



June 15, 2015

Tri-County Aggregates Ltd
92 Kenhar Drive
North York, ON
M6L 1N2

ATTENTION: Larry Pevato, President

Dear Mr. Pevato:

SUBJECT: Category 3, Class A Application under the Aggregate Resources Act
Applicant – Tri-County Aggregates Ltd.
Part of Lot 2 and 3, Conc. 18, Township of East Garafraxa
County of Dufferin

We have reviewed the Tri-County Pit Site Planning Report dated February 2015 including the following appendices:

- Appendix 3: Groundwater Science Corp.: Water Resources Assessment, December 2014;
- Appendix 5: Beacon Environmental: Level 1 and 2 Natural Environment Assessment and Natural Heritage Evaluation, December 2014.

We have also reviewed the Site Plans accompanying the *Aggregate Resources Act* (ARA) application.

We offer the following comments for your consideration:

Appendix 3: Water Resources Assessment

- Section 7.2 (pg. 21) addresses the potential water losses from the site based on the development and use of a wash pond. The potential drawdown of the water table was modeled and the results predicted a seasonal progression of drawdown between 0 – 0.81m at the 100m distance from the wash pond, generally corresponding with the stream channel. The consultant suggests that the drawdown is minor as the observed water table drawdown in 2014 was more than 0.6m under natural flow conditions. In Table 3, it is not clear if the predicted drawdown in response to the wash pond represents an additional 0.2m drawdown in November below the natural situation or if these predictions should be read cumulatively, such that there would be a total of 1.4m drawdown.
- Please provide additional drawdown calculations with the pumping rate of 975 L/m over 12 hours.

- Please clarify if it could be expected that the natural water table drop becomes more pronounced earlier in the season in response to operation of the wash pond, thereby potentially impacting the identified seasonal fish (spawning) habitat documented in the stream.

Appendix 5: Level 1 and Level 2 Natural Environment Assessment

Section 5.3 Significant Habitat of Endangered and Threatened Species

- Bobolink was observed on site during the breeding season in suitable habitat (hay). It is unclear at this time how much of the licensed area is suitable habitat for Bobolink; however, the report does acknowledge that prior to extraction in this area that an authorization under the Endangered Species Act (ESA) would be required. The location of the current hay field is not anticipated to be extracted for 10 years or more. We are satisfied, therefore, with Site Plan Note E2 on Drawing 3 that requires the licensee to apply for and obtain any necessary authorizations pursuant to the ESA prior to any site disturbance within Bobolink habitat.
- The report states that there is an unoccupied house and outbuildings on the site. While these buildings were searched for Barn Swallow (one nest was found and the report acknowledges the need to register any future nest removal activity), they were not surveyed for use by species at risk bats. On pages 36 and 37 of this section, it is noted that potentially suitable habitat for both the little brown myotis and northern myotis (both endangered species under the ESA) could be associated with the abandoned house and shed of the old farmstead (identified as Unit 10 in the report). We require that appropriate surveys be undertaken if there is suitable habitat within the old farmhouse and shed on the property.

Specifically, we request that exit surveys be carried out. These involve monitoring a structure and taking count of the number of bats that may be exiting. It needs to be undertaken in appropriate weather conditions and requires an adequate amount of surveyors to ensure all possible exit points are covered.

Two surveys are preferred as the first survey (pre-volant) will determine presence/absence of female bats using the feature as maternity roost habitat. These surveys should take place generally a week before and up to a week after the middle of June. If the first survey determined bat presence then the second survey should take place after the pups have begun to fly (post-volant) to determine the productivity of the site. This will allow for an idea as to the scale of the impact (i.e. building removal). The second survey should take place a week before and up to a week after mid-July. The District's management biologist can provide more information regarding the survey protocol documented in Draft Ontario Summer Maternity Roost Monitoring Emergence Counts (OMNRF, 2012).

- We also request that appropriate surveys be undertaken for chimney swift, a threatened species under the ESA, within Unit 10 if there is suitable habitat.

Section 5.8 Significant Wildlife Habitat

- Section 5.8 Significant Wildlife Habitat (pg. 40) describes the four principle components of significant wildlife habitat (SWH) as described in the Significant Wildlife Habitat Technical Guide (SWHTG). The report states that not all potential significant wildlife habitat as described in the SWHTG has been assessed, as this is a municipal undertaking and beyond the scope of the project. Only existing features were assessed against the four components for significant wildlife habitat.
- MNR's Natural Environment Report Standards for licence applications recommends, where the municipality has not identified SWH, that the applicant contact MNR to determine if criteria has been developed for the identification of significant wildlife habitat.

In this situation and for this site, MNR recommends the use of the Significant Wildlife Habitat Eco-region Criteria Schedules for Eco-region 6E which is the broader directive document written in support of the SWHTG. This criteria schedule has not been documented as being used in the screening for SWH on this site.

The SWH Eco-region Criteria Schedule identifies bat maternity colonies as a possible SWH under the Seasonal Concentration Areas of Animals component. Targeted surveys for bats were not completed for the cavity trees in the woodlot and in the abandoned house and shed at the old farmstead. In Section 5.8 - Seasonal Concentrations of Animals (pg. 40), the report concludes that the seasonal concentration criterion is not met by any habitat features or functions on the site or adjacent lands. Without assessment, we do not see how this assertion can be made.

- On page 42 under Specialized Wildlife Habitats, it is noted that four area-sensitive forest breeding birds were documented in the woodlot; however, due to the limited habitat area, that function and no other such habitat feature was recognized in the report as specialized wildlife habitats.
- The Eco-region Criteria Schedule for Ecoregion 6E identifies Amphibian Breeding Habitat (Woodland) as a specialized wildlife habitat and the report documents spring peeper breeding in the forest pond north of the pit site. This feature may warrant consideration as a habitat feature within the impacts and mitigation components of the assessment.
- On page 43 under Review of Species of Special Concern, the eastern wood-pewee was documented in the woodlot habitats during the breeding bird survey and it is recognized as potential habitat for Species of Conservation Concern. Neither this habitat use nor any other are recognized as significant wildlife habitats in Sections 7 or 8 of the report.
- With the exception of the abandoned farm house and shed, the potential features and functions noted above are centred within the woodlot feature which is proposed

to remain outside of the extraction area. Nevertheless, we feel that it was appropriate that the report include a complete assessment of the natural heritage features and functions on and adjacent to the subject property.

Site Plans

Drawing 1 – Existing Features

As per MNR policy for licence conditions/site plan notes, prescribed conditions should not be duplicated as site plan notes. The prescribed conditions, therefore, shown on Drawing 1 should be removed.

Drawing 3 – Progressive and Final Rehabilitation Plan

Note 2 states that “the anticipated progressive rehabilitation sequence, illustrated on this plan, is conceptual and is provided only to indicate that the licensee will proceed progressively and use reasonable effort to minimize the disturbed area.” There needs to be more certainty with respect to maximum disturbed area as this site is within the Greenbelt Plan area. The Greenbelt Plan requires that rehabilitated area will be maximized and disturbed area minimized on an ongoing basis during the life-cycle of an operation. Section 10.4 Operational Plan in the Site Planning Report states that “As the excavation advances, topsoil and overburden will be stripped and transported to areas undergoing progressive rehabilitation. It is expected that up to 40 hectares or 64% of the site, including the haul road, berms and wash ponds, could be disturbed during peak development.” We request that this maximum disturbed area of 40 hectares replace the text that states that “reasonable effort to minimize the disturbed area will be used.”

Based on our review, we must object to this application until the above noted information has been provided and we are satisfied that appropriate preventative, mitigative and remedial measures will be undertaken with respect to the protection of natural heritage features; and, the site plan notes have been appropriately revised.

If you have any questions or concerns with the above, please do not hesitate to call or e-mail me.

Yours truly,



Kim Benner
District Planner
Midhurst District
(705) 725-7534
kim.benner@ontario.ca

c.c. Seana Richardson, Guelph District, MNR
R. J. Long, Long Environmental Consultants Inc.