



Skelton Brumwell
& ASSOCIATES INC.

ENGINEERING PLANNING ENVIRONMENTAL CONSULTANTS

Jo Anne
Merrick
Uxbridge

93 BELL FARM ROAD
SUITE 107
BARRIE ONTARIO
L4M 5G1

TELEPHONE:
(705) 726-1141

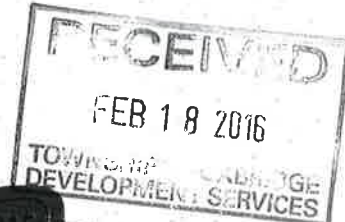
FAX:
(705) 726-0331

mail@skeltonbrumwell.ca
www.skeltonbrumwell.ca

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FEB 18 2016

NUMBER: _____
REFERRED TO: _____



February 11, 2016

Lake Simcoe Region Conservation Authority
120 Bayview Parkway, Box 282
Newmarket, ON L3Y4X1

Attention: Kevin Jarus, M.Pl
Development Planner

Dear Mr. Jarus

Re: Response to October 10, 2014 LSRCA Comments
Proposed Vicdom Sand and Gravel Utica Pit, Township of Uxbridge, Region of Durham
Official Plan and Zoning Bylaw Amendment Applications.
Regional File No.: 2014-05; Municipal File No.: OPA 55 & ZBA 2014-05
Our File: P/N 12-2630

On behalf of Vicdom Sand and Gravel (Ontario) Ltd. (i.e. Vicdom), we have prepared the following responses to the LSRCA's October 10, 2014 comments on the Reports and Site Plan submitted for a regional and local Official Plan amendment and municipal Zoning By-law amendment for the proposed VicDom Utica Pit.

The LSRCA comments are indicated below *in italics* and are followed by the Vicdom Consulting Team Response(s).

Natural Heritage Comments:

1. *The SAR initial screening should be completed by contacting MNR. Although the surveys completed did not identify any Butternut and it is unlikely that grassland birds are using the property due to the corn row crop, a sweep should be completed for Barn Swallow nests as remnant sections of the barn and residence remain on site.*

The MNRF District Planner was contacted on July 16, 2014 to provide comments on any species at risk concerns relative to the above noted applications. The MNRF informed us that any species at risk concerns would be determined through their review of the *Aggregate Resources Act* Application.

As described in the Natural Environment Report, the site is currently used for active agricultural production (field crops including corn and soy) and has been so for many years. Given the active agricultural condition of the site, and lack of suitable habitat for grassland species at risk (i.e. Bobolink or Eastern Meadowlark), there is no requirement for any surveys nor are there any concerns relative to impacting these species' habitat.

Field visits occurred on April 18 and July 17 of 2012, with a follow-up visit occurring on August 16, 2013. These visits found no Butternut trees.

We note that there is no longer any barn located on the property as of 2012. We have been informed by the landowner that the barn was unsafe due to previous snow load damage and was removed. Therefore, there are no structures on the property suitable for Barn Swallow nests.

LSRCA staff were present at a Site Meeting on October 28, 2014 and confirmed the agricultural condition of the site.

2. *A replacement plan should be provided for the loss of tree cover on the property. Contingent on landowner confirmation and permission, it is suggested these trees are planted in the nearby ORM woodland within areas where open gaps exist between woodland sections. Plantings to replace lost trees should also be included as part of Progressive Rehabilitation per section 8.6(5) and 8.8 of the Technical Background Report.*

As discussed between LSRCA and Vicdom's Consultants at the Site Meeting on October 28, 2014, there is limited mature tree cover on the site. There are several native and ornamental trees located in the vicinity of the residence and several small trees located along the unopened Road Allowance bordering the northern perimeter of the property. Given the lack of existing tree cover on the site, no significant loss in tree cover is anticipated due to the pit operation. The nearby ORM woodland (across Goodwood Road) is a poor quality pine plantation and is located on privately owned land. This land is not suitable for replacement tree planting.

As discussed with LSRCA staff at the October 28, 2014 onsite meeting, to compensate for the loss of trees associated with the residence, a tree and shrub seeding and planting plan has been added to the Progressive and Final Rehabilitation page (Dwrg 3 of 3) of the Site Plan. Corresponding sections of the TBR (Technical Background Report) have been revised. A copy of the revised Site Plan and TBR have been included with this correspondence.

3. *Section 3.4 of the Natural Environment Report (NER) Level I and II states that there are "no identified key natural heritage or hydrologic features in the portion of the property in the LSPP jurisdiction or within 120 metres." However, section 3.5 of the same report states that "Key Natural Heritage Features are found on the south side of Rural Road 21 which lie within 120 metres of the subject property". As such, section 3.4 should be revised to state that while KNHFs are found within 120 metres, the LSPP does not require an NHE to be undertaken.*

The NER has been revised accordingly and a copy has been included with this correspondence.

4. *Section 9.0 of the NER concludes that "there will be no direct disturbance to this feature". This conclusion is reiterated in section 6.0 of the Technical Background Report. However, section 35(1)(c) of the ORMCP states that "an application for a mineral aggregate operation ... shall not be approved unless the applicant demonstrates:*

(c) If there are key natural features on the site or on adjacent land, that their health, diversity, size and connectivity will be maintained and, where possible, improved or restored".

As such, the Level II report and Technical Background Report should be revised to discuss the maintenance of the health, diversity, size and connectivity of such features, and provide recommendations for the improvement or restoration of the adjacent Natural Heritage Features.



As determined by the NER Level II, no impacts are anticipated to the natural heritage features identified on the adjacent lands – this includes the health, diversity and connectivity of this feature. Significant Woodlands south of the subject property are bisected by Goodwood Road, which is a major 39m Regional arterial right-of-way that separates the adjacent property and the subject property. As a result, there is limited opportunity to enhance this feature or directly improve connectivity through the rehabilitation of the proposed Utica Pit. As noted in Comment #2, the Significant Woodland to the South is not suitable for replacement tree planting

Furthermore, the Vicdom Utica Pit will be part of the Bioregional Planning for Aggregate Extraction Project in the Township of Uxbridge. Although still in its infancy, this Project encourages a landscape level approach be taken to planning for the end-uses of aggregate operations located on the Oak Ridges Moraine in the Townships of Uxbridge and Scugog. Vicdom Sand and Gravel Ltd. have been an active participant in this Project since its inception and numerous aggregate sites operated by Vicdom are included within the scope of this initiative. Vicdom's continued involvement with this Project, and the inclusion of the Utica Pit, will ensure that considerations for enhancement to natural heritage health, diversity, and connectivity are addressed on a broader landscape level.

LSRCA Hydrological Study / Water Balance Comments:

LSRCA Comments #5 and #6.

Please see the attached response document prepared by Jason Balsdon from ResEnv Consulting that addresses LSRCA comments #5 and #6.

Other LSRCA Comments:

7. *Section 7.0 of the Level II NER states that the final end use of the Site will be for "private open space and/or agricultural use". The LSRCA recommend that efforts be made to rehabilitate the property to a more value-added natural state, which could include an extension to the Significant Woodlands to the south (i.e. significant and diversified tree plantings) as opposed to the more ambiguous 'open space' use.*

Rehabilitation of the site for private "Open-Space" use will include the creation of 3:1 slopes, seeding with native grasses, shrub and tree seeding, as well as block tree planting with native seedlings. This is both an acceptable and common rehabilitation practice for an above the water table pit in the Oak Ridges Moraine and numerous examples of this type of final rehabilitation are common in the immediate area.

Once rehabilitated, this site will be integrated into the surrounding landscape. Seeding with a native grass mixture and tree and shrub seeding/planting will provide habitat for grassland birds, such as the threatened Eastern Meadowlark and Bobolink, and provide some connectivity with nearby Natural Heritage features. The proposed rehabilitation plan, which includes the implementation of a Planting Plan, will result in a value-added natural state of the Utica Pit property over the existing agricultural condition of the property.



The proposed "Open-Space" use provides flexibility for the operator to determine the most appropriate and compatible end-use for the site once the aggregate material has been fully extracted. Given that the lifespan of the pit is expected to be approximately 15 years, depending on market demand, this flexibility is reasonable and represents good planning to accommodate any future changes in the surrounding landscape. This approach is consistent with sections 2.5.3.1 of the PPS that requires rehabilitation to promote land use compatibility and take surrounding land uses and approved land use designations into consideration.

As previously explained in the response to Question #4, the Vicdom Utica Pit will be included in the Bioregional Planning for Aggregates Project and the "Open Space" use indicated on the Rehabilitation Plan allows for some limited flexibility in the end-use of this site. Inclusion of the Utica Pit in the Bioregional Planning Project is also consistent with PPS policy that encourages comprehensive rehabilitation planning where there is a concentration of mineral aggregate operations (s. 2.5.3.2). Inclusion of the Utica Pit in the comprehensive rehabilitation strategy, developed as part of the Bioregional Planning for Aggregates Project, would certainly add ecological value to the ORM Plan Area.

8. *Section 35(6) of the ORMCP states that "an application for a mineral aggregate operation ... with respect to land in a landform conservation area (Category 1 or 2) shall not be approved unless the applicant demonstrates,*
- (a) That the area from which mineral aggregates are extracted will be rehabilitated to establish a landform character that blends in with the landform patterns of the adjacent land; and,*
 - (b) That the long-term ecological integrity of the Plan Area will be maintained, or where possible improved or restored.*

While section 8.8 (Rehabilitation) of the Technical Background Report addresses landform character (in stating "Completed rehabilitation activities will create a landform character that is cohesive with adjacent and surrounding landform patterns), further to comment #7 above a value-added rehabilitated state (i.e. tree plantings beyond a 'private open space' use) would generate ecological benefit for the Plan area.

Please see response to Comment #7. In addition, we would be pleased to speak further with LSRCA staff regarding the matter of Rehabilitation.

9. *The use of jute matting on all exposed 3:1 slopes as part of the Rehabilitation Plan is encouraged to provide for increased erosion control from wind exposure to the slope faces both during progressive and final rehabilitation.*

The use of jute matting on all exposed 3:1 slopes is not a requirement of the *Aggregate Resources Act* Provincial Standards. Vicdom Sand and Gravel Ltd. are experienced operators and will ensure that all Industry Best Management Practices are followed in regard to slope stabilization and rehabilitation. On a 3:1 slope it is unlikely that erosion or wind will cause a significant erosion problem once the slopes have been vegetated. The Provincial Standards require that adequate vegetation be established and maintained to control erosion of any topsoil or overburden replaced on the site for rehabilitation purposes.



We trust that the above responses and clarification address all of the outstanding LSRCA concerns regarding the Vicdom Utica Pit Site Plan. At any time, we would be pleased to meet with LSRCA, Township, and/or Region staff to further discuss any over the above comments and responses.

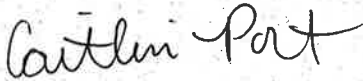
The \$15,000 Site Plan review fee has been submitted sent to the LSRCA

Please call or write with any questions,

Yours truly,

SKELTON, BRUMWELL & ASSOCIATES INC.

Per:



Caitlin Port, BES, MES
Planner



Kyle Fleming, B.Sc. (Wildlife)
Ecologist

Attach:

Response prepared by Jason Balsdon from ResEnv Consulting dated October 22, 2015
Revised Technical Background Report, dated December 2015
Revised Natural Heritage Report, dated December 2015
Utica Pit Site Plan, dated February 11, 2016

CMP/slc

C-16-052

cc: Richard Szarek, Region of Durham,
Jo Anne Merrick, Township of Uxbridge
Bruno Giordano, Vicdom Sand & Gravel (letter only)

