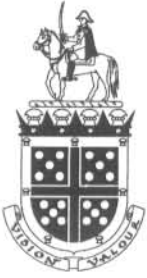


Tri City Lands - Spencer Pit Correspondence Review

Correspondence Received					
Agencies Circulated	Name & Address	Objection/ Comment	Response	Resolution	Comments
		Letter Date	Letter Date	Sign off letter date	
Guelph Eramosa	Meaghen Reid, Clerk Township of Guelph Eramosa 8348 Wellington Road 124, P.O. Box 700 Rockwood, ON N0B 2K0	18-Jun-14			- Objection because zoning not yet in place
Wellington County	Aldo Salis, Senior Planner County of Wellington 74 Woolwich St. Guelph, ON N1H 3T9	12-Jun-14	05-Jun-15	06-Nov-15	- Objection because zoning not yet in place - Sign off from Emergency Management Department on May 27, 2014
Hydro One	Hydro One Networks Inc. Assessment & Taxation Real Estate Services & Security P.O. Box 4300 Markham, ON L3R 5Z5	13-Jan-14	26-Nov-15		
Puslinch Township	Karen Landry, Clerk Township of Puslinch 7404 County Road #34 W, R.R. #3 Guelph, ON N1H 6H9	20-Jun-14	16-Dec-15		- site plans revised
Cambridge	Clerk City of Cambridge 50 Dickson Street, P.O. Box 669 Cambridge, ON N1R 5W8				- no response
Woolwich Township	Township of Woolwich 24 Church Street West, P.O. Box 158 Elmira, ON N3B 2Z6				- no response
Six Nations	Lonny Bomberly Six Nations Lands and Resources 2498 Chiefswood Road, PO Box 5000 Ohsweken, ON N0A 1M0		08-Sep-14		- Meeting requested on August 29, 2014 and held October 1, 2014
Region of Waterloo	Clerk Region of Waterloo 150 Frederick Street, P.O. Box 9051, Station C Kitchener, ON N2G 4J3			10-Jul-14	
Upper Grand School Board	Emily Bumbaco Upper Grand District School Board 500 Victoria Road North Guelph, ON N1E 6K2			27-May-14	
GRCA	Planner Grand River Conservation Authority P.O. Box 729 Cambridge, ON N1R 5W7	19-Jun-14	02-Jun-15	17-Sep-15	
MNRF Planning	Mike Stone, District Planner Ministry of Natural Resources 1 Stone Road West, 1st Floor Guelph, ON N1G 4Y2	27-Jun-14	02-Jun-15 19-Aug-15	24-Dec-15	- site plans revised
Ministry of Tourism, Culture and Sport	Sarah Roe, Archaeology Review Officer Culture Programs Unit, Programs and Services Branch Culture Division 401 Bay Street, Suite 1700 Toronto, ON M7A 0A7			28-Nov-13	

Site plan revision date is: December 23, 2015



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
T 519.837.2600
T 1.800.663.0750
F 519.823.1694

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH ON N1H 3T9

June 12, 2014

RECEIVED JUN 18 2014

Mr. Ian Hagman, District Manager
Ministry of Natural Resources
Guelph District Office
1 Stone Road West
Guelph, Ontario
N1G 4Y2

Dear Mr. Hagman,

**Re: Notice of Application for Licence
Category 3, Class 'A' (Pit Above Water)
Pt. Lots 14-16, and Lots 17 & 18 Con. B (Former Township of Eramosa)
Township of Guelph/Eramosa, County of Wellington
Tri City Lands Inc. – Proposed Spencer Pit**

The current municipal zoning of the subject land does not permit the establishment of an aggregate extraction operation. We understand that a zoning by-law application has been filed by the proponent and that the planning process has only recently been initiated by the Township. That review process, pursuant to the requirements of the Planning Act, will provide the Township and other stakeholders an opportunity to identify concerns and recommend measures to minimize potential impacts. As such, this office would object to the approval of an aggregate licence until the municipal planning process has concluded and the required approvals are in place.

Should the Ministry eventually grant a licence for the subject land, we would appreciate a copy of the licence and approved site plans for our files.

Sincerely,

Gary Cousins, MCIP, RPP
Director of Planning & Development

cc. K. Wingrove, Township of Guelph/Eramosa
G. Ough, Wellington County Engineering Services
G. Harrington, Harrington & McAvan Ltd.
B. Hermson, MHBC

From: [Neal DeRuyter](mailto:Neal.DeRuyter)
To: [Emily Elliott](mailto:Emily.Elliott)
Subject: FW: ZBA01/14 - TriCity Lands
Date: May-27-14 3:42:42 PM

From: Gaetanne Kruse [<mailto:gkruse@get.on.ca>] **On Behalf Of** Kelsey Lang
Sent: May-27-14 3:36 PM
To: bhermson@mhbcplan.com; Dan Currie
Cc: Neal DeRuyter
Subject: FW: ZBA01/14 - TriCity Lands

Hello,

Please be aware that the Wellington County Emergency Management Dept. has no comments related to this application.

Best,

Kelsey Lang

Kelsey Lang
Acting Planning Administrator
Township of Guelph/Eramosa
8348 Wellington Road 124, P. O. Box 700
Rockwood, ON N0B 2K0
Email: klang@get.on.ca
Phone: (519) 856-9596 Ext. 112 Fax: (519) 856-2240
Toll-Free: 1-800-267-1465 Website: www.get.on.ca

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From: Linda Dickson [<mailto:lindad@wellington.ca>]
Sent: May-23-14 8:55 AM
To: Meaghen Reid
Subject: ZBA01/14 - TriCity Lands

Good morning Meaghen,

How are you? Hope all is well?

Meaghen I received the information with respect to the this application and I don't have any

comments to make with respect to this application.

Have a good weekend.

Linda Dickson, MCIP, RPP
Emergency Manager - CEMC
536 Wellington Rd 18, R.R. #1
Fergus, Ontario, N1M 2W3
Phone: 519-846-8058
Fax: 519-846-8482
Email: lindad@wellington.ca
[Emergency Management Website](#)



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
1-800-663-0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

June 27, 2014

Meaghen Reid, Clerk
Township of Guelph/Eramosa
8348 Wellington Rd 124
P.O. Box 700
Rockwood, ON N0B 2K0

Dear Ms. Reid:

**Re: Zoning By-law Application - File ZBA 01/14
To permit an aggregate extraction operation
Part Lot 14, 15 & 16, and Lots 17 & 18, Con. B
6939 Wellington Road 124 (Former Township of Guelph)
Proposed Spencer Pit – Tri City Lands Limited**

We provide the following comments in response to your circulation of the Notice of Complete Application for the above-referenced zone change application.

We understand that the purpose of the rezoning application is to permit the subject land to be used for aggregate extraction (above the water table). Based on the site plans filed by the applicant, the land to be licenced for aggregate extraction is approximately 51.16 hectares (126.4 acres) with the area of extraction being approximately 42.45 hectares (105 acres).

The applicant has also submitted a Class 'A' Category 3 (Pit Above Water) licence application with the Ministry of Natural Resources pursuant to the Aggregate Resources Act. The licence is to allow for aggregate extraction above the water table to a maximum annual production limit of 650,000 tonnes.

The applicant is required to demonstrate that the proposed land use change is consistent with the Provincial Policy Statement (PPS). Some of the provincial matters to be addressed include: extraction in prime agriculture areas; protection of water quality and quantity; protection and utilization of mineral aggregate resources; protection of natural heritage features, protection of cultural heritage and archaeology resources; and potential impacts on adjacent sensitive land uses.

According to Schedule A3 (Guelph/Eramosa) of the County Official Plan, the subject land is designated PRIME AGRICULTURAL. Lands immediately adjacent to the subject property (illustrated as 'Other lands owned by the Applicant') are within the CORE GREENLANDS designation. According to the applicant's site plans, the Core Greenlands areas are not part of the proposed extraction areas and are not areas to be rezoned to an extractive industrial category.

The County Official Plan identified the subject property as having the MINERAL AGGREGATE AREA boundary as the Official Plan existed the day the zone change application was deemed complete. Accordingly, an amendment to the Official Plan is not necessary to consider a zone change request to permit aggregate extraction. However, in assessing this rezoning application, the proponent must address the applicable policies of the County Official Plan and in particular those provided under Section 6.6 - Mineral Aggregate Areas.

Section 6.6.5, New Aggregate Operations, of the County Official Plan states: “In considering proposals to establish new aggregate operations, the following matters will be considered:

- a) the impact on adjacent land uses and residents and public health and safety;
- b) the impact on the physical (including natural) environment;
- c) the capabilities for agriculture and other land uses;
- d) the impact on the transportation system;
- e) the impact on any existing or potential municipal water supply resource area;
- f) the possible effect on the water table or surface drainage patterns;
- g) the manner in which the operation will be carried out;
- h) the nature of rehabilitation work that is proposed; and
- i) the effect on cultural heritage resources and other matters deemed relevant by Council.”

The applicant has submitted technical reports in support of their aggregate proposal. The Township should be satisfied that the applicant has adequately addressed all applicable Provincial and County policies and ensure that aggregate extraction, if approved, is carried out with as little social and environmental impact as practical. Provincial standards and guidelines should be used to assist in minimizing any potential impacts.

The following sections refer to specific matters that, in our view, require further information and consideration by the proponent.

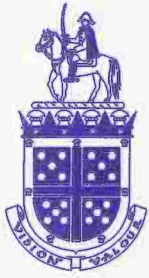
Entrance on County/Regional Roads

The subject land is situated west side of the Township of Guelph/Eramosa on the boundary with the City of Cambridge and Township of Woolwich. The subject property has frontage on Wellington Road 124 and Hespeler Road (Regional Road 24). As such, the proposed entrance for the proposed use will need to be reviewed by both the County and Region of Waterloo. Separate comments on this matter will be provided by the County Engineering Department.

Proposed Removal of the Woodland Feature

There is a large hardwood bush on the south side of the subject property that the applicant intends to remove. The Natural Environment Report prepared by Stantec indicates that “the wooded area in the proposed license area (as delineated by the FOD5-1, FOD3-1 and CUW1-3 complex) is approximately 6.03 ha in area. This area is below the size required for significance in the Wellington County Official Plan. As such, it has not been included in the Greenlands system as shown on Schedule A3 of the Wellington County Official Plan.”

Within the current County Official Plan, woodlands of 10 hectares or larger are deemed to be significant. However, Section 5.5.4 states: “Smaller woodlots may also have local significance and, where practical, these smaller woodlots should be protected”. We would also note that in 2013 County Council adopted Official Plan Amendment 81 which reduced the size requirement for significant woodlands to 4 hectares. Official Plan Amendment 81 was approved by the Ministry of Municipal Affairs in April 2014 (but appealed in relation to site specific property concerns).



COUNTY OF WELLINGTON

OFFICE OF THE COUNTY ENGINEER
ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH ON N1H 3T9
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T 1.866.899.0248
F 519.837.8138

GORDON J. OUGH, P. Eng.
COUNTY ENGINEER

MEMORANDUM

TO: Bernie Hermsen, MHBC Planning – bhermsen@mhbcplan.com
Meaghen Reid, Clerk, – Township of Guelph/Eramosa
Aldo Salis, Manager of Development Planning – County of Wellington
Bruce Erb, Corridor Management – Region of Waterloo
BErb@regionofwaterloo.ca

FROM: Pasquale Costanzo, Technical Services Supervisor - County of Wellington

RE: Zoning By-law Amendment Application ZBA 01/14
TriCity Lands Ltd. – Spencer Pit, 6939 Wellington Road 124
Div B Part Lots 14, 15, and 16 and Lots 17 and 18
Township of Guelph/Eramosa, County of Wellington

DATE: July 2, 2014

The Wellington Roads Division request that a formal meeting be held with the proponent to discuss the proposed entrance location and any required improvements to accommodate pit operations at the intersection of Wellington Road 124 and Kossuth Road. The Region of Waterloo Corridor Management shall be present at the meeting as Two Regional road (Kossuth Road and Hespeler Road) meet at this intersection.

Sincerely

Pasquale Costanzo C.E.T.
Technical Services Supervisor

June 2, 2015

Aldo Salis
County of Wellington
Department of Planning and Development
Administration Centre
74 Woolwich Street
Guelph, ON
N1H 3T9



**Re: Proposed Spencer Pit
Part of Lots 14-16, Lots 17 and 18, Concession B, Township of Guelph-Eramosa**

Dear Mr. Salis,

Further to your letter of June 27, 2014, we are pleased to provide the following response to the items raised.

Entrance on County / Regional Roads

At our request, a meeting was held in September 2014 with the County Roads Division to discuss the entrance. The Region of Waterloo was invited to attend, however Mr. Bruce Erb indicated to the County that as the entrance was in Wellington, they were content to leave the review to the County of Wellington and therefore did not attend.

The County has agreed that the proposed entrance to this property should function well with the necessary road improvements as agreed to.

Since that time, we have been unable to substantially further the discussion on the details of the intersection required despite several attempts on our part. We remain ready to finalize the detailed design with the County.

Proposed Removal of the Woodland Feature

The County refers to the on-site woodland as “a large hardwood bush” approximately 6.03 ha in area. While the area is consistent with that presented in the Report, it is important to note that the “hardwood” component of this woodlot relates only to the FOD5-1 community, which is a Dry-Fresh Sugar Maple Deciduous Forest (as defined using Ecological Land Classification, or ELC), and covers an area of 3.05 ha. The balance of the woodland consists of ELC communities typically associated with “softwood” species and cultural hawthorns; the FOC3-1 community (Dry-Fresh Poplar Deciduous Forest) covers an area of 1.92 ha and the CUW1-3 (Hawthorn Cultural Woodland) covers 1.06 ha. As such, only about half of the woodland should be considered “hardwood bush”.

Harrington McAvan Ltd - Landscape Architects

6882 14th Avenue, Markham, Ontario L6B 1A8 Phone: 905-294-8282 Fax: 905-294-7623
Offices in Markham, Cambridge, and Aylmer Ontario Visit us on the web at www.harringtonmcavan.com

The County refers to Section 5.5.4 of the Wellington County Official Plan, which states that “smaller woodlots [i.e., <10ha] may also have local significance and, where practical, these smaller woodlots should be protected”. As there are no guidelines for what would constitute “local significance” in the Official Plan, the Natural Heritage Reference Manual (MNR, 2010) provides the appropriate guidance for determining significance of woodlands that don’t meet the minimum size requirements. Based on our review of the on-site woodlot with the significant woodland criteria provided in the Natural Heritage Reference Manual, the woodlot does not meet any of the criteria that would qualify it as significant (see Section 5.5 of the Report).

As noted by the County, OPA 81 reduced the size requirement for significant woodlands in the County of Wellington to 4 ha. OPA 81 was not, however, in force when the Report was submitted to the. As a result, we are of the opinion that the minimum size requirements prescribed in the Official Plan at the time of submission (i.e., 10 ha) remain in force for this application.

The MNR may have only considered the 3.05 ha FOD5-1 community as “woodland”, which may explain why MNR mapping estimated that woodlot to be less than 4 ha. As described previously, the balance of the feature consists primarily of softwood species and cultural hawthorns. Despite the discrepancy in the size of the woodland in the MNR mapping (i.e., < 4 ha) and Stantec’s delineation (i.e., 6.03 ha), the woodland fails to meet the minimum size criteria in force at the time of submission of the Report (i.e., 10 ha). Furthermore, as the woodlot fails to meet any of the other criteria for significance for woodlots smaller than 10 ha, Stantec remains of the opinion that the woodlot is not significant.

Recycling Facility Within This Proposed Licensed Area

The proposed recycling facility is mainly for recycling of asphalt and concrete. Some recycling of granular from the road bed may also occur. The recycled material will be stockpiled as and when it arrives until sufficient quantity exists to warrant processing. For quality control, stockpiles must be segregated to prevent different materials from mixing. Processing is usually limited to crushing and stockpiling, however stockpiles must also be segregated to maintain the quality of the final product. Final products require a loading area where trucks can be loaded and the material shipped to market. The segregation of materials as described is essential to product “acceptable recycled aggregates” as defined by the Aggregate Recycling Promotion Act 2014. Five acres is required to accommodate these activities.

Rehabilitation of Prime Agricultural Land

The areas around the towers will have 3:1 side slopes as will the side slopes around the pit. These can be used as pasture or hay and are still available for agricultural use. There are other areas of the site which cannot presently be cultivated such as hedgerows, steeper slopes, the wooded areas, old foundations and areas around the existing buildings which will be made available for cultivation. These total about 7 ha. The proposed gentle slopes, pit floor and large open fields will be more conducive to the use of large modern agricultural equipment making it more efficient to cultivate, plant and harvest crops. The removal of the sandy soils and leveling of the pit floor should also make moisture more readily available to crops. In the final analysis, the property should have more

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arable land available for use and this land should be more efficient to work. We believe that this meets or exceeds the PPS requirements.

We hope that the information provided has satisfactorily addressed comments in your letter. Please let us know if you require further information.

Sincerely,

HARRINGTON McAVAN LTD.

A handwritten signature in black ink, appearing to read "Glenn D. Harrington". The signature is fluid and cursive, with a prominent loop at the end.

Glenn D. Harrington, OALA, FCSLA
Principal

GDH/sh



The Corporation of the County of Wellington

74 Woolwich Street, Guelph, Ontario N1H 3T9
519.837.2600 fax 519.837.8138 www.wellington.ca

November 6, 2015

CW File No: 124-Eng-Kosuth Road Intersection

Harrington McAvan Ltd.
6882 14th Avenue
Markham, ON L6B 1A8

Attn: Mr. Glenn D. Harrington, OALA, FCSLA

RE: Proposed Spencer Pit
Pit Entrance Request at Kosuth Road

Dear Sir;

Further to your letter dated September 23, 2015 the County of Wellington does not object in principal to the request for a fourth leg to be added to the Wellington Road 124 and Kosuth Road intersection to accommodate an entrance to the proposed Spencer Pit.

Based on the attached peer review that was completed on your traffic impact study, the County will not approve an entrance until all comments have been addressed satisfactorily.

The County will work with the proponent to determine the best design and type of intersection to meet both the proponent's needs for an entrance as well as the long term needs of the forecasted traffic volumes. Details related to financial arrangements will be determined at a later time.

Should you have any questions, do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink that reads "Mark Eby".

Mark Eby, P.Eng.

Construction Manager
ME/me

cc: Gord Ough, County Engineer, County of Wellington
Ian Roger, CAO, Guelph Eramosa Township
Gary Cousins, Director, Planning and Development, County of Wellington



**TRITON
ENGINEERING
SERVICES
LIMITED**
Consulting Engineers

Memorandum

DATE:	October 15, 2015
TO:	Pasquale Costanzo
FROM:	Howard Wray, P. Eng.
RE:	Traffic Impact Assessment Tri City Lands Ltd. Proposed Spencer Pit
FILE:	A690015 03

We have undertaken a peer review of the Traffic Impact Assessment, April 2014, prepared by GHD on behalf of Tri City Lands Ltd. for the proposed Spencer Pit in the Township of Guelph Eramosa, County of Wellington. The proposed access to the pit is to Wellington Road 124 at the signalized intersection with Kossuth Road (Waterloo Regional Road 31)

We have identified the following comments and areas of concern with respect to road operations.

Existing Intersection Operations (Section 2.3)

The existing intersection Level of Service has been calculated to be LOS B. The report notes that WR 124 just east of Kossuth Road has existing traffic volumes (counted in 2013) that exceed the theoretical capacity of a two lane arterial road. GHD note that the actual capacity has not been met since the road has been observed to be operating satisfactorily (with some evident queuing).

County staff may have more observations of traffic operations on WR 124, but it appears that the road is at or very near capacity now. The report identifies that widening is not programmed by 2020.

Future Traffic Growth (Section 3.2)

The report identifies that the opening of the new Fairway Road Bridge in December 2012 has increased the traffic growth on Kossuth Road, and made it difficult to apply a growth rate. GHD adopted an annual growth rate of 5% to calculation Future Background Traffic Growth. This is a very high annual rate, and as a result, forecast 2015 and 2020 traffic volumes are very high. Calculations showing how the growth rate was calculated were not provided in the report, so we cannot verify whether this growth rate is reasonable.

Future Background Traffic Conditions (Section 3)

The report found that under background traffic growth, by 2015 intersection operations would still be acceptable without capacity improvements, but by 2020 the existing intersection will reach its design capacity. Due to the already high traffic volumes and high annual growth rate, it is not unexpected that capacity deficiencies will be forecast.

Site Generated Traffic (Section 4)

Traffic Impact Studies typically estimate site traffic volumes from average production and truck size, with adjustments for seasonal variations and daily peaking. There are no published standards for these variations. We have reviewed the assumptions used by GHD and consider them to be reasonable, although we do not consider them to be overly conservative. They have used a Passenger Car Equivalency (PCE) of 3.5 for loaded trucks and 2.0 for empty trucks, which is acceptable. In summary the values used are acceptable for the analysis, but higher peaks could be encountered at times based on pit operations.

Total Future Traffic Impact Analysis (Section 5)

Access at the signalized intersection directly across from Kossuth Road is proposed, as illustrated in figure 7. GHD are recommending a southbound left turn lane to separate the trucks from the through traffic. We concur that this lane is required for this reason and to oppose the existing northbound left turn lane. GHD are recommending a northbound right turn taper. This should be a taper and parallel lane to allow for queuing at the signal. All taper and parallel lane lengths should be reviewed to confirm they meet design requirements for the design speed as well as the intersection geometrics. A detailed review of the proposed intersection design has not been undertaken as part of this review.

The GHD Report analyzed the Kossuth Road intersection with the addition of the proposed pit access. They are forecasting overall intersection LOS C in 2015. However, in reviewing individual lane movements, some are approaching v/c of 1.0 (capacity) and increased queue lengths in comparison to the tee intersection are forecast. The key lanes are Kossuth Road EB Through/Left and Wellington Road 124 NB Through in the AM Peak, and SB Through in the PM Peak.

GHD conclude that the site traffic will not make intersection operations "*significantly worse*" In our opinion, with certain movements forecast to be near capacity, we do not consider that this can be concluded with certainty.

At the 2020 forecast traffic volumes, the intersection will be over capacity without the provision of additional through lanes. GHD attribute this to background traffic growth, and note that "*the truck trips introduced by the Spencer Pit do not trigger the widening of this facility.*" We acknowledge that it is largely driven by background traffic growth, but in the absence of plans to widen the facility, its ability to accept an additional entrance is in question.

CLOSING COMMENT

The intersection of WR 124 and Kossuth Road is forecast to reach capacity prior to 2020, with or without the addition of a fourth leg to access the proposed gravel pit. Accordingly it does not seem prudent to construct certain improvements (turn lanes) and allow an additional entrance when operations would meet capacity within 5 years. The need for additional lanes at the intersection should be investigated.

From: [April Szeto](#)
To: [Sara Harrington](#)
Subject: FW: Proposed Spencer Pit (Guelph 635.06-4586)
Date: January-06-16 10:07:39 AM
Attachments: [Guelph 635.06-4586 PMP Spencer Pit.doc](#)

From: joan.zhao@HydroOne.com [mailto:joan.zhao@HydroOne.com]
Sent: Monday, January 13, 2014 5:03 PM
To: April Szeto <april@harringtonmcavan.com>
Subject: Proposed Spencer Pit (Guelph 635.06-4586)

April,

This is further to our phone conversation of past Friday. In reply to the Spence Pit proposal dated October 31, 2013, Hydro One have completed review of the summited plan. We require the proponent to revise the proposal per following comments from Hydro stakeholders.

1. All transmission towers must be accessible to Hydro One crews. Access will be provided by a road to each tower or by a road between towers. This road must have a minimum width of 6 m (20'). The slope of this road should not be steeper than 10:1. Sharp curves in the roads should be avoided when possible.
2. The plan shown 15 meters undisturbed area around each tower base. However we have some concern over extracting sand and gravel up to the 15m undisturbed footprint and replacing with other material. We wonder how this can be accomplished; making a vertical cut in sandy material to depth of 9 to 12 meters? We need explanation how this would be achieved.
3. The proponent should provide an access route and 15 meters clearance zone for Structure 56 (see attached map) similar to that of the other structures on the corridor, as this is not indicated on the drawings. The Operational Plan on Drawing Number 2 of 2 does not demonstrate access to Structure 56, which is located in Area 4b.
4. The proponent should provide cross sections of the access route for Hydro One maintenance vehicles, indicating slopes that the vehicles will need to traverse. The slope of this road should not be steeper than 10:1.
5. A fence should be installed along the 15 meters undisturbed area around each tower as workpad space for Hydro maintenance crew. A gap or gate in the fence would be required where the access route connects to this area.
6. Proper anchor and footing stability must also be maintained.
7. On the easement corridor lands: No flammables are to be used or stored, no snow stockpiling will be permitted, and garbage bins are not to be stored there. Any pit rehabilitation that involves trees needs to be completed outside the easement (no planting in the easement lands).
8. Should fencing and the access to the pit out outside the existing easement Hydro One has acquired, the lands owner are required to grant Hydro One with a new easement.
9. Any berm to be installed require approval for clearances.

Please forward a revised plan to this office. Upon receipt, we will circulate to our stakeholders for further review/approval.

Thanks,

Joan Zhao SR/WAt

Sr. Real Estate Coordinator
Facilities & Real Estate
Hydro One Networks Inc.

T: (905) 946-6230 | F: (905) 946-6242

P.O. Box 4300 | Markham ON | L3R 5Z5

Courier: 185 Clegg Road | Markham ON | L6G 1B7

joan.zhao@hydroone.com

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November 26, 2015

Joan Zhao, Sr. Real Estate Coordinator
Facilities & Real Estate
Hydro One Networks Inc.
185 Clegg Road
Markham, ON L6G 1B7



Re: Proposed Spencer Pit (Guelph 635.06-4586)

Our Project # 10-47

Dear Ms. Zhao:

Further to your email dated January 13, 2014, we are pleased to provide clarification on the following details regarding the proposed Spencer Pit site plans.

- 1. All transmission towers must be accessible to Hydro One crews. Access will be provided by a road to each tower or by a road between towers. This road must have a minimum width of 6m (20'). The slope of this road should not be steeper than 10:1. Sharp curves in the roads should be avoided when possible.*

Structure 51 and 52 will be accessible through the existing approach from the road allowance adjacent to Wellington Road 124, the lands on the northwest side of the towers will remain unchanged. A 6m wide access road has been provided for Structure 53, 54, 55 and 56. There will be no changes to Structure 57 as it is not part of the property/ proposed licence boundary. Refer to Rehabilitation Plan for details.

- 2. The plan shows 15 meters undisturbed area around each tower base. However we have some concern over extracting sand and gravel up to the 15m undisturbed footprint and replacing with other material. We wonder how this can be accomplished; making a vertical cut in sandy material to depth of 9 to 12 meters? We need explanation on how this would be achieved.*

Sand and gravel laid down by melting glaciers retains a vertical face when extracted and for years if left. We have seen extraction faces of 30 m remain stable. This is in part due to the nature of the material and its deposition, but also because vertical faces are not subject to surface runoff as a slope would be. We have enclosed photos of vertical faces.



Figure 1. Vertical sand and gravel face (+/- 30m) during active extraction.



Figure 2. Vertical sand face (+/- 8m) during active extraction.

Excavation will proceed to the setback 15m from the base of the tower. Even at the maximum face height of 9m, this is well beyond the bearing area of the towers (45° from footing). When excavation is complete, the slope will be backfilled to 3:1, top-soiled, and revegetated. We have enclosed photos of existing pits with hydro towers within the license which have existed without incident for many years.

Harrington M^cAvan Ltd - Landscape Architects

6882 14th Avenue, Markham, Ontario L6B 1A8 Phone: 905-294-8282 Fax: 905-294-7623
Offices in Markham, Cambridge, and Aylmer Ontario Visit us on the web at www.harringtonmcavan.com

In order to assure you that towers will not be left with exposed pit faces, we would propose to add a condition to the plans which would require extraction faces to be backfilled with 1 year of extraction to the 15m setback.



Figure 3. Rehabilitated pit face in close proximity to hydro towers.

3. *The proponent should provide an access route and 15 meters clearance zone for Structure 56 (see attached map) similar to that of the other structures on the corridor, as this is not indicated on the drawings. The Operational Plan on Drawing Number 2 of 2 does not demonstrate access to Structure 56, which is located in Area 4b.*

Structure 56 includes a 15m clearance zone, similar to the other 15m clearance zone surrounding the hydro towers located within the proposed licence boundary. Graphically, this structure has been shown with a hatch pattern indicating that the area will not be disturbed; the other structures do not have this hatch pattern. The Operational Plan will be revised to clarify that all hydro towers (including Structure 56) will be protected.

It should be noted that the rehabilitation of the pit is to one large agricultural field and no new structures are proposed anywhere on the property.

4. *The proponent should provide cross sections of the access route for Hydro One maintenance vehicles, indicating that slopes that the vehicles will need to traverse. The slopes of this road should not be steeper than 10:1.*

We have added a section of the access road to be provided to all towers.

5. *A fence should be installed along the 15 meters undisturbed area around each tower as workpad space for Hydro maintenance crew. A gap or gate in the fence would be required where the access route connects to this area.*

Harrington M^cAvan Ltd - Landscape Architects

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Fencing and gates will be provided to secure the structures while providing access for maintenance. The Operational Plan/ Rehabilitation Plan has been revised to show the fencing/ gates.

6. *Proper anchor and footing stability must also be maintained.*

As mentioned earlier, the typical standard for footing stability is 45° from the bottom of the footing, or a slope of 1:1. Assuming a footing depth of 1.5m, this would be 8.5m above bedrock in the worst case. A setback of 8.5m would therefore be sufficient in the spot and less everywhere else. The setback of 15m is therefore almost twice what is required. We have provided a section of this area of tower 53, which is the highest (worst case) tower.

7. *On the easement corridor lands: No flammables are to be used or stored, no snow stockpiling will be permitted, and garbage bins are not to be stored there. Any pit rehabilitation that involves trees need to be completed outside the easement (no planting in the easement lands).*

Fuel, oil, radiator, hydraulic fluid and other chemicals needed on site will be stored appropriately in above-ground containers and will be located in Area 4a (west of Structure 55), approximately 100m outside of the easement corridor lands. Refer to Operational Note #25.

8. *Should fencing and the access to the pit out outside the existing easement Hydro One has acquired, the lands owner are required to grant Hydro One with a new easement.*

We do not believe that this will be required. The easement should remain accessible at all times.

9. *Any berm to be installed require approval for clearances.*

There are no berms proposed to be constructed within the easement corridor lands. We will add a note to the plans stating that should any construction of berms within the easement be required, it must be with written permission of Hydro One.

Sincerely,

HARRINGTON McAVAN LTD.

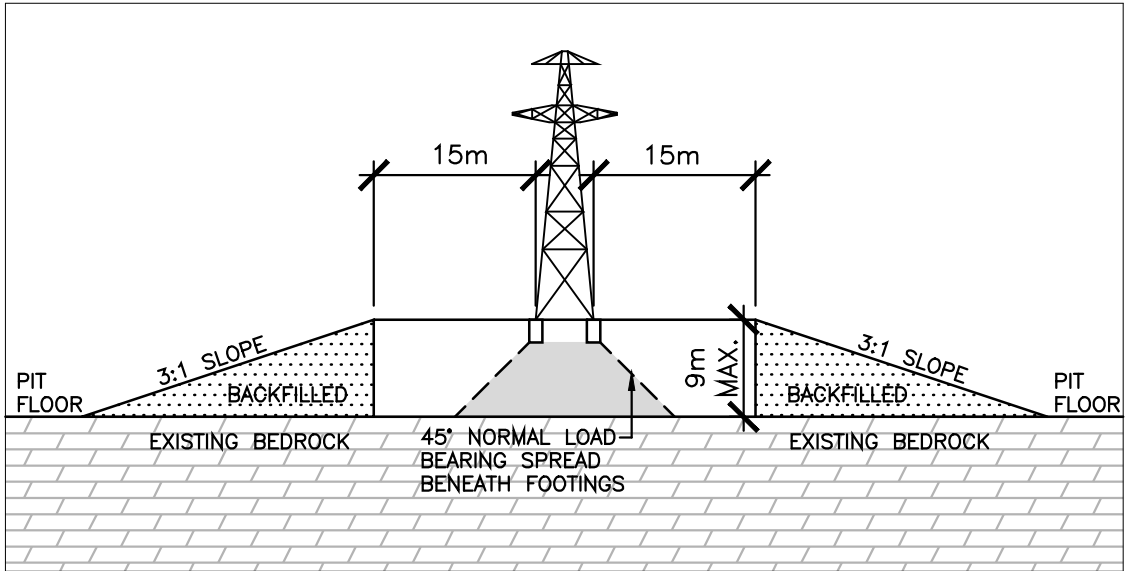


Glenn D. Harrington, OALA, FCSLA
Principal

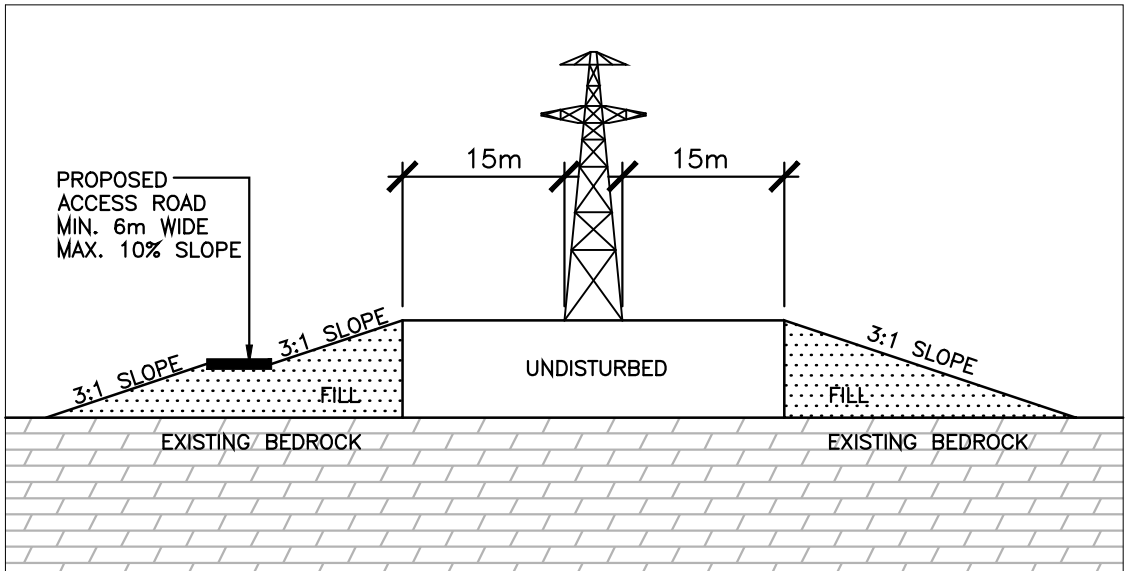
Enclosures

Harrington M^cAvan Ltd - Landscape Architects

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SECTION 1



SECTION 2

November 13, 2015

Glenn Harrington, Principal
Harrington McAvan Limited
6882 14th Avenue
Markham ON
L6B 1A8

Re: MNRF Comments - Tri City Lands Ltd. Spencer Pit - Category 3, Class A Licence Application under the *Aggregate Resources Act*, Part of Lots 14-16, Lots 17 & 18, Concession B, Township of Guelph-Eramosa, County of Wellington

Mr. Harrington

The Ministry of Natural Resources and Forestry (MNRF) Guelph District Office is in receipt of the updated 'draft' site plans (provided on November 4, 2015) submitted in support of the proposed Spencer Pit license application. The site plans are also supported by two technical memorandums for Eastern Wood-Pewee (dated October 7, 2015) and Giant Swallowtail Butterfly (dated November 9, 2015) from Stantec. The MNRF has had an opportunity to review the response, and can provide the project team with the following comments for your consideration.

The Ministry's most recent objection letter was dated September 23, 2015. The MNRF's comments identified that an 'Overall Benefit Permit' under the *Endangered Species Act* (ESA) is required to address impacts to protected habitat for Little Brown Myotis, and the recommendation that further discussion be provided for Eastern Wood-Pewee and Giant Swallowtail Butterfly.

Meetings between the MNRF and the project team on October 2 and 22, 2015 provided an opportunity to discuss approaches that may be appropriate to address the comments in the Ministry's September 23, 2015 objection letter.

The comments below are focused on the discussions to-date for Little Brown Myotis, Eastern Wood-Pewee, and Giant Swallowtail Butterfly. Please note that the MNRF may have additional comments on the site plans when these comments have been addressed by the project team.

MNRF Comments

Little Brown Myotis

The MNRF objection letter noted that the surveys completed to-date for Little Brown Myotis indicates that the on-site woodland is protected habitat for the species. Little Brown Myotis is listed as endangered under the ESA, and the species receives both individual and general habitat protection under the Act.

During the October 2015 meetings, MNRF staff agreed in principle that there may be opportunities to address the ESA protection afforded to Little Brown Myotis on the site plans, by including direction that describes the legislative requirements of the Act. The MNRF is open to considering this approach for this application. This is based, in-part, on the draft site plans confirming that the operations of the site can function with the woodland being retained, if required under the ESA, and the surveys completed to-date for Little Brown Myotis.

For this approach to be effective, however, further revisions to the plans are required to clearly show how the species' habitat is to be protected, the conditions that will need to be satisfied to support the woodland removal, and the different rehabilitation scenarios that may result. It is recommended that an additional meeting be scheduled to help finalize this direction on the site plans. In support of this meeting, the MNRF has drafted some preliminary wording for the Operational and Rehabilitation Plans that may help to inform how this approach could be integrated on the site plans (see below).

Operational Plan – New Notes

As shown on the plans, protected habitat for species at risk has been identified within the woodland in the licensed area. To ensure consistency with the Endangered Species Act (ESA), the current limit of extraction shall be setback 5 meters from the drip-line of the woodland. The inset on this plan also identifies a conditional limit of extraction in Areas 1 and 2. No extraction activities will be permitted within the conditional limit of extraction, until the following has been addressed to the satisfaction of the MNRF:

- i. The issuance of an authorization under Section 17 (2) (c) of the ESA permitting the removal of the woodland; or*
- ii. The MNRF determining that an authorization under the ESA is not required to support the woodland removal.*

The issuance of an authorization under Section 17 (2) (c) of the ESA may also require additional approvals under the Aggregate Resources Act (e.g. plan amendment) to ensure the site plans accurately reflect the conditions of the permit as required.

Prior to extraction activities commencing on the site, silt fencing shall be installed along the 5 meter setback from the drip-line of the woodland. The silt fencing shall be maintained in good condition. If extraction activities are permitted within the conditional limit of extraction as described above, the silt fencing around the woodland will no-longer be required.

Rehabilitation Plan – New Notes

The current details on the Rehabilitation Plan show the retention of the woodland. In accordance with technical note # XX on the Operational Plan, extraction activities may be permitted to remove the woodland, subject to the approval of the MNRF. This will result in the conditional limit of extraction area being rehabilitated to an agricultural condition, as shown on the inset to this plan.

Giant Swallowtail Butterfly

The Stantec technical memorandum (dated November 9, 2015) provides recommendations to address the identified habitat for Giant Swallowtail Butterfly on the site plans. It is understood that some of the Prickly Ash specimens will be retained in the southern regulatory setback, and the specimens within the limit of extraction will be transplanted within and adjacent to the retained patch. These areas have also been identified on the draft Operational Plan. The MNRF agrees in principle with the proposed direction to address Giant Swallowtail Butterfly on the plans, but staff recommends some minor revisions be considered in the proposed note (highlighted in red).

Operational Plan Technical Recommendations – Natural Environmental Assessment

*Specimens of American prickly ash (*Zanthoxylum americanum*) will be retained within the setback. An additional 12-15 specimen from within the extraction limits will be transplanted into the setback, within the retained patch and adjacent to the stand from where they are to be removed. **The retained and transplanted areas for American prickly ash have been identified on both the Operational and Rehabilitation Plans.** Appropriate silt fencing will be installed and maintained around both the retained patch and transplanted specimens. The health of the transplanted specimens will be monitored as part of annual compliance monitoring, and any dead plants will be replaced within a year.*

Eastern Wood-Pewee

As indicated in the MNRF email dated October 15, 2015, staff agrees that the retained woodland on the site will maintain the existing breeding function for Eastern Wood-Pewee that was documented in the application reporting. The MNRF has no further concerns regarding Eastern Wood-Pewee.

Closing

The Ministry appreciates the project team's attention to our September 23, 2013 objection letter.

The MNRF agrees in principle that the legislative requirements of the ESA for Little Brown Myotis can be addressed on the site plans. It is recommended, however, that an additional meeting be scheduled to discuss how best to integrate this direction on the plans. Some preliminary direction for the site plans have been provided above that may help to facilitate this discussion. It is also recommended that some minor revisions to the plans for Giant Swallowtail Butterfly be considered by the project team.

It may also be appropriate to advise the planning approval authority(s) of the potential approaches that may be included on the site plans to address the ESA, to inform their review of the required *Planning Act* applications.

In light of the above, the MNRF maintains its objection to the license application at this time. The Ministry hopes to be in a position to withdraw its objection following the resolution of these outstanding matters.

The Ministry would be pleased to discuss the content of this letter with the project team. Please contact the undersigned if further comment or clarification is required.

Regards,

A handwritten signature in black ink, appearing to read 'D. Marriott', written in a cursive style.

Dave Marriott, District Planner
Ministry of Natural Resources, Guelph District
1 Stone Road West
Guelph, ON, N1G 4Y2
Phone: (519) 826-4926

cc: Ian Thornton, MNRF
Seana Richardson, MNRF
Graham Buck, MNRF

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From: joan.zhao@HydroOne.com [mailto:joan.zhao@HydroOne.com]
Sent: Tuesday, April 22, 2014 10:41 AM
To: April Szeto
Subject: RE: Proposed Spencer Pit (Guelph 635.06-4586)

We have yet to receive revised drawings for this project. What is the status of it?

Joan Zhao SR/WA

Sr. Real Estate Coordinator
Facilities & Real Estate
Hydro One Networks Inc.

T: (905) 946-6230 | F: (905) 946-6242

P.O. Box 4300 | Markham ON | L3R 5Z5

Courier: 185 Clegg Road | Markham ON | L6G 1B7

joan.zhao@hydroone.com

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From: ZHAO Joan
Sent: Thursday, February 20, 2014 11:00 AM
To: 'April Szeto'
Subject: RE: Proposed Spencer Pit (Guelph 635.06-4586)

April,

Please send us 3 sets of hard copies for the revision. We don't have the facilities to print off e-copy.

Thanks,

Joan Zhao SR/WA

Sr. Real Estate Coordinator
Facilities & Real Estate
Hydro One Networks Inc.

T: (905) 946-6230 | F: (905) 946-6242

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From: April Szeto [mailto:April@harringtonmcavan.com]
Sent: Thursday, February 20, 2014 10:53 AM
To: ZHAO Joan
Subject: RE: Proposed Spencer Pit (Guelph 635.06-4586)

Hi Joan,

The drawings are currently being revised and are expected to be ready for further review and approval by your stakeholders soon.

Could you please let me know if pdf's of the drawings can be forwarded to you when they're ready or are hardcopy sets needed to facilitate the review and approval?

Thanks,

April

From: joan.zhao@HydroOne.com [<mailto:joan.zhao@HydroOne.com>]
Sent: Thursday, February 20, 2014 10:37 AM
To: April Szeto
Subject: RE: Proposed Spencer Pit (Guelph 635.06-4586)

April,

Where is the status of revised drawings?

Joan Zhao SR/WA

Sr. Real Estate Coordinator
Facilities & Real Estate
Hydro One Networks Inc.

T: (905) 946-6230 | F: (905) 946-6242

P.O. Box 4300 | Markham ON | L3R 5Z5

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From: ZHAO Joan
Sent: Monday, January 13, 2014 5:06 PM
To: April Szeto (April@harringtonmcavan.com)
Subject: Proposed Spencer Pit (Guelph 635.06-4586)

April,

This is further to our phone conversation of past Friday. In reply to the Spence Pit proposal dated October 31, 2013, Hydro One have completed review of the summited plan. We require the proponent to revise the proposal per following comments from Hydro stakeholders.

1. All transmission towers must be accessible to Hydro One crews. Access will be provided by a road to each tower or by a road between towers. This road must have a minimum width of 6 m (20'). The slope of this road should not be steeper than 10:1. Sharp curves in the roads should be avoided when possible.
2. The plan shown 15 meters undisturbed area around each tower base. However we have some concern over extracting sand and gravel up to the 15m undisturbed footprint and replacing with other material. We wonder how this can be accomplished; making a vertical cut in sandy material to depth of 9 to 12 meters? We need explanation how this would be achieved.
3. The proponent should provide an access route and 15 meters clearance zone for Structure 56 (see attached map) similar to that of the other structures on the corridor, as this is not indicated on the drawings. The Operational Plan on Drawing Number 2 of 2 does not demonstrate access to Structure 56, which is located in Area 4b.
4. The proponent should provide cross sections of the access route for Hydro One maintenance vehicles, indicating slopes that the vehicles will need to traverse. The slope of this road should not be steeper than 10:1.
5. A fence should be installed along the 15 meters undisturbed area around each tower as workpad space for Hydro maintenance crew. A gap or gate in the fence would be required where the access route connects to this area.

6. Proper anchor and footing stability must also be maintained.
7. On the easement corridor lands: No flammables are to be used or stored, no snow stockpiling will be permitted, and garbage bins are not to be stored there. Any pit rehabilitation that involves trees needs to be completed outside the easement (no planting in the easement lands).
8. Should fencing and the access to the pit out outside the existing easement Hydro One has acquired, the lands owner are required to grant Hydro One with a new easement.
9. Any berm to be installed require approval for clearances.

Please forward a revised plan to this office. Upon receipt, we will circulate to our stakeholders for further review/approval.

Thanks,

Joan Zhao SR/WAT

Sr. Real Estate Coordinator
Facilities & Real Estate
Hydro One Networks Inc.

T: (905) 946-6230 | F: (905) 946-6242

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June 20, 2014
Our File: 114006-2

Township of Puslinch
RR 3, 7404 Wellington Road 34
Guelph, ON N1H 6H9

Attention: Mr. Robert Kelly
Chief Building Official

Re: Hydrogeologic Assessment – Peer Review
Prepared by Groundwater Science Corp.
Proposed Spencer Pit
Township of Guelph/Eramosa

Dear Mr. Kelly:

As per your request, we have reviewed the Report entitled '*Hydrogeologic Assessment – Tri City Lands Ltd. Proposed Spencer Pit, Part Lots 14, 15, 16 and Lots 17 & 18, Concession B, Township of Guelph/Eramosa, County of Wellington*' (February 2014) prepared by Groundwater Science Corp (GSC). This report was completed as part of a Category 3, Class "A" License Application under the Aggregate Resources Act (ARA) to extract more than 20,000 tonnes of aggregate per year from "above the water table". We provide you with the following comments pertaining to the Hydrogeological Assessment and in response to the circulation regarding a zoning by-law amendment application. We understand the recommendations provided herein may be submitted and form an objection under the ARA consultation process.

The 51.16 hectare (126.4 acre) subject property is located in the southwest portion of the Township of Guelph/Eramosa and abuts the Township of Puslinch along its southerly boundary. The proposed extraction area is 42.45 hectares (104.9 acres) with a proposed annual tonnage limit of 650,000 tonnes. Based on the results of the Geotechnical Investigations associated with the site, it has been determined that there is a minimum of approximately 2.0 million tonnes of sand and gravel above the water table. The projected Site Life of the Spencer Pit is estimated to be between 5 to 7 years.

The Hydrogeological Report was prepared to characterize the site setting, groundwater occurrence and water table elevations, and to investigate the potential for adverse effects on the local water resources. The investigative methodology included a review of background reports, including site-specific data (i.e. previous test pit investigations) and additional field investigations including borehole logging, monitoring well installation and water level measurements. The aggregate extraction is to occur from a minimum of 1.5 m above the water table and no dewatering or groundwater diversion will reportedly occur as part of the operation. However, as noted in the Hydrogeologic Assessment, the proposed aggregate processing would include washing activities, which may require a separate application for a Permit to Take Water (PTTW) and Environmental Compliance Approval (ECA) from the Ministry of the Environment (MOE). The PTTW and/or ECA application would include the preparation of technical support documents and a separate review of the potential impacts by the MOE.

Private Water Wells

The local water well records on file with the MOE Water Well Information System were reviewed and summarized by GSC to assess both the geology and hydrogeology. The water well records indicate that the majority of the 27 wells identified within (or just beyond) 500 m of the site are completed in bedrock to depths of 10.6 to 61.6 m

below ground surface (bgs) and one well is completed in the overburden to a depth of 13.1 m. It is noted that upon further review, this overburden domestic well is reportedly located to the southwest and crossgradient to the Site and, based on the figure provided, is situated beyond the 500 m radius. Based on our review, it is assumed that GSC has inferred that impacts to this overburden well are not likely.

With respect to the water supply wells, we generally concur with the report findings that:

'the bedrock aquifer forms the primary source of water for local supply wells. All of the local water supply wells are located upgradient (east and north) or cross-gradient (north or south) of the site. There are no reported domestic wells located downgradient of the Site, between the site and either the existing quarry or river.'

However, given that the coordinates provided in the MOE well records are not always accurate combined with the proximity of the proposed pit to several residences along Hespeler Road, it is suggested that correlation of the MOE well records to the nearby residences be attempted. Based on the dwelling locations shown in the Figures provided, the wells associated with several properties situated to the north and west of the Site along Hespeler Road/Hwy 124 are likely within 100 m of the Site. In addition, the Summary Report (April 2014) prepared by Harrington McAvan Limited indicates that the closest off-site residence is located to the west of the property, which, based on the Figures provided, appears to abut the property line to the west. No well was identified for this parcel of land within the MOE Well Records, even though it is reasonable to expect that one would exist (where no municipal services are available).

While we concur that it is reasonable to expect that the proposed aggregate operation will not impact local bedrock water supply wells, we recommend that the existence, location, type and construction of nearby wells be further investigated through, as a minimum, a door to door survey. Such information will likely be required for a PTTW and would assist in the event of an interference complaint. It is recommended that the survey encompass properties to the north and west of the site that have frontage along Hespeler Road/Hwy 124 and any dwellings identified within 120 m of the Site. This type of survey would also facilitate a review of the potential existence of shallow domestic water wells, dug or otherwise, that may be present in proximity to the site.

Groundwater Elevation Map

The report suggests that the water table occurs within the unconfined bedrock aquifer, and slopes relatively steeply from west to east and that the water table along the southeast and east edges of the site is controlled by surface water features (with assumed discharge to these features) adjacent to the Site, including (i) the Speed River and associated valley wetlands and (ii) the ponds within the adjacent inactive/closed quarry. One additional surface water feature was identified approximately 30 m to the east of the site and is described as an unnamed intermittent tributary. The identification of these surface water/discharge features and their approximate elevations is well documented in the report. However, this information could be used to further develop the overall groundwater flow regime associated with the proposed pit property and the area downgradient of the proposed pit.

Based on a comparison of the water levels to the reported bedrock elevations, the GSC Report concludes that *'the water table is approximately 3 to 4 m below the bedrock surface near County Road 124 and 4 to 6 m below the bedrock surface along the southeast and east edges of the Site'*. Based on the information provided from the 3 monitoring wells and the Barn Well and given that pit operations are proposed to extend to bedrock surface and must maintain a minimum separation distance from the water table of 1.5 m, we concur with the overall conclusions of this assessment. However we offer the following comments pertaining to the establishment and delineation of the groundwater table elevation:

1. On page 8 of the report GSC describes that the elevation data for the water level monitors was determined by a level survey completed by GSC relative to an assumed ground surface elevation of 318.0 masl at BH1 (based on Site Plan elevation contours). While this provides an approximate elevation and establishes the elevation of each monitoring point relative to BH1, it does not provide an exact ground surface elevation or reference elevation for future measurements (i.e. top of casing

[TOC] elevation). Given the nature of the activities at the site and the importance of establishing an accurate water table elevation for comparison to the bedrock surface elevation, it is recommended to provide elevation data based on established geodetic elevations.

2. This comment is provided in reference to the water levels presented for BH3. Table 2 which summarizes the water level elevations indicates that the water level in this well is in the range of 296.7 while the water level in Figure 4 indicates that the water level is in the range of 298 masl. While this potential error would serve to increase the distance between the water table and the top of bedrock, it is recommended that the water table contours or Table 2 be corrected to reflect this inconsistency.
3. While the water elevation data established from the monitoring wells provides sufficient data for the evaluation of the on-site groundwater flow regime, given the existence of several surface water features and discharge areas in close proximity (i.e. within 500 m) to the Site, and the known elevations of these features presented in the GSC report, we recommend that a larger-scale water level assessment be presented. The following elevations were provided in the report:

LOCATION/FEATURE	ELEVATION (Reported)
POND 1 (East Quarry Pond)	292 masl
POND 2 (West Quarry Pond)	299 masl
Speed River elevation (based on topographic mapping)	290 to 295 masl
Speed River elevation (based on X-Section A-A')	290 masl
Valley floor (page 5 of GSC Report) – assumed wetland complex within Speed River Valley	Below 296 masl
Unnamed Intermittent Tributary – adjacent to site	301 to 304 masl
Bedrock Surface Elevation	303 to 314 masl
Bedrock Potentiometric Surface	296 to 309 masl

It is recommended that this information be incorporated into Figure 4 to aid in the establishment/verify the water table contours and the associated 'boundary conditions' in the vicinity of the Site.

4. To further support development of the water table elevations and for clarity (and associated mapping on Figure 4 and 5), we recommend the following updates to supporting figures:
 - a. that the highest water table elevation measured since the implementation of the monitoring program be presented.
 - b. the inclusion of the water level measurement used for each monitoring location and the associated bedrock surface elevation as determined from the borehole log could be included along with the Well ID.

Impact Assessment

Although we concur that the proposed extraction will have no direct effect on the water levels and the local groundwater system, further assessment of the existence, location, type and construction of potential nearby wells (drilled and/or dug) along Hespeler Road/Highway 124 and within 120 m of the Site has been recommended. Based on our experience at similar sites, it is typically in the best interest of all parties to document the condition of nearby wells and any potential water quality/quality issues prior to the development of a site so that, should problems arise, the status of a private water supply prior to site development can be referenced.

Based on the GSC report, the rehabilitation plan will reportedly create a large enclosed drainage area that will ultimately result in a conversion of existing run-off to future groundwater recharge. It is interpreted that surface water run-off within the open pit will infiltrate through the coarse-grained soils or directly into the

bedrock, through fractures. Any on-site recharge will enter the groundwater system and will generally migrate toward the Speed River Valley. Based on the inferred high permeability and infiltration rates of water through the coarse-grained soils and fractured bedrock, significant or long-term pooling of water after precipitation events is not anticipated during operational periods.

However, the potential for impacts to groundwater is considered to arise from direct infiltration of surface water into the bedrock, where the overburden materials have been completely removed. In this scenario, surface activities can influence groundwater quality directly, or without attenuation through the unsaturated zone. To mitigate potential impacts to bedrock groundwater quality, it is recommended that pit operations prevent activities that expose contaminants to groundwater in these areas. It is recommended that operational practices and/or mitigative measures be addressed in these areas. Such mitigative measures, may include limitations on placement/location of fuel handling storage, and stormwater sediment and erosion controls.

Monitoring

It is our understanding that the monitoring program proposed in Section 7.1 of the GSC Report recommends that water level measurements be obtained from the existing network of four (4) on-site wells on a monthly basis for a period of one year and subsequently on a quarterly basis for an additional two years. At the end of the three year monitoring period, it is proposed that the monitoring program would be discontinued if no groundwater impacts were observed.

While we find the program to be more than sufficient for the period of time it covers, it is noted that information collected over the life of the pit operation would provide additional information regarding the potential for interference with area water resources. Therefore, it is recommended that water level information be collected from on-site monitoring wells on at least a twice annual basis for the operational life of the proposed pit.

Summary Remarks

In general, we concur with the findings of the Hydrogeological Study, which states that *'there is no potential for adverse effects to groundwater and surface water resources and their uses; and, no potential or significant impacts to local natural environment features or water wells associated with the Spencer Pit extraction as proposed'*. However, to provide more certainty regarding the findings and provide sufficient information regarding the potential for interference with area resources, several recommendations have been provided herein. A summary of the recommendations is:

- To complete a door-to-door survey at properties to the north and west of the site that have frontage along Hespeler Road/Hwy 124 and any dwellings identified within 120 m of the Site. This information should be used to update the area well search and identify the potential for unregistered shallow/dug wells in the area.
- To update the groundwater elevation and supporting mapping by:
 - Confirming geodetic elevation (as opposed to an assumed elevation at ground surface),
 - Updated contours based on elevations presented for BH3,
 - Inclusion of known surface water level elevations and surface water features,
 - Presentation of high groundwater elevation data and bedrock surface elevation at each borehole (data point).
- To update mitigative measures to include consideration of operations in areas where bedrock exposed through extraction processes.
- To update the water level monitoring program to include data collection over the operational period of the pit.



Please feel free to contact me should you wish to discuss these recommendations in more detail.

Yours Truly,

GM BluePlan Engineering Limited

Per:

A handwritten signature in blue ink, appearing to read 'Matthew Nelson', written over a light blue horizontal line.

Matthew Nelson, M.Sc. P. Eng. P. Geo.

MN/af

cc: Steve Conway, GM BluePlan Engineering
Amanda Pepping, GM BluePlan Engineering



December 16, 2015

Robert Kelly
Chief Building Official
Township of Puslinch
RR 3, 7404 Wellington Road 34
Guelph, Ontario
N1H 6H9

**Re: Proposed Spencer Pit
Part of Lots 14-16, Lots 17 and 18, Concession B, Township of Guelph-Eramosa**

Dear Mr. Kelly,

Further to your letter dated June 20, 2014, we are pleased to provide the attached response from our hydrogeologist. Based on his recommendations, we have revised the rehabilitation plan, revised the monitoring recommendations and added notes on the operational plan to require a minimum of 1m of overburden over the bedrock in refuelling areas (NOTE 25), recycling areas (NOTE 10) and scrap storage areas (NOTE 24)

We trust that the information provided adequately addresses your concerns. If you have any questions, please do not hesitate to contact the undersigned.

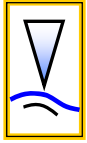
Sincerely,

HARRINGTON McAVAN LTD.

A handwritten signature in black ink, appearing to read 'Glenn D. Harrington'.

Glenn D. Harrington, OALA, FCSLA
Principal

Enclosures - 2
GDH/sh



December 14, 2015

Glenn Harrington
Harrington McAvan Ltd..
6882 14th Avenue,
Markham, Ontario
L6B 1A8

Dear Mr. Harrington:

**RE: Hydrogeologic Assessment Peer Review Comments, June 20, 2014
GM BluePlan on behalf of the Township of Puslinch.**

This letter provides additional information and discussion in response to review comments provided by GM BluePlan Engineering Limited on behalf of the Township of Puslinch in a letter dated June 20, 2014 regarding the proposed Spencer Pit.

The review provided the following recommendations:

- *To complete a door-to-door survey at properties to the north and west of the site that have frontage along Hespeler Road/Hwy 124 and any dwellings identified within 120 m of the Site. This information should be used to update the area well search and identify the potential for unregistered shallow/dug wells in the area.*
- *To update the groundwater elevation and supporting mapping by:*
 - *Confirming geodetic elevation (as opposed to an assumed elevation at ground surface),*
 - *Updated contours based on elevations presented for BH3,*
 - *Inclusion of known surface water level elevations and surface water features,*
 - *Presentation of high groundwater elevation data and bedrock surface elevation at each borehole (data point).*
- *To update mitigative measures to include consideration of operations in areas where bedrock exposed through extraction processes.*
- *To update the water level monitoring program to include data collection over the operational period of the pit.*

With regard to the door to door survey, we concur with the GM BluePlan conclusion that *it is reasonable to expect that the proposed aggregate operation will not impact local bedrock water supply wells*. By extension, as the proposed extraction is above water table, because water table at the site is within the bedrock, and, no downgradient residences exist (or could be expected in the future), impacts to any water wells (bedrock or overburden) in the wider area would also not be expected. A door to door survey is not typically required for above water table extraction applications, and in this setting is not justified. The comments indicate that if a Permit To Take Water (PTTW) is required the door to door survey would likely be necessary. Therefore we recommend that a note be added to the Site Plan that upon License approval a door to door water well survey should be completed as required by MOECC as part of any Permit To Take Water application at the site.

A geodetic survey of the monitoring locations was completed in July 2014 relative to an MTO elevation monument (station 0011916u87F) located at the site. The updated elevations are as follows:

Location	Ground Surface Elevation (mASL)	Top of Well Elevation (mASL)	Bedrock Elevation (mASL)	Maximum Water Level Elevation (mASL)	Bedrock Surface to Maximum Water Level (m)
BH1	318.18	319.10	312.24	311.30	0.93
BH2	313.77	314.73	303.40	301.76	1.65
BH3	307.93	308.88	303.97	300.20	3.76
Barn Well	315.99	316.99	306.84	304.05	2.80

In addition, groundwater level monitoring has continued at the site. In June 2015 dataloggers were installed at each location and programmed to collect measurements at 4 hour intervals. The updated monitoring results are summarized on the attached table and hydrograph.

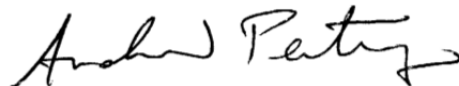
An updated high water table contour map, representative of May 2014 conditions, is also attached for reference. As requested the updated water table map includes surface water elevations for the creek at the railway crossing (301 mASL), wetland within the river valley floor (294.5 mASL), east and west ponds within the Carmeuse Quarry (292 and 301 mASL respectively – see report page 5, last paragraph). We note that surface water elevations at the river east of the quarry ponds will not affect conditions at the site to any significant degree. High water table elevations as compared to bedrock elevations, are provided in the table above. The overall water table pattern is similar to the original interpretation, however the maximum water table elevations are higher based on the continued monitoring and revised reference elevations. Appropriate adjustments to the proposed maximum extraction elevations have been made on the Site Plan.

Mitigative measures related to bedrock exposure are included within the appropriate Site Plan notes.

In response to comments received by both GRCA and local residents the groundwater monitoring program now includes routine water level measurements, both manually and using dataloggers (already installed), for the life of the pit. Datalogger measurements will be obtained at a 4 hour interval and manual measurements obtained on a quarterly basis. Annual monitoring reports will be provided to MNRF, GRCA and the Township.

If you have any questions, or require further information, please do not hesitate to contact us.

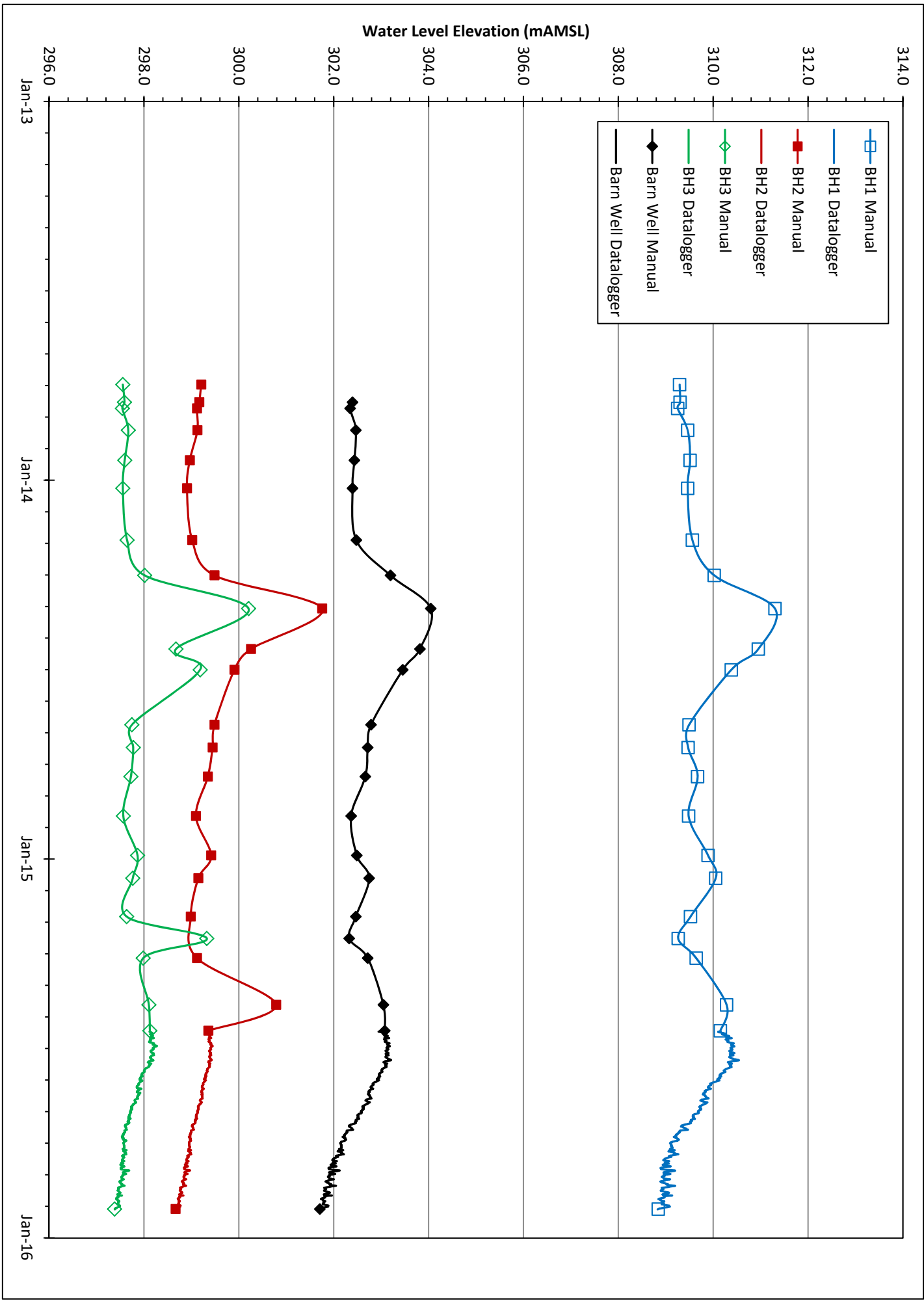
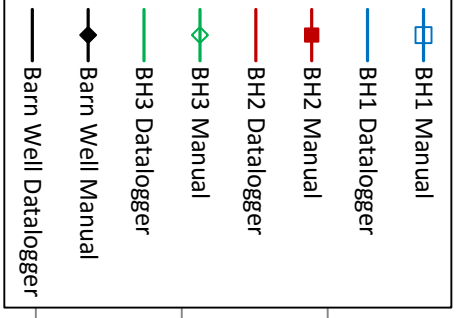
Sincerely,

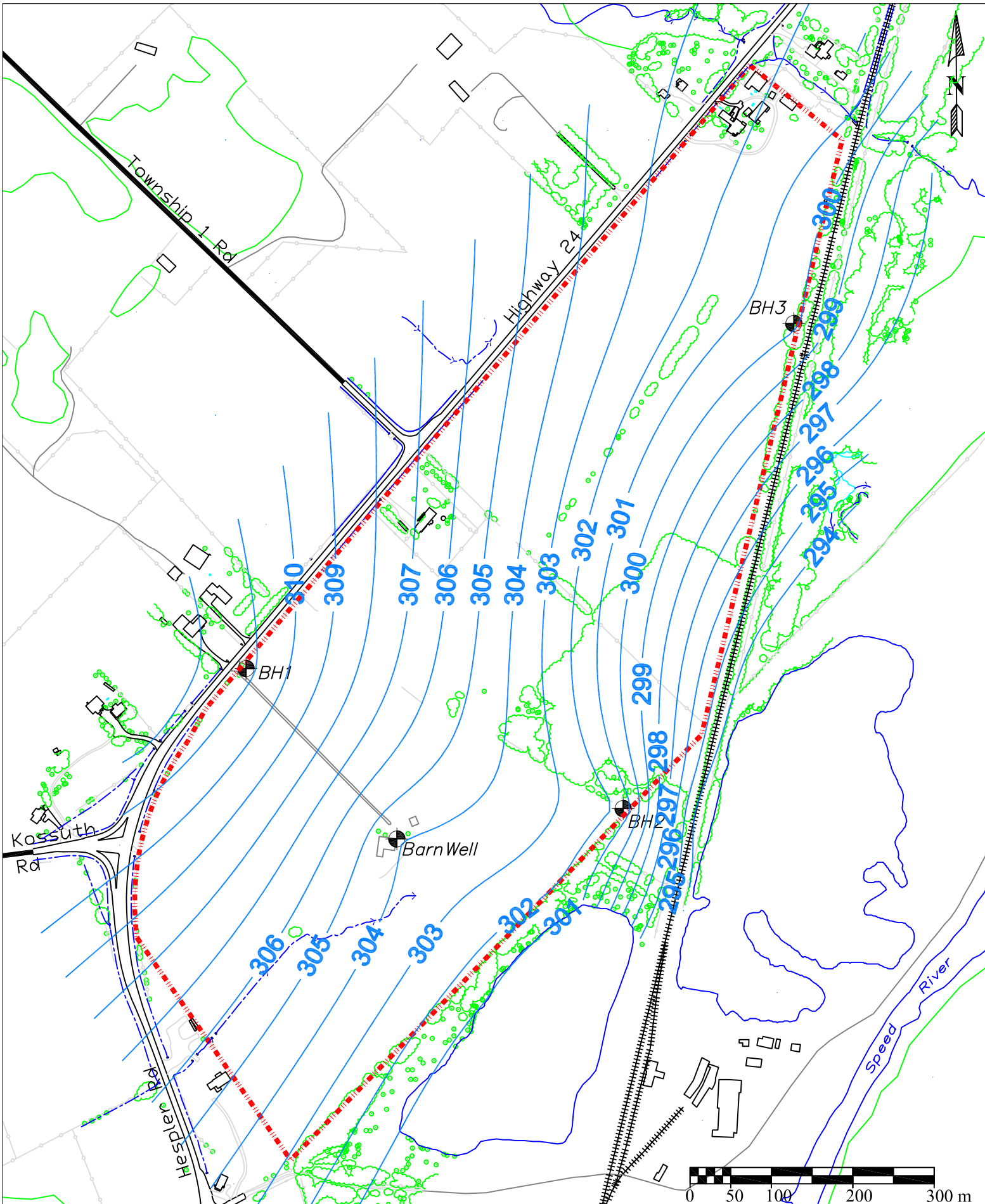


Andrew Pentney, P.Geol.
Hydrogeologist

Attached: Manual Water Level Monitoring Summary
Water Level Monitoring Hydrograph Update
Updated High Water Table Contours

Date	Water Level Elevation (mASL)			
	BH1	BH2	BH3	Barn Well
1-Oct-13	309.29	299.21	297.55	#N/A
18-Oct-13	309.30	299.17	297.59	302.40
24-Oct-13	309.25	299.12	297.54	302.35
14-Nov-13	309.46	299.13	297.67	302.47
13-Dec-13	309.51	298.97	297.59	302.44
9-Jan-14	309.46	298.91	297.55	302.40
28-Feb-14	309.56	299.02	297.64	302.48
3-Apr-14	310.02	299.49	298.01	303.20
5-May-14	311.30	301.76	300.20	304.05
13-Jun-14	310.95	300.26	298.67	303.82
3-Jul-14	310.38	299.91	299.18	303.46
25-Aug-14	309.49	299.49	297.74	302.79
16-Sep-14	309.47	299.45	297.77	302.72
14-Oct-14	309.67	299.35	297.72	302.67
21-Nov-14	309.48	299.10	297.56	302.37
29-Dec-14	309.89	299.42	297.86	302.49
20-Jan-15	310.05	299.15	297.76	302.75
26-Feb-15	309.52	298.99	297.63	302.47
19-Mar-15	309.26	#N/A	299.32	302.33
7-Apr-15	309.64	299.12	297.98	302.72
22-May-15	310.28	300.79	298.10	303.05
16-Jun-15	310.15	299.36	298.12	303.08
5-Dec-15	308.84	298.67	297.38	301.71
notes: mASL = metres above mean sea level				

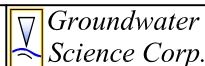




— projected water table contour (mAMSL)

modified from: OBM mapping
 UNDER LICENSE, WITHOUT PREJUDICE OR ENDORSEMENT,
 FROM THE QUEEN'S PRINTER OF ONTARIO

December 2015
 Scale: as shown



Updated Water Table Contours

Tri City Lands Ltd.
 Proposed Spencer Pit



August 29, 2014

Tri City Lands Ltd
Snyders Road
P.O. Box 209
Petersburg, Ontario
N0B 2H0

Dear Sir:

RE: Notice of Tri City Lands Ltd. – Proposed Spencer Pit

The Six Nations of the Grand River is in receipt of the above attached notice dated May 29, 2014 from the Ministry of Natural Resources. Thank you for respecting our land rights and the legal duty to consult with our Nation. Be advised, the project notice lands are within our treaty lands and are subject to our litigations against Canada and Ontario.

The Six Nations' rights and interests in relation to the lands are defined in our Haldimand Treaty of 1784 being six miles deep from each side of the Grand River, beginning at Lake Erie and extending in the proportion to the Head of the said River, which *Them and Their Posterity are to enjoy forever*. The terms and conditions of Haldimand Treaty are affirmed and protected in Canada's Constitution. The above noted lands for your project are in the 1701 Fort Albany Treaty area of the Six Nations. These lands are to assure Six Nations' economic, cultural, sustenance and other rights. Additionally, these rights are affirmed and protected in Canada's Constitution.

I trust you are also aware of Six Nation's unresolved Land Rights are the responsibility of the Crown in Right of Canada and the Crown in Right of Ontario to resolve. Unfortunately, no negotiations to restore justice towards a productive resolution relating to these particular lands are taking place with Canada or Ontario. Instead Canada and Ontario appear to have delegated responsibility for their legal duty to consult with us and seek our "free, prior and informed consent" to proponents and municipalities.

The Supreme Court of Canada's key court cases Haida Nation, Taku River Tlingit First Nation, Mikisew Cree, Tsilhoqot'in and Keewatin decisions confirms the legal obligation to consult with First Nations. Six Nations Elected Council (SNEC) requires that the Crown,

proponents and municipalities consult with SNEC in good faith in order to obtain its free prior and informed consent.

Six Nations Elected Council would like to thank you for providing the notice on the attached project. Six Nations is concerned about any development relating to land, water and resources which occur throughout their treaty territory and any archeological issues associated with such development(s). At this time, we wish to request a meeting and update up on your project. Please contact Joanne Thomas at 519-753-0665 x5411 or email jthomas@sixnations.ca to arrange a meeting.

Should you have any questions or require clarification please feel free to contact me at (519)-753-0665.

Respectfully Yours,



Lonny Bomberry, Director
Six Nations Lands and Resources

CC: Ian Thornton, Resource Operations Supervisor, Ministry of Natural Resources
Mr. Leroy Hill, Secretary, Confederacy Council of the Grand River
Minister David Zimmer, Ontario Ministry of Aboriginal Affairs
Minister Bernard Valcourt, Aboriginal Affairs and Northern Development Canada

This letter is without prejudice to the positions that Six Nations has and may take in respect to its claims and litigation in relation to the Six Nations Tract/ Haldimand Proclamation Land and the 1701 Fort Albany Treaty.



M E M O

Sent via: Fax Email Courier
 Mail Hand Delivered

From: Glenn D. Harrington, OALA, FCCLA
Date: November 3, 2015
Re: Proposed Spencer Pit
Part of Lots 14-16, Lots 17 and 18, Concession B, Township of Guelph-Eramosa
Project #: 10-47

August 29, 2014 - letter from Six Nations Council
October 1, 2014 -Met with 7 representatives to discuss the application.

- Presented the proposal and studies.
- Presented the archaeological results and acknowledged that if done today, we would have included them in the site inventory.
- Discussed the Six Nations claim and they acknowledged that the issue is with the government but they are looking for compensation until this has being resolved.
- We suggested that to maintain competition any payment should be from all of the industry. We suggested it could be part of the tonnage levy part of tonnage level which is being reviewed now.
- Six Nations acknowledged that this was what all of the aggregate producers had told them.
- They said that they were looking for one producer to agree to something and that they could use this to negotiate with all producers.
- We said that this wouldn't be us in this application.
- We offered to discuss issues that they had with the application and to support them if an industry wide solution was proposed (like a fee in the tonnage level).

Since this meeting, there has been no communication from the Six Nations Council.

From: [Glenn Harrington](#)
To: [Cheryl Harrington](#)
Subject: FW: Proposed Access at Hespeler Road and Kossuth , Tri City Lands/Spencer Pit, County of Wellington
Date: April-07-15 8:49:04 AM

Please file in agency response

From: Bruce Erb [mailto:BErb@regionofwaterloo.ca]
Sent: July-10-14 11:50 AM
To: Gord Ough; Pasquale Costanzo
Cc: Robert Gallivan; Bob Henderson; Brenna MacKinnon; Cheryl Marcy; Amanda Kutler
Subject: RE: Proposed Access at Hespeler Road and Kossuth , Tri City Lands/Spencer Pit, County of Wellington

Good morning Gord/Pasquale.

In discussing the proposed access on the east side of the intersection further with staff, it is our opinion that since the intersection is located entirely within the County of Wellington, the Region of Waterloo has no jurisdiction over any proposed access at this location. As a result, I do not need to be involved in any meeting with respect to the proposed gravel pit relating to transportation/access issues. Any proposal for a roundabout at this location would appear again to be under the jurisdiction of the County.

As Bob Henderson notes in his email below, there is some concern with an access at this location being perceived by motorists as an extension of Kossuth Road.

Regards,

Bruce Erb
Supervisor, Corridor Management

Regional Municipality of Waterloo
Transportation Planning
150 Frederick Street
8th Floor
Kitchener, ON
N2G 4J3
Phone: 519-575-4435
Fax: 519-575-4449
berb@regionofwaterloo.ca

From: Bob Henderson
Sent: Friday, July 04, 2014 10:41 AM
To: Bruce Erb
Cc: Pasquale Costanzo (pasqualec@wellington.ca); gordo@wellington.ca; Robert Gallivan
Subject: Proposed Access at Hespeler Road and Kossuth

Hi Brice,

I received a call from Gord Ough from the County advising me that there is an access being proposed on the east side of the intersection opposite Kossuth Road. At this point it is not fully clear on who has jurisdiction over the intersection but based on our discussion we both suspect that it falls under the County's jurisdiction. Gord thought it would be appropriate to touch base with us as two of the current 3 legs making up the intersection are owned by the Region. I advised Gord that I would forward this to you as it is an access related issue but more importantly for your group to advise if the Region has any influence on the matter. Both Gord and I have concerns regarding the access being perceived by eastbound motorists as a through road and extension of Kossuth Road and for that reason believe that a roundabout should be considered to control speeds through the intersection.

Can you respond to our colleagues at the County and advise what the Region's position is on this matter, if we have any at all.

Thank you,

Bob Henderson, CET, LEL

Manager, Transportation Engineering

Region of Waterloo

Ph. 519.575.4515

Cell 519.588.1976



UPPER GRAND DISTRICT SCHOOL BOARD
500 Victoria Road North, Guelph, Ontario N1E 6K2
Phone: (519) 822-4420 Fax: (519) 822-2134

Martha C. Rogers
Director of Education

May 27, 2014

PLN: 14-53
File Code: R14
Sent by: email

Kelsey Lang
Acting Planning Administrator
Township of Guelph Eramosa
8348 Wellington Road 124
Rockwood, Ontario NOB 2K0

Dear Ms. Lang;

Re: Proposed Zoning By-law Amendment – ZBA 01/14 (D14 TR), TriCity Land, 6939 Wellington Road 124,
Township of Guelph/Eramosa

Planning staff at the Upper Grand District School Board has received and reviewed the above Notice of Complete Application to rezone the subject lands to permit aggregate extraction on the site.

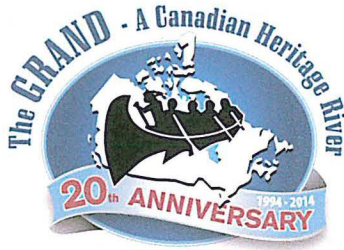
Please be advised that the Planning Department at the Upper Grand District School Board **does not object** to the application.

Thank you for the opportunity to review this application. Should you require additional information, please feel free to contact me at (519)822-4420 ext. 863.

Sincerely,

Emily Bumbaco
Planning Department

c.c. – MHBC Planning Ltd



400 Clyde Road, P.O. Box 729, Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 866-900-4722 www.grandriver.ca

PLAN REVIEW REPORT: Meaghan Reid, Clerk/Director of Legislative Services

DATE: June 19, 2014

YOUR FILE: ZBA01/14

GRCA FILE: Wellington/GuelphEramosa/2014/ZC

RE: Zoning By-law Amendment Application ZBA 01/14 (Spencer Pit)
6939 Wellington Rd 124, Township of Guelph/Eramosa
Div B Part Lots 14, 15, and 16, and Lots 17 and 18
TriCity Lands Ltd

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) recommends that the application be deferred until the comments identified below are addressed.

BACKGROUND:

1. Resource Issues:

Information currently available at our office indicates the lands to be rezoned are within the adjacent area of the Provincially Significant Speed River and Ellis Creek wetland complexes and the adjacent area of a tributary of the Speed River.

2. Legislative/Policy Requirements and Implications:

A license is required for aggregate extraction on private lands in areas designated under the Aggregate Resources Act (ARA). It is our understanding the entire property is to be licenced and the proponents will be applying for a Class A, Category 3 License for a pit above water.

3. Additional Information/Suggestions provided in an advisory capacity:

GRCA Staff have reviewed the above noted application along with the following documentation:

- Summary Report, prepared by Harrington McAvan Ltd., dated April 2014;
- Planning Analysis Report, prepared by Harrington McAvan Ltd, dated February 2014;
- Site Plans, by Harrington McAvan Ltd., dated April 2014:
 - Page 1 of 5, Existing Features Plan
 - Page 2 of 5, Operational Plan Phase A

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JUN 25 2014

TOWNSHIP OF
GUELPH / ERAMOSIA

- Page 3 of 5, Operational Plan Phase B - E
- Page 4 of 5, Sections and Details
- Page 5 of 5, Rehabilitation Plan
- Natural Environment Technical Report: Level 1 and 2, prepared by Stantec Consulting Limited, dated February 25, 2014;
- Hydrogeologic Assessment, prepared by Groundwater Science Corp., dated February 2014.

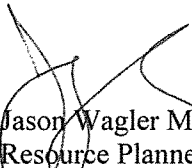
We offer the following comments based on the reports submitted with this application:

1. Staff are satisfied with the assessment of wetlands and watercourse features adjacent to the site. As noted above, a portion of the Speed River PSW Complex and Ellis Creek PSW Complex are confirmed to be within 120 m of the proposed extraction area. The latter was not mentioned or discussed in Stantec's report.
2. According to the hydrogeological assessment, water level measurements were obtained in October and November and represent seasonal high conditions in the fall. We agree that water level monitoring should continue on this site in order to determine seasonal high conditions during the spring, but would recommend using continuous monitoring using data loggers for a minimum of one year in order to ensure a more precise determination of seasonal groundwater levels. Continuous monitoring is also recommended for the first 3 years of extraction.
3. Three woodland communities (FOD5-1, FOD3-1, and CUW1-3) were identified within the proposed extraction area. Staff note that vegetation surveys were conducted on June 12 and August 17, 2013 in accordance with the Ecological Land Classification System for Southern Ontario. One additional hawthorn survey was conducted on September 14, 2013. A survey was conducted on October 30, 2013 to identify vegetation species within the adjacent lands. It is recommended that the botanical checklist presented in Table 1 be revised to clearly indicate which species were documented within each of these woodland communities. The reference to Riley 1989 in Table 1 is unclear as a good majority of the species on this list have a check mark, which is misleading. Locally and/or regionally significant plant species observed within this woodland should be clearly noted.
4. Staff acknowledge that the woodland on the site measures 6.03 ha in size and therefore does not meet the size threshold for significance in the Wellington County Official Plan. However, the woodland is located in proximity to a treed portion of the Speed River PSW Complex, which we note designated Core Greenland by the County. Notwithstanding the active rail bed, we suggest that the 3 woodland communities do in fact provide several ecological benefits (e.g. soil erosion prevention, nutrient cycling, hydrological cycling, wildlife habitat) and contribute to the overall value of the Core Greenland in the County of Wellington. According to the Natural Heritage Reference Manual, "woodlands that overlap, abut, or are close to other significant natural heritage features or areas could be considered more valuable or significant than those that are not." The guidelines and criteria are considered "minimum standards" only. It appears that 3 isolated woodland patches west of the rail bed and south of the proposed license area are currently mapped as Core Greenland. Therefore, it would not be unreasonable to incorporate this woodland into the County's Core Greenlands.

5. We note the presence of black maple (*Acer nigrum*) within this woodland. Although the number, size, and health of these trees have not been discussed by Stantec, we can assume that this species was not considered abundant or dominant based on the ELC assessment. Please confirm.
6. The existing features plan indicates that hop hornbeam (*Ostrya virginia*) is also present within the on-site woodland, although the location of this species is not clearly indicated in Stantec's report. If confirmed within the onsite woodland, we would recommend that the age and health of the trees be determined.
7. At least 2 old foundations are illustrated on the existing features plan. Snake surveys are recommended to determine the presence or absence of snake hibernaculae, and to identify and implement appropriate mitigation measures, as necessary.

Should you have any questions or require further information, please contact the undersigned at 519-621-2763 ext. 2320.

Yours truly,



Jason Wagler MCIP RPP
Resource Planner
Grand River Conservation Authority

cc. Bernie Hermsen & Dan Currie, MHBC Planning Ltd.
Aldo Salis, County of Wellington
Glenn D. Harrington, Harrington McAvan Ltd., 6882 14th Avenue, Markham, ON L6B 1A8
Rich Esbaugh, TriCity Lands Ltd., Snyder Road, P.O. Box 209, Petersburg, ON, N0B 2H0



Grand River Conservation Authority
Map created: April 24, 2014

Spencer Pit

LEGEND

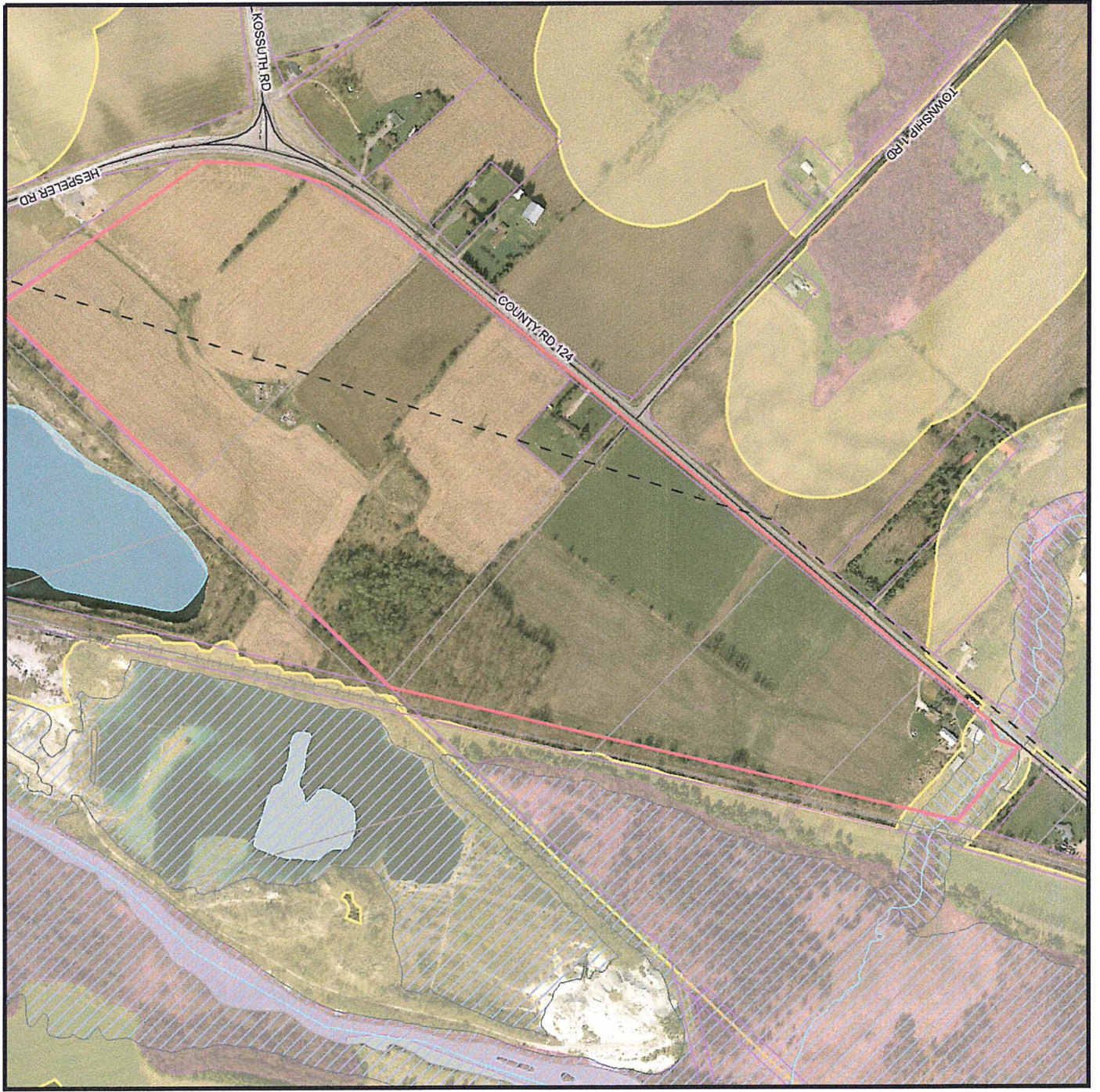
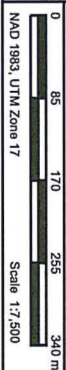
- WATERSHED BOUNDARY (GRCA)
- TRAIL (GRCA)
- PUBLIC
- CLOSED
- UNCLASSIFIED
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (IMPAC)
- LOTS (NRVIS)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- ESA (NRVIS)
- ANSI (NRVIS)
- PARKS (GRCA)
- PROPERTY-OTHER (GRCA)
- MNR PROPERTY-GRCA MANAGED
- EASEMENT
- PROPERTY (GRCA)
- REGULATION LIMIT (GRCA)
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (ONT)

GRCA Disclaimer

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to:

<http://grims.grandriver.ca/docs/SourcesCitations1.htm>



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

June 2, 2015

Jason Wagler
Resource Planner
Grand River Conservation Authority
400 Clyde Rd,
Cambridge ON
N1R 5W6



**Re: Proposed Spencer Pit
Part of Lots 14-16, Lots 17 and 18, Concession B, Township of Guelph-Eramosa**

Dear Mr. Wagler,

Further to your letter of June 19, 2014, we are pleased to provide the following response to the items raised.

1. Background

We wish to provide a clarification to Legislation / Policy Requirements and Implications: The entire property owned by the applicant is not proposed to be licensed. The property extends to the other side of the CNR ROW (East and North). These lands are not proposed for licensing. These lands are shown schematically in a 1:7500 plan on sheet 1 (one) of the site plans. No development or site plan alteration is proposed on these adjacent lands at this time and the zone change and license application does not include them.

Comment/response 1: We note that staff are satisfied with the wetland assessment, and we offer the following clarification regarding the names and extent of PSW complexes.

As shown in Figure 2, Appendix A of the Report, there is a wetland polygon located to the north of the proposed license boundary and Hwy 24. LIO mapping indicates that this polygon is part of the Ellis Creek PSW. This polygon is located on Guelph-Eramosa Township Concession 4, Lot 2, but is not included in either of the MNR's evaluation records for Ellis Creek or Speed River PSW complexes. As a result, the inclusion of the polygon as part of the Ellis Creek PSW complex may represent an error in the LIO mapping. Stantec would suggest that, based on its proximity and connectivity to the Speed River PSW via a stream corridor that runs adjacent to the northeast boundary of the proposed license area, that the polygon would more accurately be included in the Speed River PSW complex. This determination would be more consistent with the application of the complexing principles under the Ontario Wetland Evaluation System for Southern Ontario, as well as the application of complexing of wetland communities in similar situations to the east of the Speed River. It should be noted that, regardless of its inclusion in either the Speed River or Ellis Creek PSW, there will be no impacts on this wetland.

Comment/response 2: We will monitor all monitoring wells using data loggers for the first year and

for the first 3 years of extraction.

Comment/response 3: it is unclear what benefit would be provided by indicating which plant species were identified in each of the individual woodland communities in Table 1, Appendix D. The intent of the botanical inventory is to document species diversity across the subject lands, including the contiguous woodland block represented by the three woodland communities (FOD5-1, FOD3-1 and CUW1-3). Information specific to the individual ELC communities (including plant species characteristic of each of the three woodland communities) is provided in the ELC cards and community descriptions that are included in Appendix D. Given that all plants observed are common plants and can be expected to be widespread in suitable habitats there is no resource management benefit to producing a community specific list.

The reference to Riley 1989 in Table 1, Appendix D is the only available source of information on the status of vascular plants in Wellington County. An X (or “checkmark”) in that column of the Table indicates that the species was considered to be common in Wellington County as of 1989. Plants considered to be rare or uncommon in Wellington County as of 1989 would have an R or U in that column. Species that have no mark in that column were not listed in Riley 1989. This can occur when plant names have changed over the years, for example Blue Cohosh is now *Caulophyllum giganteum* whereas in Riley 1989 it is listed as *Caulophyllum thalictroides*; or if the species are exotic (i.e. introduced, weedy or horticultural plants) such as Garlic Mustard or Common Yarrow. Regionally-rare species are noted with an “R” in the column. Only one regionally-rare species, Pringle’s aster (*Symphotrichum pilosum* var. *pringlei*) was recorded during the botanical inventory; this species was found only on adjacent lands and not within the proposed license area.

In short, all of the species encountered on the proposed license area are common in Wellington County. No Provincially, Regionally or Locally rare plants were encountered in the proposed license area. Butternut (S3) were observed on adjacent lands and have been dealt with in Section 7.1 of the Report.

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and the (down-gradient) wetland; this community will be left intact and any soil erosion prevention functions will be maintained. As there is no hydrological connection between the woodlot and the Speed River PSW, there is no mechanism that would facilitate nutrient cycling or hydrological cycling between the two. An assessment of wildlife habitat is presented in Section 5.4 of the Report and indicates that there is no significant wildlife habitat (including animal movement corridors between the woodlot and the PSW) associated with the onsite woodlot. Based on this information, Stantec maintains the opinion that the onsite woodlot should not be considered significant. This is consistent with the Core Greenlands mapping as presented in Schedule A3 of the Wellington County Official Plan.

We also note that we are unable to locate the “3 isolated woodland patches west of the rail bed and south of the proposed license area” referred to in this comment on the current Wellington County Greenlands mapping.

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We hope that the information provided has satisfactorily addressed comments in your letter. Please let us know if you require further information.

Sincerely,

HARRINGTON McAVAN LTD.



Glenn D. Harrington, OALA, FCSLA
Principal

GDH/sh



RECEIVED JUL 13 2015

400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

July 9, 2015

Township of Guelph/Eramosa
8348 Wellington Road 124
P.O. Box 124
Rockwood, ON
N0B 2K0

Attention: Meaghan Reid, Clerk/Direction of Legislative Services

**Re: Zoning By-law Amendment Application ZBA 01/14 (Spencer Pit)
6939 Wellington Rd 124, Township of Guelph/Eramosa
Div B Part Lots 14, 15, and 16, and Lots 17 and 18
TriCity Lands Ltd**

Grand River Conservation Authority staff has reviewed the following supplementary materials provided in support of the proposed Spencer Pit:

- Response to June 19, 2014 GRCA Comments, prepared by Harrington McAvan Ltd., dated June 2, 2015.

Based on our review of the above listed materials, GRCA staff recommends that the subject application is deferred until the following comments are addressed:

Response #1 – Staff agree that there appears to be a labelling error in the evaluated wetland mapping. The wetland located off site and upstream of Highway 124 is hydrologically connected to the Speed River Wetland Complex downstream of the railway tracks. GRCA staff will notify MNR promptly.

Response #2 – Noted

Responses #3 – The intent of this GRCA comment was to clarify the composition of the 3 vegetation communities that make up the woodland area within the proposed licensed area. The ELC data sheets will suffice.

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Response #6 – The age and health of the trees hop hornbeam (*Ostrya virginiana*) are of interest because this will help determine the age of the forest communities within the proposed extraction zone. This species was not recorded on the ELC data sheet, but is listed in Table 1 (botanical list). As noted previously, the existing features plan indicates that this species is present within the on-site woodland.

Response #7 – Noted

We note that the plans should identify the minimum soil depth above bedrock required to provide viable agricultural use.

Should you have any questions or require further information, please contact the undersigned at 519-621-2763 ext. 2320.

Yours truly,



Jason Wagler MCIP RPP
Resource Planner
Grand River Conservation Authority

Encl. (1)

cc. Bernie Hermsen & Dan Currie, MHBC Planning Ltd.
Aldo Salis, County of Wellington
Glenn D. Harrington, Harrington McAvan Ltd., 6882 14th Avenue, Markham, ON L6B 1A8
Rich Esbaugh, TriCity Lands Ltd., Snyder Road, P.O. Box 209, Petersburg, ON, N0B 2H0

June 2, 2015
Jason Wagler
Resource Planner
Grand River Conservation Authority
400 Clyde Rd,
Cambridge ON
N1R 5W6



**Re: Proposed Spencer Pit
Part of Lots 14-16, Lots 17 and 18, Concession B, Township of Guelph-Eramosa**

Dear Mr. Wagler,

Further to your letter of June 19, 2014, we are pleased to provide the following response to the items raised.

1. Background

We wish to provide a clarification to Legislation / Policy Requirements and Implications: The entire property owned by the applicant is not proposed to be licensed. The property extends to the other side of the CNR ROW (East and North). These lands are not proposed for licensing. These lands are shown schematically in a 1:7500 plan on sheet 1 (one) of the site plans. No development or site plan alteration is proposed on these adjacent lands at this time and the zone change and license application does not include them.

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In short, all of the species encountered on the proposed license area are common in Wellington County. No Provincially, Regionally or Locally rare plants were encountered in the proposed license area. Butternut (S3) were observed on adjacent lands and have been dealt with in Section 7.1 of the Report.

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We also note that we are unable to locate the "3 isolated woodland patches west of the rail bed and south of the proposed license area" referred to in this comment on the current Wellington County Greenlands mapping.

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We hope that the information provided has satisfactorily addressed comments in your letter. Please let us know if you require further information.

Sincerely,

HARRINGTON McAVAN LTD.



Glenn D. Harrington, OALA, FCCLA
Principal

GDH/sh

Harrington McAvan Ltd - Landscape Architects

6882 14th Avenue, Markham, Ontario L6B 1A8 Phone: 905-294-8282 Fax: 905-294-7623

Offices in Markham, Cambridge, and Aylmer Ontario Visit us on the web at www.harringtonmcavan.com

August 20, 2015

Jason Wagler
Resource Planner
Grand River Conservation Authority
400 Clyde Rd,
Cambridge ON
N1R 5W6



**Re: Proposed Spencer Pit
Part of Lots 14-16, Lots 17 and 18, Concession B, Township of Guelph-Eramosa**

Dear Mr. Wagler,

Attached please find Stantec's response to the issues raised in your letter of July 9, 2015. For your convenience we have also included your letter dated July 9, 2015 and our previous response dated June 2, 2015.

We trust that the information provided adequately addresses your concerns. If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

HARRINGTON McAVAN LTD.

A handwritten signature in black ink, appearing to read 'Glenn D. Harrington'.

Glenn D. Harrington, OALA, FCSLA
Principal

Enclosures - 3
GDH/sh

cc: B. Hermsen, MHBC



Stantec Consulting Ltd.
70 Southgate Drive, Suite 1, Guelph ON N1G 4P5

August 19, 2015
File: 160960833

Attention: Mr. Glenn Harrington
Harrington McAvan Ltd., Landscape Architects
6882 14th Avenue
Markham, Ontario L6B 1A8

Dear Glenn,

Reference: GRCA comments on Natural Environment Technical Report components of the Spencer Pit Zoning By-lay Amendment Application ZBA 01/14

Thank you for forwarding comments from the Grand River Conservation Authority (GRCA) dated July 9, 2015 with regards to the Zoning By-lay Amendment application for the Spencer Pit. This letter provides responses to the GRCA comments as they pertain to components in the Natural Environment Level 1 & 2 Technical Report (the Report) prepared by Stantec Consulting Ltd (Stantec). For ease of reference, our responses are numbered consistently with the comments provided in the GRCA letter.

Comment/response 1: We note that staff agrees with the labelling error with regards to the wetland evaluation mapping, and are pleased that GRCA will notify MNRF with regards to the error. We would also note, however, that the change in mapping will not affect our determination of no negative impact on the Speed River Wetland Complex, and that GRCA's notification of the mapping error to MNRF should not delay GRCA's review of the Report.

Comment/response 3: Noted, with thanks.

Comment/response 4: While Stantec agrees with GRCA's comment that "there is sufficient information within the Natural Environment Report to conclude that the onsite woodland within the proposed extraction area provides several ecological benefits", we continue to be of the opinion that these ecological benefits are not sufficient to designate the woodland as a significant woodland or as part of the County Greenlands system.

Prior to OPA 81, Section 5.5.4 (Woodlands) of the Wellington County OP provided criteria for significance as woodlands over 10 hectares (ha) in area. Woodlands in excess of 10 ha were included in the Greenlands system. With regard to ecological functions, Section 5.5 of the Natural Environment Report assesses the onsite woodland against each of the criteria for ecological functions for significant woodlands as defined in the Natural Heritage Reference Manual (MNR, 2010), and clearly indicates that no criterion for significance is met. We would request clarification of which ecological benefits GRCA considers to be provided by the woodlot that would merit it being designated as a Significant Woodland (keeping in mind our previous responses to GRCA's comments on potential ecological benefits in our July 30, 2014 letter).



August 19, 2015
Mr. Glenn Harrington
Page 2 of 3

Reference: GRCA comments on Natural Environment Technical Report components of the Spencer Pit Zoning By-law Amendment Application ZBA 01/14

With respect to County OPA 81, which reduced the size threshold for significant woodlands in rural areas from 10 ha to 4 ha, it is our understanding that OPA 81 was not in force when the application that the Report addresses was submitted, and that OPA 81 does not apply to the application. Regardless of the applicability of the policies in OPA 81, we are of the opinion that removal of the woodlot (without rehabilitation to woodlands) to accommodate extraction of the aggregate beneath is supported in the current version of the Wellington County OP. We offer the following discussion to support this opinion.

Section 5.5.4 (Woodlands) of the 2015 Wellington County OP incorporates wording from OPA 81, and states that, *"In the Rural System, woodlands over 4 hectares and plantations over 10 hectares are considered to be significant by the County, and are included in the Greenlands system. Woodlands of this size are important due to their contribution to the amount of forest cover on the County landscape. Exceptions may include a plantation established and continuously managed for the sole purpose of complete removal at rotation without a reforestation objective, as demonstrated with documentation acceptable to the County"*. Section 5.6.1 (Permitted Uses) of the Wellington County OP states that aggregate extraction within Mineral Aggregate Areas is permitted in Core Greenlands areas and in Greenlands areas (with the exception of Provincially Significant Wetlands or significant habitat of threatened or endangered species). Permitted uses therefore include the development of aggregate extraction in significant woodlands subject to appropriate rezoning, licensing and the policies of the Plan.

The woodlot associated with the Spencer Pit is not identified as significant woodlands, nor is it included in the Greenlands or Core Greenlands mapping as presented in Schedule A3 (Guelph-Eramosa, updated March 9, 2015) of the Wellington County OP. The site is identified as Sand and Gravel Resources of Primary and Secondary Significance on Schedule C (Mineral Aggregate Resource Overlay, updated March 9, 2015) of the Wellington County OP. As development of the Spencer Pit will necessitate removal of most of the woodlot, this situation could represent one of the "exceptions" alluded to in Section 5.5.4, as the woodlot provides none of the ecological functions identified in the Natural Heritage Reference Manual, and the extraction area will be rehabilitated to agricultural lands after closure.

Based on this information, Stantec maintains the opinion that the onsite woodlot should not be considered significant, despite it meeting the minimum size criterion under OPA 81. As the woodland provides none of the ecological functions identified in the Natural Heritage Reference Manual, a demonstration of no negative impacts on the ecological functions of the woodland is not required, and therefore no reforestation objective is necessary under the Wellington County OP. This is consistent with the Core Greenlands mapping as presented in Schedules A3 and C of the Wellington County Official Plan.

Comment/response 5: Noted, with thanks.

Comment/response 6: It is not clear how the GRCA would propose to use the age and health of a single species (in this case hop-hornbeam) to determine the age of the forest communities in the proposed extraction zone. The information that Stantec used to describe the age and condition of the forest communities is provided on the ELC sheets (e.g., Size Class Analysis and/or



August 19, 2015
Mr. Glenn Harrington
Page 3 of 3

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Community Age). Hop-hornbeam is a slow growing, long lived tree highly adaptable tree that can thrive in open areas or in a forest understory. The presence of even very old specimens of hop-hornbeam does not convey useful information about woodland age, since the tree(s) may have started off in an open agricultural setting and may predate the surrounding woodland by many years.

Hop hornbeam was recorded in the woodlot during a late spring botanical survey on June 12, 2013, but was not listed on the ELC data sheets as it was not recorded during the ELC surveys on August 7, 2013.

Comment/response 7: Noted, with thanks.

I trust that these responses satisfy GRCA's comments with regards to natural heritage features associated with the Spencer Pit Zoning B-law Amendment. Please feel free to contact me should GRCA have any further questions or comments.

Regards,

STANTEC CONSULTING LTD.

Vince Deschamps, M.Sc, MCIP, RPP
Senior Environmental Planner
Phone: (519) 780-8164
Fax: (519) 836-2493
vince.deschamps@stantec.com

c. David Charlton, Stantec Consulting Ltd.

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RECEIVED JUL 13 2015

400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

July 9, 2015

Township of Guelph/Eramosa
8348 Wellington Road 124
P.O. Box 124
Rockwood, ON
N0B 2K0

Attention: Meaghan Reid, Clerk/Direction of Legislative Services

**Re: Zoning By-law Amendment Application ZBA 01/14 (Spencer Pit)
6939 Wellington Rd 124, Township of Guelph/Eramosa
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Resource Planner
Grand River Conservation Authority

Encl. (1)

cc. Bernie Hermsen & Dan Currie, MHBC Planning Ltd.
Aldo Salis, County of Wellington
Glenn D. Harrington, Harrington McAvan Ltd., 6882 14th Avenue, Markham, ON L6B 1A8
Rich Esbaugh, TriCity Lands Ltd., Snyder Road, P.O. Box 209, Petersburg, ON, N0B 2H0

June 2, 2015
Jason Wagler
Resource Planner
Grand River Conservation Authority
400 Clyde Rd,
Cambridge ON
N1R 5W6



**Re: Proposed Spencer Pit
Part of Lots 14-16, Lots 17 and 18, Concession B, Township of Guelph-Eramosa**

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In short, all of the species encountered on the proposed license area are common in Wellington County. No Provincially, Regionally or Locally rare plants were encountered in the proposed license area. Butternut (S3) were observed on adjacent lands and have been dealt with in Section 7.1 of the Report.

Comment/response 4: We respectfully disagree with GRCA's comment that "it would not be unreasonable to incorporate this woodland [the on-site woodland] into the County's Core Greenlands". Based on our review of the on-site woodlot with the significant woodland criteria provided in the Natural Heritage Reference Manual, the woodlot does not meet any of the criteria that would qualify it as significant (see Section 5.5 of the Report). This is reflected in the omission of the woodlot from the County's Core Greenland mapping. The GRCA assertion that the woodlot could be considered significant based on its proximity to the Speed River PSW is considered in Section 5.5.2 of the Report. With respect to the specific ecological functions identified by GRCA that may be provided by the woodlot (e.g., soil erosion prevention, nutrient cycling, hydrological cycling and wildlife habitat), it is not clear how GRCA determined that these functions may be present and how they may "contribute to the overall value of the Core Greenland in the County of Wellington". Although the on-site woodlot is "close to" the Speed River PSW, the two are separated by an active rail line approximately 30 m wide and the upland FOC2-2 to the east of the rail line (i.e. a total distance between the woodlot and the wetland boundary of more than 60 m). Soil erosion prevention to the wetland would not be provided by the woodlot as the raised rail bed is located between the two and would capture any overland sediment dispersal. Soil erosion prevention to the wetland may be provided by the FOC2-2 community between the (up-gradient) raised rail line

and the (down-gradient) wetland; this community will be left intact and any soil erosion prevention functions will be maintained. As there is no hydrological connection between the woodlot and the Speed River PSW, there is no mechanism that would facilitate nutrient cycling or hydrological cycling between the two. An assessment of wildlife habitat is presented in Section 5.4 of the Report and indicates that there is no significant wildlife habitat (including animal movement corridors between the woodlot and the PSW) associated with the onsite woodlot. Based on this information, Stantec maintains the opinion that the onsite woodlot should not be considered significant. This is consistent with the Core Greenlands mapping as presented in Schedule A3 of the Wellington County Official Plan.

We also note that we are unable to locate the "3 isolated woodland patches west of the rail bed and south of the proposed license area" referred to in this comment on the current Wellington County Greenlands mapping.

Comment/response 5: Black maple (*Acer nigrum*) was recorded as a rare occurrence in the FOD3-1 community. GRCA's assumption that the species was not considered abundant or dominant is correct.

Comment/response 6: it is not clear why GRCA recommends determining the age and health of hop hornbeam (*Ostrya virginiana*) recorded from the woodlot. The species is not considered at risk or rare in Wellington County. As such, we request clarification as to why GRCA recommends an assessment of the age and health of the trees.

Comment/response 7: the foundations were assessed for potential snake hibernacula during the preliminary wildlife habitat assessment on May 14, 2013. At that time, it was determined that the old foundations would not serve as suitable hibernacula as they did not extend below the frost line. Casual surveys for snakes were undertaken concurrent with breeding bird and botanical inventories throughout the site (including at the old foundations), but no snakes were observed. This approach was included in the Terms of Reference developed in consultation with the MNR, which is included in Appendix B of the Report.

We hope that the information provided has satisfactorily addressed comments in your letter. Please let us know if you require further information.

Sincerely,

HARRINGTON McAVAN LTD.



Glenn D. Harrington, OALA, FCSLA
Principal

GDH/sh

10-47



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

RECEIVED SEP 21 2015

September 17, 2015

Township of Guelph/Eramosa
8348 Wellington Road 124
P.O Box 124
Rockwood, ON
N0B 2K0

Attention: Meaghen Reid, Clerk/Direction of Legislative Services

Re: Zoning By-law Amendment Application ZBA 01/14 (Spencer Pit)
6939 Wellington Rd 124, Township of Guelph/Eramosa
Div B Part Lots 14, 15, and 16, and Lots 17 and 18
TriCity Lands Ltd

Grand River Conservation Authority staff has reviewed the following supplementary materials provided in support of the proposed Spencer Pit:

- GRCA comments on Natural Heritage Technical Report components of the Spencer Pit Zoning By-law Amendment Application ZBA 01/14, prepared by Stantec Consulting Ltd., dated August 19, 2015.

Based on our review of the submitted response, we wish to note that Stantec's assessment of the woodland on site is quite thorough. Our comments dated July 9, 2015 have been addressed in the August 19, 2015 response.

At this time, GRCA has no further comments on the application and has no objection to the application being taken forward for consideration.

Should you have any questions or require further information, please contact the undersigned at 519-621-2763 ext. 2320.

Yours truly,

Jason Wagler MCIP RPP
Resource Planner
Grand River Conservation Authority

Encl. (1)

cc. Bernie Hermsen & Dan Currie, MHBC Planning Ltd.
Aldo Salis, County of Wellington
Glenn D. Harrington, Harrington McAvan Ltd., 6882 14th Avenue, Markham, ON L6B 1A8
Rich Esbaugh, TriCity Lands Ltd., Snyder Road, P.O. Box 209, Petersburg, ON, N0B 2H0

June 27, 2014

Glenn Harrington, Principal
Harrington McAvan Limited
6882 14th Avenue
Markham ON L6B 1A8

**Re: MNR Comments on Tri City Lands Ltd., proposed Spencer Pit:
Category 3, Class “A” Licence Application under the *Aggregate Resources Act*,
Part of Lots 14-16, Lots 17 & 18, Concession B,
Township of Guelph-Eramosa, County of Wellington**

Mr. Harrington:

The Ministry of Natural Resources (MNR) Guelph District Office is in receipt of an application for the proposed Spencer Pit – Category 3 (pit above water table), Class “A” Licence under the *Aggregate Resources Act* (ARA). A Summary Report (April 2014), Hydrogeological Assessment (February 2014), Natural Environment Technical Report: Level 1 and 2 (February 25, 2014) and various other reports have been submitted in support of the licence application.

MNR understands that the proposed licence area is approximately 51.16 hectares, with 42.45 hectares proposed for extraction. The application is for a new pit with a proposed annual tonnage limit of 650,000 tonnes. The water table has been estimated to be located within the bedrock at elevations ranging from approximately 295 to 309 MASL. Extraction will be limited to no lower than 1.5 m above the water table.

The Speed River Provincially Significant Wetland (PSW) Complex and the Ellis Creek PSW Complex are in close proximity to the proposed licence area. We note that the majority of the site consists of agricultural fields used for cash crops with some meadow habitat. A 6.03 hectare woodland (mainly deciduous) is located along the south-central portion of the property. Progressive rehabilitation of the licence area is proposed to return the site to an agricultural use.

MNR staff has reviewed the technical reports and Site Plans (dated April 2014) and offer the following comments for consideration:

Natural Environment Technical Report: Level 1 and 2

Significant Woodlands

Section 5.5.5 of the Natural Environment Technical Report concludes that the woodland within the licence boundary does not meet the criteria for significant woodland. MNR notes that removal of the entire woodland is proposed.

- Under Section 5.5.1 (Woodland Size): MNR notes that Section 3.2 (Literature Review) lists Wellington County Official Plan (1999) but does not include Wellington County Official Plan Amendment (OPA) 81. Wellington County OPA 81, which is in effect, has changed the significant woodland size criteria for the County to 4.0 hectares in rural areas (10.0 hectares for plantations). The woodland located within the proposed licence area is approximately 6.03 ha in size. Therefore, the report's criterion for significant woodland needs to be reassessed based on OPA 81 and the Natural Environment Technical Report and Site Plans should be updated accordingly.
- With respect to proximity to other woodlands or habitats, the Natural Heritage Reference Manual (NHRM) provides the following guideline: "*Woodland areas are considered to be generally continuous even if intersected by narrow gaps 20m or less in width between crown edges*". Another significant consideration for the ecological function criteria is proximity to other habitats. The NHRM suggests that if a woodland that meets the size threshold criteria is within a specified distance (e.g., 30 m) of another significant feature, it could contribute to the determination of significance.
- Section 5.5.2 – Ecological Function (Woodland Diversity): The Natural Environment Technical Report states that "*Approximately 41% of the plants recorded from the proposed licence area were exotics. As such, there is no woodland diversity function provided by the woodland*". Please clarify if this statistic is for species collected in the woodland only or the entire proposed licence area. This criterion should be assessed using data collected from the woodland only.

Species at Risk

- The Natural Environment Technical Report identifies that Barn Swallow (*Hirundo rustica*), a threatened species, is presumed to be nesting within the northern limits of the proposed licence area (in a large wooden barn) outside of the proposed extraction limits. Please identify the size of the buffer proposed to ensure that nest habitat is protected.
- MNR notes that Yellow Bumble Bee (*Bombus fervidus*) was identified within the proposed extraction area. This species prefers grassy, open areas, such as forest clearings and meadows. Although the NHIC lists this species as S4, MNR is aware that a COSEWIC status report is underway and that the International Union for Conservation of Nature (IUCN) assessment will be completed in September 2014. MNR understands that the species is currently assessed to be included as vulnerable on the IUCN Red List, pending peer review. As noted in the Significant Wildlife Habitat Technical Guide, species with populations known to be experiencing substantial declines in Ontario can be considered species of conservation concern. Recent research has shown significant declines in *B. fervidus* populations in southern Ontario and throughout Eastern North America. It is possible that the species will be evaluated by COSSARO in the near future. MNR is of the opinion that due to the probable decline of the species, the status of Yellow Bumble Bee (*B. fervidus*) will need to be updated to reflect current information. It is likely much more rare than previously listed and no longer S4. If the species is S3 or lower the site would be considered candidate significant wildlife habitat. If the licence was proposing to extract only within the agricultural crop lands and avoid the meadow habitat, MNR would not be as concerned with potential impacts to this species.

- The proposed licence area is a historical location for Rusty-Patched Bumble Bee (*B. affinis*), a habitat generalist that utilizes forest and grasslands. This species is listed as endangered on the SARO list. MNR understands that *B. affinis* is often confused with Half-black Bumble Bee (*B. vagans*) which MNR notes was found within the proposed licence area. An expert in differentiating the two species is necessary to confirm identification. Due to the similarity between the two species, MNR is of the opinion that further work is required in 2014 to confirm the presence/absence of *B. affinis* within the proposed licence area. Surveys should be done by an expert familiar with the two species, or by a person less qualified if photographs are obtained and analysed by an expert in *B. affinis*. If the licence was proposing to protect the woodland and meadow and extract only the agricultural crop lands, MNR would not be as concerned with potential impacts to this species.
- Eastern Wood Pewee (*Contopus virens*) was assessed by COSSARO as special concern and was added to the SARO list on June 27, 2014. Therefore, because its habitat is candidate significant wildlife habitat, the Natural Environment Technical Report needs to be updated to reflect the status of this species, and any implications within the proposed extraction area should be reflected in the Report and on the Site Plans.
- MNR is of the opinion that the snag density surveys conducted by Stantec were adequate at the time the surveys were undertaken. However, because Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*M. septentrionalis*) and Eastern Small-foot Bat (*M. leibii*) have since been added to the SARO list as endangered, more rigour in the surveys is now required. It must be determined whether these species are using the woodland as material roosts. MNR recommends assessing the wooded habitats for snags initially, and if snags are present and could be impacted (e.g., removed), MNR recommends acoustical monitoring near the snags to determine whether any of the bat species identified above are present and using the snag. If the licence was proposing to protect the wooded area and extract only the agricultural crop lands, MNR would not be as concerned with potential impacts to bats.
- The presence of Prickly Ash indicates the possible presence of Giant Swallowtail Butterfly (S3). If the species is present there is candidate significant wildlife habitat within the proposed licence boundary. If there is potential to damage or destroy the habitat of Giant Swallowtail Butterfly, MNR recommends a survey for this species when it will be flying.

Potential Environmental Effects and Mitigation Measures

- Section 7.2. (Speed River Provincially Significant Wetland) identifies that a 15m setback is proposed from the eastern limit of the pit between the extraction limit and the licence area boundary. This section notes that the Speed River Complex is separated from the proposed licence area by an existing rail corridor. The Natural Environment Technical Report should identify the width of the rail corridor. In addition, this section states that, “when the extraction setback is combined with the existing rail corridor and upland FOC2-2 community, the wetland communities will be afforded in excess of 30 m of separation from the pit”. Please identify the separation distance from the PSW in areas where the setback is not combined with FOC2-2.

Site Plans

Please be advised that the Ministry may provide additional comments on the Site Plans when the above comments on the Natural Environment Technical Report have been addressed. However, MNR can offer the following preliminary comments on the Site Plans for consideration:

- As noted in the Natural Environment Technical Report, Barn Swallow is presumed to be nesting in a wooden barn within the proposed licence area outside of the area proposed for extraction. The Site Plans should identify the buffer distance between the proposed extraction area and the barn to ensure that Barn Swallow habitat is protected.
- On the 1: 7500 inset map (Existing Features Plan), the map appears to be incorrectly drawn showing the proposed licence boundary aligning with the CNR line. This differs from what is shown on the main map (1:2000) for the Existing Features Plan.
- According to the Natural Environment Technical Report, a portion of the woodland (FOD 3-1) within the proposed licence area is dominated by trembling aspen with elm and ash as commonly associated. This should be identified on the Existing Features Plan.
- MNR recommends that the meadow habitat to the west of the woodland within the proposed licence area be identified on the Existing Features Plan to distinguish this habitat from the agricultural crop areas. The Natural Environment Technical Report noted that this habitat was preferred by bumble bees.
- For consistency, MNR recommends that the following information be added to Phase B technical note 1: "Removal of trees in the woodlot will be restricted to outside the breeding bird season".

Editorial Comments

- Pg 1 of the Summary Report identifies that the wooded area within the proposed licence boundary is 5.0 hectares. However, the size of the woodland is 6.03 hectares as identified in the Natural Environment Technical Report.

Summary

In light of the above comments, the Ministry objects to the proposed Spencer Pit (Category 3, Class "A") licence application at this time.

The Ministry would appreciate a response to the comments provided on the technical reports and the Site Plans. Please be advised that MNR staff may have additional comments on the technical reports and the Site Plans when a response to the above has been provided for review.

The Ministry would be pleased to discuss the content of this letter with the project team. Please contact the undersigned at 519-826-4912 or annemarie.laurence@ontario.ca if further comment or clarification is required.

Yours truly,

A handwritten signature in cursive script that reads "AM Laurence".

Anne Marie Laurence
A/District Planner

cc (email): Ian Thornton, Resources Operations Supervisor, MNR
David Marriott, District Planner, MNR
Diane Schwier, Aggregate Technical Specialist, MNR

June 2, 2015

Anne Marie Laurence
A/District Planner
Ministry of Natural Resources
Guelph District
1 Stone Road West
Guelph, Ontario
N1G 4Y2



**Re: Proposed Spencer Pit
Part of Lots 14-16, Lots 17 and 18, Concession B, Township of Guelph-Eramosa**

Dear Ms. Laurence,

Further to your letter of June 2014, we are pleased to provide the following response to the items raised in your letter.

1. Significant Woodlands

Wellington County OPA 81 was not in effect when the background studies and plans were prepared for these applications. This was confirmed with County Planning staff at the time of submission. It is therefore understandable that it was not used as criteria for preparing our proposal. We are of the opinion that the size and criteria for the application should remain as 10 hectares.

If the application is to be tested under the policy in effect when it was submitted, the Natural Heritage Reference Manual (MNR, 2010) provides the appropriate guidance in determining significance for woodlands that may not meet the minimum size requirements, but could still be considered significant. Based on Stantec's review of the on-site woodlot with the significant woodland criteria provided in the Natural Heritage Reference Manual, the woodlot does not meet any of the criteria that would qualify it as significant (see Section 5.5 of the Report). As the woodlot fails to meet any of the other criteria for significance for woodlots smaller than 10 ha, Stantec remains of the opinion that the woodlot is not significant.

Proximity to Other Woodlands or Habitats: the on-site woodland is located in excess of 30 m from the nearest significant feature (i.e., the upland FOC2-2 forest peripheral to the Speed River PSW complex east of the rail line). As discussed in Section 5.5.2 of the Report, the on-site woodland is separated from the FOC2-2 community and the PSW by an active railway line (which consists of a cleared 30 m ROW, including a raised gravel rail bed and frequent train traffic), which effectively separates the two features and restricts the transfer of “ecological benefit” from the on-site woodland to the FOC2-2 community and the PSW.

Ecological Function (Woodland Diversity): the statistic of 41% of vascular plant species being exotic refers to the plants recorded from the naturally-occurring vegetation communities in the proposed licence area. As the woodland contained the vast majority of naturally-occurring vegetation communities on the site (with the exception of two small, disturbed cultural meadow communities containing plant species also found in the CUW1-3 community included in the woodland), the statistic accurately reflects the proportion of exotics found in the woodland.

2. Species at risk

Buffer to Protect Barn Swallow Habitat: the southern corner of the large wooden barn is the nearest point of the structure to the proposed extraction limit, and the two are separated by approximately 50 m. The 50 m area between the southern corner of the barn and the proposed extraction will serve as the buffer; it will be left intact and available for foraging by Barn Swallow. As per the MNR’s “General Habitat Description for the Barn Swallow (*Hirundo rustica*)”, maintaining the 50 m buffer protects Category 1, 2 and 3 habitats for the species. Existing foraging habitat to the east, north and west of the barn is in excess of 200 m. These areas will be unaffected by the proposed pit and available to birds breeding in the barn.

Status of Yellow Bumble Bee: currently, Yellow Bumble Bee (*Bombus fervidus*) is listed as an S4 species and it is not considered to be at risk in Ontario by COSSARO. While we appreciate MNR’s view that the species may be re-assessed by COSSARO at some indeterminate point in the future (and as a result, may be listed as an S3) we respectfully disagree that the species be considered to be rarer than current MNR/COSSARO designations indicate at this point and would recommend addressing COSSARO’s re-assessment if and when it occurs. With respect to habitat available within the proposed licence area, there were no features present in suitable habitats for bumble bees that would constitute significant wildlife habitat (e.g., old/abandoned rodent burrows or hollow tree stumps for nesting; or, burrows in loose soil or fallen dead wood for over-wintering). The Yellow Bumble Bees observed were foraging over the small, disturbed Cultural Meadow communities that were surrounded by active agricultural lands. There is an abundance of these community types available throughout the general area that is either larger, of higher quality and/or exposed to less human activity and disturbance. As such, we are of the opinion that the removal of these two, small disturbed cultural meadow communities will not result in negative impacts to Yellow Bumble Bee.

Rusty-patched Bumble Bee Identification: MNR indicates in their letter that the proposed licence area is a “historical location” for Rusty-patched Bumble Bee. However, no record of the species from the proposed licence area was provided by the MNR during consultation in 2013, and the nearest historic record provided by NHIC (via the MNR’s Species at Risk website) was centered on the City of Guelph. As such, Stantec suggests that the proposed licence area is more accurately described as “being within the historic range” for Rusty-patched Bumble Bee than representing a “historical location”. Based on the species’ historic range, surveys for Rusty-patched Bumble Bee were conducted by Stantec ecologists Andrew Taylor and Brandon Holden in the proposed licence area in 2013. Both Mr. Taylor and Mr. Holden are well-experienced in conducting entomological surveys, including the identification of bumble bee species in the field. Surveys in the proposed licence area were conducted according to survey protocols provided by the MNR Guelph District Office. A total of 246 individual bumble bees from seven species were positively identified during the surveys. As per the MNR protocol, a digital photo would only be taken if surveyors were unsure whether a species was *B. affinis*. Being as all of the individuals observed were positively identified, and were not *B. affinis*, digital photos were not taken.

As per the MNR survey protocol, when evaluating a site as potential habitat for Rusty-patched Bumble Bee, an area with larger, more diverse natural areas may provide better habitat than an area with many smaller widely dispersed natural areas. The proposed licence area does not contain large, diverse natural areas or vegetation communities typically associated with Rusty-patched bumble bee habitat (i.e., oak savannah containing both woodland and grassland flora and fauna). As with the discussion of Yellow Bumble Bee, there were no features present on in the proposed licence area within suitable habitats for bumble bees that would constitute habitat requirements for Rusty-patched Bumble Bee (e.g., old/abandoned rodent burrows or hollow tree stumps for nesting; or, burrows in loose soil or fallen dead wood for over-wintering). Given the lack of suitable habitat types or required features, and results of the field surveys conducted in 2013, Stantec remains of the opinion that Rusty-patched Bumble Bee is not present in the proposed licence area and that no further field surveys are required.

In response to Ministry of Natural Resources and Forestry’s request, the following documents were submitted by Stantec to the Registry and Approvals Services Centre.

- The Mitigation Plan;
- The Monitoring Plan; and
- The Memo to NHIC (originally submitted on October 28, 2013)

Eastern Wood Pewee: Eastern Wood Pewee was listed as Special Concern subsequent to the preparation and submission of the Report. As such, it was not included in the assessment of significant wildlife habitat. The Significant Wildlife Habitat Technical Guide (SWHTG, MNR 2000), describes habitat for Eastern Wood Pewee as open, deciduous, mixed or coniferous forest dominated by oak with little understory; forest clearings and edges; farm woodlots and parks. Suitable habitat within the proposed licence area is limited to forest edges along the (farm) woodlot. These habitats are common throughout this part of Wellington County and are

not unique to the proposed licence area. As such, habitat in the proposed licence area is not a limiting factor for Eastern Wood Pewee and the removal of the woodlot will not significantly affect the availability of suitable habitat for Eastern Wood Pewee.

Currently the causes of the decline of Eastern Wood Pewee are not well understood, but like declines in many other insectivorous bird species habitat loss or degradation on its wintering grounds in South America and changes in availability of insect prey are suspected. This supports the conclusion that summer habitat is likely not a limiting factor. Given the abundance of suitable habitat in the general vicinity of the proposed extraction the birds breeding in the on-site woodland have the ability to relocate to suitable nearby habitat, which given that summer habitat is not a limiting factor is unlikely to be at capacity.

As described in Section 8.0 of the Report, clearing of the on-site woodland will be conducted outside of the breeding bird season (i.e., May 1 – July 31) to avoid potential impacts to all nesting birds, including Eastern Wood Pewee.

Snag Density Surveys for Little Brown Myotis, Northern Myotis and Eastern Small-foot Bat: the snag density counts conducted by Stantec in 2013 were undertaken according to the MNR's "Bats and Bat Habitats: Guidelines for Wind Power Projects" (MNR, 2011). The protocol was designed to calculate cavity tree density for all bat species, including Little Brown Myotis, Northern Myotis and Eastern Small-foot Bat. The density counts determined that there was not sufficient snag density in the woodlot to support maternity roosts, and that follow-up acoustical monitoring was not appropriate or required.

Potential Habitat for Giant Swallowtail Butterfly: As per MNR's request, Stantec conducted a survey for Giant Swallowtail Butterfly on August 6, 2014 during the appropriate survey window and weather conditions (i.e., 26C, 30% cloud cover and a light breeze). One individual was observed flying in a patch of American prickly ash (*Zanthoxylum americanum*) along the southern limits of the FOD3-1 community. American prickly ash is one of a number of common local plants that the larvae of Giant Swallowtails will feed upon, and is common throughout this part of Wellington County. As such, habitat in the proposed licence area is not a limiting factor for Giant Swallowtail and the removal of the woodlot will not significantly affect the availability of suitable habitat for Giant Swallowtail. Given the abundance of suitable habitat in the general vicinity of the proposed extraction, Giant Swallowtail using American prickly ash the site have the ability to relocate to suitable nearby habitat. Removal of the American prickly ash outside of the period when larvae are feeding on them (which is generally coincident with the breeding bird season, as described in Section 8.0 of the Report) also ensures that potential impacts to feeding larvae are avoided.

Potential Environmental Effects and Mitigation Measures

Speed River PSW Setback: the raised (gravel bed) rail corridor is 30 m wide. As shown in Figures 2 and 3, Appendix A of the Report, the limits of the Speed River PSW coincide with the limits of the SWC1-1 and MAM2 communities. The western edges of these communities are separated from the raised rail corridor by the upland FOC2-2 community, which varies in width from approximately 40 – 60 m, depending on location. The northern section of the FOC2-2 community is further separated from the raised rail corridor by a small cultural meadow community that is approximately 30 – 40 m wide (the FOC2-2 community at this point is approximately 40 m wide). There is no section along the PSW where the 15 m setback is not combined with at least the FOC2-2 community and the raised rail corridor.

The distance between the limits of extraction and the boundary of the Speed River PSW varies from approximately 85 m (consisting of 15 m setback, 30 m raised rail corridor and 40 m FOC2-2) to approximately 125 m (consisting of 15 m setback, 30 m raised rail corridor, 40 m cultural meadow and 40 m FOC2-2).

Site Plans

- Barn Swallow buffer distance
 - We will add a shaded area and note to these plans identifying the buffer as described earlier.
- 1:7 500 insert map
 - Both maps show the same proposed licence boundary which follows the west boundary with the CNR lands as far as the property is owned. The purpose of the 1:7500 insert map is to show the other adjacent lands owned by the applicant which extend beyond the area shown on the Existing Conditions drawing.
- Tree species
 - The ARA requirements for plans are general compared to ELC requirements. We will add the ELC designation for the Stantec report to the plans.
- Meadow habitat
 - We will add the ELC designation for the Stantec report to the plans.
- Phase B Note
 - We will revise the note as requested.
- Editorial Comment
 - The summary report description is very general and references a “wooded area” of about 5 hectares and is measured from the survey. The 6.03 calculation is very specific and refers to a woodland which could include other areas through Stantec’s review. Given the general nature of the designation in the summary report, we do not see these as inconsistent. Note also that we will be adding Stantec’s ELC areas as agreed above which should provide consistency.

We hope that the information provided has addressed the items noted by MNRF. If you require anything further, we would be pleased to meet with you to discuss unresolved issues.

Sincerely,

HARRINGTON McAVAN LTD.

A handwritten signature in black ink, appearing to read "Glenn D. Harrington". The signature is fluid and cursive, with a prominent initial "G" and "H".

Glenn D. Harrington, OALA, FCSLA
Principal

GDH/sh

**Ministry of
Natural Resources**

**Ministère des
Richesses naturelles**



Guelph District
1 Stone Road West
Guelph, Ontario
N1G 4Y2

Telephone: (519) 826-4955
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July 14, 2015

RECEIVED JUL 30 2015

Glenn Harrington, Principal
Harrington McAvan Limited
6882 14th Avenue
Markham ON
L6B 1A8

Re: MNRF Comments - Tri City Lands Ltd. Spencer Pit - Category 3, Class A Licence Application under the *Aggregate Resources Act*, Part of Lots 14-16, Lots 17 & 18, Concession B, Township of Guelph-Eramosa, County of Wellington

Mr. Harrington

The Ministry of Natural Resources and Forestry (MNRF) Guelph District Office is in receipt of the response letter from Harrington McAvan Ltd., dated June 2, 2015, in support of the proposed Spencer Pit license application under the *Aggregate Resources Act* (ARA). This letter is also supported by the technical memorandum from Stantec Consulting Ltd., dated August 12, 2014. The Ministry's initial objection to the license application was dated June 27, 2014. MNRF staff appreciates the opportunity to review the above noted response, and can offer the following comments for consideration.

Natural Environment Report

- The Ministry's June 27, 2014 objection letter provided recommendations for the project team to complete targeted surveys for species at risk bats within the on-site woodland. The response appears to focus on the snag density counts already completed by Stantec in 2013. As previously noted, the snag density surveys were appropriate at the time to assess the potential for bat significant wildlife habitat (SWH) in the woodland. However, since both Little Brown Myotis and Northern Myotis were listed as endangered under Ontario Regulation 230/08, targeted acoustical surveys will need to be completed to determine if any snags within the woodland are being used by these bats. Both Little Brown Myotis and Northern Myotis received individual and general habitat protection under the *Endangered Species Act* (ESA) at the time of listing. Determining if listed bat habitat is present will be important to understand the potential implications of the Act.

In advance of this letter, MNRF staff contacted Stantec directly to discuss the above recommendation (phone call, June 19, 2015). The purpose of this call was to provide the project team with enough time to complete the recommended bat surveys within the 2015 survey window.

- The MNRF objection letter noted that Eastern Wood Pewee (special concern) was documented during the breeding bird surveys. The Ministry recommended that the on-site woodland be considered SWH for Eastern Wood Pewee as a species of conservation concern. This includes the

In order for us to serve you better, please call ahead to make an appointment with our staff.

FOD3-1, FOD-5-1 and the CUM1-3 Ecological Land Classification (ELC) communities described on Figure 3 in the Natural Environment (NE) Report.

The response appears to suggest that the on-site woodland is SWH for Eastern Wood Pewee. MNRF staff agrees with this characterization. This is informed by the technical guidance in the 2010 Natural Heritage Reference Manual (NHRM) and the supporting draft SWH Ecoregion Criteria Schedules. However, the response also states that the removal of the habitat will not significantly impact Eastern Wood Pewee, as habitat availability is not a limiting factor for the species. It is important to note that SWH is to be protected in accordance with provincial policy. For example, the Provincial Policy Statement (PPS) does not support development or site alteration within or adjacent to SWH, unless it has been demonstrated that there will be no negative impacts on the feature or its ecological functions. It is recommended that the response be updated to clearly demonstrate how the relevant policy tests for this feature have been, or will be, achieved in the application.

- The MNRF objection letter also noted the potential for Giant Swallowtail Butterfly (ranked S3) to be on the site, due to the presence of Prickly Ash. It is understood that the project team completed surveys for the species on August 6, 2014, and documented one individual in a patch of Prickly Ash within ELC community FOD3-1. MNRF staff recommends that this area of the on-site woodland (FOD3-1) also be considered SWH for Giant Swallowtail Butterfly (species of conservation concern). As noted above, SWH is to be protected in accordance with provincial policy. It is recommended that the response be updated to clearly demonstrate how the relevant policy tests for this feature have been, or will be, achieved in the application.

Site Plans

The MNRF is not in a position to complete a fulsome review of the proposed site plans, based on the above comments on the on-site woodland as SWH and potential species at risk habitat. Please note that addressing these comments may result in significant changes to the current details on the site plans.

The Ministry can, however, provide more preliminary comments on the Operational Plan for the project team's consideration. Please refer to the below:

- It is understood that to create the proposed wash ponds the removal of bedrock may be required to create level areas and capacity (technical note 26). It is recommended that this note be cross-referenced with the direction provided in technical note 7 on the Operational Plan, to ensure that any bedrock removal (i.e. only unconsolidated material) is in-keeping with the license category. For example, the following direction could be amended to note 26 *'any removal of bedrock will only be completed in accordance with the direction provided in note 7 on this plan.'*
- The Hydrogeological Assessment Technical Recommendations (Operational Plan 3 of 5) indicates that the groundwater monitoring program shall be discontinued after three years if no impacts are observed. It may be appropriate to continue monitoring groundwater levels for the duration of the license, to ensure the required setback from the groundwater table is being maintained.
- On the Operational Plan (Phases B – E) there appears to be several acoustical berms that extend within the proposed limit of extraction. Is this intended?

Summary

In light of the above comments, the MNRF continues to object to the proposed Spencer Pit (Category 3, Class A) license application at this time.

In the Ministry's opinion the response has not adequately addressed the on-site woodland as SWH for species of conservation concern, or the potential for the woodland to also include general habitat for listed bats protected under the ESA.

The Ministry would be pleased to discuss the content of this letter with the project team. Please contact the undersigned if further comment or clarification is required.

Regards,



Dave Marriott, District Planner
Ministry of Natural Resources, Guelph District
1 Stone Road West
Guelph, ON, N1G 4Y2
Phone: (519) 826-4926

cc: Ian Thornton, MNRF
Seana Richardson, MNRF
Graham Buck, MNRF

August 19, 2015



Dave Marriott
District Planner
Ministry of Natural Resources
Guelph District
1 Stone Road West
Guelph, Ontario
N1G 4Y2

Re: MNR Comments – Tri City Lands Ltd. Spencer Pit – Category 3, Class A License Application under the *Aggregate Resources Act*, Part of Lots 14-16, Lots 17 & 18, Concession B, Township of Guelph-Eramosa, County of Wellington

Dear Mr. Marriott,

Further to your letter of July 14, 2015, we are pleased to provide the following response to the items raised in your letter.

1. Natural Environment

Please find attached Stantec's response to the items raised regarding Little Brown Myotis, Northern Myotis, Eastern Wood Pewee, and Giant Swallowtail Butterfly.

2. Site Plans

1. We agree to adding the note regarding only removing un-consolidated material as suggested.
2. We agree to continue monitoring for the duration of the extraction operation.
3. In some areas, the acoustical berms are quite high and they therefore require a large base to maintain fencing setbacks and slopes. In some areas, this is larger than the setback. Any material not extracted while the berm is in place will be recovered when the side slope is rehabilitated. This is not unusual during rehabilitation.

Harrington McAvan Ltd - Landscape Architects

6882 14th Avenue, Markham, Ontario L6B 1A8 Phone: 905-294-8282 Fax: 905-294-7623
Offices in Markham, Cambridge, and Aylmer Ontario Visit us on the web at www.harringtonmccavan.com

We trust that his information provided adequately addresses your concerns. If you have any questions, please do not hesitate to contact us. Any technical question regarding the Natural Environment can also be discussed directly with Vince at Stantec.

Sincerely,

HARRINGTON McAVAN LTD.

A handwritten signature in black ink, appearing to read "Glenn D. Harrington". The signature is fluid and cursive, with a large initial 'G' and 'H'.

Glenn D. Harrington, OALA, FCSLA
Principal

Enclosures - 2
GDH/sh

cc: B. Hermsen, MHBC



Stantec Consulting Ltd.
70 Southgate Drive, Suite 1, Guelph ON N1G 4P5

August 19, 2015
File: 160960833

Attention: Mr. Glenn Harrington
Harrington McAvan Ltd., Landscape Architects
6882 14th Avenue
Markham, Ontario L6B 1A8

Dear Glenn,

Reference: MNRF comments on Natural Environment Technical Report components of the Spencer Pit: Category 3, Class "A" Licence Application under the Aggregate Resources Act, Part of Lots 14-16, Lots 17 & 18, Concession B Township of Guelph-Eramosa, County of Wellington

Thank you for forwarding comments from the Ministry of Natural Resources & Forestry (MNRF) dated July 14, 2015 with regards to the Category 3, Class "A" Licence application for the Spencer Pit. This letter provides responses to the MNR comments as they pertain to components in the Natural Environment Level 1 & 2 Technical Report (the Report) prepared by Stantec Consulting Ltd (Stantec). For ease of reference, our responses are ordered consistently with the comments provided in the MNR letter.

Little Brown Myotis and Northern Myotis

As discussed in our August 12, 2014 letter the snag density counts conducted by Stantec in 2013 were undertaken according to the MNR's "*Bats and Bat Habitats: Guidelines for Wind Power Projects*" (MNR, 2011). The snag density counts were designed to address significant wildlife habitat (SWH) in the form of potential maternity roost habitat for all bat species, including Little Brown Myotis, Northern Myotis and Eastern Small-foot Bat.

The density counts returned an average of 6.15 snags per ha. This snag density means that the woodlot does not meet the criteria of 10 snags/ha established by the MNRF to support candidate SWH for maternity roosts, and on that basis follow-up acoustical monitoring to assess significance under the SWH protocol was not required.

In MNRF's July 14, 2015 letter, they indicated that the snag density surveys were appropriate at the time to assess the potential for significant wildlife habitat (SWH) for bats in the woodland. However, since both Little Brown Myotis and Northern Myotis were listed as endangered under Ontario Regulation 230/08, the MNRF District office decided to require targeted acoustical surveys to determine if any snags within the woodland were being used by these bats.



Reference: MNRF comments on Natural Environment Technical Report components of the Spencer Pit: Category 3, Class "A" Licence Application under the Aggregate Resources Act, Part of Lots 14-16, Lots 17 & 18, Concession B Township of Guelph-Eramosa, County of Wellington

Both Little Brown Myotis and Northern Myotis received individual and general habitat protection under the Endangered Species Act (ESA, 2007) at the time of listing. Determining if listed bat habitat is present will be important to understand the potential implications of the Act. MNRF staff contacted Stantec via phone call on June 22, 2015 (not June 19 as indicated in the MNRF letter) to provide the project team with enough time to complete the recommended bat surveys within the 2015 survey window (i.e., the month of June).

Stantec ecologists surveyed the woodlot on the afternoon of June 22, 2015 to locate the best examples of snags and trees with cavities that could provide habitat for either species. Conditions in the woodlot are described in Section 4.4 of the Report.

Stantec ecologists selected ten survey stations in the woodlot for acoustic monitoring. These locations were selected either because there was a single tree that exhibited multiple cavities or crevices (e.g., cracks, scars, knot holes, woodpecker cavities, large amounts of loose bark, etc.) or was within a cluster of trees that each exhibited one or more of these characteristics. All trees were either decay Class 2 (declining live trees with part of the canopy lost) or decay Class 3 (very recently dead, no canopy, but bark and branches intact). The characteristics and locations of the survey stations are described in Table 1.

Table 1: Bat Acoustic Monitoring Survey Locations

Station #	Tree Species	# of Cavities	DBH	Cavity Height	Tree Height	UTM Easting	UTM Northing	Notes
1	Sugar maple	5+	30 cm	5-15 m	25 m	556843	4813715	Two main stems (Class 2)
2	Sugar maple	2	30 cm	5-7 m	20 m	556854	4813706	Large scar (Class 2)
3	Sugar maple	5+	50 cm	4-10 m	25 m	556859	4813668	Old hedgerow tree (Class 2)
4	Sugar maple	2	40 cm	7-10 m	20 m	556854	4813667	Old hedgerow tree (Class 2)
5	Black cherry	2+	30 cm	7-10 m	20 m	556863	4813797	Lots of loose bark (Class 3)
6	Black cherry	2+	25 cm	5-10 m	15 m	556851	4813800	Lots of loose bark (Class 2)
7	American beech	5+	90 cm	3-8 m	10 m	556776	4813687	Huge tree with numerous cavities (Class 2)
8	Trembling	2-3	25	4-6 m	8 m	556769	4813697	Cluster of 5-6 trees



Reference: MNRF comments on Natural Environment Technical Report components of the Spencer Pit: Category 3, Class "A" Licence Application under the Aggregate Resources Act, Part of Lots 14-16, Lots 17 & 18, Concession B Township of Guelph-Eramosa, County of Wellington

Table 1: Bat Acoustic Monitoring Survey Locations

Station #	Tree Species	# of Cavities	DBH	Cavity Height	Tree Height	UTM Easting	UTM Northing	Notes
	aspen		cm					(Class 2)
9	Trembling aspen	2-3	35 cm	7-10 m	18 m	556746	4813589	Largest in cluster of trees (Class 2)
10	Trembling aspen	3-5	40 cm	7-10 m	20 m	556750	4813577	Largest in cluster of trees (Class 2)

Visual observations (i.e., exit surveys) and acoustic monitoring (using handheld Wildlife Acoustics EM3+ monitoring units) were conducted at each of the survey stations for approximately 1.5 hours after sunset during one night in the last week of June (as shown in Table 2). Frequencies on the acoustic monitoring units were set according to the call parameters for Little Brown Myotis (40-80 kHz) and Northern Myotis (40-126 kHz).

Weather conditions were within the parameters for exit surveys as described in "MNRF Guelph District's recommendations regarding surveys for Little Brown Myotis (*Myotis lucifugus*) and Northern Myotis (*Myotis septentrionalis*) in habitats other than human-built structures" (i.e., temperature above 10 degrees Celsius, no rain, and low wind).

Table 2: Bat Acoustic Monitoring Results

Station #	Date surveyed	Number of bats observed	Behaviour observed	Little Brown Myotis calls	Northern Myotis calls	Other bat (non-SAR) calls
1	June 23	2 (species unknown)	Flying over canopy	0	0	0
2	June 23	1 (species unknown)	Flying over canopy	0	0	0
3	June 25	0	n/a	1	0	0
4	June 25	0	n/a	0	0	0
5	June 26	0	n/a	1	0	0
6	June 26	0	n/a	0	0	0
7	June 30	0	n/a	0	0	0
8	June 30	0	n/a	0	0	0



Reference: MNRF comments on Natural Environment Technical Report components of the Spencer Pit: Category 3, Class "A" Licence Application under the Aggregate Resources Act, Part of Lots 14-16, Lots 17 & 18, Concession B Township of Guelph-Eramosa, County of Wellington

Table 2: Bat Acoustic Monitoring Results

Station #	Date surveyed	Number of bats observed	Behaviour observed	Little Brown Myotis calls	Northern Myotis calls	Other bat (non-SAR) calls
9	June 29	0	n/a	0	0	0
10	June 29	0	n/a	0	0	0
Total		3		2	0	0

In total, 10 nights of exit surveys (including acoustic monitoring) were conducted in the woodlot. A summary of the monitoring results is provided in Table 2. In total, 2 Little Brown Myotis calls were recorded. No Northern Myotis calls were recorded during the surveys. Call data were analyzed for feeding buzzes to determine whether Little Brown Myotis was foraging in the woodlot. Feeding buzzes are produced when bats attack flying insects. No Little Brown Myotis feeding buzzes were recorded during the surveys. Three individual bats were observed, although the surveyors were unable to determine the species as the individuals were seen flying high above the forest canopy.

While we recorded echolocation calls of Little Brown Myotis during the acoustic surveys, the areas the calls were recorded within the woodlot are not characteristic of foraging habitat for Little Brown Myotis, as the woodlot does not contain aquatic foraging habitat preferred by the species (Clare et al. 2013). Furthermore, during the acoustic surveys, no Little Brown Myotis feeding buzzes were recorded. The lack of feeding buzzes in the recorded Little Brown Myotis calls indicates that the individuals were passing over the area, likely en route to preferred foraging habitat over the Speed River, but not actively foraging over the woodlot.

The bat assessment for the Project identified a small number of potentially suitable roost trees within the woodlot. All of the trees encountered exhibited one or more significant limitations as roost trees (e.g., low cavity height, dense surrounding canopy, sub-optimal tree species, etc.) and could only be considered marginal potential habitat at best. In addition, the acoustic surveys, coupled with visual assessments of each potentially suitable tree, demonstrated that these trees were not being used as roosts, let alone maternity roosts, given that no bats were identified entering or exiting the potentially suitable roost trees.

Given the absence of maternity roosts and foraging habitat in the woodlot, there is no evidence of Little Brown Myotis habitat in the woodlot. Although individual bats may pass over the woodlot from time to time on the way to and from foraging habitat, this does not distinguish the woodlot from any other site in south western Ontario at this time of year, and it is not the manner in which bat habitat is defined in current literature or by bat experts.



August 19, 2015
Mr. Glenn Harrington
Page 5 of 7

Reference: MNRF comments on Natural Environment Technical Report components of the Spencer Pit: Category 3, Class "A" Licence Application under the Aggregate Resources Act, Part of Lots 14-16, Lots 17 & 18, Concession B Township of Guelph-Eramosa, County of Wellington

On the basis of these field data and the MNRF guidelines, Stantec is of the opinion that the woodland does not include habitat for Little Brown Myotis, Northern Myotis or Eastern Small-foot Bat. Therefore, the removal of a portion of the woodland will not affect the availability of suitable habitat for these SAR bats.

Eastern Wood Pewee

In MNRF's July 14, 2015 letter, they requested that Stantec clearly demonstrate how the relevant provincial policy test related to SWH for Eastern Wood Pewee in the woodlot (i.e., demonstration of no negative impacts on the feature or its ecological functions) will be met by the application.

As discussed in our August 12, 2014 letter, suitable habitat for Eastern Wood Pewee within the proposed licence area is limited to mid-canopy forest edges along the woodlot, which is a habitat type that is common throughout this part of Wellington County and is not unique to the proposed license area. As the woodlot is gradually removed, the area of forest edge available for Eastern Wood Pewee will recede, ultimately to the limits of extraction as shown on Section B-B' of Drawing 4 (Sections and Details) in the site plans. As clearing will be conducted outside of the core breeding season for Eastern Wood Pewee and other forest birds (i.e., May 1 – July 31), clearing activities are not anticipated to have an impact on nesting birds. The portion of woodlot in the regulatory setback between the extraction limits and the existing CNR rail bed will be left intact, and the wooded area remaining will be up to approximately 45 m wide.

Maintaining this portion in a naturally-vegetated state will continue to provide habitat for Eastern Wood Pewee and, when combined with an abundance of other similar habitat in the general area, will result in no negative impact on the provision of habitat for Eastern Wood Pewee as a result of the proposed Spencer Pit.

Stantec remains of the opinion that the removal of a portion of the woodlot will not significantly affect the availability of suitable habitat for Eastern Wood Pewee.

Giant Swallowtail Butterfly

In MNRF's July 14, 2015 letter, they requested that Stantec clearly demonstrate how the relevant provincial policy test related to SWH for Giant Swallowtail Butterfly in the woodlot (i.e., demonstration of no negative impacts on the feature or its ecological functions) will be met by the application.

As discussed in our August 12, 2014 letter, one individual Giant Swallowtail Butterfly was observed flying in a patch of American prickly ash along the southern limits of the FOD3-1 community on August 6, 2014. The larvae of Giant Swallowtails will feed upon American prickly ash, which is common throughout this part of Wellington County. No larvae were observed on the American prickly ash, although the survey was undertaken during the time period when larvae would be



August 19, 2015
Mr. Glenn Harrington
Page 6 of 7

Reference: MNRF comments on Natural Environment Technical Report components of the Spencer Pit: Category 3, Class "A" Licence Application under the Aggregate Resources Act, Part of Lots 14-16, Lots 17 & 18, Concession B Township of Guelph-Eramosa, County of Wellington

expected to be present (Holmes, et al, 1991). As such, there is no evidence to indicate that the patch of American prickly ash is serving as larval habitat for Giant Swallowtail Butterfly.

Given that adult Giant Swallowtail Butterfly feed on nectar producing plants, and not on any life stage of prickly ash, the adult observed was most likely in transit to foraging habitat.

While there is no current evidence of use, the potential for Giant Swallowtail Butterfly larvae habitat use of the woodland in the future will be maintained in a manner similar to that described for Eastern Wood Pewee, and the edge of the woodlot will gradually recede to the limits of extraction as shown on Section B-B' of Drawing 4 (Sections and Details) in the site plans. The portion of woodlot in the regulatory setback between the extraction limits and the existing CNR rail bed will be left intact, and the wooded area remaining will be up to approximately 45 m wide. The patch of American prickly ash in which the Giant Swallowtail was observed is within this setback, and the plant is abundant throughout the FOD3-1 community. Patches of American prickly ash will be maintained in the retained woodlot and will continue to provide potential habitat for Giant Swallowtail Butterfly larvae. When combined with an abundance of other similar habitat and food sources in the general area, this will result in no negative impact on the provision of potential habitat for Giant Swallowtail Butterfly as a result of the proposed Spencer Pit.

Stantec remains of the opinion that the removal of a portion of the woodlot will not significantly affect the availability of suitable habitat for Giant Swallowtail Butterfly.

I trust that these responses satisfy MNRF's comments with regards to the Natural Environment Technical Report for the Spencer Pit. It is our assumption that you will be addressing MNRF's comments with regards to comments related to natural heritage on the Site Plans and Summary Report. Please feel free to contact me should MNRF have any further questions or comments.

Regards,

STANTEC CONSULTING LTD.

A handwritten signature in black ink, appearing to read "V. Deschamps".

Vince Deschamps, M.Sc, MCIP, RPP
Senior Environmental Planner
Phone: (519) 780-8164
Fax: (519) 836-2493
vince.deschamps@stantec.com

c. David Charlton, Stantec Consulting Ltd.

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August 19, 2015
Mr. Glenn Harrington
Page 7 of 7

Reference: MNRF comments on Natural Environment Technical Report components of the Spencer Pit: Category 3, Class "A" Licence Application under the Aggregate Resources Act, Part of Lots 14-16, Lots 17 & 18, Concession B Township of Guelph-Eramosa, County of Wellington

REFERENCES

Clare EL, Symondson WO, Broders H et al, 2013. The diet of *Myotis lucifugus* across Canada: assessing foraging quality and diet variability. *Mol Ecol* vol. 23, (15) 3618-3632. 10.1111/mec.12542

Holmes, A.M., Q.F. Hess, R.R. Tasker and A.J. Hanks, 1991. *The Ontario Butterfly Atlas*. Toronto Entomologists' Association, Toronto Ontario. 167 pp.

**Ministry of
Natural Resources**

**Ministère des
Richesses naturelles**



Guelph District
1 Stone Road West
Guelph, Ontario
N1G 4Y2

Telephone: (519) 826-4955
Facsimile: (519) 826-4929

July 14, 2015

RECEIVED JUL 30 2015

Glenn Harrington, Principal
Harrington McAvan Limited
6882 14th Avenue
Markham ON
L6B 1A8

Re: MNRF Comments - Tri City Lands Ltd. Spencer Pit - Category 3, Class A Licence Application under the *Aggregate Resources Act*, Part of Lots 14-16, Lots 17 & 18, Concession B, Township of Guelph-Eramosa, County of Wellington

Mr. Harrington

The Ministry of Natural Resources and Forestry (MNRF) Guelph District Office is in receipt of the response letter from Harrington McAvan Ltd., dated June 2, 2015, in support of the proposed Spencer Pit license application under the *Aggregate Resources Act* (ARA). This letter is also supported by the technical memorandum from Stantec Consulting Ltd., dated August 12, 2014. The Ministry's initial objection to the license application was dated June 27, 2014. MNRF staff appreciates the opportunity to review the above noted response, and can offer the following comments for consideration.

Natural Environment Report

- The Ministry's June 27, 2014 objection letter provided recommendations for the project team to complete targeted surveys for species at risk bats within the on-site woodland. The response appears to focus on the snag density counts already completed by Stantec in 2013. As previously noted, the snag density surveys were appropriate at the time to assess the potential for bat significant wildlife habitat (SWH) in the woodland. However, since both Little Brown Myotis and Northern Myotis were listed as endangered under Ontario Regulation 230/08, targeted acoustical surveys will need to be completed to determine if any snags within the woodland are being used by these bats. Both Little Brown Myotis and Northern Myotis received individual and general habitat protection under the *Endangered Species Act* (ESA) at the time of listing. Determining if listed bat habitat is present will be important to understand the potential implications of the Act.

In advance of this letter, MNRF staff contacted Stantec directly to discuss the above recommendation (phone call, June 19, 2015). The purpose of this call was to provide the project team with enough time to complete the recommended bat surveys within the 2015 survey window.

- The MNRF objection letter noted that Eastern Wood Pewee (special concern) was documented during the breeding bird surveys. The Ministry recommended that the on-site woodland be considered SWH for Eastern Wood Pewee as a species of conservation concern. This includes the

In order for us to serve you better, please call ahead to make an appointment with our staff.

FOD3-1, FOD-5-1 and the CUM1-3 Ecological Land Classification (ELC) communities described on Figure 3 in the Natural Environment (NE) Report.

The response appears to suggest that the on-site woodland is SWH for Eastern Wood Pewee. MNRF staff agrees with this characterization. This is informed by the technical guidance in the 2010 Natural Heritage Reference Manual (NHRM) and the supporting draft SWH Ecoregion Criteria Schedules. However, the response also states that the removal of the habitat will not significantly impact Eastern Wood Pewee, as habitat availability is not a limiting factor for the species. It is important to note that SWH is to be protected in accordance with provincial policy. For example, the Provincial Policy Statement (PPS) does not support development or site alteration within or adjacent to SWH, unless it has been demonstrated that there will be no negative impacts on the feature or its ecological functions. It is recommended that the response be updated to clearly demonstrate how the relevant policy tests for this feature have been, or will be, achieved in the application.

- The MNRF objection letter also noted the potential for Giant Swallowtail Butterfly (ranked S3) to be on the site, due to the presence of Prickly Ash. It is understood that the project team completed surveys for the species on August 6, 2014, and documented one individual in a patch of Prickly Ash within ELC community FOD3-1. MNRF staff recommends that this area of the on-site woodland (FOD3-1) also be considered SWH for Giant Swallowtail Butterfly (species of conservation concern). As noted above, SWH is to be protected in accordance with provincial policy. It is recommended that the response be updated to clearly demonstrate how the relevant policy tests for this feature have been, or will be, achieved in the application.

Site Plans

The MNRF is not in a position to complete a fulsome review of the proposed site plans, based on the above comments on the on-site woodland as SWH and potential species at risk habitat. Please note that addressing these comments may result in significant changes to the current details on the site plans.

The Ministry can, however, provide more preliminary comments on the Operational Plan for the project team's consideration. Please refer to the below:

- It is understood that to create the proposed wash ponds the removal of bedrock may be required to create level areas and capacity (technical note 26). It is recommended that this note be cross-referenced with the direction provided in technical note 7 on the Operational Plan, to ensure that any bedrock removal (i.e. only unconsolidated material) is in-keeping with the license category. For example, the following direction could be amended to note 26 *'any removal of bedrock will only be completed in accordance with the direction provided in note 7 on this plan.'*
- The Hydrogeological Assessment Technical Recommendations (Operational Plan 3 of 5) indicates that the groundwater monitoring program shall be discontinued after three years if no impacts are observed. It may be appropriate to continue monitoring groundwater levels for the duration of the license, to ensure the required setback from the groundwater table is being maintained.
- On the Operational Plan (Phases B – E) there appears to be several acoustical berms that extend within the proposed limit of extraction. Is this intended?

Summary

In light of the above comments, the MNRF continues to object to the proposed Spencer Pit (Category 3, Class A) license application at this time.

In the Ministry's opinion the response has not adequately addressed the on-site woodland as SWH for species of conservation concern, or the potential for the woodland to also include general habitat for listed bats protected under the ESA.

The Ministry would be pleased to discuss the content of this letter with the project team. Please contact the undersigned if further comment or clarification is required.

Regards,



Dave Marriott, District Planner
Ministry of Natural Resources, Guelph District
1 Stone Road West
Guelph, ON, N1G 4Y2
Phone: (519) 826-4926

cc: Ian Thornton, MNRF
Seana Richardson, MNRF
Graham Buck, MNRF

December 24, 2015

Glenn Harrington, Principal
Harrington McAvan Limited
6882 14th Avenue
Markham ON
L6B 1A8

Re: MNRF Comments - Tri City Lands Ltd. Spencer Pit - Category 3, Class A Licence Application under the *Aggregate Resources Act*, Part of Lots 14-16, Lots 17 & 18, Concession B, Township of Guelph-Eramosa, County of Wellington

Mr. Harrington

The Ministry of Natural Resources and Forestry (MNRF) Guelph District Office is in receipt of the updated site plans from Harrington McAvan Limited (dated December 23, 2015), submitted in support of the proposed Spencer Pit license application. The MNRF has had an opportunity to review the plans, and can provide the project team with the following comments for your consideration.

The Ministry's most recent objection letter was dated November 13, 2015. The MNRF's comments outlined required updates to the site plans to address the protection afforded to Little Brown Myotis under the *Endangered Species Act* (ESA), and other operational matters on the plans. The MNRF and the project team met on November 25, 2015 to discuss the approaches to address the ESA and Little Brown Myotis on the plans.

MNRF staff also provided preliminary comments to the project team on draft revisions to the site plans on December 21, 2015 (email correspondence).

MNRF Comments

The MNRF appreciates the project team's attention to our comments to-date.

The updated site plans (dated December 23, 2015) have appropriately addressed the MNRF's outstanding concerns in principle with the license application. This includes the protection afforded to Little Brown Myotis under the ESA. However, there appears to be a minor typo in technical note #14 on the Rehabilitation Plan. This note refers to the 'MNRFF' as the approval agency. It is recommended that this be corrected to the 'MNRF.'

Provided the above noted correction is reflected on the final site plans provided to the MNRF, the Ministry no-longer objects to the proposed Spencer Pit license application.

The Ministry would be pleased to discuss the content of this letter with the project team. If further comment or clarification is required please contact the undersigned.

Regards,

A handwritten signature in black ink, appearing to read 'D. Marriott', written over a horizontal line.

Dave Marriott, District Planner
Ministry of Natural Resources and Forestry, Guelph District
1 Stone Road West
Guelph, ON, N1G 4Y2
Phone: (519) 826-4926

cc: Ian Thornton, MNRF
Seana Richardson, MNRF
Graham Buck, MNRF



8348 Wellington Road 124,
P.O. Box 700
Rockwood ON N0B 2K0
Tel: 519-856-9596
Fax: 519-856-2240
Toll Free: 1-800-267-1465

June 18, 2014

Mr. Ian Hagman, District Manager
Ministry of Natural Resources - Guelph District Office
1 Stone Road West
Guelph, Ontario
N1G 4Y2

RECEIVED JUN 19 2014

Dear Mr. Hagman,

Re: Notice of Application for Licence
Category 3, Class 'A' (Pit Above Water)
Pt. Lots 14-16, and Lots 17 & 18 Con. B (Former Township of Eramosa)
Township of Guelph/Eramosa, County of Wellington
Tri City Lands Inc. - Proposed Spencer Pit

The current municipal zoning of the subject land does not permit the establishment of an aggregate extraction operation. A zoning by-law application has been filed by the proponent with the Township, and the planning process has recently begun, yet will take some time to conclude.

This review process, pursuant to the requirements of the Planning Act, will provide the Township and other stakeholders an opportunity to identify concerns and recommend measures to minimize potential impacts. As such, the Township would object to the approval of an aggregate licence until the municipal planning process has concluded and the required approvals are in place.

Should the Ministry eventually grant a licence for the subject land, we would appreciate a copy of the licence and approved site plans for our files.

Regards,

Kimberly Wingrove
Chief Administrative Officer

KW/kl

cc. G. Harrington, Harrington & McAvan Ltd.
Mayor and Council of Guelph-Eramosa Township
B. Hermsen, MHBC Planning
G. Cousins, County of Wellington Planning and Development Department

Kelsey Lang
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