most commonly employed and widely accepted method of predicting vibration levels for surface mines and quarries. Since the quarry is new and historical vibration and overpressure data is not available for this site, Explotech has used vibration and overpressure data collected from many similar limestone quarries with similar geological and operational characteristics to establish the predictive attenuation curves (graphs) which are used to determine site factors used in the Propagation Law. Based on the proposed phases of extraction, the closest sensitive receptor to the initial blasting for phase 1a is approximately 710 m. Using a proposed bench height of 15 m, and typical loading parameters employed in similar quarries, Explotech calculates the maximum quantity of explosive per delay period to be 118 kg. Using the propagation law, distance and maximum quantity of explosive per delay, the maximum PPV at the closest sensitive receptor to the initial blasting will be 4.14 mm/s, well below the MECP guidelines. Similarly, overpressures for initial blasting are calculated to be 126.8 dB(L), also below the allowable limits in the MECP guidelines. These initial predictions are generally worst-case scenarios, and actual measured vibration levels are lower than those predicted. Additionally, vibration waves propagate outwards radially from the source (blast) and dissipate relatively rapidly with distance in a similar manner to what is seen when throwing a rock in a pond, meaning the vibrations will always be highest at the closest receptor and lower at receptors further away.

6 Recommendations and Mitigation Measures

In order to comply with the vibration and overpressure level limits given in Section 3, Explotech has recommended that all blasts at the quarry be monitored for vibration and overpressure at the closest sensitive receptors, or closer, at a minimum of two locations in front and behind the blast to ensure vibration levels are maintained below the MECP regulations. Additionally, it is recommended that an independent blasting consultant complete an attenuation study during the first 12 months of operation to obtain sufficient data to produce a site-specific attenuation curve to confirm initial guideline parameters and assist in refining future blast designs. As mentioned above, the site-specific attenuation curve is what is used to determine the factors used in the Propagation Law. The more site-specific data that is available, the more accurate the attenuation curves become, making the predictions of vibration levels and calculations of maximum quantities of explosives per delay that much more accurate for this site as well, resulting in more efficient blasting. As phases 3 and 4 of the quarry move closer to residential areas, this site-specific data will be valuable in determining blast parameters to ensure all vibration and overpressure limits are not exceeded, and evaluating if it is financially viable to extract the rock. As the size of the blast decreases, the cost per cubic meter of rock produced increases, and at some point may cost more to produce than it can be sold for.

As part of their calculations, Explotech has provided tables showing the maximum quantity of explosive per delay period required to maintain vibration and overpressure levels below allowable limits at various standoff distances. Based on their calculations, any blasting within in an approximate standoff distance of 319 m from a sensitive receptor may necessitate a reduction in the maximum quantity of explosives per delay. As the blasting nears sensitive receptors, given current blasting technology and techniques it will be technically possible to maintain overpressures and vibrations below MECP limits, however market economics will dictate the feasibility of extracting the rock at closer distances.

In addition to monitoring vibrations at the closest sensitive receptors, Explotech also recommends that when blasting operations are within 100 m of the TC Energy pipeline, or the Hydro One corridor, or predicted vibration levels on the pipeline and hydro infrastructure exceed 35 mm/s, the pipeline and/or hydro towers should also be monitored for ground vibration.

7 Englobe Peer Review Summary

Englobe has conducted a peer review of both the original and the updated BIA Reports, respectively dated October 2021 and August 2023. Requests for additional details were made and have been addressed by Explotech to Englobe's satisfaction. The BIA report has satisfied the requirements of the Aggregate Resources Act as it applies to the effects and impacts of blast induced vibration and overpressure levels on sensitive and non-sensitive receptors, provided the proponent implements the recommendations outlined in Explotech's updated BIA report of August 2023..

8 Concluding Remarks

We trust the foregoing will satisfy your present requirements. If you have any questions regarding this matter, please do not hesitate to contact us.

Yours very truly,

Englobe Corp.

A handwritten signature in blue ink that reads "James Hicks". The signature is written in a cursive, flowing style.

James Hicks, P. Eng.
Director of Operations, Engineering

Revisions and publications log

REVISION No.	DATE	DESCRIPTION
0A	November 20, 2023	Final Summary Report
0B	January 19, 2024	Revision 1

Distribution

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Appendix C

JART Comment Letters

- Appendix C1 – 1st JART Comment Letter (dated August 23, 2022)
- Appendix C2 – Addendum to 1st JART Comment Letter (dated November 14, 2022)
- Appendix C3 – JART Response to May 2023 Submission (dated June 1, 2023)
- Appendix C4 - 2nd JART Comment Letter (dated November 14, 2023)

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
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Via E-Mail Only

August 23, 2022

File No.: D.13.04.ROPA-21-0003
D.10.04.OPA-21-0057
D.18.04.ZA-21-00127

Debra Walker, BES, MBA, MCIP, RPP
Partner, MHBC Planning
230-7050 Weston Road
Woodbridge, ON L4L 8G7

dwalker@mhbcplan.com

Dear Ms. Walker:

**Re: Comment Letter from Joint Agency Review Team (JART)
Regional Official Plan Amendment 22 (ROPA-21-0003)
Local Official Plan & Zoning By-law Amendment (AM-2021-025)
Owner/Applicant: Walkers Aggregate Inc.
Agent: Debra Walker, MHBC Planning
Address/Location: Lands between Beechwood Road and Thorold Townline
Road, North of Lundy's Lane
City of Niagara Falls**

Members of the Joint Agency Review Team (JART) as well as the Aggregate Advisor and Peer Review consultants retained by the JART have reviewed the technical reports and other information submitted with the applications for the Regional Official Plan amendment (ROPA), Local Official Plan amendment (OPA) and Zoning By-law amendment (ZBA) for lands legally described as Part of Lots 119, 120, 136 and 137, City of Niagara Falls, and located along the western boundary of the City of Niagara Falls, between Thorold Townline Road and Beechwood Road, north of a Hydro One corridor. The applications were received on November 22, 2022, were deemed complete on December 21, 2021, and were circulated to the JART, Aggregate Advisor, Peer Reviewers, as well as internal Regional and City departments.

The ROPA is proposed to add the subject lands (the lands) to Section 13 (Site Specific Policies) of the Regional Official Plan to permit the proposed quarry operation. The local OPA is proposed to change the designation of the lands to Extractive Industrial. The ZBA to proposes to rezone the lands to Extractive Industrial with site specific regulations permitting a pit or quarry, processing of materials from the site, processing of recycled

aggregate material, concrete or asphalt mixing plant and accessory buildings and structures.

A pre-consultation meeting regarding these applications was held on October 19, 2021.

In support of the applications, the following studies were submitted under a Cover Letter dated November 22, 2022.

- Planning Justification Report and Summary Statement, prepared by MHBC, dated October 2021
- Aggregate Resource Act Site Plan drawings, prepared by MHBC, dated October 29, 2021
- Alternative Site Analysis, prepared by MHBC, dated October 2021
- Level 2 Water Study Report, prepared by WSP, dated October 2021
- Level 1 and Level 2 Natural Environment Technical Report and Environmental Impact Study, prepared by Stantec, dated October 2021
- Agricultural Impact Assessment, prepared by Colville Consulting, dated October 2021
- Acoustic Assessment Report, prepared by RWDI, dated October 2021
- Air Quality Assessment Report, prepared by RWDI, dated October 2021
- Blasting Impact Assessment, prepared by Explotech Engineering Ltd., dated October 2021
- Traffic Impact Study, prepared by TMIG, dated October 2021
- Cultural Heritage Impact Assessment, prepared by MHBC, dated October 2021
- Visual Impact Assessment, prepared by MHBC, dated October 2021
- Economic Benefits Analysis, prepared by Prism, dated October 2021
- Archaeological Assessments (as follows):
 - Stage 1 Archaeological Resource Assessment of Walker Aggregates Proposed South Niagara Quarry, Part of Lots 102, 119, 120, 136 & 137, prepared by Archaeological Research Associates Ltd., dated December 2008
 - Stage 1-2 Archaeological Assessment of Part 9764 Uppers Lane, Part of Lots 119 & 120, prepared by Archaeological Research Associates Ltd., dated November 3, 2005
 - Stage 2-3 Archaeological Assessment, Part of Lots 102, 119, 120, 136 & 137, prepared by Archaeological Research Associates Ltd., dated November 21, 2012
 - Stage 1-2 Archaeological Assessments, Upper's Quarry Additional Lands, Part of Lots 119 & 120*, prepared by Archaeological Research Associates Ltd., dated April 20, 2020
 - Stage 3 Mitigation of Development Impacts, Final Excavation Report, Walker XI (AgGt-411), Upper's Quarry, prepared by Archaeological Research Associates Ltd., dated May 26, 2021

- Stage 4 Mitigation of Development Impacts, Final Excavation Report, Walker IX (AgGt-178), Upper's Quarry, prepared by Archaeological Research Associates Ltd., dated July 22, 2021

Subsequent to that, an amendment to the submission was made under a Cover Letter dated February 8, 2022 which included the following:

- Archaeological Report and Ministry Approval Letter: Stage 3 Site-Specific Assessment. Walker XI (AgGs-411)
- Updated Site Plans
- Updated Level 1 and 2 Water Report
- Addendum 1: Statement of Qualifications (re Level 1 and Level 2 Natural Environment Report and Environmental Impact Study)
- Cultural Heritage Report Checklists

Subsequent to that, following an initial review of the Natural Environment report a request for additional information was made from the JART to the applicant and their consulting team through an e-mail dated March 31, 2022. The requested additional information was received through a document entitled:

- Information Request for Uppers Quarry Natural Environment Report Received from Dougan & Associates March 31, 2022, prepared by Stantec Consulting Ltd. (dated June 9, 2022)

The agent/owner has also filed an application for a Category 2 (Below Water Quarry) - Class A Licence to the Ministry of Natural Resources and Forestry (MNRF) under the Aggregate Resources Act (ARA). The total area to be licensed is 103.6 hectares, of which 89.1 hectares is proposed for extraction. It is our understanding that the formal consultation process under the ARA has yet to be initiated. The comments outlined in this letter are intended to guide revisions to both the Planning Act and ARA submissions and aims to assist the applicant in addressing issues with the applications relative to Provincial, Regional and local policy conformity.

Summary

Based on the clarification and additional information required on a number of the submitted studies, Regional and City Planning staff cannot confirm that the proposed amendments are consistent with the Provincial Policy Statement and conform with Provincial Plans and the Regional Official Plan as well as local Official Plan policies and Zoning regulations. Revisions and clarifications to the submitted plans and studies are required to address the items outlined in this letter prior to the applications being presented at a Public Meeting and before staff can make a recommendation on the proposed amendments.

Provincial and Regional Land Use Policies

The subject lands are located within a Prime Agricultural Area under the Provincial Policy Statement (PPS), identified as Prime Agricultural Area in the Provincial

Agricultural System under the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), and are designated as Good General Agricultural Area in the Regional Official Plan (ROP).

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. The permitted uses and activities for Prime Agricultural Areas are agriculture, agriculture-related, and on-farm diversified uses. The predominant use of land in Good General Agricultural Areas is for agriculture of all types, including livestock operations. Compatible uses such as forestry and conservation of plant and wildlife are also permitted. The proposed quarry is not identified on Schedule D4 as a Possible Aggregate Area; therefore, pursuant to ROP Policy 6.C.13, an amendment to the ROP is required.

Regional staff have and will be reviewing the requested amendment relative to ROP policies, with particular attention being paid to policy 5.B.7, Chapter 6 and policy 14.D.5, in addition to Provincial policies. Supporting studies have and will be reviewed relative to those ROP topic specific policies (i.e. natural environment relative to Chapter 7), in addition to Provincial policies.

Planning Justification Report & ARA Summary Statement

Regional and City planning staff have reviewed the Planning Justification Report & Aggregate Resources Act Summary Statement, prepared by MHBC (dated October 2021) (PJR). The PJR addresses most of the relevant Provincial, Regional and Local planning policies. However, there are some technical and other issues that must be addressed in a revised report. More detailed comments on the PJR and ARA Summary Statement are included in Appendix 1, and additional comments on alignment with Provincial and Regional policies relative to the technical studies are provided below. In addition any revisions based on changes to the technical studies should also be made.

Aggregate Resource Act Site Plans

The Aggregate Resource Act Site Plans are the primary tool for implementing and enforcing the conditions of any approved mineral aggregate operation. The Plans submitted with the applications have been reviewed and detailed comments are provided in Appendix 2. Any revisions required based on changes to the technical studies should also be made.

Alternative Site Analysis

Section 2.5.4.1 of the Provincial Policy Statement applies to mineral aggregate application on prime agricultural lands where rehabilitation to agriculture is not feasible. Subsection c) of that policy requires alternative sites to be considered. The Alternative Site Analysis, prepared by MHBC (dated October 2021) submitted with the application has been reviewed and detailed comments are provided in Appendix 3.

Water Resources

Policy 6.C.5 of the ROP requires that applications for new or expansions of existing licensed pits and quarries give consideration to the impact on the natural environment

including both surface water and groundwater. The City of Niagara Falls Official Plan contains a similar policy in Part 2, Section 9.2, which states that in considering an application for an amendment for a mineral aggregate operation the potential impacts on the quality and quantity of surface and groundwater systems, among other matters, will be evaluated based on submitted studies.

Members of the JART and the peer review consultant (Terra-Dynamics Consulting Inc.) have reviewed the Level 2 Water Study Report, prepared by WSP (dated October 2021). The Study was evaluated for appropriateness with current requirements and professional standards, (e.g. Professional Geoscientists of Ontario (PGO), 2004). The appropriateness of proposed mitigation measures were also assessed, and technical study gaps identified. There are several technical issues that need to be addressed in an updated study. Detailed comments are provided in Appendix 4.

City Planning Staff also request to be provided with the contact information for residents in the area should they experience well issues.

Core Natural Heritage

The subject property contains and is adjacent to portions of the Region's Core Natural Heritage System (CNHS). Specifically, the CNHS on and adjacent to the property consists of Locally Significant Wetland (LSW), Significant Woodland and Fish Habitat. Consistent with ROP policies 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) is required in support of site alteration and/or development to demonstrate there will be no significant negative impact on the features or their ecological functions. ROP policy 6.C.5 also requires that applications for new or expansions to existing pits and quarries be considered relative to compliance with the provisions of Chapter 7, and specifically policies 7.B.1.31 to 7.B.1.34.

In this regard, Level 1 and Level 2 Natural Environment Technical Report and Environmental Impact Study, prepared by Stantec (dated October 2021) were submitted with the applications. The EIS has been reviewed by members of the JART and the peer review consultant (Dougan & Associates). Regional staff communicated preliminary comments to the owner, agent, and consulting team by email on March 31, 2022. A response to those comments sent by email from Stantec in a letter dated June 9, 2022. More detailed comments are provided in Appendix 5, and should be addressed through a revised EIS. Please note that there are several issues related to the natural environment analysis that are noted in the comments on the Planning Justification Report that may also need to be addressed in the revised EIS.

Agricultural Impact

The PPS requires that impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands be mitigated to the extent feasible. Policy 6.C.5 of the ROP also requires that applications for new pits or quarries or expansions of existing licensed pits or quarries give consideration to compatibility with surrounding land uses. Regional staff required an Agricultural Impact Assessment (AIA) to be submitted with the applications to identify and assess potential impacts of the proposed

quarry, which is a non-agricultural use, on agricultural operations and the agricultural system.

Regional staff have reviewed the Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated October 2021) (AIA). Overall, the assessment of impacts to the agricultural system is satisfactory. As the quarry is proposed to be below water rehabilitation to an agricultural state is not possible. There are no outstanding comments or concerns with the AIA.

Land Use Compatibility

The PPS calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, sensitive land uses and major facilities are to be planned to “ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety...” Policy 6.C.5 of the ROP also requires that applications for new or expansions to existing pits and quarries give consideration to compatibility with surround land uses. Further, Part 2, Section 9.2.8 of the City of Niagara Falls Official Plan requires that compatibility with adjacent, existing and planned land uses with respect to noise, dust, blasting, vibration and truck traffic be evaluated based on submitted studies in considering applications for a mineral aggregate operation.

The following discipline specific studies were submitted with the application and reviewed by Region and City staff as well as the peer review consultant (Englobe):

- Acoustic Assessment Report, prepared by RWDI, dated October 2021
- Air Quality Assessment Report, prepared by RWDI, dated October 2021
- Blasting Impact Assessment, prepared by Explotech Engineering Ltd., dated October 2021

The above noted reports will require revisions based on the detailed comments on the Acoustic Assessment included as Appendix 6, comments on the Air Quality Assessment included as Appendix 7, and detailed comments on the Blasting Impact Assessment included as Appendix 8.

Transportation

Provincial and Regional policies require that transportation systems be provided that are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs. Specific to proposed new or expansions to existing pits and quarries, the ROP states that consideration be given to the proposed haulage roads and the possible effect on the roads and on adjacent development (policy 6.C.5e). In this regard, a Traffic Impact Study, prepared by TMIG, (dated October 2021) was submitted with the applications to address transportation impacts on the local and Regional roads. The TIS was reviewed by Regional and City transportation staff, and detailed comments are provided in Appendix 9.

Cultural Heritage

According to the PPS, Growth Plan and ROP, significant built heritage resources and significant cultural heritage landscapes shall be conserved. Heritage resources include buildings, structures, monuments, installations or any manufactured or constructed parts or remnants that contribute to a property's cultural heritage value or interest. Cultural heritage landscape refers to geographical areas that may have been modified by human activity and are identified as having cultural heritage value or interest. These landscape features may include buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Built heritage resources and cultural heritage landscape may be located on, or include, properties that have been determined to have cultural heritage value or interest under the *Ontario Heritage Act*.

The PPS also states that development and site alteration shall not be permitted on lands adjacent to a protected heritage property (including those designated under Parts IV, V or VI of the *Ontario Heritage Act*), except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Similarly, ROP policy 10.C.2.1.5 requires that, where development and/or site alteration is proposed on or adjacent to a significant cultural heritage resource(s) or cultural heritage landscape(s), a heritage impact assessment is required. In this regard, a Cultural Heritage Impact Assessment, prepared by MHBC (dated October 2021) was submitted with the applications. Detailed comments are provided in Appendix 10.

Visual Impact

To address land use compatibility matters per Provincial and Regional policy, as well as potential concerns from neighbouring land owners and residents, a Visual Impact Assessment, prepared by MHBC (dated October 2021) was submitted with the applications. The Study was reviewed by City planning staff, and detailed comments are provided in Appendix 11.

Financial Impact

The ROP includes criteria to consider proposed amendments to the plan in policy 14.D.5, including "the effect of the proposed change on the financial, health, safety, and economic sustainability of the Region."

In order to assess this impact, an Economic Benefits Analysis, prepared by Prism (dated October 2021) was submitted with the application. Detailed comments are provided in Appendix 12. Additional information and analysis is required to satisfy the purpose and objectives of the study.

Archaeology

The PPS, Growth Plan and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, development and site alteration (activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site) are not permitted

on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit potential for the discovery of archaeological resources due to the presence of several registered archaeological sites on the subject lands.

As outlined in the introduction of this comment letter a package of Archaeological Assessments were submitted with the applications. The JART is also in receipt of a letter from the Ministry of Heritage, Sport, Tourism, and Culture Industries, dated January 10, 2022. The JART has no additional comments or recommendations beyond those provided by the Ministry.

To date, no comments on the applications have been received from Indigenous groups. Should comments be provided we will forward them as soon as they are received.

City of Niagara Falls Building Department Comments

The application package was circulated by City Planning staff to several internal departments at the City including Building, Municipal Works, and Heritage. The detailed comments from the City's Building Department are included in Appendix 13. Comments from other departments have been incorporated into the appropriate technical studies.

TransCanada Pipe Line Comments

The northwest corner of the site is adjacent to a TransCanada Pipeline. Along with other external agencies TransCanada Pipeline Limited (TCPL) was circulated notice of the application. TransCanada's pipelines and related facilities are subject to the jurisdiction of the Canada Energy Regulator (CER) – formerly the National Energy Board. As such, certain activities must comply with the Canadian Energy Regulator Act (Act) and the National Energy Board Damage Prevention Regulations (Regulations). The Act and the Regulations noted can be accessed from the CER's website at www.cer-rec.gc.ca . Detailed comments submitted by TCPL are provided in Appendix 14.

Draft Amendments

As a general comment there are offsite lands owned by the applicant that are proposed for replacement / restoration of environmental features. These lands should be appropriately re-designated and re-zoned as natural areas to ensure their long-term protection. As these lands are in Thorold, applications to the City of Thorold would be needed to achieve this.

Draft Regional Official Plan Amendment (ROPA)

Regional Planning staff will provide more detailed comments on the Draft ROPA following the second submission, as revised or additional policy will likely be required based on the revised studies and/or plans.

Draft City of Niagara Falls Official Plan Amendment (OPA)

The lands are designated Good General Agriculture in part, Environmental Protection Area in part, and Environmental Conservation Area in part. The application is requesting the lands be redesignated to Extractive Industrial to permit the proposed quarry and quarry-related uses.

City Planning staff will provide more detailed comments on the Draft OPA following the second submission, as revised or additional policy will likely be required based on the revised studies and/or plans.

Draft Zoning By-Law Amendment (ZBA)

The lands are zoned Agriculture (A and A-467) and Hazard Land (HL) under Zoning By-law No. 79-200, as amended by By-law No. 1999-48. The application is requesting the land be rezoned to a site-specific Extractive Industrial (EI) with regulations permitting a pit or quarry licensed under the Aggregate Resources Act, processing of natural materials from the site, processing of aggregate and recycled aggregate material, a concrete or asphalt mixing plant, accessory buildings or structures and uses permitted under an Agriculture (A) zone.

City Planning staff will provide more detailed comments on the Draft ZBA following the second submission, as revised or additional policy will likely be required based on the revised studies and/or plans.

Other Comments

Indigenous consultation is ongoing. To assist in this, please advise which indigenous groups you have consulted with as part of the ARA application. In addition, please advise on how public consultation for the ARA application is to proceed, a goal of the JART process is to streamline the consultation and engagement process to the extent feasible.

August 23, 2022

Conclusion

In conclusion, there are a number of items that require clarification or revision for the majority of the submitted materials. Because of this, Regional and City planning staff are unable to confirm that the proposed amendment is consistent with the Provincial Policy Statement and conforms with Provincial Plans and the Regional Official Plan as well as local Official Plan policies and Zoning regulations. Revisions and clarifications to the submitted plans and studies are required to address the items outlined in this letter prior to the applications being presented at a Public Meeting in front of Local and Regional Council.

Kind regards,



Sean Norman, PMP, MCIP, RPP
Senior Planner

cc: Michelle Sergi, MCIP, RPP, Commissioner, Planning & Development Services, Niagara Region
Diana Morreale, MCIP, RPP, Director, Development Planning, Niagara Region
Angela Stea, MCIP, RPP, Director, Community and Long-Range Planning, Niagara Region
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List of Appendices

Appendix 1: Planning Justification Report & ARA Summary Statement Comments	12
Appendix 2: Aggregate Resource Act Site Plan Comments.....	16
Appendix 3: Alternative Site Analysis Comments.....	18
Appendix 4: Level 1 & 2 Water Study Report Comments.....	19
Appendix 5: Level 1 & 2 Natural Environment and Environmental Impact Study Comments.....	24
Appendix 6: Acoustic Assessment Report Comments	35
Appendix 7: Air Quality Assessment Report Comments	37
Appendix 8: Blasting Impact Assessment Comments	43
Appendix 9: Traffic Impact Study Comments	44
Appendix 10: Cultural Heritage Comments	49
Appendix 11: Visual Impact Study Comments	50
Appendix 12: Economic Benefits Analysis Comments	51
Appendix 13: City of Niagara Falls Building Department Comments	59
Appendix 14: TransCanada Pipeline Comments.....	60

Appendix 1: Planning Justification Report & ARA Summary Statement Comments

Regional and City planning staff have reviewed the Planning Justification Report & Aggregate Resources Act Summary Statement, prepared by MHBC (dated October 2021) and offer the following detailed comments:

1. General comment – throughout the report the term ‘sterilized’ (in regards to urbanization near known deposits of mineral aggregate resources). Consideration should be given to use more appropriate planning terminology.
2. Executive Summary – 5th paragraph – it is stated that this is an ‘important provincial source of aggregate’. What is the reference for this? What criteria is this statement based on?
3. Page 2 – 4th bullet point – states that the PPS and Growth Plan permit aggregate extraction in the ‘rural area’. This comment is misleading and not correct. Aggregate extraction is not permitted as a right, and there are some areas where extraction is not permitted, between the escarpment and Lake Ontario (Greenbelt Plan) for example. In addition the term ‘rural area’ is not technically correct. Outside of settlement areas Provincial planning documents use the term ‘rural’ to describe land that is not ‘prime agricultural’. Although the intent is understood, using the term ‘rural area’ could be confused to be excluding ‘prime agricultural’ areas.
4. Section 1.0 – 5th paragraph – a timeline of 40 years is stated. In the executive summary a timeline of 30 years is used. Consistent timelines should be used.
5. Page 11 – Phase 5 – after the quarry has been fully rehabilitated to a recreational lake, will public access be permitted?
6. Section 4.0 – offsite lands owned by the applicant that are proposed to be used for restoration / enhancement should be designated and zoned as such in the Regional and Local planning documents. This is required to ensure long-term protection of these lands.
7. Section 4.3 – in this section and throughout the report and other aspects of the application a distinction is attempted to be made between significant woodlands that meet ‘regional criteria’ and significant woodlands that meet ‘provincial criteria’. The Regional Official Plan does not make a distinction of this type. A woodland that meets the test of ‘significance’ is a ‘significant woodland’ and the policies of the Regional Official Plan apply.
8. Page 19 – Table 1 – states the woodland will be removed because of invasive species and isolation. It is unclear what policy or policy test supports this component of the application.

9. Section 4.3.7 – please include a description of how the environmental monitoring is implemented. What mechanisms are in place to ensure long term implementation?
10. Section 4.4.1 – at the technical meeting the washing of aggregate materials was discussed. It was discussed that an ECA will be required for a range of activities that will occur on the site. Please update this section to reflect that discussion.
11. Section 4.4.2 – the first paragraph is unclear and slightly confusing. Please review and consider re-working. This issue is an important part of the application.
12. Page 30 – last bullet point before S. 5.1.1. – please provide additional information on how this is implemented / ensured.
13. Section 5.2 – states that ‘mitigation measures’ and ‘best practices’ have been included in the ARA site plans. The report only seems to list the mitigation measures. Please also list the best practices for noise mitigation in the PJR.
14. Section 5.5. – point #3 – the Region requires that native, non-invasive species be planted on the berms.
15. Section 5.6. – 4th paragraph – it seems that the second half of the paragraph was cut off.
16. Section 5.9 – state that 84 person-years of employment will be generated. Is this over the existing quarry, or are these jobs transferred from the existing quarry?
17. Section 6.0 – it may be helpful to add year to the provincial and municipal planning documents so that readers are confident that the correct / current documents are being referenced.
18. Section 6.0 – in the introduction section it may be helpful to state that the application is outside the NEC and Greenbelt Plan area for clarity.
19. Page 46 – there is a bullet list of the natural features on the site. This does not seem to be a complete list. Woodlands and wetlands are not included on the list.
20. Page 48 – 1st bullet point – see previous comment regarding the use of the term ‘rural areas’.
21. Page 48 – 7th bullet point – Regional staff do not agree with the opinion that there are no significant woodlands on the site. A woodland that meets the regional criteria for significance is a significant woodland, and the policies of the Regional Official Plan apply.
22. Page 49 – 1st bullet point – see previous comments regarding the identification of significant woodlands.

23. Page 50 – 11th bullet point – this statement is unclear. It starts by stating that there are no further concern related to archaeological resources, but goes on to say that additional archaeological assessments are required before development and site alteration may be permitted.
24. Page 55 – policy 6.C.2 – This is an incorrect interpretation of Regional Policy. “possible aggregate areas” shown on D4 cannot be used interchangeably with “potential resources area” on D1 and D2. Potential aggregate areas on D4 are intended to apply to only a few small areas in the Region. In these areas a mineral aggregate operation could be considered without the need for a Regional Official Plan amendment, otherwise a ROPA is required. This designation does not apply for the proposed Uppers Quarry.
25. Page 57 – second to last paragraph – typo
26. Page 59 – section 6.3.3. – states that “No part of the site is mapped as being within an Environmental Protection Area or Environmental Conservation Area on Schedule C”. There are environmental features on the site, including mapped wetlands, woodlands, and as stated further in the section mapped fish habitat. It should be noted that environmental features do not need to be mapped on Schedule C to be protected by the policies of the Regional Official Plan. This is correctly noted in the analysis of 7.B.1.4 on page 62 and 7.B.1.5 on page 64.
27. Figure #5 – a compensation area is shown in a small triangle next to Beechwood Road. Are those lands owned by the applicant? On Figure #3 (and elsewhere) they are not shown as additional lands owned by the applicant.
28. Figure #7 – the woodland appears to be identified on the map, but is not included as part of the legend.
29. Figure 13 – this map shows Schedule C of the ROP. ECA areas along the watercourse are visible. This is contrary to S. 6.3.3 which states there are no mapped ECA lands.
30. Draft Regional Official Plan Amendment – offsite lands that are proposed for replacement / restoration should be re-designated as appropriate natural area designations to ensure their long-term protection.
31. Local Official Plan Amendment - offsite lands that are proposed for replacement / restoration should be re-designated as appropriate natural area designations to ensure their long-term protection.
32. Local Zoning By-Law Amendment - offsite lands that are proposed for replacement / restoration should be re-zoned as appropriate natural area designations to ensure their long-term protection.

33. Appendix J – Page 2 - #22, it has yet to be determined if it will be a joint council meeting. Although that may be an option, 2 separate meetings could be held.

Appendix 2: Aggregate Resource Act Site Plan Comments

The JART have reviewed the Aggregate Resource Act Site Plans, prepared by MHBC, (dated October 29, 2021) submitted with the applications, and offer the following detailed comments. Additional revisions to the Site Plan drawings may also be required as a result of changes or revisions to the technical studies.

1. We would appreciate if you could provide a separate word document with the list of proposed site plan conditions. On other applications this has greatly facilitated our review.
2. As a general comment it is anticipated that the Integrated Aggregate Operations Section (IAOS) at MNRF will provide detailed comments as part of the ARA review. Please provide IAOS comments when they are available.
3. Page 1 – Existing Features - The symbols for “Existing Site Access” and “direction of Surface Drainage” are very similar, it is possible to perhaps change one to a solid arrow to better distinguish the features?
4. G. Technical Reports - How does MNRF suggest that any revisions or addendums to the technical reports be reflected on the site plans? Perhaps a note would be helpful to indicate that the application submissions is based on these reports, but note “as revised through agency and peer reviews”?
5. Page 2 – Operational Plan 100 Year Floodline is labelled on the drawing, please add the symbol to the legend
6. The notes indicate that the asphalt plant will remain in Phase 1A through the life of the quarry, however, the sequence of operations and rehabilitation show that this area will be extracted and will be part of the final pond area. Can you provide further details on the asphalt plant area and the apparent inconsistency with the extraction and rehabilitation plans? Would the area around and under the plant be extracted as a final phase? Would the plant be relocated? Does it make more sense to have the plant in Phase 5?
7. B. Hours of Operation - Suggest adding a note to confirm no operations on Statutory holidays if applicable. City staff have provided further comments on the hours of operation as part of the comments on the Acoustic Assessment.
8. C. Proposed Entrances/Exits - Ideally through the course of the review the entrance locations and permissions to cross the unopened road allowance can be confirmed with the City of Niagara Falls and the Site Plan notes can be modified accordingly. Currently the notes provide for different scenarios pending municipal approvals/permissions.
9. Please confirm whether the residential entrances will be closed off once the structures are removed/demolished.

10. Page 4 – Report Recommendations - Monitoring Program. Is it anticipated that the monitoring program will be developed prior to ARA or municipal approvals? If yes, suggest the Site Plans be updated to reflect the program that is developed through the review of the applications

Appendix 3: Alternative Site Analysis Comments

The Alternative Site Analysis Report, prepared by MHBC (dated October 2021) submitted with application has been reviewed and the following detailed comments are offered for consideration.

1. Please include a figure in the report showing the mineral aggregate resources areas in the Study Area. This could be either the ARIP map or Schedule H in the Region's Official Plan.
2. The PPS policy refers the alternative site analysis considering class 4-7 lands. CLI mapping in the report is provided for the 2 alternative sites that are considered in the report. It would be helpful to include a figure showing the CLI mapping in the broader Study Area so that it is easy for the reader to identify any other class 4-7 lands.
3. The report concludes that the 2 alternative sites considered are not "considered suitable for the development of a quarry". Consider revising this to indicate that the alternative sites are considered "less suitable" than the Uppers site.
4. Suggest revising Report Figure 6 to reflect the recently approved ROP (Schedule F – Agricultural Land Base) which is slightly different than the figure shown in the report). In particular, Alternative Site 2 is within the Prime Agricultural Area as depicted in the current ROP.
5. There are additional mineral aggregate resources areas (stone resources) identified in the ROP within the market area delineated in the report which have not been considered in the evaluation. Please include the rationale for excluding these areas from the analysis.

Appendix 4: Level 1 & 2 Water Study Report Comments

The peer review consultant (Terra-Dynamics Consulting Inc.) and NPCA staff have reviewed the Level 2 Water Study Report, prepared by WSP (dated October 2021) and offer the following detailed comments:

Peer Review Comments:

1. S. 3.1 Field investigations - The field investigations followed standard acceptable industry practice, however it is recommended borehole logs that are final have the “draft” watermark removed in the report.
2. S. 3.1.1 Water Quality:
 - a. The summary of the 2019 PW1 Pumping Test Discharge as presented on page 55 of Section 4.1.2.2 utilizes values from four different sample dates without explanation of presentation (e.g. pH and calcium from February 22, 2019, hardness, chloride, sodium, boron and iron from February 23, 2019, sulphate and alkalinity from February 24, 2019 and hydrogen sulphide from February 26, 2019), please clarify the data selection procedure for this table.
 - b. The Provincial Water Quality Objective for nickel of 0.025 µg/L is missing from surface water quality table criteria, please add and discuss any exceedances (MECP, 1994).
3. S. 3.1.2 Groundwater Levels:
 - a. The water levels at groundwater monitoring wells MW5A-GP and MW5AR-GP are different by approximately 3-4 m. Is the difference between two monitors believed related to gas production or another cause?
 - b. Also, it is recommended a different colour line be used for one of the Gasport monitors on Figure E-6 in order to distinguish between locations (Groundwater Hydrograph for Well Nest MW16-5).
 - c. It is recommended, if appropriate, that MW16-6A be listed in Section 2.5.2.4 (Page 30) as having slow water level recovery inhibiting specific interpretation.
 - d. It is recommended to fix what appears to be a typographical error (page 33, Section 2.5.3.1, underlined added here for clarity): “These observations show that an upward vertical gradient between the contact aquifer and the Existing Watercourse exists at MW16-16/DP3 near the south end of the Site, except for the summer months when an upward hydraulic gradient occurs.”

4. S. 3.1.3 Surface Water - The calculation of 35 mm/year of runoff at SW1 for 2017 (page 13, Section 2.3.1) is incredibly low compared to existing reporting for the area (e.g. 288 mm/year and 196 mm/year for NPCA catchments BDSC_BRDC_W100 and W200, respectively, AquaResource Inc. and NPCA, 2009). It is acknowledged that WSP has already provided clarification by email to Terra-Dynamics of the surface water flow measurement challenges at this station that may have erroneously influenced calculation of flows from stage measurements (WSP, 2022). It is recommended that this value be removed given it appears unrealistic. It is also consequently recommended the analyses in the second last paragraph of Section 2.3.1 with respect to Site recharge rates in 2017 be reworded based on removal of this low value.
5. S. 3.2 Identification of Features - features were adequately identified. However, it is recommended:
 - a. Figures 16 through 21 not truncate well identifiers;
 - b. References to the 'Brown Road Landfill' (Sections 2.4.1, Table C-2, Figure 8 and Figures H-1 and H-4) be changed to the 'Cytex Canada Inc. Welland Plant Site', as the 'Brown Road Landfill' is only a small part of that site; and
 - c. Section H.4.3.1, 3rd paragraph reference Figure 9, not Figure 8, with respect to the Welland Canal.
6. S. 3.3 Monitoring, Trigger Mechanisms and Contingency Plans - The proposed groundwater monitoring and response program is acceptable:
 - a. However, it is recommended that clarification be provided with respect to the specific meaning of the columns "Interpolated" and "Predicted" on Tables 2 and 3 as it is not clear.
 - b. Also, it is acknowledged that WSP (2021a) has stated that "There is currently limited continuous water level data for most private wells", but a specific reason was not provided for the discontinuous hydrographs for private well monitoring locations R1, R2, R3, R4 and R7. Please clarify if these locations are still appropriate for listing on the Proposal Monitoring Program (Table 1) given collection of baseline background water levels appear incomplete.

NPCA Staff Comments:

7. Section 2.5.3 Groundwater / Surface Water Interaction – The NPCA offers no objection to the conclusion that the site's surface water features are underlain with a thick layer of silt and clay. As such, the surface water features are not anticipated to be impacted by the quarry dewatering as there is minimal groundwater/surface water interaction occurring.

8. Section 2.5.3.1 Existing Watercourse and Associated Wetland Complex – The NPCA offers no objection to the conclusion that the site's surface water and wetland features are underlain with a thick layer of silt and clay. As a result, there is minimal groundwater/surface water interaction occurring in these features.
9. Section 2.6.1 Groundwater Quality – The NPCA offers no objection to the characterization of the quality of the groundwater in the area. Within the shallow overburden, groundwater is fresh and similar in quality to precipitation. Within the bedrock aquifers, the groundwater varies between fresh and sulfur type waters.
10. Section 2.6.3 Surface Water Quality – The NPCA offers no objection to the conclusion that the ambient surface water quality is generally in poor condition and is typically turbid with elevated nutrient loads.
11. Section 3.1 Proposed Development Phases – The NPCA has no general objection to the proposed phasing of this development.
12. Section 4.1.2.1 Impact Assessment Surface Water Flow – The NPCA understands that during the quarry's operational life approximately 50L/s (4,268 cubic meters/day) will be discharged from the quarry into the receiving watercourse. The NPCA will require that an erosion assessment be undertaken in order to determine the impact of these discharge rates and volumes on the receiving watercourse.
13. Section 4.1.2.2 Impact Assessment Surface Water – The NPCA has no objection to the comparison between the quality of the surface water and the local groundwater regime. Staff note that the groundwater contains elevated levels of Hydrogen Sulphide.
14. Section 4.1.2.2 Impact Assessment Surface Water – Staff have no objection to the conclusion that the proposed quarry discharge into the existing watercourse is predicted to generally improve the surface water quality in the watercourse downstream of the site. However, NPCA staff still remain concerned about the ability of this development to mitigate the elevated levels of Hydrogen Sulphide prior to discharge into the watercourse.
15. Section 4.2 Final Rehabilitation Conditions – NPCA staff offer no objection to the proposal that the quarry be rehabilitated as a series of lakes from an engineering perspective.
16. Section 5.1 Proposed Monitoring Program – NPCA staff have no objection to the proposed monitoring plan as described in Table 1 and Figure 29. However, with respect to preventing elevated levels of Hydrogen Sulphide from being discharged for a prolonged period of time into the existing watercourse, Staff would recommend that the Quarry Sump Discharge be sampled at least once a week for this parameter.

17. Section 5.4 Discharge Trigger Mechanism and Contingency Plan:

- a. NPCA has no objection to the proposed trigger concentrations.
- b. Staff recommend that the trigger mechanism for total phosphorus be added. The trigger concentration should be that the quarry discharge concentration be less than the concentration in the watercourse upstream of the quarry.
- c. Should monthly sample results indicate exceedances above the trigger criteria, staff would recommend that weekly sampling be initiated until all parameter concentrations fall below the trigger thresholds.
- d. After 4 weeks of exceedances of the pH, TSS, and oil/grease trigger thresholds, this would initiate a review and redesign of quarry discharge concentrations. There is no timeline provided for implementing these changes. The NPCA recommends adding a timeline and the immediate reduction in quarry discharge until the issue is addressed.
- e. After 4 weeks of exceedances of the Hydrogen Sulphide trigger threshold, the NPCA recommends that this should initiate a review and redesign of quarry discharge concentrations. There is no timeline provided for implementing these changes. The NPCA recommends adding a timeline and the immediate reduction in quarry discharge until the issue is addressed.

18. Other General Comments:

- a. The “study area” needs to be defined as it appears to be different than the “site area”. This is important because NPCA ambient monitoring is mentioned in study area sections 2.6.1 and 2.6.3 and it’s not clear what is being referred to.
- b. Section 2.6.1 Groundwater Quality – This section mentions that the NPCA has completed “on-going ambient monitoring”. While the NPCA does have an ambient groundwater monitoring program throughout its watershed jurisdiction, there is no NPCA monitoring near the study area of the proposed work. This report should include the monitoring NPCA sites/data that are relevant to this study. NPCA is willing to provide any groundwater data from its ambient monitoring program to assist.
- c. Section 2.6.3 Surface Water Quality- This section also mentions that the NPCA has completed “on-going ambient monitoring”. It would be helpful to include the NPCA monitoring sites/data or reference to provide context. The NPCA currently has two ongoing water quality monitoring stations in the Beaver Dams/Shriner Creek watershed. The Beaver Dams Creek station is located on the west side of the canal and rated as

“Fair” water quality using Canadian Water Quality index based on the last five years (2020-2016) of data. The Shriners Creek station is located on Thorold Stone Road just west of Kalar Road as rated as “Poor” water quality using again Canada WQI (2020-2016 - 5 yrs of data). There is also historic NPCA data (2008-2010) that was generated from the Beaver Dams/Shriners Creek watershed study may provide additional background watershed information. Both of these data sets are available from the NPCA.

- d. Section 5.4 Discharge Trigger Mechanism and Contingency Plan - NPCA staff would recommend that dissolved oxygen be considered as trigger owing to the potential present of hydrogen sulphide in dewatering discharge. The NPCA has observed DO depletion watercourses downstream of sulphur springs in the Hamilton portion of the NPCA watershed. DO concentrations should meet PWQO before quarry discharge into the receiving watercourse.
- e. Staff note that the closest NPCA monitoring well to the site is located at Baden-Powell Park. Annual geochemistry and hourly water level elevation data is available as far back as 2015 if there is interest. The data from the Baden-Powell NPCA monitoring well appears to be consistent with the groundwater elevation and chemistry data findings of the report.
- f. Under Section 2.5.4- NPCA staff agree that the water levels within the Welland Canal that supply the DeCew Falls Water Treatment Plant will not be impacted by the proposed quarry dewatering.
- g. Under Section 2.5.4.4 – NPCA staff agree that they have identified the groundwater takings surrounding the site that likely have had an impact on the regional potentiometric surface, including the lesser-known impacts from the Welland Canal tunnel dewatering.

Appendix 5: Level 1 & 2 Natural Environment and Environmental Impact Study Comments

Regional and NPCA staff and the peer review consultant (Dougan & Associates) have reviewed the Level 1 and Level 2 Natural Environment Technical Report and Environmental Impact Study, prepared by Stantec Consulting Ltd. (dated October 2021).

Following an initial review of the Natural Environment report a request for additional information was made to the applicant and their consulting team through an e-mail originally dated March 31, 2022.

The requested additional information was received through a document entitled "Information Request for Uppers Quarry Natural Environment Report Received from Dougan & Associates March 31, 2022", prepared by Stantec Consulting Ltd. (dated June 9, 2022)

The following detailed comments are provided in consideration of the original submission and the supplemental information dated June 9, 2022 and should be addressed through an update to the environmental impact study and other aspects of the application as required:

General Comments / Summary of Key Concerns

1. Site Investigation Methodologies - Clarification is required for various methodologies employed for site investigations and evaluation of significance.
2. Evaluation of Significant Woodlands - Clarification is required regarding the evaluation of significance and proposed removal and habitat replacement of the significant woodland located on the subject property.
3. Evaluation of Significant Wildlife Habitat - Clarification is required regarding the assessment of significance for Significant Wildlife Habitat (e.g., given presence of turtle species and habitat for species of conservation concern).
4. Fish Habitat
 - a. The watercourse that crosses the property, which it is proposed to realign, provides spawning and nursery habitat for Northern Pike (*Esox lucius*). Adult Northern Pike migrate to the stream to spawn in the spring and then migrate back to downstream habitats. It is not known if Northern Pike migrate upstream past the subject property to spawn farther upstream, but the presence of young-of-the-year individuals in the entire length of the watercourse within the subject property (AECOM, 2010) suggests this may occur.
 - b. The regional significance of Northern Pike spawning in the watercourse that crosses the property has not been assessed but clearly the spawning habitat has significance that extends beyond the immediate study area.

The watercourse is accessible to fish from an extensive area of aquatic habitat that is suitable for adult Northern Pike. Investigations to determine the number of Northern Pike that enter this watercourse to spawn and to determine if Northern Pike from the downstream habitats spawn in other locations could provide regional context and allow the scale of potential effects to be assessed.

Detailed Peer Review Comments:

5. Section 3.2 (FIELD SURVEY METHODS) pg. 3.1 - It is noted in Table 3.1 that no dedicated Turtle surveys were conducted either on the Subject Lands or within the RAA. Given the proximity of larger wetlands to the north and the ability of turtles to move through the landscape while moving from wetland to wetland or in search of nesting habitat, please explain why no surveys were conducted, especially as it relates to potential Species at Risk and the identification of Significant Wildlife Habitat. It is noted that during the technical meeting held on March 30th, 2022, the applicant's consultant confirmed that turtles were observed along the watercourse on the subject property. These records have not been included in the Natural Environment Technical Report and Environmental Impact Study. Please address.
6. Section 3.2.3 (Breeding Bird Surveys) pg. 3.5:
 - a. Grassland bird species were surveyed in 2019. However, only eight of the twenty-three point-count stations surveyed for breeding birds in 2017 were surveyed in 2019. Please explain why so few stations were surveyed and how the stations were selected for suitability. It appears that large areas of the subject lands did not receive any coverage.
 - b. Clarify why the 2nd Grassland Bird Surveys were only 1 hr. 16 minutes long when survey 1 and 3 were both close to 2.5 hours in length. Did it have something to do with the fact that the survey conditions were too windy (per Table 3.4)? It also doesn't look like the survey was repeated to ensure the data collected was within accepted standards. Please explain.
7. Section 3.2.4 (Snake Cover board Surveys) pg. 3.5:
 - a. Did Guelph District MNRFP conclude that the survey results from the snake cover board survey would be sufficient to conclusively determine presence/absence? It is our experience that cover board surveys were not acceptable, but rather considered complimentary.
 - b. Did the Guelph District MNRFP recommend that the cover boards be checked on a daily or near daily basis, at least in May 2017? Checking on a daily or near daily basis can result in cover boards not being used and therefore negatively affect detectability. Please address.

- c. According to Table 3.1, 17 surveys were conducted. The March 29 survey date appears to be missing in Table 3.5 below. Please address.
8. Section 3.2.5.1. (Bat Maternity Roost Suitability Survey) pg. 3.8 - The report states that “A survey was completed on April 19, 2017 to identify potentially suitable roost trees.” However, both Table 3.1 and 3.6 seem to suggest that this survey was conducted on April 4, 2017. Please clarify.
9. Section 3.2.5.2. (Bat Acoustic Surveys) pg. 3.9 - Why were there no ARUs deployed by the treed habitats along the existing watercourse, at the very north end of the subject lands?
10. Section 3.2.5.3. (Bat Exit Surveys) pg. 3.9:
 - a. Please indicate why “Surveying for the presence of Little Brown Myotis and Northern Myotis (MNR, 2013)” was the survey protocol used to conduct exit surveys and please provide a copy for review. Also, please include the reference in Section 13.0.
 - b. Please indicate why the third survey could not be conducted in June when timing is considered most suitable by the Ministry?
 - c. Please indicate why some of the other buildings were not surveyed?
11. Section 3.2.6.2 (Bat Acoustic Surveys) pg. 3.9 - According to the report, seven ARU’s were deployed in 2019. However, according to Figure 7 (Appendix A), only five ARU locations are shown for 2017. Please clarify/revise.
12. Section 3.2.6 Terrestrial Insect Surveys pg. 3.10:
 - a. Please indicate why only two visits were conducted. An earlier visit in June would have helped ensure all potentially occurring species were adequately detected, especially those with earlier flight windows.
 - b. Also, please indicate why the July 5th visit started so early in the morning. Unless it is very hot and humid, most species of butterflies and odonates are not active until mid-morning.
13. Section 3.2.7 Headwater Drainage Feature Assessment pg. 3.10 - Please provide a reference for the headwater drainage features (HDF) guidelines that the timing of site visits is stated to be consistent with. If the reference is to the CVC and TRCA guidelines (finalized in 2014), which are referred to in Section 3.3.5, please explain how the timing of the site visits was consistent with the timing recommended by the HDF guidelines.
14. Section 3.3.3 Significant Wildlife Habitat Assessment pg. 3.15 - Please indicate what document was used to assess Significant Wildlife Habitat. The text appears contradictory or unclear. If both were used (i.e., MNR, 2000 and MNR 2015),

please indicate why and what criteria were used to determine when each was applicable.

15. Section 4.1 Landscape Context pg. 3.18 - The description could be broader and include additional information other than a description of the most common tree species. The Great Lakes Conservation Blueprint for 7E-5 provides a good summary.
16. Section 5.3.2 Bobolink - Text on page 5.7 indicates that “Bobolink were observed at 7 of the 23 point count locations with a combination of grassland and winter wheat (BBS-1, BBS-2, BBS-3, BBS-7, BBS-9, BBS-10, and BBS-13), as shown on Figure 4, Appendix A”. For transparency, please indicate how many Bobolink were recorded in 2017 and what individual fields they were documented in.
17. Section 5.5.2 Bat Acoustic Surveys - According to the report bat acoustic data was collected at 11 stations on the subject property in 2017. However, 12 stations are shown on Figure 7. Please clarify/revise.
18. Section 5.8 Headwater Drainage Feature Assessments pg. 5.11:
 - a. This section states that the headwater drainage features are colour-coded to reflect their management status on Figure 8 (Appendix A) but this does not appear to be the case. Colour-coding would be useful.
 - b. Headwater drainage feature classification, as presented in CVC and TRCA (2014) and Section 3.3.5 of this EIS, is based on up to three site visits with the first typically occurring in late March to early April. A second visit is made during late April to early May if necessary, and a third visit is made during the July-mid-September period if necessary. Please explain how data from a site visit in early April (in two years) and a site visit in late June provides the information required to determine the classifications.
 - c. Please provide the raw field observations, and their date(s), that were utilized to determine the classifications presented in Table 5.5. For example, the hydrology class is based on flow status (flow, standing water, or dry), the feature’s physical form, and whether or not there is a wetland upstream.
 - d. It is not unusual for headwater drainage feature classifications to differ among reaches of an HDF. The classifications of upstream reaches can influence the classification of reaches downstream. Please consider whether this is relevant to any of the HDFs in the study area, including feature 11 and features 7, 12, 24 and 25.
19. Section 5.9 Fish and Aquatic Habitat – Existing Watercourse pg. 5.14:

- a. This section refers to Figure 11, but it appears that it should refer to Figure 12.
 - b. The watercourse which crosses the subject property, in which Northern Pike spawning has been observed, young of the year Northern Pike have been captured, and other fish species have been captured, should be indicated to be fish habitat on Figure 12. Section 6.6 states that it is considered fish habitat.
 - c. The report states “The seasonal nature and lack of sustained flow, absence of adequate refuge pool habitat and inability to support perennial conditions favourable to fish all reduce the habitat quality of the tributary to a low rating.” It should be recognized that Northern Pike often spawn on vegetation that is flooded in the spring in areas that are dry later in the year. It should further be recognized that, although those spawning areas may not be high quality fish habitat in the traditional sense, but they are critical for the Northern Pike populations that spawn there. The AECOM (2010) memorandum describing the 2010 field investigations states “Ultimately, the sensitivity of the fish and fish habitat present can be considered Moderately Sensitive due to the presence of spawning habitat for Northern Pike.” Please address the significance of the Northern Pike spawning habitat in this watercourse to downstream fish communities and Northern Pike populations.
20. Section 6.2.1 Assessment Based on Provincial Criteria pg. 6.4 - Clarify the interpretation of the linkage assessment for the woodland located on the subject lands. The NHRM criteria indicates that if a woodland is identified as part of a defined NHS, it would meet the linkage criteria.
21. Section 6.2.2 Assessment Based on Regional Criteria pg. 6.7:
- a. According to the analysis presented in Table 6.3, “the woodland on the Subject Property along Thorold Townline Road would be considered a Significant Woodland from a policy perspective and would become a regional Environmental Conservation Area, per Policy 7.B.1.4 of the Region of Niagara Official Plan.” However, given this status, additional clarification is required to rationalize the recommendation for removal and habitat replacement of this feature.
 - b. Please provide an explanation as to why the wetland feature that crosses the woodland on the site does not meet the definition of watercourse per the Conservation Authorities Act.
22. Section 6.6 Fish Habitat pg. 5.14 - This section describes conditions but does not provide an assessment of the significance of the existing watercourse from a fish habitat perspective. Based on the reported field observations, this watercourse provides spawning and nursery habitat for Northern Pike. Adult Northern Pike

migrate into this watercourse to spawn in the spring and presumably migrate back downstream after they have spawned. No investigations were conducted to determine the number of adults moving into the watercourse to spawn or the number of young-of-the-year that move downstream after they hatch. The fact that adults migrate into the watercourse from downstream to spawn indicates that the significance of the watercourse extends beyond the study area. Its significance at a regional scale will depend, in part, on the proportion of regional pike spawning habitat that this watercourse provides.

23. Section 6.7 Significant Wildlife Habitat pg. 6.10 - According to text, Table B-2, Appendix B provides a detailed assessment using the Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E.
- a. Re: the discussion about the Turtle Nesting Areas SWH type, it states “Suitable habitat for turtle nesting is present on the road shoulders and in agricultural fields, however anthropogenic features do not qualify as significant wildlife habitat.” However, the statement regarding agricultural fields is incorrect. There is no such exemption for agricultural fields. Therefore, given the close proximity of the agricultural fields to the watercourse bisecting the Subject property, and the fact that no turtle nesting surveys were conducted in support of the application, it is premature to conclude that Turtle Nesting Habitat SWH is absent. Please address.
 - b. Re: Terrestrial Crayfish SWH, please indicate whether any dedicated field surveys were conducted in search of terrestrial crayfish burrows. Surveys conducted during the spring, when vegetation is still low and weather conditions are wetter, are most likely to document their presence.
 - c. Re: Eastern Milksnake (Species of Conservation Concern), the assessment is based on cover board surveys conducted in 2017 “and other field investigations in 2012 and 2019”. Please indicate whether the 2012 field investigations are referring to incidental observations? According to Table 3.1 no dedicated field surveys were carried out prior to 2017.
 - d. Re: Snapping Turtle (Species of Conservation Concern), please indicate if any dedicated surveys to document this species along the creek were conducted or whether the statement that “...the species was not observed during the 2017 or 2019 field investigations” was based on incidental observations only. Table 3.1 does not indicate that any dedicated surveys were conducted.
 - e. Re: Common Nighthawk (Species of Conservation Concern), please provide additional justification why suitable nesting habitat is absent in the Study Area. The nesting habitat description provided is misleading. According to Sandilands (2007), in Cadman et al., (2007), “In the

agricultural south, it has nested in grasslands, agricultural fields, gravel pits, prairies, and alvars and airports.”

- f. Re: Woodland Vole (Species of Conservation Concern), please provide other justification why suitable habitat is absent in the Study Area. The statement that “There are no records of Woodland Vole in the vicinity of the Study Area” is not satisfactory since “Woodland Voles are an often overlooked member of the fauna, as they are secretive and rarely appear above ground during daylight” (Naughton, 2012).
24. Section 6.7 Significant Wildlife Habitat pg. 6.10 - Text on page 6.11 or Table B-2 (Appendix B) does not adequately justify why breeding habitat for Eastern Wood-Pewee is absent on the Subject Property. An Eastern Wood-Pewee was recorded in the woodland along Thorold Townline Road on June 14, 2019, when bat acoustic monitors were deployed but not on June 25, 2019, when monitors were collected. Given that (1) this woodlot was not monitored for breeding birds in 2019, (2) wind speeds exceeded the recommended maximum to document breeding birds for the majority of June 25, 2019, and (3) less time was spent within the woodlot removing the monitoring equipment than setting it up, it is reasonable to assume that the habitat was suitable for breeding. This is consistent with the conservative approach applied to the Breeding Bird Survey methodology (see Section 3.2.3 on page 3.5). Please provide justification to support the position that the woodland along Thorold Townline Road did not provide suitable breeding habitat for Eastern Wood-Pewee in 2019.
25. Section 8.4.1.4 Fish Habitat – Potential Impacts - Headwater Drainage Features and Catchment Loss – Mitigation - Please provide a description of flow in the realigned watercourse through the site under final rehabilitation conditions relative to flow through the existing watercourse under existing conditions.
26. Section 8.4.1.6 Mitigation (for removal of existing watercourse) pg. 8.17:
- a. The report states, “Beyond the fish habitat just described, a series of wetland pockets and water ponding areas will be incorporated into the floodplain but not connected to the new channel. These areas may provide habitat for breeding amphibians, and there is the potential for fish to enter under flooded conditions and remain there until the next flooding event occurs to allow them to exit.” We suggest that it is better if Northern Pike that enter the watercourse to spawn do not become trapped in floodplain ponds, and it is also better if young-of-the-year Northern Pike migrate downstream to permanently wet habitat rather than entering floodplain ponds that they may not escape from. This should be taken into consideration in the final channel design if realignment proceeds.
 - b. The report states (pg. 8.19) “The benefits of increased habitat quality cannot be quantified pre-construction; however, increased habitat diversity should intuitively result in improved quality of habitat and consequently,

increased fish productivity. Fish productivity can be confirmed through post construction monitoring.” The proposed stream realignment will be subject to a review by Fisheries and Oceans Canada and require a Fisheries Act authorization if it is permitted to proceed. We would respectfully suggest that review should specifically consider the function of the existing watercourse, at a regional scale, as Northern Pike spawning and nursery habitat. That function is relevant to consideration of the elimination of the existing channel and, if that is to occur, the new channel design and the design of the monitoring program. Some design elements that are intuitively appealing may conflict with that function.

27. Section 11.0 Environmental Monitoring Program pg. 11.1 - The report states “Fish community monitoring will also be completed for the new channel design area every two years as outlined in the DFO Authorization for the watercourse realignment.” To the best of our knowledge, a DFO Authorization has not been issued for the watercourse realignment. Therefore, it is premature to refer to a monitoring program outlined in the DFO Authorization. We suggest that, if the creek relocation occurs, monitoring of Northern Pike spawning and recruitment should be conducted in the existing channel to provide baseline information and post-realignment.
28. Appendix E Proposed Upper’s Quarry, Natural Channel Design Report – Section 3.4 Aquatic Habitat pg. 3.5-3.6:
- a. The Natural Channel Design Report states “Habitat conditions for potential usage by spawning Northern Pike were noted to be of marginal quality during that [the March 26, 2010] survey.” We were unable to find a statement to this effect in the memorandum by AECOM (2010) describing that survey. Please clarify.
 - b. The Natural Channel Design Report states “While spring freshet typically creates conditions that allow for movement of Northern Pike into potential spawning areas, as flows recede and conditions become intermittent, habitat conditions are generally too poor to support various life stages of fish. As the system dries up, refuge pool habitat becomes limiting except for the pool associated with the Upper’s Lane culvert. The seasonal nature and lack of sustained flow, absence of adequate refuge pool habitat and inability to support perennial conditions favourable to fish reduce the habitat quality of the tributary to a low rating.” It should be recognized that Northern Pike often spawn on vegetation that is flooded in the spring, in areas that are dry later in the year. It should be recognized that, although those spawning areas may not be high quality fish habitat in the traditional sense, but they are critical for the Northern Pike populations that spawn there. The AECOM (2010) memorandum states “Ultimately, the sensitivity of the fish and fish habitat present can be considered Moderately Sensitive due to the presence of spawning habitat for Northern Pike.”

Detailed Comments from NPCA Technical Staff:

29. Wetlands: To accommodate the proposed development on site, approximately 7.04 ha of non-Provincially Significant Wetland are proposed to be removed and approximately 11ha of wetland are proposed to be created. While the general idea of Wetland Reconfiguration is consistent with Section 8.2.2.8 of NPCA policy, further details are required to confirm that all criteria has been met to the NPCA's satisfaction.

- a. A portion of the Beaver Dams Creek Wetland Complex is located on the subject lands. This wetland was evaluated in 2009 and at that time did not meet the criteria required to be Provincially Significant. Data collected for this study should be used to determine if the status of the wetland remains the same or if it should be updated.
- b. The impact assessment completed for wetlands within the study area has focused on the potential for decrease in hydroperiod as a result of the proposed quarry, however as identified in Section 8.4.1.4 dewatering of the quarry may result in increased hydroperiod to the watercourse. Please revise the impact assessment to account for a potential increase in hydroperiod for wetlands W1A and W1C.
- c. Table 8.1 has identified wetlands W2A and W2B as isolated wetlands. Per the information provided in the EIS these wetlands are associated with headwater drainage features. Please review the classification of these wetland units.
- d. NPCA staff understand that in order to facilitate the construction of the proposed quarry approximately 7.04 ha of wetland is required to be removed. To compensate this loss, it is understood that approximately 11 ha of wetlands will be created within the realigned watercourse area and the southwestern portion of the site.
 - i. Additional planting details (proposed density, layout etc...) are required for the proposed creation of the thicket swamp, meadow marsh and deciduous swamp proposed in the southwestern portion of the site.
 - ii. Please identify how wetland hydrology will be maintained and monitored within the proposed swamp features to the satisfaction of NPCA staff.
- e. Section 12.2 of the EIS identifies that an additional 4 ha of deciduous woodland (swamp) and visual screens along setbacks on the Subject Property are to be created. NPCA staff are unclear how swamps will be established and maintained in the long term. Please provide additional details regarding the proposed enhancement of these areas.

30. Watercourses: The main tributary to Beaver Dams Creek is proposed to be relocated to accommodate the proposed development. This channel is impacted by the Regional Storm Flood hazard. While the NPCA is supportive of this idea in principle, the NPCA will require that the channel block be designed to adequately convey the Regional Storm floodplain hazard. In addition:

- a. Headwater Drainage Feature Reach 11 is associated with wetland W3 and is also found partially within a woodlot, however riparian and terrestrial habitat are classified as limited in Table 5.5. Please revise the evaluation of this reach to reflect the adjacent vegetation communities or provide additional justification for the classification identified in the EIS.
- b. The development proposal will result in the removal of 25 headwater drainage features; NPCA staff understand that 11 of these features were classified as *No Management Required*. Mitigation for the loss of these channels is limited to augmenting flows due to the loss of catchment and does not consider the loss of contributory functions such as sediment and nutrients to downstream receptors. Please revise the impact assessment to identify how the loss of these functions will be mitigated.
- c. NPCA staff note that the outlet from the quarry lake to the realigned watercourse has not been identified on any of the proposed drawings. Please provide a preliminary design and demonstrate that natural channel design principles have been incorporated into the design to the extent practicable.

31. Field Surveys:

- a. As identified in the Terms of Reference Comments NPCA staff expected that a 3-season vegetation inventory would be completed. Per Table 3.1 no site visits were completed to inventory vegetation during the fall season. Please complete the fall vegetation inventory per the comments provided on the ToR.
- b. NPCA staff understand that Turtle Habitat / Basking Surveys were identified in the Terms of Reference, however do not appear to have been completed. Please complete the appropriate studies as identified in the ToR.
- c. Fish surveys are typically completed in the spring freshet when water levels are at or close to their peak. The fish survey was completed on June 22, 2017 and was limited to areas where sufficient water was present within the main channel of the watercourse, no fishing was completed within the headwater drainage features. The timing of this survey may underrepresent the usage of HDFs by fish on the subject properties. Please complete a fish survey in the spring to verify the

maximum extent of fish usage within the headwater drainage features within the subject properties.

32. Ecological Monitoring: A comprehensive monitoring plan is required to ensure that the realigned watercourse and relocated wetlands function as designed. Section 11.0 of the EIS states that details of the monitoring plan will be developed in consultation with the MNRF and documented in a supplementary Upper's Quarry Monitoring Plan. NPCA staff are supportive of the development of a standalone Monitoring Plan and request to be consulted to ensure that NPCA interests are addressed within this plan.

33. General:

- a. Under the proposed development condition two culverts are proposed. NPCA staff note that these areas will bisect the realigned channel corridor potentially limiting the movement of animals within the realigned corridor. Please explore opportunities to provide enhanced wildlife crossings in these areas to limit anticipated impacts associated with the crossings.
- b. Drawing 5 of 6 *Rehabilitation Plan* has identified that side slopes steeper than 3:1 are proposed to be planted with the MTO's Ontario Roadside Seed Mix. Please explore replacing this seed mix with a suitable native seed mix.
- c. From an ecological perspective NPCA staff's preference is for the Alternative Extraction option which maximizes restoration potential and minimizes the number and size of crossings within the realigned watercourse corridor. Should this option be pursued NPCA staff recommend that additional restoration opportunities be explored within the lake to increase habitat diversity.

Appendix 6: Acoustic Assessment Report Comments

Regional and City planning staff and the peer review consultant (Englobe) have reviewed the Acoustic Assessment Report (AAR), prepared by RWDI AIR Inc. (dated October 28, 2021). The following comments are provided:

1. The Report has taken a very conservative approach. For example: (a) the listed equipment is assumed to be operating at the same time; and (b) the listed equipment is assumed to be operating for a full 60-minutes within any given hour. This can result in unnecessarily onerous acoustic mitigation having a negative environmental impact (ex: temporary acoustic barriers). It is recommended that RWDI review the equipment operation scenarios with the applicant in order to ensure, and ultimately confirm, that they are realistic.
2. A 3-metre tall perimeter berm, shown in Figure 1 of the Report, is listed in Section 6 as part of the noise control recommendations. This 3-metre berm is also featured along the west perimeter of the site, despite there being no noise sensitive points of reception in that direction according to the Report. It is recommended that the Report be updated to increase clarity regarding how or why this perimeter berm has been recommended.
3. It is assumed that the 3-metre tall perimeter berm (mentioned above) has been taken into account in the CadnaA model while assessing the noise impacts; however, Figures 2a to 2i do not show these berms. Can RWDI confirm that this perimeter berm has been included in the CadnaA model? If it is included, it is recommended that Figures 2a to 2i be updated to show the 3m perimeter berm.
4. An 8-metre noise barrier is listed as part of the noise control recommendations in Section 6 and is shown on Figures 2f, 2g, 2i, and 3k to 3n. However, the Report is unclear as to why the barrier is necessary, as there are no noise level predictions showing non-compliance in a scenario which does not include the 8-metre barrier. It is recommended that the report be updated to increase clarity regarding how or why this 8-metre noise barrier has been recommended, which could include CadnaA noise level predictions for a no-barrier condition.
5. Section 6 of the Report indicates that the 8-metre noise barrier (mentioned above) “shall extend long enough to shield R4 and R5 from the secondary crushers.” It is recommended that the Report be updated such that the 8-metre barrier location and dimensions be given precisely, or that RWDI confirm that WAI’s proposed barrier geometry will shield R4 and R5 from noise as modeled in CadnaA.
6. The Report indicates that the ground absorption outside the extraction limits was taken as 0.8. However, it is understood that the ground outside the limits is primarily grass. It is recommended that the CadnaA model’s overall ground absorption be increased to 1.0, or for RWDI to provide an explanation in the Report regarding the use of 0.8.

7. The Report indicates that a max. order of reflection of 1 was used in the CadnaA model. Englobe understands that this can reduce computation time, but 3 is more typically used in our experience. It is recommended that the CadnaA noise level predictions at receptors R1 to R6 be re-computed using a max. order of reflection of 3 in order to compare to the noise level predictions provided in the Report, with the intention of ultimately justifying the use of a max. order of reflection of 1.
8. Plantings should be placed on the 3m noise berms to provide a more attractive appearance.
9. As part of the submission, the hours of operation for the quarry are 7am-7pm Monday-Saturday. Please note the City's Noise By-law 2004-105, as amended by By-law 2005-73, 2007-28, and By-law 2014-115 only permits noise between 7am-7pm Monday – Friday and 9am-7pm on Saturdays, Sundays and statutory holidays.

Appendix 7: Air Quality Assessment Report Comments

Regional and City planning staff and the peer review consultant (Englobe) have reviewed the Air Quality Assessment for the Proposed Upper's Quarry (AQA), prepared by RWDI (dated October 26, 2021). The following comments are provided:

1. S. 5.1 INTRODUCTION:

- a. As the main purpose of the AQA report is to present dispersion modelling results, a short introduction to dispersion modelling would be welcome, including atmospheric processes, modeling objectives and options related to the project.
- b. The processes and limitations of selecting sensitive receptor locations should be described here based on the project requirements.
- c. Provide a list of references from the literature for the Best Management Practices Plan for dust. Practices include reducing the traffic, reducing the speed, improving road design, watering the road, covering the road with gravel, increasing the moisture content of the road surface, binding the road particles together, sealing unpaved roads, reducing exposed ground, and slowing the surface wind.

2. S. 5.2 SITE DESCRIPTION & OPERATIONS:

- a. Provide the latitude and longitude of the site to help locate it with a GIS or a geo-browser (e.g., Google Earth): "Upper's Quarry site (43°5'41"N, 79°10'23"W) is located at Upper's Lane and Thorold Townline Road."
- b. Detail the surrounding lands and building types and explain the potential effect of the quarry operations on those areas.
- c. Provide a list of the main operations for phases 1A, 2A, 3B, and 5 with their respective potential emission sources.

3. S. 5.3 HOURS OF OPERATION:

- a. Hours of operation are the key parameters to estimate emissions and conduct the dispersion modeling study:
- b. The use of a table would improve the readability of the information provided in this section.
- c. Provide a list of all the abbreviations given in this section, and more generally in the report.

4. S. 5.4 OPERATING SCENARIO - This section is too vague and therefore requires clarification:

- a. The operating scenario should be detailed based on the future operations listed in section 2.
- b. Explain what “conservative” means in the context of the AQA study.
- c. Consider one scenario for the short-term activity to evaluate how much emissions would increase and to assess its impact on air pollution in the area surrounding the proposed quarry.

5. S. 5.5 POTENTIAL IMPACT LOCATIONS:

- a. Considering receptors farther from the domain is strongly recommended. Plumes emitted by activities at the site may move upward from the source area and then come downward far from the domain, which would increase air pollution at receptors further down.
- b. Because there are residential buildings on the southeast and west sides of the domain (highlighted in blue in the Figure below), receptors at these locations should be included in the dispersion modeling study.
- c. Detail the criteria to select receptors for this study. A good practice for locating receptors is to draw 1 and 1.5-km circles over the main activity area and check what potential receptors are inside these circles.



6. S. 5.6 IDENTIFICATION OF CONTAMINANTS AND SOURCES:

- a. List all the permanent/temporary and short-term/long-term emission sources in a table.
- b. A brief description of Figures 2 to 5 has to be included in this section.

7. S. 5.7 CRITERIA:

- a. Change the title of this section to “Air Quality Criteria and Standards”.
- b. It’s common practice to include in the text a table listing the relevant criteria and standards for the air pollutants of concern.

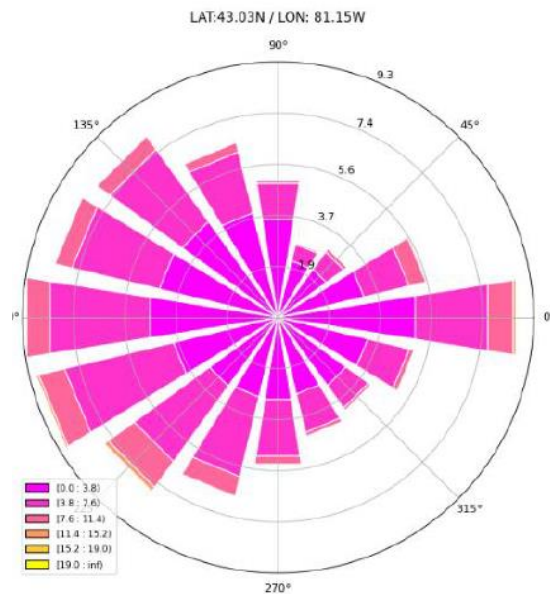
8. S. 5.8 EMISSION ESTIMATION:

- a. US Environmental Protection Agency’s document “AP-42: Compilation of Air Emissions Factors” is the main reference to estimate emissions for this type of AQA study. Therefore, it should be cited in this section, such as (<https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-Compilation-air-emissions-factors>, date of access; US Environmental Protection Agency, year).
- b. Provide a reference for the silica content. Is a silica/PM10 ratio of 10% used to estimate silica concentrations from the PM10 concentrations modeled with AERMOD?
- c. Detail the mitigation measures included in the emission calculation. “Control efficiency” is an expression used in the Appendices and is the key parameter applied to raw emissions to decrease them. That expression should be explained in this section.
- d. Watering the unpaved road is an effective control method and is suggested to be used in the project. The “95% reduction control efficiency” as a result of watering could be considered as optimistic since an average efficiency of 75% is considered in the literature (US EPA 1993).

9. S. 5.9 DISPERSION MODELLING:

- a. Please indicate the date of the version for AERMOD such as “AERMOD version 19191 dispersion model (version date July 10, 2019)”.
- b. How many simulations were conducted? Did you conduct various simulations based on different “control efficiency” values applied to the raw emission inventories?
- c. Let’s assume that the meteorological dataset was obtained from <https://www.ontario.ca/page/map-regional-meteorological-and-terrain-data-air-dispersion-modelling>. Based on the location and characteristics of the project site, the file “West_Central_Crops”, including the “London 1996-2000” dataset, seems to be the dataset required by MECP to run AERMOD. Is it the land use type used in the simulations with AERMOD?

- d. The wind rose shown below indicates that the prevailing wind direction is mostly between the southwest and the northwest, but it has also a strong component from the east.
- e. Since AERMOD is not a terrain-following coordinate system code, how was it applied to a domain characterized by the non-flat terrain of a quarry? Was CALPUFF considered for this project as an alternative dispersion model?



- f. What are the receptor heights used in the model? It is suggested to use receptors at different heights to see how far air pollutants travel vertically. It has an impact on the horizontal transport of pollutants.

10.S. 5.10 LOCAL EMISSION SOURCES:

- a. “Due to this distance, impacts from this site are not expected to significantly influence the predicted impacts from the extension”. The only way to know for sure would be to apply AERMOD with receptors located 2+ km away from the site.
- b. What is a “suitable background air quality level”?

11.S. 5.11 BACKGROUND AIR QUALITY:

- a. “Background values were estimated.” Confirm this is PM2.5 background data.
- b. “Nearest” is too vague. It’s better to specify the distance between the project site and the closest MECP monitoring station, such as: “St. Catharine’s ambient air monitoring station (43°9’36”N, 79°14’5”W) is

located 9 km from the proposed Upper's Quarry site". This AQ station is considered an urban site. In general, PM and NO₂ levels are expected to be higher at an urban site than in a rural area where Upper's Quarry would be located.

12.S. 5.12 CHEMICAL REACTIONS AMONG CONTAMINANTS:

- a. No comments on this section.

13.S. 5.13 UNCERTAINTIES:

- a. "... as they are potentially influenced by many factors." Identify which factors are considered here.
- b. "... to estimate impacts under worst-case weather." Explain what "worst-case" means here.
- c. Provide examples of a few "assumed mitigation measures".

14.S. 5.14 RESULTS:

- a. In this section, the main results extracted from the tables must be summarized quantitatively.
- b. "With the addition of background concentrations to benzo(a)pyrene, this contaminant exceeds the AAQC. This is due to the ambient background levels throughout most of Ontario already being above the AAQC." "Most of Ontario" means that the AAQC is shown to be exceeded at more than one air monitoring site.
- c. Using a receptor grid instead of discrete receptors would have helped present (i.e., concentration maps) and interpret (i.e., atmospheric dispersion processes) the results calculated with AERMOD.

15.S. 5.15 RECOMMENDATIONS:

- a. Would there be a system on-site to alert the quarry's staff/management when fugitive dust events occur?
- b. How frequently a dust suppressant (e.g., water) has to be applied? The frequency can be linked to the "control efficiency" of the emissions.

16.S. 5.16 RECOMMENDED MANAGEMENT PRACTICES:

- a. Are there recommendations to control benzo(a)pyrene emissions from the operations at the quarry site?

17. S. 5.17 CONCLUSION:

- a. Replace "Section 13" by "Section 15".

18. S. 5.18 TABLES

- a. Correct "Upper's Quarry" in all table captions.

19. S. 5.19 FIGURES

- a. A description of each figure is needed.

20. S. 5.20 REFERENCES

- a. Create at the end of the report a section to list all references cited in the report.
- b. Add "EPA, 1993, Emission factor documentation for AP-42, section 13.2.2, unpaved roads. "

21. There are concerns with benzo(a)pyrene exceeding the AAQC guidelines. What is affected by this increase? What are the concerns when benzo(a)pyrene exceed AAQC guidelines?

Appendix 8: Blasting Impact Assessment Comments

Regional and City planning staff and the peer review consultant (DST Consulting Engineers Inc.) have reviewed the Blasting Impact Assessment, prepared by Explotech Engineering Ltd. (dated October 2021) and offer the following detailed comments:

1. The Blasting Impact Assessment under the heading 'Recommendation' provides (11) recommendations as the condition of blasting in the proposed Walkers Aggregates Upper Quarry extraction area. Englobe concurs with these recommendations and suggest the following be addressed:
 - a. Critical conditions recommended by the BIA be included in the final version of the site plan notes; and
 - b. Critical conditions outlined (note D) on the site plan drawings sheet 4 of 6 be judiciously implemented to maintain compliance with the MECP guidelines and regulations

Appendix 9: Traffic Impact Study Comments

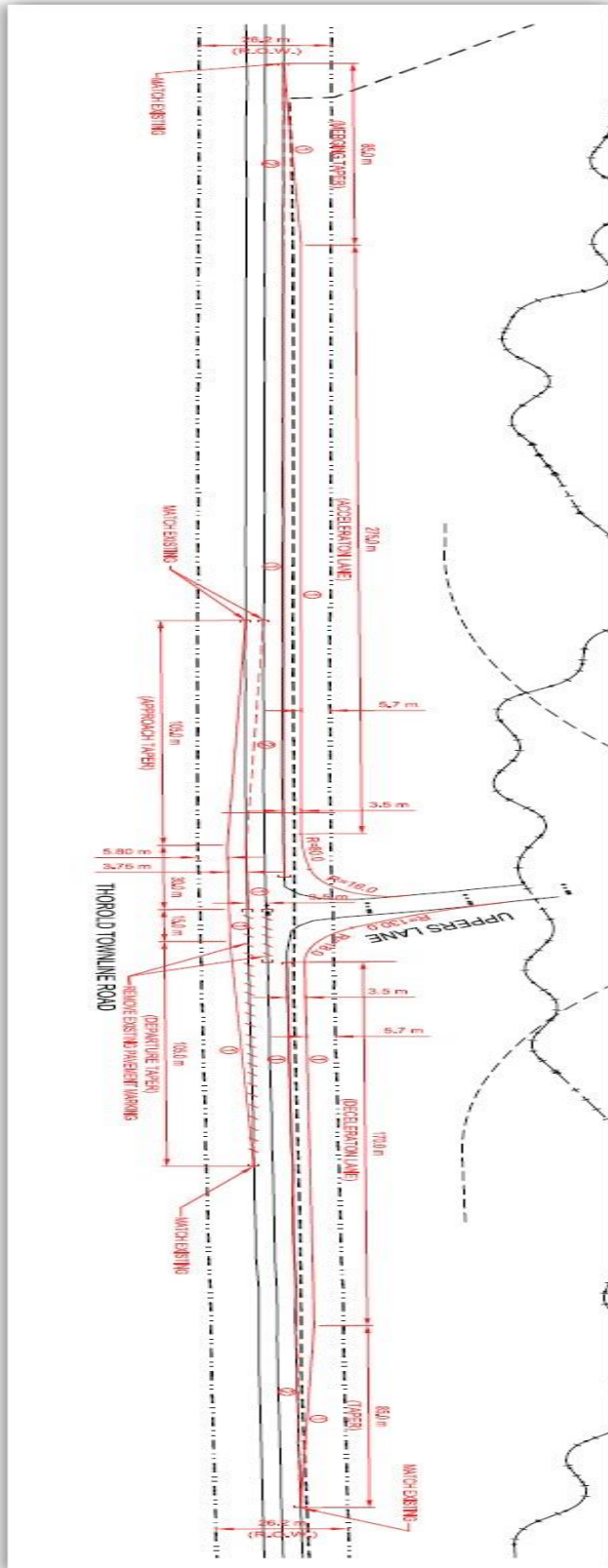
Regional and City Transportation Staff have reviewed the Traffic Impact Study (TIS) prepared by TMIG (dated October, 2021). The following comments should be addressed through an updated Traffic Impact Study.

Regional Transportation Comments:

1. The Region will require the owner/developer to enter a legal agreement with the Region for the required road improvements, maintenance of the road during operation of the quarry and potential reconstruction of the road after the closing of the quarry if the additional lanes are not required.
2. The TIS hasn't applied any growth rate to the historic traffic volumes dated 2018 and has depended on the increased expected traffic volumes generated from the two background developments (Rolling Meadows and Thorold Townline Road Employment Lands). The Region always requests a growth rate applied to historic traffic counts additional to any background developments.
3. For the capacity analysis, existing conditions should represent factored historical counts using a growth rate of 2% per annum (not present it for 2018 counts as shown in the report).
4. The Region's TIA Guidelines request using ideal saturation flow rates of 1,750 vehicles per hour per lane, and peak hour factors of 0.92 for all movements. The Region will accept the peak hour factors used, however, the saturation flow rate will need to be revised to the 1,750 as noted in the Terms of Reference.
5. For the capacity analysis, the TIS has assumed various % increase in trucks, however, the existing heavy vehicles used in the assumptions should have been factored by 2% growth rate for 2025 and 2035 future background conditions.
6. The capacity analysis for Thorold Townline Rd at Thorold Stone Rd shows that at 2025 & 2035 Future Total Conditions, the SBTR movement is expected to have v/c ratios more than the Region's thresholds. Although this was observed in the 2025 & 2035 Future Background conditions, the subject development has contributed in worsen the traffic conditions. The TIS should have included any geometric/or other improvement(s) for the Region's review.
7. The capacity analysis for Thorold Townline Rd at Lundy's Lane shows significant delays by the NBL movement under 2035 Future Total Conditions and has recommended constructing a dedicated SBR turn-lane to improve both SB & NB operations. LOS at these movements are D & E but v/c ratios are acceptable based on the Region's thresholds for v/c ratios.
8. The TIS stated that: "A signal warrant was conducted for the intersection of Thorold Townline Road and Beaverdams Road under 2025 Background

conditions to confirm if the combined existing and 2025 background traffic would justify the installation of a traffic signal". A signal was found not warranted and the TIS has suggested monitoring the intersection for signalization in 2025.

9. The signal warrant analysis should have been done for 2025 Total Conditions and 2035 Total Conditions if it is not warranted under the 2025 Total Conditions considering site trips in the analysis. (Note: The capacity analysis has included the signal option in 2025 Total Conditions and 2035 Conditions and demonstrated operation improvement).
10. The queueing analysis results shown in Table 7-1 & 7-2 (pages 48 & 50) show that a number of left/right turn-lanes of Thorold Townline Rd intersections would require storage extensions in 2025 & 2035. These are mainly due to background growth.
11. A detailed design for the site access at Uppers Lane is found in Appendix E was reviewed by transportation engineering staff and the following comments are to be addressed:
 - a. Given the volume of trucks, they should include deceleration length in the southbound left turn lane.
 - b. The northbound deceleration and acceleration lanes extend over 450m. This may result in drivers believing Townline road is 2 lanes in the northbound direction. Unwanted passing may result. This concern should be addressed in the updated TIS.
 - c. There is a vertical curvature south of Thorold Townline Rd & Uppers lane intersection (site access) which might affect the sightline. We need them to carry out a sightline assessment to verify if the NB acceleration lane is required. If sightline is adequate, there is no need for the acceleration lane as drivers might use it for passing.
 - d. Street sweeping as required at the responsible of the Quarry
 - e. Once the quarry has been closed – review of the road design will be reviewed and if modifications are required the reconstruction of the road will be the responsibility of the Quarry/owner.
 - f. An illumination warrant is to be completed
 - g. The functional drawing hasn't shown the opposite existing access for DMZ Paintball, which will be affected by their proposed widening on the west. Future drawings submission should include existing accesses.



City Transportation Comments:

12. Beechwood Road is a City arterial road. It has a planned 26.0 metre right-of-way as identified in the City's Official Plan. Beechwood Road is 20.12 metres wide. Accordingly, a 2.94 metre road widening will be required along the Beechwood Road frontage of the subject lands.
13. Upper's Lane is a local City road. It has an approximate 8.0 metre right-of-way. Walker Aggregate Inc. owns the parcels of land that abut Uppers Lane on each side of the road, except for the Bible Baptist Church at the southwest corner of Beechwood Road of Uppers Lane. However, the church has driveway access exclusively on Beechwood Road. There is negligible traffic on Uppers Lane.
14. If Upper's Lane is to remain a public road allowance, its existing 8.0 metre width will not be adequate to accommodate wider lanes for the expected truck use, and provide the required roadside features (shoulders, ditches, placement of utility poles, etc.). This will need to be evaluated through a detailed design of Uppers Lane. The City standard for a rural road is a minimum 20 metre right-of-way. Any additional road allowance width required will need to be dedicated to the municipality.
15. A daylight triangle measuring 7.0 metres by 7.0 metres will be required on the northwest corner of Beechwood Road and Uppers Lane, over and above the aforementioned 2.94 metre road widening for Beechwood Road.
16. A transportation assessment study/report is a requirement of a complete application. A traffic impact study prepared by the Municipal Infrastructure Group Ltd. (TMIG), dated October 2021, was submitted with the additional background materials to support this application. The primary traffic impact of the proposed quarry is on the regional road network, specifically Thorold Townline Road & Taylor Roads (RR# 70), Thorold Stone Road (RR #57) and Lundy's Lane (RR# 20) to access Highway 406 via Highway 58 and/or the Queen Elizabeth Way. Two haul routes are described in the traffic report with preference given to the first route which directs trucks exiting the site at some point along Uppers Lane to proceed west to Thorold Townline Road, then north on Thorold Townline Road and either proceeding left towards Highway 58 then onto Highway 406, proceeding through onto Taylor Road with the goal of reaching the Queen Elizabeth Way via the Glendale Avenue interchange, or turning right onto Thorold Stone Road to the Queen Elizabeth Way interchange east of Montrose Road. It is noted that the proposed haul route will not make use of Beechwood Road, but employees will be able to access the site via Beechwood Road if they choose to do so.
17. The quarry is expected to generate about 100 bidirectional trips in the peak hour, with approximately 90% comprised of truck traffic. The report recommends a southbound left turn lane and a northbound right turn lane on Thorold Townline Road at Uppers Lane. Regional Transportation Staff will provide comments on

the expected operation of the study area intersections as each node analysed is under their jurisdiction.

18. The truck template shown in the traffic report uses a heavy single unit (HSU) truck, which is a 35-foot cube van, but closely mimics the turning path of a dump truck. Aerial views of the existing quarry show several large truck with trailers that have a combined length of up to 75 feet long. Clarification on the design vehicle to be used in design is requested.
19. The report identifies that Uppers Lane is expected to operate satisfactorily as a two-lane road. The travelled portion of the road was measured to be less than 5.0 metres at various points throughout its length, with narrow or non-existent shoulders. The report recommends widening the pavement on Uppers Lane by 1.0 to 1.5 metres between Thorold Townline Road and the quarry entrance, but it will probably need to be even wider (7.0 to 7.5 metres total width, given that the road will need to be designed at a 80 km/h design speed) to meet prevailing road standards. The road appears to be in poor condition for heavy truck traffic; Engineering Staff will provide additional comments on this matter.

Appendix 10: Cultural Heritage Comments

City Planning Staff as well as the City's Municipal Heritage Committee have reviewed the Cultural Heritage Impact Assessment, prepared by MHBC, dated October 2021 and offer the following:

1. The City's Heritage Committee has no concerns with the proposed quarry with respect to the property located at 10148 Beaverdams Road.
2. City Planning Staff are continuing to consult with Indigenous groups regarding the assessment. Further comments may be provided at a future date following comments received from the Indigenous groups.

Appendix 11: Visual Impact Study Comments

City staff have reviewed the Visual Impact Assessment, prepared by MHBC (dated October 2021) and offer the following for consideration:

1. Please provide a rendering of the layout of the quarry that includes a street level visual analysis with berming, noise control and landscaping, once quarry is developed.

Appendix 12: Economic Benefits Analysis Comments

Regional and City staff and the peer review consultant (Watson & Associated Economists Ltd.) have reviewed the Economic Benefits Analysis, prepared by Prism, (dated October 2021) and offer the following detailed comments:

1. In general, the financial impact study focusses on revenues the municipalities will receive (e.g. property taxes, TOARC fees, etc.). With respect to municipal expenditures, no identification of operating or capital costs have been included. Information should be provided to identify the potential incremental operating costs and any capital costs anticipated as a result of the development of this quarry site.
2. With respect to the anticipated tonnage of aggregate to be extracted, the study provides that a maximum of 1.8 million tonnes may be extracted annually, whereas on average the production may equate to 1.3 million tonnes annually. However, through initial conversations, it appears this site may act as a replacement of existing quarry operations at another site owned by the applicant. As a result, it should be identified if the amount to be extracted from the new site is in addition to existing amounts or will replace current levels of extraction.
3. With respect to the economic impacts, the employment and salary information appears to have been undertaken appropriately using the Statistics Canada input-output multipliers. However, the calculations should be provided in further detail to allow the JART to review.
4. S. 3.1.1 Aggregate Production - The report provides that the maximum annual extraction limit is 1.8 million tonnes of aggregate, with an anticipated average extraction amount of 1.3 million tonnes annually. However, through initial discussions with the applicant, it appears this new quarry site may be replacing the existing quarry site which is approximately 2.5km away. As a result, the report should identify if the development of this quarry is a continuation of existing operations or would result in 1.3 million tonnes of aggregate in addition to the current site.
5. S. 3.1.2 Employment Impacts:
 - a. The report notes the use of the Statistics Canada Input-Output multipliers. This approach is consistent with best practices in this field. However, the assumptions and approach to the calculations have not been identified. The anticipated construction price for the initial employment impacts has been identified at \$23 million, however, the assumption of ongoing revenues has not been provided.
 - b. Further, if this site will be a replacement for the current site, the report should identify that these operations are a continuation of existing

employment levels, with the addition of direct and indirect employment related to construction of the site.

6. S. 3.2.1 Introduction and Overview of Methodology - As noted above, in general, the report focuses on revenues and does not identify expenditures related to the development. With financial impact analyses, a fulsome analysis of the net impact on municipal budgets for both the Region and City should be undertaken. This includes all revenues and expenditures related to the development. Revenues should include tax revenues, aggregate fee revenue, and non-tax operating revenues (fees, fines, fares, etc.). A review of expenditures should include any anticipated capital costs arising (in whole, or in part) from this development as well as an estimate of the incremental operating costs anticipated. Combined, this information would provide a net annual financial impact to the City and Region, arising from this development. The following sections provide Watson's review and commentary on each of the components of the analysis.
7. S. 3.2.2 Assessment Assumptions - In estimating the assessment to be generated from the expansion of the quarry, Prism notes that they used the Income Approach in estimating the assessment, however, no calculations have been provided. Detailed calculations on the Income Approach estimate should be provided to allow the JART to undertake a review of the calculations. Based on the report, the total assessed value is \$44.6 million. When applied to the total acres of the property (262.67 acres), the total assessed value per acre is \$170,000. This estimate appears exceedingly high. The following provides for a comparison of quarries in various areas of Southern Ontario:

Municipality	Address	Total Assessed Value	Total Acres	Assessed Value per Acre
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Burlington	1775 King Road	1,652,000	111.16	14,861

Source: MPAC PropertyLine Database

As noted in the above sample of quarry properties, the assessed values per acre range from a low of \$6,658 to a high of \$14,861. Therefore the assessed value of \$44,600,000 (or \$170,000 per acre) is significantly higher.

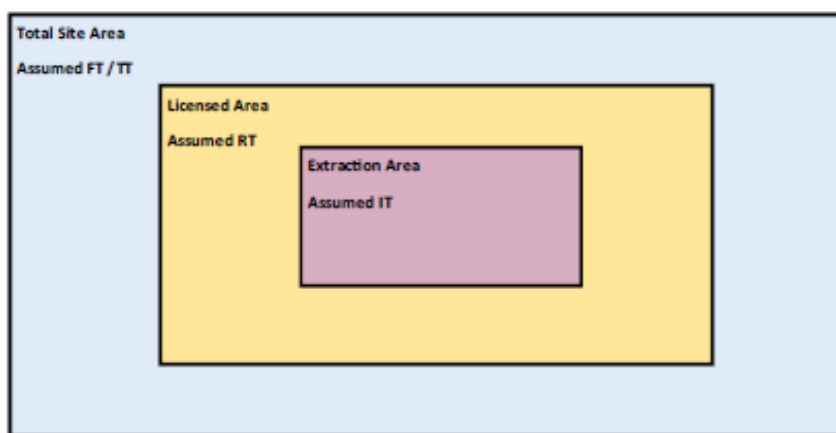
Rather than taking the Income Approach, in Watson's opinion, it would be more appropriate to undertake a survey of assessed values of quarries. Further, it is most appropriate to review the assessed value of quarry properties in the Region, rather than quarries in other regions. As part of the Assessment Act, section 44 (3) (b) notes that land valuation will have reference to the value of

similar lands in the vicinity and make adjustments to maintain equity with these lands. As a result, a survey of quarry properties in the Region should be undertaken in estimating the assessed value. Note that if the assessed value per acre was based on the 2841 Garner Road property (currently owned by the applicant), then the total assessed value would be approximately \$1.1 million.

Additionally, MPAC provides assessment adjustments to residential properties abutting and within 1km of quarries. The proposed quarry may reduce assessed values of residential properties in the area, thus reducing tax revenues. This should be included in the analysis.

Finally, the loss of existing assessment and tax revenue should be included in the report.

8. S. 3.2.3 Tax Class Assumptions - The analysis assumes that the proposed quarry will be assessed as 100% industrial. This includes the licensed area, extraction area, and remaining areas. In our experience and based on the regulations to the Assessment Act, the industrial assessment (IT) applies to the extraction area, residential assessment (RT) would generally apply to the remaining licensed area, and any remaining lands may be assessed as farmland (FT) and/or managed forests (TT). This is provided in the following diagram:



We would note that this would be a fair assumption as the actual assessment class would depend on the use of the land as per the Assessment Act. For example, use is farming by a bona-fide registered tenant farmer then it might be FT otherwise, if farmed it could be RT at farmland assessment rates. The same would apply for the Managed Forest portions if the owner applies to the Ministry of Natural Resources and Forestry for the TT tax class consideration.

The report only provides the total site area and does not identify the licensed area or extraction area. As a result of assuming industrial assessment only, the tax revenue has been overestimated since the tax rate for industrial properties is

higher than that of residential and farm/managed forests. This should be recalculated to align with the Assessment Act.

9. S. 3.2.4 Annual Aggregate Levy Fees - The report does not provide the details of the calculations for the aggregate licensing fee and is unclear. The aggregate licensing fee identified in the text is the 2020 rate and the percentage allocation to the City of Niagara Falls is incorrect. However, applying the correct percentages and 2022 rates, provides a similar result to that shown in Table 4 of the report.

The Government of Ontario website provides the following breakdown of how the fees are allocated:

- Aggregate Resources Trust – 3%
- Local Municipality (City of Niagara Falls) – 61%
- Upper-tier Municipality (Niagara Region) – 15%
- Crown (Province of Ontario) – 21%

Based on the assumption that there will be 1.3 million tonnes extracted annually, the revenues would be as follows (based on 2021 and 2022 rates):

Aggregate Levy Calculations	Percentage Allocation	2021 Fee/tonne \$0.208	2022 Fee/tonne \$0.213
Aggregate Resources Trust	3%	\$8,112	\$8,307
Niagara Falls	61%	\$164,944	\$168,909
Niagara Region	15%	\$40,560	\$41,535
Ontario	21%	\$56,784	\$58,149
Total		\$270,400	\$276,900

This should be updated in the report.

10. S. 3.2.5 Operating Revenues - No analysis on operating revenues was provided. Generally, as development occurs, there will be changes to the anticipated operating revenues in the municipalities (e.g. fees, fines, fares, etc.). Watson's approach to estimating the operating revenues is to review the municipalities' most recent Financial Information Return (FIR) data and forecast the incremental revenues anticipated with the addition of the new development (i.e. the quarry). An analysis on the impact to operating revenues should be undertaken. Note: if the new site is meant to be a replacement of the existing quarry, the reduction in employment should be taken into consideration.
11. S. 3.2.6 Operating Costs - Similar to operating revenues, an analysis on the incremental operating costs has not been undertaken. This may be provided in a similar manner, by using the municipalities' most recent FIRs. This analysis should be undertaken as part of the report to meet the purpose/objectives of the study, which includes a requirement to "demonstrate to what degree the proposal will create direct and indirect financial benefits or costs to the municipalities

affected”. Note: if the new site is meant to be a replacement of the existing quarry, the reduction in employment should be taken into consideration.

12. S. 3.2.7 Capital Costs - No identification of additional capital costs have been identified in this report. The Planning Justification Report discusses the need for additional road infrastructure, including turning lanes and intersection improvements, but assigns none of the need for this infrastructure to the quarry. Upon completion of the other peer reviews, a portion of the capital costs required may be attributable to the quarry. This should be identified in the report.

Further, the report does not address the long-term monitoring and mitigation costs upon the rehabilitation of the site. It is noted in the Planning Justification Report that the site will be rehabilitated to include:

On-site Rehabilitation:

- 70.1 ha lake with 1.3 ha of shoreline wetland
- 10.7 ha riparian corridor including naturalized realigned channel
- 2.9 ha of wetland
- 4.0 ha of deciduous woodland

Off-site Ecological Enhancement:

- 4.3 ha deciduous woodland

Costs of long-term monitoring and mitigation have not been identified. Although these costs may be assumed to be paid for by the applicant, the report should estimate these costs to provide the City and Region with the potential costs.

13. S. 3.2.8 Net Financial Impact - No net financial impact to the municipalities' budgets has been provided. A full review of the incremental expenditures and revenues would provide an estimate of the net financial impact to the City and the Region. This should be included in the report.

14. The following provides an analysis of how the submitted study has met the purpose of the Financial Impact Study as outlined in the terms of reference (dated April 9, 2020):

- a. 1. To demonstrate that the proposal will have a minimal negative financial impact on the Region or taxpayers from the cost of providing services such as road maintenance, long term monitoring and replacement water supplies among other matters.

Analysis - Based on the analysis and discussions with the applicant, it is unclear if there is any incremental employment as this quarry site may be replacing the existing quarry site. Further, long-term mitigation and monitoring costs have not been identified in the report.

There is no reference to the water supply in the report, however, it was noted in the Planning Justification Report that the site will be serviced via private wells. The financial impact analysis does not mention the costs, should any neighbouring properties have an issue with their wells resulting from quarry operations. The Planning Justification Report does note that “A detailed well mitigation plan has been prepared by WSP for each parcel that may be potentially impacted in the un-serviced area (see Tables 2 and 3 in the Water Study Report)”. However, this should be reiterated in the financial impact report with potential estimates of costs, if possible.

- b. 2. To demonstrate that extraction will occur in a manner that minimizes social, economic and environmental impacts.

Analysis - The report does not appear to address the social or environmental impacts as these impacts are assumed to have been assessed through other submitted documents (i.e. noise impact assessment, comprehensive rehabilitation strategy, social impact assessment, etc.). The report should address this.

- c. 3. To demonstrate that there will be no public costs associated with the proposal throughout extraction, complete rehabilitation and any long-term continuing mitigation and monitoring requirements, and to demonstrate that there will be adequate securities put in place, through an agreement or legislation, to ensure that the public and agencies will not be put at financial risk as a consequence of the approval.

Analysis - There was no net financial impact calculated for the City or Region’s budgets. Further, no indication of the costs (and who is to pay for those costs) related to the rehabilitation and long-term monitoring and mitigation works were identified. Further, no indication that there will be adequate securities in place was provided.

- d. 4. To demonstrate to what degree the proposal will create direct and indirect financial benefits or costs to the municipalities affected.

Analysis - The report addresses the financial benefits (with suggested refinements noted previously), however, does not provide an estimate of the potential costs associated with the development of the site.

- e. 5. To demonstrate what financial benefits to the community may be created as a consequence of the approval.

Analysis - The report does provide financial benefits to the community through employment opportunities and indirect benefits due to the location and proximity to the City. Further tax revenues and TOARC revenues have been identified, however, suggested refinements are provided in Section 3.2 of this letter report.

15. The following provides an analysis of how the submitted study has met the Objectives of the Financial Impact Study as outlined in the terms of reference (dated April 9, 2020):

- a. 1. To quantify the amount of assessment to be generated as a consequence of the approval of the application (compared to loss of existing use i.e. farmland).

Analysis - The report estimates the amount of assessment however, the estimate appears to be significantly overestimated. Suggested refinements are provided in section 3.2.2 of this letter report.

- b. 2. To identify what the economic impacts may be.

Analysis - The report does identify the anticipated employment (both direct and indirect) as well as the anticipated salaries and benefits the employees may receive. The calculations should be detailed in the report, as suggested in section 3.1 of this letter report.

- c. 3. To estimate how much in license fees will be provided to the affected municipalities.

Analysis - This information was included in the report; however, we would suggest that the information is updated for the correct allocation to the City, and with the most recent rates.

- d. 4. To determine what impacts the additional truck traffic will have on the cost of providing maintenance on affected roads.

Analysis - The report does not address truck traffic and the associated costs. The report should be updated to include these costs and identify any maintenance impacts. As this site may be replacing the existing quarry nearby and is anticipated to use the same haul route, the cost of providing maintenance may be similar. This should be clarified in the report.

- e. 5. To determine whether the proposal if approved will impact on the timing and/or need for road improvements to be paid for by the municipality.

Analysis - The report does not include any identification of capital costs. The Planning Justification Report, however, notes a number of road-related works that are required. The report should be updated to identify if there will be an impact on the timing of planned road works.

- f. 6. To identify the financial benefits that may occur generally as a consequence of the approval (i.e. TOARC payments for road improvements).

Analysis - The report provides the anticipated tax revenues and TOARC fees as noted above, however, suggested revisions should be undertaken (see section 3.2 of this letter report).

- g. 7. To identify the potential cost of any long-term monitoring and mitigation on the site and the responsibility for that monitoring and the liability to any public authority or agency associated with that responsibility.

Analysis - No costs for long-term monitoring and mitigation on the site and/or the responsibility for those costs were identified. Further, the liability to any public authority or agency associated with that responsibility was not identified. These should be included in the report.

- 16. City Staff request confirmation if property assessment are adjusted by MPAC in proximity to a quarry, and if so, the impact on property taxation.

Appendix 13: City of Niagara Falls Building Department Comments

The following comments are provided by the City of Niagara Falls Building Department:

1. All required Building Permits and Demolition Permits (not excluding any federal/provincial/regional/municipal, heritage approval, site-plan control, hydro-corridor, etc...) to be obtained prior to commencement of any construction/demolition/application-submission in accordance with the Ontario Building Act –Applicable Law, to the satisfaction of the Building Services Division and the Fire Prevention Division.
2. City, Regional and Education Development Charges (not excluding Parkland Dedication Fee, if applicable) will be assessed during the review of the Building permit(s) application submission.
3. Fire Prevention Division requires assessing the site proposal as it relates to on-site fire-fighting practices, i.e. private fire-route accesses, fire-hydrant locations (private and/or public), fire-department connection(s), etc....
4. Building application submission, spatial-separation fire-protection review shall be conducted.
5. Geotechnical Report (not excluding any seismic data/recommendation/groundwater) shall be provided at building application submission.
6. Please be advised, signage may require sign permits. Please telephone Building Services Division – Permit Application Technicians/Technologists at 905-356-7521, Extensions 4213 or 4344.

Appendix 14: TransCanada Pipeline Comments

TransCanada Pipeline (TCPL) has provided the following comments to the JART upon receipt of the notice of application. These comments should be addressed in the resubmission package as appropriate.

1. TCPL requires notification for blasting within 300 metres of their right-of-way (easement). No blasting shall occur until written consent is obtained from TCPL.
2. Any other work (other than blasting) within 30 metres of TCPL's right-of-way requires written consent.
3. Crossing of the TCPL right-of-way with vehicles is not permitted without written consent.
4. No material extraction shall be permitted within 40 metres of TCPL's right-of-way without written consent from the Canada Energy Regulator (CER, formerly NEB or National Energy Board)
 - a. TCPL does not have the authority to consent to mining within 40 metres of their right-of-way.
 - b. Please refer to: <https://www.cer-rec.gc.ca/en/safety-environment/damage-prevention/ground-disturbance/index.html>
5. No buildings or structures shall be installed anywhere on TCPL's right-of-way. Permanent buildings and structures are to be located a minimum of 7 metres from the edge of the right-of-way. Temporary or accessory buildings are to be located a minimum of 3 metres from the edge of the right-of-way.
6. A minimum setback of 7 metres from the nearest portion of a TCPL pipeline right-of-way shall also apply to any parking area or loading area, including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces, and any associated drive aisle or driveway.
7. TCPL is requesting the following setbacks be implemented through the ARA site plans and Zoning By-law Amendment:

No building, structure, parking or loading spaces, or related aisles or driveways may be located closer than 7.0m to the TransCanada pipeline right of way except accessory buildings which may not be located any closer than 3.0 m to the TransCanada pipeline right-of-way.

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via E-Mail Only

November 14, 2022

File No.: D.13.04.ROPA-21-0003
D.10.04.OPA-21-0057
D.18.04.ZA-21-00127

Debra Walker, BES, MBA, MCIP, RPP
Partner, MHBC Planning
230-7050 Weston Road
Woodbridge, ON L4L 8G7

dwalker@mhbcplan.com

Dear Ms. Walker:

**Re: Addendum to August 23, 2023 JART Comment Letter
Revised Appendix 12 – Economic Benefits Analysis**

In a letter dated August 23, 2022, Niagara Region on behalf of the Joint Agency Review Team (JART) issued technical comments on the applications to amend the Niagara Region Official Plan, City of Niagara Falls Official Plan, and City of Niagara Falls Zoning By-Law to permit the proposed Uppers Quarry.

Appendix 12 to the August 23 JART letter was comments on the Economic Benefits Analysis that was submitted in support of the application. Based on our recent discussions, we have reviewed Appendix 12 to ensure that the comments are in alignment with the terms of reference for the study, reflect the appropriate Region and City Official Plan policies, and other requirements that were communicated through the signed pre-consultation form.

The revised Appendix 12 attached to this letter should replace the Appendix 12 which was attached to the August 23 letter.

November 14, 2022

Kind regards,



Sean Norman, PMP, MCIP, RPP
Senior Planner

cc: Michelle Sergi, MCIP, RPP, Commissioner, Planning & Development Services, Niagara Region
Diana Morreale, MCIP, RPP, Director, Development Planning, Niagara Region
Angela Stea, MCIP, RPP, Director, Community and Long-Range Planning, Niagara Region
Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Erik Acs, MCIP, RPP, Manager, Community Planning, Niagara Region
Ann Marie Norio, Clerk, Niagara Region
Andrew Bryce, MCIP, RPP Manager of Current Planning, City of Niagara Falls
Alexa Copper, BURPL, Planner 2, City of Niagara Falls
Sarah Mastroianni, Manager, Planning and Permits, Niagara Peninsula Conservation Authority
ARAApprovals@ontario.ca
Kevin Kehl, Project Manager, Walker Aggregates Inc.

Revised Appendix 12: Economic Benefits Analysis Comments

Regional and City staff and the peer review consultant (Watson & Associated Economists Ltd.) have reviewed the Economic Benefits Analysis, prepared by Prism, (dated October 2021) and offer the following detailed comments:

1. In general, the report focusses on revenues the municipalities will receive (e.g. property taxes, TOARC fees, etc.). With respect to municipal expenditures, no identification of operating or capital costs have been included. Although this was not explicitly included in the terms of reference submitted as part of the pre-consultation process, consideration should be given to addressing this information to support the decision-making process.

Consideration should be given to Regional Official Plan 14.D.5 which states *"...Where an Amendment is proposed to the Regional Official Plan, the Region shall consider the following criteria in evaluating the Amendment...viii. The effect of the proposed change on the financial, health, safety, and economic sustainability of the Region..."* as well as City of Niagara Falls Official Plan policy Part 4 Section 2.6 *"When considering an amendment to the Official Plan, Council shall consider the following matters. ...2.6.7 The financial implications of the proposed development..."*

2. With respect to the anticipated tonnage of aggregate to be extracted, the study provides that a maximum of 1.8 million tonnes may be extracted annually, whereas on average the production may equate to 1.3 million tonnes annually. However, through initial conversations, it appears this site may act as a replacement of existing quarry operations at another site owned by the applicant. As a result, it should be identified if the amount to be extracted from the new site is in addition to existing amounts or will replace current levels of extraction.
3. With respect to the economic impacts, the employment and salary information appears to have been undertaken appropriately using the Statistics Canada input-output multipliers. However, the calculations should be provided in further detail to allow the JART to review the specifics.
4. Additionally, as the new proposed site is located on the border of Niagara Falls and Thorold, the study should include financial and economic benefits for the City of Thorold as well as the City of Niagara Falls and the Region as per the comments included in the pre-consultation agreement.
5. S. 3.1.1 Aggregate Production - The report provides that the maximum annual extraction limit is 1.8 million tonnes of aggregate, with an anticipated average extraction amount of 1.3 million tonnes annually. However, through initial discussions with the applicant, it appears this new quarry site may be replacing the existing quarry site which is approximately 2.5 km away. As a result, the report should identify if the development of this quarry is a continuation of

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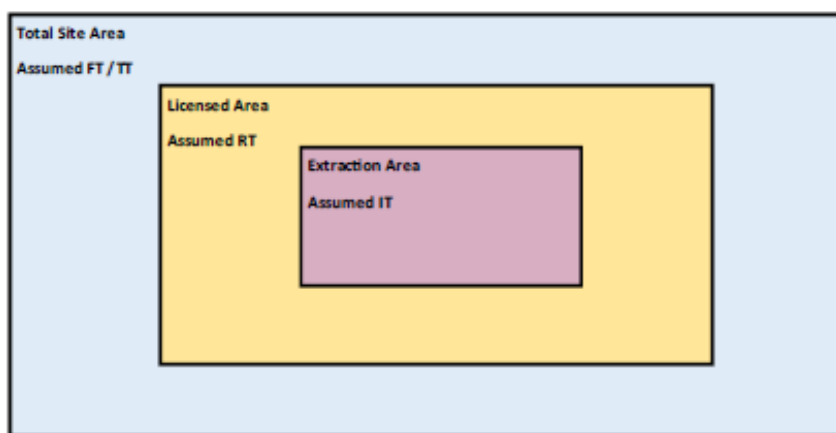
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Aggregate Resources Trust	3%	\$8,112	\$8,307
Niagara Falls	61%	\$164,944	\$168,909
Niagara Region	15%	\$40,560	\$41,535
Ontario	21%	\$56,784	\$58,149
Total		\$270,400	\$276,900

Further, as the report is unclear if the extraction amounts from this site will be in addition to, or a continuation of, aggregate tonnages currently extracted, it is unclear if this revenue is in addition to the current revenue received or a continuation of revenues already received. This should be clarified in the report.

10. City Staff request confirmation if property assessment are adjusted by MPAC in proximity to a quarry, and if so, the impact on property taxation.

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via E-Mail Only

June 1, 2023

File No.: D.13.04.ROPA-21-0003
D.10.04.OPA-21-0057
D.18.04.ZA-21-00127

Debra Walker, BES, MBA, MCIP, RPP
Partner, MHBC Planning
230-7050 Weston Road
Woodbridge, ON L4L 8G7

dwalker@mhbcplan.com

Dear Ms. Walker:

**Re: Proposed Uppers Quarry – Niagara Falls
Response to JART Comments
Submissions Received May 17 & May 23, 2023**

The Joint Agency Review Team (JART) is in receipt of your submission including the following information:

Received May 17, 2023

- Cover Letter, prepared by MHBC (dated May 17, 2023)
- Comment and Response Matrix (dated May 17, 2023);
- Response to JART Hydrogeological Comments, prepared by WSP (dated October 3, 2022);
- Analyzing the Economic Benefits of the Upper's Quarry Construction & Operation, prepared by Prism (dated February 2023); and
- TIS Addendum, Upper's Quarry, prepared by TYLin (formerly TMIG) (dated March 2023)

Received May 23, 2023

- Response to JART comments on the Uppers Quarry Visual Impact Assessment – Letter & Appendices, prepared by MHBC (dated May 23, 2023).

June 1, 2023

As noted in your covering e-mail, this resubmission does not include updated ARA site plan drawings, and has not addressed comments received from the MNRF and other provincial ministries through the ARA consultation process, of which we understand you are currently working on. This submission includes an updated version of some of the technical studies, while the comment response matrix indicated that updates/addendums to other studies are proposed, but have not been provided at this time. It would be inefficient for the JART to circulate this partial resubmission to our technical and peer reviewers.

It is the request of the JART that a comprehensive resubmission be made which includes the updated ARA site plan drawings and all updated documents/addendums as appropriate. This will allow for a comprehensive and more efficient review of the materials by the peer review teams. It is our request that the revised materials also outline how comments received from the various provincial ministries through the ARA consultation process have been addressed. We would need the above noted information to be able to proceed to a public meeting of the respective Councils.

As indicated in our letters dated February 9 and March 24, 2023 the Region and City of Niagara Falls continue to request copies of the technical comments provided by the MNRF or other provincial ministries to support our ongoing review of the Planning Act applications.

Please feel free to contact me at 905-980-6000 ext. 3179 or sean.norman@niagararegion.ca should you require any clarification.

Kind regards,



Sean Norman, PMP, MCIP, RPP
Senior Planner

copy: Erik Acs, MCIP, RPP, Manager, Community Planning, Niagara Region
Andrew Bryce, MCIP, RPP, Director of Planning, City of Niagara Falls
Sarah Mastroianni, Manager, Planning and Permits, Niagara Peninsula Conservation Authority
Kevin Kehl, Project Manager, Walker Aggregates Inc.

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via E-Mail Only

November 14, 2023

File No.: D.13.04.ROPA-21-0003
D.10.04.OPA-21-0057
D.18.04.ZA-21-00127

Debra Walker, BES, MBA, MCIP, RPP
Partner, MHBC Planning
230-7050 Weston Road
Woodbridge, ON L4L 8G7

dwalker@mhbcplan.com

Dear Ms. Walker:

Re: Comment Letter from Joint Agency Review Team (JART) – 2nd Submission of Technical Materials

Regional Official Plan Amendment 22 (ROPA-21-0003)

City of Niagara Falls Official Plan & Zoning By-law Amendment (AM-2021-025)

Owner/Applicant: Walker Aggregates Inc.

Agent: Debra Walker, MHBC Planning

Address/Location: Lands between Beechwood Road and Thorold Townline Road, North of Lundy's Lane

City of Niagara Falls

Members of the Joint Agency Review Team (JART) as well as the Aggregate Advisor and Peer Review consultants retained by the JART have reviewed the information submitted in response to the JART comments dated August 28, 2023. (i.e. 2nd submission of technical material)

The following was reviewed as part of the resubmission package:

- 2nd Submission Cover Letter, prepared by MHBC, dated August 28, 2023
- Response Matrix to JART Comments, dated August 25, 2023
- Response Matrix to MNR Comments, dated August 25, 2023
- Updated Site Plan Notes, prepared by MHBC, dated August 28, 2023
- Updated ARA Site Plan Drawings, prepared by MHBC, dated August 28, 2023
- Updated Planning Justification Report, prepared by MHBC, dated August 2023

- Updated Alternative Site Analysis, prepared by MHBC, dated August 2023
- Updated Air Quality Assessment, prepared by RWDI, dated July 12, 2023
- Updated Acoustic Assessment, prepared by RWDI, dated August 3, 2023
- Updated Blast Impact Assessment, prepared by Explotech, dated August 2023
- Updated Natural Environment Level 1 & 2 Report, prepared by Stantec, dated August 28, 2023
- Response to JART Hydrogeology Comments, prepared by WSP, dated October 3, 2022
- Updated Economics Benefits Study, prepared by Prisim, dated February 2023
- Transportation Impact Study Addendum, prepared by TYLin, dated March 2023
- Visual Impact Addendum Letter, prepared by MHBC, dated February 24, 2023

Format of this Comment Letter

The purpose of this comment letter is to provide an analysis and response to the resubmission package. The basis for this letter are the comments originally prepared on the first submission of the application. Following each original comment a notation has been included to indicate whether or not the comment has been addressed to the satisfaction of the JART (in red text).

Additionally, through the review of the resubmission of the application several further comments were identified. As appropriate, those comments have been included at the end of the relevant appendix to this letter, and are also shown in red text.

The context and background for the Region, City, and NPCA review of the file was included as part of the August 23, 2022 comment letter. That information remains relevant, but has not been duplicated as part of this comment letter.

It is noted that several technical meetings have already been held regarding key issues following the receipt and review of the resubmission package. Please advise if any further meetings between technical experts are required to discuss any of the outstanding issues.

Aggregate Resources Act Application

It is acknowledged that Walker Aggregates Inc. has also filed an application for a Category 2 (Below Water Quarry) - Class A Licence to the Ministry of Natural Resources and Forestry (MNR) under the Aggregate Resources Act (ARA). The Region, City, and NPCA have all submitted objection letters in response to the ARA application on the basis that the appropriate land-use approvals under the Planning Act are not in place. The comments outlined in this letter are intended to guide revisions to both the Planning Act and ARA applications and to assist in addressing issues with the proposal relative to Provincial, Regional, and City policy conformity.

Planning Justification Report & ARA Summary Statement

Regional and City planning staff have reviewed the Updated Planning Justification Report, prepared by MHBC, dated August 2023. Major outstanding issues include the appropriate identification of additional lands owned by the applicant, appropriate mechanism to ensure the long-term protection of off-site lands for restoration/enhancement, characterization of the woodlands on-site, and ensuring lands in the City of Thorold have been properly considered in the technical and planning analysis.

More detailed comments on the PJR are included in Appendix 1. Comments from City of Thorold Planning staff are included as Appendix 15. Additional comments on alignment with Provincial, Regional, and City policies relative to the technical studies are provided below. Any revisions to the PJR and planning analysis based on changes to the technical studies should also be made.

Aggregate Resource Act Site Plans

The ARA Site Plans submitted with the resubmission applications have been reviewed and detailed comments are provided in Appendix 2. Any revisions required based on changes to the technical studies or other input received should also be made.

Alternative Site Analysis

Section 2.5.4.1 of the Provincial Policy Statement applies to mineral aggregate application on prime agricultural lands where rehabilitation to agriculture is not feasible. Subsection c) of that policy requires alternative sites to be considered. The Updated Alternative Site Analysis, prepared by MHBC, dated August 2023 has been reviewed and detailed comments are provided in Appendix 3.

Water Resources

Members of the JART, NPCA technical staff, and the peer review consultant (Terra-Dynamics Consulting Inc.) have reviewed the Response to JART Hydrogeology Comments, prepared by WSP, dated October 3, 2022. There are several technical issues that remain outstanding. Detailed comments are provided in Appendix 4.

Core Natural Heritage

The Updated Natural Environment Level 1 & 2 Report, prepared by Stantec, dated August 28, 2023 has been reviewed by members of the JART, NPCA technical staff, and the peer review consultant (Dougan & Associates). There are a number of comments related to the natural features on, and adjacent to the site which remain outstanding. More detailed comments are provided in Appendix 5. It is noted that a technical meeting was held on Thursday October 26, 2023 to better communicate the extent of the outstanding concerns.

Please note that there are several issues related to the natural environment analysis that are noted in the comments on the Planning Justification Report that may also need to be addressed in the revised EIS.

Agricultural Impact

Regional staff have previously reviewed the Agricultural Impact Assessment, prepared by Colville Consulting Inc. (dated October 2021) (AIA) and submitted as part of the original submission package. There were no outstanding comments or concerns with the AIA, a resubmission of that study was not required.

Land Use Compatibility

The following discipline-specific studies were submitted with the application and reviewed by Region and City staff as well as the peer review consultant (Englobe):

- Updated Air Quality Assessment, prepared by RWDI, dated July 12, 2023
- Updated Acoustic Assessment, prepared by RWDI, dated August 3, 2023
- Updated Blast Impact Assessment, prepared by Explotech, dated August 2023

Many of the previous comments have been addressed, however there are still several outstanding concerns with Acoustic Assessment, documented in Appendix 6 and Air Quality Assessment, documented in Appendix 7. A recommendation for an additional condition related to the Blast Impact Assessment has been provided in Appendix 8.

Please note that the City of Thorold has provided comments regarding the current zoning of lands in the City to the west of the proposed site. Please coordinate with the noise, air quality, and blasting consultants to ensure that lands in the City of Thorold were appropriately considered as part of their methodology, analysis, conclusions, and recommendations.

Transportation

The TIS addendum was reviewed by Regional and City transportation staff, and detailed comments are provided in Appendix 9.

Cultural Heritage

As detailed in the August 2022 comment letter, the JART has no outstanding concerns with the application from a cultural heritage perspective.

Visual Impact

The resubmission materials were reviewed by City Landscape Architecture staff. Please see the detailed commentary and comments included in Appendix 11.

Financial Impact

Updated Economics Benefits Study, prepared by Prism, dated February 2023 was reviewed. Detailed comments are provided in Appendix 12. Additional information and remains outstanding to satisfy the purpose and objectives of the study.

Archaeology

The JART is in receipt of several clearance letters from the Ministry of Heritage, Sport, Tourism, and Culture Industries. There are a number of areas on site requiring additional archaeological assessment – to which conditions have been included in the ARA Site Plan drawings. The JART has no additional comments or recommendations beyond those provided by the Province.

To date, no comments on the applications have been received from Indigenous groups related to the archaeological resources on the site. Should comments be provided, we will forward them as soon as they are received.

City of Niagara Falls Building Department Comments

Through the circulation of the first submission several comments were provided by the City of Niagara Falls Building Department. The majority of the comments were provided for advisory purposes. The detailed comments and responses are included in Appendix 13. There are no outstanding concerns from the City's Building Department.

TransCanada Pipe Line Comments

TransCanada Pipeline Limited (TCPL) was circulated notice of complete application and provided comments that were included as part of Appendix 14. JART notes that it appears that the ARA drawings were updated to include the requirements of TCPL and that there is an additional provision that will need to be included in the proposed zoning by-law amendment. The revised drawings were circulated to TCPL to confirm that the changes were acceptable – to date JART has received no response. We will communicate any response from TCPL as soon as it is received.

Draft Amendments

As a general comment there are offsite lands owned by the applicant that are proposed for replacement / restoration of environmental features. It is noted that the location of these areas has been a subject of ongoing discussion between the applicant and JART. These lands should be appropriately re-designated and re-zoned as natural areas to ensure their long-term protection. If these lands continue to be proposed in the City of Thorold, applications to the City of Thorold may be needed.

Draft Regional Official Plan Amendment (ROPA)

A draft ROPA was submitted as an appendix to first submission of the Planning Justification Report. In preparation for the October 2023 Statutory Public Meeting, Regional Planning Staff worked with the applicant to update the format of the ROPA and to address a number of other details. Regional Planning staff will provide further comments on the draft ROPA as revised or additional policy may be required based on the continuation of the technical review and public and stakeholder consultation process.

Draft City of Niagara Falls Official Plan Amendment (OPA)

The lands are designated Good General Agriculture in part, Environmental Protection Area in part, and Environmental Conservation Area in part. The application is requesting the lands be redesignated to Extractive Industrial to permit the proposed quarry and quarry-related uses.

City Planning staff will provide more detailed comments on the draft OPA following the resubmission of any necessary information, as revised or additional policy may be required based on the revised studies and/or plans.

Draft Zoning By-Law Amendment (ZBA)

The lands are zoned Agriculture (A and A-467) and Hazard Land (HL) under Zoning By-law No. 79-200, as amended by By-law No. 1999-48. The application is requesting the land be rezoned to a site-specific Extractive Industrial (EI) with regulations permitting a pit or quarry licensed under the Aggregate Resources Act, processing of natural materials from the site, processing of aggregate and recycled aggregate material, a concrete or asphalt mixing plant, accessory buildings or structures and uses permitted under an Agriculture (A) zone.

It is recommended that a concrete plant be removed from the list of permitted uses, as it is not being proposed. Further it is recommended that setbacks for the asphalt plant incorporated into the site plan conditions (please see recommendations under Appendix 2 and advise if setbacks should be refined).

City Planning staff will provide additional comments on the draft ZBA following the resubmission of any necessary information, as revised or additional regulations may be required based on the revised studies and/or plans.

Indigenous Consultation

Indigenous consultation is ongoing. Please continue to provide a copy of any Indigenous consultation related to the archaeological assessment or other aspects of the application. A goal of the JART process is to streamline the consultation and engagement process to the extent feasible.

Conclusion

Although many of the previous comments have been addressed as part of the resubmission package – there are still some outstanding concerns with the technical studies and other aspects of the applications.

Based on the clarification and additional information required on a number of the submitted studies, Regional and City Planning staff cannot confirm that the proposed amendments are consistent with the Provincial Policy Statement and conform with Provincial Plans and the Regional Official Plan as well as City Official Plan policies and Zoning regulations. Revisions and clarifications to the submitted plans and studies are required to address the items outlined in this letter before staff can make a recommendation on the proposed amendments.

Kind regards,



Sean Norman, PMP, MCIP, RPP
Senior Planner

Copy: ARAApprovals@ontario.ca

Kevin Kehl, Manager of Licensing, Approvals & Compliance, Walker Aggregates Inc.

Michelle Sergi, MCIP, RPP, Commissioner, Growth Strategy and Economic Development, Niagara Region

Diana Morreale, MCIP, RPP, Director, Development Approvals, Niagara Region

Angela Stea, MCIP, RPP, Director, Corporate Strategy and Community Sustainability, Niagara Region

Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region

Erik Acs, MCIP, RPP, Manager, Community Planning, Niagara Region

Ann Marie Norio, Clerk, Niagara Region

Andrew Bryce, MCIP, RPP, Director of Planning, City of Niagara Falls

Kira Dolch, MCIP, RPP, General Manager of Planning, Building and Development, City of Niagara Falls

Sarah Mastroianni, Manager, Planning and Permits, Niagara Peninsula Conservation Authority

List of Appendices

Appendix 1: Planning Justification Report & ARA Summary Statement Comments	9
Appendix 2: Aggregate Resource Act Site Plan Comments.....	13
Appendix 3: Alternative Site Analysis Comments.....	19
Appendix 4: Level 1 & 2 Water Study Report Comments.....	20
Appendix 5: Level 1 & 2 Natural Environment and Environmental Impact Study Comments.....	26
Appendix 6: Acoustic Assessment Report Comments	43
Appendix 7: Air Quality Assessment Report Comments	46
Appendix 8: Blasting Impact Assessment Comments	54
Appendix 9: Traffic Impact Study Comments	55
Appendix 10: Cultural Heritage Comments	60
Appendix 11: Visual Impact Study Comments	61
Appendix 12: Economic Benefits Analysis Comments	64
Appendix 13: City of Niagara Falls Building Department Comments	71
Appendix 14: TransCanada Pipeline Comments.....	72
Appendix 15: City of Thorold Comments.....	74
Appendix 16: Ministry of the Environment, Conservation, and Parks Comment	77

Appendix 1: Planning Justification Report & ARA Summary Statement Comments

Regional and City planning staff have reviewed the Updated Planning Justification Report, prepared by MHBC, dated August 2023 and offer the following based on our previous comments:

1. General comment – throughout the report the term ‘sterilized’ (in regards to urbanization near known deposits of mineral aggregate resources). Consideration should be given to use more appropriate planning terminology. **Response noted.**
2. Executive Summary – 5th paragraph – it is stated that this is an ‘important provincial source of aggregate’. What is the reference for this? What criteria is this statement based on? **Response noted.**
3. Page 2 – 4th bullet point – states that the PPS and Growth Plan permit aggregate extraction in the ‘rural area’. This comment is misleading and not correct. Aggregate extraction is not permitted as a right, and there are some areas where extraction is not permitted, between the escarpment and Lake Ontario (Greenbelt Plan) for example. In addition the term ‘rural area’ is not technically correct. Outside of settlement areas Provincial planning documents use the term ‘rural’ to describe land that is not ‘prime agricultural’. Although the intent is understood, using the term ‘rural area’ could be confused to be excluding ‘prime agricultural’ areas. **Response noted.**
4. Section 1.0 – 5th paragraph – a timeline of 40 years is stated. In the executive summary a timeline of 30 years is used. Consistent timelines should be used. **Comment addressed. It is understood that the estimated timeline of the operational phase of the quarry is 40-50 years.**
5. Page 11 – Phase 5 – after the quarry has been fully rehabilitated to a recreational lake, will public access be permitted? **Comment addressed.**
6. Section 4.0 – offsite lands owned by the applicant that are proposed to be used for restoration / enhancement should be designated and zoned as such in the Regional and Local planning documents. This is required to ensure long-term protection of these lands. **Comment not addressed. A mechanism to ensure the long-term protection for any off-site lands proposed for restoration/enhancement is required.**
7. Section 4.3 – in this section and throughout the report and other aspects of the application a distinction is attempted to be made between significant woodlands that meet ‘regional criteria’ and significant woodlands that meet ‘provincial criteria’. The Regional Official Plan does not make a distinction of this type. A woodland that meets the test of ‘significance’ is a ‘significant woodland’ and the policies of the Regional Official Plan apply. **Comment not addressed. This issue**

was discussed in significant details as part of a technical meeting that was held on October 27, 2023.

8. Page 19 – Table 1 – states the woodland will be removed because of invasive species and isolation. It is unclear what policy or policy test supports this component of the application. **Response noted.**
9. Section 4.3.7 – please include a description of how the environmental monitoring is implemented. What mechanisms are in place to ensure long term implementation? **Comment addressed. Several additional comments have been noted throughout this comment letter regarding the proposed monitoring programs and should be addressed.**
10. Section 4.4.1 – at the technical meeting the washing of aggregate materials was discussed. It was discussed that an ECA will be required for a range of activities that will occur on the site. Please update this section to reflect that discussion. **Comment addressed. Section 4.4.3 notes that an ECA will be required.**
11. Section 4.4.2 – the first paragraph is unclear and slightly confusing. Please review and consider re-working. This issue is an important part of the application. **Comment addressed. The paragraph was updated.**
12. Page 30 – last bullet point before S. 5.1.1. – please provide additional information on how this is implemented / ensured. **Comment addressed. It is understood that a Water Well Mitigation Plan will be required as part of the ARA approval process.**
13. Section 5.2 – states that ‘mitigation measures’ and ‘best practices’ have been included in the ARA site plans. The report only seems to list the mitigation measures. Please also list the best practices for noise mitigation in the PJR. **Comment addressed. Additional information regarding best practices was added to this section.**
14. Section 5.5. – point #3 – the Region requires that native, non-invasive species be planted on the berms. **Comment addressed. The PJR and Site Plan drawings were updated to indicate “native, non-invasive”.**
15. Section 5.6. – 4th paragraph – it seems that the second half of the paragraph was cut off. **Comment addressed.**
16. Section 5.9 – state that 84 person-years of employment will be generated. Is this over the existing quarry, or are these jobs transferred from the existing quarry? **Response noted.**
17. Section 6.0 – it may be helpful to add year to the provincial and municipal planning documents so that readers are confident that the correct / current documents are being referenced. **Response noted.**

18. Section 6.0 – in the introduction section it may be helpful to state that the application is outside the NEC and Greenbelt Plan area for clarity. **Comment addressed.**
19. Page 46 – there is a bullet list of the natural features on the site. This does not seem to be a complete list. Woodlands and wetlands are not included on the list. **Response noted.**
20. Page 48 – 1st bullet point – see previous comment regarding the use of the term ‘rural areas’. **Response noted.**
21. Page 48 – 7th bullet point – Regional staff do not agree with the opinion that there are no significant woodlands on the site. A woodland that meets the regional criteria for significance is a significant woodland, and the policies of the Regional Official Plan apply. **Response noted.**
22. Page 49 – 1st bullet point – see previous comments regarding the identification of significant woodlands. **Response noted.**
23. Page 50 – 11th bullet point – this statement is unclear. It starts by stating that there are no further concern related to archaeological resources, but goes on to say that additional archaeological assessments are required before development and site alteration may be permitted. **Comment addressed.**
24. Page 55 – policy 6.C.2 – This is an incorrect interpretation of Regional Policy. “possible aggregate areas” shown on D4 cannot be used interchangeably with “potential resources area” on D1 and D2. Potential aggregate areas on D4 are intended to apply to only a few small areas in the Region. In these areas a mineral aggregate operation could be considered without the need for a Regional Official Plan amendment, otherwise a ROPA is required. This designation does not apply for the proposed Uppers Quarry. **Comment addressed.**
25. Page 57 – second to last paragraph – typo. **Comment addressed.**
26. Page 59 – section 6.3.3. – states that “No part of the site is mapped as being within an Environmental Protection Area or Environmental Conservation Area on Schedule C”. There are environmental features on the site, including mapped wetlands, woodlands, and as stated further in the section mapped fish habitat. It should be noted that environmental features do not need to be mapped on Schedule C to be protected by the policies of the Regional Official Plan. This is correctly noted in the analysis of 7.B.1.4 on page 62 and 7.B.1.5 on page 64. **Comment addressed.**
27. Figure #5 – a compensation area is shown in a small triangle next to Beechwood Road. Are those lands owned by the applicant? On Figure #3 (and elsewhere) they are not shown as additional lands owned by the applicant. **Comment addressed. However, all figure in the PJR and the ARA Site Plans should be**

reviewed and revised to ensure that all adjacent and lands in close proximity owned by the applicant are appropriately shown.

28. Figure #7 – the woodland appears to be identified on the map, but is not included as part of the legend. **Response noted.**
29. Figure 13 – this map shows Schedule C of the ROP. ECA areas along the watercourse are visible. This is contrary to S. 6.3.3 which states there are no mapped ECA lands. **Response noted.**
30. Draft Regional Official Plan Amendment – offsite lands that are proposed for replacement / restoration should be re-designated as appropriate natural area designations to ensure their long-term protection. **Comment not addressed. A mechanism to ensure the long-term protection for any off-site lands proposed for restoration/enhancement is required.**
31. Local Official Plan Amendment - offsite lands that are proposed for replacement / restoration should be re-designated as appropriate natural area designations to ensure their long-term protection. **Comment not addressed. A mechanism to ensure the long-term protection for any off-site lands proposed for restoration/enhancement is required.**
32. Local Zoning By-Law Amendment - offsite lands that are proposed for replacement / restoration should be re-zoned as appropriate natural area designations to ensure their long-term protection. **Comment not addressed. A mechanism to ensure the long-term protection for any off-site lands proposed for restoration/enhancement is required.**
33. Appendix J – Page 2 - #22, it has yet to be determined if it will be a joint council meeting. Although that may be an option, 2 separate meetings could be held. **Comment addressed.**

New Comment:

1. It is recommended that the Planning Justification Report speak to relevant clauses in Part 2 of the Planning Act, in particular clause (s), the mitigation of gas emissions and adaptation to a changing climate.
2. It is recommended that lands owned by the applicant in the City of Niagara Falls, and adjacent to the site, be used for off-site restoration/enhancement, to supplement or to replace lands in the City of Thorold. In particular, additional plantings on 5584 Beechwood Road may assist to screen residents from the quarry and extend to natural features on this site.

Appendix 2: Aggregate Resource Act Site Plan Comments

Members of the JART and Aggregate Advisor have reviewed the updated ARA Site Plans and Site Plan Notes included in the resubmission package, and offer the following based on our original detailed comments:

Please note that additional revisions to the Site Plan drawings may also be required as a result of changes or revisions to the technical studies.

1. We would appreciate if you could provide a separate word document with the list of proposed site plan conditions. On other applications this has greatly facilitated our review. **Comment addressed.** We appreciate the inclusion of the separate document.
2. As a general comment it is anticipated that the Integrated Aggregate Operations Section (IAOS) at MNRF will provide detailed comments as part of the ARA review. Please provide IAOS comments when they are available. **The JART continues to request that any comments from the MNRF or other provincial ministries (and responses) be forwarded as soon as they are available. Understanding the provincial position on the full range of matters associated with the proposed quarry is an important part of reviewing and making a recommendation on the Planning Act applications.**
3. Page 1 – Existing Features - The symbols for “Existing Site Access” and “direction of Surface Drainage” are very similar, it is possible to perhaps change one to a solid arrow to better distinguish the features? **Comment addressed.**
4. G. Technical Reports - How does MNRF suggest that any revisions or addendums to the technical reports be reflected on the site plans? Perhaps a note would be helpful to indicate that the application submissions is based on these reports, but note “as revised through agency and peer reviews”? **Comment not addressed.** The Site Plans currently reference the reports provided with the initial submission to MNRF. The suggestion/question from JART was whether the applicant would revise the reference to include a note acknowledging the revisions or updates to the reports through the peer review process.
5. Page 2 – Operational Plan 100 Year Floodline is labelled on the drawing, please add the symbol to the legend. **Comment addressed.** The 100 year floodline was added. However, it is understood based on NPCA comments that it is the Regional storm - as opposed to the 100 year floodline - that applies to this watershed. This will need to be corrected in conjunction with responding to the NPCA comments.
6. The notes indicate that the asphalt plant will remain in Phase 1A through the life of the quarry, however, the sequence of operations and rehabilitation show that this area will be extracted and will be part of the final pond area. Can you

provide further details on the asphalt plant area and the apparent inconsistency with the extraction and rehabilitation plans? Would the area around and under the plant be extracted as a final phase? Would the plant be relocated? Does it make more sense to have the plant in Phase 5? **Comment not addressed.** During the JART planner's meeting, the applicant explained that the asphalt plant would be relocated through the course of the extraction so that below water excavation can occur in the location where the plant is shown on the drawing. Please include a note to indicate that the plant will be relocated.

7. B. Hours of Operation - Suggest adding a note to confirm no operations on Statutory holidays if applicable. City staff have provided further comments on the hours of operation as part of the comments on the Acoustic Assessment. **Comment addressed.**
8. C. Proposed Entrances/Exits - Ideally through the course of the review the entrance locations and permissions to cross the unopened road allowance can be confirmed with the City of Niagara Falls and the Site Plan notes can be modified accordingly. Currently the notes provide for different scenarios pending municipal approvals/permissions. **Comment addressed.** The applicant has acknowledged this comment/suggestion and JART understands that further modifications related to the unopened road allowance may be provided in a future submission.
9. Please confirm whether the residential entrances will be closed off once the structures are removed/demolished. **Comment addressed.** Site Plan notes were revised.
10. Page 4 – Report Recommendations - Monitoring Program. Is it anticipated that the monitoring program will be developed prior to ARA or municipal approvals? If yes, suggest the Site Plans be updated to reflect the program that is developed through the review of the applications. **Response provided confirms that there may be additional revisions/additions to the Site Plan notes related to the monitoring program.**

New Comments

1. Site Plans 2 and 3: It is not clear why some existing natural features are shown, and others are not. For example, the existing watercourse is shown, but wooded features and Significant Wildlife Habitat are not shown. Please review and revise the drawings as appropriate.
2. The NPCA has reviewed the updated ARA Site Plan drawings. It is requested that the following notes be added to the drawings as appropriate.
 - a. The channel block for the realigned watercourse shall be designed to adequately convey the Regional Storm Event (as opposed to the proposed 100-year storm event).

- b. Sediment/Erosion Control: Sediment and erosion control measures shall be implemented prior to and during construction. This may include the use of silt fencing, check dams, straw bales, rip-rap and/or other techniques as required depending on scope, nature and location.
 - c. A Wetland Monitoring Program be implemented to monitor the re-configured wetland features to accurately monitor any changes in the wetland community over time and to measure the success of the re-configuration/restoration and management actions. Long-term monitoring plots and/or monitoring transects shall be established to include a count of the number of stems and percent cover for all plant species present. Monitoring shall be conducted annually at a similar time of year (i.e., late July) for the duration of Phase 1C and Phase 3A.
 - d. All plants identified as part of Wetland Monitoring Program shall be categorized by the wetness index based on the Floristic Quality Assessment System for Southern Ontario.
 - e. The results of the Wetland Monitoring Program will be a submitted to NPCA annually prior to December 31 until the re-alignment and rehabilitation is complete. It is recommended that at a minimum, a 5-year monitoring plan upon completion of the wetland re-configuration plantings be undertaken.
 - f. All rehabilitated side slopes are to be vegetated with a seed mixture capable of rapid germination and growth to assist in controlling erosion.
 - g. During the ongoing extraction of the site and during the progressive rehabilitation phase, the Licensee will continue to monitor and maintain all site vegetation (including recreated areas), and if any die off occurs, it will be replaced immediately (during the proper planting season).
3. City of Niagara Falls Planning staff have reviewed the updated ARA Site Plan drawings. It is requested that the following notes be added to the drawings as appropriate. (note – this section is not included in red text to allow the requested revisions to be shown in addition to the redline version of the Site Plan notes)

Drawing 2

Part A: Request the following be added:

- .6.A Road widening with a width of 2.94 metres along the entire length of frontage of the subject lands along Beechwood Road is to be dedicated to the City of Niagara Falls. In addition, daylight triangles with 7 metre by 7 metre legs at the intersection of Beechwood Road and Uppers Lane is to be dedicated to the City of Niagara Falls. In addition, A road widening of 6 metres on either side of Uppers Lane is to be dedicated to the City of Niagara Falls.

Road widenings are to be dedicated prior to the commencement of quarry operations.

Notwithstanding the above, only the road widening along Beechwood Road is required to be dedicated to the City of Niagara Falls should the Uppers Lane Right of Way be acquired by the licensee.

Part B

Add the following to the end of Section 1.

Notwithstanding the proposed hours above, operating hours shall be adjusted to conform to the City of Niagara Falls Noise By-law (By-law No. 2004-105 as amended, or any successor By-law)

Add the following clause:

4 All quarry traffic will be directed to the haul route utilizing Thorold Townline Road only.

Part I

Amend Section 4 to read as follows:

4. Once processing has progressed to Phase 2A, a hot mix asphalt (HMA) batch plant facility shall be established on the quarry floor (in the location shown on the plan view) in Phase 1A. The HMA batch plant shall be set back a minimum of 600 metres from the east lot line and 350 metres from the south lot line of the licensed area (distnaces are recommended to be confirmed). The HMA batch plant shall remain in the location shown on the plan view for the life of the quarry until extraction is complete and shall be removed during progressive rehabilitation.

Add the following to Clause 1 of Part L

- e. The licensee provide the City of Niagara Falls Fire Services Department a written copy of the contingency plan. The location of on site fire routes as well as any other emergency operation plans for the quarry.

Add the following Part:

P> Community Communication

1. That a written protocol, for reporting suspected property damage from blasting activities, be provided to the City and published on the licensee's website.

Drawing 4

Part F – Traffic

Amend Section 1 to read as follows:

1. Prior to commencement of extraction operations, the required entrance improvements, road improvements, and dedication of road widenings (to Thorold Townline Road, Beechwood Road and Uppers Lane) shall be completed to the satisfaction of ~~the applicable road authorities~~ the Regional Municipality of Niagara and the City of Niagara Falls and in part in general accordance with the figures titled "Uppers Lane Conceptual Intersection Design" and "Uppers Lane Vehicle Movement Diagram" provided on this drawing.

Part G Visual

Add the following to Section 2:

Notwithstanding the above, a minimum 4.5 metre (but of sufficient height to effectively screen the view of any stationary quarry equipment) acoustic berms shall be constructed along Beechwood Road where the berm abuts Beechwood Road. The berm may be constructed in combination with the 3 metre acoustic berm required under Section A on this drawing. The landscape buffer is to be adjusted in width to accommodate the visual berm at a maximum 3:1 slope.

Where a berm is adjacent to a public street, the height of the berm will be measured from the paved surface of the nearest part of the public street.

Amend Section 3 to read as follows:

3. Within the "Extended Planting Areas" (as shown on this drawing), trees shall be planted at a spacing of 5 to 10 metres on centre, depending on species. Where possible, plantings shall be randomly spaced and staggered up on the berm up to one third of its maximum height to appear more natural. Plantings shall also extend a minimum of 3 metres out from the berm towards the road where available space permits. All vegetation shall be selected for wind and salt tolerance and hardiness. Native **non-invasive** and **drought tolerant** species that complement the existing surroundings shall be utilized.

Where "Large Planting Stock" is indicated (see plan view and "Typical Visual Berm Detail" on this drawing), this area shall be planted with deciduous trees of minimum 40 millimetres caliper, coniferous trees of minimum ~~4.0~~ 1.5 metres in height, and shrub species of minimum 40 centimetres height.

Where "Small Planting Stock" is indicated (see plan view and "Typical Visual Berm Detail" on this drawing), this area shall be planted with deciduous tree whips of minimum 1.2 metres in height, coniferous trees of minimum ~~0.6~~ 1.2

metres in height, and shrub species of minimum 20 centimetres height (or bare root stock when in season).

Planting shall occur for 40 metre stretches on either side of Upper's Lane and the unopened road allowance facing Thorold Town Line Road. The large planting stock shall be planted 3 metres beyond the berm and small planting stock shall extend from the toe of the berm to 2 metres up the berm.

Amend Sections 5 and 6 to read as follows:

5. During the first year, planted trees **and shrubs** shall be watered and monitored until established. After the first year and up to five years, trees shall be inspected ~~biannually (end of Year 1, beginning of Year 3 and end of Year 4).~~**annually**. Trees which are in poor condition at the time shall be fertilized, watered and monitored to improve their health and vigor. Dead plants will be replaced **annually**.
6. ~~A mortality rate of up to 15% of all trees planted over the course of the five year maintenance period is expected. Trees that die exceeding this percentage shall be replaced yearly, preferably in the spring or late summer.~~**All dead trees and shrubs will be replaced on an annual basis.**

Drawing 5

Add the following to Section G

5. Should the quarry be abandoned without completing extraction, the licensee or successor shall be responsible for full rehabilitation of the extraction area and any disturbed areas and shall resubmit revised rehabilitation plans for consideration.

Appendix 3: Alternative Site Analysis Comments

The Updated Alternative Site Analysis, prepared by MHBC, dated August 2023 has been reviewed and the following is offered based on our previous comments:

1. Please include a figure in the report showing the mineral aggregate resources areas in the Study Area. This could be either the ARIP map or Schedule H in the Region's Official Plan. **Comment addressed with revised Figure #6 and addition to section 2.1 of the report.**
2. The PPS policy refers the alternative site analysis considering class 4-7 lands. CLI mapping in the report is provided for the 2 alternative sites that are considered in the report. It would be helpful to include a figure showing the CLI mapping in the broader Study Area so that it is easy for the reader to identify any other class 4-7 lands. **Comment addressed. A new Figure 9 has been added to show CLI mapping.**
3. The report concludes that the 2 alternative sites considered are not "considered suitable for the development of a quarry". Consider revising this to indicate that the alternative sites are considered "less suitable" than the Uppers site. **Response noted. Response indicates that the term "not suitable" is PPS terminology and no changes have been made.**
4. Suggest revising Report Figure 6 to reflect the recently approved ROP (Schedule F – Agricultural Land Base) which is slightly different than the figure shown in the report). In particular, Alternative Site 2 is within the Prime Agricultural Area as depicted in the current ROP. **Comment addressed.**
5. There are additional mineral aggregate resources areas (stone resources) identified in the ROP within the market area delineated in the report which have not been considered in the evaluation. Please include the rationale for excluding these areas from the analysis. **Comment addressed, rational is included in Section 2.1 of the report as noted by the applicant.**

New Comment

1. It is requested that if the results of borehole testing referred to in the report are available, they be provided.

Appendix 4: Level 1 & 2 Water Study Report Comments

The peer review consultant (Terra-Dynamics Consulting Inc.) and NPCA staff have reviewed the Response to JART Hydrogeology Comments, prepared by WSP, dated October 3, 2022 and offer the following based on our previous comments:

Peer Review Comments:

1. S. 3.1 Field investigations - The field investigations followed standard acceptable industry practice, however it is recommended borehole logs that are final have the “draft” watermark removed in the report.
2. S. 3.1.1 Water Quality:
 - a. The summary of the 2019 PW1 Pumping Test Discharge as presented on page 55 of Section 4.1.2.2 utilizes values from four different sample dates without explanation of presentation (e.g. pH and calcium from February 22, 2019, hardness, chloride, sodium, boron and iron from February 23, 2019, sulphate and alkalinity from February 24, 2019 and hydrogen sulphide from February 26, 2019), please clarify the data selection procedure for this table.
 - b. The Provincial Water Quality Objective for nickel of 0.025 µg/L is missing from surface water quality table criteria, please add and discuss any exceedances (MECP, 1994).
3. S. 3.1.2 Groundwater Levels:
 - a. The water levels at groundwater monitoring wells MW5A-GP and MW5AR-GP are different by approximately 3-4 m. Is the difference between two monitors believed related to gas production or another cause?
 - b. Also, it is recommended a different colour line be used for one of the Gasport monitors on Figure E-6 in order to distinguish between locations (Groundwater Hydrograph for Well Nest MW16-5).
 - c. It is recommended, if appropriate, that MW16-6A be listed in Section 2.5.2.4 (Page 30) as having slow water level recovery inhibiting specific interpretation.
 - d. It is recommended to fix what appears to be a typographical error (page 33, Section 2.5.3.1, underlined added here for clarity): “These observations show that an upward vertical gradient between the contact aquifer and the Existing Watercourse exists at MW16-16/DP3 near the south end of the Site, except for the summer months when an upward hydraulic gradient occurs.”

4. S. 3.1.3 Surface Water - The calculation of 35 mm/year of runoff at SW1 for 2017 (page 13, Section 2.3.1) is incredibly low compared to existing reporting for the area (e.g. 288 mm/year and 196 mm/year for NPCA catchments BDSC_BRDC_W100 and W200, respectively, AquaResource Inc. and NPCA, 2009). It is acknowledged that WSP has already provided clarification by email to Terra-Dynamics of the surface water flow measurement challenges at this station that may have erroneously influenced calculation of flows from stage measurements (WSP, 2022). It is recommended that this value be removed given it appears unrealistic. It is also consequently recommended the analyses in the second last paragraph of Section 2.3.1 with respect to Site recharge rates in 2017 be reworded based on removal of this low value.
5. S. 3.2 Identification of Features - features were adequately identified. However, it is recommended:
 - a. Figures 16 through 21 not truncate well identifiers;
 - b. References to the 'Brown Road Landfill' (Sections 2.4.1, Table C-2, Figure 8 and Figures H-1 and H-4) be changed to the 'Cytex Canada Inc. Welland Plant Site', as the 'Brown Road Landfill' is only a small part of that site; and
 - c. Section H.4.3.1, 3rd paragraph reference Figure 9, not Figure 8, with respect to the Welland Canal.
6. S. 3.3 Monitoring, Trigger Mechanisms and Contingency Plans - The proposed groundwater monitoring and response program is acceptable:
 - a. However, it is recommended that clarification be provided with respect to the specific meaning of the columns "Interpolated" and "Predicted" on Tables 2 and 3 as it is not clear.
 - b. Also, it is acknowledged that WSP (2021a) has stated that "There is currently limited continuous water level data for most private wells", but a specific reason was not provided for the discontinuous hydrographs for private well monitoring locations R1, R2, R3, R4 and R7. Please clarify if these locations are still appropriate for listing on the Proposal Monitoring Program (Table 1) given collection of baseline background water levels appear incomplete.

Terra-Dynamics is satisfied with the response to comments 1-6 described above. There are no outstanding concerns related to those comments.

In regards to the ARA Site Plans and notes **it is recommended consideration be given to including more explicit details about the water monitoring program**, such as including Table 1 and Figure 29 of WSP (2021). The Site Plan notes currently only provide details regarding the sump monitoring program but with respect to the

groundwater, wells and surface water monitoring program only state “A long-term monitoring program will be implemented during the quarry operation and rehabilitation phases, until stable conditions are observed after quarry decommissioning.”

NPCA Staff Comments:

7. Section 2.5.3 Groundwater / Surface Water Interaction – The NPCA offers no objection to the conclusion that the site’s surface water features are underlain with a thick layer of silt and clay. As such, the surface water features are not anticipated to be impacted by the quarry dewatering as there is minimal groundwater/surface water interaction occurring. **No response required – comment addressed.**
8. Section 2.5.3.1 Existing Watercourse and Associated Wetland Complex – The NPCA offers no objection to the conclusion that the site’s surface water and wetland features are underlain with a thick layer of silt and clay. As a result, there is minimal groundwater/surface water interaction occurring in these features. **No response required – comment addressed.**
9. Section 2.6.1 Groundwater Quality – The NPCA offers no objection to the characterization of the quality of the groundwater in the area. Within the shallow overburden, groundwater is fresh and similar in quality to precipitation. Within the bedrock aquifers, the groundwater varies between fresh and sulfur type waters. **No response required – comment addressed.**
10. Section 2.6.3 Surface Water Quality – The NPCA offers no objection to the conclusion that the ambient surface water quality is generally in poor condition and is typically turbid with elevated nutrient loads. **No response required – comment addressed.**
11. Section 3.1 Proposed Development Phases – The NPCA has no general objection to the proposed phasing of this development. **No response required – comment addressed.**
12. Section 4.1.2.1 Impact Assessment Surface Water Flow – The NPCA understands that during the quarry’s operational life approximately 50L/s (4,268 cubic meters/day) will be discharged from the quarry into the receiving watercourse. The NPCA will require that an erosion assessment be undertaken in order to determine the impact of these discharge rates and volumes on the receiving watercourse. **Comment addressed.**
13. Section 4.1.2.2 Impact Assessment Surface Water – The NPCA has no objection to the comparison between the quality of the surface water and the local groundwater regime. Staff note that the groundwater contains elevated levels of Hydrogen Sulphide. **No response required – comment addressed.**

14. Section 4.1.2.2 Impact Assessment Surface Water – Staff have no objection to the conclusion that the proposed quarry discharge into the existing watercourse is predicted to generally improve the surface water quality in the watercourse downstream of the site. However, NPCA staff still remain concerned about the ability of this development to mitigate the elevated levels of Hydrogen Sulphide prior to discharge into the watercourse. **No response required – comment addressed.**
15. Section 4.2 Final Rehabilitation Conditions – NPCA staff offer no objection to the proposal that the quarry be rehabilitated as a series of lakes from an engineering perspective. **No response required – comment addressed.**
16. Section 5.1 Proposed Monitoring Program – NPCA staff have no objection to the proposed monitoring plan as described in Table 1 and Figure 29. However, with respect to preventing elevated levels of Hydrogen Sulphide from being discharged for a prolonged period of time into the existing watercourse, Staff would recommend that the Quarry Sump Discharge be sampled at least once a week for this parameter. **Comment no longer part of current NPCA natural hazard mandate. NPCA will defer to MECP requirements for appropriate monitoring and thresholds.**
17. Section 5.4 Discharge Trigger Mechanism and Contingency Plan:
- a. NPCA has no objection to the proposed trigger concentrations. **No response required – comment addressed.**
 - b. Staff recommend that the trigger mechanism for total phosphorus be added. The trigger concentration should be that the quarry discharge concentration be less than the concentration in the watercourse upstream of the quarry. **Comment not addressed – NPCA continues to recommend that a trigger for phosphorous be added.**
 - c. Should monthly sample results indicate exceedances above the trigger criteria, staff would recommend that weekly sampling be initiated until all parameter concentrations fall below the trigger thresholds. **Comment addressed. The NPCA has no objection to the proposed noted revision of Paragraph 5 of Section 5.4.**
 - d. After 4 weeks of exceedances of the pH, TSS, and oil/grease trigger thresholds, this would initiate a review and redesign of quarry discharge concentrations. There is no timeline provided for implementing these changes. The NPCA recommends adding a timeline and the immediate reduction in quarry discharge until the issue is addressed. **Comment addressed. The NPCA has no objection to the proposed noted revision of Paragraph 6 of Section 5.4.**
 - e. After 4 weeks of exceedances of the Hydrogen Sulphide trigger threshold, the NPCA recommends that this should initiate a review and redesign of

quarry discharge concentrations. There is no timeline provided for implementing these changes. The NPCA recommends adding a timeline and the immediate reduction in quarry discharge until the issue is addressed. **Comment addressed. The NPCA has no objection to the proposed noted revision of Paragraph 5 of Section 5.4.**

18. Other General Comments:

- a. The “study area” needs to be defined as it appears to be different than the “site area”. This is important because NPCA ambient monitoring is mentioned in study area sections 2.6.1 and 2.6.3 and it’s not clear what is being referred to.
- b. Section 2.6.1 Groundwater Quality – This section mentions that the NPCA has completed “on-going ambient monitoring”. While the NPCA does have an ambient groundwater monitoring program throughout its watershed jurisdiction, there is no NPCA monitoring near the study area of the proposed work. This report should include the monitoring NPCA sites/data that are relevant to this study. NPCA is willing to provide any groundwater data from its ambient monitoring program to assist.
- c. Section 2.6.3 Surface Water Quality- This section also mentions that the NPCA has completed “on-going ambient monitoring”. It would be helpful to include the NPCA monitoring sites/data or reference to provide context. The NPCA currently has two ongoing water quality monitoring stations in the Beaver Dams/Shriner Creek watershed. The Beaver Dams Creek station is located on the west side of the canal and rated as “Fair” water quality using the Canadian Water Quality Index based on the last five years (2020-2016) of data. The Shriners Creek station is located on Thorold Stone Road just west of Kalar Road as rated as “Poor” water quality using again Canada WQI (2020-2016 - 5 yrs of data). There is also historic NPCA data (2008-2010) that was generated from the Beaver Dams/Shriners Creek watershed study which may provide additional background watershed information. Both of these data sets are available from the NPCA.
- d. Section 5.4 Discharge Trigger Mechanism and Contingency Plan - NPCA staff would recommend that dissolved oxygen be considered as a trigger owing to the potential presence of hydrogen sulphide in dewatering discharge. The NPCA has observed DO depletion in watercourses downstream of sulphur springs in the Hamilton portion of the NPCA watershed. DO concentrations should meet PWQO before quarry discharge into the receiving watercourse.
- e. Staff note that the closest NPCA monitoring well to the site is located at Baden-Powell Park. Annual geochemistry and hourly water level elevation data is available as far back as 2015 if there is interest. The data from the

Baden-Powell NPCA monitoring well appears to be consistent with the groundwater elevation and chemistry data findings of the report.

- f. Under Section 2.5.4- NPCA staff agree that the water levels within the Welland Canal that supply the DeCew Falls Water Treatment Plant will not be impacted by the proposed quarry dewatering.
- g. Under Section 2.5.4.4 – NPCA staff agree that they have identified the groundwater takings surrounding the site that likely have had an impact on the regional potentiometric surface, including the lesser-known impacts from the Welland Canal tunnel dewatering.

Comments 18 a-g have been addressed or acknowledged to the satisfaction of NPCA Staff.

Appendix 5: Level 1 & 2 Natural Environment and Environmental Impact Study Comments

Regional and NPCA staff and the peer review consultant (Dougan & Associates) have reviewed the Updated Natural Environment Level 1 & 2 Report, prepared by Stantec, dated August 28, 2023 and offer the following based on our previous comments:

General Comments / Summary of Key Concerns

1. Site Investigation Methodologies - Clarification is required for various methodologies employed for site investigations and evaluation of significance. **Comment partially addressed.** Although new information has been provided, some gaps remain hampering the ability to evaluate whether the conclusions are valid. Additional details describing the gaps are provided in the Specific Comments section below.
2. Evaluation of Significant Woodlands - Clarification is required regarding the evaluation of significance and proposed removal and habitat replacement of the significant woodland located on the subject property. **See the additional information provided in the Specific Comments section below and comments provided in regards to the Planning Justification Report.**
3. Evaluation of Significant Wildlife Habitat - Clarification is required regarding the assessment of significance for Significant Wildlife Habitat (e.g., given presence of turtle species and habitat for species of conservation concern). **Comment partially addressed.** See the additional information provided in the Specific Comments section below.
4. Fish Habitat
 - a. The watercourse that crosses the property, which it is proposed to realign, provides spawning and nursery habitat for Northern Pike (*Esox lucius*). Adult Northern Pike migrate to the stream to spawn in the spring and then migrate back to downstream habitats. It is not known if Northern Pike migrate upstream past the subject property to spawn farther upstream, but the presence of young-of-the-year individuals in the entire length of the watercourse within the subject property (AECOM, 2010) suggests this may occur. **Comment not addressed. No response provided.**
 - b. The regional significance of Northern Pike spawning in the watercourse that crosses the property has not been assessed but clearly the spawning habitat has significance that extends beyond the immediate study area. The watercourse is accessible to fish from an extensive area of aquatic habitat that is suitable for adult Northern Pike. Investigations to determine the number of Northern Pike that enter this watercourse to spawn and to determine if Northern Pike from the downstream habitats spawn in other locations could provide regional context and allow the scale of potential

effects to be assessed. **Comment partially addressed.** The response does not specifically address the abundance of Northern Pike that spawn within the watercourse that it is proposed to be moved or the abundance of Northern Pike spawning habitat elsewhere. The response indicates that Northern Pike habitat will be more abundant, and that the habitat will be more productive for Northern Pike after the watercourse realignment.

Detailed Peer Review Comments:

5. Section 3.2 (FIELD SURVEY METHODS) pg. 3.1 - It is noted in Table 3.1 that no dedicated Turtle surveys were conducted either on the Subject Lands or within the RAA. Given the proximity of larger wetlands to the north and the ability of turtles to move through the landscape while moving from wetland to wetland or in search of nesting habitat, please explain why no surveys were conducted, especially as it relates to potential Species at Risk and the identification of Significant Wildlife Habitat. It is noted that during the technical meeting held on March 30th, 2022, the applicant's consultant confirmed that turtles were observed along the watercourse on the subject property. These records have not been included in the Natural Environment Technical Report and Environmental Impact Study. Please address. **Comment partially addressed.** Although discussion regarding turtle surveys was inadvertently omitted from the original NETR report, additional information was provided in the August 2023 update. As per Section 3.2.5.1, turtle basking surveys were completed on site on April 4, May 3, May 9, May 17 and May 30, 2017. It is also noted in Section 3.2.5.2 that following receipt of JART/agency comments, six turtle nesting surveys were completed in late June 2023. However, neither section indicated what areas received survey coverage and why, limiting the ability to assess the robustness of the findings. Similarly, neither section included a description of how the surveys were actually completed, but rather indicated that the surveys followed the *Blanding's Turtle Nest and Nesting Survey Guidelines* (MNR, 2016). At a minimum, a condensed version of how the surveys were carried out, that is specific to the study area, should be provided to ensure that the protocol was appropriately interpreted and applied. Finally, Table 3-1 continues to omit any mention of the turtle basking surveys. The missing information should be provided for review and completeness. Please address.
6. Section 3.2.3 (Breeding Bird Surveys) pg. 3.5:
 - a. Grassland bird species were surveyed in 2019. However, only eight of the twenty-three point-count stations surveyed for breeding birds in 2017 were surveyed in 2019. Please explain why so few stations were surveyed and how the stations were selected for suitability. It appears that large areas of the subject lands did not receive any coverage. **Comment addressed.**
 - b. Clarify why the 2nd Grassland Bird Surveys were only 1 hr. 16 minutes long when survey 1 and 3 were both close to 2.5 hours in length. Did it have something to do with the fact that the survey conditions were too

windy (per Table 3.4)? It also doesn't look like the survey was repeated to ensure the data collected was within accepted standards. Please explain.

Comment addressed.

7. Section 3.2.4 (Snake Cover board Surveys) pg. 3.5:

a. Did Guelph District MNRF conclude that the survey results from the snake cover board survey would be sufficient to conclusively determine presence/absence? It is our experience that cover board surveys were not acceptable, but rather considered complimentary. **Comment addressed.**

b. Did the Guelph District MNRF recommend that the cover boards be checked on a daily or near daily basis, at least in May 2017? Checking on a daily or near daily basis can result in cover boards not being used and therefore negatively affect detectability. Please address. **Comment addressed.**

c. According to Table 3.1, 17 surveys were conducted. The March 29 survey date appears to be missing in Table 3.5 below. Please address. **Comment addressed.**

8. Section 3.2.5.1. (Bat Maternity Roost Suitability Survey) pg. 3.8 - The report states that "A survey was completed on April 19, 2017 to identify potentially suitable roost trees." However, both Table 3.1 and 3.6 seem to suggest that this survey was conducted on April 4, 2017. Please clarify. **Comment addressed.**

9. Section 3.2.5.2. (Bat Acoustic Surveys) pg. 3.9 - Why were there no ARUs deployed by the treed habitats along the existing watercourse, at the very north end of the subject lands? **Comment addressed.**

10. Section 3.2.5.3. (Bat Exit Surveys) pg. 3.9:

a. Please indicate why "Surveying for the presence of Little Brown Myotis and Northern Myotis (MNR, 2013)" was the survey protocol used to conduct exit surveys and please provide a copy for review. Also, please include the reference in Section 13.0. **Comment addressed.**

b. Please indicate why the third survey could not be conducted in June when timing is considered most suitable by the Ministry? **Comment addressed.**

c. Please indicate why some of the other buildings were not surveyed? **Additional clarification requested.** Recognizing that the buildings at one of the three locations described below have since been torn down, please confirm why the buildings at 5872 Thorold Townline Road, 10273 Upper's Lane and 5205 Beechwood Road were not surveyed? As indicated in the response matrix, were they assessed as not being suitable for bat roosts?

11. Section 3.2.6.2 (Bat Acoustic Surveys) pg. 3.9 - According to the report, seven ARU's were deployed in 2019. However, according to Figure 7 (Appendix A), only five ARU locations are shown for 2017. Please clarify/revise. **Comment addressed.**
12. Section 3.2.6 Terrestrial Insect Surveys pg. 3.10:
 - a. Please indicate why only two visits were conducted. An earlier visit in June would have helped ensure all potentially occurring species were adequately detected, especially those with earlier flight windows. **Comment addressed.**
 - b. Also, please indicate why the July 5th visit started so early in the morning. Unless it is very hot and humid, most species of butterflies and odonates are not active until mid-morning. **Comment addressed.**
13. Section 3.2.7 Headwater Drainage Feature Assessment pg. 3.10 - Please provide a reference for the headwater drainage features (HDF) guidelines that the timing of site visits is stated to be consistent with. If the reference is to the CVC and TRCA guidelines (finalized in 2014), which are referred to in Section 3.3.5, please explain how the timing of the site visits was consistent with the timing recommended by the HDF guidelines. **Comment partially addressed. It is agreed that site visits on April 14, 2017, and April 9, 2021, are consistent with Site Visit 1 of the guidelines. The site visit on June 22, 2017, does not conform with the guideline for Site Visit 2, which is described in the guidelines as typically occurring from late April to mid-May. The primary purpose of the second site visit is to determine if flow or standing water is present at that time and, if either is, fish sampling is recommended to determine if there is seasonal fish use of the feature. The hydrological condition during the second visit is key to determining whether a feature that is dry during the third site visit is ephemeral or intermittent, which affects its classification. As the guidelines state, ephemeral features which provide contributing functions "are typically dry or surface-damp by mid-May". With no observations between early April and June 22, it is not possible to make that determination. Please address.**
14. Section 3.3.3 Significant Wildlife Habitat Assessment pg. 3.15 - Please indicate what document was used to assess Significant Wildlife Habitat. The text appears contradictory or unclear. If both were used (i.e., MNR, 2000 and MNRF 2015), please indicate why and what criteria were used to determine when each was applicable. **Comment addressed.**
15. Section 4.1 Landscape Context pg. 3.18 - The description could be broader and include additional information other than a description of the most common tree species. The Great Lakes Conservation Blueprint for 7E-5 provides a good summary. **Comment conditionally addressed. A few facts were incorporated from the Great Lakes Conservation Blueprint for Terrestrial Biodiversity (Volume 1). Considerably more ecological statistics regarding Ecodistrict 7E-5 could have**

been pulled from Volume 2, i.e., the Ecodistrict Summaries. Also please note that “Big Picture Cores” represents 12.74% of the Ecodistrict 7E-5, not 5.20% reported. Similarly, “Big Picture Corridors” represents 14.16% of the Ecodistrict 7E-5, not 9.55%. Please correct.

16. Section 5.3.2 Bobolink - Text on page 5.7 indicates that “Bobolink were observed at 7 of the 23 point count locations with a combination of grassland and winter wheat (BBS-1, BBS-2, BBS-3, BBS-7, BBS-9, BBS-10, and BBS-13), as shown on Figure 4, Appendix A”. For transparency, please indicate how many Bobolink were recorded in 2017 and what individual fields they were documented in.

Comment addressed. The number of individual Bobolinks documented from each point count station was included in Section 5.3.2. However, which fields they were recorded in or consequently the total number of Bobolinks documented was not, presumably because none of the Bobolinks documented in 2017 were recorded in 2019 due to a change in crops from winter wheat to soy.

17. Section 5.5.2 Bat Acoustic Surveys - According to the report bat acoustic data was collected at 11 stations on the subject property in 2017. However, 12 stations are shown on Figure 7. Please clarify/revise. **Comment addressed.**

18. Section 5.8 Headwater Drainage Feature Assessments pg. 5.11:

a. This section states that the headwater drainage features are colour-coded to reflect their management status on Figure 8 (Appendix A) but this does not appear to be the case. Colour-coding would be useful. **Comment addressed.** However, HDF #7 and HDF #15 are not shown on the revised Figure 8. Please address.

b. Headwater drainage feature classification, as presented in CVC and TRCA (2014) and Section 3.3.5 of this EIS, is based on up to three site visits with the first typically occurring in late March to early April. A second visit is made during late April to early May if necessary, and a third visit is made during the July-mid-September period if necessary. Please explain how data from a site visit in early April (in two years) and a site visit in late June provides the information required to determine the classifications. **Comment not addressed.** A June 22 site visit is not consistent with the recommended late-April – mid-May timing for the second site visit. Please address.

c. Please provide the raw field observations, and their date(s), that were utilized to determine the classifications presented in Table 5.5. For example, the hydrology class is based on flow status (flow, standing water, or dry), the feature’s physical form, and whether or not there is a wetland upstream. **Comment partially addressed.** It is stated that field notes can be provided, however to the best of our knowledge they have not been. Providing the hydrology condition and channel form during the first site visit in Table 5-5 or an ancillary table would facilitate a review of

the classification, to the extent that this is possible without late-April – mid-May field investigations. Please address.

- d. It is not unusual for headwater drainage feature classifications to differ among reaches of an HDF. The classifications of upstream reaches can influence the classification of reaches downstream. Please consider whether this is relevant to any of the HDFs in the study area, including feature 11 and features 7, 12, 24 and 25. **Comment partially addressed. Response partially accepted.** The response states that HDF #11 “*is dry by May, as noted in 2017 and 2019 field work.*” The site visits to assess HDFs, listed in Table 3-11, occurred on April 4, 2017, June 22, 2017, and April 9, 2021. The source of the May observation is unclear. It appears that the woodlot that HDF #11 is associated with provides a linkage but will be eliminated, not rehabilitated as the response indicates, by the proposed natural channel.

19. Section 5.9 Fish and Aquatic Habitat – Existing Watercourse pg. 5.14:

- a. This section refers to Figure 11, but it appears that it should refer to Figure 12. **Comment addressed.**
- b. The watercourse which crosses the subject property, in which Northern Pike spawning has been observed, young of the year Northern Pike have been captured, and other fish species have been captured, should be indicated to be fish habitat on Figure 12. Section 6.6 states that it is considered fish habitat. **Comment addressed.**
- c. The report states “The seasonal nature and lack of sustained flow, absence of adequate refuge pool habitat and inability to support perennial conditions favourable to fish all reduce the habitat quality of the tributary to a low rating.” It should be recognized that Northern Pike often spawn on vegetation that is flooded in the spring in areas that are dry later in the year. It should further be recognized that, although those spawning areas may not be high quality fish habitat in the traditional sense, but they are critical for the Northern Pike populations that spawn there. The AECOM (2010) memorandum describing the 2010 field investigations states “Ultimately, the sensitivity of the fish and fish habitat present can be considered Moderately Sensitive due to the presence of spawning habitat for Northern Pike.” Please address the significance of the Northern Pike spawning habitat in this watercourse to downstream fish communities and Northern Pike populations. **Comment partially addressed.** The response does not directly acknowledge the significance of the Northern Pike spawning habitat to downstream fish communities and Northern Pike populations. Given that the watercourse is Northern Pike spawning and nursery habitat, the validity of describing it as being of low habitat quality is questionable. This comment is somewhat related to comment #28. The response to Comment #28 indicates that the wording of the natural

channel design report should reflect that the fish habitat is of moderate sensitivity, rather than marginal. Please address.

20. Section 6.2.1 Assessment Based on Provincial Criteria pg. 6.4 - Clarify the interpretation of the linkage assessment for the woodland located on the subject lands. The NHRM criteria indicates that if a woodland is identified as part of a defined NHS, it would meet the linkage criteria. **Comment addressed.**

21. Section 6.2.2 Assessment Based on Regional Criteria pg. 6.7:

- a. According to the analysis presented in Table 6.3, “the woodland on the Subject Property along Thorold Townline Road would be considered a Significant Woodland from a policy perspective and would become a regional Environmental Conservation Area, per Policy 7.B.1.4 of the Region of Niagara Official Plan.” However, given this status, additional clarification is required to rationalize the recommendation for removal and habitat replacement of this feature. **Additional discussion warranted. Although additional information was provided in the Response matrix explaining why the removal and replacement of the woodland as proposed would represent an overall net ecological benefit, removal and replacement warrants additional discussion in the context of negative impacts to the feature and its functions, including Significant Wildlife Habitat. Specific details regarding all species occurring within the woodland should be clearly documented – please provide the raw data for vegetation surveys, ELC, and any wildlife observations.**
- b. Please provide an explanation as to why the wetland feature that crosses the woodland on the site does not meet the definition of watercourse per the Conservation Authorities Act. **Comment addressed.**

22. Section 6.6 Fish Habitat pg. 5.14 - This section describes conditions but does not provide an assessment of the significance of the existing watercourse from a fish habitat perspective. Based on the reported field observations, this watercourse provides spawning and nursery habitat for Northern Pike. Adult Northern Pike migrate into this watercourse to spawn in the spring and presumably migrate back downstream after they have spawned. No investigations were conducted to determine the number of adults moving into the watercourse to spawn or the number of young-of-the-year that move downstream after they hatch. The fact that adults migrate into the watercourse from downstream to spawn indicates that the significance of the watercourse extends beyond the study area. Its significance at a regional scale will depend, in part, on the proportion of regional pike spawning habitat that this watercourse provides. **Comment partially addressed. The response indicates that collecting additional data is not necessary (emphasis ours) because it might inadvertently affect spawning activities or young of the year and because of the limited effectiveness of methods available. In the absence of any information regarding numbers of spawning fish, numbers of young-of-the-year produced, or the availability of other spawning areas, it is not possible to know how significant this watercourse is to the regional fish community and pike population(s). Furthermore, in the absence**

of baseline data it will not be possible to assess the effectiveness of the proposed habitat creation, except in qualitative terms. The response seems to imply that there is no need for this knowledge because Northern Pike spawning and nursery habitat will be improved and that, based on pre-consultation, Fisheries and Oceans Canada supports the proposed design. Documentation of pre-consultation with Fisheries and Oceans Canada has not been provided. Please provide.

The response to Comment #38, which pertains to the Natural Channel Design, states, in part, *“The pike spawning habitat is recognized as important in the watershed and sensitive including its contribution to the diversity of Beaverdam’s creek.”* That statement addresses significance and Section 6.6 would benefit from its inclusion. Please address.

23. Section 6.7 Significant Wildlife Habitat pg. 6.10 - According to text, Table B-2, Appendix B provides a detailed assessment using the Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E.

- a. Re: the discussion about the Turtle Nesting Areas SWH type, it states “Suitable habitat for turtle nesting is present on the road shoulders and in agricultural fields, however anthropogenic features do not qualify as significant wildlife habitat.” However, the statement regarding agricultural fields is incorrect. There is no such exemption for agricultural fields. Therefore, given the close proximity of the agricultural fields to the watercourse bisecting the Subject property, and the fact that no turtle nesting surveys were conducted in support of the application, it is premature to conclude that Turtle Nesting Habitat SWH is absent. Please address. **Comment partially addressed.** Please see the September 2023 comment for Specific Comment #1. Until additional information is provided for review that indicates how the turtle nesting surveys were carried out, the conclusion that Turtle Nesting Habitat SWH is absent may not be justified. Furthermore, the statement that *“The agricultural field is not considered preferred nesting habitat due to the high density of vegetation cover (i.e. winter wheat) during peak breeding season and the likelihood for nest disturbance and loss by agricultural equipment.”* unnecessarily diminishes its significance as nesting habitat on the subject lands since the Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E does not distinguish between preferred and non-preferred nesting habitat. Turtles are opportunists, often using whatever suitable habitat is available. It is also worth noting that according to Section 5.3.2: “In 2019, agricultural fields on the Subject Property were planted with soy.” Therefore, the reference to winter wheat doesn’t appear to make sense. Also, soy tends to allow more sunlight to penetrate to the ground than winter wheat, increasing the likelihood that the agricultural fields would be used for turtle nesting. Please address and revise the affected text.

- b. Re: Terrestrial Crayfish SWH, please indicate whether any dedicated field surveys were conducted in search of terrestrial crayfish burrows. Surveys conducted during the spring, when vegetation is still low and weather conditions are wetter, are most likely to document their presence. **Comment addressed.** However, given that the study area is located within the Haldimand Clay Plain, which is characterized by low permeability soils (glaciolacustrine silts and clays), which was confirmed in the Ecological Land Classification community descriptions in Table 5-1, greater confidence in the SWH assessment (i.e., that Terrestrial Crayfish SWH was absent) would have been achieved through dedicated surveys as opposed to the reliance on incidental observations.
- c. Re: Eastern Milksnake (Species of Conservation Concern), the assessment is based on cover board surveys conducted in 2017 “and other field investigations in 2012 and 2019”. Please indicate whether the 2012 field investigations are referring to incidental observations? According to Table 3.1 no dedicated field surveys were carried out prior to 2017. **Comment partially addressed.** The response included in the response matrix still does not indicate whether the fieldwork, now acknowledged to have been conducted in 2011, was incidental in nature. Similarly, no mention is made of the 2019 field investigations. Please provide clarification and ensure that the text in Table B-2 (Appendix B) is updated accordingly.
- d. Re: Snapping Turtle (Species of Conservation Concern), please indicate if any dedicated surveys to document this species along the creek were conducted or whether the statement that “...the species was not observed during the 2017 or 2019 field investigations” was based on incidental observations only. Table 3.1 does not indicate that any dedicated surveys were conducted. **Comment partially addressed.** New information was provided in the updated NETR indicating that turtle basking surveys were completed on site in the spring of 2017. However, text in Section 3.2.5.1 does not indicate what areas received survey coverage, limiting the ability to assess the robustness of the findings and the conclusion that Snapping Turtle SWH is absent. It is also noted that the Snapping Turtle text in Table B-2 has not been updated to reflect the fact that the 2019 field investigations were incidental in nature, thereby limiting their value, or that additional turtle nesting surveys were conducted in 2023 that documented evidence of nesting along the road shoulders. Even though turtle nesting along municipal road shoulders is not considered SWH, it does confirm the overall presence of turtles within the subject lands. Finally, the NETR does not acknowledge the turtle observations that were made along the watercourse on the subject property. These were noted during the March 30th, 2022 technical meeting. Additional information regarding the extent of the turtle basking turtle surveys conducted in 2017 is requested, as well as a full accounting of the turtle observations made along the watercourse.

- e. Re: Common Nighthawk (Species of Conservation Concern), please provide additional justification why suitable nesting habitat is absent in the Study Area. The nesting habitat description provided is misleading. According to Sandilands (2007), in Cadman et al., (2007), “In the agricultural south, it has nested in grasslands, agricultural fields, gravel pits, prairies, and alvars and airports.” **Comment partially addressed.** According to the response provided in the response matrix:

“Uppers quarry area is mainly agricultural land and the presence of nighthawk in the peripheral type habitats would not be considered SOCC. This agricultural type of habitat is widely distributed and abundant in the study area and in the Region of Niagara as such these fields would not be considered SWH.”

However, according to the “Special Concern and Rare Wildlife Species” SWH criterion (OMNRF, 2015), no Candidate ELC Ecosites are excluded from consideration, nor are any given preferential treatment due to their abundance in the landscape. As such, agricultural habitats should not be automatically discounted or worse yet, excluded from surveys. Nevertheless, and despite the above description of which habitat types qualify for consideration, it is Sandilands’ (2010) opinion that *“In southern, off-Shield Ontario, the Common Nighthawk appears to have almost abandoned nesting in natural forest clearings and rural areas; most nesting occurs in cities or communities where there are flat roofs.”* As such, it is acknowledged that the likelihood of Common Nighthawks nesting in the agricultural fields on the subject lands is likely low, and the absence of dedicated surveys conducted in search of the species can be ignored, if suitable nesting habitat for the species can be provided on site, during and post quarry operation.

- f. Re: Woodland Vole (Species of Conservation Concern), please provide other justification why suitable habitat is absent in the Study Area. The statement that “There are no records of Woodland Vole in the vicinity of the Study Area” is not satisfactory since “Woodland Voles are an often overlooked member of the fauna, as they are secretive and rarely appear above ground during daylight” (Naughton, 2012). **Comment partially addressed.** References in the response matrix to the questionable quality of habitat due to the absence of deep leaf litter and dense herbaceous layer preferred by the species are acceptable responses. However, the text in Table B-2 (Appendix B) as it relates to “Results of Desktop Habitat Assessment” should be revised. The sole reason why the species is likely absent should not be based on the fact that there are no records of Woodland Vole in the vicinity of the Study Area. Please address.
24. Section 6.7 Significant Wildlife Habitat pg. 6.10 - Text on page 6.11 or Table B-2 (Appendix B) does not adequately justify why breeding habitat for Eastern Wood-Pewee is absent on the Subject Property. An Eastern Wood-Pewee was recorded in the woodland along Thorold Townline Road on June 14, 2019, when

bat acoustic monitors were deployed but not on June 25, 2019, when monitors were collected. Given that (1) this woodlot was not monitored for breeding birds in 2019, (2) wind speeds exceeded the recommended maximum to document breeding birds for the majority of June 25, 2019, and (3) less time was spent within the woodlot removing the monitoring equipment than setting it up, it is reasonable to assume that the habitat was suitable for breeding. This is consistent with the conservative approach applied to the Breeding Bird Survey methodology (see Section 3.2.3 on page 3.5). Please provide justification to support the position that the woodland along Thorold Townline Road did not provide suitable breeding habitat for Eastern Wood-Pewee in 2019. **Comment partially addressed.** Additional justification was provided. It is acknowledged that Eastern Wood-Pewee was not documented from the woodland along Thorold Townline Road during the 2017 breeding bird surveys. However, that does not discount the fact that it was documented there more recently in 2019, which at the very least suggests that it is suitable habitat. Furthermore, given the significance of the observation, please explain why additional breeding bird survey visits to the woodland were not carried out in 2023 to help confirm whether the bird was present. In absence of additional breeding bird surveys having been conducted, it is assumed that the woodland provides suitable habitat and is SWH for Eastern Wood-Pewee.

25. Section 8.4.1.4 Fish Habitat – Potential Impacts - Headwater Drainage Features and Catchment Loss – Mitigation - Please provide a description of flow in the realigned watercourse through the site under final rehabilitation conditions relative to flow through the existing watercourse under existing conditions.
Comment addressed.

26. Section 8.4.1.6 Mitigation (for removal of existing watercourse) pg. 8.17:

- a. The report states, “Beyond the fish habitat just described, a series of wetland pockets and water ponding areas will be incorporated into the floodplain but not connected to the new channel. These areas may provide habitat for breeding amphibians, and there is the potential for fish to enter under flooded conditions and remain there until the next flooding event occurs to allow them to exit.” We suggest that it is better if Northern Pike that enter the watercourse to spawn do not become trapped in floodplain ponds, and it is also better if young-of-the-year Northern Pike migrate downstream to permanently wet habitat rather than entering floodplain ponds that they may not escape from. This should be taken into consideration in the final channel design if realignment proceeds.
Comment addressed.
- b. The report states (pg. 8.19) “The benefits of increased habitat quality cannot be quantified pre-construction; however, increased habitat diversity should intuitively result in improved quality of habitat and consequently, increased fish productivity. Fish productivity can be confirmed through post construction monitoring.” The proposed stream realignment will be

subject to a review by Fisheries and Oceans Canada and require a Fisheries Act authorization if it is permitted to proceed. We would respectfully suggest that review should specifically consider the function of the existing watercourse, at a regional scale, as Northern Pike spawning and nursery habitat. That function is relevant to consideration of the elimination of the existing channel and, if that is to occur, the new channel design and the design of the monitoring program. Some design elements that are intuitively appealing may conflict with that function. **Comment addressed.**

27. Section 11.0 Environmental Monitoring Program pg. 11.1 - The report states “Fish community monitoring will also be completed for the new channel design area every two years as outlined in the DFO Authorization for the watercourse realignment.” To the best of our knowledge, a DFO Authorization has not been issued for the watercourse realignment. Therefore, it is premature to refer to a monitoring program outlined in the DFO Authorization. We suggest that, if the creek relocation occurs, monitoring of Northern Pike spawning and recruitment should be conducted in the existing channel to provide baseline information and post-realignment. **Comment addressed.**
28. Appendix E Proposed Upper’s Quarry, Natural Channel Design Report – Section 3.4 Aquatic Habitat pg. 3.5-3.6:
- a. The Natural Channel Design Report states “Habitat conditions for potential usage by spawning Northern Pike were noted to be of marginal quality during that [the March 26, 2010] survey.” We were unable to find a statement to this effect in the memorandum by AECOM (2010) describing that survey. Please clarify. **Comment partially addressed. The response indicates “the Natural Channel Design [report] wording should reflect that fish habitat is of moderate sensitivity”. The Natural Channel Design report has not been revised. If the Natural Channel Design report is not revised, the change to the sensitivity should be documented somewhere in a preface or addendum or list of errata appended to that report. Please address.**
 - b. The Natural Channel Design Report states “While spring freshet typically creates conditions that allow for movement of Northern Pike into potential spawning areas, as flows recede and conditions become intermittent, habitat conditions are generally too poor to support various life stages of fish. As the system dries up, refuge pool habitat becomes limiting except for the pool associated with the Upper’s Lane culvert. The seasonal nature and lack of sustained flow, absence of adequate refuge pool habitat and inability to support perennial conditions favourable to fish reduce the habitat quality of the tributary to a low rating.” It should be recognized that Northern Pike often spawn on vegetation that is flooded in the spring, in areas that are dry later in the year. It should be recognized that, although those spawning areas may not be high quality fish habitat in the traditional sense, but they are critical for the Northern Pike populations that spawn

there. The AECOM (2010) memorandum states “Ultimately, the sensitivity of the fish and fish habitat present can be considered Moderately Sensitive due to the presence of spawning habitat for Northern Pike.”

Comment partially addressed. The response states *“The pike spawning habitat is recognized as important in the watershed and sensitive including its contribution to the diversity of Beaverdam’s creek. This understanding is best demonstrated in the level of effort and the considerations incorporated into the restoration plan including design elements, sequence of construction, and review and monitoring of the inundation capacity of the spawning habitat.”* Section 6.6 of the Natural Environment report and Section 3.4 of the Natural Channel Design report would benefit from inclusion of the first sentence of the preceding quote. Please address.

The response further states *“Pike are noted to be a course [sic] fish with a strong resiliency and adaptable to a variety of conditions and changes.”* It is incorrect to refer to Northern Pike as a “course” [sic] fish. Northern Pike is a sports fish in Ontario, with catch limits described in the Ontario Fishing Regulations.

Please provide references supporting the assertions that Northern Pike have a strong resiliency and are adaptable to a variety of conditions and changes.

Please also provide supporting references for the statement *“Creation of Pike spawning habitat has been successful completed throughout North America in the range of where Pike are distributed in warm water systems.”*

NEW COMMENTS

1. Section 5.8 Incidental Wildlife Observation pg. 5.11 During the technical meeting held on March 30th, 2022, the applicant’s consultant confirmed that turtles were observed along the watercourse on the subject property. These observations have not been included in the Natural Environment Technical Report and Environmental Impact Study to date. Please address.
2. Section 6.7 Significant Wildlife Habitat pg. 6.11 Under the Seasonal Concentration Areas heading, the text indicated that the woodland on the east side of Thorold Townline Road was considered Significant Wildlife Habitat (SWH) as a Deer Winter Concentration Area. However, there is no mention of Bat Maternity Colony SWH, yet the text in Table 6-3 (Section 6.2.2) state *“The woodland contains Significant Wildlife Habitat for Bat Maternity Colony and Deer Winter Concentration Area.”* The data included in Table 5-4 (Section 6.2.2) for Big Brown Bat and Silver-haired Bat appears to support that conclusion. Please include acknowledgement of this in this section as well as Section 8.5. In addition, please correct the conclusion for Bat Maternity Colonies in Table B-2 (Appendix B). Instead of “Absent” it should read “Present”.

3. Section 8.5 Significant Wildlife Habitat [Assessment of Impacts] pg. 6.21 Section 8.5.1 is titled Potential Impact. However, given that the woodland on the east side of Thorold Townline Road, acknowledged to support provincially Significant Wildlife Habitat, is proposed for removal, the heading is inappropriate. Rather the removal of the woodland would represent a direct and permanent impact. Section 2.1.5 of the Provincial Policy Statement (PPS) also states: “*Development and site alteration shall not be permitted in: ... d) significant wildlife habitat ... unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*” Furthermore, Section 8.5.2.1 (Mitigation Recommendations for Woodland SWH) states: “*As described in Section 8.2.2, woodland compensation¹ planting will occur on 4 ha of land west of Thorold Townline Road and adjacent to an existing 14 ha woodland of similar species composition and structure.*” Despite the section heading (i.e., Mitigation Recommendations for Woodland SWH), what is being proposed is not mitigation, but rather compensation (i.e., replacement of damaged habitat). However, compensation is not an accepted option available in the PPS when it comes to reducing or eliminating negative impacts. Not only is compensation is not mentioned in the PPS, but it is also only mentioned once in the Natural Heritage Reference Manual², and specifically in relation to a HADD (i.e., the harmful alteration, disruption or destruction of fish habitat). Please revise the text/tables/figures in this section and all other applicable sections as appropriate, to reflect the discussion above and its implications to the proposed extraction scenarios.

Detailed Comments from NPCA Technical Staff:

29. Wetlands: To accommodate the proposed development on site, approximately 7.04 ha of non-Provincially Significant Wetland are proposed to be removed and approximately 11ha of wetland are proposed to be created. While the general idea of Wetland Reconfiguration is consistent with Section 8.2.2.8 of NPCA policy, further details are required to confirm that all criteria has been met to the NPCA’s satisfaction.
 - a. A portion of the Beaver Dams Creek Wetland Complex is located on the subject lands. This wetland was evaluated in 2009 and at that time did not meet the criteria required to be Provincially Significant. Data collected for this study should be used to determine if the status of the wetland remains the same or if it should be updated. **Comment addressed.**

¹ Underlining added for emphasis.

² The Natural Heritage Reference Manual (2010) provides technical guidance for implementing the natural heritage policies of the Provincial Policy Statement and represents the Province’s recommended technical criteria and approaches for being consistent with the PPS in protecting natural heritage features and areas and natural heritage systems in Ontario.

- b. The impact assessment completed for wetlands within the study area has focused on the potential for decrease in hydroperiod as a result of the proposed quarry, however as identified in Section 8.4.1.4 dewatering of the quarry may result in increased hydroperiod to the watercourse. Please revise the impact assessment to account for a potential increase in hydroperiod for wetlands W1A and W1C. **Comment not addressed.**
 - c. Table 8.1 has identified wetlands W2A and W2B as isolated wetlands. Per the information provided in the EIS these wetlands are associated with headwater drainage features. Please review the classification of these wetland units. **Comment addressed.**
 - d. NPCA staff understand that in order to facilitate the construction of the proposed quarry approximately 7.04 ha of wetland is required to be removed. To compensate this loss, it is understood that approximately 11 ha of wetlands will be created within the realigned watercourse area and the southwestern portion of the site.
 - i. Additional planting details (proposed density, layout etc...) are required for the proposed creation of the thicket swamp, meadow marsh and deciduous swamp proposed in the southwestern portion of the site. **Comment not addressed.**
 - ii. Please identify how wetland hydrology will be maintained and monitored within the proposed swamp features to the satisfaction of NPCA staff. **Comment not addressed.**
 - e. Section 12.2 of the EIS identifies that an additional 4 ha of deciduous woodland (swamp) and visual screens along setbacks on the Subject Property are to be created. NPCA staff are unclear how swamps will be established and maintained in the long term. Please provide additional details regarding the proposed enhancement of these areas. **Comment not addressed.**
30. Watercourses: The main tributary to Beaver Dams Creek is proposed to be relocated to accommodate the proposed development. This channel is impacted by the Regional Storm Flood hazard. While the NPCA is supportive of this idea in principle, the NPCA will require that the channel block be designed to adequately convey the Regional Storm floodplain hazard. In addition: **Comment not addressed. The Regulatory floodplain for this watershed is the regional storm.**
- a. Headwater Drainage Feature Reach 11 is associated with wetland W3 and is also found partially within a woodlot, however riparian and terrestrial habitat are classified as limited in Table 5.5. Please revise the evaluation of this reach to reflect the adjacent vegetation communities or provide additional justification for the classification identified in the EIS. **Comment addressed.**

- b. The development proposal will result in the removal of 25 headwater drainage features; NPCA staff understand that 11 of these features were classified as *No Management Required*. Mitigation for the loss of these channels is limited to augmenting flows due to the loss of catchment and does not consider the loss of contributory functions such as sediment and nutrients to downstream receptors. Please revise the impact assessment to identify how the loss of these functions will be mitigated. **Comment addressed.**
- c. NPCA staff note that the outlet from the quarry lake to the realigned watercourse has not been identified on any of the proposed drawings. Please provide a preliminary design and demonstrate that natural channel design principles have been incorporated into the design to the extent practicable. **Comment not addressed.**

31. Field Surveys:

- a. As identified in the Terms of Reference Comments NPCA staff expected that a 3-season vegetation inventory would be completed. Per Table 3.1 no site visits were completed to inventory vegetation during the fall season. Please complete the fall vegetation inventory per the comments provided on the ToR. **Comment addressed.**
- b. NPCA staff understand that Turtle Habitat / Basking Surveys were identified in the Terms of Reference, however do not appear to have been completed. Please complete the appropriate studies as identified in the ToR. **Comment no longer part of NPCA natural hazard mandate. Comment deferred to other agencies.**
- c. Fish surveys are typically completed in the spring freshet when water levels are at or close to their peak. The fish survey was completed on June 22, 2017 and was limited to areas where sufficient water was present within the main channel of the watercourse, no fishing was completed within the headwater drainage features. The timing of this survey may underrepresent the usage of HDFs by fish on the subject properties. Please complete a fish survey in the spring to verify the maximum extent of fish usage within the headwater drainage features within the subject properties. **Comment no longer part of NPCA natural hazard mandate. Comment deferred to other agencies.**

32. Ecological Monitoring: A comprehensive monitoring plan is required to ensure that the realigned watercourse and relocated wetlands function as designed. Section 11.0 of the EIS states that details of the monitoring plan will be developed in consultation with the MNRF and documented in a supplementary Upper's Quarry Monitoring Plan. NPCA staff are supportive of the development of a standalone Monitoring Plan and request to be consulted to ensure that NPCA interests are addressed within this plan. **Comment not addressed.**

33. General:

- a. Under the proposed development condition two culverts are proposed. NPCA staff note that these areas will bisect the realigned channel corridor potentially limiting the movement of animals within the realigned corridor. Please explore opportunities to provide enhanced wildlife crossings in these areas to limit anticipated impacts associated with the crossings. **Comment addressed.**
- b. Drawing 5 of 6 *Rehabilitation Plan* has identified that side slopes steeper than 3:1 are proposed to be planted with the MTO's Ontario Roadside Seed Mix. Please explore replacing this seed mix with a suitable native seed mix. **Comment addressed.**
- c. From an ecological perspective NPCA staff's preference is for the Alternative Extraction option which maximizes restoration potential and minimizes the number and size of crossings within the realigned watercourse corridor. Should this option be pursued NPCA staff recommend that additional restoration opportunities be explored within the lake to increase habitat diversity. **Comment addressed - no response required.**

NEW COMMENTS

1. NPCA Requested Plans:

In order to ensure the proposed watercourse realignment and wetland compensation are completed appropriately and as per NPCA planning policy, the NPCA requests the following detailed plans be submitted for further review and approval:

- a. Detailed Sequencing Plan for watercourse realignment and wetland compensation and rehabilitation;
- b. Detailed Sediment and Erosion Control Plan;
- c. Comprehensive Watercourse and Wetland Monitoring Plans; and
- d. Landscape and Planting Plans

It is recommended that NPCA's Planning and Permit Procedural Manual (including Appendix K: Landscape Plan Guidelines and Appendix L: Channel Modification Checklist and Submission requirements) is referred to when completing certain Plans.

Appendix 6: Acoustic Assessment Report Comments

Regional and City planning staff and the peer review consultant (Englobe) have reviewed the Updated Acoustic Assessment, prepared by RWDI, dated August 3, 2023 and offer the following based on our previous comments:

1. The Report has taken a very conservative approach. For example: (a) the listed equipment is assumed to be operating at the same time; and (b) the listed equipment is assumed to be operating for a full 60-minutes within any given hour. This can result in unnecessarily onerous acoustic mitigation having a negative environmental impact (ex: temporary acoustic barriers). It is recommended that RWDI review the equipment operation scenarios with the applicant in order to ensure, and ultimately confirm, that they are realistic. **Comment addressed, it is understood that the operating times, equipment duty cycles and travel frequencies have been reviewed with the applicant and were determined to be reasonable. No further action is recommended – item closed.**
2. A 3-metre tall perimeter berm, shown in Figure 1 of the Report, is listed in Section 6 as part of the noise control recommendations. This 3-metre berm is also featured along the west perimeter of the site, despite there being no noise sensitive points of reception in that direction according to the Report. It is recommended that the Report be updated to increase clarity regarding how or why this perimeter berm has been recommended. **Comment addressed, it is understood that the additional perimeter berms are provided to “provide additional noise attenuation [...] while also serving to provide for visual screening”. Despite this recommendation being overly conservative in Englobe’s opinion from an acoustical standpoint, especially for the west perimeter of the site as previously mentioned, Englobe does not expect any adverse acoustical effects from the inclusion of these additional berms. No further action is recommended – item closed.**
3. It is assumed that the 3-metre tall perimeter berm (mentioned above) has been taken into account in the CadnaA model while assessing the noise impacts; however, Figures 2a to 2i do not show these berms. Can RWDI confirm that this perimeter berm has been included in the CadnaA model? If it is included, it is recommended that Figures 2a to 2i be updated to show the 3m perimeter berm. **Comment addressed. Figures 2a to 2i of the AAR have been updated by RWDI to show the 3-metre tall perimeter berms. Drawings 4 and 6 of the Updated ARA Site Plans prepared by MHBC, dated August 2023, have also been reviewed by Englobe to ensure that they are consistent with the perimeter berm recommendations made by RWDI. No further action is recommended – item closed.**
4. An 8-metre noise barrier is listed as part of the noise control recommendations in Section 6 and is shown on Figures 2f, 2g, 2i, and 3k to 3n. However, the Report is unclear as to why the barrier is necessary, as there are no noise level predictions showing non-compliance in a scenario which does not include the 8-metre barrier. It is recommended that the report be updated to increase clarity

regarding how or why this 8-metre noise barrier has been recommended, which could include CadnaA noise level predictions for a no-barrier condition. **RWDI response in the JART Comment Response Matrix (dated August 25, 2023) addresses this concern. In short, it is understood that the 8-metre noise barrier is required in order for the processing plant to meet the applicable overall sound level criteria. RWDI offers a justification regarding why unmitigated values are not presented as part of the AAR, which is acceptable in Englobe’s opinion. However, Section 6, Item 3 of the AAR, as well as Drawing 4 of the Updated ARA Site Plans prepared by MHBC, dated August 2023, are not consistent with RWDI’s modelling results in Figures 3m and 3n of the AAR, since there is only mention of an 8-metre barrier being required for Phase 4. Figures 3m and 3n of the AAR represent Phase 5, and include the 8-metre tall barrier. Englobe recommends updating Drawing 4, Item A.5 to also include Phase 5.**

5. Section 6 of the Report indicates that the 8-metre noise barrier (mentioned above) “shall extend long enough to shield R4 and R5 from the secondary crushers.” It is recommended that the Report be updated such that the 8-metre barrier location and dimensions be given precisely, or that RWDI confirm that WAI’s proposed barrier geometry will shield R4 and R5 from noise as modeled in CadnaA. **RWDI response in the JART Comment Response Matrix (dated August 25, 2023) addresses this concern. In short, specific dimensions were not provided in order to provide some flexibility for the site operations. As such, the barrier geometry is described using qualitative means only: “the barrier shall be long enough to shield receptors R4 and R5 from the secondary crushers”. Englobe recommends adding additional language to both the AAR and Drawing 4 of the Updated ARA Site Plans prepared by MHBC to ensure that the distance between the processing plant secondary crushers and the 8-metre barrier is maintained at a radius of 40m.**
6. The Report indicates that the ground absorption outside the extraction limits was taken as 0.8. However, it is understood that the ground outside the limits is primarily grass. It is recommended that the CadnaA model’s overall ground absorption be increased to 1.0, or for RWDI to provide an explanation in the Report regarding the use of 0.8. **Comment addressed, the more conservative ground absorption value was used to account for differences in seasonal ground coverage. No further action is recommended – item closed.**
7. The Report indicates that a max. order of reflection of 1 was used in the CadnaA model. Englobe understands that this can reduce computation time, but 3 is more typically used in our experience. It is recommended that the CadnaA noise level predictions at receptors R1 to R6 be re-computed using a max. order of reflection of 3 in order to compare to the noise level predictions provided in the Report, with the intention of ultimately justifying the use of a max. order of reflection of 1. **Comment addressed. In short, RWDI states that higher order of reflection of 2 or 3 would have a negligible impact due to the lack of acoustically reflective surfaces in this environment. No further action is recommended – item closed.**

8. Plantings should be placed on the 3m noise berms to provide a more attractive appearance. **Please see detailed comments included in Appendix 11.**
9. As part of the submission, the hours of operation for the quarry are 7am-7pm Monday-Saturday. Please note the City's Noise By-law 2004-105, as amended by By-law 2005-73, 2007-28, and By-law 2014-115 only permits noise between 7am-7pm Monday – Friday and 9am-7pm on Saturdays, Sundays and statutory holidays. **Comment addressed.**

Appendix 7: Air Quality Assessment Report Comments

Regional and City planning staff and the peer review consultant (Englobe) have reviewed the Updated Air Quality Assessment, prepared by RWDI, dated July 12, 2023 and offer the following based on our previous comments:

1. S. 5.1 INTRODUCTION:

- a. As the main purpose of the AQA report is to present dispersion modelling results, a short introduction to dispersion modelling would be welcome, including atmospheric processes, modeling objectives and options related to the project. **Comment addressed.** The information provided in Section 1 is sufficient as long as more information is available in other sections. **There appears to be an issue with cross-referencing in the document “Section 0” should likely be replaced by “Section 18” in Section 1.**
- b. The processes and limitations of selecting sensitive receptor locations should be described here based on the project requirements. **Comment addressed.** The selection process of the closest discrete receptors around the site is detailed in Section 5.
- c. Provide a list of references from the literature for the Best Management Practices Plan for dust. Practices include reducing the traffic, reducing the speed, improving road design, watering the road, covering the road with gravel, increasing the moisture content of the road surface, binding the road particles together, sealing unpaved roads, reducing exposed ground, and slowing the surface wind. **Comment addressed.** Section 18 of the updated ARA lists dust control references at the end of the report.

2. S. 5.2 SITE DESCRIPTION & OPERATIONS:

- a. Provide the latitude and longitude of the site to help locate it with a GIS or a geo-browser (e.g., Google Earth): “Upper’s Quarry site (43°5’41”N, 79°10’23”W) is located at Upper’s Lane and Thorold Townline Road.” **Response noted.** It continues to be recommended that the coordinates of the site at the beginning of the report would allow readers to immediately locate the site on a map with the help of a geo-browser. However it is noted that this would not affect the conclusions and recommendations of the study.
- b. Detail the surrounding lands and building types and explain the potential effect of the quarry operations on those areas. **Comment not addressed.** The selection process of the closest discrete receptors around the site is detailed in Section 5. See 5.5.a, 5.5.b, and 5.5.c. However, there is still no mention of a close residential area located east of the proposed extension, only a few hundred meters away.

- c. Provide a list of the main operations for phases 1A, 2A, 3B, and 5 with their respective potential emission sources. **Comment addressed. A list of the 5 main phases of operations was included in Section 2.**
3. S. 5.3 HOURS OF OPERATION:
 - a. Hours of operation are the key parameters to estimate emissions and conduct the dispersion modeling study:
 - b. The use of a table would improve the readability of the information provided in this section.

Response noted. Hours were included in the initial AQA. It continues to be recommended that presenting activities/days/hours with tabulations would allow the reader to compare activities' operating hours to each other's more easily. However it is noted that this would not affect the conclusions and recommendations of the study.
 - c. Provide a list of all the abbreviations given in this section, and more generally in the report. **Comment addressed.**
4. S. 5.4 OPERATING SCENARIO - This section is too vague and therefore requires clarification:
 - a. The operating scenario should be detailed based on the future operations listed in section 2. **Response noted.** It continues to be recommended that listing the main phases of operation in Section 2 (see 5.2.c) improves the readability of the operating scenario. However it is noted that this would not affect the conclusions and recommendations of the study.
 - b. Explain what "conservative" means in the context of the AQA study. **Comment not addressed.** Specifying that "conservative" corresponds to an "upper range emission scenario" would add clarity and is an important part of the analysis.
 - c. Consider one scenario for the short-term activity to evaluate how much emissions would increase and to assess its impact on air pollution in the area surrounding the proposed quarry. **Comment addressed.**
5. S. 5.5 POTENTIAL IMPACT LOCATIONS:
 - a. Considering receptors farther from the domain is strongly recommended. Plumes emitted by activities at the site may move upward from the source area and then come downward far from the domain, which would increase air pollution at receptors further down.

- b. Because there are residential buildings on the southeast and west sides of the domain (highlighted in blue in the Figure below), receptors at these locations should be included in the dispersion modeling study.
- c. Detail the criteria to select receptors for this study. A good practice for locating receptors is to draw 1 and 1.5-km circles over the main activity area and check what potential receptors are inside these circles.

Comment a-c addressed. The comparison between receptor & quarry altitudes in Section 5 permits to point out that the bulk of potential dust plumes would be contained within the geographical boundaries of the quarry, and therefore would have a limited impact on the closest receptors around the site. Receptors located further away are expected to be much less impacted. It should be emphasized that current modeling results are obtained with a 95% reduction control efficiency of the dust emissions. No modeling results are provided if reduction control are not as effective (e.g., 75%).



6. S. 5.6 IDENTIFICATION OF CONTAMINANTS AND SOURCES:

- a. List all the permanent/temporary and short-term/long-term emission sources in a table. **Comment addressed.** The combination of information provided in Sections 2 & 4 can be used to list and compare emission source types.
- b. A brief description of Figures 2 to 5 has to be included in this section. **Response noted.** It continues to be recommended that a list of the figures with their respective titles in the body of the report will help clarify the document. However it is noted that this would not affect the conclusions and recommendations of the study.

7. S. 5.7 CRITERIA:

- a. Change the title of this section to “Air Quality Criteria and Standards”.
- b. It’s common practice to include in the text a table listing the relevant criteria and standards for the air pollutants of concern.

Response noted. It continues to be recommended that changing the title and adding a simple table listing current air quality standards pertinent to the project would greatly improve the clarity of the document. However it is noted that this would not affect the conclusions and recommendations of the study.

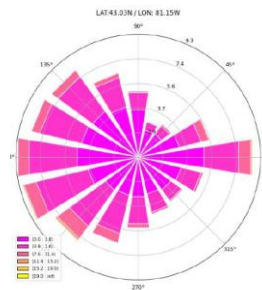
8. S. 5.8 EMISSION ESTIMATION:

- a. US Environmental Protection Agency's document "AP-42: Compilation of Air Emissions Factors" is the main reference to estimate emissions for this type of AQA study. Therefore, it should be cited in this section, such as (<https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-Compilation-air-emissions-factors>, date of access; US Environmental Protection Agency, year). **Comment addressed.** Section 18 now includes a reference to the EPA's document.
- b. Provide a reference for the silica content. Is a silica/PM10 ratio of 10% used to estimate silica concentrations from the PM10 concentrations modeled with AERMOD? **Comment partially addressed.** The reference for Silica has been added to Section 8. Silica as a "% of PM10" appears in the tables but should also appear in Section 8 for clarity.
- c. Detail the mitigation measures included in the emission calculation. "Control efficiency" is an expression used in the Appendices and is the key parameter applied to raw emissions to decrease them. That expression should be explained in this section. **Comment addressed.** A paragraph detailing measures to attain 95% reduction control efficiency was added to Section 8.
- d. Watering the unpaved road is an effective control method and is suggested to be used in the project. The "95% reduction control efficiency" as a result of watering could be considered as optimistic since an average efficiency of 75% is considered in the literature (US EPA 1993). **Comment addressed.**

9. S. 5.9 DISPERSION MODELLING:

- a. Please indicate the date of the version for AERMOD such as "AERMOD version 19191 dispersion model (version date July 10, 2019)". **Comment addressed.** The AQA was modified with a paragraph about sensitivity runs performed with the version of AERMOD used in the current study and with the latest version of the dispersion model.
- b. How many simulations were conducted? Did you conduct various simulations based on different "control efficiency" values applied to the raw emission inventories? **Comment addressed.**

- c. Let's assume that the meteorological dataset was obtained from <https://www.ontario.ca/page/map-regional-meteorological-and-terrain-data-air-dispersion-modelling>. Based on the location and characteristics of the project site, the file "West_Central_Crops", including the "London 1996-2000" dataset, seems to be the dataset required by MECP to run AERMOD. Is it the land use type used in the simulations with AERMOD? **Comment addressed.**
- d. The wind rose shown below indicates that the prevailing wind direction is mostly between the southwest and the northwest, but it has also a strong component from the east. **Comment not addressed. The report should include a short description of the wind directions used in this AQ assessment since the wind direction is the key parameter driving the atmospheric dispersion of the fugitive dust in the vicinity of the project site.**
- e. Since AERMOD is not a terrain-following coordinate system code, how was it applied to a domain characterized by the non-flat terrain of a quarry? Was CALPUFF considered for this project as an alternative dispersion model? **Comment addressed.**



- f. What are the receptor heights used in the model? It is suggested to use receptors at different heights to see how far air pollutants travel vertically. It has an impact on the horizontal transport of pollutants. **Comment addressed.**

10.S. 5.10 LOCAL EMISSION SOURCES:

- a. "Due to this distance, impacts from this site are not expected to significantly influence the predicted impacts from the extension". The only way to know for sure would be to apply AERMOD with receptors located 2+ km away from the site. **Comment addressed. The reviewer did not initially understand what the purpose of Section 10 was. Its purpose is to list the current local emission sources around the future site in order to assess whether such sources should be considered to evaluate suitable background pollutant concentrations. Maybe it should be mentioned at the beginning of Section 10.**

Because both WEG and WQB sites are located north of the extension and because the prevailing wind direction is mostly from the west, it is very

unlikely that emissions from both existing emission sources will have a significant impact on background air quality 2 km south of their locations.

- b. What is a “suitable background air quality level”? **Comment addressed.** Additional explanation was provided at the end of Section 10

11.S. 5.11 BACKGROUND AIR QUALITY:

- a. “Background values were estimated.” Confirm this is PM2.5 background data.
- b. “Nearest” is too vague. It’s better to specify the distance between the project site and the closest MECP monitoring station, such as: “St. Catharine’s ambient air monitoring station (43°9’36”N, 79°14’5”W) is located 9 km from the proposed Upper’s Quarry site”. This AQ station is considered an urban site. In general, PM and NO2 levels are expected to be higher at an urban site than in a rural area where Upper’s Quarry would be located.

Comment a-b partially addressed. Please specify: “**PM2.5** background concentration values were estimated using data from the nearest MECP monitoring station (MECP Station ID 27067) ...”.

12.S. 5.12 CHEMICAL REACTIONS AMONG CONTAMINANTS:

- a. No comments on this section. **Comment addressed.** No response required.

13.S. 5.13 UNCERTAINTIES:

- a. “... as they are potentially influenced by many factors.” Identify which factors are considered here. **Comment addressed.**
- b. “... to estimate impacts under worst-case weather.” Explain what “worst-case” means here. **Comment not addressed.** Please provide examples such maximum wind speed considered, absence of rainfall in the simulations that could naturally mitigate the dust issue.
- c. Provide examples of a few “assumed mitigation measures”. **Comment addressed.** “Assumed mitigation measures” were explained in other sections of the report.

14.S. 5.14 RESULTS:

- a. In this section, the main results extracted from the tables must be summarized quantitatively. **Response noted.** It continues to be strongly recommended that a summary of the results in a table included in the body of the report to improve the readability of Section 14. However it is

noted that this would not affect the conclusions and recommendations of the study.

- b. “With the addition of background concentrations to benzo(a)pyrene, this contaminant exceeds the AAQC. This is due to the ambient background levels throughout most of Ontario already being above the AAQC.”. “Most of Ontario” means that the AAQC is shown to be exceeded at more than one air monitoring site. **Comment addressed.** The additional information provided in the updated AQA clarifies the interpretation of the BaP modeling results in Section 14.
- c. Using a receptor grid instead of discrete receptors would have helped present (i.e., concentration maps) and interpret (i.e., atmospheric dispersion processes) the results calculated with AERMOD. **Response noted.** It continues to be recommended that using a receptor grid would be a better approach for this kind of AQ assessment study, as it would permit to visualize the horizontal dispersion of the dust plume. Using a grid and considering 2 to 3 control efficiency values for the emissions would permit to compare plume dispersion patterns and potential impacts on the residential area. However it is noted that this would not affect the conclusions and recommendations of the study.

15.S. 5.15 RECOMMENDATIONS:

- a. Would there be a system on-site to alert the quarry’s staff/management when fugitive dust events occur? **Comment addressed.** The site will operate in accordance with the Best Management Practices Plan for fugitive dust emissions.
- b. How frequently a dust suppressant (e.g., water) has to be applied? The frequency can be linked to the “control efficiency” of the emissions. **Comment addressed.** A note about the frequency of water application to haul routes was added to Section 16 of updated AQA.

16.S. 5.16 RECOMMENDED MANAGEMENT PRACTICES:

- a. Are there recommendations to control benzo(a)pyrene emissions from the operations at the quarry site? **Comment addressed.** Issue was addressed in Section 14 of the updated AQA.

17.S. 5.17 CONCLUSION:

- a. Replace “Section 13” by “Section 15”. **Comment addressed.** References to Sections 15 and 16 were included in Section 17.

18.S. 5.18 TABLES

- a. Correct “Upper’s Quarry” in all table captions. **Comment addressed.**

19.S, 5.19 FIGURES

- a. A description of each figure is needed. **Comment addressed.**

20.S. 5.20 REFERENCES

- a. Create at the end of the report a section to list all references cited in the report. **Comment addressed. All pertaining references are now listed in Section 18.**
 - b. Add “EPA, 1993, Emission factor documentation for AP-42, section 13.2.2, unpaved roads. “ **Comment addressed. The EPA reference to unpaved roads was included in Section 18.**
21. There are concerns with benzo(a)pyrene exceeding the AAQC guidelines. What is affected by this increase? What are the concerns when benzo(a)pyrene exceed AAQC guidelines? **Comment addressed.**

Appendix 8: Blasting Impact Assessment Comments

Regional and City planning staff and the peer review consultant (Englobe) have reviewed the Updated Blast Impact Assessment, prepared by Explotech, dated August 2023 and offer the following based on our previous comments:

1. The Blasting Impact Assessment under the heading 'Recommendation' provides (11) recommendations as the condition of blasting in the proposed Walkers Aggregates Upper Quarry extraction area. Englobe concurs with these recommendations and suggest the following be addressed:
 - a. Critical conditions recommended by the BIA be included in the final version of the site plan notes; and
 - b. Critical conditions outlined (note D) on the site plan drawings sheet 4 of 6 be judiciously implemented to maintain compliance with the MECP guidelines and regulations

Comment 1 a-b addressed.

New Comment

1. It is recommended that a written protocol be provided to the City and Region and posted on the Walker website advising residents of the process should property damage from blasting be suspected. This protocol should be referenced on the ARA Site Plan drawings as appropriate.

Appendix 9: Traffic Impact Study Comments

Regional and City Transportation Staff have reviewed the Transportation Impact Study Addendum, prepared by TYLin, dated March 2023 and offer the following based on our previous comments:

Regional Transportation Comments:

1. The Region will require the owner/developer to enter a legal agreement with the Region for the required road improvements, maintenance of the road during operation of the quarry and potential reconstruction of the road after the closing of the quarry if the additional lanes are not required. **Comment remains valid. A legal agreement will be required as part of the detailed design process.**
2. The TIS hasn't applied any growth rate to the historic traffic volumes dated 2018 and has depended on the increased expected traffic volumes generated from the two background developments (Rolling Meadows and Thorold Townline Road Employment Lands). The Region always requests a growth rate applied to historic traffic counts additional to any background developments. **Comment addressed.**
3. For the capacity analysis, existing conditions should represent factored historical counts using a growth rate of 2% per annum (not present it for 2018 counts as shown in the report). **Comment addressed.**
4. The Region's TIA Guidelines request using ideal saturation flow rates of 1,750 vehicles per hour per lane, and peak hour factors of 0.92 for all movements. The Region will accept the peak hour factors used, however, the saturation flow rate will need to be revised to the 1,750 as noted in the Terms of Reference. **Comment addressed.**
5. For the capacity analysis, the TIS has assumed various % increase in trucks, however, the existing heavy vehicles used in the assumptions should have been factored by 2% growth rate for 2025 and 2035 future background conditions. **Comment addressed.**
6. The capacity analysis for Thorold Townline Rd at Thorold Stone Rd shows that at 2025 & 2035 Future Total Conditions, the SBTR movement is expected to have v/c ratios more than the Region's thresholds. Although this was observed in the 2025 & 2035 Future Background conditions, the subject development has contributed in worsen the traffic conditions. The TIS should have included any geometric/or other improvement(s) for the Region's review. **Comment addressed.**
7. The capacity analysis for Thorold Townline Rd at Lundy's Lane shows significant delays by the NBL movement under 2035 Future Total Conditions and has recommended constructing a dedicated SBR turn-lane to improve both SB & NB

operations. LOS at these movements are D & E but v/c ratios are acceptable based on the Region's thresholds for v/c ratios. **Comment addressed.**

8. The TIS stated that: "A signal warrant was conducted for the intersection of Thorold Townline Road and Beaverdams Road under 2025 Background conditions to confirm if the combined existing and 2025 background traffic would justify the installation of a traffic signal". A signal was found not warranted and the TIS has suggested monitoring the intersection for signalization in 2025. **Comment addressed.**
9. The signal warrant analysis should have been done for 2025 Total Conditions and 2035 Total Conditions if it is not warranted under the 2025 Total Conditions considering site trips in the analysis. (Note: The capacity analysis has included the signal option in 2025 Total Conditions and 2035 Conditions and demonstrated operation improvement). **Comment addressed.**
10. The queueing analysis results shown in Table 7-1 & 7-2 (pages 48 & 50) show that a number of left/right turn-lanes of Thorold Townline Rd intersections would require storage extensions in 2025 & 2035. These are mainly due to background growth. **Comment addressed.**
11. A detailed design for the site access at Uppers Lane is found in Appendix E was reviewed by transportation engineering staff and the following comments are to be addressed: **Comments a-g are to be addressed during the detailed design process.**
 - a. Given the volume of trucks, they should include deceleration length in the southbound left turn lane.
 - b. The northbound deceleration and acceleration lanes extend over 450m. This may result in drivers believing Townline road is 2 lanes in the northbound direction. Unwanted passing may result. This concern should be addressed in the updated TIS.
 - c. There is a vertical curvature south of Thorold Townline Rd & Uppers lane intersection (site access) which might affect the sightline. We need them to carry out a sightline assessment to verify if the NB acceleration lane is required. If sightline is adequate, there is no need for the acceleration lane as drivers might use it for passing.
 - d. Street sweeping as required at the responsible of the Quarry
 - e. Once the quarry has been closed – review of the road design will be reviewed and if modifications are required the reconstruction of the road will be the responsibility of the Quarry/owner.
 - f. An illumination warrant is to be completed

- g. The functional drawing hasn't shown the opposite existing access for DMZ Paintball, which will be affected by their proposed widening on the west. Future drawings submission should include existing accesses.

New Comment

Based on the revised submission the following is provided. These comments are advisory, and will need to be addressed through a future detailed design process.

1. Regional Road, Entrance and Permits. Comments with regard to the proposed entrance are as follows:
 - a. The conceptual designs have been updated. TYLin conducted a sightline analysis and determined that both trucks and passenger vehicles have acceptable sightlines and can enter the northbound stream of traffic without a northbound acceleration lane.
 - b. Regarding the conceptual road design (Figure CD1), Option 1 is the preferred solution by Regional transportation staff, with both northbound and southbound deceleration lanes. Given the volume of trucks, northbound and southbound deceleration is preferred.
 - c. Detailed Engineering drawings for the road improvements will need to be submitted for review and approval by Regional transportation staff with the following planning application or prior to the application for an entrance/construction encroachment permit.
 - d. An illumination warrant is to be completed
 - e. The functional drawing hasn't shown the opposite existing access for DMZ Paintball, which will be affected by their proposed widening on the west. Future engineering drawings submission should include existing accesses.
2. Due to the operations at the quarry the Region will require that the Region and Owner enter a maintenance agreement for Townline Road which will address requirements as such:
 - a. Street sweeping as required at the responsible of the Quarry
 - b. Once the quarry has been closed – review of the road design will be reviewed and if modifications are required the reconstruction of the road will be the responsibility of the Quarry/owner.
3. REGIONAL CONSTRUCTION ENCROACHMENT PERMIT - Prior to any construction/work taking place within the Regional road allowance, a Regional Construction, Encroachment, and entrance Permit must be obtained from the Transportation Services Division, Public Works Department.

4. **REGIONAL SIGN PERMIT - Please note that the placement of any sign, notice or advertising device within 20m of the centerline of Ontario Street will require a Regional Sign permit. Permit applications can be made through the following link: <http://niagararegion.ca/living/roads/permits/default.aspx>**

City Transportation Comments:

12. Beechwood Road is a City arterial road. It has a planned 26.0 metre right-of-way as identified in the City's Official Plan. Beechwood Road is 20.12 metres wide. Accordingly, a 2.94 metre road widening will be required along the Beechwood Road frontage of the subject lands.
13. Upper's Lane is a local City road. It has an approximate 8.0 metre right-of-way. Walker Aggregate Inc. owns the parcels of land that abut Uppers Lane on each side of the road, except for the Bible Baptist Church at the southwest corner of Beechwood Road of Uppers Lane. However, the church has driveway access exclusively on Beechwood Road. There is negligible traffic on Uppers Lane.
14. If Upper's Lane is to remain a public road allowance, its existing 8.0 metre width will not be adequate to accommodate wider lanes for the expected truck use, and provide the required roadside features (shoulders, ditches, placement of utility poles, etc.). This will need to be evaluated through a detailed design of Uppers Lane. The City standard for a rural road is a minimum 20 metre right-of-way. Any additional road allowance width required will need to be dedicated to the municipality.
15. A daylight triangle measuring 7.0 metres by 7.0 metres will be required on the northwest corner of Beechwood Road and Uppers Lane, over and above the aforementioned 2.94 metre road widening for Beechwood Road.

Comments 12-15 have been incorporated into requested conditions. Should Uppers Lane be acquired by the licensee, comments 13 to 15 inclusive are no longer applicable.

16. A transportation assessment study/report is a requirement of a complete application. A traffic impact study prepared by the Municipal Infrastructure Group Ltd. (TMIG), dated October 2021, was submitted with the additional background materials to support this application. The primary traffic impact of the proposed quarry is on the regional road network, specifically Thorold Townline Road & Taylor Roads (RR# 70), Thorold Stone Road (RR #57) and Lundy's Lane (RR# 20) to access Highway 406 via Highway 58 and/or the Queen Elizabeth Way. Two haul routes are described in the traffic report with preference given to the first route which directs trucks exiting the site at some point along Uppers Lane to proceed west to Thorold Townline Road, then north on Thorold Townline Road and either proceeding left towards Highway 58 then onto Highway 406, proceeding through onto Taylor Road with the goal of reaching the Queen Elizabeth Way via the Glendale Avenue interchange, or turning right onto Thorold Stone Road to the Queen Elizabeth Way interchange east of Montrose Road. It

is noted that the proposed haul route will not make use of Beechwood Road, but employees will be able to access the site via Beechwood Road if they choose to do so. **For information only – no response required.**

17. The quarry is expected to generate about 100 bidirectional trips in the peak hour, with approximately 90% comprised of truck traffic. The report recommends a southbound left turn lane and a northbound right turn lane on Thorold Townline Road at Uppers Lane. Regional Transportation Staff will provide comments on the expected operation of the study area intersections as each node analysed is under their jurisdiction. **For information only – no response required.**
18. The truck template shown in the traffic report uses a heavy single unit (HSU) truck, which is a 35-foot cube van, but closely mimics the turning path of a dump truck. Aerial views of the existing quarry show several large trucks with trailers that have a combined length of up to 75 feet long. Clarification on the design vehicle to be used in design is requested. **Comment addressed.**
19. The report identifies that Uppers Lane is expected to operate satisfactorily as a two-lane road. The travelled portion of the road was measured to be less than 5.0 metres at various points throughout its length, with narrow or non-existent shoulders. The report recommends widening the pavement on Uppers Lane by 1.0 to 1.5 metres between Thorold Townline Road and the quarry entrance, but it will probably need to be even wider (7.0 to 7.5 metres total width, given that the road will need to be designed at a 80 km/h design speed) to meet prevailing road standards. The road appears to be in poor condition for heavy truck traffic; Engineering Staff will provide additional comments on this matter. **For information only – no response required.**

Appendix 10: Cultural Heritage Comments

City Planning Staff as well as the City's Municipal Heritage Committee have reviewed the Cultural Heritage Impact Assessment, prepared by MHBC, dated October 2021 and offer the following:

1. The City's Heritage Committee has no concerns with the proposed quarry with respect to the property located at 10148 Beaverdams Road. **Comment addressed – No response required.**
2. City Planning Staff are continuing to consult with Indigenous groups regarding the assessment. Further comments may be provided at a future date following comments received from the Indigenous groups. **Consultation with Indigenous groups is ongoing. JART will provide any additional comments or information as it becomes available.**

Appendix 11: Visual Impact Study Comments

City Landscape Architecture staff have reviewed the resubmission package including Visual Impact Addendum Letter, prepared by MHBC, dated February 24, 2023 and provide the following commentary and comments. Where clarification or revisions are required, these comments are shown in **bold**:

1. The Operational Plan (drawing 2 of 6) shows a Typical Berm – Adjacent to Beechwood Road Detail that is 3 metres in height. This will screen the view of the quarry from pedestrians and those travelling in vehicles. **A height of 4.5 metres is requested to provide enhanced visual screening.**
2. The Report Recommendations Plan (drawing 4 of 6) shows a Typical Visual Berm Detail that is 2.4 metres in height. This will screen the view of the quarry from pedestrians and those travelling in vehicles.
3. The Report Recommendations Plan (drawing 5 of 6) Typical Visual berm Detail that is 2.4 metres in height. This plan also shows 3 enlargements of Extended Planting areas 1, 2 and 3. These areas include a visual berm, large planting stock, small planting sock and a 6 metres wide planting area at grade.
4. This page also provides written specifications on the proposed berms and plant material, under Item G: Visual. (clauses added to conditions where applicable)
 - a. Item #3 (Plant Material)
 - i. Native, non-invasive species which are also wind and salt tolerant are proposed. **Please include the term “drought tolerant”.**
 - b. Extended Planting Areas
 - i. Trees will be spaced from 5-10 metres on centre, which is acceptable.
 - ii. **Please provide a typical layout plan or describe in words the spacing of the plant material.**
 - c. Large Planting Stock
 - i. The 40 mm caliper for deciduous trees is acceptable.
 - ii. **The 1 meter height for coniferous trees is undersized. It is recommended to increase the height to at least 1.5 metres. A 1 metre high conifer will take a long time to increase in height and to contribute to the intended visual screen.**
 - iii. Shrub species are proposed at 40 cm in height, which is acceptable.

- iv. **There is insufficient information to analyze the amount and spacing of proposed plant material. Please provide a typical layout plan or describe in words the spacing of the plant material.**

d. Small Planting Stock

- i. The 1.2 metre high tree whips for deciduous trees is acceptable.
- ii. **The 0.6 metre height for coniferous trees is undersized. It is recommended to increase the height of the coniferous trees to 1.2 metre. A 0.6 metre height will struggle to compete with the proposed wildflower and naturalization groundcover mixes.**
- iii. Shrub species are proposed at 20 cm in height, which is acceptable.
- iv. **There is insufficient information to analyze the amount and spacing of proposed plant material. Please provide a typical layout plan or describe in words the spacing of the plant material.**

e. Plant List

- i. White Pine is mentioned twice and White Spruce is mentioned twice (**please revise**).
- ii. A total of 3 coniferous tree species are proposed. **Please see comment above and provide 2 additional coniferous tree species.**
- iii. A total of 8 deciduous tree species are proposed.
- iv. A total of 6 deciduous shrub species are proposed.
- v. As this is a proposed naturalized type of planting to be located on berms and roadways, it is assumed that the plant species will need to be drought tolerant. **Please verify that all species will be drought resistant/ do not require most soil conditions (e.g. dogwood, white cedar, etc).**

f. Monitoring

- i. Item #5 proposes to water and monitor the planted trees for the first year. **This should care should also be extended to the proposed shrubs.**

- ii. After the first year, the monitoring is proposed to occur bi-annually (every other year). **It is recommended that the plant material is monitored with dead plant material being replaced annually.**
- iii. Item #6 notes that a mortality rate of 15% is expected over the 5 year maintenance period and that only dead trees above this percentage will be replaced. **This is not a best practice in landscape architecture. All dead trees and shrubs should be replaced (i.e. no acceptable mortality rate).**

Appendix 12: Economic Benefits Analysis Comments

* Note: The Economic Benefits Analysis comments that were included in the original August 23, 2022 JART comment letter were replaced by an addendum letter dated November 14, 2022. The comments were updated to ensure alignment with the terms of reference for the study that was submitted as part of the pre-consultation process. The comments below, and responses in red are based on the November 14, 2022 comment letter.

Regional and City staff and the peer review consultant (Watson & Associates Economists Ltd.) have reviewed the Updated Economics Benefits Study, prepared by Prism, dated February 2023 and offer the following based on our previous comments:

1. In general, the report focusses on revenues the municipalities will receive (e.g. property taxes, TOARC fees, etc.). With respect to municipal expenditures, no identification of operating or capital costs have been included. Although this was not explicitly included in the terms of reference submitted as part of the pre-consultation process, consideration should be given to addressing this information to support the decision-making process.

Consideration should be given to Regional Official Plan 14.D.5 which states “...Where an Amendment is proposed to the Regional Official Plan, the Region shall consider the following criteria in evaluating the Amendment...viii. The effect of the proposed change on the financial, health, safety, and economic sustainability of the Region...” as well as City of Niagara Falls Official Plan policy

Part 4 Section 2.6 “When considering an amendment to the Official Plan, Council shall consider the following matters. ...2.6.7 The financial implications of the proposed development...”

No additional information on impacts to operating costs were provided. The Planning Justification Report, Page 5 states the following:

For the past 17 years, Walker has acquired land in the City of Niagara Falls, Region of Niagara where high quality bedrock is situated for the purpose of establishing a new quarry. The proposed quarry is located just over 2 kms south of Walker’s other quarry in the City of Niagara Falls which is nearing depletion.

For this purpose, Walker is applying for amendments to the Niagara Region Official Plan, the City of Niagara Falls Official Plan, and the City of Niagara Falls Zoning By-law under the Planning Act to permit the mineral aggregate quarry operation on the “proposed quarry site” or “subject lands”...

As stated, this quarry is being proposed as a continuation of existing operations. This was further reflected in the February 17, 2022 meeting with the applicant’s consultants. As such, if there is no incremental employment arising from the site

(i.e. the same number of employees at the other site work at this site), and no additional capital costs are required, then assuming no incremental operating costs would be a fair assumption. This should be noted in the analysis.

2. With respect to the anticipated tonnage of aggregate to be extracted, the study provides that a maximum of 1.8 million tonnes may be extracted annually, whereas on average the production may equate to 1.3 million tonnes annually. However, through initial conversations, it appears this site may act as a replacement of existing quarry operations at another site owned by the applicant. As a result, it should be identified if the amount to be extracted from the new site is in addition to existing amounts or will replace current levels of extraction.

As noted in Watson's response to item number 1, the Planning Justification Report and the conversations with the applicant's consultants confirm this site is being proposed as a result of the depletion of the existing quarry. The purpose of the Economic Benefits Study is to assist the municipalities in determining the additional revenues and economic benefits received. As this appears to be a continuation of existing quarry activities at another site, this should be clarified with respect to the average extraction from the other site. That is, if the average extraction from this site is 1.3 million tonnes of aggregate and the previous site was 1.0 million tonnes of aggregate, then the incremental benefit to the municipalities is 0.3 million tonnes of aggregate. This figure could then be used as the incremental tonnage upon which the economic benefits would be assessed. Otherwise, if the extraction level is the same, this should be noted to provide the municipalities with full information.

3. With respect to the economic impacts, the employment and salary information appears to have been undertaken appropriately using the Statistics Canada input-output multipliers. However, the calculations should be provided in further detail to allow the JART to review the specifics.

In Watson's opinion, the purpose of this exercise is for the applicant to show the municipalities the Economic Benefits of the application. As such, the details of the calculations should be provided to substantiate the results.

4. Additionally, as the new proposed site is located on the border of Niagara Falls and Thorold, the study should include financial and economic benefits for the City of Thorold as well as the City of Niagara Falls and the Region as per the comments included in the pre-consultation agreement.

The updated report includes economic benefits for the City of Thorold. As there is no property located in the City of Thorold, there is no change to assessment or tax revenue. As such, this comment has been addressed in the study.

Note, however, that as per item 3 above, the detailed calculations were not provided.

5. S. 3.1.1 Aggregate Production - The report provides that the maximum annual extraction limit is 1.8 million tonnes of aggregate, with an anticipated average extraction amount of 1.3 million tonnes annually. However, through initial discussions with the applicant, it appears this new quarry site may be replacing the existing quarry site which is approximately 2.5 km away. As a result, the report should identify if the development of this quarry is a continuation of existing operations or would result in 1.3 million tonnes of aggregate in addition to the current site.

As noted in Watson's response to item number 1, the Planning Justification Report and the conversations with the applicant's consultants confirm this site is being proposed as a direct result of the depletion of the existing quarry. The purpose of the Economic Benefits Study is to assist the municipalities in determining the additional revenues and economic benefits received. As this appears to be a continuation of existing quarry activities at another site, this should be clarified with respect to the average extraction from the other site. That is, if the average extraction from this site is 1.3 million tonnes of aggregate and the previous site was 1.0 million tonnes of aggregate, then the incremental benefit to the municipalities is 0.3 million tonnes of aggregate. This figure could then be used as the incremental tonnage upon which the economic benefits would be assessed. Otherwise, if the extraction level is the same, this should be noted to provide the municipalities with full information.

6. S. 3.1.2 Employment Impacts:
 - a. The report notes the use of the Statistics Canada Input-Output multipliers. This approach is consistent with best practices in this field. However, the assumptions and approach to the calculations have not been identified. The anticipated construction price for the initial employment impacts has been identified at \$23 million, however, the assumption of ongoing revenues has not been provided.

Further, if this site will be a replacement for the current site, the report should identify that these operations are a continuation of existing employment levels, with the addition of direct and indirect employment related to construction of the site.

The report states the following:

Economic multipliers calculated from Statistics Canada's Supply-Use tables were applied to revenue projections, to provide estimates for employment and wages. Those multipliers calculate Provincial impacts; a base analysis was further performed on the impact estimate at the 4-digit NAICS level in order to define the size of regional capture of those effects.

However, without the details of the calculations, it is not possible for JART to review the assumptions to confirm accuracy and/or provide comment.

Additionally, with respect to Watson’s response to item number 1. The additional employment should be identified relative to the existing operations this quarry will replace.

7. S. 3.2.2 Assessment Assumptions - In estimating the assessment to be generated from the expansion of the quarry, Prism notes that they used the Income Approach in estimating the assessment, however, no calculations have been provided. Detailed calculations on the Income Approach estimate should be provided to allow the JART to undertake a review of the calculations. Based on the report, the total assessed value is \$44.6 million. When applied to the total acres of the property (262.67 acres), the total assessed value per acre is \$170,000. This estimate appears exceedingly high. The following provides for a comparison of quarries in various areas of Southern Ontario:

Municipality	Address	Total Assessed Value	Total Acres	Assessed Value per Acre
Niagara Falls	2841 Garner Road	4,161,000	406.77	10,229
Port Colborne	Concession Road 2	1,204,000	180.83	6,658
Lincoln	3614 Victoria Ave	2,548,000	250.66	10,165
Hamilton	834 Brock Road	6,061,000	666.35	9,096
Burlington	1775 King Road	1,652,000	111.16	14,861

Source: MPAC PropertyLine Database

As noted in the above sample of quarry properties, the assessed values per acre range from a low of \$6,658 to a high of \$14,861. Therefore the assessed value of \$44,600,000 (or \$170,000 per acre) is significantly higher.

Rather than taking the Income Approach, in Watson’s opinion, it would be more appropriate to undertake a survey of assessed values of quarries. Further, it is most appropriate to review the assessed value of quarry properties in the Region, rather than quarries in other regions. As part of the Assessment Act, section 44 (3) (b) notes that land valuation will have reference to the value of similar lands in the vicinity and make adjustments to maintain equity with these lands. As a result, a survey of quarry properties in the Region should be undertaken in estimating the assessed value. Note that if the assessed value per acre was based on the 2841 Garner Road property (currently owned by the applicant), then the total assessed value would be approximately \$1.1 million.

Additionally, MPAC provides assessment adjustments to residential properties abutting and within 1km of quarries. The proposed quarry may reduce assessed values of residential properties in the area, thus reducing tax revenues. This should be included in the analysis.

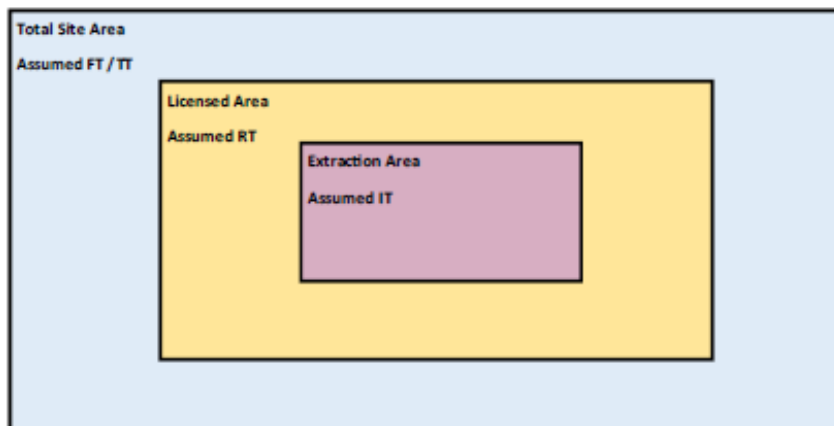
Finally, the loss of existing assessment and tax revenue should be included in the report.

The revised report states that the Industrial land value is estimated based on an average of comparable sites in Southern Ontario. This value is \$11,088 per acre. There is no listing of the applicable sites used to determine this value. However, it is noted that this amount is within the range that Watson provided in the initial response.

Adjustments to residential properties related to proximity to the quarry site have been addressed.

The loss of existing assessment and tax revenue has not been identified.

8. S. 3.2.3 Tax Class Assumptions - The analysis assumes that the proposed quarry will be assessed as 100% industrial. This includes the licensed area, extraction area, and remaining areas. In our experience and based on the regulations to the Assessment Act, the industrial assessment (IT) applies to the extraction area, residential assessment (RT) would generally apply to the remaining licensed area, and any remaining lands may be assessed as farmland (FT) and/or managed forests (TT). This is provided in the following diagram:



We would note that this would be a fair assumption as the actual assessment class would depend on the use of the land as per the Assessment Act. For example, use is farming by a bona-fide registered tenant farmer then it might be FT otherwise, if farmed it could be RT at farmland assessment rates. The same would apply for the Managed Forest portions if the owner applies to the Ministry of Natural Resources and Forestry for the TT tax class consideration.

The report only provides the total site area and does not identify the licensed area or extraction area. As a result of assuming industrial assessment only, the tax revenue has been overestimated since the tax rate for industrial properties is

higher than that of residential and farm/managed forests. This should be recalculated to align with the Assessment Act.

Based on the figures in the Planning and Justification report, the overall calculation estimates appear to provide a reasonable range of tax revenue.

There is no reduction for the existing property tax revenue generated from the properties listed in Figure 2 of the Planning and Justification Report. This should be provided based on the properties identified.

9. S. 3.2.4 Annual Aggregate Levy Fees - The report does not provide the details of the calculations for the aggregate licensing fee and is unclear. The aggregate licensing fee identified in the text is the 2020 rate and the percentage allocation to the City of Niagara Falls is incorrect. However, applying the correct percentages and 2022 rates, provides a similar result to that shown in Table 4 of the report.

The Government of Ontario website provides the following breakdown of how the fees are allocated:

- Aggregate Resources Trust – 3%
- Local Municipality (City of Niagara Falls) – 61%
- Upper-tier Municipality (Niagara Region) – 15%
- Crown (Province of Ontario) – 21%

Based on the assumption that there will be 1.3 million tonnes extracted annually, the revenues would be as follows (based on 2021 and 2022 rates):

Aggregate Levy Calculations	Percentage Allocation	2021 Fee/tonne \$0.208	2022 Fee/tonne \$0.213
Aggregate Resources Trust	3%	\$8,112	\$8,307
Niagara Falls	61%	\$164,944	\$168,909
Niagara Region	15%	\$40,560	\$41,535
Ontario	21%	\$56,784	\$58,149
Total		\$270,400	\$276,900

Further, as the report is unclear if the extraction amounts from this site will be in addition to, or a continuation of, aggregate tonnages currently extracted, it is unclear if this revenue is in addition to the current revenue received or a continuation of revenues already received. This should be clarified in the report.

Due to rounding, these numbers are slightly different than those calculated with 1.3 million tonnes of aggregate. These rounded numbers are reasonable estimates. As noted in item 1, the analysis should note that this is a replacement of existing revenues and not additional incremental revenue as compared to current revenues received.

10. City Staff request confirmation if property assessment are adjusted by MPAC in proximity to a quarry, and if so, the impact on property taxation.

As noted above, this has been addressed as the buffer ensures no residential properties are abutting the quarry property.

Appendix 13: City of Niagara Falls Building Department Comments

The following responses are provided based on previous comments:

1. All required Building Permits and Demolition Permits (not excluding any federal/provincial/regional/municipal, heritage approval, site-plan control, hydro-corridor, etc...) to be obtained prior to commencement of any construction/demolition/application-submission in accordance with the Ontario Building Act –Applicable Law, to the satisfaction of the Building Services Division and the Fire Prevention Division. **Comment addressed. An additional note has been added to the ARA Site Plan drawings.**
2. City, Regional and Education Development Charges (not excluding Parkland Dedication Fee, if applicable) will be assessed during the review of the Building permit(s) application submission. **Comment was provided for information. No action required at this time.**
3. Fire Prevention Division requires assessing the site proposal as it relates to on-site fire-fighting practices, i.e. private fire-route accesses, fire-hydrant locations (private and/or public), fire-department connection(s), etc.... **Comment addressed. An additional note has been added to the ARA Site Plan drawings.**
4. Building application submission, spatial-separation fire-protection review shall be conducted. **Comment was provided for information. No action required at this time.**
5. Geotechnical Report (not excluding any seismic data/recommendation/groundwater) shall be provided at building application submission. **Comment was provided for information. No action required at this time.**
6. Please be advised, signage may require sign permits. Please telephone Building Services Division – Permit Application Technicians/Technologists at 905-356-7521, Extensions 4213 or 4344. **Comment was provided for information. No action required at this time.**

Appendix 14: TransCanada Pipeline Comments

*Note: TransCanada Pipeline Limited (TCPL) was circulated the notice of complete application and provided the comments below. JART notes that it appears that the ARA drawings were updated to include the requirements of TCPL and that there is an additional provision that will need to be included the proposed zoning by-law amendment. The revised drawings were circulated to TCPL to confirm that the changes were acceptable – to date JART has received no response. We will communicate any response from TCPL as soon as it is received.

TransCanada Pipeline (TCPL) has provided the following comments to the JART upon receipt of the notice of application. These comments should be addressed in the resubmission package as appropriate.

1. TCPL requires notification for blasting within 300 metres of their right-of-way (easement). No blasting shall occur until written consent is obtained from TCPL.
2. Any other work (other than blasting) within 30 metres of TCPL's right-of-way requires written consent.
3. Crossing of the TCPL right-of-way with vehicles is not permitted without written consent.
4. No material extraction shall be permitted within 40 metres of TCPL's right-of-way without written consent from the Canada Energy Regulator (CER, formerly NEB or National Energy Board)
 - a. TCPL does not have the authority to consent to mining within 40 metres of their right-of-way.
 - b. Please refer to: <https://www.cer-rec.gc.ca/en/safety-environment/damage-prevention/ground-disturbance/index.html>
5. No buildings or structures shall be installed anywhere on TCPL's right-of-way. Permanent buildings and structures are to be located a minimum of 7 metres from the edge of the right-of-way. Temporary or accessory buildings are to be located a minimum of 3 metres from the edge of the right-of-way.
6. A minimum setback of 7 metres from the nearest portion of a TCPL pipeline right-of-way shall also apply to any parking area or loading area, including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces, and any associated drive aisle or driveway.
7. TCPL is requesting the following setbacks be implemented through the ARA site plans and Zoning By-law Amendment:

No building, structure, parking or loading spaces, or related aisles or driveways may be located closer than 7.0m to the TransCanada pipeline right of way except

accessory buildings which may not be located any closer than 3.0 m to the TransCanada pipeline right-of-way.

Appendix 15: City of Thorold Comments

Given the close proximity to the site the City of Thorold was circulated the proposed Regional and City of Niagara Falls Official Plan amendments. The following comments were provided by the City of Thorold Planning Department's regarding the first and second submissions of the applications.

Generally speaking, the City's comments below pertain to the current and future land-uses within the City of Thorold, west of Thorold Townline Road, including lands within the City of Thorold's Neighbourhoods of Rolling Meadows Secondary Plan.

9811V – Uppers Quarry – Site Plan – Redlined (August 2023)

1. Within the Existing Features – Drawing 1 of 6, it appears that the zoning categories within City of Thorold, are referenced from the City of Thorold Comprehensive Zoning By-law 2140 (97), however no reference is provided. As of March 16, 2021, City of Thorold Comprehensive Zoning By-law No. 60-2019 came into effect, excluding Part 6: Residential Zones which are currently under appeal. Please update the existing features map, and references accordingly.
2. Regarding the area identified for offsite Woodland Compensation Area, west of Thorold Townline Road within Drawing 4 of 6, it is noted that these lands are within the City of Thorold Urban Area, designated 'Employment – Light Industrial' and 'Employment – Prestige Industrial' within the City of Thorold Official Plan, Neighbourhoods of Rolling Meadows Secondary Plan. Additionally, these lands are zoned as "Other Zones – Future Development", within the City of Thorold Comprehensive Zoning By-law No. 60-2019. While it is understood that Walker Industries Holdings Ltd. owns the lands where compensation is proposed, the proposed compensation area should not inhibit the future development of these lands as set out by the City of Thorold's Official Plan and Zoning By-law 60-2019.

Planning Justification Report & ARA Summary Statement, MHBC (August 2023)

3. It is agreed that the intent of the "Aggregate Impact Area" identified within The Neighbourhoods of Rolling Meadows Secondary Plan, and specifically Section B.1.8.12.3 of the Official Plan, as referenced within the report, is to ensure that future aggregate extraction will not be precluded or hindered and to achieve land use compatibility. It is also agreed that according to Section B.1.8.12.3 of the Official Plan, "mitigation measures shall be determined through appropriate studies prepared by the developer". However, this section also states, "Once the proponent has prepared the appropriate studies and the necessary mitigation is incorporated into the proposed development, if necessary, the utilization of such mitigation measures does not relieve the new mineral aggregate operation from providing appropriate setbacks and mitigation measures in order to achieve land use compatibility".

Upper's Quarry, Niagara: Level 1 and Level 2 Natural Environment Technical Report and Environmental Impact Study, Stantec (August 2023)

4. Regarding the area identified for offsite Woodland Compensation Area west of Thorold Townline Road, it is noted that these lands are within the City of Thorold Urban Area, designated 'Employment – Light Industrial' and 'Employment – Prestige Industrial' within the City of Thorold Official Plan, Neighbourhoods of Rolling Meadows Secondary Plan. Additionally, these lands are zoned as "Other Zones – Future Development", within the City of Thorold Comprehensive Zoning By-law No. 60-2019. While it is understood that Walker Industries Holdings Ltd. owns the lands where compensation is proposed, the proposed compensation area should not inhibit the future development of these lands as set out by the City of Thorold's Official Plan and Zoning By-law 60-2019.

Upper's Quarry: Acoustic Assessment Report, RWDI (August 2023)

5. Appendix A - Zoning Information, includes the zoning categories within City of Thorold, from the City of Thorold Comprehensive Zoning By-law 2140 (97). As of March 16, 2021, City of Thorold Comprehensive Zoning By-law No. 60-2019 took effect, excluding Part 6: Residential Zones which are currently under appeal. Please update the review of Surrounding Noise sensitive Land Uses in Section 4.1, and Appendix A accordingly.
6. It is agreed that the intent of the "Aggregate Impact Area" identified within The Neighbourhoods of Rolling Meadows Secondary Plan, and specifically Section B.1.8.12.3 of the Plan, as referenced within the report, is to ensure that future aggregate extraction will not be precluded or hindered and to achieve land use compatibility. It is also agreed that according to Section B.1.8.12.3 of the Plan, "mitigation measures shall be determined through appropriate studies prepared by the developer". However, this section also states, "Once the proponent has prepared the appropriate studies and the necessary mitigation is incorporated into the proposed development, if necessary, the utilization of such mitigation measures does not relieve the new mineral aggregate operation from providing appropriate setbacks and mitigation measures in order to achieve land use compatibility".

Air Quality Assessment for the Proposed Upper's Quarry, RWDI (July 2023)

7. It is noted that the lands within the City of Thorold (west of Thorold Townline Road), as shown within Figure 1 – Receptor Locations, are within the City of Thorold Urban Area, and include lands that are designated 'Employment – Light Industrial' "Residential" and 'Employment – Prestige Industrial' within the City of Thorold Official Plan Neighbourhoods of Rolling Meadows Secondary Plan, and zoned as "Other Zones – Future Development", within the City of Thorold Comprehensive Zoning By-law No. 60-2019.

Blasting Impact Assessment – Upper's Quarry, Explortech (August 2023)

8. The existing conditions section of this report characterize the lands as being largely agricultural. Please note that the lands are within the City of Thorold Urban Area, and include lands designated 'Employment – Light Industrial' and 'Employment – Prestige Industrial' within the City of Thorold Official Plan Neighbourhoods of Rolling Meadows Secondary Plan, and are zoned as "Other Zones – Future Development", within the City of Thorold Comprehensive Zoning By-law No. 60-2019.

Traffic Impact Study – Upper's Quarry, TMIG (October 2021)

9. Regarding the preferred haul route identified within TMIG's Traffic Impact Study (2021), it is noted that the preferred Haul Route (Haul Route #1), complies with the City of Thorold Neighbourhoods of Rolling Meadows Secondary Plan which states "the haul route shall be restricted from the future extraction operation entrance southerly to Highway 20".

Visual Impact Study, MHBC (October 2021) & Response to JART Comments Received, MHBC (February 2023)

10. It is agreed that the intent of the "Aggregate Impact Area" identified within The Neighbourhoods of Rolling Meadows Secondary Plan, and specifically Section B.1.8.12.3 of the Plan, as referenced within the report, is to ensure that future aggregate extraction will not be precluded or hindered and to achieve land use compatibility. It is also agreed that according to Section B.1.8.12.3 of the Plan, "mitigation measures shall be determined through appropriate studies prepared by the developer". However, this section also states, "Once the proponent has prepared the appropriate studies and the necessary mitigation is incorporated into the proposed development, if necessary, the utilization of such mitigation measures does not relieve the new mineral aggregate operation from providing appropriate setbacks and mitigation measures in order to achieve land use compatibility".

Appendix 16: Ministry of the Environment, Conservation, and Parks Comment

The Ontario Ministry of the Environment, Conservation, and Parks (MECP) responded to the Region's notice of statutory public meeting with the following comment, which was also copied to the applicant at the time of submission.

1. The ministry's Species at Risk Branch (SAR) have reviewed the Environmental Impact Study posted [Technical Documents - Documents | Home of the Proposed Upper's Quarry \(uppersquarry.ca\)](#) dated August 28, 2023 signed by Stantec's Sean Geddes and Daniel Eusebi, and offer the following comments,

In the Environmental Impact Study, Stantec argued that Little Brown Myotis were not using the woodland as a maternity roost because they had a small number of calls per detector night and a small number of calls at the time of emergence. They argued that Little Brown Myotis were only using the woodlot for foraging.

I had a call with Dr. Christina Davy of Carleton University on October 18, 2023 and she explained the following:

- Foraging is not an indication that a maternity roost is not present. If prey is available bats will forage within their maternity roost site.
- Any calls, even a small number, close to the time of emergence can indicate a maternity roost is present. It would be very difficult to prove otherwise.
- Little Brown Myotis roost switch frequently which makes it difficult to prove that they aren't roosting in a specific location.
- No snags or a few snags does not mean no roosting habitat. Bats will use live trees and smalls trees as roost sites.

Based on this information I do not believe that the conclusions Stantec has made that the ESA will not be contravened for Little Brown Myotis are valid. There is not a lot of habitat available for these bats in the area and this site is close to a watercourse which could increase the value of the habitat.

Please submit an [Information Gathering Form](#) to SAROntario@ontario.ca, and copy me on that email at Kelly.Tonellato@ontario.ca.

More information can be found at [Species at risk | ontario.ca](#)

Appendix D

Staff Reports to City and Regional Council

- Appendix C1 – Niagara Region Report (CWCD 465-2019)
- Appendix C2 – Niagara Region Report (PDS 1-2022)
- Appendix C3 – Niagara Region Report (CWCD 2023-10)
- Appendix C4 – City of Niagara Falls Report (PBD-2023-09)
- Appendix C5 – Niagara Region Report (CWCD 2023-24)
- Appendix C6 – City of Niagara Falls Report (PBD-2023-26)
- Appendix C7 – Niagara Region Report (PDS 33-2023)

MEMORANDUM

CWCD 465-2019

Subject: Proposed Uppers Quarry (Niagara Falls)

Date: December 13, 2019

To: Regional Council

From: Sean Norman, Senior Planner

Overview

Walker Aggregate Inc. (Walker) has expressed an interest in siting a new aggregate quarry in the City of Niagara Falls. The proposed quarry site is a plot of land owned by Walker between Thorold Townline Road and Beechwood Road, south of Beaverdams Road in the City of Niagara Falls. Walker has set up a [website](http://www.uppersquarry.ca) for the project (www.uppersquarry.ca)

As part of their community consultation process Walker held neighbourhood meetings with area property owners and residents on November 27 and November 28, 2019. These meetings were held by Walker in advance of their applications and did not include Region or City planning staff.

Applications Required

Walker is currently in the pre-consultation process with Niagara Region, the City of Niagara Falls, and the Niagara Peninsula Conservation Authority (NPCA) to amend the Regional Official Plan, the City of Niagara Falls Official Plan, and the City of Niagara Falls Zoning By-Law. Complete applications as per the Planning Act are expected in Q1 2020.

In addition, Walker will be submitting an application for a Class 2 License under the Aggregate Resource Act (ARA) separately to the Province. Prior to the final approval of the provincial ARA license, the appropriate municipal land use approvals must be in place.

Various studies will be needed to address Provincial, Regional and Municipal concerns, including but not limited to: planning and land use; air quality, noise, blasting, and vibration; natural environment; water resources; archaeological and culture; agriculture; transportation; and economic impact. All these studies will be required as part of a complete application. Peer reviewers will be retained to support the technical review of many of the studies.

Following applications being made there would be a formal public and stakeholder consultation process.

JART Process

To coordinate the technical review of the applications - a Joint Agency Review Team (JART) has been formed. The JART is a team of planning staff from the Region, the City of Niagara Falls, and the NPCA. The purpose of JART is to have a sharing of information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner. Staff from interested provincial ministries and the City of Thorold would be engaged through the JART process as well.

The JART does not make a recommendation on the application, rather the JART works to:

- ensure that the required range of studies and work is completed by the applicant;
- ensure that the studies are sufficient in terms of their technical content;
- review of the studies and work of the applicant either by technical staff or by peer reviewers;
- ensure a coordinated public and stakeholder consultation and engagement process; and
- prepare a technical JART report on the application once all reviews are complete.

The JART report is then used independently by staff at each agency as the technical basis to develop a recommendation report, which is then considered by the decision-makers at each individual agency.

If you require additional information or receive any inquires related to the project please contact Sean Norman (sean.norman@niagararegion.ca)

Respectfully submitted and signed by:

Sean Norman, PMP, MCIP, RPP
Senior Planner, Planning and Development Services

Subject: Uppers Quarry Regional Official Plan Amendment 22

Report to: Planning and Economic Development Committee

Report date: Wednesday, January 12, 2022

Recommendations

1. That Report PDS 1-2022 **BE RECEIVED** for information; and
2. That a copy of Report PDS 1-2022 **BE CIRCULATED** to the City of Niagara Falls, the Niagara Peninsula Conservation Authority and MacNaughton Hermsen Britton Clarkson Planning Limited.

Key Facts

- The purpose of this report is to advise Regional Council that an application has been received by Walker Aggregates Inc. for the establishment of a new quarry, known as the Upper's Quarry, on lands located east of Thorold Townline Road, north and south of Upper's Lane, and west of Beachwood Road in the City of Niagara Falls (Appendix 1).
- The application is to amend the Regional Official Plan (ROP). Concurrent applications to amend the City of Niagara Falls local Official Plan (LOP) and Zoning By-law have been submitted to the City.
- A Joint Agency Review Team (JART) comprised of staff from the Region, the City of Niagara Falls and the Niagara Peninsula Conservation Authority (NPCA) has been established to review the application.
- The Region is the approval authority for the Regional Official Plan Amendment (ROPA) and local Official Plan Amendment (LOPA).
- The first public open house, which will be jointly run by Niagara Region and the City of Niagara Falls, will be scheduled early in 2022.
- The applicant has also filed an application for a Category 2 (Below Water Quarry) - Class A Licence to the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR) under the Aggregate Resources Act (ARA).
- The MNDMNR is the approval authority for the ARA application and the Region is a commenting agency. The Regional and local planning approvals must be in place before a decision on the ARA application will be made by MNDMNR.
- Over the course of the review of the application, which will take several months, Regional Council will be informed of the status of the review. Staff will report back to Council after the open house, and before the Statutory Public Meeting.

Financial Considerations

There are no financial considerations arising from this report, as the cost of work associated with application review is recovered through planning fees (\$131,530) in accordance with the Council approved Schedule of Rates and Fees. Costs of advertising for open houses and public meetings are also paid by the applicant, and the Region has entered into a Cost Acknowledgement Agreement with the applicant to cover other costs associated with the application (i.e., peer reviews).

Analysis

The application proposes that the ROP be amended to permit the establishment of a new quarry on lands located east of Thorold Townline Road, north and south of Upper's Lane, and west of Beachwood Road in the City of Niagara Falls (Appendix 1). The lands are currently occupied by a mix of agricultural field crops, rural residential uses, a place of worship and environmental features.

The subject lands are designated Good General Agriculture and Environmental Conservation Area in the ROP. Based on the policies of the ROP, where a new pit or quarry or an extension to an existing licensed pit or quarry are to be located outside a possible aggregate area (illustrated on Schedule D4), a ROPA is required. The subject lands are not shown on ROP Schedule D4, therefore, a ROPA is required.

The ROPA application was submitted on November 22, 2021, and staff is currently reviewing the submission for completeness in accordance with the requirements of the *Planning Act*. Concurrent applications for a local Official Plan Amendment and a Zoning By-law Amendment have been submitted to the City of Niagara Falls. The ROPA and LOPA will be processed concurrently.

A joint open house for the ROPA and LOPA will be scheduled early in the New Year via Zoom. Advertising for the open house will be posted on the Region's website, in Niagara This Week, and provided via mail to all property owners in proximity to the subject lands. A statutory public meeting, in accordance with the requirements of the Planning Act, will be scheduled at a later date. Comments received from the public in either the joint public open house or the statutory public meeting will be brought forward to Committee for consideration.

An application for a Category 2 (Below Water Quarry) - Class A Licence has also been submitted to the MNDMNRF under the Aggregate Resources Act. The total area to be

licensed is 103.6 hectares, of which 89.1 hectares is proposed for extraction. The MNDMNR is the approval authority for the Aggregate Resources Act application and the Region is a commenting agency. Prior to the final approval of the provincial Aggregate Resources Act license, the appropriate municipal land use approvals must be in place. The Region will provide comments to the MNDMNR to advise them of the status of the Planning Act applications through the Aggregate Resources Act process.

JART Process

As previously communicated to Council, a Joint Agency Review Team (JART) has been formed to coordinate the technical review of all quarry applications. The JART is a staff team representing the Region, the City of Niagara Falls, and the Niagara Peninsula Conservation Authority (NPCA). The purpose of JART is to share information, resources, and expertise so that the applications and the associated studies are reviewed in a streamlined and coordinated manner. Staff from interested provincial ministries will be engaged through the JART process as well. The JART does not make a recommendation on the applications, but works collaboratively to review the studies and ensure coordinated public and stakeholder engagement and consultation. Once all reviews are complete, a technical JART report will be prepared on the applications for use independently by staff at each agency as the technical basis to develop a recommendation report, which is then considered by the decision-makers at each individual agency.

Alternatives Reviewed

As this report is for information, there are no alternatives reviewed.

Relationship to Council Strategic Priorities

This report is provided to execute Regional Council's Strategic Priority for a Sustainable and Engaging Government and Responsible Growth and Infrastructure Planning. By reviewing development planning applications for conformity with the planning policy regime, the Region fulfills our commitment to high quality, efficient and coordinated service through enhanced communication, partnership and collaboration. Review of the applications in a coordinated manner will also ensure that Council's priority for preservation of the natural environment is addressed in a holistic manner.

Other Pertinent Reports

None

Prepared by:

Britney Fricke, MCIP, RPP
Senior Planner
Planning and Development Services

Recommended by:

Michelle Sergi, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

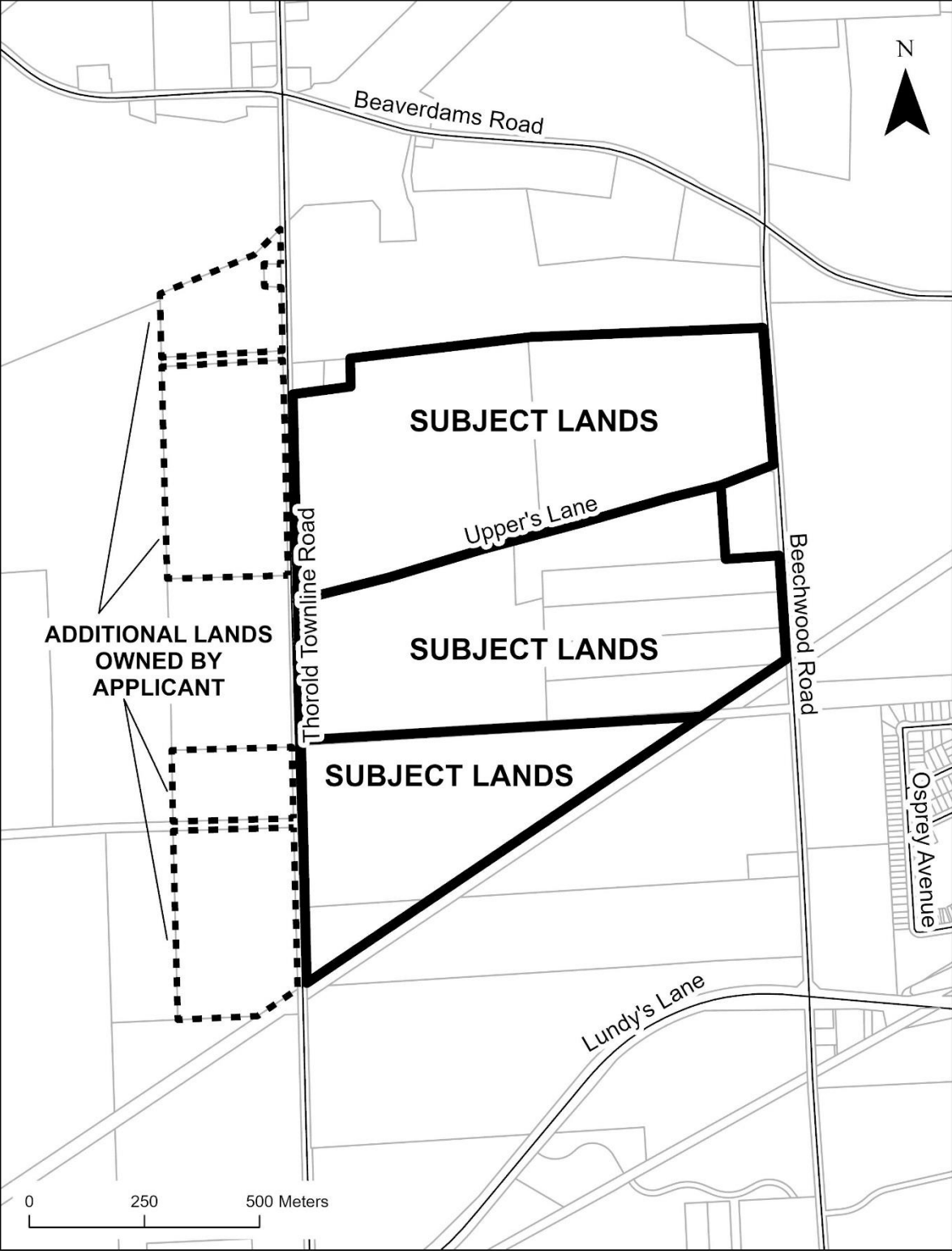
Ron Tripp, P.Eng.
Chief Administrative Officer

This report was reviewed by Erik Acs, MCIP, RPP, Manager of Community Planning and Doug Giles, Director of Community and Long Range Planning.

Appendices

Appendix 1 Location Map

Location Map



MEMORANDUM

CWCD 2023-10

Subject: Update – Proposed Uppers Quarry (Niagara Falls)

Date: January 20, 2023

To: Regional Council

From: Sean Norman, Senior Planner

The purpose of this memorandum is to provide Regional Council an overview and status update on the applications for the proposed Uppers Quarry in the City of Niagara Falls. There have been recent citizen inquires/emails regarding the status of the application. These inquiries have prompted the need to provide an update to Council.

Overview and Status Update

In November 2021, Walkers Aggregate Inc. submitted applications for a Regional Official Plan Amendment (ROPA), Local Official Plan Amendment (LOPA), and Zoning By-Law Amendment (ZBA) to permit the establishment of a new quarry in the City of Niagara Falls. A project initiation report (PDS 1-2022) was brought to Regional Council on January 12, 2022. A review of the applications, including public consultation, is ongoing. No recommendations or decisions on the applications have been made.

Site Location

The lands are located east of Thorold Townline Road, north and south of Upper's Lane, and west of Beachwood Road in the City of Niagara Falls.

Ongoing Public Consultation

A joint (Region and City) Public Open House for the ROPA, LOPA, and ZBA were held virtually on March 22, 2022. A Statutory Public Meeting, in accordance with the requirements of the *Planning Act*, will be scheduled at a later date. Advertising for the Statutory Public Meeting will include at a minimum - the Region's website, local newspapers, the Region's social media, e-mails to those who have expressed an interest in the project, and via Canada Post to all property owners in proximity to the subject lands. Comments received from the public during either the joint Public Open

House, the Statutory Public Meeting, or directly to the project team at any time will be brought forward to Regional Council for consideration.

In addition to the public consultation by the Region and City for the ROPA, LOPA, and ZBA there are also requirements for public consultation under the Provincial *Aggregate Resources Act* (ARA). Consultation under the ARA is lead by the applicant and would also include newspaper notices, direct mailing to property owners in proximity to the subject lands, and a public open house. The consultation process under the ARA has not yet been formally initiated.

Review of the Applications

Region and City Planning staff are working collaboratively on the review of the ROPA, LOPA, and ZBA. The applications are being reviewed concurrently. A Joint Agency Review Team (JART) has been established to coordinate the review of the applications. An Aggregate Advisor has been retained by the Region to support the JART, and peer reviewers have been retained to assist in the review of many of the technical studies (e.g., noise, blasting, air quality, natural environment, etc.) that were submitted in support of the applications. The review is ongoing.

If you require additional information or receive any inquires related to the project please contact Sean Norman (sean.norman@niagararegion.ca)

Respectfully submitted and signed by:

Sean Norman, PMP, MCIP, RPP
Senior Planner
Planning and Development Services



Report

Report to: Mayor and Council
Date: February 7, 2023
Title: **Information Report to Council for Uppers Quarry**

Recommendation(s)

That Council receive this report for information purposes.

Executive Summary

In November 2021, Walkers Aggregates Inc. submitted Official Plan amendments and a Zoning By-law amendment to the City and Region to facilitate the establishment of a proposed quarry on the subject lands. A number of studies were submitted by the applicant in support of their application and the City and Region had some of these studies peer reviewed.

The City has been working with the Joint Advisory Review Team (JART) as the applications go through the Planning Act process. A separate application process is required under the Aggregates Resources Act to obtain additional permissions from the Ministry. To date, the City and Region have not received notification that this process has begun.

In March 2022, an Open House was held where the public expressed concerns regarding blasting, air quality, noise, environment, and property values.

The City and Region are currently waiting for the applicant to provide a resubmission of the application in response to the comments made by the City, Region, Niagara Peninsula Conservation Authority and the peer reviews conducted for some of the submitted studies. Once a submission is made, a future Open House is anticipated before bringing the application with a recommendation report to Council for a Public Meeting and a decision.

Background Proposal

In November 2021, the City received an Official Plan and Zoning By-law amendment application from Walkers Aggregates Inc. At the same time, the Niagara Region received an application to amend their Regional Official Plan. The applications propose to facilitate the establishment of the proposed quarry on the subject lands, totaling 103.6 hectares. The subject lands include lands north of Upper's Lane, west of Beechwood Road, north

of the Hydro Corridor and east of Thorold Townline Road. Please see Schedule 1 for a location map.

The City's Official Plan designates the subject lands Good General Agriculture in part, Environmental Protection Area in part, and Environmental Conservation Area in part. The applicant is requesting the lands be redesignated to Extractive Industrial to permit an aggregate quarry with associated processing and recycling of aggregate material including asphalt and concrete and a concrete or asphalt mixing plant on the lands.

The subject lands are zoned Agriculture (A and A-467) and Hazard Land (HL) under Zoning By-law No. 79-200, as amended by By-law No. 1999-48. The applicant is requesting the land be rezoned to a site specific Extractive Industrial (EI) with regulations permitting a pit or quarry licensed under the Aggregate Resources Act, processing of natural materials from the site, processing of aggregate and recycled aggregate material, a concrete or asphalt mixing plant, accessory buildings or structures and uses permitted under an Agriculture (A) zone.

The proposal includes a 3 metre high berm around the perimeter of the site as well as a 30 metre extraction buffer from the property lines to Beechwood Road and Thorold Townline Road and 15 metres to all other property lines.

Submitted Materials

The applications to the City and the Region are being processed concurrently. The City received a number of studies with the amendments in support of the applications. Those include:

- Acoustic Assessment
- Agricultural Impact Analysis
- Air Quality Assessment
- Alternative Site Analysis
- Archaeology Assessment
- Blasting Impact Analysis
- Cultural Heritage Impact Assessment
- Economic Impact Assessment
- Environmental Impact Study
- Fisheries Assessment
- Planning Justification Report
- Traffic Impact Study
- Water Table Report
- Visual Impact Assessment

As part of the application process, the City and Region had the following reports peer-reviewed:

- Acoustic Impact Analysis
- Air Quality Assessment
- Alternative Site Analysis
- Blast Impact Analysis
- Economic Impact Study
- Environmental Impact Study
- Traffic Impact Study
- Water Table Report

Joint Advisory Review Team (JART)

The City has been working with the JART during the process of the applications. The JART includes Planning Staff from the City, Thorold, and Region, Environmental Planners from the NPCA, and an Aggregate Advisor. City Planning Staff meet internally with the JART as needed to discuss the progression of the file.

Aggregate Resources Act Application Process

In addition to the Regional and City Planning Act application processes, the applicant is required to undergo a separate Aggregate Resource Act (ARA) application process to receive approval from the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR). This application process is a separate process from the City and Region's Planning Act application process. Further notification and a consultation are required through this process. The City has recently received notice that a virtual public meeting, hosted by the applicant, has been scheduled for March 1, 2023 at 6 PM. This notice will be posted on the City's Let's Talk page for the Uppers Quarry.

Open House

In March 2022, the City held an Open House in conjunction with the Niagara Region. There were approximately 85 members of the public in attendance at the Open House. The 5 largest concerns Staff heard from the public were:

1. Blasting Impacts
2. Environmental Impacts
3. Air Quality Impacts
4. Noise Impacts
5. Property Value Impacts

Next Steps

Peer review and other technical comments were provided to the applicant between August 2022 and November 2022. No position has been taken on the application.

Currently, City and Regional Staff are waiting for a resubmission from the applicant in response to the peer review comments that were received. Once a resubmission is received and circulated, a future Open House is anticipated before being brought to Council as a Public Meeting for a decision.

Operational Implications and Risk Analysis

An analysis of operational and financial implications and strategic alignment will occur in a future recommendation report.

List of Attachments

[Schedule 1 - Location Map](#)

[Schedule 2 - Site Plan](#)

Written by:

Alexa Cooper, Planner 2

Submitted by:

Andrew Bryce, Manager, Current Planning

Kira Dolch, Director of Planning, Building & Development

Jason Burgess, CAO

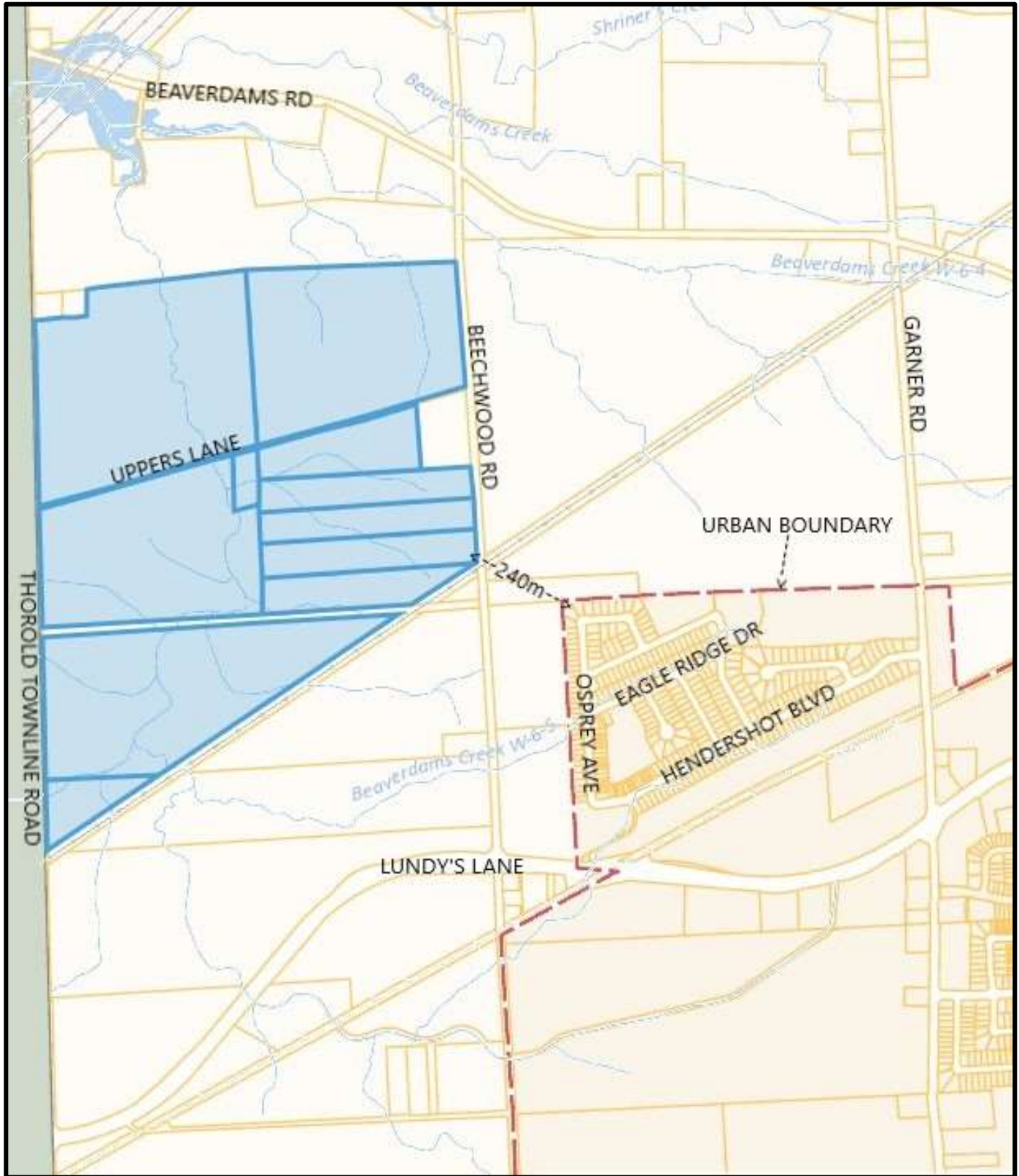
Status:

Approved
- 31 Jan
2023

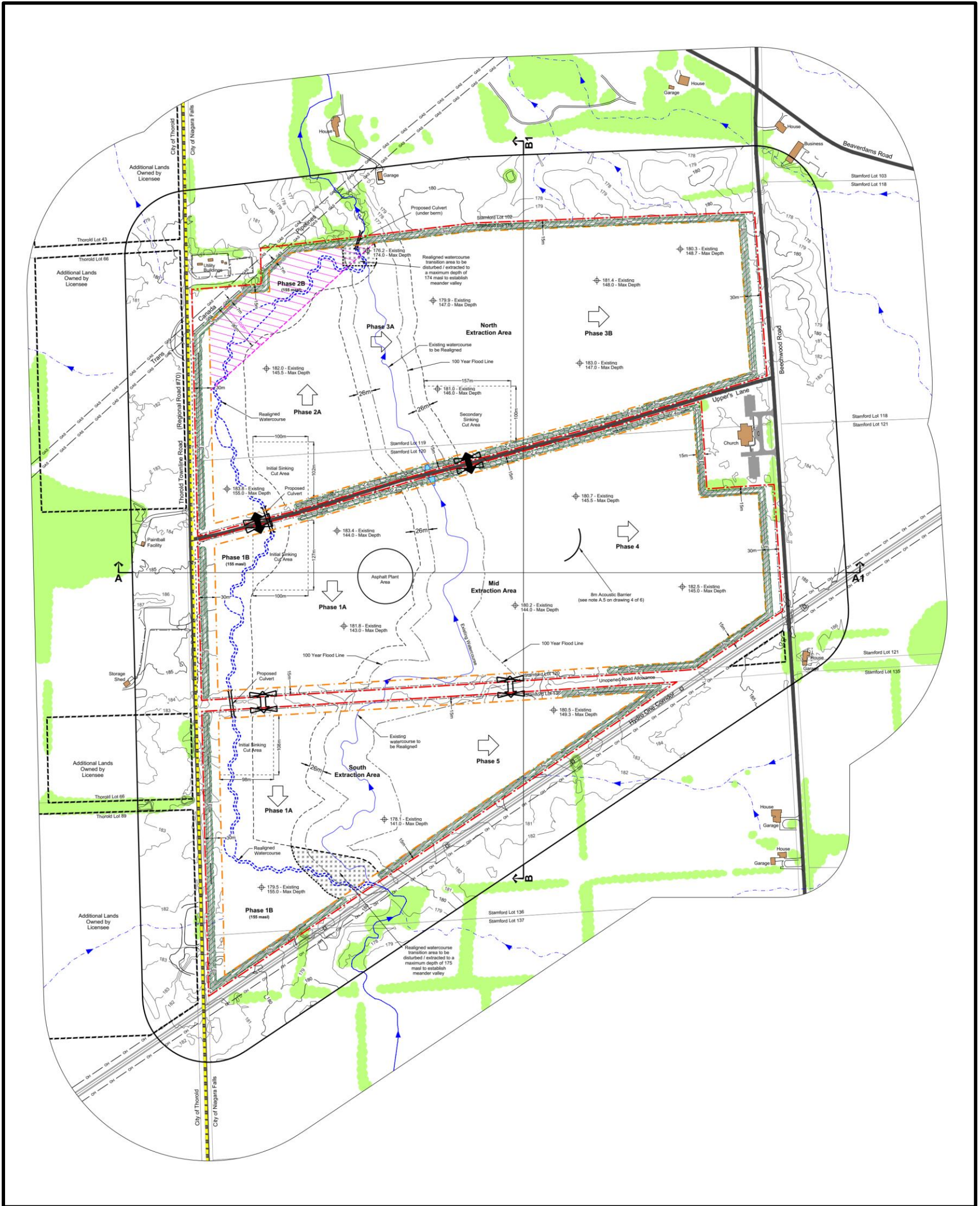
Approved
- 31 Jan
2023

Approved
- 01 Feb
2023

Schedule 1
(Location Map)



Schedule 2
(Site Plan)



MEMORANDUM

CWCD 2023-24

**Subject: Proposed Uppers Quarry (Niagara Falls) – Aggregate Resources
Act Public Information Session**

Date: Friday February 10, 2023

To: Regional Council

From: Sean Norman, Senior Planner

The purpose of this memo is to inform Regional Council of an upcoming virtual public information session under the Aggregate Resources Act (ARA) for the proposed Uppers Quarry in the City of Niagara Falls.

In November 2021, Walker Aggregate Inc. submitted applications for a Regional Official Plan Amendment (ROPA), Local Official Plan Amendment (LOPA), and Zoning By-Law Amendment (ZBA) to permit the establishment of a new quarry. A joint (Region and City) Public Open House for the ROPA, LOPA, and ZBA was held virtually on March 22, 2022 and the technical review of the applications has been ongoing.

On January 20, 2023 (CWCD 2023-10) Regional Council was provided a status update on the applications for the proposed Uppers Quarry.

The Region then received notice on January 30, 2023 that the application for a licence under the ARA was received.

An ARA license is administered by the Ministry of Natural Resources and Forestry (MNRF) and is required to operate a pit or quarry in Ontario. The ARA process is often undertaken concurrently with Planning Act approvals. Prior to the MNRF issuing an ARA license, Local and Regional planning approvals must be in place.

In accordance with Provincial requirements, Walker Aggregate Inc. is hosting a public information session for their ARA application. The details for this virtual meeting are:

Date: Wednesday March 1st, 2023.

Time: 6:00 pm to 8:00 pm

Registration: www.uppertsquarry.ca/register

This information session is not being hosted by the Region or the City. Public information centres (PIC) for the Planning Act applications will be hosted by Regional and City staff and will follow at a later date.

Respectfully submitted and signed by:

Sean Norman, PMP, MCIP, RPP
Senior Planner, Planning and Development Services

Report

Report to:	Mayor and Council
Date:	May 9, 2023
Title:	Uppers Quarry - Community Focus Group AM-2021-25

Recommendation(s)

It is recommended that Council authorize staff to advertise a Request for Expression of interest for participation in a Community Focus Group (CFG) to seek out interest persons to provide input into residential and landowner concerns regarding the proposed Uppers Quarry.

Executive Summary

Walker Aggregates Inc. has submitted an Official Plan and Zoning By-law Amendment application to the City to permit a quarry on lands adjacent to Thorold Townline Road, Beechwood Road and Uppers Lane, as shown on Schedule 1. Considerable public interest has been shown in this application.

At its meeting of April 18, 2023, Council directed staff to initiate a community focus group, comprised of concerned residents, City staff and representatives from Walker Aggregates Inc. regarding matters related to the proposed quarry. Such a focus group may assist in ensuring concerns are addressed in a transparent, comprehensive and efficient manner, and that solutions to address these concerns may be present to Council for their consideration. It is recommended the group consist of 6 - 8 volunteers consisting of nearby residents including from the Fernwood community, residents at large, local businesses and those interested in natural heritage. Representation from Walker Aggregates Inc. and the Region would also be requested.

Background

Walker Aggregates Inc. has submitted an Official Plan and Zoning By-law Amendment application to the City to permit a quarry on lands adjacent to Thorold Townline Road, Beechwood Road and Uppers Lane, as shown on Schedule 1. An application for a license under the Aggregate Resources Act has also been made to the Ministry of Natural Resources and Forestry. At Open Houses held on the City application in March, 2022, and for the Provincial license request on March 1, 2023, a substantial number of public comments and concerns have been made, including but limited concerns about noise and vibration, safety, air quality, natural heritage impact and traffic. Many of these comments have been made by nearby residents, including from the Fernwood Subdivision.

in light of the substantial public comments made Council, at its meeting of April 18, 2023, passed a notice of motion asking staff to initiate a community focus group, comprised of concerned residents, City staff and representatives from Walker Industries Inc. regarding matters related to the proposed Uppers Quarry.

A similar community focus group has been created for the Grassy Brook Secondary Plan. This focus group consists of 12 members with a broad range of community representatives including new and long time residents, business owners, landowners and those with interested in natural heritage. This group is expected to meet several times in the next year and to help develop a vision, goals and objectives for the Secondary Plan document.

Analysis

A community focus group (CFG) can be an effective tool in encouraging public participation and having issues about a planning initiative or proposal discussed in a transparent fashion. Such a group can assist in identifying the concerns and issues and provide answers in how such concerns may be addressed.

Forming a such a group does not imply that City will approve the Planning Act applications to permit the quarry, nor does it remove the rights of group members to participate in the public process of these applications or to appeal a decision of Council to the Ontario Land Tribunal.

It is anticipated that the CFG, instead of focusing on broader policy issues, will focus on issues specific to the quarry and how they may be addressed. Due to this focus, a smaller group of 6 -8 participants is recommended. Due to the proximity of the Fernwood Subdivision, it is recommended a minimum of 2 residents from Fernwood or who live in this area be appointed, however, as there are broader community concerns including but not limited to natural heritage, transportation and economic impacts, it is recommended at least half the committee consist of City residents, City businesses owners or interested persons located outside of Fernwood.

The following questions should be considered by the CFG:

- What is the policy framework affecting the quarry?
- What are the potential impacts a quarry may have, including on surrounding residents?
- What further information would assist in addressing concerns and issues involving impact?
- What regulations or conditions should be imposed or requested (i.e. zoning regulations, conditions requested by Council for the Aggregate Resources Act license) to address concerns and issues, if the quarry is approved?

- What type of monitoring/reporting should happen if the quarry is approved? (This may include monitoring reports, reporting to Council on whether license conditions are met on an annual or more frequent basis, a process implemented if landowners suspect property damage as a result of quarry operations).

A request for Expression of Interest would be circulated to any that have requested notice of public meetings or who have submitted comments on the application; in addition the request would be published on the City's website. Similar to the CFH for the Grassybrook Secondary Plan, it is recommended a response include a brief description of their background, specific interests or experience that may be related to land use matters.

As noted before it is recommended the CFG include 2-3 people that are residents in Fernwood or near to the quarry. The remaining members should include residents from the City as a whole, persons interested in natural heritage and representation from the local business community. Provided interest is shown from representatives of the lat 3 groups, at least 1 member should be selected from these groups.

Should the number of interested participants in a representative group exceed the intended balance, participants that are rate equally will be based on the date of submission subsequent to the release of the Notice.

It is expected that the final comments from this committee would be included in the staff report to Council on the Official Plan and Zoning By-law Amendment application.

Operational Implications and Risk Analysis

None.

Financial Implications/Budget Impact

Additional staff costs will be captured as processing fees for quarries are based on a cost recovery approach.

Strategic/Departmental Alignment

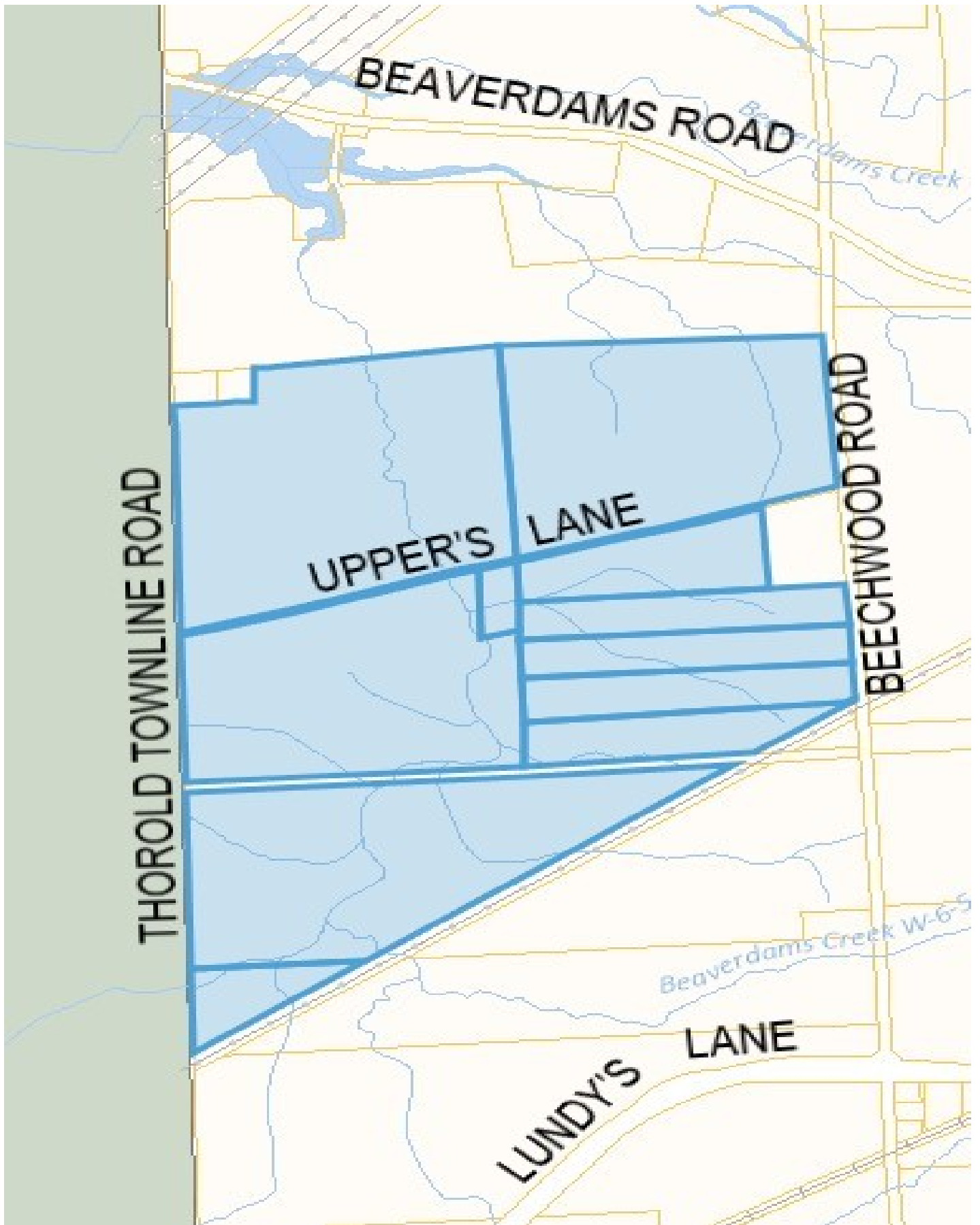
This report supports the Engaging and Accountable Government strategic priority as it promotes open and transparent communication and leadership.

List of Attachments

[LOCATION MAP](#)

Written by:

Andrew Bryce, Director of Planning



Subject: Statutory Public Meeting for a Regional Official Plan Amendment
Application (Proposed Uppers Quarry, City of Niagara Falls)

Report to: Planning and Economic Development Committee

Report date: Wednesday, October 11, 2023

Recommendations

1. That this Report **BE RECEIVED** for information; and
2. That this Report **BE CIRCULATED** to the City of Niagara Falls and the Niagara Peninsula Conservation Authority.

Key Facts

- The purpose of this report is to provide information for a Regional Official Plan Amendment (ROPA) application Statutory Public Meeting, which is being held in accordance with the prescribed requirements of Section 17 of the Planning Act.
- The purpose of the statutory meeting is to receive comments from the public with respect to the ROPA application submitted by Walkers Aggregate Inc. for a proposed quarry (Uppers Quarry) in the City of Niagara Falls. Staff are not making a recommendation, and no decision or approvals are sought from Council at this time.
- In addition to the ROPA, applications have also been submitted to amend the City of Niagara Falls Official Plan and Zoning By-Law. These applications are being reviewed concurrently.
- This Statutory Public Meeting was advertised by posting notices on the subject lands, mailing notice to residents within 240 metres of the subject lands, e-mailing notice to agencies and utilities and to those who had submitted comments or expressed an interest in being notified. In addition, notice was placed in local newspapers, and posted on the Region's website and social media pages.
- The City of Niagara Falls will hold a separate Statutory Public Meeting for the Local Official Plan and Zoning By-Law Amendment applications.

Financial Considerations

There are no financial considerations arising from this report as the cost of work associated with application processing and review is recovered through planning fees in accordance with the Council-approved Schedule of Rates and Fees. Costs of advertising for open houses and public meetings are paid by the applicant, and the Region has entered into a Cost Acknowledgement Agreement with the applicant to cover other costs associated with the application (i.e., aggregate advisor and peer reviews).

Analysis

Background

An application for a Regional Official Plan Amendment (ROPA) to permit the Uppers Quarry operation was received on November 22, 2021. The application was deemed complete on December 21, 2021. A virtual public open house for the application was held jointly with the City of Niagara Falls on March 23, 2022.

Regional Official Plan Policies

The Niagara Official Plan (NOP) was approved, with modifications, by the Minister of Municipal Affairs and Housing and came into effect on November 4, 2022. Policy 7.12.2.5 of the NOP states that development applications deemed complete prior to the date of the NOP approval shall be permitted to be processed and a decision made under the 2014 Regional Official Plan (ROP) policies. As noted above the ROPA application was deemed complete on December 21, 2021, and is therefore being processed under the 2014 ROP. A Draft Regional Official Plan amendment is included as Appendix 2.

Site Location

The proposed ROPA is for lands legally described as Part of Lots 119, 120, 136 and 137, City of Niagara Falls, and located along the western boundary of the City of Niagara Falls, between Thorold Townline Road and Beechwood Road, north of a Hydro One corridor and generally north of Lundy's Lane. A Location Map is included as Appendix 1.

JART Process

To coordinate the technical review of the applications, a Joint Agency Review Team (JART) was formed. The JART consists of planning staff from the Region, the City, and the Niagara Peninsula Conservation Authority (NPCA). The purpose of JART is to share information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner. Staff from applicable provincial ministries are being engaged through the JART process as well.

The JART does not make a recommendation on the application, rather the JART works to:

- ensure that the required range of studies and work is completed by the applicant;
- ensure that the studies are sufficient in terms of their technical content;
- coordinate the review of the studies and work of the applicant either by technical staff or by peer reviewers;
- ensure a coordinated public and stakeholder consultation and engagement process; and
- prepare a technical JART report on the application once all reviews are complete.

The JART report will be used independently by planning staff at the Region and the City as the technical basis to develop their respective recommendation reports.

Material Submitted in Support of the Applications

In support of the ROPA application the following technical studies have been submitted:

- Planning Justification Report and ARA Summary Statement
- Alternative Site Analysis
- Agricultural Impact Assessment
- Archaeological Assessments
- Acoustic (Noise) Assessment Report
- Blasting (Vibration) Impact Assessment
- Air Quality Impact Assessment
- Economic Benefits Analysis
- Level 1 & 2 Water Resources Study
- Natural Environment Level 1 & 2 Report
- Visual Impact Assessment

- Traffic Impact Study

The Region, on behalf of the Joint Agency Review Team (JART) has retained an Aggregate Advisor and consulting teams to assist with the review and peer review of many of the individual technical studies.

In addition, the Aggregate Resources Act (ARA) Site Plan drawings are being reviewed as part of the ROPA process. The ARA Site Plans outline the proposed operating conditions of the quarry and are the primary tool used by the Province for enforcement. All of the proposed mitigation measures for each of the individual technical studies are noted and included as part of the Site Plans.

An index of all technical material that have been submitted to date is included as Appendix 3, and can be accessed on the [Region's website](https://www.niagararegion.ca/official-plan/amendments.aspx):
(<https://www.niagararegion.ca/official-plan/amendments.aspx>) [under ROPA 22]

Associated Applications

A separate Statutory Public Meeting regarding the Local Official Plan Amendment and Zoning By-law Amendment will be held by the City of Niagara Falls at a later date. Separate notice of this meeting will be distributed by the City of Niagara Falls.

In addition, the applicant has also filed an application to the Ministry of Natural Resources and Forestry for a licence under the Aggregate Resources Act. The Aggregate Resources Act application process includes a separate public consultation and notification process. Any comments submitted to Niagara Region or City of Niagara Falls regarding the Planning Act applications should also be submitted in response to the Aggregate Resources Act notices.

Next Steps

The review of the application and supporting technical information is ongoing. Regional staff, supported by other members of the JART, the Aggregate Advisor, and Peer Reviewers are analyzing the applications and supporting studies relative to Regional and Provincial planning documents. All comments submitted on this application, including those received through this Statutory Public Meeting will be responded to by staff through a future recommendations report.

Alternatives Reviewed

The Planning Act (R.S.O. 1990) requires that all complete applications be processed and that public consultation be conducted as part of all proposed amendments to municipal official plans. Notice has been provided for this Statutory Public Meeting as required by the legislation.

As this report is for information, and the Public Meeting is a statutory requirement, there are no alternatives to review.

Relationship to Council Strategic Priorities

The information in this report relates to the following Regional Council's Strategic Priority: "Effective Region: Remaining an employer of choice by transforming service delivery in a way that is innovative, collaborative and fiscally responsible."

By utilizing the JART process to coordinate the review of the application the Region is working with the City of Niagara Falls Planning Department in an innovative and collaborative way. The JART process allows for an improvement in service delivery and a sharing of resources and expertise.

Other Pertinent Reports

CWCD 465-2019	Proposed Uppers Quarry (Niagara Falls)
PDS 35-2021	Uppers Quarry Regional Official Plan Amendment 22
CWCD 2023-10	Update – Proposed Uppers Quarry (Niagara Falls)
CWCD 2023-24	Proposed Uppers Quarry (Niagara Falls) – Aggregate Resources Act Public Information Centre

Prepared by:

Sean Norman, PMP, MCIP, RPP
Senior Planner
Growth Strategy and Economic
Development

Recommended by:

Michelle Sergi, MCIP, RPP
Commissioner
Growth Strategy and Economic
Development

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

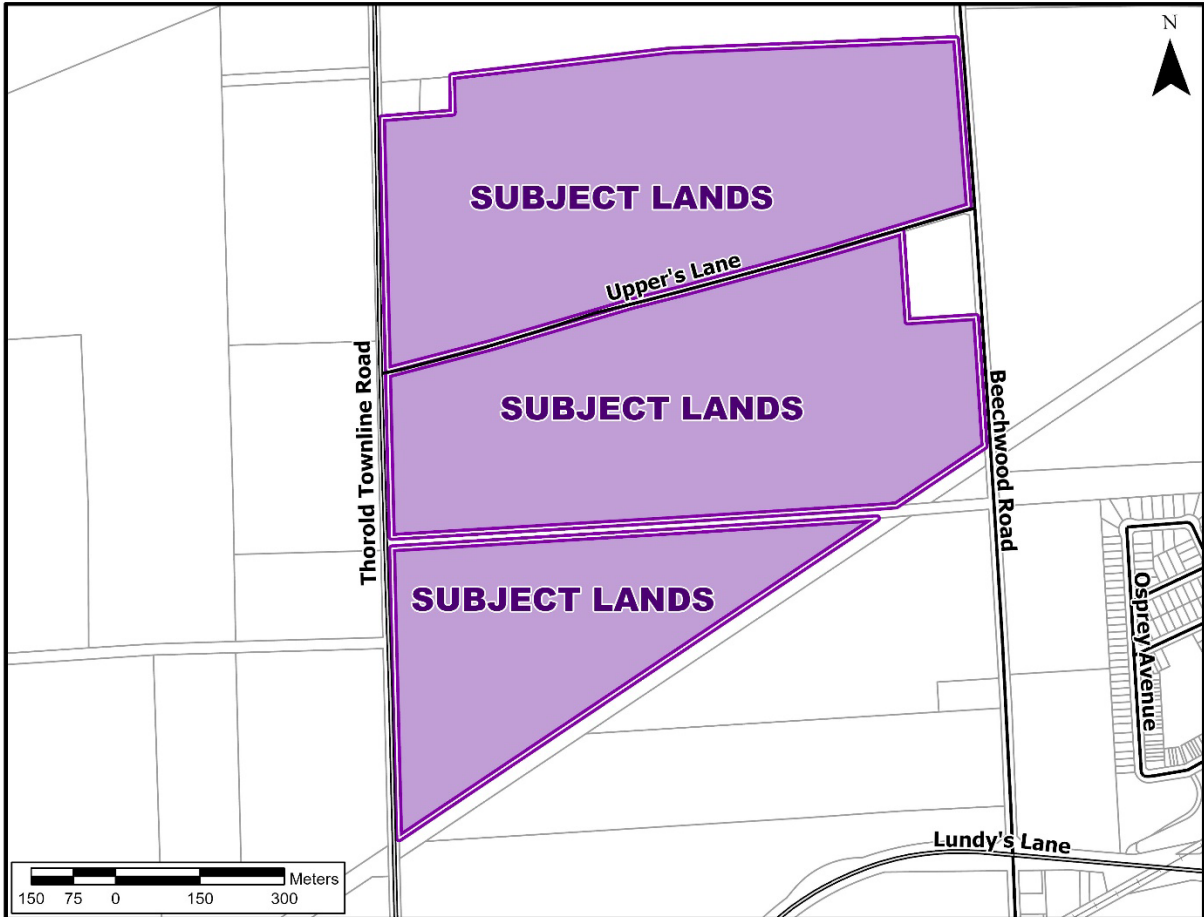
This report was reviewed by Erik Acs, MCIP, RPP, Manager of Community Planning and Angela Stea, MCIP, RPP, Director of Community and Long-Range Planning.

Appendices

- | | |
|------------|---|
| Appendix 1 | Site Location Map |
| Appendix 2 | Draft Regional Official Plan Amendment |
| Appendix 3 | List of Technical Materials Submitted in Support of the Application |

Site Location Map

Proposed Uppers Quarry, City of Niagara Falls



THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2023-XX

A BY-LAW TO PROVIDE FOR THE ADOPTION OF AMENDMENT XX

TO THE OFFICIAL PLAN FOR THE REGIONAL MUNICIPALITY OF NIAGARA

to permit the establishment of the Upper's Quarry (City of Niagara Falls)

WHEREAS the subject lands are currently designated "Prime Agricultural Area" in the Official Plan for the Regional Municipality of Niagara,

WHEREAS the Official Plan for the Regional Municipality of Niagara provides consideration for the establishment of new or expanded mineral aggregate extraction operations on lands designated "Prime Agricultural Area", subject to an assessment of the potential impacts of such a land use in accordance with the policies of the Plan,

WHEREAS the approval of any new or expanded mineral aggregate operations require an amendment to the Official Plan for the Regional Municipality of Niagara and, through that amendment, are to be identified on Schedule H – "Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations" as "Licensed Aggregate Operations".

WHEREAS subsection 22 of the Planning Act, 1990 states when the requirements of subsections (15) to (21), as appropriate, have been met and Council is satisfied that the plan as prepared is suitable for adoption,

AND WHEREAS it is deemed appropriate to further amend the Official Plan as adopted by Niagara Region for the Regional Municipality of Niagara,

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the text attached hereto as Part "B" is hereby approved as Amendment No. ____ to the Official Plan for the Regional Municipality of Niagara.
2. That the Regional Clerk is hereby authorized and directed to give notice of Council's adoption in accordance with Section 17(23) of the Planning Act, 1990.
3. That this By-Law shall come into force and take effect on the day after the last day of appeal provided no appeals have been received.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: [DATE]

DRAFT

Amendment No. XX

To the Official Plan for the Regional Municipality of Niagara

PART “A” – THE PREAMBLE

The preamble provides an explanation of the Amendment including the purpose, location, background, and basis of the policies and implementation, but does not form part of this Amendment.

- Title and Components
- Purpose of the Amendment
- Location of the Amendment
- Background
- Basis for the Amendment
- Implementation

PART “B” – THE AMENDMENT

The Amendment describes the additions and/or modifications to the Official Plan for the Regional Municipality of Niagara, which constitute Official Plan Amendment No. XX.

- Text Changes
- Schedule Changes

PART “C” – THE APPENDICES

The Appendices provide information regarding public comments relevant to the Amendment, but do not form part of this Amendment.

PART “A” – THE PREAMBLE

TITLE AND COMPONENTS:

This document, when approved in accordance with Section 17 of the Planning Act, 1990, shall be known as Amendment XX to the Official Plan of the Regional Municipality of Niagara.

- Part “A” – The Preamble, contains background information and does not constitute part of this Amendment.
- Part “B” – The Amendment, consisting of text, schedule, and appendix changes, constitutes Amendment XX to the Official Plan of the Regional Municipality of Niagara.
- Part “C” – Does not constitute part of the Amendment. This appendix is a list of all public comments received.

PURPOSE OF THE AMENDMENT:

The purpose of this Amendment is to:

- add to Section 8.5 (Niagara Falls site specific policies), a new policy to permit the proposed Uppers Quarry.
- add the subject lands on Schedule H – “Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations” as “Licensed Aggregate Operations”.

LOCATION OF THE AMENDMENT:

The amendment area is within the City of Niagara Falls and on lands described as Part Lots 119, 120, 136 and 137, including Upper’s Lane between Thorold Townline Road and Beechwood Road, and Part of Road Allowance between Lots 120 and 136, in the former Township of Stamford, now in the City of Niagara Falls, in the Regional Municipality of Niagara.

BACKGROUND:

The subject lands are identified by the Niagara Official Plan as being within a Stone Resource Area.

The applicant (Walkers Aggregate Inc.) participated in pre-submission consultation and subsequently submitted an application to amend the Regional Official Plan, which was received November 22, 2021. The requested and prescribed material,

including planning justification and technical reports to satisfy numerous planning instruments including the Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2020), Regional Official Plan, and the City of Niagara Falls Official Plan were submitted and the application was deemed complete by Niagara Region on December 21, 2021.

A new Niagara Official Plan was approved, with modifications, by the Minister of Municipal Affairs and Housing and came into effect on November 4, 2022. Policy 7.12.2.5 of the new plan states that development applications deemed complete prior to the date of the approval shall be permitted to be processed and a decision made under the 2014 Regional Official Plan (ROP) policies. The application was deemed complete on December 21, 2021, and is therefore being processed under the policies of the 2014 ROP.

The site-specific policy to permit the proposed Uppers Quarry and all required updates to the schedules and appendices will be reflected in the new Niagara Official Plan.

BASIS FOR THE AMENDMENT:

- a) Policy 6.C.13 of the 2014 Regional Official Plan requires an amendment to the plan for expansions of existing mineral aggregate operations outside of a “possible aggregate area”. The proposed Uppers Quarry is not within a “possible aggregate area”, and therefore a Regional Official Plan amendment is required.
- b) The Amendment was the subject of a Public Open House held on March 23, 2022 and was the subject of a Statutory Public Meeting held under the Planning Act, 1990 on October 11, 2023. Public and agency comments were addressed as part of the preparation of this Amendment.
- c) The Amendment will allow for the proper conservation and management of source of high quality aggregate resource.
- d) The Amendment will support provincial policy that aims to protect a long term supply of mineral aggregate resources by making available as much mineral aggregate resource as is realistically possible as close to markets as possible.
- e) The Regional Official Plan Amendment will allow the Council of the City of Niagara Falls to make a decision on a Local Official Plan Amendment and on the proposed rezoning of the subject lands. The rezoning of the lands will allow the Minister of Natural Resources and Forestry to make a decision to issue a quarry licence under the Aggregate Resources Act.

- f) Based on the Region's review of the Planning Act, 1990, the Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2020), the Regional Official Plan, and public and agency consultation, Regional staff is of the opinion that the Amendment has appropriate regard for matters of Provincial Interest as set out in S. 2 of the Planning Act; is consistent with the Provincial Policy Statement; conforms, or does not conflict, with Provincial Plans; conforms to the intent of the Regional Official Plan; represents good planning; and, is in the public interest.

IMPLEMENTATION:

Section 7, Implementation, of the Official Plan for the Regional Municipality of Niagara, shall apply where applicable.

DRAFT

PART “B” – THE AMENDMENT

Amendment XX

To the Official Plan for the Regional Municipality of Niagara

The Official Plan for the Regional Municipality of Niagara is amended as follows:

Text Changes:

1. Add a new Policy 8.5.11 to the Niagara Falls site specific policies in Chapter 8 to permit the proposed Uppers Quarry:

Notwithstanding any other policy to the contrary in this Plan, a mineral aggregate operation (quarry) and ancillary uses and facilities are permitted in accordance with approval under the Aggregate Resource Act on lands described as Part Lots 119, 120, 136 and 137, including Upper’s Lane between Thorold Townline Road and Beechwood Road, and Part of Road Allowance between Lots 120 and 136 between Thorold Townline Road and Beechwood Road, in the former Township of Stamford, now in the City of Niagara Falls, in the Regional Municipality of Niagara.

2. A site-specific location map will be added to Chapter 8 following the new Policy 8.5.11 showing the subject lands as follows:



Schedule Changes:

1. Schedule H – “Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations” is amended to add the subject lands as “Licensed Aggregate Operations” as per the corresponding legend.

DRAFT

Proposed Uppers Quarry (Niagara Falls)

ROPA, LOPA, ZBLA Applications – List of Technical Material Submitted.

Material can be accessed on the [Region's website](https://www.niagararegion.ca/official-plan/amendments.aspx): (https://www.niagararegion.ca/official-plan/amendments.aspx) [under ROPA 22]

Item	Date Submitted
1st Submission	
1. Cover Letter to Niagara Region, prepared by MHBC, dated November 22, 2021	• November 22, 2021
2. Cover Letter to City of Niagara Falls, prepared by MHBC, dated November 22, 2021	• November 22, 2021
3. Cover Letter to NPCA, prepared by MHBC, dated November 22, 2021	• November 22, 2021
4. Cover Letter to City of Thorold, prepared by MHBC, dated November 22, 2021	• November 22, 2021
5. Completed Application to Amend the Regional Official Plan	• November 22, 2021
6. Completed City of Niagara Falls Application Form	• November 22, 2021
7. Planning Justification Report and ARA Summary Statement, prepared by MHBC, dated October 2021	• November 22, 2021
8. Aggregate Resource Act Site Plan drawings, prepared by MHBC, dated October 29, 2021	• November 22, 2021
9. Alternative Site Analysis, prepared by MHBC, dated October 2021	• November 22, 2021

Proposed Uppers Quarry

List of Technical Materials Submitted

Updated September 18, 2023

Item	Date Submitted
10. Level 2 Water Study Report, prepared by WSP, dated October 2021	• November 22, 2021
11. Maximum Predicted Water Table Report, prepared by WSP, dated October 2021	• November 22, 2021
12. Level 1 and Level 2 Natural Environment Technical Report and Environmental Impact Study, prepared by Stantec, dated October 2021	• November 22, 2021
13. Agricultural Impact Assessment, prepared by Colville Consulting, dated October 2021	• November 22, 2021
14. Acoustic Assessment Report, prepared by RWDI, dated October 2021	• November 22, 2021
15. Air Quality Assessment Report, prepared by RWDI, dated October	• November 22, 2021
16. Blasting Impact Assessment, prepared by Explotech Engineering Ltd., dated October 2021	• November 22, 2021
17. Traffic Impact Study, prepared by TMIG, dated October 2021	• November 22, 2021
18. Cultural Heritage Impact Assessment, prepared by MHBC, dated October 2021	• November 22, 2021
19. Visual Impact Assessment, prepared by MHBC, dated October 2021	• November 22, 2021
20. Economic Benefits Analysis, prepared by Prism, dated October 2021	• November 22, 2021
21. Stage 1 Archaeological Resource Assessment of Walker Aggregates Proposed South Niagara Quarry, Part of Lots 102, 119, 120, 136 & 137, prepared by Archaeological Research Associates Ltd., dated December 2008 [available by request]	• November 22, 2021

Proposed Uppers Quarry

List of Technical Materials Submitted

Updated September 18, 2023

Item	Date Submitted
22. Stage 1-2 Archaeological Assessment of Part 9764 Uppers Lane, Part of Lots 119 & 120, prepared by Archaeological Research Associates Ltd., dated November 3, 2005 [available by request]	<ul style="list-style-type: none"> November 22, 2021
23. Stage 2-3 Archaeological Assessment, Part of Lots 102, 119, 120, 136 & 137, prepared by Archaeological Research Associates Ltd., dated November 21, 2012 [available by request]	<ul style="list-style-type: none"> November 22, 2021
24. Stage 1-2 Archaeological Assessments, Upper's Quarry Additional Lands, Part of Lots 119 & 120*, prepared by Archaeological Research Associates Ltd., dated April 20, 2020 [available by request]	<ul style="list-style-type: none"> November 22, 2021
25. Stage 3 Mitigation of Development Impacts, Final Excavation Report, Walker XI (AgGt-411), Upper's Quarry, prepared by Archaeological Research Associates Ltd., dated May 26, 2021 [available by request]	<ul style="list-style-type: none"> November 22, 2021
26. Stage 4 Mitigation of Development Impacts, Final Excavation Report, Walker IX (AgGt-178), Upper's Quarry, prepared by Archaeological Research Associates Ltd., dated July 22, 2021 [available by request]	<ul style="list-style-type: none"> November 22, 2021
27. Archaeological Report and Ministry Approval Letter: Stage 3 Site-Specific Assessment. Walker XI (AgGs-411) [available by request]	<ul style="list-style-type: none"> November 22, 2021
28. Cover Letter for February 2022 Updates, prepared by MHBC, dated February 8, 2022.	<ul style="list-style-type: none"> February 8, 2022
29. Updated ARA Site Plan Drawings (Redline), prepared by MHBC [last updated January 2022]	<ul style="list-style-type: none"> February 8, 2022
30. Updated ARA Site Plan Drawings (Signed), prepared by MHBC [last updated January 2022]	<ul style="list-style-type: none"> February 8, 2022

Proposed Uppers Quarry

List of Technical Materials Submitted

Updated September 18, 2023

Item	Date Submitted
31. Updated Level 1 and 2 Water Study Report, prepared by WSP, dated October 2021	• February 8, 2022
32. Updated Maximum Predicted Water Table Report, prepared by WSP, dated October 2021	• February 8, 2022
33. Addendum 1: Statement of Qualifications (re Level 1 and Level 2 Natural Environment Report and Environmental Impact Study), prepared by Stantec, dated February 3, 2022	• February 8, 2022
34. Cultural Heritage Report Checklists	• February 8, 2022
35. Information Request for Uppers Quarry Natural Environment Report Received from Dougan & Associates March 31, 2022, prepared by Stantec Consulting Ltd., dated June 9, 2022	• June 9, 2022
2nd Submission	
36. 2 nd Submission Cover Letter, prepared by MHBC, dated August 28, 2023	• August 28, 2023
37. Response Matrix to JART Comments, dated August 25, 2023	• August 28, 2023
38. Response Matrix to MNRF Comments, dated August 25, 2023	• August 28, 2023
39. Updated Site Plan Notes, prepared by MHBC, dated August 28, 2023	• August 28, 2023
40. Updated ARA Site Plan Drawings, prepared by MHBC, dated August 28, 2023	• August 28, 2023
41. Updated Planning Justification Report, prepared by MHBC, dated August 2023	• August 28, 2023

Proposed Uppers Quarry

List of Technical Materials Submitted

Updated September 18, 2023

Item	Date Submitted
42. Updated Alternative Site Analysis, prepared by MHBC, dated August 2023	• August 28, 2023
43. Updated Air Quality Assessment, prepared by RWDI, dated July 12, 2023	• August 28, 2023
44. Updated Acoustic Assessment, prepared by RWDI, dated August 3, 2023	• August 28, 2023
45. Updated Blast Impact Assessment, prepared by Explotech, dated August 2023	• August 28, 2023
46. Updated Natural Environment Level 1 & 2 Report, prepared by Stantec, dated August 28, 2023	• August 28, 2023
47. Response to JART Hydrogeology Comments, prepared by WSP, dated October 3, 2022	• August 28, 2023
48. Updated Economics Benefits Study, prepared by Prisim, dated February 2023	• August 28, 2023
49. Transportation Impact Study Addendum, prepared by TYLin, dated March 2023	• August 28, 2023
50. Visual Impact Addendum Letter, prepared by MHBC, dated February 24, 2023	• August 28, 2023

Appendix E

Public Open House Q & A Table

- March 23, 2022 Virtual Open House: Question and Response Matrix

Public Open House

Question and Response Matrix

Walker Aggregates Inc. has submitted applications to amend the Regional Official Plan, City of Niagara Falls Official Plan, and City of Niagara Falls Zoning By-Law to permit a proposed quarry. A virtual public open house was hosted by Region and City Planning staff on March 23, 2022 to allow members of the public to ask questions on the proposed amendments. Walker Aggregates and their consulting team were invited to the open house to assist in answering technical questions on their application. The following matrix includes the responses from Walker, their consulting team, and Regional and City Planning staff to questions that were not answered live during the session.

Please note that the application is still under review and no decisions have been made. Review will continue and a statutory public meeting of City and Regional Council will occur before any decisions are made. In addition, a separate licencing process, under the Aggregate Resources Act, will be required. The Aggregate Resource Act process also includes the requirement for public consultation, including an additional public open house.

No.	Question/Comment:	Response:
1	Given the impact of a Quarry, should publicity of the application and notice regarding these meetings and proposals extend beyond a 120 meter radius of the property?	The 120m radius is a Provincial requirement from the Planning Act and the Aggregate Resources Act for providing written notice. Niagara Falls City Council recently approved a recommendation to increase the circulation distance in the rural area to 240 metres. This would include the Uppers Quarry application. In addition, notice of a Public Meeting will be posted on the property, included on the City's "Let's Talk" webpage, and the Region's website. Broader notification includes newspaper notices, social media and web notices.
2	The existing Walker facility was put in place before the City expanded - how are you are now proposing a heavy industrial use of over 1100 acres next to existing residential uses and greenspace?	Planning decisions must meet certain tests to ensure land use compatibility between a quarry and a sensitive land use. This will be determined through the review process of the Planning Act applications.

No.	Question/Comment:	Response:
		<p>The Rolling Meadows Secondary Plan has specific policies included to ensure that residential development would be appropriately buffered and designed to prevent adverse effects on the future development of a quarry in identified aggregate resource area.</p>
3	<p>I am surprised from seeing the map that no buffers had been mapped. It would appear that the lands east west? of Townline Road could become a natural heritage buffer, since they are owned by Walker Brothers and not proposed for quarrying.</p>	<p>Within the licence area, buffers are identified on detailed Site Plans. If the quarry is approved, a 30 metre setback will be required from Thorold Townline Road and Beechwood Road. This is a regulatory setback requirement under the Aggregate Resources Act.</p> <p>The applications which are currently under review do not pertain to the additional lands owned by the applicant.</p>
4	<p>How deep is Deeprock mining (below water quarry)? How deep is normal mining?</p>	<p>According to the applicant’s Site Plans, and based on the information in the Water Resources Report, the proposed depth of extraction would extend 30 – 35 metres below the shallow groundwater table.</p> <p>The depth of extraction is based on the underlying limestone resource thickness and varies at quarry locations across Ontario.</p>
5	<p>If the cities of Niagara and Thorold were aware of the proposal why would they allow the residential development so close to the area?</p>	<p>See response provided to similar comment # 2 above.</p>
6	<p>I’m afraid I still don’t understand how land designated as “Environmental Protection” area can</p>	<p>The land use planning process in Ontario allows for applications to amend the Official Plan designations and zoning subject to addressing the detailed policy considerations outline in Provincial,</p>

No.	Question/Comment:	Response:
	have that overturned? What is the point in having such a designation if it can be changed?	Region and Local plans. Any development proposed within an “Environmental Protection” designation is required to complete a detailed Environmental Impact Study (EIS) and would need to demonstrate no negative impacts on the feature or function of the environmental protection area, as well as other policy test in Provincial, Regional, or Local plans.
7	my understanding was that the 3 m berm is for visual purposes rather than sound barrier	The 3 metre high berm around the perimeter of the site is outlined as a requirement for mitigation in the Noise Assessment Report submitted by the applicant. The Visual Impact Assessment report recommended additional screening in the form of tree planting at a number of locations around the perimeter of the site to mitigate visual impacts.
8	the alternative location assessment report was issued in Oct 2021, quite a bit later ~2 yrs after Walker started the zoning application change... seems strange?	The applicant has indicated that, similar to other technical assessments, data is typically collected, or measures are taken earlier than the actual report is prepared and finalized. Also, reports are often updated to be consistent with findings or recommendations of other reports as they are being completed.
9	Did walker's buy that historic property?	Additional information is required on which property this inquiry is referring to. The subject lands are shown on the location map contained on the Let's Talk page here: https://letstalk.niagarafalls.ca/uppers-quarry
10	How will ground contamination be contained as ground water currently effects the entire waterway all the way to the canal?	The applicant has indicated that quarry operations and the proposed monitoring program have been designed in a way that will protect water systems from unacceptable effects. The proposed mitigation measures are currently being peer reviewed by the Joint Agency Review Team (JART) to determine if they are appropriate.

No.	Question/Comment:	Response:
		<p>The Ontario Water Resources Act includes a legal obligation for the proponent to ensure water quality is not adversely affected. This is regulated by the Province (Ministry of the Environment, Conservation and Parks).</p>
11	<p>Is there also a request to amend the official plan at the corner of Beaverdams and Garner to residential and if so how would that affect this application?</p>	<p>No, there is currently no application to convert the lands to residential. The lands at Beaverdams and Garner Roads are outside of the Urban Boundary. As such, the Regional Official Plan and the City's Official Plan would not support the conversion of the land for residential development.</p>
12	<p>Might I suggest/ask that Council, or Ms. Walker speak to the anxieties that many attendees are likely feeling? We're picturing a loud, dangerous eyesore moving right next door. Walk us through how we should be thinking about that?</p>	<p>The review process is designed to provide detailed information and review of the application to allow input from the community and address these concerns.</p> <p>In addition to the municipal Planning Act process, Walker is required to address community concerns and objections through the Aggregate Resources Act application process.</p> <p>Walker operates a number of other quarries in the Region and have offered to provide tours for anyone who would like to visit one of their existing active operations.</p>
13	<p>Are the proposed lakes a result of flooding from excavation below the water table?</p>	<p>If approved, once extraction is complete, dewatering will cease and the extraction areas will be allowed to fill with groundwater and precipitation which over time will provide for a series of lakes as a final end use.</p>

No.	Question/Comment:	Response:
14	Will the taxes be reduced in Fernwood Estates to account for the consistent blasts disruption for their community?	<p>Property tax assessments are updated by the Municipal Property Assessment Corporation (MPAC) and the assessment information is provided directly to landowners.</p> <p>At this time, the Region and the City do not have a specific mill rate adjustment for other aggregate locations in the Region, however, the concern is acknowledged and the JART review will be exploring this concern further.</p>
15	There is a pending application to amend the current zoning of lands directly behind the fernwood neighbourhood from agricultural to residential. Would the quarry's application approval impact this? Or vice versa.	The lands immediately behind the Fernwood neighbourhood are outside of the Urban Boundary. There are no current applications in to convert the land to Residential.
16	the alternative location assessment report was issued in Oct 2021, quite a bit later ~2 yrs after Walker started the zoning application change... seems strange... I would have expected this type of report to be issued before a zoning application change is made?	See response provided to similar comment # 8 above.
17	Would excavation impact what is called the Rochester Shale rock layer? In the past excavation on such rocks has resulted in groundwater pollution problems.	Based on the information provided in the applicant's Water Resources Report, the proposed depth of extraction is to the bottom of the Gasport Member, which is situated above the DeCew Formation. The Rochester Shale rock layer is below the DeCew Formation. Therefore, the excavation proposed will not include the Rochester Shale rock layer.

No.	Question/Comment:	Response:
18	Can you share the health ramifications and risks associated with young children, adults and seniors being so close to the quarry?	Should the application be approved, Walker is required to operate within limits prescribed by the Ministry of the Environment, Conservation and Parks (MECP) relative to noise, air quality, vibration, water quality, and their aggregate operations license, if approved. The applicant's reports indicate that no human health ramifications or risks associated with the quarry operation is expected. These reports and conclusions are currently being peer reviewed by JART and will also be reviewed by the Province.
19	Will the quarry only be on the Niagara Falls or will it be in Thorold also?	The quarry is proposed for lands in the City of Niagara Falls.
20	why is Niagara Falls only being considered when Thorold is across the street? A whole new subdivision being built one block away?	All technical studies consider potential impact based on distance from the proposed quarry and not municipal boundaries. However, the Official Plan and Zoning By-law amendment applications relate to lands that are within the City of Niagara Falls municipal boundary. The City of Thorold has been included in the consultation process and landowners within the required circulation distance have been notified.
21	What kind of studies have been done related to health related problems and dust from quarries?	<p>Studies related to health and dust have been prepared by qualified experts and submitted with the applications including:</p> <ul style="list-style-type: none"> • Air Quality Assessment Report by RWDI • Acoustic Assessment Report by RWDI • Blasting Impact Assessment by Explotech • Level 1 and 2 Water Study Report by WSP • Level 1 and 2 Natural Environment Technical Report and Environmental Impact Study by Stantec • Agricultural Impact Assessment by Colville Consulting • Traffic Impact Study by TMIG

No.	Question/Comment:	Response:
		Experts at agencies or retained by agencies are in the process of peer reviewing the studies submitted.
22	There are already 3-4 quarry's in the Niagara region, can you not find another location for this quarry? That is away from residential community. There is soooo much space in Ontario for you to consider. We have families with small children here and we don't want all the air and noise pollution affecting our health.	Provincial planning policy requires aggregates to be made available as close to market as possible, as the long distance transportation of aggregate material can have significant environmental and other impacts. In addition, quarries in the Region can differ in the type of material they provide. If approved, Walker is required to operate in a manner that meets Provincial standards with respect to air quality and noise. Technical studies related to noise, air quality, and blasting were submitted as part of the applications and are currently being peer reviewed.
23	Niagara is also a tourist mecca that attracts \$\$ and having this kind of thing does not add appeal for tourists.	Thank you for the comment.
24	Are you aware that this area historically is a grape and fruit capability farming area and if accurately designated as specialty crop that the quarry would not be allowed? On the proposed quarry lands was once a vineyard to the north and a tender fruit orchard south of Uppers Lane.	The site is not within an area identified in the Region's Official Plan as a specialty crop area. An Agricultural Impact Assessment has been prepared and submitted by the applicant which will be reviewed as part of the application process.
25	will there be a new traffic study done when all the homes get built out in the new Empire community. The number of homes being built there is a big one.	The traffic study submitted with the application considers future approved or planned development in the surrounding area. As noted for the other technical reports, this study is currently being reviewed by the JART.

No.	Question/Comment:	Response:
26	Can you reconfirm the times that materials will be transported from the quarry? Will that be during the hours of operation outlined previously (0700-1900)?	Aggregate shipping to and from the quarry is proposed to be permitted 24 hours per day, should the application be approved. The Site Plans proposed that all drilling, extraction, processing and other quarry operations will be limited to 0700-1900 hours.
27	You contain the asphalt plant odor. What about the odor from transporting it	Transporting asphalt is done in tanker trucks, which are normally sealed during transport, to minimize significant emissions.
28	Can you share how far dust particles travel from the blasting? Also, will we hear and/or feel the blasting in Fernwood?	<p>An Air Quality Assessment has been submitted by the applicant to recommend how dust particles resulting from the operation can be mitigated to meet Ontario's Ambient Air Quality Criteria for sensitive land uses. Provincial regulations require quarry operators to use dust suppressants (the most common being water) on processing areas and internal haul roads. The Aggregate Resources Act also requires that dust be managed on the site. The Air Quality Assessment is currently being peer reviewed by experts retained by the Region and City.</p> <p>A Blasting Impact Assessment has been prepared by blasting professionals to ensure that there will be no impact on any structures and that vibration/noise limits prescribed by the Ministry of the Environment, Conservation and Parks will be met. The Blasting Assessment is also being peer reviewed by experts retained by the Region and City.</p>
29	Why are we just learning about this asphalt plant now? It was not in any of the first meetings we had with Walker in the beginning. I am totally opposed to that kind of plant near me.	The applicant has indicated that quarries can make appropriate sites for asphalt plants as they are typically deep and well mitigated and buffered from sensitive land uses. Also, the need to transport material between separate properties greatly reduces the carbon footprint.

No.	Question/Comment:	Response:
		<p>In this case, the asphalt plant is proposed not be introduced until extraction is complete and moved on to Phase 2 (north of Upper's Lane). This will allow the asphalt plant to be situated on the quarry floor and centrally located within the site.</p> <p>The request for the proposed asphalt use are being reviewed as part of the application.</p>
30	If these comments will be considered by Niagara, then for the record I am opposed to the quarry.	Thank you for your comment.
31	Question was misunderstood. Amenities in existing quarry when closed and rehabilitated might reduce opposition to proposed new quarry.	Thank you for your comment.
32	what impact with the quarry have on structures with the blasting what size of blast is it?	See response provided to similar comment # 28.
33	Is there not another location that is away from subdivision? I would of never built a house here knowing this quarry was being proposed. I do not care it would cost more to ship. Why should our subdivision pay for others to get the product cheaper?	See response(s) provided to similar comment(s) # 2 and # 22.
34	Why has walker been registering opposition letters to the properties that have applied for an urban boundary expansion in there proximity?	Walker has indicated they wanted to ensure deposits of mineral aggregate resources identified in the Official Plan continue to be protected from development and activities that have the potential

No.	Question/Comment:	Response:
		to preclude or hinder the establishment of new operations or access to the resources.
35	I live on Garner Rd., Are you able yet to tell us if the huge depth you will be digging down to will dry up our 30 and 40 foot farm wells?	The Water Resources Study addresses how water wells and the natural environment will be protected. A detailed water well inference mitigation plan has been prepared for each parcel that will allow proactive mitigation in advance of any well being adversely impacted as a result of the proposed quarry. The Water Resources Study also sets out an extensive monitoring program that will be required to be implemented if the applications are approved. This is being reviewed by the JART.
36	Do the City Council members and the Planning department really think that the neighborhoods around Uppers Lane, Lundy's Lane, Garner, Fernwood Estates, Beaverdams are not going to be affected? Right now there are so many people moving into Niagara Falls, for what? Just to realize the City doesn't really care about their own communities or even care what the people really want. New residents are already complaining about it and also the residents who have lived here for years don't want it to be approved. If the City doesn't listen, then what does City Council and all its planning employees represent? Definitely not the majority of the people in the community. If the City Council members and the planning department want to continue to be ignorant to what the residents actually want, then fine, I don't suffer but the people in the community will continue to, like they have	Thank you for the comment.

No.	Question/Comment:	Response:
	been for years and as a result, morale in this City will continue to decrease.	
37	Only part of Fernwood was owned by the City of Niagara Falls. Most of this land is now part of Fernwood Park.	Thank you for the comment.
38	Has the city considered improving the surrounding roads around the proposed quarry and the surrounding residential communities? Currently these roads are absolutely unacceptable, the lanes are becoming more narrow in time as the roads continue to erode, pot holes everywhere and my concern is with the increase in traffic in the near future as the quarry comes into existence will this be considered by the city of Niagara Falls...with the very large trucks and other large and heavy vehicles about to increase the traffic in these areas.	<p>The Transportation Impact Study has identified road improvements at the intersection of Upper's Lane and Thorold Townline Road. If the quarry is approved, these improvements included as a condition of approval to handle traffic from the quarry.</p> <p>If approved, trucks would be directed to travel northbound on Thorold Townline Road. Heavy vehicles will not access the proposed quarry via Beechwood Road and no other ancillary roads are included in the proposed haul route.</p>
39	Let me rephrase...why doesn't the Environmental Protection designation prevent this?	See response provided to similar comment # 6.
40	As you can appreciate it is somewhat a "hostile audience", a very nice alternative location report was prepared recently. The timing of it raises a few questions so, to alleviate some suspicions, can you indicate what the history is between Walker family and this consultant...i.e., was it competitively bid or given to this firm	Thank you for your comment.

No.	Question/Comment:	Response:
41	my question on the aggregate estimate needs for the region that indicated a new quarry was required was not answered. the answer provided just indicated the amount of aggregate expected to extracted from the site	The applicant indicates that the proposed quarry is intended to replace supply provided by their other nearby operations near depletion.
42	Proximity has been specific to the quarry. What about the proximity with the concrete and asphalt recycling and mixing?	All technical studies factor in concrete and asphalt recycling and mixing when assessing potential impact and making recommendations on mitigation requirements.
43	If Walker's is not granted a license to operate, what is their plans for the land going forward?	Unknown.
44	Would you recommend that we have our homes looked at right now by a Home Inspector/Engineer to get a base line of structure issues before the quarry goes online.	Vibration levels of all blasts to be monitored at the quarry property line to ensure levels are maintained well within the provincial guideline limits. The Region and City cannot make recommendations relative to privately owned structures.
45	How many times a day or a week will there be blasting?	Walker has indicated that generally no more than 1 to 2 blasts will occur in one day. Blasting will not take place on Saturdays or Sundays and will be limited to daytime hours (8:00 am to 6:00 pm) on weekdays.
46	When will the next Zoom meeting be held?	The timing of the next public session is dependent on the speed in which the application is processed. Notification will be provided through various means.

No.	Question/Comment:	Response:
47	What is your plan to protect the core aquifers and residential wells in the area?	See response provided to similar comment # 35.
48	Can new meetings be held in person?	The format of the meeting will be dependent on the rules and any public health measures that are in place at that time.
49	If quarries are so far from urban areas deallocation growth from Thorold and Port Colborne to other municipalities was an error. Closeness to quarries was used to legitimate urban boundary expansions in Niagara Falls, Fort Erie and West Lincoln.	Thank you for the comment.

Appendix F

Community Focus Group Materials

- Appendix F1 - Uppers Quarry Community Focus Group Consultation Summary Report to Council, prepared by Dillon Consulting, dated November 16, 2023
- Appendix F2 – Letter from Community Focus Group to City of Niagara Falls and Niagara Region, dated December 4, 2023



City of Niagara Falls

**Uppers Quarry Community Focus Group
Consultation Summary Report to Council**

November 16, 2023

Table of Contents

Executive Summary

1.0	Introduction	1
1.1	Background	1
1.2	Procurement Process and Scope of Work	1
1.3	Formation of the Community Focus Group	2
1.4	Community Focus Group Scope and Mandate	3
1.5	Purpose of this Summary Report	4
2.0	Community Focus Group Meeting # 1	5
3.0	Community Focus Group Meeting # 2	6
4.0	Summary of Responses to the Four (4) Questions to be Considered by the CFG	7
4.1	What are the potential impacts a quarry may have, including on surrounding residents?	7
4.2	What further information would assist in addressing concerns and issues involving impact?	9
4.3	What regulations or conditions should be imposed or requested to address concerns and issues, if the quarry is approved?	10
4.4	What type of monitoring/reporting should happen if the quarry is approved?	13
5.0	Additional submissions provided by CFG Members	14
6.0	Conclusion	15

Appendices

A	Public Expression of Interest
B	CFG Meeting #1 Presentation and Summary
C	CFG Meeting #2 Presentation and Summary
D	CFG Member Submissions

Executive Summary

Walker Aggregates Inc. (Walker) has submitted Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications to permit a quarry located within Niagara Falls between Thorold Townline Road and Beechwood Road, south of Beaverdams Road. *Planning Act* processes require that public input on development applications be obtained and used by local planning authorities as part of the decision making process. Due to considerable interest in the Uppers Quarry applications from residents and the complexities associated with this particular type of development application, Council directed additional measures beyond the requirements of the *Planning Act* be taken to allow for expanded public input into the process through the formation of a Community Focus Group (CFG).

Staff Report PBD-2023-33, which was received at the April 18, 2023 Council meeting, established the parameters for establishing the CFG, which included retaining a third party facilitator to oversee the CFG meetings and associated reporting. At the end of the CFG process, a summary report is to be provided, which details responses to the following specific questions, as set out in PBD-2023-33:

- What are the potential impacts a quarry may have, including on surrounding residents?
- What further information would assist in addressing concerns and issues involving these impacts?
- What regulations or conditions should be imposed or requested?
- What type of monitoring/reporting should happen if the quarry is approved?

This report provides a summary of the two (2) CFG meetings held throughout September to answer the above-noted questions; and, be included by staff in a future recommendation report to Council, such that Council may have this information on record for their decision on the application.

1.0 Introduction

1.1 Background

In late 2021, *Planning Act* applications were made to the Region of Niagara and City of Niagara Falls to amend the Region of Niagara Official Plan, City of Niagara Falls Official Plan, and Zoning By-law Amendment in order to permit a quarry on lands adjacent to Thorold Townline Road, Beechwood Road and Uppers Lane in the City of Niagara Falls (the Uppers Quarry applications). Since the time of the initial submission by Walker Aggregates Inc. (Walker), a Joint Aggregate Review Team (JART) was assembled, including City and Regional planning staff representatives, Niagara Peninsula Conservation Authority (NPCA) staff and a quarry advisor, for the purpose of evaluating the various studies submitted as part of the application. The JART process remains underway and ongoing.

Planning Act processes require that public input on development applications be obtained and used by local planning authorities as part of the decision making process. Due to considerable interest in the Uppers Quarry applications from residents and the complexities associated with this particular type of development application, Council directed additional measures beyond the requirements of the *Planning Act* be taken to allow for expanded public input into the process through the formation of a Community Focus Group (CFG).

As set out in report PBD-2023-23, Council direction was for staff to retain an independent facilitator to run the CFG and provide a report back to Council on how four (4) key questions and matters could be addressed. The CFG Summary Report is to be used as an additional piece of input into the decision-making process on the *Planning Act* applications, along with the public input received through the statutory process, staff input, JART reports, peer review reports and agency comments, with the intent that planning staff bring forward a more detailed recommendation report to Council on the OPA and ZBA applications in the future.

1.2 Procurement Process and Scope of Work

On May 30, 2023, the City of Niagara Falls issued requests for quotation (RFQ) for a third-party facilitator to chair and coordinate a series of CFG meetings to address a series of key questions and matters with respect to the proposed Uppers Quarry application. Dillon Consulting Limited (Dillon) provided a response to the RFQ in early July and was ultimately determined to be the successful proponent to conduct the third party facilitation of the CFG, with Walker required to pay the fee for the services provided, as directed by Council. For simplicity, the City asked Dillon to invoice Walker directly for this work.

The nature of Dillon's role on this project is limited to independent facilitation of the CFG and associated summary reporting to Council. Dillon is not providing land use planning services and will not be involved in rendering any professional planning opinions on the *Planning Act* applications for the proposed Uppers Quarry. Specifically, Dillon's duties include:

- Providing input on the organization of CFG meetings;
- Ensuring meetings are held in an orderly, respectful manner;
- Ensuring that input from members is fair and balanced and that all members have an opportunity to provide input and answer any questions in their area of expertise; and,
- Assist in reviewing minutes of meetings and any reports generated, as required.

The key deliverables identified by Dillon as part of this are:

- CFG Meeting # 1 agenda, facilitation and meeting summary notes;
- CFG Meeting # 2 agenda, facilitation and meeting summary notes; and,
- CFG Final Summary Report to Council.

These deliverables are to be used by staff in their staff report to Council on the OPA and ZBA applications to allow Council consideration of their comments in Council's decision on the application.

1.3 Formation of the Community Focus Group

As set out in the terms of reference for the CFG, City staff were responsible for assembling the CFG. In this regard, based on information provided to Dillon, we note the following:

- A public expression of interest notice was issued soliciting members for the CFG on August 16, 2023 (see **Appendix A**). The notice requested that those wishing to be part of the CFG submit an application by August 28, 2023.
- Ten (10) applications were received for City staff to review and select members. As noted in the expression of interest, the CFG should consist of 6-8 members, representing a cross-section of the community, including Fernwood Estates residents, City-at-large Residents, Business/Organization Owners, and Volunteers with interest In Natural Heritage.
- Following review of applications, City staff selected 8 members to form the CFG, which were confirmed on August 29, 2023. The names of CFG members are provided below for reference:
 - Julie Lantos

- Helene Cayer
- Maria Accomando
- Arlie DeGiuli
- Judy Doerr
- Matt Melnyk
- Chuck Gould
- Jack Weaver
- The following representatives from Walker attended CFG meetings:
 - Chris Breen (Walker)
 - Kevin Kehl (Walker)
 - Deb Walker (MHBC Planning)
- In addition, the City's Director of Planning Andrew Bryce; and the Region's Senior Planner Sean Norman attended CFG meetings.

1.4

Community Focus Group Scope and Mandate

As noted in Report PBD-2023-26, the CFG can be an effective tool to encourage public participation, assist in identifying or scoping the concerns and issues, and provide answers in how such concerns may be addressed. In this regard, the mandate of the CFG was communicated to be focusing on issues specific to the quarry and how they may be addressed, where the following questions should be considered:

- What are the potential impacts a quarry may have, including on surrounding residents?
- What further information would assist in addressing concerns and issues involving impact?
- What regulations or conditions should be imposed or requested (i.e., zoning regulations, conditions requested by Council for the Aggregate Resources Act license) to address concerns and issues, if the quarry is approved?
- What type of monitoring/reporting should happen if the quarry is approved? (This may include monitoring reports, reporting to Council on whether license conditions are met on an annual or more frequent basis, a process implemented if landowners suspect property damage as a result of quarry operations).

While these questions form the basis of the CFG Scope and Mandate, it is clear in PBD-2023-26 that exploring and answering these questions does not imply that the City has made a decision

on whether or not to approve the *Planning Act* applications. In a similar vein, while not stated in PBD-2023-26, participating as a CFG member and answering the questions noted above does not signal that individual CFG members are in favour of or opposed to the proposal. Instead, these questions should be applied as a means to understand what conditions should be applied and monitoring requirements established if the development moves forward.

1.5 Purpose of this Summary Report

The purpose of this Report is to provide a summary of the two (2) CFG meetings held throughout September to answer the above-noted questions; and, be included by staff in a future recommendation report to Council, such that Council may have this information on record for their decision on the application.

This report is organized as follows:

- **Section 1.0:** Introduction.
- **Section 2.0:** Community Focus Group Meeting #1.
- **Section 3.0:** Community Focus Group Meeting #2.
- **Section 4.0:** Summary of Responses to the Four (4) Questions to be Considered by the CFG.
- **Section 5.0:** Additional submissions provided by CFG Members.
- **Section 6.0:** Conclusion.

Community Focus Group Meeting # 1

CFG #1 occurred virtually over Zoom on September 11, 2023. At the meeting Walker's consultant presented background information on the proposal and application details, and the City presented an overview of the planning process and concerns heard to date. The facilitator shared the purpose and expectations of the community focus group, and a facilitated discussion was held to address council directed questions.

Topics covered included:

- Introductions;
- Applicable policies;
- Proposed amendments;
- Role of the community focus group; and,
- Application details including quarry sequencing, operational plan and final rehabilitation, and study findings.

The facilitated discussion period for CFG #1 used a Mural activity to brainstorm the following discussion questions with focus group participants:

- What concerns do you have regarding the proposed quarry?
- Does anything need further clarification?

Presentation materials, and a summary of the facilitated discussion for CFG Meeting #1 can be found in **Appendix B**. A summary of the facilitated discussion can also be found in **Section 4.0** of this report.

3.0

Community Focus Group Meeting # 2

Community Focus Group #2 occurred in person at the MacBain Community Centre on September 28, 2023. The agenda for CFG #2 was modified at the request of CFG members to provide a space for participants to share their concerns with the project and to discuss the remaining council directed questions.

The meeting began with a brief presentation by Dillon Consulting on the purpose and objectives of the community focus group as well as a round of introductions. Community focus group members requested to give individual presentations to express their concerns related to the potential quarry.

The facilitated discussion period for CFG #2 was centred on the following council directed questions:

- What regulations or conditions would you like to see imposed? What community benefits would you support?
- What type of monitoring and reporting would you like to see happen should the quarry be approved?

Presentation materials and a summary of the facilitated discussion for CFG Meeting #2 can be found in **Appendix C**. A summary of the facilitated discussion can also be found in **Section 4.0** of this report.

4.0

Summary of Responses to the Four (4) Questions to be Considered by the CFG

This section provides a summary of the feedback received on the four (4) questions to be considered by the CFG. Overall, CFG members indicated that they are not in support of the quarry. While CFG members answered the council directed questions, this does not signal that individual CFG members are in favour of or opposed to the proposal. Instead, these questions should be applied as a means to understand what conditions should be applied and monitoring requirements established if the development moves forward.

Responses to the four (4) questions were provided as prompted and requested by the facilitator to keep within the mandate of the CFG and provide staff with input as part of the technical analysis.

4.1

What are the potential impacts a quarry may have, including on surrounding residents?

Potential impacts the quarry may have along with study findings and proposed mitigation was presented by Walker's consultant. A copy of the presentation can be found in **Appendix B**.

The impacts presented included:

- Impacts to groundwater users;
- Impacts to surface water features (creeks and wetlands);
- Impacts to adjacent natural heritage features and wildlife;
- Traffic impact;
- Air quality impacts; and,
- Acoustic impacts (noise).

Community members discussed the following potential impacts on surrounding residents:

- Concerns and questions about quarry operations:
 - Including hours of operations, and entry into the quarry site;

- Potential impacts of the quarry on the surrounding residential community:
 - Concerns included excessive dust, noise, and odour; truck traffic which will lead to additional dust, emissions and excess traffic; impact on home values; and vibrations with the potential to damage home foundations;
 - More consideration is needed for the value of human life over the economic benefit of a quarry;
- Compatibility with surrounding residential land uses:
 - Questions and concerns on the compatibility of a quarry located next to residential areas, with participants noting that the quarry was incompatible with people living in proximity;
- Need and benefit of the quarry:
 - Participants noted concern over the lack of a needs analysis for additional aggregate and a new quarry;
- Loss of agricultural land:
 - Regarding the potential impact of the quarry, the focus group noted that Niagara represents 23% of agricultural business in the Greater Golden Horseshoe area and that the project would cause the loss of 103 hectares of agricultural land and a permanent loss of class 2 and 3 soils. The group noted that external factors like the impact on local food security and the potential to further climate change should be considered by council;
- Climate change adaptation and mitigation:
 - Participants expressed that the quarry goes against climate change goals outlined in documents such as the Provincial Policy Statement, Official Plan, and work done by conservation authorities;
 - Participants also noted concerns for how the quarry could exacerbate climate change issues and contribute to pollution; and,
- Impacts to natural heritage and wildlife:
 - Participants expressed concerns related to redirecting the watercourse, impacts to local water sources (groundwater and surface water), destruction of trees, displacement of wildlife, and loss of biodiversity.

Additional issues and concerns were discussed. These include:

- Desire for Walker to implement mitigation measures that go beyond the minimum standards:

- Including a desire to have less dust in the air and lower noise levels than current minimums;
- Transparent and ongoing engagement process and communications:
 - Including the need for continued community engagement beyond the approvals process, improved communication on impacts of the quarry including financial impacts (increased tax burden) and a desire to show that concerns raised by the community have been addressed;
- Approvals process and studies:
 - Including communicating that obligations are met and communicating the approvals process in a clear easy to understand manner;
 - Clarification on when Department of Fisheries and Oceans (DFO) approval is needed, it was noted that the proposed quarry will not proceed forward without DFO approval;
 - Participants expressed concern that Walker Aggregates determined the study area themselves, which constrained the study as a result. It was shown that Walker targets the Lockport Formation, and that most of the region is underlain by this Limestone/Dolostone;
 - Further to the alternative site analysis, participants questioned why the alternative site analysis was restricted the area around the Lockport formation; and,
 - The focus group questioned the requirements that need to be satisfied for approval of the quarry application and wanted clarification on the information/reports staff and council members took into consideration to form their opinion on the proposed quarry.

4.2 **What further information would assist in addressing concerns and issues involving impact?**

Additional information CFG members would like to see to address concerns and issues involving impacts include:

- A desire to see a better demonstration of how the quarry will benefit the community, why it is needed, and why it is needed at this location;
- A study showing how much aggregate is needed for additional infrastructure;
- Further information on the alternative site analysis process

- A report justifying why the alternative second site was not chosen;
- Clarification on who the final approval authority is;
- Information on why this site was selected;
- Information on how the City and Region’s climate change goals will factor into the approval process for the quarry;
- Clarification on if the 12 houses along Thorold Townline Road will be recognized as a community that will be adversely impacted;
- Clarification on how to report incorrect sensitive receptor address information;
- Information on what compensation measures could be offered to residents to offset property value loss;
- Information on the decision-making process associated with the previous approval of the Fernwood Estates Residential Subdivision near to a potential aggregate resource:
 - The City of Niagara Falls noted that in 2003 approval of the Official Plan request for the proposed Fernwood subdivision to be redesignated from industrial to residential was granted by Council. A report was submitted on behalf of the applicant, which concluded that a quarry would be unlikely due to land fragmentation. It was further noted that expansion of the existing quarry had just begun. According to deeds submitted, Walker began purchasing land subject to the Upper’s Quarry application 2004, a process that lasted until 2019 (answered during CFG meeting #2); and,
- Information on how to report issues with quarry operations.

4.3

What regulations or conditions should be imposed or requested to address concerns and issues, if the quarry is approved?

- In general, all CFG members noted that they would expect that Walker be required to go above minimum standards required. The focus group noted that any mitigation measures need to be recorded in writing. Specific examples of exceeding the minimum standards included:
 - Raising the proposed berm from the minimum required (to whatever is feasible);
 - Assorted trees (height and type) densely planted on the sides and top;
 - That the berm be invisible from the road;
 - Implementing enhanced dust mitigation measures;

- A buffer area exceeding the 30 metre requirement for natural features;
- Requesting to go quieter than minimum noise standards;
- Ensuring any debris from site related activities is cleaned;
- Focus group members requested that as many trees as possible be planted between the quarry and the Fernwood development; and,
- Prohibiting quarry traffic on Garner Road. It was also pointed out that, as regular traffic would tend to avoid Thorold Townline, traffic on Garner Road is bound to increase dramatically. It was further pointed out that Fernwood residents have only one means of egress, and it is already often difficult to turn on to Garner Road. A comment was made that measures to mitigate overflow traffic on Garner Road should be implemented.

The regulations or conditions suggested by CFG members include:

- Requirements for blasting hours, including:
 - Not blasting when it is windy;
 - Blasting only between 1:00 pm and 3:00 pm and 8:00 am and 6:00 pm for operation;
 - No blasting to occur on Saturdays, Sundays, or holidays;
- Potential rerouting of the creek:
 - Participants recommended alignment changes to the proposed creek to avoid wildlife impacts due to salt dumping and to flow better with the community. Concern was also expressed for Shriners Creek, which Walker noted was not part of the subject property;
 - Recommendations included routing the creek to go through Beechwood or to align with the back of the Bible Baptist Church;
- Recognition of lost property value:
 - Participants suggested that compensation for lost property values be reflected in lower property taxes or some other mechanism to be paid by Walker;
- Wildlife impacts:
 - Participants were concerned about the dispersal of wildlife and impacts to deer and other wildlife habitat in the area;
- Climate impacts and pollution:

- Concern for how this could exacerbate climate change issues and contribute to pollution was expressed;

- Roadways:
 - Regarding roadways, participants wanted to see Uppers Lane kept under city ownership as an area to monitor quarry activities. Recommendations also included not widening Beechwood Road, as it is not used often;
 - Ensuring pedestrian safety is protected on roads was also raised as a key issue to be monitored; and,
- Securities:
 - Focus group members suggested a bond agreement with the city to cover costs of restoration if the site is abandoned before restoration occurs.

4.4

What type of monitoring/reporting should happen if the quarry is approved?

Reporting and monitoring suggested by CFG members includes:

- Monitoring of flying debris, spillover traffic levels, and truck behaviour such as speeding;
- Daily, weekly, monthly, and yearly reporting delivered to residents of Fernwood and monitoring agencies was recommended. Focus group members requested that monitoring reports be made available to council as well as the community;
- Noise from vibrations should be quieter than the minimum standard and questioned who would be monitoring these levels, Walker noted that vibrations from the site tend to be around 40 decibels (about the level of a refrigerator); and,
- Requests to identify how watercourse health and groundwater will be monitored over time.

5.0

Additional submissions provided by CFG Members

Following the two CFG meetings, some CFG members submitted additional comments to be included in this report. Additional comments received are attached in **Appendix D** for information purposes.

Conclusion

The concerns and insights shared by the Niagara Community Focus group have been documented and presented in this report. Overall, the focus groups residents are opposed to the proposed Uppers Quarry. These concerns encompass issues related to the proposed quarry's potential impacts on the local environment, community well-being, and the broader ecosystem. Additionally, the group has provided input regarding the conditions and mitigations that should be imposed if the quarry is ultimately approved, as well as potential monitoring and reporting.

The work of the community focus group has been outlined within this report to be submitted to City Council. We trust that the information presented herein will serve as a valuable resource for City Council as they deliberate on the proposed Uppers Quarry project.

Appendix A

Public Expression of Interest



RESIDENTS/BUSINESS OWNERS AND VOLUNTEERS Upper's Quarry - Walker Aggregate Inc.

Are you interested in sharing your ideas on the proposed development of Uppers Quarry?

Walker Aggregates Inc. has submitted applications to permit a new mineral aggregate quarry with associated uses (processing and recycling of aggregate material including asphalt and concrete, concrete or asphalt mixing plant) between Thorold Townline Road and Beechwood Road, north and south of Upper's Lane (see location in blue on the map below). Walker Aggregates Inc. has also applied to the Province for a license under the Aggregate Resources Act.



Participating in the Community Focus Group will be an opportunity to provide input, foster collaborative ideas, and offer new perspectives or potential solutions.

The City is seeking 6 to 8 people to participate in the Community Focus Group (CFG) for the proposed Upper's Quarry.

Community Focus Group members will:

- Participate in a strategic focus exercise of approximately 2-4 meetings at 1.5 to 2 hours over an estimated 2 months (from September to October)
- Note meeting dates are still to be determined. Meetings are intended to be held in the late afternoon/early evening and may be held in an online or hybrid format.

Members will be asked to consider the following questions and matters:

- What are the potential impacts a quarry may have, including on surrounding residents?
- What further information would assist in addressing concerns and issues involving impact?
- What regulations or conditions should be imposed or requested (for example zoning regulations or other conditions) to address concerns and issues if the quarry is approved?
- What type of monitoring/reporting should happen if the quarry is approved? (This may include monitoring reports, reporting on Council on whether license conditions are met on an annual or more frequent basis, and a process implemented if landowners suspect property damage as a result of quarry operations).

We encourage members to have an open mind and come prepared to have a collaborative discussion focused on the needs and concerns of Niagara Falls. Recommendations, suggestions, and concerns will be documented and presented in a staff report to Council for their consideration.

If you are interested in participating in the proposed Upper's Quarry Community Focus Group, please submit a letter to Andrew Bryce, Director of Planning (4310 Queen Street, Niagara Falls, ON L2E 6X5) or contact via email at abryce@niagarafalls.ca. Please submit a letter **no later than August 28, 2023**.

Accessibility Accommodation

If you require any accommodation for a disability to participate or attend meetings, kindly advise in your response so we can make appropriate arrangements.

Not Interested in Being Part of the Focus Group but Still Want to Voice Your Opinion?

Those who do not participate in this Community Focus Group will still have opportunities to provide input through the various public engagement activities planned throughout this process including public meetings, written comments, or online engagement on Let's Talk Niagara Falls (letstalk.niagarafalls.ca). These are open to all members of the public at various points throughout the application process, until Council has made a decision on the application and will be promoted through the local newspaper and on the City's website.

Submissions must include:

- Your name, address, postal code, phone and/or email
- Whether you consider yourself a **resident (from Fernwood Estates or from the City as a whole), business owner, volunteer** (please choose only one of the categories mentioned that best suits you or the category that you would like to represent. Please Note: being community focused, agent representation on the Community Focus Group is not permitted unless a resident is representing the Fernwood Estates community)
- A brief description of your background, specific interests, experience and/or any other involvement related to urban planning or within the Niagara Falls community. Also, please identify if you are a member of a community group or other association active in Niagara Falls.

The names of those submitting their expression of interest and those selected to participate will become part of the public record and may be published in relation to this planning exercise. The Focus Group will consist of 6-8 representatives providing a balanced cross section of the community, in the following four categories:

- Fernwood Estate residents (2 - 3 members)
- City Resident (1 - 2 members)
- Business/Organization Owners (1 - 2 members)
- Volunteers - Natural Heritage (1 - 2 members)

Should the number of interested participants within a representative group (as noted above) exceed the intended balance of the Community Focus Group, participants will be selected on the basis of having a balanced cross section of the community. Should interested participants in the same category be equal in qualification, selection will be based on the date of submission subsequent to the release of this notice.

Notwithstanding the above, Fernwood Estate residents may select 2-3 representatives for this community. In this case, the submission should note the intent to act as a representative of Fernwood Estates and who they represent.

Appendix B

CFG Meeting #1 Presentation and Summary

Niagara Falls Community Focus Group #1

Meeting Summary

Meeting Details

Meeting Date and Time: September 11, 2023 | 5:00 pm to 7:00 pm

Location: Online

Community Focus Group Overview

Walker Aggregates Inc. has submitted Official Plan and Zoning By-law Amendment applications to permit a quarry located within Niagara Falls between Thorold Townline Road and Beechwood Road, south of Beaverdams Road.

Council has directed staff to initiate a Community Focus Group (CFG) to collect feedback on specific questions, as identified by Council on April 18, 2023 as part of the public process for the active Upper's Quarry Planning Act applications.

The questions that will be discussed by the CFG, and included in a summary report to Council, include:

- What are the potential impacts a quarry may have, including on surrounding residents?
- What further information would assist in addressing concerns and issues involving these impacts?
- What regulations or conditions should be imposed or requested?
- What type of monitoring/reporting should happen if the quarry is approved?

Meeting Purpose

The purpose of CFG meeting #1 was to:

- Update participants on the project and approvals process;
- Provide an overview of expectations for participation and role of CFG members;
- Summarize information and received comments on impacts and proposed mitigation of impacts of the proposed quarry; and,
- Gather questions and comments to be discussed in CFG Meeting #2.

Agenda

1. Introductions
2. Background Context
3. Purpose and Objectives of the CFG
4. Project Overview

5. Discussion

6. Next Steps

Attendance

Members of the Community Focus Group were asked to introduce themselves, share why they are interested in the process, and what they hope to get out of the CFG. A summary of the introductions is provided below.

Name	Perspective
Maria Accomando	<ul style="list-style-type: none">• Lives near the proposed quarry site• Wants to ensure interests are reflected and considered, and concerns addressed
Helene Cayer	<ul style="list-style-type: none">• Lives near the proposed quarry site• Wants to ensure the area remains a place where children, seniors, and residents can be happy and healthy
Arlie DeGiuli	<ul style="list-style-type: none">• Lives near the proposed quarry site• Concerned about the quarry being planned in close proximity to housing and the disappearance of agricultural land
Matt Melnyk	<ul style="list-style-type: none">• Lives in close proximity to the proposed quarry site• Is an involved member of the community looking to articulate concerns on behalf of other residents in the community• Interested in communicating concerns to City and Region staff
Jack Weaver	<ul style="list-style-type: none">• Has worked in the aggregate industry for 25 years and understands the pros and cons of quarries• Wants to ensure the aggregate is mined in the right way - considering the people and environment

The following members of the CFG were absent:

- Julie Lantos
- Judy Doerr
- Chuck Gould

The following members of the project team were also in attendance.

- City of Niagara Falls:
 - Andrew Bryce
- Niagara Region:
 - Sean Norman
- Walker Aggregates:
 - Kevin Kehl
 - Chris Breen
 - Deb Walker (MHBC Planning)
- Dillon Consulting:
 - Nicole Beuglet
 - Kelly Martel
 - Dustin MacDonald

Meeting Summary

Introductions of CFG members, City and Region staff, Walker representatives and Dillon staff lasted approximately 10 minutes. The Dillon facilitator provided a 10 minute overview of the administrative procedures for the CFG meetings, following which Walker provided an approximately 25 minute presentation to review the details of their submission. A roundtable question and answer period followed the Walker-led component of the presentation. The question period, which lasted approximately 45 minutes, provided an opportunity for participants to ask questions about the application. Following the Q&A period, a focused brainstorm exercise was completed and next steps communicated, which lasted for the remaining duration of the meeting (approximately 30 minutes).

The discussion is summarized below using the following: **C** for comments, **Q** for questions, **A** for answers.

C: Documents resubmitted to the city just became available; our recent concerns haven't been shared. Residents need more time to consult with their neighbours.

A: There is still time to present concerns and comments after the focus group.

Q: We don't quite understand the process; there was an understanding that there would be two public meetings. Could you list the meetings so we know what to expect?

A: Regarding the project timeline, the project still needs to be brought to a public meeting before council. A notice will be provided in writing and published on the website and in the paper about a month before the meeting. The application requires a Regional Official Plan Amendment, a Local Official Plan Amendment and a Local Zoning Bylaw Amendment. The Planning Act sets out the legislative requirements for the number of meetings and notice requirements for meetings. The City and the Region will need to comply with these requirements. Typically, this is achieved by providing notice in the paper and, sometimes via mail, to notify residents of the date and location of the meeting and the nature of the meeting. This notice will need to be given 20 days before the meeting to meet Planning Act requirements (the City typically uses a 30 day notice circulation as a best practice). Because there is

a Regional component as well, there will be public meetings both at the Regional level and at the City level.

C: Notwithstanding the Planning Act legislative requirements, Walker Aggregates is open to hearing community concerns at any time and is open to working towards a resolution to shared concerns.

A: Reaching out to Walker directly hasn't felt like the right avenue to share concerns.

Q: Where have resident comments and concerns been addressed?

A: Related to the Planning Act applications, received comments have been put up on the City website, along with responses to posted questions.

Q: Could we have assurance that emails will be answered concisely?

A: The City will aim to do so as quickly as possible.

C: The timing of the process has been an issue. The City should adjust its approach for those who can't access the internet and can't join meetings. It was communicated that the project had been paused.

A: (Walker) The project was paused for two years due to COVID-19. In addition to the pause for COVID-19, it was noted that timelines for processing an OPA under the Planning Act was 120 days.

C: There is a lack of compatibility between a quarry and a subdivision, we are also concerned that this focus group could come off as a token exercise.

Focused Brainstorm Exercise

To conclude the meeting, Dillon facilitated a brainstorming exercise for focus group members to share their concerns regarding the proposed quarry, which lasted approximately 10 minutes.

Discussion questions included:

- What concerns do you have regarding the proposed quarry?
- Does anything need further clarification?

Participants shared a number of concerns related to the potential quarry. Concerns that emerged through the discussion are summarized into key themes below. For the full list, see Appendix A.

Key themes that emerged from the brainstorming exercise included:

- Concerns and questions about quarry operations:
 - Including hours of operations, entry into the quarry site, and truck traffic;
- Desire for Walker to implement mitigation measures that go beyond the minimum standards:
 - Including a desire to have less dust in the air and lower sound levels than current minimums;

- Potential impacts of the quarry on the surrounding environment:
 - Concerns included excessive dust, noise, and odour; impact on home values; vibrations with the potential to damage home foundations; and a loss of potential agricultural land;
- Compatibility with surrounding residential land uses:
 - Questions and concerns on the compatibility of a quarry located next to residential areas;
- Need and benefit of the quarry:
 - A desire to see a better demonstration of how the quarry will benefit the community, why it is needed, and why it is needed at this location;
- Transparent and ongoing engagement process:
 - Including the need for continued community engagement beyond the approvals process, improved communication on impacts of the quarry including financial impacts (increased tax burden) and a desire to show that concerns raised by the community have been addressed; and,
- Approvals process:
 - Including communicating that obligations are met, and communicating the approvals process in a clear easy to understand manner.

Next Steps

Upon completion of the brainstorming exercise, the project team discussed Community Focus Group Meeting #2. Discussion questions for Meeting #2 include:

- What regulations or conditions would you like to see imposed or requests made to support community benefits and mitigate impacts if the quarry is approved?
- What type of monitoring and reporting would you like to see happen should the quarry be approved?

APPENDIX A: Mural Board from Brainstorming Exercise

Operations	Go Beyond Minimum Standard	Consider Quarry Impacts	Compatibility	Demonstrate Need for the Quarry	Transparent Process & Continual Engagement	Approval Process
Hours of operation	Trees wouldn't be enough to mitigate noise	environmental concerns (noise, odor, vibrations)	Could this destabilize Fernwood Estates	Compatibility issue is top of list	Better demonstration on the need for this quarry	DFO has to approve alignment
blasting 8-6 (too broad a period of time)	Minimum requirements (for sound, dust etc)	machine noise from the quarry	Impacts on home foundation	Compatibility between residential area and quarry	Better demonstration on why the quarry is needed here	Who is the approver?
Blasting hours should be more defined (e.g. 12-3)	How do we go above minimum requirements	Loss of agricultural land	Asphalt plant, odour	Quarry incompatibility	Need for continued community engagement	Have not meet/ reached out to DFO
Entranceway at uppers road		This area can support important crops	Economic impact		What is the result of DFO meeting?	DFO wont approve until the license is approved
Is this entranceway set in stone, is it the right place?		Home values	Does the quarry change tax burden		Does the planning dept agree this is right	Not meeting approval obligations
					Better communication on financial impacts	Wanting transparency in the approvals process
					Want to see that issues have been addressed	Wanting questions answered as we move forward

Appendix C

CFG Meeting #2 Presentation and Summary

Niagara Falls Community Focus Group #2

Meeting Summary

Meeting Details

Meeting Date and Time: September 28, 2023 | 6:00 pm to 8:00 pm

Location: MacBain Community Centre, 7150 Montrose Rd, Niagara Falls, ON

Community Focus Group Overview

Walker Aggregates Inc. has submitted Official Plan and Zoning By-law Amendment applications to permit a quarry located within Niagara Falls between Thorold Townline Road and Beechwood Road, south of Beaverdams Road.

Council has directed staff to initiate a Community Focus Group (CFG) to collect feedback on specific questions, as identified by Council on April 18, 2023, as part of the public process for the active Upper's Quarry Planning Act applications.

The questions that will be discussed by the CFG and included in a summary report to Council include:

- What are the potential impacts a quarry may have, including on surrounding residents?
- What further information would assist in addressing concerns and issues involving these impacts?
- What regulations or conditions should be imposed or requested?
- What type of monitoring and reporting should happen if the quarry is approved?

Meeting Purpose

The purpose of CFG meeting #2 was to:

- Provide a space for participants to share their concerns with the project; and,
- Discuss the remaining council directed questions.

Agenda

1. Introductions
2. Purpose and Objectives of the CFG
3. CFG member presentation
4. Facilitated Discussion
5. Next Steps

Attendance

The following members of the community focus group were in attendance:

- Julie Lantos
- Helene Cayer
- Maria Accomando
- Arlie DeGiuli
- Judy Doerr
- Matt Melnyk
- Chuck Gould

A brief summary of the introductions made by members who were absent at the first meeting is provided below:

Name	Perspective
Chuck Gould	<ul style="list-style-type: none">• Lives near the quarry, concerned about air quality
Julie Lantos	<ul style="list-style-type: none">• Area resident, Professional Geologist
Judy Doerr	<ul style="list-style-type: none">• Area resident, spokesperson for natural heritage

The following members of the CFG were absent:

- Jack Weaver

The following members of the project team were also in attendance.

- City of Niagara Falls:
 - Andrew Bryce
- Niagara Region:
 - Sean Norman
- Walker Aggregates:
 - Kevin Kehl
 - Chris Breen
 - Deb Walker (MHBC Planning)
- Dillon Consulting:
 - Nicole Beuglet
 - Kelly Martel
 - Dustin MacDonald

Meeting Summary

The meeting began with a brief presentation by Dillon Consulting on the purpose and objectives of the community focus group, as well as a round of introductions and a recap of the previous meeting. During this time, two points were expressed by some CFG members, as summarized below.

- Regarding the summary of CFG # 1 circulated following the meeting, some members of the focus group noted that the meeting summary circulated by Dillon was incorrect. Dillon indicated that CFG members could provide their suggested edits to the meeting summary in the form of a marked-up version of the meeting summary as circulated. Those CFG members that indicated they would like revisions to the summary requested that the edited/ market-up meeting summary be included as part of the Summary Report to Council.
- Participants requested information on potential conflicts of interest with Dillon Consulting and Walker Aggregates. City staff, Region staff, and Dillon indicated that each party, respectively, has no conflict of interest. It was requested by some members of the CFG that it be put on record that Dillon has been contracted by the City of Niagara Falls. A follow-up email was circulated to the CFG on this item to indicate and clarify that Dillon is an independent facilitator who was asked by the City to facilitate the CFG following the direction of Council and that Walker would be required to pay for the costs of the facilitation of the CFG, and at the request of the City that Dillon contract the work directly with Walker, for simplicity. It was also clarified that Dillon's role is limited to independent facilitation, and Dillon is not providing land use planning services on this application and will not be involved in rendering any professional planning opinions on the Planning Act applications for the Quarry.

CFG Member Presentation

Community focus group members requested to give a presentation to express their concerns related to the potential quarry. A presentation from the community focus group began at 6:10 p.m. after introductions. The following section summarizes the general comments and concerns raised by the community focus group members during their verbal presentations.

- During the CFG Member Presentation portion of the agenda, a number of points were raised around key areas of concern:
 - Alternative Site Analysis:
 - Participants raised concern regarding the Alternative Site Analysis. In particular, one participant who identified as a professional geologist with over 40 years' experience, noted that a professional geologist was not included in the study work, and recommended that the scope be expanded and a geologist be consulted.
 - Participants expressed concern that Walker Aggregates determined the study area themselves, which constrained the study as a result. It was shown that Walker targets the Lockport Formation, and that most of the region is underlain by this Limestone/Dolostone.
 - Further to the alternative site analysis, participants questioned why the alternative site analysis did not include all areas where the Lockport formation is known to occur. It was noted that Limestone/Dolostone is not a rare commodity.

- CFG members also indicated their position that the alternative site analysis is insufficient due to there being no attempts made to search for an alternative to the Upper's site.
 - Demonstrated Need:
 - Participants noted concern over the lack of a needs analysis for additional aggregate and a new quarry. A study showing how much aggregate is needed for additional infrastructure was requested (even though it is understood that this is not *required* by legislation). The focus group noted that they have been asking for a report justifying why the alternative second site was not chosen, with no response.
 - It was noted that the need for the quarry should be looked at as what is best for the community 25 years down the line.
 - With respect to economic benefit or need, CFG members made note of the estimated tax revenue to be generated by the quarry, indicating that the revenue would be less than the development fees and property taxes from potentially developing the land as residential.
 - Justifying the need for the quarry was further discussed by the group, with participants noting that the quarry was incompatible with people living in close proximity.
 - Loss of Agricultural Land and Environmental Impacts:
 - Regarding the potential impact of the quarry, the focus group noted that Niagara represents 23% of agricultural business in the Greater Golden Horseshoe area and that the project would cause the loss of 103 hectares of agricultural land and a permanent loss of class 2 and 3 soils. The group noted that external factors like the impact on local food security and the potential to further climate change should be considered by council.
 - Participants expressed that the quarry goes against climate change goals outlined in documents such as the Provincial Policy Statement, Official Plan, and work done by conservation authorities.
 - Human Health Impacts and Compatibility with Nearby Residential Uses:
 - The focus group noted concerns that approval of the quarry would mean approximately at least 300 trucks travelling up and down roads (but could be around 720 trucks), which would create additional dust and emissions.
 - Members indicated their position that more consideration should be given to the value of human life over the economic benefit of a quarry.
 - Process:
 - Concerns were expressed about the focus group being a token exercise and that the process felt as though it was a done deal.
 - The focus group questioned the requirements that need to be satisfied for approval of the quarry application and wanted clarification on the information/reports staff and council members took into consideration to form their opinion on the proposed quarry:
 - In response, it was noted that applications made by the applicant in support of the application are used, as is the policy framework, to see if requirements have been met. Regarding the need for a quarry, the decision the council makes must be consistent with the PPS. The PPS

notes that the council does not need a study demonstrating the need for a quarry. Planners will look at all of the studies completed, what was said, and the policy to form their opinion on the submission.

- It was also noted that any decision made would be appealable to the Ontario Land Tribunal and that the Ministry wouldn't give a license without land approvals in place.
- The focus group questioned if the provincial aggregate policy had been updated recently to reflect today's reality.
- Clarification on who the final approval authorities are was sought by the focus group:
 - It was clarified that the Region is the approval authority for the Regional Official Plan Amendment (ROPA), local council makes the decision on the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA).
- A question was raised about the Department of Fisheries and Oceans (DFO) approval related to the proposed relocation of Beaverdams Creek, indicating that the process for approvals seems "cart before the horse" if DFO does not sign off:
 - It was noted by Walker that the DFO does not comment on hypotheticals and, in terms of process, other matters need to be in place (ROP, OP and Zoning) before the DFO will initiate their review. It was explained that a typical process includes a series of conditions that would need to be cleared before an ARA license is granted and that the DFO not approving the relocation is a risk that Walker would assume and ultimately, if the DFO does not approve of the relocation of the watercourse, an ARA License would not be granted.
- Data collection:
 - The group discussed the surrounding community area with Walker in relation to data collection and inaccuracies. Matters included previous reporting and availability for comment as well as sensitive receptor information. It was noted that personnel should come through the community to ensure that sensitive receptor information is accurate, there are concerns with the inclusion of inaccurate and incomplete sensor information.
 - It was also noted that requests for borehole data from Site 2 be provided and reviewed by an independent consultant as part of the process.
- Fernwood Subdivision Approval History:
 - Members of the CFG inquired about the process under which Fernwood was approved:
 - The City of Niagara Falls noted that in 2003 approval of the Official Plan request for the proposed Fernwood subdivision to be redesignated from industrial to residential was granted by Council. A report was submitted on behalf of the applicant, which concluded that a quarry would be unlikely due to land fragmentation. It was further noted that expansion of the existing quarry had just begun. According to deeds submitted, Walker began purchasing land subject to the Upper's Quarry application 2004, a process that lasted until 2019.

- A request was made for an amendment and resubmission of the Agricultural Impact Assessment, wherein Fernwood is referred to as Ferndale Subdivision (P. 31, Fig. 5).
- It was pointed out that Archaeological Studies are incomplete, and that continuing fieldwork after commencing quarry development is inappropriate, and shows a lack of respect for our Indigenous Peoples.
- Additional written information to supplement the verbal presentations given by those at the meeting was provided to the Dillon facilitators, with the request that it be included in the final summary report to Council. Specific information given by CFG members from Fernwood Estates is included in Appendix A and titled “Documents that should be Included in the Summary Report to be Submitted to Niagara Falls Council”.

Community focus group questions

The following questions raised by community focus group members were identified as questions to be shared with council for a response:

1. Is City Council looking at alternative uses for the land that would better benefit Fernwood?
2. What are the city and region doing in consideration of climate change as it relates to this development? There is a need to follow the goals outlined in strategic plans and climate adaptation plans.
3. Will the 12 houses along Thorold Townline Road be recognized as a community that will be adversely impacted compared to other Fernwood areas?
4. Why this particular site?
5. What compensation measures could be offered to residents to offset property value losses?
6. How would we report incorrect sensitive receptor information?
7. How does council respond to their previous decision-making? (e.g., the decision that the area would likely never be used as a quarry)
8. If Walker breaks the rules, what is the result? A fine?
9. Who cleans up when Walker leaves the community?
10. Is there a bond that could be insisted on by the city for potential future cleanup?

Facilitated Discussion

Following the presentation by CFG members, Dillon facilitated a discussion beginning at 7:20 p.m. on the council-directed questions in order to capture responses. CFG members noted that in participating in this discussion, they are opposed to the proposal and are not signalling their support for the application, but are providing information as requested on the hypothetical situation of the quarry being approved.

Discussion questions included:

- What regulations or conditions would you like to see imposed? What community benefits would you support?
- What mitigation measures would you like to see?
- What type of monitoring and reporting would you like to see happen should the quarry be approved?

Responses to the question “What regulations or conditions would you like to see imposed? What community benefits would you support?” are summarized below:

- Requirements for blasting hours, including:
 - Not blasting when it is windy.
 - Blasting only between 1:00 p.m. and 3:00 p.m. and 8:00 a.m. and 6:00 p.m. for operation.
 - No blasting will occur on Saturdays, Sundays, or holidays.
- Potential rerouting of the creek:
 - Participants recommended alignment changes to the proposed creek to avoid wildlife impacts due to salt dumping and to flow better with the community. Concern was also expressed for Shriners Creek, which Walker noted was not part of the subject property.
 - Recommendations included routing the creek to along the south side of the Hydro Towers, and the west side of Beechwood or to align with the back of the Bible Baptist Church.
- Recognition of lost property value:
 - Participants suggested that compensation for lost property values be reflected in lower property taxes or some other mechanism to be paid by Walker.
- Wildlife impacts:
 - Participants were concerned about the dispersal of wildlife and its impacts on deer and other wildlife habitats in the area.
- Climate impacts and pollution:
 - Concern for how this could exacerbate climate change issues and contribute to pollution was expressed.
- Roadways:
 - Regarding roadways, one participant noted that Upper’s Lane is nice to cycle on and inquired whether Uppers Lane could be kept under city ownership. Recommendations also included not widening Beechwood Road, as it is not used often.
 - Ensuring pedestrian safety is protected on roads was also raised as a key issue to be monitored.
- Securities:
 - Focus group members suggested a bond agreement with the city to cover the costs of restoration if the site is abandoned before restoration occurs.

Responses to the question “What mitigation measures would you like to see?” are summarized below:

- In general, all CFG members noted that they would expect Walker to be required to go above the minimum standards required. The focus group noted that any mitigation measures need to be recorded in writing. Specific examples of exceeding the minimum standards include:
 - Raising the proposed berm from the minimum required (to whatever is feasible);
 - Assorted trees (height and type) densely planted on the sides and top;
 - That the berm be invisible from the road;
 - Implementing enhanced dust mitigation measures;
 - A buffer area exceeding the 30 metre requirement for natural features;
 - Requesting to go quieter than minimum noise standards;
 - Ensuring any debris from site-related activities is cleaned;

- Focus group members requested that as many trees as possible be planted between the quarry and the Fernwood development; and,
- Prohibiting quarry traffic on Garner Road. It was also pointed out that, as regular traffic would tend to avoid Thorold Townline, traffic on Garner Road is bound to increase dramatically. It was further pointed out that Fernwood residents have only one means of egress, and it is already often difficult to turn on to Garner Road. A comment was made that measures to mitigate overflow traffic on Garner Road should be implemented.

Responses to the question “What type of monitoring and reporting would you like to see happen should the quarry be approved?” are summarized below:

- Reporting and monitoring:
 - Focus group members requested monitoring of flying debris, spillover traffic levels, and truck behaviour such as speeding;
 - Daily, weekly, monthly, and yearly reporting delivered to residents of Fernwood and monitoring agencies was recommended. Focus group members requested that monitoring reports be made available to council as well as the community;
 - Participants noted that noise from vibrations should be quieter than the minimum standard and questioned who would be monitoring these levels. Walker noted that noise from the site tends to be around 40 decibels (about the level of a refrigerator); and,
 - Requests to identify how watercourse health and groundwater will be monitored over time.

Additional comments from the focus group:

- Community events:
 - Participants noted that if the quarry were to proceed forward, they would expect that Walker be a good neighbour; and,
 - Walker offered a tour of an existing nearby quarry to those interested. Walker noted that they have organized events like this in the past (e.g., touch a truck events at Caledon).

Next Steps

Upon completion of the discussion, the project team discussed next steps. The City of Niagara Falls noted that focus group comments would be compiled into a draft report to circulate with members and with council.

Niagara Region noted that on October 11th, comments can be made on record at a public meeting for the ROPA. Participants will need to register by October 6th. Anything submitted in advance will become part of the public record. City staff noted that a date for the public meeting on the OPA and ZBA has not yet been set, but notice will be circulated 30 days in advance, in accordance with Planning Act and City best practices.

Appendix D

CFG Member Submissions

DOCUMENTS
THAT SHOULD BE INCLUDED
IN THE SUMMARY REPORT
TO BE SUBMITTED TO
NIAGARA FALLS COUNCIL

Submitted by :
COMMUNITY FOCUS GROUP – UPPERS QUARRY

SEPTEMBER 28TH, 2023

- **FUTURE POLICY DECISIONS**
(1 PAGE)
- **6 QUESTIONS**
(3 PAGES)

Community Focus Group – Uppers Quarry – September 28th, 2023
(to be included in the CFG Report to Council)

6 QUESTIONS FOR DISCUSSION

What are potential impacts a quarry may have, including on surrounding residents?

- You already have this information in all the various reports. The question is what are you going to do about all the issues. WE WANT YOU TO VOTE NO!! Do not approve the Walkers applications. Say NO to the QUARRY!!
- Traffic Flow going to be redirected to Garner Road, where is that report?
- WHAT IS THE ACTUAL NEED FOR THIS QUARRY. There are other extractive areas ... have them increase their search of aggregate elsewhere...away from Residential housing!

What further information would assist in addressing concerns and issues involving these impacts?

- Written assurances as to exactly what the Walkers will be doing, not doing, etc,
- *Written copy of their disaster recovery plans for each aspect of their operations and it is to be Vetted by appropriate professionals.*
- Written assurances as to exactly what the Walkers will do if their blasting affects the bedrock and aggregate that our homes sit on in Fernwood Estates
- Confirmation/Acknowledgements from Walkers that Human Life will be affected by having a Quarry nearby and who is responsible for our health and safety and well being? Who pays the legal, health and medical bills when they arise?
- Confirmation in writing that the DFO has been “pre-consulted” and give their approval before the license is actually issued. Has the Fisheries Act Obligations, applications and approvals been obtained?
- What is the rationale for moving the Asphalt plant from where it is now to the Upper’s Quarry Lands? Why can’t they leave it where it is? Just adding insult to injury by moving it!
- Where is the social impact assessment report that is required per the Official Plan 2023, section 9.2.8??

1/1 Community Focus Group- - Uppers Quarry – September 28th, 2023

(to be included in the CFG Report to Council)

FUTURE POLICY DECISIONS

Question: If policies are modified/improved over the years, will Walker or the next owner be required to update its practices? Who will ensure that?

Question: *Who will ensure that Walker or the next owner will not rely on the undefined, overused, and abused status known as 'care and maintenance' to dodge responsibility for environmental liabilities? This tactic is widely known to be used to justify the temporary but ongoing non-closure of a quarry that has been effectively abandoned. Will there be a deposit or a specific dollar amount held in Escrow, for such an eventuality so that if this status is abused, the City can use this money to properly rehabilitate the quarry.*

Question: Who will pay for all of the resulting environmental impact? Will there be a BOND with a percentage of earnings held for that purpose?

Question: When future policies improve, over the years, will Walker be required to update its practices? Who will monitor this?

Question: What conditions will be imposed if ever Walker RESELLS its operation? Is this in any document submitted to the City of NF?

Question: Who will pay for the restoration if Walker RESELLS its operation?

Question: Will tax payers be on the hook for maintenance of the abandoned quarry?

Question: Who will pay for the resulting environmental impact?

Question: Who will pay for the eventual maintenance of the lakes and the quarry area after the quarry closes, in 20, 30, 40 years or if it is abandoned? Walker? Taxpayers?

Question: What proof does Walker have that their taxes paid on this business outweigh taxes that might be paid from farming or housing located on this land before, during, and after the quarry is depleted? It is not so!!!

Question: Quarries are not good for a long-term tax base for the city.

Question : Was due consideration paid to a loss of tax base now and in the future after the quarry closes?

Community Focus Group – Uppers Quarry – September 28th, 2023
(to be included in the CFG Summary Report to Council)

6 QUESTIONS FOR DISCUSSION (cont'd)

What type of monitoring/reporting should happen if quarry is approved? (cont'd)

- The “dewatering” process states the water will be redirected and discharged to the existing watercourse.
 - A) Will it be cleaned before going into the creek?
 - B) Won't it kill the fish, birds, etc. in the waterway?
 - C) Does it have the potential to get into our drinking water?
- What happens if the extraction process destabilizes the bedrock that our homes sit on? Has any thought been given to this? We want a report that tells us the worst case scenarios and how they will be mitigated!

AND.....

When is the CITY going to answer our questions as to WHY the Fernwood and other subdivisions were/are approved with the Quarry being proposed on the Upper's Lands? Where is the DUTY OF CARE for the residents who live/work and pay taxes here?

- Ministry of Natural Resources (MNR) has known the selected Bedrock Resource prior to 1985 which led to the identification in the Niagara Region Official Plan and City of Niagara Falls Official Plan.
- Why then did the city approve and continue to approve residential housing in and around the Quarry Lands?
- Why were we not advised prior to our purchasing our properties?
- Why is the City continuing to sell their property to the Walkers?
- Has the Regional Office Plan Amendment been requested/submitted (ROPA)?

UPPERS QUARRY - ECONOMIC ASSESSMENT REVIEW

Prism Economics and Analysis Report - February 2023

Page 4 - Executive Summary - Based on 106.3 hectares plus 31.6 hectares of other lands owned by Walkers Properties

Employment

	City of Niagara Falls	Thorold
84 person-years of employment directly	84 people employed	
64 person-years of employment in support industries that manufacture materials used in Upper's Quarry	64 people employed	
Post-Construction employment during 40-50 year lifespan is estimated to require 20 full time jobs in Niagara Falls & 1 in Thorold	20 people employed	1 person employed
	7 People employed	2 people employed

Wages & Salaries in Niagara Falls is estimated to be \$1,770,000.00 annually and \$333,000.00 in Thorold annually	\$ 1 770 000,00	\$ 333 000,00
Pension & Benefits plans are valued at \$238,000 in Niagara Falls and \$45,000 in Thorold annually	\$ 238 000,00	\$ 45 000,00

City of Niagara Falls Revenue - Assumes industrial land value of \$11,088 per acre

	Annual Income City of Niagara Falls
Property Taxes to be paid based on assessed value of land estimated to be between \$31,000 & \$41,000 annually	\$ 41 000,00
Construction Aggregate fees of an average of \$173,000 annually over life of project (\$0.213 per tonne of aggregate)	\$ 173 000,00
	\$ 214 000,00

Niagara Region Revenue - (range is for Low Impact & High Impact Scenarios)

	Annually Niagara Region
Property Tax & Waste Mgmt Fees \$38,000 and \$51,000 annually depending on distribution of land classification for site	\$ 51 000,00
Region will earn Construction Aggregate fees of an average of \$43,000 annually over life of project	\$ 43 000,00
	\$ 94 000,00

TOTAL ANNUAL INCOME FOR NF & NIAGARA REGION: \$ 308 000,00

Indirect Benefits

They suggest lower transportation costs of aggregate thereby reducing overall cost of construction for infrastructure projects etc. (based on current quarries being 22km to 38km away from City Centre) how does this make sense? Is everything being built in City Centre? (40% of trucks will be heading out of Niagara Falls..the NEED for a quarry in NF has not been shown to us)

\$1.04 to \$2.32 less per ton in transportation cc

Board of Education - City of Niagara Falls & Niagara Region

Annually
Niagara Region Based on 50 years
Niagara Region

Indirect benefit from Property taxes paid to School Board of Education - depending on land classification for site - \$17,000 to \$26,000 p.a.

\$ 26 000,00 \$ 1 300 000,00

TOTAL ANNUAL INCOME FOR NF & NIAGARA REGION:

\$ 334 000,00

Possibility of
Residential Subdivision

250 & 500 Homes

Potential Income
250 Homes
City of Niagara Falls Potential Income
500 Homes
City of Niagara Falls

Development Fees - Based on \$17,239.00 per unit

\$ 4 309 750,00 \$ 8 619 500,00

Property Taxes Paid - based on residential homes at a rate of \$5,000.00 per year
Property Taxes Paid - based on residential homes at a rate of \$8,000.00 per year

\$ 1 250 000,00 \$ 2 500 000,00
\$ 2 000 000,00 \$ 4 000 000,00

FIRSTLY, the economic report from Prism is not sufficient as it does not address the actual need for the quarry. How much of Walkers aggregate from other sites have been used/extracted? There is still a lot more to be used from existing quarries. Therefore there is no need for this new quarry here in the middle of all the residential development. We need an actual NEEDS analysis showing proof that it is needed here in Niagara Falls. Need a report that confirms the actual reserve of existing aggregate and projection of construction needs to show the actual NEED for a quarry in NF.

Tax revenue from Fernwood alone exceeds the projected tax revenue from Walkers - \$2.5 Million vs less than \$1 Million in Prism Report if City were to rezone the Uppers Lane to Residential and avoid harming its residents, annual revenues from residences would exceed revenues projected from a quarry. (issue is Walkers owns the land....they will not sell it to a developer)

- Is there due consideration paid to a loss of tax base now and in the future after the quarry closes?
- what happens if Walkers don't clean up/rehabilitate the property after the quarry closes? The tax payers do not want to be on the hook for cleanup cost.

Is Walkers going to post a Bond for the estimated clean up cost to rehabilitate the area once they finish extracting the aggregate etc.

This development defies all environmental science to protect our citizens, natural heritage, biodiversity, ecological systems.

We are living “real-time “ climate change crisis, one of the main causes of climate change is land degradation by clearcutting forests, destroying grasslands, ecosystems, loss of biodiversity and draining wetlands, putting our watercourse at risk. Humans have disturbed our natural systems, balance of nature, these reckless practices have released tons of carbon into the atmosphere and driven global warming. When do we smarten up? We can reverse the these bad planning

choices and respect our Natural Heritage and start to reverse the impact. It takes all of us to change our priorities and values.

The speculated economic gains proposed by the developer when they continue to disregard mother nature is going to cost much more in dealing with the catastrophic impact of our ever changing extreme weather patterns. No mitigation efforts can insure 100% safety of our drinking water or the negative effects to our ecological systems. So why take such risks?

What is minimum impact? How much impact to human lives is acceptable?
Residents of Fernwood Estates deserve

no impact. The residents of our City deserve sound city planning that does not put our communities at risk. We are living real-time climate change.

Aggregate extraction destroys all vegetation, wildlife, trees, wetlands, and puts the existing watercourse at risk, the “Linked” ecosystems at risk, literally turning the entire site looking similar to surface of the moon.

Natural Heritage refers to wetlands, forests, rivers, creeks valleys, hills, natural farmlands. Heritage features provide so many benefits including habitat for plants, animals, erosion control, flood control, clean air, clean water, recreation. Natural Heritage

“Systems” made up of natural heritage features and areas which are “ Linked” by natural corridors and are necessary to maintain biological and geological diversity. Natural Heritage Systems must be protected as a LINKED NETWORK OF NATURAL AREAS.

After reviewing our Official Plan, Climate Adaptation Plan, Strategic Plan there is a lot of language present, with clear intentions, goals, policies clearly stating the need to have Resilient Governance protecting our Natural Heritage.

The following are excerpts taken from our OFFICIAL PLAN/Climate Change Adaption Plan policies.

“GOAL –to integrate climate change adaptation into operational procedures as well as land-use financial, and strategic planning”

“GOAL—To foster the resilience of Niagara Falls’ natural landscapes to ongoing changes in climate and enhance its value in providing both climate change adaptation, mitigation benefits.

“ACTION...integrate and align Regional Management of the of the urban forest, parks, open spaces, natural features into city plans, policies, and procedures.”

“GOAL—to integrate the management of the urban forest, parks, open spaces,

natural features into City plans, policies and procedures.”

“ACTION...enhance naturalization of buffer zones around waterways, wetlands including storm system ponds”

“ACTION...identify opportunities to expand natural assets and low impact development as alternatives to traditional grey infrastructure.”

“ACTION...identify opportunities to better protect existing natural assets, such as tree canopy, green spaces, wetlands, rivers, and floodplains as part of storm water management plan.”

“ACTION...continue to update IDF curves with most up to date modeling and

update/build infrastructure in accordance with latest data.”

“ACTION...working in partnership to ensure that Niagara Falls’ watersheds are protected and enhanced in the face of climate change and address emerging water issues.”

These stated policies, goals written into OP , CLIMATE CHANGE ADAPTATION PLAN should be well enough to NOT approve a re-zoning request to aggregate extractive industrial from its current good agriculture, protected conservation and environmental conservation designation.

We can continue to grow and prosper working with mother nature...it is the only ETHICAL way forward to sustain HEALTHY, SAVE COMMUNITIES. THE CITY MUST RAISE IT STANDARDS IN PROTECTING OUR NATURAL HERITAGE NOW AND FOR FUTURE GENERATIONS.

In reviewing the LAND USE POLICY IN OUR OFFICIAL PLAN regarding aggregate extractive industry many conditions must be meant for re-zoning.

We need to seriously focus on the existing policies such as but not only as there are other conditions:

Distance of 500 meters to residential.

No extraction will generally be permitted within a environmentally protected area.

Proposed extraction operation on ground water and hydrology of surrounding area including on-site drainage and treatment of waste water and the effect of the operation on adjacent areas.

Roadways and the surrounding areas.

Farmland...good agriculture designation, no extraction allowed without approval of the Ministry of Ag.

Amounts of noise, vibration, dust, traffic and related factors, which affect properties and their occupants in the surrounding area must satisfy the Ministry of Environment guidelines.

Many more conditions exist and need to be used with the highest city standards of enforcement in conjunction with “RESILIENT GOVERNANCE” thro a climate change lens always, given the climate crisis we are living in AND IN KEEPING WITH STATED GOALS, ACTION, POLICIES sited in our OP.

FINALLY I would like to refer to the latest NPCA water quality report card.

D GRADE REMAINS SINCE 2018 on water quality

Phosphorous and E coli contamination

“To improve the water quality we need to protect and enhance naturalization areas using practices that help mitigate the effects of land use change are critical as development practice pressures and climate change continue to threaten the watershed.”

FORESTS C-

“Forests are ecosystems that are composed of a diverse group of plant, animal and many other organisms, they provide many social, ecological benefits such as habitat for flora and fauna,

carbon sequestration. Approximately only 17% of the Niagara Region watershed land base is forest covered and is lower than the 30% cover that is required by Conservation Science for a healthy watershed.” (A healthy, safe community.)

“THE “lowest grades” for forest condition were found in the highly developed areas of the watershed in local areas of NIAGARA FALLS and St. Catharines.”

“THE “highest grades” for forest condition in the southern portions of the watershed where there is less development AND CONTAINS FORESTED WETLANDS.”

“It is crucial that forest conditions improve in the Niagara Peninsula watershed. Forests are important natural assets that help build Resilient watersheds able to adapt to the effects of land-use and climate change.”

“GROUNDWATER QUALITY remains B for good...however ground water quality can be influenced by its geology, land-use, and human activity AND VARY significantly between monitoring sites.”

The Niagara Peninsula watershed is a natural treasure of distinct cultural, geological, and biological aspects not found elsewhere in N. AMERICA. It is

part of the CAROLINIAN LIFE ZONE and is one of the most biodiverse and THREATENED ecoregions in CANADA .”

“Findings....28% of the Niagara Peninsula land base is in some form of natural cover approx. 14% is wetland cover BUT HAS BEEN IDENTIFIED AS THE AREA WITH THE HIGHEST % OF LOSS OF WETLANDS IN ONTARIO.”

“More than 2,200 species of plants and animals live and rely on the watershed for survival.”

“Nearly 10% of these species are rare or at risk due to habitat loss, urban sprawl, invasive species competition and pollution and climate change.”

“Nearly 93% of the land in the watershed is privately owned. Protecting and preserving wildlife and their habitat is everyone’s responsibility.”

We must find ways to develop and grow without sacrificing our Natural Heritage because that is inevitably putting us all at risk.

Environmental Science/CLIMATE CHANGE is well documented for decades and there are no acceptable reasons to not follow it. It is our children’s future at stake.

Submitted by Judy Doerr, Community
Focus Group member opposing Upper
Quarry (Sept 2023)

December 4th, 2023

Mayor Jim Diodati

Wayne Campbell, Lori Lococo, Wayne Thomson, Ruth-Ann Nieuwesteeg, Mona Patel,
Victor Pietrangelo, Tony Baldinelli, Mike Strange

Kira Dolch, Andrew Bryce

Kim Craitor, Joyce Morocco, Sean Norman

c.c.: Wayne Gates, MPP., NDP - Niagara Falls

RE: Proposed Upper's Quarry – Niagara Falls
COMMUNITY FOCUS GROUP

Your Worship Mayor Diodati,

Members of NF Council, Members of NF Planning Dept.,

Members of Niagara Region Council & Niagara Region Planning

You have received a Report - CFG Meetings Upper's Quarry (facilitated by Dillon Assoc.) - that includes the corrections and precisions we submitted to ensure that the CFG Meeting Summaries represent Niagara Falls residents' itemized concerns.

We wish to draw your attention to the points addressed that remain unanswered and outstanding. Specifically, please note that there were no comments nor responses from Walker, during the meeting nor after, and Walker still has to:

- resubmit the Sensitive Receptors addresses, which requires a walk-through-revisit (not a drone) with precise information/addresses as requested by CFG;
- resubmit the amended plan, with a map correction to the Fernwood Estates designation;
- comment on/justify or resubmit an amended/reworked plan for the redirected Beaverdams Creek as discussed with CFG;
- CFG did not discuss redirecting Beaverdams Creek THROUGH Beechwood; rather, we asked if & why Beaverdams Creek would not be redirected along the Hydro Towers, then along the West side of Beechwood, and flow along the rear of the Church (where there is a marsh), with the berm on the West side of the Creek (between the Creek and the quarry). Redirecting Beaverdams Creek along Thorold Townline **will not** provide a <safe> area for wildlife, **will increase** 'roadkill', **will not** protect water source for wildlife, **will affect** water quality due to road salt and truck travel AND **will affect** water quality for residents and local farms, **will affect** fish/fish spawning, and **wildlife will eventually leave and never come back**. **No response** was provided at CFG Meetings nor since. **Why is this not considered?**
- No Borehole Logs were submitted for Site 2 AND no comment on why Borehole Logs have still not been submitted for Site 2;
- Walker did not comment/answer why Site 1 was selected over Site 2 and Walker have not provided a detailed justification as requested by CFG;

- Walker have not commented/submitted/justified needs for the Upper's Quarry, as requested by CFG;
- Walker have not commented/submitted revisions to the volume of trucks travelling both-ways on Thorold Townline Rd, how they would ensure the safety of these vehicles, how they would reduce/limit the noise/dust/dirt caused by high volume of truck-travel, and how they intend to ensure air quality when combined with the prevailing winds in the area;
- Walker has not commented on/nor revised the 'dynamiting' schedule (12 p.m. TO 3 p.m.) as requested by CFG;
- Walker has not commented on/nor revised the hours/days of Upper's Quarry operation, as requested by CFG (Monday to Friday).

** CFG has also submitted additional questions and actions, addressed to NF City Council, which the CFG expects the NF City Council will consider, in addition to the CFG Report (Appendices to Dillon Report).

** Prior to any decision, the City of Niagara Falls Council must respond to concerns expressed in the Dillon Report, regarding how this rezoning request is in complete conflict with the City of Niagara Falls' own climate change strategies, with current and proactive mitigation for our community and not furthering our risk by continuing to destroy the very assets that sustain our HEALTHY COMMUNITY.

** Walker should answer/comment/justify/action/and provide revised documents, which should be resubmitted, subsequent to Peer Reviews.

** Once Walker has resubmitted, then the process can resume and decisions can be determined by NF City Council, JART, Niagara Region.

It is expected that the Niagara Falls Council will ensure that the above issues will have been addressed PRIOR to proceeding any further, or proceeding to a Civic Meeting or to rendering a decision. Otherwise, residents' concerns will have been ignored and the CFG will have been a failure.

CFG Members-residents ask that the City of Niagara Falls release and publicize the CFG Report in local newspapers and on Let's Talk Niagara Falls and social media.

Respectfully submitted by the Members of the Community Focus Group – Proposed Upper's Quarry,
Helene Cayer, Chuck Gould, Arlie DeGiuli, Judy Doerr, Maria Accomando, Julie Lantos

Appendix G

Agency Comments Received

- Appendix G1 - List of External Agency Comments Received (dated July 12, 2024)
- Appendix G2 - Agency Comments

Proposed Uppers Quarry (Niagara Falls) Application
List of All External Agency Comments

Date	Comment Received
March 8, 2022	• Letter from TransCanada Pipelines
September 20, 2023	• E-mail from Ministry of Citizenship and Multiculturalism (MCM)
September 21, 2023	• E-mail from Enbridge
September 21, 2023	• Letter from City of Thorold
October 5, 2023	• Letter from Ontario Power Generation (OPG)
October 16, 2024	• Letter from Hydro One
October 20, 2023	• E-mail from Ministry of Environment Conservation and Parks (MECP)
November 17, 2023	• Letter from TransCanada Pipelines
April 12, 2024	• E-mail from Bell Canada
April 22, 2024	• E-mail from Enbridge
April 23, 2024	• E-mail from MECP

LEHMAN & ASSOCIATES

Britney Fricke, MCIP, RPP
Senior Planner
britney.fricke@niagararegion.ca

Regional Municipality of Niagara
1815 Sir Isaac Brock Way
Thorold, ON
L2V 4T7

Andrew Bryce, MCIP, RPP
Manager of Current Planning
abryce@niagarafalls.ca

City of Niagara Falls
4310 Queen Street
Niagara Falls, ON
L2E 6X5

Dear Ms. Fricke & Mr. Bryce,

RE: Notice of Application: Regional Official Plan Amendment, Official Plan & Zoning By-law Amendment
Part of Lots 119, 120, 136 and 137, City of Niagara Falls, and located along the western boundary of the City of Niagara Falls, between Thorold Townline Road and Beechwood Road, north of a Hydro One corridor
Applicant: Walker Aggregates Inc. (Kevin Khel)
Agent: MHBC Planning (Debra Walker)
Your files: ROPA-21-0003; AM-2021-024
Our file: PAR 43857

This letter is in response to your notification dated January 24, 2022 regarding the application outlined above. We are commenting on behalf of TransCanada PipeLines Limited (TCPL), an affiliate of TC Energy Corporation (TC Energy).

We understand that the purpose of the application is for a Regional Official Plan Amendment and City of Niagara Falls Official Plan Amendment and Zoning By-law Amendment to permit an aggregate quarry with associated processing and recycling of aggregate material, and a concrete or asphalt mixing plant on the lands described above (the "Subject Lands"). TCPL has two high pressure natural gas pipelines crossing over the northwestern corner of the Subject Lands.

TCPL's pipelines and related facilities are subject to the jurisdiction of the Canada Energy Regulator (CER) - formerly the National Energy Board. As such, certain activities must comply with the Canadian Energy Regulator Act (Act) and the National Energy Board Damage Prevention Regulations (Regulations). The Act and the Regulations noted can be accessed from the CER's website at www.cer-rec.gc.ca.

Following a review of the submission materials, TCPL is providing the following comments which apply to the proposed development:

1. TCPL requires notification for blasting within 300 metres of their right-of-way (easement). No blasting shall occur until written consent is obtained from TCPL.
2. Any other work (other than blasting) within 30 metres of TCPL's right-of-way requires written consent.
3. Crossing of the TCPL right-of-way with vehicles is not permitted without written consent.
4. No material extraction shall be permitted within 40 metres of TCPL's right-of-way without written consent from the Canada Energy Regulator (CER, formerly NEB or National Energy Board)
 - a. TCPL does not have the authority to consent to mining within 40 metres of their right-of-way.
 - b. Please refer to: <https://www.cer-rec.gc.ca/en/safety-environment/damage-prevention/ground-disturbance/index.html>
5. No buildings or structures shall be installed anywhere on TCPL's right-of-way. Permanent buildings and structures are to be located a minimum of 7 metres from the edge of the right-of-way. Temporary or accessory buildings are to be located a minimum of 3 metres from the edge of the right-of-way.
6. A minimum setback of 7 metres from the nearest portion of a TCPL pipeline right-of-way shall also apply to any parking area or loading area, including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces, and any associated drive aisle or driveway.

As such, we request the following setbacks be implemented through the Zoning By-law Amendment:

No building, structure, parking or loading spaces, or related aisles or driveways may be located closer than 7.0m to the TransCanada pipeline right of way except accessory buildings which may not be located any closer than 3.0 m to the TransCanada pipeline right-of-way.

Thank you for the opportunity to comment. Kindly forward a copy of the decision to the undersigned by mail or by email to admin@lehmanplan.com. If you have any questions, please do not hesitate to contact our office.

Yours truly,



Robert Lehman, F.C.I.P.

Norman, Sean

From: Barboza, Karla (MCM) <Karla.Barboza@ontario.ca>
Sent: Wednesday, September 20, 2023 9:28 AM
To: Norman, Sean
Cc: Heritage (MCM)
Subject: MCM Response: Notice of Statutory Public Meeting | Regional Official Plan Amendment | Proposed Uppers Quarry [MCM File 26AG020]
Attachments: Notice of Statutory Public Meeting, Uppers Quarry.pdf

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Sean,

Thank you for contacting the Ministry of Citizenship and Multiculturalism (MCM) regarding the above-referenced Proposed Official Plan Amendment.

Allow me to take this opportunity to provide some information about this ministry's role with respect to commenting on land use planning applications.

One Window Planning Service and Municipal Plan Review

MCM routinely reviews and comments on proposals under the *Planning Act* where the province is the approval authority via the Ministry of Municipal Affairs and Housing (MMAH) One Window Planning Service. I understand that the MMAH is not the approval authority for this study. Therefore, our ministry would not be commenting on this circulation and I would ask if you can remove us from future circulations.

The ministry also provides technical review of other *Planning Act* applications where a municipality is the approval authority, but this request for review must first be sent to MMAH, which would then coordinate the review by MCM (and other provincial ministries, as required).

Archaeological Assessments

Additionally, MCM plays an indirect role in the land use planning process within municipalities. In this case, the ministry's role is to regulate archaeology by licensed archaeologists under the *Ontario Heritage Act* (OHA). The ministry reviews archaeological assessment reports as a condition of licensing in accordance with Part VI of the OHA. This review is to ensure that the licensed professional consultant archaeologist has met the terms and conditions of their archaeological licence, that archaeological sites have been identified and documented according to the standards set by the Ministry and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario.

Once reviewed, ministry staff provides the consultant archaeologist with a letter that comments on the archaeological assessment report. If the report complies with the Standards and Guidelines for Consultant Archaeologists (2011), the letter informs the licensee that the report has been accepted. The letter is copied to the development proponent (e.g. landowner) and the approval authority (e.g., City of Niagara Falls, Niagara Region or MMAH).

As you may know, a number of archaeological assessments have been undertaken for this project. Let me know if you need a list.

Approval authorities, such as the City of Niagara Falls or Niagara Region, often use the letter to address legislative requirements, and more broadly, to address concerns for due diligence – such as addressing a condition of draft or final plan approval.

I hope this is of assistance. Please do let me know if you have any other questions or I can be of further help.

Regards,
Karla

Karla Barboza, RPP, MCIP, CAHP
Team Lead, Heritage | Heritage Planning Unit | **Ministry of Citizenship and Multiculturalism** | 416-660-1027 | karla.barboza@ontario.ca

From: Norman, Sean <Sean.Norman@niagararegion.ca>
Sent: September-19-23 11:35 AM
Subject: Notice of Statutory Public Meeting | Regional Official Plan Amendment | Proposed Uppers Quarry

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Please see attached a Notice of Statutory Public Meeting for the proposed Uppers Quarry in the City of Niagara Falls

The purpose of the meeting will be for Regional Council to hear and consider public comments related to the proposed Regional Official Plan Amendment.

The public meeting is scheduled for **Wednesday October 11, 2023 at 1:00 p.m.** and will be held as part of the Region's Planning and Economic Development Committee meeting. **A hybrid meeting allowing both in-person and virtual attendance is planned.**

Copies of the applications and supporting documents are available on the City of Niagara Falls website at <https://niagarafalls.ca/city-hall/planning/current-planning-applications/17-uppers-quarry.pda>

Additional information on the proposed Regional Official Plan Amendment is posted on the Region's website at www.niagararegion.ca/living/icp/policy-plan under ROPA 22.

A separate Statutory Public Meeting in regards to the Local Official Plan Amendment and Zoning By-Law Amendment will be held by the City of Niagara Falls at a later date. Separate notice of this meeting will be distributed by the City of Niagara Falls.

Feel free to contact me should you have any questions regarding this matter.

Regards,
Sean Norman, PMP, MCIP, RPP
Senior Planner
Planning and Development Services, Niagara Region
Phone: 905-980-6000 ext. 3179 Toll-free: 1-800-263-7215

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Norman, Sean

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: Thursday, September 21, 2023 3:41 PM
To: Norman, Sean
Subject: RE: Notice of Statutory Public Meeting | Regional Official Plan Amendment | Proposed Uppers Quarry

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Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Willie Cornelio CET (he/him)
Sr Analyst, Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Norman, Sean <Sean.Norman@niagararegion.ca>
Sent: Tuesday, September 19, 2023 11:35 AM
Subject: [External] Notice of Statutory Public Meeting | Regional Official Plan Amendment | Proposed Uppers Quarry

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Feel free to contact me should you have any questions regarding this matter.

Regards,

Sean Norman, PMP, MCIP, RPP

Senior Planner

Planning and Development Services, Niagara Region

Phone: 905-980-6000 ext. 3179 Toll-free: 1-800-263-7215

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September 21, 2023

Niagara Region File No.: D.13.04.ROPA-21-0003
City of Niagara Falls No. AM-2021-025

Via email to: abryce@niagarafalls.ca

Andrew Bryce, Director of Planning
City of Niagara Falls
4310 Queen Street,
Niagara Falls, ON L2E 6X5

**RE: Upper's Quarry Second Submission (August 28, 2023)
City of Thorold - Comments**

Below is a summary of the City of Thorold Planning Department's comments regarding the Upper's Quarry, first and second submissions, by MHBC on behalf of Walker Aggregates Inc. It is understood that the entirety of the subject property is proposed to be located on the east side of Thorold Townline Road, north of the Hydro One corridor, within the City of Niagara Falls.

As such, the City's comments below pertain to the current and future land-uses within the City of Thorold, west of Thorold Townline Road, including lands within the City of Thorold's *Neighbourhoods of Rolling Meadows Secondary Plan*.

9811V – Uppers Quarry – Site Plan – Redlined (August 2023)

1. Within the Existing Features – Drawing 1 of 6, it appears that the zoning categories within City of Thorold, are referenced from the *City of Thorold Comprehensive Zoning By-law 2140 (97)*, however no reference is provided. As of March 16, 2021, *City of Thorold Comprehensive Zoning By-law No. 60-2019* came into effect, excluding Part 6: Residential Zones which are currently under appeal. Please update the existing features map, and references accordingly.
2. Regarding the area identified for offsite Woodland Compensation Area, west of Thorold Townline Road within Drawing 4 of 6, it is noted that these lands are within the City of Thorold Urban Area, designated 'Employment – Light Industrial' and 'Employment – Prestige Industrial' within the City of Thorold *Official Plan, Neighbourhoods of Rolling Meadows Secondary Plan*. Additionally, these lands are zoned as "Other Zones – Future Development", within the *City of Thorold Comprehensive Zoning By-law No. 60-2019*. While it is understood that Walker Industries Holdings Ltd. owns the lands where compensation is proposed, the



proposed compensation area should not inhibit the future development of these lands as set out by the City of Thorold's Official Plan and Zoning By-law 60-2019.

Planning Justification Report & ARA Summary Statement, MHBC (August 2023)

3. It is agreed that the intent of the "Aggregate Impact Area" identified within *The Neighbourhoods of Rolling Meadows Secondary Plan*, and specifically Section B.1.8.12.3 of the Official Plan, as referenced within the report, is to ensure that future aggregate extraction will not be precluded or hindered and to achieve land use compatibility. It is also agreed that according to Section B.1.8.12.3 of the Official Plan, "mitigation measures shall be determined through appropriate studies prepared by the developer". However, this section also states, "Once the proponent has prepared the appropriate studies and the necessary mitigation is incorporated into the proposed development, if necessary, the utilization of such mitigation measures does not relieve the new mineral aggregate operation from providing appropriate setbacks and mitigation measures in order to achieve land use compatibility".

Alternative Site Analysis, MHBC (August 2023)

4. No Comment

Level 1 & 2 Water Study Report, WSP (October 2022)

5. No Comment

Upper's Quarry, Niagara: Level 1 and Level 2 Natural Environment Technical Report and Environmental Impact Study, Stantec (August 2023)

6. Regarding the area identified for offsite Woodland Compensation Area west of Thorold Townline Road, it is noted that these lands are within the City of Thorold Urban Area, designated 'Employment – Light Industrial' and 'Employment – Prestige Industrial' within the City of Thorold *Official Plan, Neighbourhoods of Rolling Meadows Secondary Plan*. Additionally, these lands are zoned as "Other Zones – Future Development", within the *City of Thorold Comprehensive Zoning By-law No. 60-2019*. While it is understood that Walker Industries Holdings Ltd. owns the lands where compensation is proposed, the proposed compensation area should not inhibit the future development of these lands as set out by the City of Thorold's Official Plan and Zoning By-law 60-2019.



Upper's Quarry: Acoustic Assessment Report, RWDI (August 2023)

7. Appendix A - Zoning Information, includes the zoning categories within City of Thorold, from the City of Thorold Comprehensive Zoning By-law 2140 (97). As of March 16, 2021, City of Thorold Comprehensive Zoning By-law No. 60-2019 took effect, excluding Part 6: Residential Zones which are currently under appeal. Please update the review of Surrounding Noise sensitive Land Uses in Section 4.1, and Appendix A accordingly.
8. It is agreed that the intent of the "Aggregate Impact Area" identified within *The Neighbourhoods of Rolling Meadows Secondary Plan*, and specifically Section B.1.8.12.3 of the Plan, as referenced within the report, is to ensure that future aggregate extraction will not be precluded or hindered and to achieve land use compatibility. It is also agreed that according to Section B.1.8.12.3 of the Plan, "mitigation measures shall be determined through appropriate studies prepared by the developer". However, this section also states, "Once the proponent has prepared the appropriate studies and the necessary mitigation is incorporated into the proposed development, if necessary, the utilization of such mitigation measures does not relieve the new mineral aggregate operation from providing appropriate setbacks and mitigation measures in order to achieve land use compatibility".

Air Quality Assessment for the Proposed Upper's Quarry, RWDI (July 2023)

9. It is noted that the lands within the City of Thorold (west of Thorold Townline Road), as shown within Figure 1 – Receptor Locations, are within the City of Thorold Urban Area, and include lands that are designated 'Employment – Light Industrial' "Residential" and 'Employment – Prestige Industrial' within the City of Thorold Official Plan *Neighbourhoods of Rolling Meadows Secondary Plan*, and zoned as "Other Zones – Future Development", within the *City of Thorold Comprehensive Zoning By-law No. 60-2019*.

Blasting Impact Assessment – Upper's Quarry, Explortech (August 2023)

10. The existing conditions section of this report characterize the lands as being largely agricultural. Please note that the lands are within the City of Thorold Urban Area, and include lands designated 'Employment – Light Industrial' and 'Employment – Prestige Industrial' within the City of Thorold Official Plan *Neighbourhoods of Rolling Meadows Secondary Plan*, and are zoned as "Other Zones – Future Development", within the *City of Thorold Comprehensive Zoning By-law No. 60-2019*.



Traffic Impact Study – Upper’s Quarry, TMIG (October 2021)

11. Regarding the preferred haul route identified within TMIG’s Traffic Impact Study (2021), it is noted that the preferred Haul Route (Haul Route #1), complies with the City of Thorold *Neighbourhoods of Rolling Meadows Secondary Plan* which states “the haul route shall be restricted from the future extraction operation entrance southerly to Highway 20”.

Visual Impact Study, MHBC (October 2021) & Response to JART Comments Received, MHBC (February 2023)

12. It is agreed that the intent of the “Aggregate Impact Area” identified within *The Neighbourhoods of Rolling Meadows Secondary Plan*, and specifically Section B.1.8.12.3 of the Plan, as referenced within the report, is to ensure that future aggregate extraction will not be precluded or hindered and to achieve land use compatibility. It is also agreed that according to Section B.1.8.12.3 of the Plan, “mitigation measures shall be determined through appropriate studies prepared by the developer”. However, this section also states, “Once the proponent has prepared the appropriate studies and the necessary mitigation is incorporated into the proposed development, if necessary, the utilization of such mitigation measures does not relieve the new mineral aggregate operation from providing appropriate setbacks and mitigation measures in order to achieve land use compatibility”.

If you have any questions or concerns with the comments, please contact the undersigned to discuss.

Sincerely,

Tara O’Toole

Manager of Planning
Development Services
City of Thorold

SENT VIA E-Mail

October 5, 2023

Office of the Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
Thorold, ON L2V4T7
Email: clerk@niagararegion.ca

To Whom It Might Concern:

**RE: Ontario Power Generation (OPG) Comments
Regional Official Plan Amendment – Region File: ROPA-21-0003
Proposed Uppers Quarry, City of Niagara Falls**

Thank you for the opportunity to review and comment on the subject Official Plan Amendment.

Ontario Power Generation Inc. (OPG) is the owner in fee simple of land that comprises the basin and shoreline of Beaverdams Pond, south of Beaverdams Road, between Thorold Townline Road and Beechwood Road, identified as PINs: 64265-0002 and 64265-0090.

OPG's lands at this location are the recipient of surface and groundwater runoff from the lands that are subject of this application. This water runs west where it is dammed by the Beaverdams Dam (OPG) in the City of Thorold, and redirected north, where it is managed by a control structure (St. Lawrence Seaway Management Corp. for Transport Canada) before entering the Welland Canal.

OPG's interest in the subject applications relates specifically to the effect of the additional surface water flow on the water management structures that comprise the Beaverdams Pond system. OPG received information from Tomas Glancy, Senior Planner, MHBC, which determined that the proposed quarry will direct up to an additional 50 litres/second of surface flow to Beaverdams Pond, and has requested further analysis on the modelling of surface water flow in relation to surges and weather events.

To ensure the integrity of the existing water management and control structures in the Beaverdams Pond system, for which OPG and the Welland Canal are responsible, OPG will be working with the Uppers Quarry team and the St. Lawrence Seaway Management Corp. (Welland Canal) to understand the impact of the anticipated additional surface water flow into Beaverdams Pond, and how any corresponding risk can be mitigated.

OPG is available to assist with further information necessary to conduct these studies. For this purpose, please contact Kurt Kornelson at OPG Water Resources, 289-302-1633.

Thank you.

Yours truly,



Talitha Laurenson
Real Estate Consultant
Real Estate Services

c.c. Ray Davies, Sr. Manager, Real Estate Services, OPG
Tommy Liu, Plant System Support Manager, Niagara Operations, OPG
Kurt Kornelson, Senior Manager, Water Resources, OPG



Hydro One Networks Inc.

483 Bay Street
8th Floor South Tower
Toronto, Ontario M5G 2P5

HydroOne.com

October 16, 2023

Re: Proposed Uppers Quarry

Attention:
Sean Norman, PMP, MCIP, RPP
Senior Planner
Niagara Region

Thank you for sending us notification regarding (Proposed Uppers Quarry). In our preliminary assessment, we confirm there are no existing Hydro One Transmission assets in the subject area. Please be advised that this is only a preliminary assessment based on current information.

If plans for the undertaking change or the study area expands beyond that shown, please contact Hydro One to assess impacts of existing or future planned electricity infrastructure.

Any future communications are sent to Secondarylanduse@hydroone.com.

Be advised that any changes to lot grading and/or drainage within proximity to Hydro One transmission corridor lands must be controlled and directed away from the transmission corridor.

Sent on behalf of,

**Secondary Land Use
Asset Optimization
Strategy & Integrated Planning
Hydro One Networks Inc.**

Norman, Sean

From: Tonellato, Kelly (MECP) <Kelly.Tonellato@ontario.ca>
Sent: Friday, October 20, 2023 10:33 AM
To: sean.geddes@stantec.com; daniel.eusebi@stantec.com; info@uppersquarry.ca
Cc: Norman, Sean; A Bryce
Subject: Environmental Impact Statement for Proposed Upper's Quarry, Niagara Falls - Walker Aggregate Inc.

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good morning Proposed Upper's Quarry Project team and Stantec Consulting,

The ministry's Species at Risk Branch (SAR) have reviewed the Environmental Impact Study posted [Technical Documents - Documents | Home of the Proposed Upper's Quarry \(uppersquarry.ca\)](#) dated August 28, 2023 signed by Stantec's Sean Geddes and Daniel Eusebi, and offer the following comments,

In the Environmental Impact Study, Stantec argued that Little Brown Myotis were not using the woodland as a maternity roost because they had a small number of calls per detector night and a small number of calls at the time of emergence. They argued that Little Brown Myotis were only using the woodlot for foraging.

I had a call with Dr. Christina Davy of Carleton University on October 18, 2023 and she explained the following:

- Foraging is not an indication that a maternity roost is not present. If prey is available bats will forage within their maternity roost site.
- Any calls, even a small number, close to the time of emergence can indicate a maternity roost is present. It would be very difficult to prove otherwise.
- Little Brown Myotis roost switch frequently which makes it difficult to prove that they aren't roosting in a specific location.
- No snags or a few snags does not mean no roosting habitat. Bats will use live trees and small trees as roost sites.

Based on this information I do not believe that the conclusions Stantec has made that the [ESA](#) will not be contravened for Little Brown Myotis are valid. There is not a lot of habitat available for these bats in the area and this site is close to a watercourse which could increase the value of the habitat.

Please submit an [Information Gathering Form](#) to SAROntario@ontario.ca, and copy me on that email at Kelly.Tonellato@ontario.ca.

More information can be found at [Species at risk | ontario.ca](#)

Regards,

Kelly Tonellato | Senior Environmental Officer | Provincial Officer # 799 | Niagara District Office | Ontario Ministry of the Environment, Conservation and Parks | 301 St.Paul Street, Floor 9, Suite 15 | St. Catharines, ON | L2R 7R4 | 289-407-7936

District Office Main Phone 905-704-3900

After hours emergencies/spills – Spills Action Centre 1-800-268-6060
After hours complaints 1-866-663-8477
On-line pollution reporting [Report Pollution | Ontario.ca \(gov.on.ca\)](https://www.ontario.ca/gov)

We want to hear from you. How was my service? You can provide feedback at 1-888-745-8888.

From: Norman, Sean <Sean.Norman@niagararegion.ca>

Sent: Tuesday, September 19, 2023 11:35:26 AM

Subject: Notice of Statutory Public Meeting | Regional Official Plan Amendment | Proposed Uppers Quarry

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Please see attached a Notice of Statutory Public Meeting for the proposed Uppers Quarry in the City of Niagara Falls

The purpose of the meeting will be for Regional Council to hear and consider public comments related to the proposed Regional Official Plan Amendment.

The public meeting is scheduled for **Wednesday October 11, 2023 at 1:00 p.m.** and will be held as part of the Region's Planning and Economic Development Committee meeting. **A hybrid meeting allowing both in-person and virtual attendance is planned.**

Copies of the applications and supporting documents are available on the City of Niagara Falls website at <https://niagarafalls.ca/city-hall/planning/current-planning-applications/17-uppers-quarry.pda>

Additional information on the proposed Regional Official Plan Amendment is posted on the Region's website at www.niagararegion.ca/living/icp/policy-plan under ROPA 22.

A separate Statutory Public Meeting in regards to the Local Official Plan Amendment and Zoning By-Law Amendment will be held by the City of Niagara Falls at a later date. Separate notice of this meeting will be distributed by the City of Niagara Falls.

Feel free to contact me should you have any questions regarding this matter.

Regards,

Sean Norman, PMP, MCIP, RPP

Senior Planner

Planning and Development Services, Niagara Region

Phone: 905-980-6000 ext. 3179 Toll-free: 1-800-263-7215

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Authorized commenting Agency for



November 17, 2023

Sean Norman, PMP, MCIP, RPP
Senior Planner
Sean.norman@niagararegion.ca

Andrew Bryce, MCIP, RPP
Manager of Current Planning
abryce@niagarafalls.ca

Regional Municipality of Niagara
1815 Sir Isaac Brock Way
Thorold, ON
L2V 4T7

City of Niagara Falls
4310 Queen Street
Niagara Falls, ON
L2E 6X5

Dear Mr. Norman & Mr. Bryce,

RE: Notice of Application: Regional Official Plan Amendment, Official Plan & Zoning By-law Amendment
Part of Lots 119, 120, 136 and 137, City of Niagara Falls, and located along the western boundary of the City of Niagara Falls, between Thorold Townline Road and Beechwood Road, north of a Hydro One corridor
Applicant: Walker Aggregates Inc. (Kevin Khel)
Agent: MHBC Planning (Debra Walker)
Your files: ROPA-21-0003; AM-2021-024
Our file: PAR 43857

This letter is in response to your notification dated October 30, 2023 regarding the application outlined above. We are commenting on behalf of TransCanada Pipelines Limited (TCPL), an affiliate of TC Energy Corporation (TC Energy).

We understand that the purpose of the application is for a Regional Official Plan Amendment and City of Niagara Falls Official Plan Amendment and Zoning By-law Amendment to permit an aggregate quarry with associated processing and recycling of aggregate material, and a concrete or asphalt mixing plant on the lands described above (the "Subject Lands"). TCPL has two (2) high pressure natural gas pipelines crossing over the northwestern corner of the Subject Lands.

TCPL's pipelines and related facilities are subject to the jurisdiction of the Canada Energy Regulator (CER) – formerly the National Energy Board. As such, certain activities must comply with the Canadian Energy Regulator Act (Act) and the National Energy Board Damage Prevention Regulations (Regulations). The Act and the Regulations noted can be accessed from the CER's website at www.cer-rec.gc.ca.

The Niagara Regional Official Plan (2022) includes the following policies related to TCPL's pipelines and facilities:

“5.2.8 Pipeline Infrastructure

5.2.8.1 TransCanada PipeLines Limited (TCPL) operates two high pressure natural gas pipelines within its right-of-way crossing the region as well as two industrial compressor stations as identified on Schedule B.

5.2.8.2 Development resulting in increased population density in proximity to TCPL's right-of-way and compressor stations may result in TCPL being required to replace its pipeline(s) to comply with CSA Code Z662. Early consultation with TCPL or its designated representative, for any development proposals within 200 metres of its pipelines and within 750 metres of TCPL's compressor station should be undertaken to ensure TCPL can assess potential impacts and provide recommendations to avoid adverse impacts to its facilities.

5.2.8.3 TCPL is regulated by the Canadian Energy Regulator which has a number of requirements regulating development in proximity to its pipelines. This includes approval requirements for activities within 30 metres of the pipeline centreline, such as conducting a ground disturbance, constructing or installing a facility across, on, or along the pipeline right-of-way, driving a vehicle, mobile equipment or machinery across the right-of-way, and the use of explosives.

5.2.8.4 A minimum setback of seven metres shall be provided from the edge of the right-of-way for all permanent buildings and structures. Accessory buildings and structures shall have a minimum setback of at least three metres from the edge of the right-of-way.

5.2.8.5 A minimum setback of seven metres shall be provided from the edge of the pipeline right-of-way for:
a. road rights-of-way (paralleling pipeline rights-of-way), private driveways, parking spaces and parking areas; and
b. stormwater management facilities.

5.2.8.6 Throughout any built-up areas, the TCPL's right-of-way is encouraged to be designated for passive parkland or open space use.”

TCPL would like to thank the applicant for addressing all comments provided in the response letter dated March 8, 2022 from Lehman & Associates and modifying the Site Plan and Zoning By-law Amendment accordingly. Please see our additional comments provided below.

We request that Drawing 2 of 6 be updated as follows:

~~Red strikethrough~~ = deletion

Green underline = addition

O. Trans Canada Pipeline (TCPL)

1. The licensee shall notify TCPL if it intends to blast within 300 metres of their right-of-way (easement). No blasting shall occur until written consent is obtained from TCPL.
2. Any other work (other than blasting) within 30 metres of TCPL's right-of-way requires written consent from TCPL.
3. Crossing of the TCPL right-of-way with vehicles is not permitted without written consent from TCPL.
4. No material extraction shall be permitted within ~~40~~ 30 metres of TCPL's right-of-way without written consent from the Canada Energy Regulator (CER), ~~formerly NEB or National Energy Board~~.
5. No buildings or structures shall be constructed anywhere on TCPL's right-of-way. Permanent buildings and structures shall be located a minimum of 7 metres from the edge of the TCPL right-of-way. Temporary or accessory buildings and structures shall be located a minimum of 3 metres from the edge of the right-of-way.
6. A minimum setback of 7 metres from the nearest portion of a TCPL pipeline right-of-way shall also apply to any parking area or loading area, including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces, and any associated drive aisle or driveway.

For greater clarity of TCPL's setback requirements, we request that the Zoning By-law Amendment text be updated with the following provisions:

- a. *A minimum setback of 7.0 m shall be required from any part of a permanent building or structure from the edge of the TransCanada pipeline right-of-way.*
- b. *A minimum setback of 3.0 m shall be required from any part of a temporary or accessory building or structure from the edge of the TransCanada pipeline right-of-way.*
- c. *A minimum setback of 7.0 m from the nearest portion of a TransCanada pipeline right-of-way shall also apply to any parking area or loading area, including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces, and any associated aisle or driveway.*

Thank you for the opportunity to comment. Kindly forward a copy of the decision to the undersigned by email to apalumbo@ianhallplanning.com and copy TCEnergy@mhbcplan.com. If you have any questions, please do not hesitate to contact me.

Sincerely,

Ianhall Planning Ltd.

A handwritten signature in black ink that reads "Andrew Palumbo". The signature is written in a cursive style with a large, sweeping initial 'A'.

Andrew Palumbo, MCIP, RPP
President

Cc: TCEnergy@mhcplan.com

Andrew Bryce

From: Planning Emails
Sent: Monday, April 15, 2024 9:09 AM
To: Andrew Bryce
Subject: FW: AM-2021-025 - OPA/ZBA - Circulation for Comments - Walker Aggregate Quarry
Importance: Low

From: CA - Circulations <CA.Circulations@wsp.com>
Sent: Friday, April 12, 2024 4:09 PM
To: Planning Emails <planningemails@niagarafalls.ca>
Subject: RE: AM-2021-025 - OPA/ZBA - Circulation for Comments - Walker Aggregate Quarry
Importance: Low



Your E-mail was Received on: Friday, April 12, 2024

Thank you for your email on: AM-2021-025 - OPA/ZBA - Circulation for Comments - Walker Aggregate Quarry

The information that municipalities provide to Bell Canada is instrumental to the provisioning of telecommunications infrastructure and we appreciate the opportunity to be proactively engaged in development applications and infrastructure and policy initiatives.

Bell Canada will provide a response should any comments / input be required on the information included in the circulation received. Bell Canada kindly requests that even if a specific comment is not provided at this time that you continue to circulate us at circulations@wsp.com on any future materials related to this development project or infrastructure / policy initiative so that we can continue to monitor its progress and are informed of future opportunities for engagement.

1) Bell Canada Responses to Pre-Consultation & Complete Development Application Circulations:

Pre-consultation Circulations

Please note that Bell Canada does NOT generally comment on pre-consultation circulations unless the information provided identifies that a future draft plan of subdivision, draft plan of condominium and/or site plan control application will be required to advance the development proposal.

Complete Application Circulations & Recirculations

Please note that Bell Canada does NOT generally comment on the following development applications - official plan and zoning by-law amendments, part lot control, temporary use

and interim control by-laws. However, Bell Canada does generally comment on site plan approval, draft plans of subdivision and draft plan of condominium applications.

Bell Canada will generally comment on recirculations where the change modifies the proposed residential dwelling unit count and/or non-residential gross floor area in a draft plan of subdivision, draft plan of condominium and/or site plan control application.

2) Bell Canada Responses to Infrastructure and Policy Initiative Circulations:

If required, a follow-up email will be provided by Bell Canada to outline any input to be considered on the infrastructure / policy initiative circulation received at this time.

Concluding Remarks:

If you have any other specific questions, please contact planninganddevelopment@bell.ca directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. **However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for the provision of comments or other responses.

Should you have any questions, please contact the undersigned.

Yours Truly,



Juan Corvalan

Bell Canada

Senior Manager – Municipal Liaison

Network Provisioning

planninganddevelopment@bell.ca

From: Planning Emails <planningemails@niagarafalls.ca>

Sent: Friday, April 12, 2024 8:00:32 PM

To: CA - Circulations <CA.Circulations@wsp.com>; 'BELL CANADA Planning - Ryan Courville' <planninganddevelopment@bell.ca>; 'BELL Greg Johnson' <greg.johnson@bell.ca>; 'CANADA POST Delivery Planning - Andrew Carrigan' <andrew.carrigan@canadapost.postescanada.ca>; 'CNR Ashkan Matlabi' <Ashkan.Matlabi@cn.ca>; 'CNR General' <proximity@cn.ca>; 'COGECO Craig Krueger' <craig.krueger@cogeco.com>; 'COGECO Mike Embleton' <mike.embleton@cogeco.com>; 'ENBRIDGE General Planning' <MunicipalPlanning@enbridge.com>; 'ENBRIDGE Rob D'Onofrio' <robert.donofrio@enbridge.com>; 'FENFC - Jennifer Dockstader' <reception@fenfc.org>; 'HYDRO ONE General' <LandUsePlanning@HydroOne.com>; 'INFRASTRUCTURE ONTARIO General' <NoticeReview@infrastructureontario.ca>; 'MMAH - Heather Watt' <Heather.Watt@ontario.ca>; 'MMAH Alejandra Perdomo' <Alejandra.Perdomo@ontario.ca>; 'MMAH Catherine MacKinnon' <Catherine.MacKinnon@ontario.ca>; 'MNCFN - Administration' <doca.admin@mncfn.ca>; 'MNCFN - Darin Wybenga' <Darin.wybenga@mncfn.ca>; 'MNCFN - Mark Laforme' <mark.laforme@mncfn.ca>; 'MNCFN Abby Laforme' <abby.laforme@mncfn.ca>; 'NPCA Meaghan Birbeck' <mbirbeck@npca.ca>; 'NPCA Sarah Mastroianni' <smastroianni@npca.ca>; 'NPEI Anthoney Lastella' <Anthony.Lastella@npei.ca>; 'NPEI James Sorley' <jim.sorley@npei.ca>; 'NPEI Sean Perry' <sean.perry@npei.ca>; 'NPEI Yang Xiao' <yang.xiao@npei.ca>; 'NRBN General' <fieldops@nrbn.ca>; 'NRBN Jeremy Smith' <Jeremy.smith@nrbn.ca>;

'NRMCC Derrick Pont' <pontdj@hotmail.com>; 'NRMCC General' <niagarametiscouncil@gmail.com>; 'NRNC Roxanne Buck' <reception@nrnc.ca>; 'OPG General' <executivevp.lawanddevelopment@opg.com>; 'OPG Talitha Laurenson' <talitha.laurenson@opg.com>; 'REGION - Clerk' <clerk@niagararegion.ca>; 'REGION - Katie Young' <Katie.Young@niagararegion.ca>; 'REGION CIRCULATION General' <devtplanningapplications@niagararegion.ca>; 'REGION Susan Dunsmore' <susan.dunsmore@niagararegion.ca>; 'ROGERS CABLE Ash Neville' <Ash.Neville@rci.rogers.com>; 'ROGERS CABLE General' <Newdevelopment@rci.rogers.com>; 'SNLR Lonny Bomberry' <lonnybomberry@sixnations.ca>; 'Peter Graham' <LRCS@sixnations.ca>; Dawn LaForme <dlaforme@sixnations.ca>; 'tanyahill-montour@sixnations.ca' <tanyahill-montour@sixnations.ca>; 'Irluo2@sixnations.ca' <Irluo2@sixnations.ca>; 'Morgan.Casciani@thorold.ca' <Morgan.Casciani@thorold.ca>; 'Ashley.DAmico@thorold.ca' <Ashley.DAmico@thorold.ca>

Cc: Andrew Bryce <abryce@niagarafalls.ca>

Subject: AM-2021-025 - OPA/ZBA - Circulation for Comments - Walker Aggregate Quarry

Good day,

The City of Niagara Falls Planning Department has received a re-submission of official plan amendment and zoning by-law amendment application **AM-2021-025** and is circulating the information to your agency for review and comment.

The digital submission of the original applications and the revised documentation may be retrieved from: <https://www.dropbox.com/scl/fo/7fmwbr3gp81tncqldhld/APmvmZvqNffcSX3mGqk8vKE?rlkey=1qypnfmlqfeg6lf9lqr5z8ly&dl=0>

Please refer to the folder labelled "Resubmission Apr 5 2024" for the latest submission. Earlier submissions are included for reference.

If you have any questions, please contact Andrew Bryce, at 905-356-7521, ext. 4232 or abryce@niagarafalls.ca.

Sincerely,

Planning Department Planning Department | City of Niagara Falls

4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4330 | Fax 905-356-2354 | planning@niagarafalls.ca

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-LAEHhHHzdJzBITWfa4Hgs7pbKl

Andrew Bryce

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: Monday, April 22, 2024 9:32 AM
To: Planning Emails; Andrew Bryce
Subject: RE: AM-2021-025 - OPA/ZBA - Circulation for Comments - Walker Aggregate Quarry

Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details: <https://www.enbridgegas.com/safety/digging-safety-for-contractors>

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Willie Cornelio CET (he/him)
Sr Analyst, Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Planning Emails <planningemails@niagarafalls.ca>
Sent: Friday, April 12, 2024 4:01 PM
To: 'BELL CANADA General' <CA.Circulations@wsp.com>; 'BELL CANADA Planning - Ryan Courville' <planninganddevelopment@bell.ca>; 'BELL Greg Johnson' <greg.johnson@bell.ca>; 'CANADA POST Delivery Planning - Andrew Carrigan' <andrew.carrigan@canadapost.postescanada.ca>; 'CNR Ashkan Matlabi' <Ashkan.Matlabi@cn.ca>; 'CNR General' <proximity@cn.ca>; 'COGECO Craig Krueger' <craig.krueger@cogeco.com>; 'COGECO Mike Embleton' <mike.embleton@cogeco.com>; Municipal Planning <MunicipalPlanning@enbridge.com>; Robert D'Onofrio <robert.donofrio@enbridge.com>; 'FENFC - Jennifer Dockstader' <reception@fenfc.org>; 'HYDRO ONE General' <LandUsePlanning@HydroOne.com>; 'INFRASTRUCTURE ONTARIO General' <NoticeReview@infrastructureontario.ca>; 'MMAH - Heather Watt' <Heather.Watt@ontario.ca>; 'MMAH Alejandra Perdomo' <Alejandra.Perdomo@ontario.ca>; 'MMAH Catherine MacKinnon' <Catherine.MacKinnon@ontario.ca>; 'MNCFN - Administration' <doca.admin@mncfn.ca>; 'MNCFN - Darin Wybenga' <Darin.wybenga@mncfn.ca>; 'MNCFN - Mark Laforme' <mark.laforme@mncfn.ca>; 'MNCFN Abby Laforme' <abby.laforme@mncfn.ca>; 'NPCA Meaghan Birbeck' <mbirbeck@npca.ca>; 'NPCA Sarah Mastroianni' <smastroianni@npca.ca>; 'NPEI Anthony Lastella' <Anthony.Lastella@npei.ca>; 'NPEI James Sorley' <jim.sorley@npei.ca>; 'NPEI Sean Perry' <sean.perry@npei.ca>; 'NPEI Yang Xiao' <yang.xiao@npei.ca>; 'NRBN General' <fieldops@nrbn.ca>; 'NRBN Jeremy Smith' <Jeremy.smith@nrbn.ca>; 'NRMC Derrick Pont' <pontdj@hotmail.com>; 'NRMC General' <niagarametiscouncil@gmail.com>; 'NRNC Roxanne Buck' <reception@nrnc.ca>; 'OPG General' <executivevp.lawanddevelopment@opg.com>; 'OPG Talitha Laurenson' <talitha.laurenson@opg.com>; 'REGION - Clerk' <clerk@niagararegion.ca>; 'REGION - Katie Young' <Katie.Young@niagararegion.ca>; 'REGION CIRCULATION General' <devtplanningapplications@niagararegion.ca>; 'REGION Susan Dunsmore' <susan.dunsmore@niagararegion.ca>; 'ROGERS CABLE Ash Neville' <Ash.Neville@rci.rogers.com>; 'ROGERS CABLE General' <Newdevelopment@rci.rogers.com>; SNLR Lonny Bomberry

<lonnybomberry@sixnations.ca>; 'Peter Graham' <LRCS@sixnations.ca>; 'dlaforme@sixnations.ca' <dlaforme@sixnations.ca>; 'tanyahill-montour@sixnations.ca' <tanyahill-montour@sixnations.ca>; 'lrluo2@sixnations.ca' <lrluo2@sixnations.ca>; 'Morgan.Casciani@thorold.ca' <Morgan.Casciani@thorold.ca>; 'Ashley.DAmico@thorold.ca' <Ashley.DAmico@thorold.ca>
Cc: Andrew Bryce <abryce@niagarafalls.ca>
Subject: [External] AM-2021-025 - OPA/ZBA - Circulation for Comments - Walker Aggregate Quarry

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Good day,

The City of Niagara Falls Planning Department has received a re-submission of official plan amendment and zoning by-law amendment **AM-2021-025** and is circulating the information to your agency for review and comment.

The digital submission of the original applications and the revised documentation may be retrieved from:
<https://www.dropbox.com/scl/fo/7fmwbr3gp81tncqldhld/APmvmZvqNffcSX3mGqk8vKE?rlkey=1qypnfmjlqfeq6lf9lgr5z8ly&dl=0>

Please refer to the folder labelled “Resubmission Apr 5 2024” for the latest submission. Earlier submissions are included for reference.

If you have any questions, please contact Andrew Bryce, at 905-356-7521, ext. 4232 or abryce@niagarafalls.ca.

Sincerely,

Planning Department Planning Department | City of Niagara Falls
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4330 | Fax 905-356-2354 | planning@niagarafalls.ca

Norman, Sean

From: Tonellato, Kelly (MECP) <Kelly.Tonellato@ontario.ca>
Sent: Tuesday, April 23, 2024 8:36 AM
To: Norman, Sean; Debra Walker; Kevin Kehl
Cc: A Bryce; Lampman, Cara; Dunville, Lyndsay (MECP)
Subject: RE: Environmental Impact Statement for Proposed Upper's Quarry, Niagara Falls - Walker Aggregate Inc.
Attachments: APPENDIX 16 MECP COMMENTS (APRIL 2024).pdf

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Hi Sean, Deb and Kevin,

Our Species at Risk Branch has reviewed the resubmission and provides the following comments,

I think the statement “In summary the MECP application of protection for the habitat of endangered and threatened bat species, focuses on the maternity roost habitat and is considered the key habitat type.” is oversimplified.

The ESA does not differentiate between the type of habitat that is protected. The maternity roost habitat is a key habitat feature and would be considered to have the lowest level of tolerance to alteration. Males and non-reproductive females tend to be found in day roosts. This habitat feature would be considered to have a moderate level of tolerance to alteration. When we review projects we can make a determination of whether a permit will be necessary or not but I don't think it's fair to say that we are only applying the habitat protection to maternity roosts. We look at the habitat as a whole, the availability on the nearby landscape and the level of impact that the project might have, among other things.

As they've stated in their comments, I still recommend that an IGF be submitted for the project so SARB can best review the project and potential impacts to SAR.

Please have Walker Aggregate Inc. submit an [Information Gathering Form](#) to SAROntario@ontario.ca, and copy Lyndsay.Dunville@ontario.ca and Kelly.Tonellato@ontario.ca on that email.

Regards,

Kelly Tonellato | Environmental Compliance Officer | Provincial Officer # 799 | Niagara District Office | Ontario Ministry of the Environment, Conservation and Parks | 301 St.Paul Street, Floor 9, Suite 15 | St. Catharines, ON | L2R 7R4 | 289-407-7936

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We want to hear from you. How was my service? You can provide feedback at 1-888-745-8888.

From: Norman, Sean <Sean.Norman@niagararegion.ca>
Sent: Friday, April 19, 2024 4:01 PM
To: Tonellato, Kelly (MECP) <Kelly.Tonellato@ontario.ca>

Cc: A Bryce <abryce@niagarafalls.ca>; Lampman, Cara <Cara.Lampman@niagararegion.ca>

Subject: RE: Environmental Impact Statement for Proposed Upper's Quarry, Niagara Falls - Walker Aggregate Inc.

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hi Kelly,

Last October you had provided the comments below regarded the proposed Uppers Quarry in the City of Niagara.

The applicant has made a resubmission, and provided a response to your comments (attached).

Can you please review the response and advise.

Regards,

Sean Norman, PMP, MCIP, RPP

Senior Planner

Growth Strategy and Economic Development, Niagara Region

Phone: 905-980-6000 ext. 3179 Toll-free: 1-800-263-7215

From: Tonellato, Kelly (MECP) <Kelly.Tonellato@ontario.ca>

Sent: Friday, October 20, 2023 10:33 AM

To: sean.geddes@stantec.com; daniel.eusebi@stantec.com; info@uppersquarry.ca

Cc: Norman, Sean <Sean.Norman@niagararegion.ca>; A Bryce <abryce@niagarafalls.ca>

Subject: Environmental Impact Statement for Proposed Upper's Quarry, Niagara Falls - Walker Aggregate Inc.

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Good morning Proposed Upper's Quarry Project team and Stantec Consulting,

The ministry's Species at Risk Branch (SAR) have reviewed the Environmental Impact Study posted [Technical Documents - Documents | Home of the Proposed Upper's Quarry \(uppersquarry.ca\)](#) dated August 28, 2023 signed by Stantec's Sean Geddes and Daniel Eusebi, and offer the following comments,

In the Environmental Impact Study, Stantec argued that Little Brown Myotis were not using the woodland as a maternity roost because they had a small number of calls per detector night and a small number of calls at the time of emergence. They argued that Little Brown Myotis were only using the woodlot for foraging.

I had a call with Dr. Christina Davy of Carleton University on October 18, 2023 and she explained the following:

- Foraging is not an indication that a maternity roost is not present. If prey is available bats will forage within their maternity roost site.
- Any calls, even a small number, close to the time of emergence can indicate a maternity roost is present. It would be very difficult to prove otherwise.
- Little Brown Myotis roost switch frequently which makes it difficult to prove that they aren't roosting in a specific location.
- No snags or a few snags does not mean no roosting habitat. Bats will use live trees and small trees as roost sites.

Based on this information I do not believe that the conclusions Stantec has made that the [ESA](#) will not be contravened for Little Brown Myotis are valid. There is not a lot of habitat available for these bats in the area and this site is close to a watercourse which could increase the value of the habitat.

Please submit an [Information Gathering Form](#) to SAROntario@ontario.ca, and copy me on that email at Kelly.Tonellato@ontario.ca.

More information can be found at [Species at risk | ontario.ca](#)

Regards,

Kelly Tonellato | Senior Environmental Officer | Provincial Officer # 799 | Niagara District Office | Ontario Ministry of the Environment, Conservation and Parks | 301 St.Paul Street, Floor 9, Suite 15 | St. Catharines, ON | L2R 7R4 | 289-407-7936

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From: Norman, Sean <Sean.Norman@niagararegion.ca>

Sent: Tuesday, September 19, 2023 11:35:26 AM

Subject: Notice of Statutory Public Meeting | Regional Official Plan Amendment | Proposed Uppers Quarry

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Please see attached a Notice of Statutory Public Meeting for the proposed Uppers Quarry in the City of Niagara Falls

The purpose of the meeting will be for Regional Council to hear and consider public comments related to the proposed Regional Official Plan Amendment.

The public meeting is scheduled for **Wednesday October 11, 2023 at 1:00 p.m.** and will be held as part of the Region's Planning and Economic Development Committee meeting. **A hybrid meeting allowing both in-person and virtual attendance is planned.**

Copies of the applications and supporting documents are available on the City of Niagara Falls website at <https://niagarafalls.ca/city-hall/planning/current-planning-applications/17-uppers-quarry.pda>

Additional information on the proposed Regional Official Plan Amendment is posted on the Region's website at www.niagararegion.ca/living/icp/policy-plan under ROPA 22.

A separate Statutory Public Meeting in regards to the Local Official Plan Amendment and Zoning By-Law Amendment will be held by the City of Niagara Falls at a later date. Separate notice of this meeting will be distributed by the City of Niagara Falls.

Feel free to contact me should you have any questions regarding this matter.

Regards,
Sean Norman, PMP, MCIP, RPP
Senior Planner
Planning and Development Services, Niagara Region
Phone: 905-980-6000 ext. 3179 Toll-free: 1-800-263-7215

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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@mhbepplan.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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