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and Housing**

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**Ministère des
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December 16, 2010

Denise Holmes, AMCT
Township of Melancthon
R.R. # 6
Shelburne, Ontario
L0N 1S9

Dear Ms. Holmes:

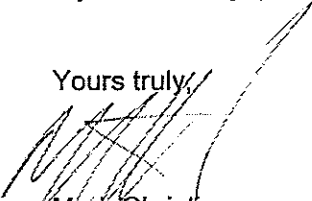
**Subject: Official Plan Amendment No. 17 – Strada Aggregates Inc.
Township of Melancthon, County of Dufferin**

Thank you for providing the Ministry of Municipal Affairs and Housing with the opportunity to provide pre-consultation comments on the above-noted Official Plan Amendment. This amendment is for a mineral aggregate operation (gravel pit) and was circulated to our partner ministries through the One-Window Provincial Planning Service for review and comment. Upon nearing completion of the municipal review of this amendment, please find attached the Ministry's staff report which concludes our comments at this stage.

Should this Official Plan Amendment be adopted by the Township, it will be forwarded to our Ministry for a decision under the *Planning Act*. It should also be noted that the Ministry of Natural Resources is also reviewing a corresponding licensing application for the mineral aggregate operation under the *Aggregate Resources Act*.

If you have any questions, please contact me at 1-800-668-0230 or (416) 585-6063.

Yours truly,


Mark Christie
Manager,
Community Planning

cc: GW Jordan, Township Planner
MOE, MNR, OMAFRA, MTC

MINISTRY PRECONSULTATION STAFF REPORT

Planning System: Bill 51

File Number(s): 22-DP-0002-08006
Upper Tier: Dufferin County
Municipality: Township of Melancthon
Applicant: Strada Aggregates Inc.
Date Rec'd by Ministry: January 20, 2009
Date Determined Complete: n/a
Decision Target Date: n/a
Related Files: n/a
PPS Issues: No

PROPOSAL:

The proposed site-specific Official Plan Amendment (OPA) would redesignate 47.6 hectares (117 ac) of land in the Township of Melancthon to permit the development of a mineral aggregate extraction operation (gravel pit).

BACKGROUND:

The subject lands are located on the West Half of Lots 11 and 12, Concession 3 Old Survey in the Township of Melancthon, and are currently designated "Rural" and "Environmental Protection - High Hazard Lands" in the Official Plan. This designation reflects the existing agricultural uses on the subject lands and an unevaluated wetland complex in the north-east corner of the property. The OPA is to redesignate the majority of these lands to "Industrial", to permit a mineral aggregate operation, to update the "Environmental Protection - High Hazard Lands" designation to reflect and protect the wetland complex, and rehabilitate the site post extraction to agricultural land. The OPA sets out site-specific policies under proposed Section 4(d)(iii) for the all the subject lands, in addition to applying policies under the existing general "Industrial" and "Environmental Protection" designation set out in the Official Plan.

The applicants have also submitted a concurrent Zoning By-law Amendment in support of the proposed OPA, to rezone the subject lands from the General Agriculture (A1) Zone to the Extractive Industrial (M2) Zone.

The Ministry of Municipal Affairs and Housing (MMAH) received sufficient copies of corresponding studies for circulation to its partner ministries for the consideration of a mineral aggregate operation in March 2009. The original proposal was to permit a mineral aggregate operation below the water table.

During the review process, the proposal was revised in April 2010 to instead permit a mineral aggregate operation above the water table, and corresponding studies were revised. In August 2010, MMAH received the proposed OPA for review and circulation to its partner ministries for comment.

The proponent has also applied for a Class A, Category 3 license (Pit Above Water) under the *Aggregate Resources Act* (ARA) to permit the extraction of aggregate. This ARA licensing process is administered by the Ministry of Natural Resources, and was posted on the Environmental Registry (EBR 011-0953) for a 45 day comment period on August 24, 2010. It is our understanding that approximately 30 letters were received and the proponent is reviewing the correspondence and is preparing a response. Comments from the Ministry of Natural Resources were responded by the proponent to the satisfaction of the Ministry of Natural Resources. The proponent has two years from the July 22, 2010 application date to complete the licensing process.

ONE WINDOW REVIEW/CONSULTATION:

The following assessment is based on a review of the *Planning Act*, Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshoe, and "One Window" consultation with the Ministry of Natural Resources (MNR), Ministry of the Environment (MOE), Ministry of Agriculture and Food and Rural Affairs (OMAFRA), and Ministry of Tourism and Culture (MTC).

MINISTRY ASSESSMENT:

The Provincial land use planning system is one where municipal planning decisions are to be guided by the *Planning Act*, the Provincial Policy Statement (PPS), appropriate provincial plans and the local official plan.

Growth Plan for the Greater Golden Horseshoe

Section 2.2.9.2 (Rural Areas) of the Growth Plan requires that development outside of settlement areas may be permitted in rural areas in accordance with 2.2.2.1(i). Section 2.2.2.1(i) states that growth shall be directed to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. The OPA permission for a mineral aggregate operation outside of a settlement area conforms to the Growth Plan.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest, such as agriculture, mineral aggregate resources, natural heritage, water, and cultural heritage and archaeology.

Agriculture:

Under Section 2.3 (Agriculture) of the PPS, prime agricultural areas are to be protected for the long-term use for agriculture. Prime agricultural areas are defined as areas where prime agricultural lands predominate, in particular Canada Land Inventory Classes 1, 2, and 3 soils. The existing "Rural" designation in the Township's Official Plan does not distinguish between prime agricultural areas and rural areas, and it is recognized that the majority of the subject lands are Classes 1 or 2 soil capability for agriculture. Therefore, the subject lands are considered to be within a prime agricultural area. Section 2.3.5.1 b) of the PPS, enables mineral aggregate operations to be permitted within prime agricultural areas, in accordance with Section 2.4 (Minerals and Petroleum) and Section 2.5 (Mineral Aggregate Resources) of the PPS. The OPA permission for a mineral aggregate operation within a prime agricultural area is consistent with the PPS.

Mineral Aggregate Resources:

Section 2.5 (Mineral Aggregate Resources) of the PPS requires that mineral aggregate resources shall be protected for long-term use and that as much of the resource as is realistically possible shall be made available as close to markets as possible. More specifically, Section 2.5.3 of the PPS recognizes the interim nature of mineral aggregate extraction and requires progressive and final rehabilitation in consideration of surrounding land uses. Further, Section 2.5.4 of the PPS requires that sites on prime agricultural lands, in prime agricultural areas, are to be rehabilitated so that substantially the same areas and same average soil quality for agriculture are restored. Complete agricultural rehabilitation is not required under specified circumstances set out in the PPS. The OPA permission for a mineral aggregate operation, and requirement for progressive rehabilitation post extraction to agricultural land is consistent with the PPS. An agricultural rehabilitation plan will be finalized through the *Aggregate Resources Act* (ARA) process.

However, proposed policy 4(d)(iii)b) which prohibits aggregate recycling processes appears to not be consistent with the PPS. The definition for mineral aggregate operations in the PPS includes associated facilities used in recycling of mineral aggregate resources. Further, the importance of recycling is also set out in various reports, such as the Environmental Commissioners report, MNR's State of the Aggregate Resource in Ontario Study (SAROS) report, and the Aggregate Policy Manual. Also, the proposed policy 4(d)(iii)b) which prohibits concrete batching plants appears to not be consistent with the PPS. Section 2.5.5 of the PPS permits portable asphalt and concrete plants as part of the mineral aggregate operation. Therefore, further discussion and potential revisions may be need for proposed policy 4(d)(iii)b), which, should the Township adopt this OPA, could be addressed at the time the OPA is forwarded to our Ministry for decision under the *Planning Act*.

Natural Heritage:

Section 2.1 (Natural Heritage) of the PPS provides policy direction on the protection of significant natural features. The *Natural Environmental Level 2 Assessment* of the subject lands did not identify any provincially significant natural heritage features. However, the Assessment does note an unevaluated wetland complex in the north-east corner of the subject lands. It is our understanding that the Nottawasaga Valley Conservation Authority (NVCA) and the proponent agree that if evaluated, it is likely this wetland complex would be considered provincially significant, and the proponent and Township support protecting the unevaluated wetland as such. Therefore, PPS does not permit development and site alteration in a provincially significant wetland, and development and site alteration is not permitted on adjacent lands of natural heritage features and areas, unless it can be demonstrated there will be no negative impacts on the natural features or on their ecological functions. As such, the OPA policies prohibiting development and site alteration within and 30m from the wetland complex is consistent with the PPS.

On Schedule A-1 of this OPA, it is noted in the legend that the designation for the wetland area is "Environmental Protection Area – High Hazard Land", which we understand meets the intent of retaining the existing environmental designation with the same level of protection as a provincially significant wetland. However, the text reference on this Schedule appears to be inaccurate, and should be revised to "Section 4(f)(i)" as the reference for the "Environmental Protection Area – High Hazard Land" section of the official plan.

Also, it was previously noted that the subject lands may include the habitat of an endangered and threatened species (Bobolink – grassland bird species). Upon updated site information and further investigation, it was determined that the subject lands do not contain suitable habitat for Bobolink.

In addition to OPA policies, protection of significant natural features is also addressed through the ARA process.

Water:

Section 2.2 (Water) of the PPS requires planning authorities to protect, improve or restore the quality and quantity of water. More specifically, Section 2.2.2 prohibits development and site alteration in or near sensitive surface water features and sensitive ground water features, and requires mitigation and/or alternative development approaches to protect these important features and their hydrologic functions. Upon review of the updated *Level 2 Hydrogeological Assessment*, no concerns were identified by MOE. OPA policies protecting water features and functions is consistent with the PPS. Should the mineral aggregate operation be permitted through the OPA, a 'Permit to take Water' will

be required pursuant to Section 34 of the *Ontario Water Resources Act*. Matters regarding water are also addressed through the ARA process.

Cultural Heritage and Archaeology:

Section 2.6.1 of the PPS requires that significant built heritage and significant cultural heritage landscapes shall be conserved. Section 2.6.2 of the PPS permits development and site alteration on lands containing archaeological resources or areas of archaeological potential only where the significant archaeological resources have been conserved by removal and documentation, or by preservation on site.

A Stage 1 and 2 Archaeological Assessment has been submitted to the Ministry of Tourism and Culture (MTC), and is currently awaiting review. The report determined that there are no significant archaeological resources on the subject lands, with the exception of one historical site where a Stage 3 Assessment is recommended. To date, MTC has not received the Stage 3 Assessment report. As these reports have not been reviewed, it is unknown at this time if additional archaeological fieldwork (Stage 4) will be necessary. MTC must review all reports, including a Stage 4 if necessary, and accept them into the Provincial Register prior to confirming that there are no further archaeological concerns.


Proposed policy 4(d)(iii)(f) of this OPA requires that the recommendations of the Assessments be implemented through the *Aggregate Resources Act* (ARA) licensing process, and that a Stage 3 Assessment be completed prior to extraction. While this proposed OPA policy is consistent with the ARA process, in that all stages of archaeological assessments, as required, must be completed prior to commencement of extraction. As commented above, it appears this proposed policy could be revised for clarification purposes to include all required Assessments (such as a Stage 4 Assessment if necessary) and that completion prior to extraction includes the completion of the necessary Assessments, MTC's review and acceptance of all the assessments, and the requirement to undertake additional archaeological field work, if necessary. Further discussion may be warranted, which, should the Township adopt this OPA, could be addressed at the time the OPA is forwarded to our Ministry for decision under the *Planning Act*.

Aboriginal Interests:

The *Constitution Act, 1982* recognizes the Aboriginal and treaty rights of Aboriginal peoples – which include First Nations, Métis and Inuit. If the Crown (federal, territorial, provincial) is considering a decision that may adversely affect established or asserted Aboriginal or treaty rights, the Crown has a duty to consult and, where appropriate, to accommodate the affected Aboriginal peoples. MMAH's position is that municipalities carry a responsibility to consult in some circumstances, such as certain land use planning and development processes. It is understood that the Township wrote to the Six Nations notifying them of this development proposal and received no response. Also, aboriginal communities have been consulted through the ARA process. Should the OPA be adopted by

the Township and forwarded to MMAH for a decision under the *Planning Act*, MMAH will assess if further consultation is required to satisfy the duty to consult.


Prepared by:



Andrew Doersam,
Planner

Date: Dec. 16/10

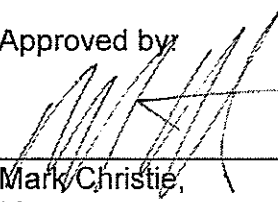
Reviewed by:



Jeremy Fredrickson,
Senior Planner

Date: Dec 16/10

Approved by:



Mark Christie,
Manager
Community Planning and Development

Date: Dec 16 '2010

December 16, 2010

VIA EMAIL

Ms. Denise B. Holmes, AMCT
CAO/Clerk-Treasurer
Township of Melancthon
157101 Highway 10
R.R. #6
Shelburne ON L0N 1S9

Dear Ms. Holmes:

**Strada Aggregates Inc. Planning Applications,
Proposed Aggregate Extractive Industrial Use
Part W $\frac{1}{2}$ Lots 11 & 12, Conc. 3, O.S.**

As a result of my December 14th, 2010, letter, we have now received a letter from Mr. Barrett of MHBC Planning dated December 15th, 2010, along with a set of site plans revised as of that date. I have reviewed those plans and checked them against the required changes noted in my letter.

The following comments are provided concerning the changes shown on this latest set of site plans and listed in Mr. Barrett's letter. These comments are numbered to correspond to Mr. Barrett's list.

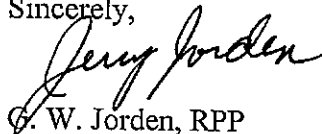
1. The reconfigured berm in the vicinity of the Jackson property is consistent with the initial version as provided by MHBC at the November 4th Council meeting. This feature is now satisfactory.
2. The revised site plans also show an area of coniferous tree plantings between the new berm alignment and the northern and western boundaries of the Jackson property. This is a new addition to the plans. It appears to be intended to reduce the visual impact of the berm and provide a permanent screening feature. There would be no significant noise attenuation implications from this feature. This aspect of the site plans and the related note on the site plans are satisfactory.
3. Note D(viii) on the site plans has been revised to reference a 5 year post-rehabilitation soil restoration monitoring program rather than 1 year as on the previous edition of the plan. This implements the recommendation of our peer reviewer.
4. Note B(v) has been correctly revised to require that the environmental monitoring results are to be sent to the Township and the Nottawasaga Valley Conservation Authority (NVCA). Also, the site plans have been revised to generally reflect the final requirements

of the NVCA concerning the retention of the berms in the vicinity of the wetland on the east side of the site. It appears, however, that the area of berm retention shown on the plans doesn't extend as far south as the NVCA had requested. I have sent this to Mr. Hibberd at the NVCA for comment.

In summary, the Township's latest site plan related requirements have now been addressed in the December 15th edition of the site plans. It would appear that the only other Township requirement or preference relating to the site plans would be the addition of a note referencing the associated operating agreement, as discussed in Mr. Osyany's correspondence.

I will advise you further if I receive additional information from Mr. Hibberd concerning his agency's interests in the site plan.

Sincerely,



G. W. Jordan, RPP

cc: Dave Barrett
Andrew Osyany
Chris Hibberd

Shepherd, Osyany & King LLP
Barristers and Solicitors

George H. Shepherd (retired 2002)
Andrew Osyany Professional Corporation - osyany@sok-law.com
Douglas J. King Professional Corporation - king@sok-law.com
Ruhia Jokhio - jokhio@sok-law.com

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☎ (519) 925-5331
☎ Fax: (519) 925-3202

File No. 20264

December 16, 2010

Township of Melancthon
157101 Highway 10
R.R. 6
Shelburne, Ont. L0N 1S9

Dear Mesdames & Sirs:

Re: Township of Melancthon - Strada Aggregates Inc.

Thank you for sending me a copy of Mr. Parkin's letter. I am enclosing a printout from the website of The Ontario Aggregate Resources Corporation (TOARC). Because Mr. Vandewiele was now on holidays, yesterday I spoke to Mr. David Sterratt, president of TOARC.

Mr. Sterratt confirmed that TOARC has nothing whatsoever to do with rehabilitation of licensed pits and quarries. That is handled entirely by MNR. The TOARC trust fund is for abandoned operations. In addition, if the MNR has revoked a licence, and the rehabilitation is not completed, then TOARC has the authority to do the rehabilitation, and go after the former licensee. To date, about \$750,000 has been spent by TOARC on the rehabilitation of revoked sites. The process is that TOARC gets notification from MNR about the licence being revoked and TOARC investigates the site to see the conditions. TOARC is not bound by the rehabilitation provisions of the Site Plan - the Site Plan is dead. The local municipality is not involved in any of this process.

TOARC has a board of directors with five persons associated with the aggregate industry, one with the MNR, one with conservation, and one from AMO.

It is my understanding that MNR will honour the joint request of the municipality and the applicant to reference the operating agreement in the MNR Site Plan.

Therefore, in the circumstances it may be appropriate to forego the requirement for a continuing security deposit (although it was intended for more than just rehabilitation), with the following proviso: that the rezoning should be approved as a holding zone, and that one of the conditions of removing the holding designation would be the MNR Site Plan incorporating the

December 16, 2010

Township of Melancthon

Page 2

negotiated operating agreement by reference. I believe that such a solution would reasonably protect the local municipal interests.

Yours very truly,
SHEPHERD, OSYANY & KING, LLP
per:

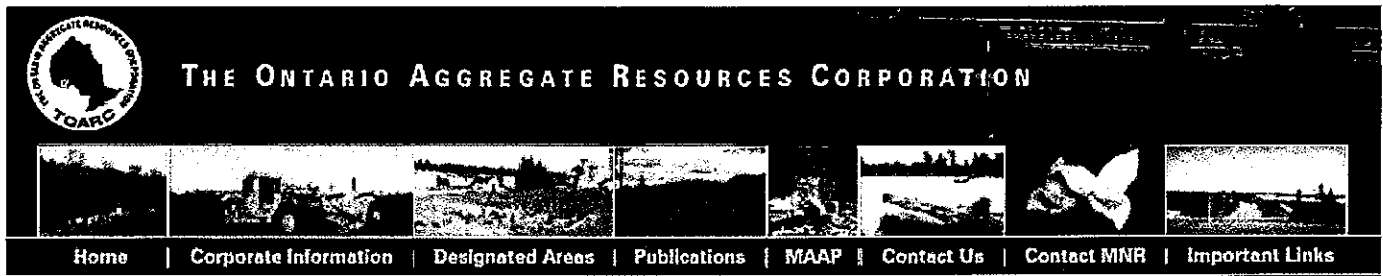


Andrew Osyany

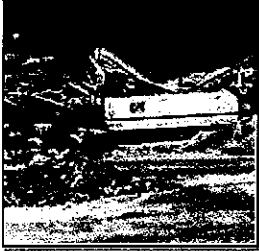
(ext. 233)

AO/ofa

cc. Michael Durisin, for Strada



Printer Friendly 



FORMATION OF THE TRUST

AGGREGATE RESOURCES TRUST & THE ONTARIO AGGREGATE RESOURCES CORPORATION

At the Provincial level, the management of Ontario's aggregate resources is the responsibility of the Ministry of Natural Resources (the MNR). In 1997, in an effort to better focus resources on the delivery of core programs, the MNR took steps to build a partnership with private industry to manage certain administrative functions. Accordingly, subsections 6.1 (1) and 6.1 (3) of the Aggregate Resources Act, R.S.O. 1990, Chap. A.8, as amended (the Act), gave the Minister the power to create the Aggregate Resources Trust (the Trust) and appoint a trustee to look after its affairs. The Minister of Natural Resources requested The Ontario Aggregate Resources Corporation (TOARC) to act as Trustee and in June of 1997 signed an indenture with the Corporation (the Trust Agreement) outlining the terms and conditions under which TOARC would fulfill the Trust purposes.

The Trust Purposes include:

1. The rehabilitation of land for which a Licence or Permit has been revoked and for which final rehabilitation has not been completed;
2. The rehabilitation of abandoned pits and quarries, including surveys and studies respecting their location and condition;
3. Research on aggregate resources management, including rehabilitation;
4. Payments to the Crown in right of Ontario and to regional municipalities, counties and local municipalities in accordance with regulations made pursuant to the Act;
5. The management of the Abandoned Pits and Quarries Rehabilitation Fund;
6. Such other purposes as may be provided for by or pursuant to Paragraph 6.1(2) 5 of the Act.

In August of 1999, Addendum 1 to the Original Trust Indenture was signed to expand the Trust Purposes to include:

- (a) The education and training of persons engaged in or interested in the management of the aggregate resources of Ontario, the operation of pits or quarries, or the rehabilitation of land from which aggregate has been excavated;
- (b) The gathering, publishing and dissemination of information relating to the management of the aggregate resources of Ontario, the control and regulation of aggregate operations and the rehabilitation of land from which aggregate has been excavated.

The Ontario Stone, Sand & Gravel Association (the OSSGA) is the sole shareholder of the corporation. However, a multi-stakeholder board of directors pursuant to the Trust Indenture administers the affairs of the corporation. The seven-member Board is composed of OSSGA directors and representatives from environmental groups, municipalities and non-OSSGA member aggregate producers. TOARC operates at arms-length from the OSSGA in terms of separate office facilities, management staff and reporting. TOARC, in its role as trustee, is responsible only to fulfill the Trust purposes as outlined in Bill 52. The MNR maintains a presence on the Board with an ex officio representative.

Since its inception in 1997, TOARC has focused upon developing systems for the efficient collection and disbursement of aggregate resource charges, the auditing of

production reports, the rehabilitation of abandoned pits and quarries through the MAAP program, the collection and publishing of production statistics and the general management of the Trust assets. The Trust has funded the rehabilitation of two sites where licenses have been revoked and TOARC has undertaken a current inventory of other such sites so that further rehabilitation can take place in an orderly fashion.

Denise Holmes, AMCT

From: Dave Barrett [dbarrett@mhbcplan.com]
Sent: Wednesday, December 15, 2010 9:08 AM
To: Denise Holmes
Cc: Mario Pietrolungo; Grant Horan; James Parkin; Mike Durisin; Jerry Jorden
Subject: Strada Aggregates - Rehabilitation Security
Attachments: Y349C_ Letter to Denise Holmes_Dec 15_10.pdf

Hi Denise,

Attached is a letter that provides additional information regarding rehabilitation security as discussed in Mr. Osyany's December 13, 2010 status report. The intent of this letter is to clarify the situation in advance of Council's further deliberation regarding the Township/Strada agreement. Please provide the attached letter to Council at your earliest convenience.

Thanks,
Dave

David R. Barrett, BES, MCIP, RPP
Planner

MHBC

Planning, Urban Design & Landscape Architecture
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12/15/2010



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE

December 15, 2010

Denise Holmes, CAO
Township of Melancthon
157101 Highway 10
R.R. #6
Shelburne, ON L0N 1S9

Dear Ms. Holmes:

**RE: STRADA AGGREGATES PLANNING APPLICATIONS - REHABILITATION SECURITY
OUR FILE Y349C**

We are writing to provide additional information regarding rehabilitation security as discussed in Mr. Osyany's December 13, 2010 status report. We acknowledge there has been inconsistent information provided to Mr. Osyany and intend to clarify the situation in advance of Council's further deliberation regarding the Township/Strada agreement.

There are two separate trust funds administered by The Ontario Aggregate Resources Corporation (TOARC). They have different legislative authority, different sources for funding and used for different purposes.

Abandoned pits and quarries are sites that have never been licenced under the Aggregate Resources Act. These typically small extraction areas pre-date Provincial legislation and are defined accordingly under the Aggregate Resources Act. One of TOARC's responsibilities is the rehabilitation of abandoned pits and quarries including surveys and studies respecting their location and condition (ARA Section 6.1 (2) .2). There is presently about \$3million dollars in this fund. The rehabilitation of abandoned pits and quarries is funded through the collection of annual per tonne licence fees. 0.5 cents of the 11.5 cent per tonne licence fee goes into the abandoned pits and quarries fund. Accordingly, the fund is continually renewed based on annual licence fees collected from producing pits and quarries.

TOARC inventories and prioritizes rehabilitation projects for abandoned pits and quarries across the Province. Over the years, 302 sites consisting of 521 hectares have been rehabilitated across the Province. As Mr. Osyany correctly points out this fund is for abandoned pits and quarries. It is not used for licenced operations or for operations that have been licenced under Provincial legislation.

The other fund referred to in Mr. Osyany's letter is the Rehabilitation Fund. At the end of 2009 there was \$13.4 million dollars in this fund. It is not available for abandoned pits and quarries. It is available to secure the rehabilitation for licenced pits and quarries where the licensee has defaulted on its obligations under the Act. Specifically, this is addressed in Section 6.1 (2) 1 of the Aggregate Resources Act. TOARC is

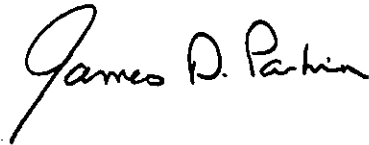
responsible for the rehabilitation of land for which a licence or permit has been revoked and for which final rehabilitation has not been completed. The money in the fund was derived from the aggregate industry individual licence security deposits that existed prior to the change in legislation which occurred in 1997. The legislation also includes provisions that allow the Rehabilitation Fund to be topped up if it is depleted due to an unusual number of defaults and rehabilitation expenditures.

Accordingly, there is a Provincial security deposit fund to secure rehabilitation at licenced pits and quarries where the licensee has defaulted on their obligations and the licence or permit has been revoked. This seems to be a direct duplication of the security that Mr. Osyany proposes to collect under Clause 82 of the draft agreement that has been prepared.

In addition to unnecessary duplication there are considerable complications that could arise if two jurisdictions are holding security for the same purposes. The Aggregate Resources Act gives TOARC the authority to enter private property and complete rehabilitation using the security held in the Rehabilitation Fund. It would be difficult to imagine how the municipality might have a role or authority to undertake the same work on the same site.

Strada's request is that this requirement for rehabilitation security not be included in the Township agreement. It is a direct duplication of security already provided for under the Provincial legislation and is not necessary to secure rehabilitation of the site in the unlikely event of Strada not being able or willing to fulfill its obligations.

Yours truly,
MHBC PLANNING

A handwritten signature in black ink that reads "James D. Parkin". The signature is written in a cursive, flowing style.

James D. Parkin, BES, MCIP, RPP
JDP/js

G.W. JORDEN *Planning Consultants Limited*

80 WORSLEY STREET, BARRIE, ONTARIO L4M 1L8

December 14, 2010

VIA EMAIL

Ms. Denise B. Holmes, AMCT
CAO/Clerk-Treasurer
Township of Melancthon
157101 Highway 10
R.R. #6
Shelburne ON L0N 1S9

Dear Ms. Holmes:

**Strada Aggregates Inc. Planning Applications,
Proposed Aggregate Extractive Industrial Use
Part W½ Lots 11 & 12, Conc. 3, O.S.**

As a follow-up to Mr. Osyany's letter of December 13th on the status of legal matters relating to the Strada applications, and my letter of the same date on Mrs. Lever's November 19th submission, this will summarize the current status of the planning related items.

As discussed in my last letter, the issues raised in Mrs. Lever's submission have now been addressed by the peer reviewers and the undersigned. As a result of that process there is a need for one change to the October 19th edition of the proposed site plans for the pit. In site plan note (viii) in section D, Agriculture, Soils, the requirement for a 1 year post rehabilitation soils monitoring program has to be changed to reference a 5 year program, as recommended by the peer reviewer. This item is found on the fourth of the site plans, the Cross Sections.

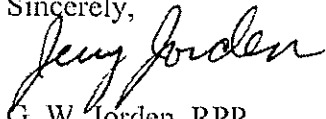
The other remaining matter of public input was the provision of the revised berm alignment in the vicinity of the Jackson property to Mr. and Mrs. Jackson for their review and comment. It is my understanding that this material was provided to the Jacksons in early November and the Township has received no further comments from them. It would now be appropriate to proceed on the basis of revised site plans showing the new berm alignment.

Also, the applicant has agreed to two further changes to the site plans as requested by the Nottawasaga Valley Conservation Authority (NVCA). One relates to the retention of a second berm section near the wetland after site rehabilitation. The other is a revision to note B(v) on the third page of the site plans to require the provision of the results of the environmental monitoring to the NVCA and the Township. Please reference the attached material with regard to these changes.

Since, as discussed in Mr. Osyany's letter, the Township's primary direct regulatory involvement in pit related applications ends with the approval of the planning amendments, it would be preferable to have a revised edition of the site plans prior to Council making its decision on the

amendments. Those revised plans should show all the changes referenced herein. To expedite matters in this regard, a copy of this letter is being provided to Strada's planning consultants.

Sincerely,

A handwritten signature in cursive script that reads "G. W. Jordan".

G. W. Jordan, RPP

cc: Dave Barrett, MHBC Planning
Andrew Osyany

From: Chris Hibberd (chibberd@nvca.on.ca)
To: dbarrett@mhbcplan.com;
Date: Thu, November 25, 2010 3:17:10 PM
Cc: dfatherstone@nvca.on.ca; jjorden@rogers.com;
Subject: Strada Melancthon

Hi Dave:

NVCA staff are working on a final letter for the proposed above water gravel pit. Overall, NVCA finds the latest proposal acceptable subject to the following minor revisions/additions to the ARA Site Plans:

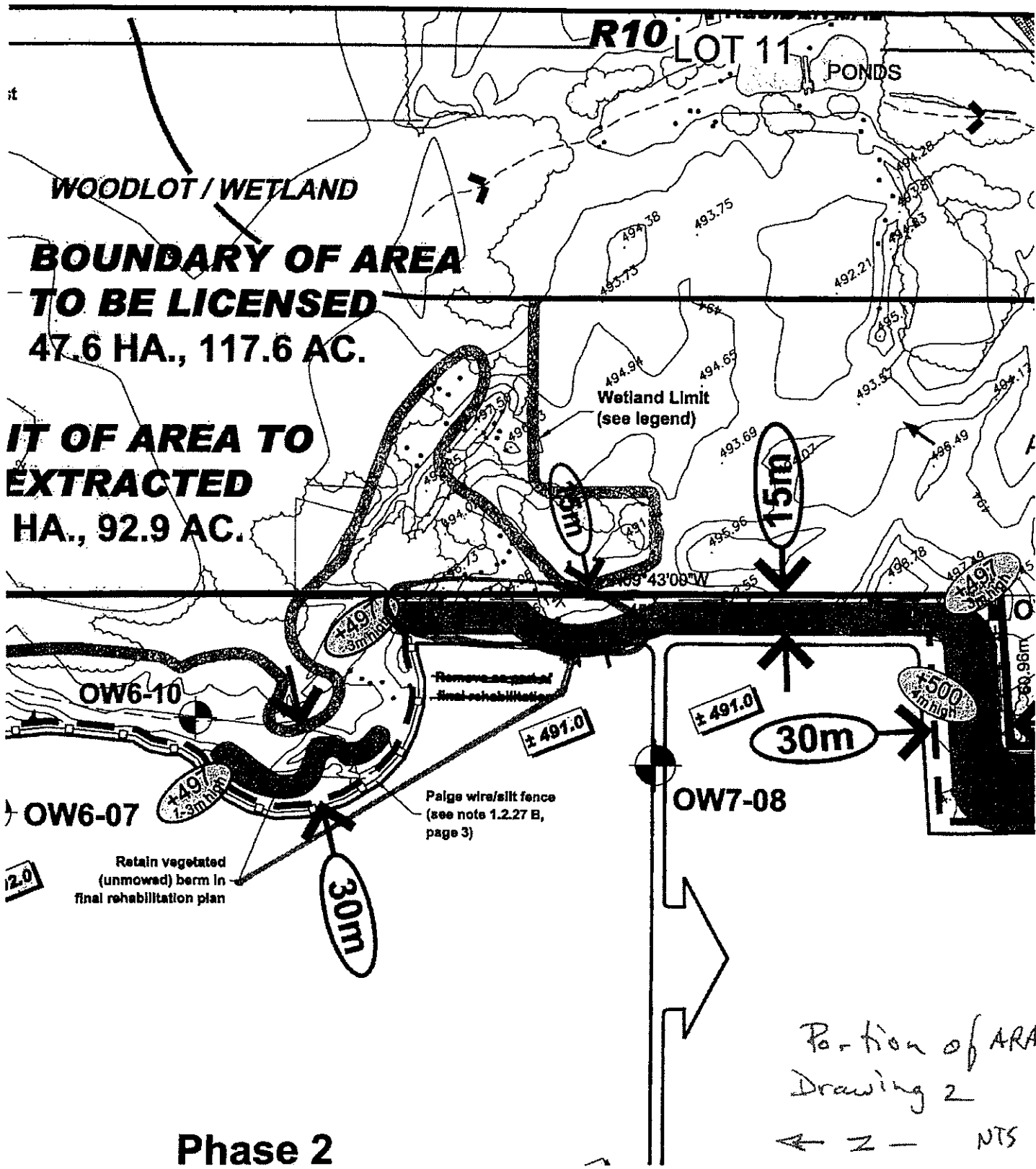
- That the berm located north of phases 2 and 3 boundary (see marked portion of ARA Site Plan drawing 2) be vegetated and remain in place post extraction. Based on our discussion earlier today we understand that this revision is acceptable.
- In addition to the above, the ARA Site Plans should include a note (consistent with the November 17th draft development agreement – section 35) which identifies that the amphibian monitoring report will be provided to the NVCA. Please also confirm that this addition is acceptable in order for NVCA staff to finalize our letter.

Please feel free to call if you have any questions or wish to further discuss this matter.

Regards, Chris

Chris Hibberd, MCIP, RPP
Director of Planning
Nottawasaga Valley Conservation Authority
John Hix Conservation Administrative Centre,
8195 Concession 8th Line, Utopia ON L0M 1T0
P: (705) 424-1479 Ext. 229, email: chibberd@nvca.on.ca

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R10 LOT 11

PONDS

WOODLOT / WETLAND

**BOUNDARY OF AREA
TO BE LICENSED
47.6 HA., 117.6 AC.**

**IT OF AREA TO
EXTRACTED
HA., 92.9 AC.**

Wetland Limit
(see legend)

OW6-10

Remove vegetation
final rehabilitation

OW6-07

Paige wire/silt fence
(see note 1.2.27 E,
page 3)

OW7-08

Retain vegetated
(unmowed) berm in
final rehabilitation plan

Portion of ARA
Drawing 2

Phase 2

← 2 - NTS

From: Dave Barrett (dbarrett@mhbcpplan.com)
To: chibberd@nvca.on.ca;
Date: Thu, November 25, 2010 3:31:19 PM
Cc: dfeatherstone@nvca.on.ca; jjorden@rogers.com;
Subject: RE: Strada Melancthon

Hi Chris,

Thanks for the follow-up. As discussed, we will revise the site plan to identify the additional berm area to be retained following rehabilitation (as per your attached sketch). The Amphibian Monitoring report will be provided to the NVCA as noted in the draft agreement. We will revised note B (v) (page 3 of 4) to include, "the results of the monitoring shall be provided to the Municipality of Melancthon and the NVCA by Sept 30th of each year".

I trust this addresses your additional comments.

Thanks,
Dave

David R. Barrett, BES, MCIP, RPP
Planner

MHBC

Planning, Urban Design & Landscape Architecture
540 Bingemans Centre Drive, Suite 200
Kitchener, ON , N2B 3X9
T 519 576 3650 x 722
F 519 576 0121
E dbarrett@mhbcpplan.com
W www.mhbcpplan.com

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-----Original Message-----

From: Chris Hibberd [mailto:chibberd@nvca.on.ca]
Sent: Thursday, November 25, 2010 3:17 PM
To: Dave Barrett
Cc: Dave Featherstone; Jerry Jorden
Subject: Strada Melancthon

Hi Dave:

NVCA staff are working on a final letter for the proposed above water gravel pit. Overall, NVCA finds the latest proposal acceptable subject to the following minor revisions/additions to the ARA Site Plans:

- That the berm located north of phases 2 and 3 boundary (see marked portion of ARA Site Plan drawing 2) be vegetated and remain in place post extraction. Based on our discussion earlier today we understand that this revision is acceptable.
- In addition to the above, the ARA Site Plans should include a note (consistent with the November 17th draft development agreement – section 35) which identifies that the amphibian monitoring report will be provided to the NVCA. Please also confirm that this addition is acceptable in order for NVCA staff to finalize our letter.

Please feel free to call if you have any questions or wish to further discuss this matter.

Regards, Chris

Chris Hibberd, MCIP, RPP
Director of Planning
Nottawasaga Valley Conservation Authority
John Hix Conservation Administrative Centre,
8195 Concession 8th Line, Utopia ON L0M 1T0
P: (705) 424-1479 Ext. 229, email: chibberd@nvca.on.ca

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December 13, 2010

VIA EMAIL

Ms. Denise B. Holmes, AMCT
CAO/Clerk-Treasurer
Township of Melancthon
157101 Highway 10
R.R. #6
Shelburne ON L0N 1S9

Dear Ms. Holmes:

**Strada Aggregates Inc. Planning Applications,
Proposed Aggregate Extractive Industrial Use
Part W½ Lots 11 & 12, Conc. 3, O.S.**

On November 19th Mrs. Joan Lever submitted an email identifying several concerns about the Strada proposal, the related peer reviews, the proposed planning documents and other matters. That email message was provided to the peer reviewers and we have now received the attached comments from them on those portions of Mrs. Lever's submission that relate to their reports and specific areas of expertise. In addition to those responses, the following provides my responses to the comments in the submission on primarily planning related issues and areas of general concern.

General Comments on the Peer Reviews

As is standard practice, the peer reviews evaluated the Strada documentation principally in terms of the application of proper professional practice and methodologies, the thoroughness of the data collection and analysis, and the compliance with all applicable regulatory and statutory requirements. It should be noted that there is no substantive reference to Official Plan policies in any of the peer reviews and the comments in Mr. Hagarty's attached letter addresses the few Official Plan references in the soil study. In light of this, the statement in the third paragraph of Mrs. Lever's email that the peer reviews are wrong because they are based on the draft Official Plan is completely incorrect. There is also no need to hold all development in the Township until the new Official Plan is approved, as suggested in Mrs. Lever's submission.

The attached comments from the peer reviewers satisfactorily address the questions and concerns raised by Mrs. Lever with regard to the documents prepared by those reviewers. There is only one matter that required further action as a result of this work. One note on the site plans for the proposed pit has to be changed to reflect the need for a five year agricultural restoration monitoring program rather than a one year program. No other revisions to the peer reviews and the related documentation from Strata are required as a result of the submission from Mrs. Lever.

The peer reviews which formed part of the basis for the recommendations of the October 29th, 2010, planning report on the Strada applications remain valid. There continues to be nothing in those reports that would justify a denial of the Strada planning applications.

Comments on the Proposed Official Plan and Zoning Amendments

In the last three paragraphs of the email submission, a number of illogical and unfounded statements are made, primarily about what the writer incorrectly perceives to be the impacts of the proposed Official Plan and Zoning By-law amendments. The following comments are provided in response to this component of the submission and reference should be made directly to the text of the email in reviewing them.

1. Proposed Official Plan Amendment No. 17 (OPA 17) would not change the zoning on the property. That would be the purpose of the proposed Zoning By-law amendment.
2. There is nothing in the proposed Open Space Conservation Exception (OS2-1) zone that would allow wind turbines or remove "water protection". Wind turbines are not subject to municipal zoning controls and are not mentioned in the proposed Zoning By-law amendment. Facilities for flood or erosion control works are removed as a permitted OS2 use because they are not needed on the subject lands and such facilities could adversely affect the site's important natural features. Also, it must be understood that the potential for other inappropriate permitted OS2 uses such as a public park, a golf course and a horticultural nursery would be eliminated by replacing the OS2 zone with the proposed OS2-1 zone and reconfiguring the area included in that zone.
3. The submission correctly notes that fencing or berms would be permitted in the proposed OS2-1 zone. These would protect the site's natural heritage features from any adjacent extractive industrial use. This is an essential site specific zoning provision. The combination of all the proposed site specific zoning provisions would result in greater protection of the site's water and natural environment features and functions, not a reduction in such protection as claimed in the submission.
4. The claims that this amendment would apply to the entire Township, that it would permit wind turbines throughout the municipality, and that it would eliminate all water protection policies in the Township is based on a fundamental misunderstanding of the use of exception zones such as this. Such zones are used to address specific circumstances in a specific property or area. A reading of the proposed Zoning By-law amendment should make that abundantly clear. The proposed OS2-1 exception provision states, in part, that only the subject lands shown "on Schedule "A-14" in part of the west half of Lots 11 and 12, Concession 3, O.S.", shall be used for the various uses specified in the by-law. The proposed by-law would apply to no other lands.

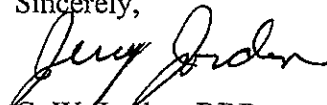
5. Contrary to the extreme statements made in the third last paragraph of the submission, the use of an OS2-1 zone on the Strada lands would not destroy water resources and prime agricultural land throughout the Township. It would be a site specific land use regulation addressing an important environmentally related issue on part of the subject property. It would apply nowhere else in the Township.
6. With regard to the last sentence in the submission, it should be understood that in addition to Strada not providing a roads report on the current edition of their proposal, the Township did not ask for such a report. The reason for this has been explained several times, including during the presentations at the public meeting. The previously submitted report demonstrated that the road system could accommodate the traffic generated by the originally proposed annual aggregate haulage limit that was double the maximum now proposed. On that basis, there is no need for another traffic study.

Conclusion

The submission from Mrs. Lever has not demonstrated that there are any mistakes or omissions in the peer reviews or elsewhere that would justify the denial of the Strada applications.

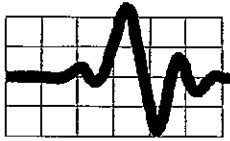
I would ask that you provide this letter and the attached material to Ms. Lever and to the Strada representatives.

Sincerely,



G. W. Jordan, RRP

Andrew Osyany



HUGH WILLIAMSON ASSOCIATES INC.

350 Fernhill Road, Ottawa, Ontario, K1M 0W8, Canada

10 December 2010

Denise Holmes
CAO-Clerk/Treasurer
Township of Melancthon
157101 Highway 10
R.R. #6
Shelburne, Ontario, L0N 1S9
Email: dholmes@melancthontownship.ca

Response to Email Letter from Joan Lever Regarding the Proposed Melancthon Pit

This letter has been prepared in response to an email letter from Joan Lever dated 19 November 2010 regarding the proposed Melancthon Pit. This letter responds to issues raised in Ms. Lever's letter concerning the *Peer Review of the Noise Control Study for the Proposed Melancthon Pit*, dated 28 June 2010.

Lack of a Site Visit by the Peer Reviewer

Ms. Lever is correct that the peer reviewer, Hugh Williamson, did not visit the site and conducted the review based on the Noise Control Study³ prepared by Aercoustics. Hugh Williamson Associates was engaged by the Township to conduct the Peer Review. It is common practice for peer reviews to be conducted on the basis of the study reports alone. The function of the review in this instance was to ensure that the study had been carried out according to MoE Guidelines^{1,2}.

Classification of Receptors/ Noise Limits

Sound level limits in the MoE guidelines^{1,2} depend on the acoustical classification of the receptor area as Class 1, 2 or 3.

Class 1 Area (Urban) 'an area with an acoustical environment typical of a major urban area, where the background noise is dominated by urban hum (primarily road traffic noise)'

Class 2 Area (Urban) 'an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 Areas, and in which a low ambient sound level, normally occurring between 23:00 and 07:00 hours in Class 1 areas, will typically be realised as early as 19:00 hours.'

Tel: (613) 747 0983, Fax: (613) 747 4514, Email: hughwilliamson@hwacoustics.ca
<http://www.hwacoustics.ca>

10 December 2010

Class 3 Area (Rural) 'acoustical environment that is dominated by natural sounds having little or no road traffic'

It can be seen that the distinction between Class 2 and Class 3 is whether or not the receptor is located in an acoustical environment which is dominated by road traffic noise during the day.

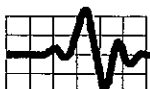
In the Noise Control Study³ prepared by Aercoustics, road traffic data presented for County Road 17 indicates that there will be significant road traffic noise for the residential receptors near the road, i.e. receptors R6 to R10. Hence these receptors would not be in an 'acoustical environment that is dominated by natural sounds having little or no road traffic', and thus for noise assessment purposes, and according to MoE Guidelines, the appropriate classification is Class 2 Area (Urban) for these receptors.

The remainder of the receptors, R1 to R5 and R11 to R13, are located along haul routes for existing aggregate operations: Nelson Arnold Pit, Shelburne Pit and Moyer Pit – see the Site and Surrounding Area plan contained in the Noise Control Study³. Hence these receptors would be subject to significant road traffic noise during the day and the appropriate MoE classification is Class 2 Area (Urban).

The sound level limits for a Class 2 Area (Urban) are the exclusion limits set out in Table 1, or higher limits if this can be justified by evidence of higher background sound levels. The Noise Control Study³ uses the minimum limit levels shown in Table 1. The limits are based on 1-hour equivalent sound levels, Leq, which, in effect, is the average sound level over one hour based on sound energy averaging.

Table 1: Exclusion Sound Level Limits by Time of Day¹

Time of Day	Class 2 Area (Urban) Leq (dBA)
07:00 – 19:00	50
19:00 – 07:00	45



10 December 2010

Indoor Sound Levels and Low Frequency Noise

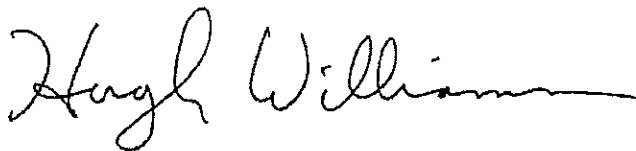
Ms. Lever suggests that the study should consider the following issues.

- Recommendations of the World Health Organization regarding indoor sound levels.
- Low frequency noise.
- Sound levels taken over shorter time periods than 1-hour.

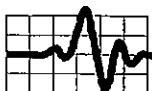
The validity of the above concerns or issues is not questioned, however, the Noise Control Study³ and the Peer Review⁴ are both based on MoE Guidelines, which place limits on outdoor noise based on 1-hour Leq. The MoE Guidelines are the Provincial standards in Ontario and are referred to in the Aggregate Resources Act. In hearings on noise impact issues in Ontario, our experience is that MoE Guidelines prevail over other documents.

Points to be considered in favour of the MoE Guidelines are as follows.

- Low frequency noise and louder noise over shorter periods both contribute to the 1-hour Leq.
- Outdoor sound levels from industrial sources can be measured and controlled more readily than indoor sound levels.
- Indoor sound levels depend on the construction of the building. Houses built to the Ontario Building Code have significant acoustical attenuation in the outer walls and windows.



Hugh Williamson, Ph.D., P.Eng.
Member, Canadian Acoustical Association



10 December 2010

References

1. **NPC-205:** Ministry of Environment Publication NPC-205, *Sound Level Limits for Stationary Sources in Class 1 and 2 (Urban) Areas*, October 1995.
2. **NPC-232:** Ministry of Environment Publication NPC-232, *Sound Level Limits for Stationary Sources in Class 3 (Rural) Areas*, October 1995.
3. **Noise Control Study:** *Noise Control Study for the Proposed Melancthon Pit*, report prepared for Strada Aggregates Inc. by Aercoustics Engineering Ltd., originally dated 3 September 2008, then revised 8 March 2010.
4. **Peer Review Melancthon Pit:** *Peer Review of the Noise Control Study for the Proposed Melancthon Pit*, Hugh Williamson Associates, 28 June 2010.



ENVIRONMENT PEER REVIEWER'S RESPONSES MARKED IN MARGIN

4. Hydrogeological Assessment

Mr. James Parkin, a Planner with MHBC Planning (Strada's Planner) provided the following reports to Denise Holmes, which were not Peer Reviewed by Melancthon Township :

1. Planning Report and ARA Summary Statement
2. Melancthon Pit Traffic Study
3. ARA Site Plan

My Comments on the Peer Review Reports:

Strada's application to amend first, Melancthon's 1979 Official Plan and second, Melancthon's Zoning By-Law must be denied due to the following mistakes and omissions. In addition, not all questions from the public have been answered .

Melancthon currently is governed by an Official Plan from 1979. All the Peer Review reports are basing their reviews on Draft Melancthon Official Plans that were never approved. Therefore all the Peer Review reports are wrong.

1. Noise Control Study:

The Peer Review for the Noise Control Study was done by Hugh Williamson Associates Inc. on June 28, 2010. Mr. Williamson did not visit either Strada's existing sand and gravel operation, or their new proposed pit. He based his review on a Level One and Two Urban Environment (NPC-205 Urban). This allowed a 50 dBA day time sound limit (7:00-19:00) and a 45 dBA night time sound limit (19:00-7:00). Mr. Williamson should have based his Peer Review on a Class 3-Rural Environment (NPC-232). Then the maximum sound levels would have been 45 dBA day time maximum and 40 dBA night time maximum. How ridiculous is it for Mr. Williamson to have put his signature on a Peer Review Document, when he did not even visit the existing or proposed Strada pit locations and make his own independent review whether the Environment was Urban or Rural?

Mr. Williamson did not comment on the lack of Low Frequency Noise testing of the crusher, or trucks in Strada's report. This should also have been part of his review.

The International Standards Association recommends 25 dBA in a bedroom. The World Health Organization recommends 30 dBA in a bedroom. At 50 dBA daytime sound level, Karren Jackson, who works night shift, and sleeps during the day with her windows open, will have her sleep compromised. Keep in mind that the noise testing is only recorded if done for one hour. If testing is done for 10 minutes and it exceeds 50 dBA, the test is shut down and is not recorded as failing the noise testing. Bruce Roberts was Aercoustics/Strada's representative at the Melancthon Council meeting. Mr. Hugh Williamson did the Peer Review of the Noise Control Study for Melancthon. He was not present at Council to answer questions, and Mr. G.W. Jorden was not able to answer noise questions either.

In summary, the "Noise Control Study" is based on an Urban rather than Rural Environment. Low Frequency Noise is not included. There was no site visit by Peer Reviewer Hugh Williamson. Mr. Williamson was not present at Melancthon Council to answer questions from Public.

2. Natural Environmental Level 1 and 2 Technical Report:

The second Peer review for Melancthon on Natural Environment Level 2 assessment (prepared by Elaine Gosnell for Strada) , File #1510 was done by Michalski Nielsen Associates Limited, Bracebridge. Biologist Gord Nielsen, M.Sc. Ecologist did a field inspection on May 3, 2010 with Kim Laframboise. They had to assess the impacts of land use change on a variety of natural features and attributes, including woodlands, wetlands, wild-life-habitat, fish habitat, Species at Risk and surface water quality. They based their report in part on Melancthon's Official Plan Draft 2010, rather than on our existing Melancthon Official Plan 1979. Natural Resources Solutions Inc. based their review on the 1994 Melancthon Official Plan.

Our review was not based on the Official Plan per se. A planning review was separately carried out by a professional planner. Our report did look at the appropriateness of conclusions that were reached, in light of both our own experience and environmental policy direction, with the latter including the Official Plan. The

current approved Official Plan typically guides planning decisions during the period of transition between an older and newer Official Plan, although it is appropriate that the new Official Plan helps to inform decisions during that period. In the context of our review, I think it is fully appropriate that we considered the new Official Plan which helps to inform decisions.

Gord Nielsen found many unresolved problems with Strada's Natural Environmental Report.

Our report raised a number of questions in relation to the information received. Notwithstanding those questions, as indicated in our summary comments, we concurred that there will be no long-term ecological harm with careful operation of the pit. Strada's consultant has provided a response to our peer review, and that response answered the majority of our questions.

1. It was not clear whether the report was a level 2 or 3 assessment?

"RE: Peer Review of Melancthon Pit-Natural Environment Level 2 Assessment"

"Purpose: The natural environmental study is one of several supporting documents which have been collectively completed to meet the application standards for a Category 3."

This is the title of the report we reviewed. It is a Level 2 assessment (meaning that sensitive natural environment receptors were identified, which warranted further investigation). This is different than the Category of pit licence being applied for.

2. The AEMOT study and Mr. Hunters maps should have been part of the review, since linkages in water between North and South of the Proposed Pit area may be evident in these maps. Linkages between North and South was one area of disagreement between Gord Nielsen's Peer Review Report and Elaine Gosnells Natural Resources Solutions/Strata report.

Our examination of linkages was based on potential wildlife movement between these areas. This linkage opportunity will be restored/enhanced as part of the pit's rehabilitation.

3. Melancthon's Official plan should identify Environmental Protection and Natural Features.

Until Melancthon's Draft Official Plan becomes Official and Non-Draft, all future Development and Planning applications cannot be processed.

This is a question requiring response from the planner, but from my perspective, the updating of Official Plans is an ordinary occurrence in municipalities, and planning matters cannot, and should not, be put on hold during the process of these updates.

4. Missing data according to the Peer Review includes:

Field work was very thorough. Yes, there were things that may have additionally been looked at, but it is clear from the summary opinion we provided that we do not feel this compromised the overall quality of work undertaken, or the strength of the applicant's consultants conclusions.

- We saw a variety of spring ephemeral not included in their inventories.

Yes, but does not significantly compromise their work or conclusions.

- The first monitoring date, May 1, was a little late for catching early breeders. As a result chorus frogs and wood frogs may be under-represented in the survey data.

Yes, but does not significantly compromise their work or conclusions.

- It would have been helpful to include vegetation unit FOD-5, on the north property boundary, within the amphibian survey, to determine if there are vernal ponds providing amphibian breeding habitat within the features, and to better understand the value of present/future linkages between this feature and wetland areas to the south.

■ Yes, but we understand there were access issues and this does not significantly compromise their work or conclusions.

- Northern woodlot not included in survey.

■ Yes, but we understand there were access issues and this does not significantly compromise their work or conclusions.

- Salamander population numbers are questionable due to improper traps. (The methodology of transforming minnow traps into salamander traps was not given.) Egg masses were found in south during site visit, yet there were no egg mass surveys done.

■ Yes, but does not significantly compromise their work or conclusions.

- Night surveys were not done.

■ Yes, but does not significantly compromise their work or conclusions.

- Milk snake surveys were not done, and they are a species of special concern.

■ Yes, but does not significantly compromise their work or conclusions.

- Monitoring Canada Warbler, Least Brittan, were not done. (*note: Henslowe Sparrow, Barn Owls and Red headed Woodpecker found within ½ mile of Strata's pit expansion proposal*)

- Clear Contour map needed for long term monitoring, was not provided.

■ We did not suggest this should have been done, only a better explanation of why consultant believes they would not occur on or adjacent to the site. This information was subsequently provided.

In summary, Mr. Gord Nielsen's Peer Review of Natural Solutions's Environmental Report, is missing important data which is needed for long term monitoring. Also, this report is based on the wrong Melancthon Official Plan.

■ I disagree with both of these summary statements, for the reasons provided above.

3. The Surficial Soil Report:

The Surficial Soil Report was Peer Reviewed by Jerry Hagarty, P.Ag. of Conna Consulting Inc., on June 4, 2010.
Address: General Delivery, Bayfield ON NOM-1GO
Fax 519-482-3095
e-mail jhagarty@rogers.com

The Report was prepared by Dave Hodgson, May 2008 of DHB Soil Sciences.

Problems:

1. Table One indicates that **94.2%** of the property is characterized by Prime Agricultural lands in the Class 1-3 Category. Mr. Dave Hodgson told Jerry Hagarty in a phone conversation that the summary in Section 5 is a "**typing error**". Why was this not corrected?

(p. 4 & 5 Peer Review) "*The Percent occurrence of class 1-3 soils established in Table 1 are not properly reflected in the Summary and Conclusions (Section 5) of the report due to a typing error.*" (Table 1 is correct)

2. Grading of the final rehabilitation does not provide for surface drainage which may result in ponding within the new agricultural surface.



General Delivery, Bayfield ON, N0M 1G0
Phone (519) 766-5455
Fax (519) 482-3095
email jhagarty@rogers.com

December 8, 2010

Ms. Denise B. Holmes, AMCT
CAO/Clerk- Treasurer
The Corporation of
The Township of Melancthon
R.R. # 6,
Shelburne, Ontario
L0N 1S9

Dear Ms. Holmes:

Re: Peer Review – Strada Aggregates Surficial Soils Study – Letter – Ms. Joan Lever

As requested, I have reviewed the above letter and include below my comments pertaining to Section 3, 'The Surficial Soil Report'.

Ms. Lever refers to my peer review dated June 4, 2010. The actual date of the peer-review document is June 16, 2010.

Item # 1

Ms. Lever refers to the peer review discussion regarding the lack of correspondence between Table 1 and the Summary of the DBH report concerning the percentage of prime agricultural land. She asks, '*Why was this not corrected?*'

The peer review, through discussion with Mr. Hodgson, determined that the Table contained the accurate data. The information is therefore substantiated. Given that this clarification has been made through the peer review, the Municipality should not require a reissuance of Mr. Hodgson's report.

Item # 2

This item repeats the June 16th peer review concern that the final rehabilitation should ensure an adequate surface slope and a suitable drainage outlet to provide for appropriate drainage in order to minimize ponding and excess water constraints within the new agricultural surface.

In further correspondence from Conna to the Municipality (August 6, 2010) we recommended that the following should appear within the Site Plan notes:

'Grading of the final rehabilitation surface should ensure an adequate slope and a suitable drainage outlet to provide for appropriate agricultural drainage.'

This specification has been added to the Site Plan notes as item vii in Section D – Agriculture, Soils of the plan.

With that, Ms. Lever's concerns regarding Item # 2 are addressed.

Item # 3

There was no Item # 3 included within the Lever letter.

Item # 4

Similar to Item # 2, Ms. Lever here repeated the June 16 peer review conclusion that it would be appropriate that an appropriate monitoring program be undertaken to identify and mitigate potential agricultural rehabilitation problem areas involving erosion, compaction and ponding.

Section C1d of Conna's June, 16, 2010 peer review (Agricultural Rehabilitation Guidelines) indicated the following:

'The DBH report suggests a five-year post-rehabilitation management program including a restorative cropping sequence as set out in Table 2. It would also be appropriate to set out an overlapping monitoring program to identify rehabilitation problem areas involving erosion, compaction or ponding that might require deep tillage cultivation, re-grading or adjustments to the cropping sequence to provide effective mitigation.'

In response to Conna's peer review, DBH's correspondence to the Municipality of July 16, 2010 indicated that:

'An additional note stating 'Create a post-rehabilitation monitoring plan to verify that productivity and soil capability standards have been met' should be added to the D) Agricultural, Soils section of Plan 4 of 4.'

In Section D (Agriculture, Soils) of the Site Plan, the following note (# viii) has been added:

'viii) Create a post rehabilitation monitoring program for one year to verify that productivity and soil capability standards have been met.'

The monitoring program needs to be extended to include the entire 5-year post-rehabilitation program since year 1's cropping sequence (per Table 2 of the DBH Surficial



Soil Study - May, 2008) only includes an initial stabilization year of cover crop (oats and rye grasses) designed primarily to control initial surface erosion of the reapplied and exposed topsoil. Years 2-4 are restorative years involving remedial crops (primarily legumes and grass mixes) that improve and restore soil conditions. Year 5 is when actual row crops (for example, corn, grains, beans) in rotation with legumes begin. Monitoring in this 5th year will assist in determining if full soil capability restoration for common field crops has been achieved.

We would recommend therefore, that Site Plan note viii be modified to indicate a 5-year, rather than a 1-year monitoring program.

With that, Ms. Lever's concerns regarding Item # 4 would be addressed.

Item # 5

Conna's only peer review reference to the Melancthon Official Plan is as follows:

'Section 3.2.2 of the DBH report also says that Section 4d of the Township of Melancthon Official Plan (February, 1994) '... indicates that when mineral aggregate extraction is completed, the site shall be rehabilitated and restored to the same average level of soil capability for agriculture as was there prior to extraction.'

I am unclear as to the basis for Ms. Lever's concern that the wrong Melancthon Official Plan has been used. The DBH report refers to both the approved and unapproved (draft) plan. Section 3.2.2 of that report refers to the Official Plan of the Melancthon Planning Area (office consolidation, February 1994) which was approved in November, 1997. At the end of that Section, the DBH report provides a further reference to the unapproved, October 2004 Official Plan.

Summary

The Lever letter summary is as follows:

'The Peer Review by Jerry Hagarty summarized the need to add drainage notes, post rehabilitation specifications within the Site Plan and the completion of the DGH Site Plan Review. Therefore Strada's application is not complete.'

With respect to the completion of a DBH Site Plan review, Mr. Hodgson's July 16, 2010 response to our peer review indicated that DBH was provided Site Plan mapping and that these were reviewed by DBH with respect to agricultural rehabilitation policy compliance.

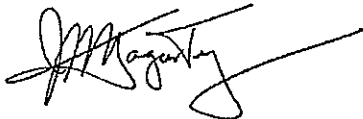
Drainage and post-rehabilitation monitoring specifications to the Site Plan have been added. The post-rehabilitation monitoring specification in Site Plan note D viii needs to be changed from 1 year to 5 years in order to fully assess the level of achievement of agricultural soil capability standards.



December 8, 2010
Page 4 of 4

With the above, Strada's application would be complete in respect of surficial soils and agricultural rehabilitation.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jerry Hagarty". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jerry Hagarty P.Ag.
Conna Consulting Inc.



From: Bluewater Geoscience (blemieux@rogers.com)
To: dholmes@melancthontownship.ca;
Date: Tue, November 30, 2010 10:51:50 AM
Cc: jjorden@rogers.com; osyany@sok-law.com;
Subject: RE: Strada's application

Denise: I will just address Joan Levers email here. I have limited my comments to the hydrogeological aspects of the e-mail.

It is my understanding that Strada will apply for a Permit to take Water (PTTW) for the new pit. They have stated that they will not operate both wash plants simultaneously but will revoke the existing PTTW prior to applying for the new one or upon approval of the new one. The MOE has regulatory authority for all PTTW's and this involves a rigorous application process that includes hydrogeological assessment.

I believe Mrs. Levers numbers are flawed. The Golder study did indicate a 2-8% loss of water for these types of operations. The vast majority of these losses are due to evaporation. As we know, evaporating water rises, condenses and falls again as rain.

The water extraction proposed by Strada will not produce any significant lowering of the water table and will have no affect on crop yields.

The last three paragraphs of Mrs. Levers email are incoherent and I cannot understand what point she is trying to make.

Any comparison between Walkerton and Melancthon is unwarranted and is not based on any scientific facts. There are no viable comparisons between what happened in Walkerton and Strada's application.

Hope this helps,

Bret

From: Denise Holmes, AMCT [mailto:dholmes@melancthontownship.ca]
Sent: Monday, November 29, 2010 2:53 PM
To: 'Bret Lemieux'
Subject: FW: Strada's application

Bret,


The below email has been received and was forwarded to the Township Planner. He is recommending that her email be forwarded to you for your review and comments on the part that pertains to your work.

Could you please have your comments back to me by December 13th at the latest?

Thank you.

Denise Holmes

Denise B. Holmes, AMCT | CAO-Clerk/Treasurer | Township of Melancthon |
dholmes@melancthontownship.ca | PH: 519-925-5525 ext 101 | FX: 519-925-1110

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From: JOHN LEVER [mailto:jlever@sympatico.ca]
Sent: Friday, November 19, 2010 7:52 AM