

October 5, 2021

Mr. David Sisco  
IBI Group  
410 Albert Street, Suite 101  
Waterloo, Ontario  
N2L 3V3

Dear Mr. Sisco:

**RE: Port Colborne Quarries Ltd. Pit 3 Expansion – Response to JART Comments**

I have reviewed the Joint Agency Review Team (JART) comment letter prepared by Britney Fricke (Senior Planner) dated July 28, 2021. The JART comments addressed the information submitted with the applications for Regional Official Plan Amendment (ROPA), local Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) for lands legally described as Part Lot 17, 18 and 19, Concession 2, City of Port Colborne. This includes comments regarding the Agricultural Impact Assessment prepared by Colville Consulting Inc. (JART Comments - Appendix 2). An account of changes within our updated report (dated September 29, 2021) has been requested. The purpose of this letter is to provide the clarification requested and address the JART comments directly, in conjunction with providing highlighted changes in our updated report. The edits specific to the JART comments are highlighted in yellow. Other general edits to the report we have made are highlighted in gray.

I have included each of the JART comments followed by my response.

**JART Comment #1**

The note about mineral aggregate operations being exempt from MDS (I&II) is correct. Therefore, staff accept that no MDS calculations have been undertaken for this assessment.

**Colville Response**

No changes to report.

**JART Comment #2**

Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Draft Guidance Document for Agricultural Impact Assessments (draft guidelines) suggests the primary study area for an AIA dealing with an aggregate operation is the proposed licensed area. However, staff do not object to the primary study area including lands immediately adjacent (i.e., residential and agricultural properties on the west side of Miller Rd).

**Colville Response**

No changes to report.

**JART Comment #3**

The secondary study area of 1.5km is acceptable and within OMAFRA draft guidelines.

**Colville Response**

No changes to report.

**JART Comment #4**

The Region's soil mapping is consistent with the data presented under section 5 of the AIA, with the exception of the 14.33ha the AIA identifies for Humberstone speedway as "not mapped". Regional mapping shows this area as a mix of Chinguacousy – Red Phase and Jeddo – Red Phase. This should be corrected in the report, and perhaps characterized as "not suitable for cultivation" as opposed to "not mapped".

**Colville Response**

As shown in Figure 3 of the AIA, the lands associated with Humberstone Speedway are listed as "not mapped". We have since updated our report in Section 5.2.1, Regional Soil Survey:

"The soils mapped within the Subject Lands themselves included the Jeddo soil series, the Chinguacousy soil series, and the very shallow phase of the Farmington soil series, the Franktown soil series and an unmapped area where the Humberstone speedway has already been developed and is no longer suitable for cultivation...

To address the JART comment we have edited the text to read as follows:

"The Humberstone speedway is located on approximately 14.33 ha (13.48%) that were mapped as a mix of Chinguacousy – Red Phase and the Red Phase of the Jeddo soil series. These lands are now disturbed as a result of the construction of the Humberstone speedway. Therefore, to be consistent with OMAFRA's mapping methods for lands that are no longer suitable for cultivation, we have revised our mapping and show the Humberstone speedway lands to be "Not Mapped"."

The mapping in the *Soils of the Regional Municipality of Niagara* uses NM (Not Mapped) for lands that are not suitable for cultivation because of development. We are using the same mapping terminology.

**JART Comment #5**

Section 5.3, 5.3.1 & 5.3.2 (CLI) & (Hoffman) is a good analysis of agricultural productivity. However, s. 5.3.2 states: "The HPI was calculated for the Subject Lands to assess the relative productivity of the lands for common field crop production. As determined above, the majority of the soils are comprised of CLI Class 3 soils." Yet Table 4, the extraction area, indicates a greater amount of the soil (45%) is Class 2, compared to Class 3 (32.8%). Table B2 (Appendix B) shows further details, but reports different numbers, likely due to including the secondary study area. The report should be revised to include the correct figures for soil type within the extraction area.

Response to JART Comments

### **Colville Response**

Tables 1 and 3 provide the area and percentages of the soil series and CLI Capability ratings, respectively, and are consistent for the Subject Lands (i.e., the proposed Licenced Area). Tables 2 and 4 show the same information for the proposed Extraction Area. There is in fact a greater percentage of CLI Class 3 lands within the Subject Lands (Table 3) than there is in the Extraction Area as shown in Table 4. This is because the majority of the lands outside of the Extraction Area (e.g., in the NW corner of the Subject Lands) are CLI Class 3 lands.

The HPI was used to determine the overall productivity of the Subject Lands. We calculated that the HPI was equivalent in productivity to CLI Class 3 lands. We have also calculated the HPI for the proposed Extraction Area and despite the higher percentage of CLI Class 2 lands, the HPI is the same (0.59). This is due to the higher percentage of Not Mapped lands in the proposed Extraction Area, relative to the proposed Licenced Area (Subject Lands).

We acknowledge that the sentence “As determined above, the majority of the soils are comprised of CLI Class 3 soils.” Seems out of place and does confuse the message. Although it is correct, we have removed it for clarity purposes. We have also updated Figure 3 to show the proposed Extraction Area to more easily visually compare the two area.

### **JART Comment #6**

Section 5.5, Section 5 Figure 6, and Section 7 Figure 6 are incorrect with respect to the naming, description and location of agricultural drains. Wignell is the central drain that flows through the proposed extraction area. Wignell becomes Michener south of Highway 3.

### **Colville Response**

We did review OMAFRA’s Agricultural Systems Portal once again and that mapping shows that that the Subject Lands intersect the Michener Drain. But we understand that the drains have been renamed and we have addressed this change in our report. The paragraph now reads as follows:

“As shown in Figure 6, there are three municipal drains in the Study Area; the Michener Drain M-2, Beaverdam Drain and the Wignell Drain. The Michener Drain M-2 is centrally located within the Study Area and drains the lands south of Highway 3. There are two branches of the Wignell Drain that are located within the Study Area. The western branch has been truncated by the Port Colborne Quarry and now only exists on the lands to the south of Hwy 3. The eastern branch is located on the Subject Lands and will be impacted by the proposed quarry expansion. The Beaverdam Drain is located in the eastern portion of the Study Area along White Road and west of Gasline.”

The text in Table 8 and the labelling of the Wignell Drain in Figure 6 has been updated accordingly.

**JART Comment #7**

Section 5.5 states: “There are no investments in tile drainage on the Subject Lands nor are there other land improvements on the Subject Lands”. This is consistent with tile drainage mapping available to the Region.

**Colville Response**

No changes to report.

**JART Comment #8**

Section 5.7 – The Region has Census of Agriculture data available at the local municipal level, which could better inform this section compared to the Niagara/Haldimand census division. This data is available online at <https://www.niagararegion.ca/living/ap/pdf/niagara-agricultural-profile.pdf>.

**Colville Response**

Addressed in updated report:

“Census of Agriculture data available specifically for the Niagara Region and the local municipal level, is available online at <https://www.niagararegion.ca/living/ap/pdf/niagara-agricultural-profile.pdf>.”

**JART Comment #9**

Section 5.8 should note and refer to additional studies being undertaken that will speak to environmental features and impacts.

**Colville Response**

Section 5.8, Environmental Assets has been updated accordingly and refers to additional studies being undertaken:

“There are woodlands and wetlands located within the Study Area. These natural features may provide important functions related to flood mitigation, carbon storage and opportunities for biodiversity. It is understood that the natural heritage features on site and on adjacent lands will not be impacted by the proposed quarry expansion. Additional information regarding environmental matters are addressed in other studies related to this application, including:

- Air Quality Impact Assessment, prepared by Golder Associates Inc. (dated December 2020);
- Best Management Practices Plan for the Control of Fugitive Dust (BMPP), prepared by Golder Associates Inc. (dated December 2020);
- Noise (Acoustical) Impact Study, prepared by Golder Associates Inc. (dated December 2020);

- Blasting (Vibration) Impact Assessment, prepared by Golder Associates Inc. (dated July 2020);
- Hydrological Assessment, prepared by Golder Associates Inc. (dated November 2020);
- Hydrogeological Assessment, Level 1 / 2 Water Resources Study, prepared by Golder Associates Inc. (dated October 2020);
- Natural Environment Level 1 & 2 Report (EIS), prepared by Golder Associates Inc. (dated October 2020);
- Tree Preservation Plan, prepared by IBI Group (dated October 2020);
- Phase One Environmental Site Assessment (ESA), prepared by Golder Associates Inc. (dated June 16, 2021); and
- Conceptual Soil Management Plan, prepared by Golder Associates Inc. (dated June 28, 2021)."

**JART Comment #10**

Section 5.9 speaks to alternative site assessments. Generally 5.9.1 to 5.9.5 are satisfactory. Regional staff agree with the following statements:

- a. "Due to the depth of the existing and the similar proposed extraction depths (+/- 7 m), the proposed after use will result in the formation of a lake. Agricultural rehabilitation will not be feasible."*
- b. "The proposal is to expand an existing licenced quarry. This significantly supports the choice of the Subject Lands. In most all cases, the expansion of an existing quarry reduces potential impacts."*

**Colville Response**

No changes to report.

**JART Comment #11**

Section 6.1.1 (as well as Section 9) note that 55.43 ha of agricultural land will be consumed as a result of extraction. However, Section 8.0 indicates a loss of 49.4 ha of agricultural land within the extraction area. Please clarify and correct the report.

**Colville Response**

The 49.4 ha figure is the actual area of CLI Class 2 and 3 lands within the proposed Extraction Area that is currently cultivated. However, for consistency throughout the report we have updated Sections 8.0 and 9.0 accordingly:

Section 8 now reads as follows:

“The proposed PCQI quarry expansion is applying for a licence to permit below water extraction. It will not be feasible to rehabilitate the lands back to an agricultural after use. Therefore, over time there will be a permanent loss of CLI Class 2 and 3 lands (approximately 55.43 ha) within the extraction area.”

The first paragraph in Section 9 now reads as follows:

“PCQI’s proposed quarry development will have some potential to negatively impact agricultural resources within the Subject Lands, and on farm operations within the Study Area. With the implementation of the recommended mitigation measures discussed in Table 8, the majority of the potential impacts will be avoided or significantly minimized. However, of the 106.29 ha comprising the Subject Lands, approximately 55.43 ha of CLI Class 2 and 3 lands will, over time, be removed from the agricultural land base.”

**JART Comment #12**

The mitigation measures in Section 7.0 seem reasonable. However, earlier in the AIA, (section 6.2.5), there is a statement: “The equestrian operation (Farm #2) will be located in close proximity to the future entrance. PCQI will need to consider measures to ensure that conflict between trucks and the equestrian operation is minimized to the extent possible.” However, this specific comment has not been directly addressed in Table 6 of the Mitigation measures. Please address in the revised report.

**Colville Response**

Section 6.2.5 has been updated accordingly:

“Farm operators can be adversely affected by an increase in the volume of truck traffic on adjacent roads. This increase in traffic can make it more difficult for farmers to move large farm equipment along haul routes and direct local traffic to alternate routes commonly used by farmers. For the proposed PCQI expansion, the initial haul routes will remain unchanged from those currently used by the PCQI’s existing operation. The Highway 140 entrance/exit will remain for several years. However, during Phase 2 of extraction, PCQI plans to construct a new entrance to access the site from Highway 3 which is a regional road and designed for the transport of goods and services of all types.

It is unlikely that the proposed Pit 3 Expansion will have any negative traffic-related impacts on existing agricultural operations. Mitigation measures may be required in the future to address

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any concerns raised by agricultural operations as extraction proceeds. The new entrance may have an impact on Fehrhaven Farms. Dust emissions from truck traffic may need to have specific mitigation measures/controls to ensure their products are not adversely affected.”

This is directly addressed in Table 8, Row 3 which now reads:

“Port Colborne Quarry will utilize existing haul routes and regional roads designed for transport of goods and services of all types. No significant increase in truck traffic is expected. No additional mitigation required with respect to the use of alternative routes.”

We trust that this letter, in conjunction with the updated report highlighting the changes made satisfactorily address the comments provided by the Niagara Region and the Joint Agency Review Team (JART). Please do not hesitate to contact the undersigned at 905-935-2161 or email [sean@colvilleconsultinginc.com](mailto:sean@colvilleconsultinginc.com) for any questions or concerns regarding this letter.

Sincerely yours,

A handwritten signature in blue ink that reads "Sean Colville". The signature is written in a cursive style.

Sean Colville, B.Sc., P.Ag.  
Colville Consulting Inc.