



**THE CORPORATION OF THE  
TOWNSHIP OF ADJALA-TOSORONTIO**

7855 Sideroad 30 Adjala, Alliston, Ontario. L9R 1V1  
Telephone: 705-434-5055 Fax: 705-434-5051

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March 3, 2015

Mr. Brent Armstrong  
Midhurst District Office  
Ministry of Natural Resources and Forestry

Sent Electronically Only

**Re. Aggregate Resources Act Application (Nelson Aggregates Co. – Tosorontio)**

Please be advised that the subject property is currently designated "Protected Aggregate Resource" and zoned "Protected Aggregate Resources (M3)". As such, an Official Plan amendment (OPA) and Zoning By-law amendment (ZBA) will be required to permit the proposed activities.

The Township has received OPA and ZBA applications to amend the designation and zoning of the property to allow a licensed pit, and will provide detailed comments on the ARA application once considerations have been given under the Planning Act requirements.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Tschekalin".

Jacquie Tschekalin, MCIP, RPP  
Director of Planning

Cc Mr. Steve Drew, Nelson Aggregates (electronically only)



County of Simcoe  
Transportation and  
Engineering  
1110 Highway 26,  
Midhurst, Ontario L0L 1X0

Main Line (705) 726 9300  
Toll Free 1 866 893 9300  
Fax (705) 727 7984  
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TRANSPORTATION AND  
ENGINEERING



Brent Armstrong  
Aggregate Resources Officer  
Midhurst District  
Ministry of Natural Resources  
2284 Nursery Road  
Midhurst, ON  
L0L 1X0

February 3, 2015

\*via: e-mail\*

Dear Mr. Armstrong,

**RE: Application for a Class A, Category 1, Pit Licence  
Alliston Aggregates (Nelson Aggregate Co.)  
5556 & 5670 County Road 13, Part Lots 6 & 7, Concession 4, Township of Adjala-  
Tosorontio, County of Simcoe.**

The County of Simcoe has been circulated the above-noted application for review. County staff have the following comments:

1. The County now requires that a Site Plan Review form, attached, be completed for the review of the application. Please have the applicant complete the form and return it, with payment, to the County.
2. The existing right-of-way on County Road 13 adjacent to the subject property is approximately 22.0 metres wide. In accordance with Schedule 5.5 of the Simcoe County Official Plan, the required basic right-of-way width for County Road 13 is 30.5 metres. County staff has reviewed this requirement and feel that the full right-of-way width is necessary for future road maintenance, road improvements and stormwater flow from County Road 13. In order to meet this right-of-way requirement, the County will require a road widening of approximately 4.25 metres.

The Simcoe County Official Plan also states the requirement for daylight (sight) triangles. The County standard for daylight (sight) triangles is 15 metres X 15 metres. These dimensions are applied to the limit of the right-of-way.

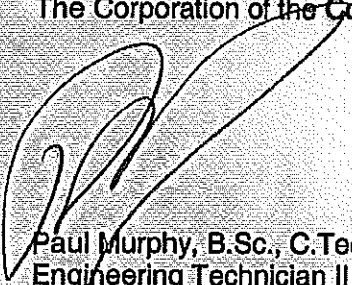
The County of Simcoe will require the following as a condition of approval:

The applicant shall transfer to the Corporation of the County of Simcoe ("County"), at no cost, a fee simple, unencumbered interest in the following:

- A road allowance widening along the entire frontage of the subject property adjacent to County Road 13 to provide a 15.25 metre right-of-way from the centre line of County Road 13.

County Comments - 3

Sincerely,  
The Corporation of the County of Simcoe



Paul Murphy, B.Sc., C.Tech.  
Engineering Technician II  
(705) 726-9300 ext. 1371

C.C. Julie Scruton, County of Simcoe  
Steve Drew, Nelson Aggregates (via: mail)  
Don Scott, Cuesta Planning Consultants Inc.

# SITE PLAN APPLICATION REVIEW

County Fees & Charges By-law No. 6333



THE CORPORATION OF THE COUNTY OF SIMCOE  
TRANSPORTATION AND ENGINEERING DEPARTMENT  
1110 HIGHWAY 26, COUNTY ADMINISTRATION CENTRE  
MIDHURST, ONTARIO L0L 1X0  
PH: 705-726-9300 FAX: 705-727-7984

## APPLICATION FEE:

Review: \$250.00 (one time fee)

### Notes:

- Application fees are payable by cash, cheque or money order payable to: **The Corporation of the County of Simcoe.**
- Completed County Site Plan Review Applications are to be included with member municipalities' applications.
- Applications submitted by member municipalities for municipally owned properties are except from this fee.

## 1. LOCATION OF PROPERTY:

Municipal Address: \_\_\_\_\_ Owner's Name: \_\_\_\_\_

Lot: \_\_\_\_\_ Concession: \_\_\_\_\_ Geographic Township: \_\_\_\_\_ County Road #: \_\_\_\_\_

on the **N S E W** side of the road, approximately \_\_\_\_\_ km **N S E W** of \_\_\_\_\_ (nearest intersection)  
(Circle one) (Circle one)

Municipal Application File Number: \_\_\_\_\_ County File Number: \_\_\_\_\_

Personal Information contained on this form is collected pursuant to the Fees & Charges By-law # 6103 and sections 11, 58, 227 and 391 of the *Municipal Act, 2001*, S.O. 2001, c.25. By submitting this application, you are consenting to the collection and sharing of this information. Questions about the collection of personal information should be directed to the County's Freedom of Information and Privacy Co-ordinator: Ms Brenda Clark, County Clerk, County of Simcoe Administration Centre, 1110 Highway 26, Midhurst, ON L0L 1X0, facsimile 705-726-3991.

Name of Property Owner:	Date:
Property Owner's Mailing Address:	Phone:
Property Owner's Signature:	
Name of Applicant or Authorized Agent:	Phone (If different from Owner):
Address (If different from Owner):	Fax:

**Ministry of Natural  
Resources and Forestry**

Midhurst District Office  
2284 Nursery Road  
Midhurst, ON L0L 1X0  
Tel: 705-725-7500  
Fax: 705-725-7584

**Ministère des Richesse naturelles  
et des Forêts**

Bureau de district Midhurst  
2284, rue Nursery  
Midhurst, ON L0L 1X0  
Tél: 705-725-7500  
Télééc: 705-725-7584



March 9, 2015

Nelson Aggregate Co.  
P.O. Box 1070  
2344 No. 2 Sideroad  
Burlington, ON N7P 0G8

**ATTENTION: Steven Drew, Operations Manager**

Dear Mr. Drew:

**SUBJECT:** Category 1, Class "A" Application under the Aggregate Resources Act  
Applicant – Nelson Aggregates Ltd.  
Part of Lot 6 and 7, Conc. 4 Township of Adjala-Tosorontio  
County of Simcoe

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We have reviewed the report entitled "Combined Level 1 and 2 Hydrogeological Assessment. Proposed Alliston Pit. Part of Lot 6 and 7 Concession 4. Township of Tosorontio, Simcoe County", prepared by Whitewater Hydrogeology Ltd., dated November 2014, according to the Memorandum of Understanding between the Ministry of Environment and Climate Change and the Ministry of Natural Resources and Forestry (MNR). Our review focused on potential impacts to the near-by streams. We offer the following comments for your consideration.

1. Please provide well logs for the monitoring wells on the site.
2. Tosorontio Creek is a cold water stream and it is important to establish the groundwater-surface water interaction pattern and determine how this pattern may be impacted as a result of the development. As data shows in Appendix C of the report, the creek is losing or gaining stream flow depending on the time of the year. Please demonstrate how this pattern would change as a result of the creation of the pond. Please use monitoring wells and mini piezometers in the vicinity of the creek and creek water levels to establish the degree of the surface water – groundwater interaction.
3. Please clarify how the final pond elevation was established. The report mentions that the pond elevation would be controlled by the lowest topographical point. Please indicate the location of this point and what flows can be expected to pass through this point from the pond. Please explain how this outflow will change the temperature of the stream. If the pond elevation is 227.3 - 227.5 m, then how would this impact the elevation of the pond located to the west of the property? Given that the separation distance between the two ponds is not significant and subsurface material has high permeability, the water level in the pond to the west may be impacted. Please examine this scenario and assess how the potential change in the pond located to the west of the property may change the stream characteristics. In other words, would the flow in the stream decrease and how will the temperature of the stream be impacted because of this change.

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4. Please revise the proposed monitoring plan based on the findings.
5. Please propose potential mitigation measures and triggers that would initialize the mitigation.

We have also reviewed the Natural Environment Level 1 and 2 Technical Report prepared by Robin E. Craig and Christopher D. Wren, LRG Environmental, dated November 2014 and amended February 2015, as well as, the Surface Water Management Report, Alliston Sand and Gravel Pit, Nelson Aggregate Ltd. prepared by C.C. Tatham & Associates Ltd., dated November 2014. We offer the following comments for your consideration.

#### Potential Water Quality and Quantity Impacts on Tosorontio Creek

As a general comment, the various reports and site plans which support this application reference ground and surface water quality, water quantity and water temperature monitoring in order to monitor for potential impacts from the proposed development. The monitoring programs thus far are not detailed and do not speak to thresholds or triggers, contingencies in the event that potential impacts are detected; and, potential mitigation strategies to address impacts identified.

Related to the above noted hydrogeological comments and request for clarification of potential thermal and water quantity impacts on Tosorontio Creek, we have a concern that no fisheries surveys were conducted on site as it is accepted the Boyne River and Tosorontio Creek are considered cold water streams. Should potential impacts on Tosorontio Creek be identified, fish community and fish habitat assessments should be completed across the site in order to assess the degree of potential impacts on the fish community and to inform potential mitigation plans if necessary.

#### Significant Wildlife Habitat

##### Northern Brook Lamprey

Northern Brook Lamprey is a species of special concern listed on the Species at Risk in Ontario list. The Natural Environment Technical Report (NETR) concludes that, although water temperature in Tosorontio Creek on the property may be suitable for northern brook lamprey, the species and significant habitats are not on or within 120m of the site. No fisheries surveys were conducted on site as it is accepted the Boyne River and Tosorontio Creek are considered cold water streams. As there is an element occurrence of northern brook lamprey within a 1km or 10km grid for a special concern or rare species, the subject site can be considered candidate significant wildlife habitat (SWH). In order to confirm this component of SWH, the SWH Technical Guide – Ecoregion Criteria directs that assessment/inventory of the site for identified special concern or rare species needs to be completed during the time of year when the species is present or easily identifiable. The inventories for northern brook lamprey have not been completed in support of the conclusion in the NETR.

##### Turtle Nesting Areas and Turtle Wintering Areas

The report does not speak to reptile surveys or consideration of turtle species to be present on the property or adjacent lands. There are records of Snapping turtle, which is a special concern species, in nearby areas. The potential for candidate or confirmed habitat should be assessed as per provincial guidelines.

#### Snake Hibernaculum

The report speaks to habitat for Milksnake on the site but does not address snake hibernation habitat, which, if present, would be significant wildlife habitat (Seasonal Concentration Areas of Animals).

#### Endangered and Threatened Species

The second paragraph of Section 6.3 on Page 16 speaks to protection of habitat for endangered and threatened avian species. The categorization approach provided is not consistent for all avian species. Habitat categorization is species specific and described in a habitat description developed by MNRF. This section should be deleted or revised accordingly.

#### Bobolink and Eastern Meadowlark

Please provide a map of the point count locations for breeding bird surveys conducted for this project.

The report does not indicate if Bobolink/Eastern Meadowlark habitat is present in suitable fields within the adjacent lands. If it is present, an impact assessment and mitigation measures, if necessary, are required.

#### Butternut

Please clarify the most recent date when Butternut surveys were carried out. If no Butternut surveys have been conducted since 2006, the area should be reassessed for the presence of this species.

#### Level 2 – Impact Assessment and Recommended Mitigation

##### Bobolink

Clearing the hayfield and pasture for the purpose of mineral aggregate extraction would be a violation of the Endangered Species Act (ESA). This section does not provide an assessment of how this application will be in keeping with section 9 (species protection) and section 10 (habitat protection) of the ESA. Further consideration of this matter is required.

The mitigation measures provided in this section are those that are frequently incorporated into Operation Plans as a means to ensure, prior to any site clearing or works on site, that habitats are assessed for species at risk that may not have been listed or known at the application stage. They are not general mitigation measures that are included when a habitat of a species is known to be present. The mitigation measures in this section could be combined with the general mitigation measures in section 8.2.1. The word "breeding" should be deleted from the second bullet.

The following comments relate to the natural heritage features and the Site Plans for this application.

##### Proposed Water Crossing Over Tosorontio Creek

The NETR and site plans propose a crossing of Tosorontio Creek in order to facilitate

movement of equipment to the access location on Sideroad 5. Justification for the crossing is not provided in order to assess acceptability of the proposed crossing. Alternative routes for equipment movement and haul route access should be evaluated including ones that that would not require a crossing of Tosorontio Creek. No design details are provided beyond reference to a potential concrete culvert or gravel conveyance. If justified, our ministry will require design details that address the following:

- what equipment will use a crossing;
- frequency of use; and,
- design considerations (i.e. an impact assessment and mitigation necessary to approve a crossing).

We recommend that any reference to a gravel conveyance be removed from site plans and the NETR as this crossing type is known to result in direct negative impacts to a watercourse.

Extraction Area Rehabilitation Note M references the removal of the internal haul route once extraction is completed. It is not clear if the crossing, if approved, will be retired and removed.

#### Progressive/Final Rehabilitation Plan

For both the Boyne River and Tosorontio Creek, the site plan notes identify the erosion hazard limits (i.e. meander belts) for each watercourse as the operational setback, and current agricultural land within the operational setback will be retired. Note "B" on the progressive/final rehabilitation plan states "some areas may be returned to agriculture where feasible". Also, the NETR notes agricultural production may be restored where feasible. As the erosion hazard limits for both watercourses essentially define the limit for extraction, it is not clear where on the property agricultural production could be re-established. There does not appear to be any information in the Hydrological Assessment Report to indicate that some areas will be returned to agriculture. Clarification on this issue is required.

If some of the areas where tree planting is proposed are currently habitat for Bobolink and Eastern Meadowlark, the proposed rehabilitation approach needs to be further discussed with MNRF.

We must object to this application until the above noted information has been provided and we are satisfied that appropriate preventative, mitigative and remedial measures will be undertaken with respect to the protection of natural heritage features. In addition, Nelson Aggregates will need to address the approval of the proposed creek crossing before we will remove our objection to this application.

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

Yours truly,



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

c.c. Brent Armstrong, Midhurst District, MNRF





March 4, 2015

Brent Armstrong, Aggregate Inspector  
Ministry of Natural Resources  
2284 Nursery Road,  
Midhurst, ON L0L 1X0

Dear Mr. Armstrong:

**Member  
Municipalities**

Adjala-Tosorontio

Amaranth

Barrie

The Blue Mountains

Bradford-West Gwillimbury

Clearview

Collingwood

Essa

Grey Highlands

Innisfil

Melancthon

Mono

Mulmur

New Tecumseth

Oro-Medonte

Shelburne

Springwater

Wasaga Beach

**Watershed  
Counties**

Dufferin

Grey

Simcoe

**RE: Application for a Class A, Category 1, Pit Licence  
Alliston Aggregates (Nelson Aggregate Co.)  
5556 & 5670 County Road 13, Part Lots 6 & 7, Concession 4  
Township of Adjala- Tosorontio, County of Simcoe**

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The Nottawasaga Valley Conservation Authority (NVCA) staff offer the following comments on the above noted proposal:

NVCA staff understands that the proposal is for an *Aggregate Resources Act* (ARA) licence to permit extraction below the water table.

Our review indicates that the property is traversed by the Boyne River and Tosorontio Creek, which are considered cold water fisheries habitat. The site also appears to contain unevaluated wetland features adjacent the Boyne River. Due to the noted features and associated hazards the site is regulated by the NVCA pursuant to Ontario Regulation 172/06.

In addition, the property is identified as being within the Greenlands within the County of Simcoe's Official Plan. Furthermore, the Nottawasaga Valley Source Protection Area Updated Assessment Report (2014) has mapped the area within a Significant Groundwater Recharge Area (SGRA) and a Highly Vulnerable Aquifers (HVA). This report can be found at: <http://www.ourwatershed.ca>.

The NVCA staff is in receipt of the supporting ARA application technical studies including the Natural Environment Report and the Hydrogeological Assessment. We are focusing our review on ensuring that the development occurs in a safe and environmental sound manner.

Due to the complexity of the proposal and the supporting documentation, we would advise that NVCA staff have not completed a comprehensive review of this application to date.

Member of



**Conservation  
ONTARIO**  
Natural Champions

[www.nvca.on.ca](http://www.nvca.on.ca)

NOTTAWASAGA VALLEY CONSERVATION AUTHORITY • Centre for Conservation

John Hix Conservation Administration Centre • Tiffin Conservation Area • 8195 8th Line • Utopia, On L0M 1T0  
Telephone: 705.424.1479 • Fax: 705.424.2115 • Web: [www.nvca.on.ca](http://www.nvca.on.ca) • Email: [admin@nvca.on.ca](mailto:admin@nvca.on.ca)

**March 4, 2015**

**: Aggregate Resources Act Application (Nelson Aggregate Co.)  
Township of Adjala- Tosorontio, County of Simcoe**

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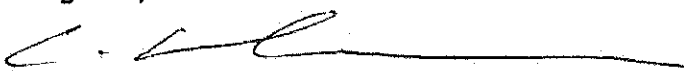
However, based on a preliminary review and due to the environmental sensitivity of the area, we would note the following broad NVCA areas of interest pertaining to the proposal:

- The development should not result in adverse natural hazards (flood and erosion) impacts on adjacent properties.
- The pit operation should be located outside of the erosion hazards (e.g. meander belt) and is appropriately protected from flood hazards.
- The project should not negatively impact on the area's natural heritage features/systems and ecological functions, including avoiding impacts to stream baseflow and fish habitat. In addition. In addition, Species at Risk matters should be vetted through the Ministry of Natural Resources.
- The proposal should not result in adverse impacts to adjacent surface and ground water quality and quantity including cumulative impacts.
- The project should include an effective proposed mitigation and rehabilitation strategy.
- A long term compliance monitoring program that focuses on protection of adjacent surface water, groundwater and natural heritage features.
- The NVCA staff may identify other matters through our detailed review and/or further studies.

At this point in time the NVCA is not in a position to address the appropriateness of the proposal and require additional time to complete a comprehensive review the submitted reports.

Thank you for the opportunity to provide input on this *Aggregate Resources Act* application. If you have questions on the above comments please feel free to contact the undersigned at extension 229.

Regards,



Chris Hibberd, MCIP, RPP  
Director of Planning

Copy: County of Simcoe, Ms. Rachelle Hamill  
Township of Adjala Tosorontio, Ms. Jacquie Tschekalin  
Nelson Aggregates, Mr. Stephen Drew  
File