

Subject: Application for a Category 2 Licence under the Aggregate Resources Act

Lot: Part Lot 17 & 18 / Part Lot 1 & 2 Concession 2 NDS / 2

Township of: City of Burlington County of Region of Halton

Objector Name: Halton Region c/o Curt Benson Ph: _____

Address: 1151 Bronte Road, Oakville, Ontario L6M 3L1

Further to your letter of December 14, 2020 regarding this licence application under the
Aggregate Resources Act, I / we, Nelson Aggregate Co. offer the following further information to
address your objections/concerns:
(Date)
(Proponent)


Please see attached letter.

As per Section 4.3.3.2 of the Provincial Standards under the Act, please be advised that after review of this additional information you, the objector, have until August 15, 2022 to respond to the Ministry of Northern Development, Mines, Natural Resources and Forestry and the applicant at the addresses shown below, with recommendations that may resolve the objections.

These recommendations must be delivered personally or by registered mail within the above-noted deadline or it will be deemed that there is no longer a valid objection.

Yours truly,

Quinn Moyer, Nelson Aggregate Co.
(Name of Applicant or Consultant on behalf of Applicant)

Signature: 

Date: June 29, 2022

This form has been modified at the request of Nelson Aggregate Co. with agreement from NDMNRF to allow for electronic mail submissions (email) to both of the following email addresses. Delivery by email will be considered a valid form of delivery:
Email: ARAapprovals@ontario.ca
Email: nelsonara@mhbcplan.com

Ministry of Northern Development, Mines, Natural Resources and Forestry
Office Address: Integrated Aggregate Operations Section
300 Water Street, Peterborough, Ontario K9J 3C7

Attention: Cally Manning
Email Address: ARAapprovals@ontario.ca

Name of Applicant or Consultant: Nelson Aggregate Co.
Address: c/o MHBC - 113 Collier Street
Barrie, Ontario L4M 1H2
Attention: Nelson Aggregate Co.
Email Address: nelsonara@mhbcplan.com



June 29, 2022

City of Burlington
Jamie Tellier
426 Brant St., P.O. Box 5013
Burlington, Ontario L7R 3Z6

Halton Region
Curt Benson
1151 Bronte Road
Oakville, Ontario L6M 3L1

Niagara Escarpment Commission
Debbie Ramsay
232 Guelph St.
Georgetown, Ontario L7G 4B1

Conservation Halton
Leah Smith
2596 Britannia Road West
Burlington, Ontario L7P 0G3

Dear Sir/Madam:

RE: Nelson Aggregate Co. Burlington Quarry Extension – Response to Letter of Objection under the Aggregate Resources Act

During the Aggregate Resources Act (ARA) consultation period for Nelson Aggregate Co. (Nelson) Burlington Quarry Extension application the Niagara Escarpment Commission, Region of Halton, City of Burlington and Conservation Halton submitted an objection letter. Each of these agencies are part of the Joint Agency Review Team (JART).

Since receipt of the objection letter in 2020, Nelson has been actively participating in the agency and public review of the application. As a result of this review, Nelson has made numerous revisions to the application in an effort to resolve concerns.

This letter is intended to provide you with an update on the Burlington Quarry Extension ARA application, including a response to your objection letter.

This letter is being sent now, since Nelson is required to fulfill Section 4.3.3.2 of the Provincial Standards, under the ARA. This section requires Nelson to provide not only a response/recommendation to resolve objector comments but also to advise that you that you have until August 15, 2022 to respond with recommendations that may resolve your objection to both the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) and Nelson at the following addresses. Under the ARA only a 20 day response period is required which would have ended on July 25th. Nelson has consulted with NDMNRF and extended this period to August 15, 2022 to provide you some additional time to respond.

As noted in the enclosed form, these recommendations must be delivered: personally or by registered mail or by electronic mail to the addresses below on or before August 15, 2022 or it will be deemed that you no longer have a valid objection.

HEAD OFFICE

2433 No. 2 Sideroad, Burlington, Ontario, L7P 0G8
Telephone: 905-335-5250 1-800-263-6320 Fax: 905-332-4484



Ministry of Northern Development, Mines,
Natural Resources and Forestry
Integrated Aggregate Operations Section
300 Water St,
Peterborough, ON K9J 3C7
Attention: Cally Manning
ARAapprovals@ontario.ca

Nelson Aggregate Co.
c/o MHBC
113 Collier Street
Barrie, Ontario, L4M 1H2
Attention: Nelson Aggregate Co.
nelsonara@mhbcplan.com

Update on the Aggregate Resources Act Application

Since the conclusion of the Burlington Quarry Extension ARA consultation process in December 2020, Nelson has made numerous changes to the application in an effort to resolve public and agency comments.

The following is a summary of the major changes to the application and a list of updated technical information that has been provided since December 2020:

- License boundary area has been reduced by 1.5 hectares;
- Extraction area has been reduced by 2.8 hectares;
- Additional field work and site investigations were completed including surveying wetland and woodland boundaries with the government agencies;
- Setbacks adjacent to certain environmental features have been increased;
- Berms have been relocated adjacent to certain natural heritage features to provide increased natural buffer areas;
- A woodland in the West Extension that was proposed for extraction is now protected;
- A tree protection detail / fencing plan has been developed to protect adjacent woodlands;
- The West Extension rehabilitation plan has been modified to improve connectivity between natural heritage features;
- Additional noise, dust and blasting controls have been included on the ARA Site Plans to minimize impacts on surrounding residents;
- Additional mitigation measures have been included on the ARA Site Plans to protect species at risk and fish habitat;
- Tree planting densities and monitoring requirements have been increased on the ARA Site Plans for progressive and final rehabilitation;
- Submission of an updated Adaptive Management Plan to enhance monitoring, mitigation and reporting requirements to protect water resources, water dependant natural heritage features and private residential wells;
- Updated the ARA Site Plans for the Extension and Existing Quarry to reuse the agricultural soils from the South Extension to create an equivalent agricultural area in the existing Burlington Quarry;
- Completed additional soil testing on the proposed West Quarry Extension to confirm the soils are not prime agricultural soils;

- Submission of a Wetland Characterization Report prepared by Earthfx, Savanta and Tatham Engineering, March 2021 to document the feature, potential impacts and proposed mitigation;
- Submission of a Watercourse Characterization Report prepared by Earthfx, Savanta and Tatham Engineering, April 2021 to document the feature, potential impacts and proposed mitigation;
- Submission of a Safety Review prepared by True North Safety Group, June 2021;
- Submission of an updated Blast Impact Assessment prepared by Explotech, June 2021;
- Submission of an updated Noise Impact Assessment prepared by HGC, November 2021;
- Submission of an updated Cultural Heritage Impact Assessment prepared by MHBC, May 2022;
- Submission of an updated Visual Impact Assessment prepared by MHBC, May 2022;
- Submission of an updated Financial Impact Study prepared by Altus Group, September 30, 2021;
- Submission of updated Burlington Quarry Extension Site Plans prepared by MHBC. Several updates were completed and the current version is dated March 2022;
- Submission and circulation of the proposed ARA Site Plan Amendment for the Existing Burlington Quarry to integrate with the proposed Burlington Quarry Extension. Since submission of the application the proposed Site Plans have been updated and the current version is dated February 2022; and
- Submission of detailed responses to the Joint Agency Review Team (JART) comments (e.g., archeological, blasting, traffic, registered agreements & reference plans, visual impact, cultural heritage, financial, groundwater, surface water, natural heritage, and noise).

A copy of Site Plans for the proposed Burlington Quarry Extension and Burlington Quarry, the updated technical reports and JART responses can be found at: <https://www.mtnemoquarrypark.com/copy-of-technical-documents>. In addition, a copy of the existing approved Site Plans and the water resources permit for the existing quarry have been posted on the website.

JART Process

The Niagara Escarpment Commission, Region of Halton, City of Burlington, and Conservation Halton submitted objection letters noting that JART's review of the application was on-going and identified a series of concerns based on their initial review.

These items related to potential effects on natural heritage features and function; connectivity between natural heritage features; impacts on fish habitat; insufficient detail related to impacts to natural heritage features and key hydrologic features; insufficient cumulative impact assessment; extent of study area; potential effects on groundwater and surface water resources; potential impact of the quarry on nearby communities including private wells; suitability of the progressive and final rehabilitation plan; potential effects on agricultural lands; net financial impact; haul routes and truck traffic; and cultural heritage impacts.

Since the JART review process began Nelson has also been working other agencies, utility corporations, and Indigenous communities on the review of the application. This review addresses many of the comments raised by JART and the following is a summary:

Fish Habitat

The Department of Fisheries and Oceans (DFO) is the regulatory agency responsible for fish habitat. Nelson has worked directly with DFO on the review of its application. Attached is a letter from DFO dated June 23, 2021 confirming that the application will not result in harmful alteration, disruption, destruction of fish habitat (See **Tab 1**).

Agriculture

Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) is the provincial agency responsible for agriculture resources. Nelson has worked directly with OMAFRA on the review of its application. Attached is a letter dated February 7, 2022 confirming that there are no outstanding comments on the application (See **Tab 2**).

Species at Risk

Ministry of Environment Conservation and Parks - Species at Risk (MECP SAR) is the regulatory agency responsible for Species at Risk. Nelson has worked directly with MECP SAR on the review of its application. Attached is an email dated March 14, 2022 confirming that there are no outstanding concerns in relation to Species at Risk (See **Tab 3**). Also attached is an email from MECP dated April 19, 2022 confirming they have no additional comments on the AMP (See **Tab 3**).

Water Resources

Ministry of Environment Conservation and Parks (MECP) is the regulatory agency responsible for ground water and surface water resources. Nelson has worked directly with MECP on the review of its application. Attached is an email dated September 8, 2021 confirming that MECP has no further comments at this time (See **Tab 4**). It is understood that if the Aggregate Resources Act Licence is issued, a Permit to Take Water and Environmental Compliance Approval from MECP will be required. Nelson will be required to operate in accordance with those permits to ensure the protection of groundwater and surface water resources, including private wells.

Cultural Heritage Resources

Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) is the provincial agency responsible for cultural heritage resources. Nelson has worked directly with MHSTCI on its application. Attached are letters dated November 19, 2004 (MOC), February 4, 2021 and May 14, 2021 confirming that MHSTCI has no outstanding concerns related to cultural heritage resources (e.g. archaeology, built heritage resources and cultural heritage landscapes). See **Tab 5**.

Natural Heritage Resources and Aggregate Resources

The Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) is the provincial agency responsible for the natural heritage features and functions and the regulatory agency responsible for mineral aggregate operations. Nelson has worked directly with NDMNRF on its application including the finalization of the ARA Site Plans and the AMP to ensure that quarry has been minimize impacts on surrounding community and ensure no negative impacts on surrounding natural heritage features. Attached is a letter dated June 15, 2022, confirming NDMNRF has no outstanding concerns related to the application (See **Tab 6**).

Indigenous Communities

a) Six Nations of the Grand River

Nelson has worked directly with Six Nations of the Grand River on the review of its application. Attached is a letter dated March 16, 2021 confirming that Six Nations of the Grand River have no further concerns regarding the application (See **Tab 7**).

b) Mississaugas of the Credit First Nation

Nelson has worked directly with the Mississaugas of the Credit First Nation on the review of its application. Attached is an email dated March 18, 2021 confirming that the Mississaugas of the Credit First Nation have no further concerns regarding the application (See **Tab 8**).

Utility Corporations

As part of the application, Nelson has consulted directly with Sun-Canadian Pipe Line Co. Ltd; Hydro One Networks and Burlington Hydro. Sun-Canadian Pipe Line Co. Ltd and Hydro One Networks did not have any concerns with the proposed application. Burlington Hydro did submit comments on the ARA application. Attached is a letter from MHBC dated June 29, 2022 to Burlington Hydro confirming the application will not result in any impacts to Burlington Hydro infrastructure and services (See **Tab 9**).

JART Technical Review

The JART process is designed to be an open and transparent review process to streamline the review and avoid duplication. It is to be an iterative process between JART and the applicant to identify technical issues and discuss potential approaches to resolve these items. Since submission of the application in April 2020, Nelson has been requesting the ability to meet with JART and the peer reviewers to present details related to the application and have technical discussions with the reviewers.

From Nelson's perspective the JART process has not been efficient. To date, JART has charged Nelson over \$400,000.00 for its technical review of the application, which is over and beyond the \$333,711.26 of application fees submitted to the Region of Halton, City of Burlington and Conservation Halton. Despite numerous requests for meetings with JART, technical meetings have only occurred with JART on the following dates:

- October 21, 2021 – meeting regarding natural environment and water;
- November 9 & 24, 2021 - site visit to provide the JART technical reviewers a tour of the Existing Quarry and Proposed Burlington Quarry Extension;

- November 12 & 15, 2021 - meeting regarding the groundwater and surface water model
- December 3 & 9, 2021 - site visits to complete staking of the dripline;
- December 7, 2021 - meeting regarding baseline conditions; infiltration ponds; and integration of the natural environment and water reports;
- February 15, 2022 - meeting regarding infiltration ponds;
- May 12, 2022 - meeting regarding baseline conditions;
- May 17, 2022 – meeting regarding natural environment;
- May 18, 2022 – meeting regarding integration of natural environment and water reports; and
- May 19, 2022 – meeting regarding infiltration pond.

As part of the JART process, Nelson has received technical comments from JART and the peer reviewers. From Nelson's perspective many of the comments were a result of the technical reviewers not fully understanding the details of the application; were extremely repetitive; beyond the applicable policy requirements and beyond the regulatory authority of JART. To date, Nelson has provided a formal written response to all of JART comments received. The following is a chronology of the JART comments received and Nelson's response:

1. Agricultural

- JART comments February 4, 2021.
- Nelson provided a response June 27, 2022.

2. Agreement and Reference Plan

- JART provided comments February 2, 2021.
- Nelson provided a response June 28, 2021.

3. Air Quality

- JART provided comments May 25, 2021.
- Nelson provided a response July 20, 2021.
- JART provided additional comments January 18, 2022.
- Nelson provided a response February 8, 2022.

4. Adaptive Management Plan

- JART provided comments February 18, 2021.
- Nelson provided a response June 27, 2022.

5. Archaeology

- JART provided comments January 14, 2021.
- Nelson provided response June 16, 2021.
- JART provided further comments December 9, 2021.
- Nelson provided a response June 27, 2022.

6. Blasting

- JART provided comments January 29, 2021.
- Nelson provided a response June 18, 2021.
- JART provided additional comments on November 29, 2021.
- Nelson provided a response June 27, 2022.

7. Cultural Heritage

- JART provided comments January 14, 2021.
- Nelson provided JART a response June 30, 2021.
- JART provided additional comments December 9, 2021.
- Nelson provided a response June 27, 2022.

8. Financial Impact Study

- JART provided comments February 11, 2021.
- Nelson provided a response July 5, 2021.
- Nelson submitted an updated financial impact assessment on September 30, 2021.
- JART provided additional comments February 25, 2022.
- Nelson provided a response June 27, 2022.

9. Hydrogeological Study

- JART provided comments February 18, 2021.
- Nelson provided a response July 16, 2021.
- JART provided with additional comments February 4, 2022.
- Nelson provided a response June 27, 2022.

10. Natural Environment

- JART provided comments February 18, 2021.
- Nelson provided a response July 16, 2021.
- JART provided additional February 2, 2022.
- Nelson provided a response June 27, 2022.

11. Noise

- JART provided comments August 6, 2021.
- Nelson provided a response dated November 16, 2021.
- JART provided additional comments May 12, 2015.
- Nelson provided a response June 27, 2022.

12. Surface Water

- JART provided comments February 18, 2021.
- Nelson provided a response July 16, 2021.

- JART provided additional comments February 4, 2022.
- Nelson provided a response June 27, 2022.

13. Rehabilitation

- JART provided comments February 18, 2021.
- Nelson provided a response June 29, 2021.

14. Transportation

- JART provided comments February 12, 2021.
- Nelson provided a response June 24, 2021.
- JART provided additional comments December 9, 2021.
- Nelson provided a response June 27, 2022.

15. Visual Impact Study

- NEC on behalf of JART comments December 14, 2020.
- Nelson provided a response June 30, 2021.
- NEC on behalf of JART provided additional comments December 1, 2021.
- Nelson provided a response June 27, 2022.

Additional Items

In the agency ARA objector letters the following additional items were raised:

1. Changes proposed to the existing quarry

Since conclusion of the ARA consultation period in December 2020, Nelson submitted and circulated the proposed ARA Site Plan Amendment for the Existing Burlington Quarry to integrate with the proposed Burlington Quarry Extension. Since submission of the application the proposed Site Plans have been updated and the current version is dated February 2022. The proposed ARA Site Plans for the Existing Burlington Quarry include additional operational restrictions and a revised rehabilitated landform taking into account the technical recommendations from our consultants.

2. Request for virtual public meeting related to the ARA application

Nelson understands the agencies raised this issue with NDMNRF and NDMNRF confirmed that Nelson completed the ARA consultation process in accordance with provincial requirements. At the request of the Region of Halton, Nelson participated and presented details of the ARA application at a virtual meeting on December 10, 2020. Furthermore, on November 25, 2021 Nelson hosted a virtual public information meeting for the ARA objectors to present a summary of the major changes to the ARA application and answer questions. This meeting also included a summary of the proposed changes to the Existing Burlington Quarry Site Plans.

3. Requirement for approval of a Niagara Escarpment Plan Amendment, Niagara Escarpment Development Permit, Region of Halton Official Plan Amendment and City of Burlington Official Plan Amendment prior to issuance of an ARA License

Nelson understands that NDMNRF cannot issue a license until the above noted applications are approved. These applications were filed in April 2020. Based on the provisions of the Niagara Escarpment Planning and Development Act an Ontario Land Tribunal hearing is already required before approval of the Niagara Escarpment Plan Amendment can be considered. As a result, Nelson has met with the agencies and advised them that this summer Nelson will be taking steps to refer all of the applications noted above to the Ontario Land Tribunal so the applications can be consolidated to avoid multiple hearings for the same proposal. Nelson has advised the agencies that the scheduling of the Ontario Land Tribunal will take some time and Nelson remains committed to work with the Niagara Escarpment Commission, Region of Halton, City of Burlington and Conservation to resolve and / or scope any outstanding issues.

Conclusion

Nelson believes it has had regard for both public and agency comments received during the ARA consultation process. Throughout the process we have listened, completed additional technical information and made revisions to our application to respond to the issues raised.

If the Niagara Escarpment Commission, Region of Halton, City of Burlington and Conservation Halton have any questions please do not hesitate to contact the undersigned to arrange a meeting.

Yours sincerely,



Quinn Moyer
Nelson Aggregate Co. - President

c.c . Cally Manning, NDMNRF
Kyle Plas, City of Burlington
Gordon Dickson, City of Burlington
John Stuart, City of Burlington
Joe Nethery, Halton Region
Janice Hogg, Halton Region
Betty Pakulski, Halton Region
Joe Muller, Niagara Escarpment Commission
Jessica Bester, Conservation Halton

Tab **1**



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Ontario and Prairie Region
Fish and Fish Habitat Protection Program
1028 Parsons Road SW
Edmonton, Alberta T6X 0J4

Région de l'Ontario et des Prairies
Programme de protection du poisson et de son habitat
1028 rue Parsons Sud-Ouest
Edmonton, Alberta T6X 0J4

June 23, 2021

Your file *Voire référence*

Our file *Notre référence*

20-HCAA-02208

Nelson Aggregate Co.
ATTENTION: Quinn Moyer
President
Head Office
2433 No. 2 Sideroad
P.O. Box 1070
Burlington, ON, L7R 4L8

**Subject: Quarry Expansion, Unnamed Tributary of Willoughby Creek,
Burlington, ON – Implementation of Measures to Avoid and Mitigate the
Potential for Prohibited Effects to Fish and Fish Habitat**

Dear Quinn Moyer:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on October 27, 2020. We understand that you propose to:

- Expand the existing Burlington Quarry operation on lands located to the west and south of the existing quarry which will require the decommissioning of a series of golf course irrigation channels and ponds, including removal and relocation of introduced Largemouth Bass found in ponds;
- Construct a 3.5 m high vegetated berm;
- Replace the existing operable weir with a permanent weir structure at the same elevation;
- Install a new bank at the current outflow location;
- Install a diversion pipe at the edge of the existing weir pond to divert water into newly created ponds on the western side of the west extension;
- Divert flows from catchment S101 directly into the upstream end of the unnamed tributary of Willoughby Creek; and,
- Install a water outfall and settling pond along the edge of Mount Nemo Tributary of Grindstone Creek

Canada

Our review considered the following information:

- Request for Review form dated October 26, 2020;
- Letter RE: Burlington Quarry Extension Project Fish Habitat Assessment in Proposed Extension Area authored by Savanta Inc. submitted to DFO dated August 14, 2020;
- Level 1 and Level 2 Hydrogeological and Hydrological Impact Assessment Report of the Proposed Burlington Quarry Extension, Nelson Aggregates Co. prepared by Earthfx and dated April 28, 2020;
- Level 1 and Level 2 Natural Environment Technical Report Proposed Burlington Quarry Extension, Nelson Aggregates Co. prepared by Savanta Inc. and dated April 2020;
- Burlington Quarry Extension Surface Water Assessment Nelson Aggregate Co. prepared by Tatham Engineering and dated April 2020;
- Memorandum on Blast Vibration and Water Overpressure at Adjacent Waterbodies, prepared by Explotech and dated January 19, 2021; and,
- Email correspondence between Clayton James (DFO) and Noel Boucher (Savanta) on February 18, June 16, and June 21, 2021.

Your proposal has been reviewed to determine whether it is likely to result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*; and
- effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*.

The aforementioned outcomes are prohibited unless authorized under their respective legislation and regulations.

To avoid and mitigate the potential for prohibited effects to fish and fish habitat (as listed above), we recommend implementing the measures listed below:

- Plan in-water works, undertakings and activities to respect timing windows to protect fish and fish habitat;
 - Limit the duration of in-water works, undertakings or activities so that it does not diminish the ability of fish to carry out one or more of their life processes.
- Maintain an appropriate depth and flow (i.e., base flow and seasonal flow of water) for the protection of fish and fish habitat
- Limit the impacts to fish in the use of explosives to the footprint of the works, undertaking or activity.
- Capture, relocate and monitor for fish trapped within isolated, enclosed, or dewatered areas;

- Dewater gradually to reduce the potential for stranding fish;
- Relocate any fish as per applicable permits for capturing and relocating fish; and,
- Fish rescue should be undertaken under the supervision of a qualified aquatic environmental specialist.
- Use temporary cofferdams and/or diversion channels to isolate a section of a watercourse or water body in order to conduct works, undertakings and activities in the dry while maintaining the natural downstream flow:
 - Use the code of practice for temporary cofferdams and diversion channels when using temporary cofferdams and/or diversion channels.
- Screen intake pipes to prevent entrainment or impingement of fish;
 - Use the code of practice for water intake screens; and,
 - Monitor water intake screens regularly for fish impingement and entrainment.
- Limit impacts on riparian vegetation to those approved for the work, undertaking or activity
 - Limit access to banks or areas adjacent to waterbodies
 - Prune or top the vegetation instead of grubbing/uprooting
 - Limit grubbing on watercourse banks to the area required for the footprint of works, undertaking or activity
 - Construct access points and approaches perpendicular to the watercourse or waterbody
 - Remove vegetation selectively and in phases
 - Re-vegetate the disturbed area with native species suitable for the site
- Operate machinery in a manner that minimizes disturbance to the watercourse bed and banks.
- Avoid disturbing or removing aquatic vegetation, natural wood debris, rocks, sand or other materials from the banks, shoreline or the bed of the water body.
- Salvage, reinstate or match habitat structure (e.g., large wood debris, boulders, instream aquatic vegetation/substrate) to its natural state.
- Develop and implement a Sediment Control Plan to minimize sedimentation of the waterbody during all phases of the work, undertaking or activity
 - Conduct all in-water works, undertakings or activities in isolation of open or flowing water to reduce the introduction of sediment into the watercourse
 - Schedule work to avoid wet, windy and rainy periods (and heed weather advisories)
 - Regularly inspect and maintain the erosion and sediment control measures and structures during all phases of the project
 - Use biodegradable sediment control materials whenever possible
 - Remove all exposed non-biodegradable sediment control materials once site has been stabilized
 - Operate machinery on land, or from barges or on ice
 - Use methods to prevent substrate compaction (e.g., swamp mats, pads)

- Monitor the watercourse to observe signs of sedimentation during all phases of the work, undertaking or activity and take corrective action
- Dispose and stabilize all dredged material above the high water mark of nearby waterbodies to prevent entry in the water
- Develop and immediately implement a response plan to prevent deleterious substances from entering a water body:
 - Stop works, undertakings and activities in the event of a spill of a deleterious substance;
 - Immediately report any spills (e.g., sewage, oil, fuel or other deleterious material), whether near or directly into a water body;
 - Keep an emergency spill kit on site during the works, undertakings and activities;
 - Contain any water with deleterious substances;
 - Ensure clean-up measures are suitably applied so as not to result in further alteration of the bed and/or banks of the watercourse;
 - Clean-up and appropriately dispose of the sediment-laden water and water contaminated with deleterious substances;
 - Maintain all machinery on site in a clean condition and free of fluid leaks;
 - Wash, refuel and service machinery and store fuel and other materials for the machinery in such a way as to prevent any deleterious substances from entering the water;
 - Dispose of all waste materials (e.g., construction, demolition, commercial logging) above the ordinary high water mark to prevent entry into the water body; and,
 - Plan activities near water such that materials such as paint, primers, blasting abrasives, rust solvents, degreasers, grout, poured concrete or other chemicals do not enter the watercourse.
- Aquatic invasive species are introduced and spread through transporting sands and sediments and using contaminated construction equipment. To prevent the spread of aquatic invasive species during construction in aquatic environments:
 - Clean, drain and dry any equipment used in the water; and,
 - Never move organisms or water from one body of water to another.

Provided that you incorporate these measures into your plans, the Program is of the view that your proposal is not likely to result in the contravention of the above mentioned prohibitions and requirements.

Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. Consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consult with a qualified environmental consultant to determine if further review may be necessary. It remains your responsibility to remain in compliance with the *Fisheries Act*, the *Species at Risk Act* and the *Aquatic Invasive Species Regulations*.

It is also your *Duty to Notify* DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to (<http://www.dfo-mpo.gc.ca/pnw-ppe/contact-eng.html>).

We recommend that you notify this office at least 10 days before starting your project by sending an email to DFO.OP.10DayNotification-Notification10Jours.OP.MPO@dfo-mpo.gc.ca and that a copy of this letter be kept on site while the work is in progress. It remains your responsibility to meet all other federal, territorial, provincial and municipal requirements that apply to your proposal.

Please note that the advice provided in this letter will remain valid for a period of 1 year from the date of issuance. If you plan to execute your proposal after the expiry of this letter, we recommend that you contact the Program to ensure that the advice remains up-to-date and accurate. Furthermore, the validity of the advice is also subject to there being no change in the relevant aquatic environment, including any legal protection orders or designations, during the 1 year period.

If you have any questions with the content of this letter, please contact me at (587) 338-9714 or by email at Clayton.James@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Clayton James
Senior Biologist
Mining, Oil & Gas - South
Fish and Fish Habitat Protection Program

Cc: Brandi Mogge (DFO)
Noel Boucher (Savanta Inc.)
Mary Dillon (MNRF)

Tab **2**

Ministry of Agriculture, Food
and Rural Affairs

6484 Wellington Rd. 7, Unit 10
Elora, ON, N0B 1S0
Tel: (519) 846-0941

Ministère de l'Agriculture,
de l'Alimentation et des Affaires
rurales

6484 chemin Wellington 7, Bureau 10
Elora, ON, N0B 1S0
Tél.: (519) 846-0941

February 7, 2022

Brian Zeman, President
MHBC Planning Limited
113 Collier Street
Barrie, Ontario, L4M 1H2

Re: Burlington Quarry Extension - Category 2, Class A Licence Application under the *Aggregate Resources Act* – Part Lot 17 & 18, Concession 2 NDS and Part Lot 1 & 2, Concession 2, City of Burlington (Geographic Township of Nelson) Region of Halton.

Burlington Quarry *Aggregate Resources Act* (License Nos. 5499 and 5657) Site Plan Amendment Application – Part Lot 1 & 2, Concession 2, City of Burlington (Geographic Township of Nelson) Region of Halton.

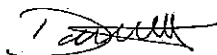
Mr. Zeman,

The Ministry of Agriculture, Food and Rural Affairs (OMAFRA) is in receipt of Nelson Aggregate's response, dated February 2, 2022, for the proposed Burlington Quarry Extension license application and the associated plan amendment for the existing Burlington Quarry. The response includes updated site plans (February 2022 revisions) for the existing quarry and the proposed extension.

OMAFRA staff appreciates the project team's attention to our comments. Please note that the updated site plans have addressed our outstanding comments on the license application and the plan amendment. OMAFRA staff have no further concerns and we withdraw our objection to the proposed Burlington Quarry Extension license application. When the information becomes available, we would appreciate if the final version of the site plans could be provided for our files.

OMAFRA staff would be pleased to discuss the contents of this letter with the project team. If you have any questions, please contact me at david.marriott@ontario.ca or 519-766-5990.

Regards,



Rural Planner, OMAFRA
1 Stone Road West,
Guelph, ON, N1G 4Y2

cc: Chloe Spear, MHBC

Tab **3**

From: McAllister, Aurora (MECP) <Aurora.McAllister@ontario.ca>
Sent: Monday, March 14, 2022 11:37 AM
To: Catton, Shannon <scatton@geiconsultants.com>
Subject: [EXT] Notes from Friday's call

Hello Shannon,

As promised, here are my notes from our call on Friday (I think I captured everything but if I forgot something, let me know):

- No changes to water levels in the wetlands / vernal pools that have been mapped as Jefferson Salamander regulated habitat are anticipated as a result of quarry development.
- Wetland hydroperiod and shallow groundwater monitoring is being undertaken at all vernal pools on the property by the South Extension, including the vernal pools that have been mapped as regulated habitat. At least 3 additional years of monitoring will be undertaken to establish existing baseline conditions for the wetlands and vernal pools in this area.
- Wetland hydroperiod monitoring in the vernal pool located within wetland 13015 (confirmed spotted salamander breeding pond) will commence in 2022. At least 3 years of monitoring will be undertaken to establish baseline conditions.
- Under Section 7 of the Adaptive Management Plan (Version 2.0) several of the wetlands are described as being regulated habitat for Jefferson Salamander and Jefferson Salamander dependent unisexuals based on historical data. Although the salamander records associated with the ponds are older, there is no information that suggests that these two ponds located on the adjacent property are no longer habitat for these species. Please remove the reference to 'historical data'.
- I can confirm that there are no outstanding concerns in relation to species at risk.
- Notes in relation to Species at Risk Bats, Barn Swallow and Butternut have been included in the revised Site Plan.
- No impacts to habitat for Jefferson Salamander and Jefferson-dependent unisexuals are anticipated, therefore no authorization under the Endangered Species Act in relation to these species would be required in order to proceed with the proposed quarry development. I can provide formal correspondence confirming this once the AMP has been finalized.

Kind regards,

Aurora

Aurora McAllister
Management Biologist
Permissions & Compliance | Species at Risk Branch
Ministry of the Environment, Conservation & Parks

From: McAllister, Aurora (MECP) <Aurora.McAllister@ontario.ca>

Sent: Tuesday, April 19, 2022 10:30 AM

To: Catton, Shannon <scatton@geiconsultants.com>

Cc: Ivanov, Oleg (NDMNRF) <Oleg.Ivanov@ontario.ca>

Subject: [EXT] RE: Finalize wording and contents of AMP



Hello Shannon,

I have looked through the revised AMP. Thank you for changing the wording in relation to endangered salamander habitat under section 7.1 (Wetland Features).

I do not have any other comments on the AMP.

Kind regards,

Aurora McAllister
Management Biologist
Permissions & Compliance | Species at Risk Branch
Ministry of the Environment, Conservation & Parks

Tab **4**


From: Thompson, Scott (MECP) <Scott.G.Thompson@ontario.ca>
Sent: September 8, 2021 10:03 AM
To: Tecia White <tecia@white-water.ca>
Cc: 'dirk@earthfx.com' <dirk@earthfx.com>; Shulyarenko, Alexander (MECP) <Alexander.Shulyarenko@ontario.ca>; Aslanyan, Mihran (MECP) <Mihran.Aslanyan@ontario.ca>; Belayneh, Ted (MECP) <Ted.Belayneh@ontario.ca>
Subject: FW: MECP Response -- Nelson Aggregate Co.- Response to MECP (Aggregate Resources Act License Application)

Hello Tecia.

Re: Technical Support review of reports- Thank you for your reply to our comments dated August 23, 2021. Please note that we do not have any further comments to add at this time.

Regards,

Scott Thompson
Senior Environmental Officer
Ministry of the Environment, Conservation and Parks
Halton Peel District Office
4145 North Service Road
Burlington, Ontario
L7L 6A3

 (905) 334-9533

Fax (905) 319-9902

Email scott.g.thompson@ontario.ca

Internet: www.ene.gov.on.ca

Spills Action Centre 1-800-268-6060

We want to hear from you. How was my service? You can provide feedback at 1-888-745-8888.

Tab **5**

Ministry of Culture Ministère de la Culture400 University Ave. 4th Fl.
Toronto, ON M7A 2R8400 Ave. University, 4. étage
Toronto, ON M7A 2R8

Heritage & Libraries Branch, Heritage Operations Unit

Tel: (416) 314-7143 Fax: (416) 314-7175

November 19, 2004

Steve Strong
Aggregate Technical Specialist
AURORA DISTRICT
50 Bloomington Rd W
Aurora, ON L4G 3G8

Dear Mr. Strong,

RE: Recommendation of Clearance of Archaeological Resource Concerns, Nelson Aggregate Quarry Expansion, Lot 17 and 18, Concession 2 NDS, Geographic Township of Nelson, City of Burlington, Regional Municipality of Halton, MCL File 24AG006

This Ministry has reviewed the reports prepared by Archaeologix Inc. for the Stages 1, 2, 3, and 4 assessment of the above-noted property. The Stages 1, 2 and 3 report (Licence/PIF # P001-042 and P001-054) details the assessment of 200-acre parcel of land and notes that five as yet undocumented archaeological sites were identified as a result. Of these, it was recommended that Location 1 (AiGx-238), Location 2 (AiGx-239) and Location 4 (AiHx-240) be subject to Stage 4 mitigation. In the Stage 4 report, (Licence P001), dated August 2004, it was indicated that the archaeological sites identified as Location 1 (AiGx-238), Location 2 (AiGx-239) and Location 4 (AiHx-240) have been mitigated and are no longer a planning concern. Consequently, it is recommended that the subject property be cleared of further archaeological concern. This Ministry concurs with this recommendation.

Given the above, this Ministry is satisfied that concerns for archaeological resources have been met for those lands identified in Figure 3 of the above-noted Stage 1, 2 and 3 report and as illustrated in the Burlington Quarry Expansion site plan prepared by MHBC, Job No. 9135B Nelson Burlington Quarry Exp. (Burlington-Halton). This site plan was not dated.

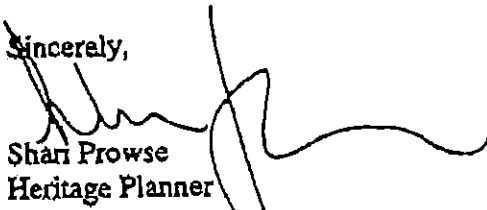
As per Section 48 (1) of the *Ontario Heritage Act* and Ontario Regulation 170/4, this letter confirms that this Ministry has no further concerns for the archaeological sites documented within the subject property.

If deeply buried cultural remains (including human remains) are discovered during construction activities, this office should be notified immediately.

This letter addresses technical clearance only.

If you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,



Shari Prowse
Heritage Planner

c. Jim Wilson, Archaeologix Inc.
Wm. Tom Palko, Nelson Aggregate Co.

Ministry of Heritage, Sport, Tourism, and
Culture Industries

Archaeology Program Unit
Programs and Services Branch
Heritage, Tourism and Culture Division
401 Bay Street, Suite 1700
Toronto ON M7A 0A7
Tel.: (249) 885-1567
Email: Paige.Campbell@ontario.ca

Ministère des Industries du patrimoine, du sport, du
tourisme et de la culture

Unité des programme d'archéologie
Direction des programmes et des services
Division du patrimoine, du tourisme et de la culture
401, rue Bay, bureau 1700
Toronto ON M7A 0A7
Tél. : (249) 885-1567
Email: Paige.Campbell@ontario.ca



Feb 4, 2021

Nimal Nithiyantham (P390)
Golder Associates Ltd.
100 Scotia Whitby ON L1N 8Y6

**RE: Review and Entry into the Ontario Public Register of Archaeological Reports:
Archaeological Assessment Report Entitled, "Stage 1-2 Archaeological
Assessment Proposed West Extension of the Burlington Quarry, Part of Lots 1 and
2, Concession 2, Geographic Township of Nelson, Halton County, City of
Burlington, Regional Municipality of Halton, Ontario", Dated Sep 15, 2020, Filed
with MHSTCI Toronto Office on Oct 14, 2020, MHSTCI Project Information Form
Number P390-0329-2019, MHSTCI File Number 0011253**

Dear Mr. Nithiyantham:

This office has reviewed the above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18.¹ This review has been carried out in order to determine whether the licensed professional consultant archaeologist has met the terms and conditions of their licence, that the licensee assessed the property and documented archaeological resources using a process that accords with the 2011 *Standards and Guidelines for Consultant Archaeologists* set by the ministry, and that the archaeological fieldwork and report recommendations are consistent with the conservation, protection and preservation of the cultural heritage of Ontario.

The report documents the assessment of the study area as depicted in Map 5 of the above titled report and recommends the following:

- 1) Inglehart-Harbotle (AiGx-462): Per the Rural Historical Farmsteads bulletin, given less than 80% of the site's occupation dates to before 1870, the site has no further cultural heritage value or interest; Stage 3 archaeological assessment is not recommended.
- 2) The project area be considered free from any further archaeological concerns.

Based on the information contained in the report, the ministry is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the ministry's 2011 *Standards and Guidelines for Consultant Archaeologists* and the terms and conditions for archaeological licences. This report has been entered into the Ontario Public Register of Archaeological Reports. Please note that the ministry makes no representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require any further information regarding this matter, please feel free to contact me.

Sincerely,

Paige Campbell
Archaeology Review Officer

cc. Archaeology Licensing Officer
Quinn Moyer, Nelson Aggregates Co
City of Burlington City of Burlington, City of Burlington - Planning

¹ *In no way will the ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.*

Ministry of Heritage, Sport,
Tourism and Culture Industries

Programs and Services Branch
401 Bay Street, Suite 1700
Toronto, ON M7A 0A7
Tel: 416.768.7553

Ministère des Industries du Patrimoine,
du Sport, du Tourisme et de la Culture

Direction des programmes et des services
401, rue Bay, Bureau 1700
Toronto, ON M7A 0A7
Tél: 416.768.7553



May 14, 2021

EMAIL ONLY

John Stuart, MCIP, RPP
Niagara Escarpment Commission
232 Guelph Street
Georgetown, ON L7G 4B1
John.Stuart@ontario.ca

MHSTCI File : 0013835
Subject : Proposed Niagara Escarpment Plan Amendment PH 219 20
Applicant : Nelson Aggregates Co.
Location : Part Lots 1 & 2, Concession 1 NS, Part Lots 2, 3 & 4 RP20R7439, Part Lots 1 & 2, Concession 2 NS, Part 1 & 2, Concession 3 NS, Part Lots 17 & 18, Concession 2, NDS
City of Burlington, Ontario

Dear Mr. Stuart:

Thank you for providing the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) with the Request for Comments for the above-referenced Niagara Escarpment Plan Amendment. MHSTCI's interest in the Niagara Escarpment Plan Amendment process project relates to its mandate of conserving Ontario's cultural heritage, which includes:

- Archaeological resources, including land and marine;
- Built heritage resources, including bridges and monuments; and,
- Cultural heritage landscapes.

The archaeological assessment reports prepared for the properties subject to the proposed quarry expansion have been completed to the point of no further archaeological concern, and have been reviewed to the satisfaction of MHSTCI archaeological review staff. The Cultural Heritage Impact Assessment Report prepared in support of the proposed amendment (prepared by MHBC, dated April 2020) finds no potential impacts on local built heritage resources and cultural heritage landscapes, and we have no concerns with the content or recommendations of this report.

As such, we have no objection to the proposed amendment.

Thank you for consulting MHSTCI on this proposed application. If you have any questions or require clarification, do not hesitate to contact me.

Sincerely,

Dan Minkin
Heritage Planner
dan.minkin@ontario.ca

Tab **6**

Ministry of Northern Development,
Mines, Natural Resources and Forestry

ministère du Développement du Nord, des Mines,
des Richesses naturelles et des Forêts



Integrated Aggregate Operations Section

Section de la gestion intégrée des agrégats

Regional Operations Division
300 Water Street
Peterborough, ON K9J 3C7

Division des opérations régionales
300, rue Water
Peterborough (ON) K9J 3C7

E: ARAApprovals@ontario.ca

E : ARAApprovals@ontario.ca

June 15, 2022

Nelson Aggregate Co.
Att: Tecia White
2433 No. 2 Sideroad
P.O. Box 1070
Burlington ON, L7R 4L8
e-mail: tecia@white-water.ca

Subject: *Aggregate Resources Act* (ARA) Licence Application - 626477
Nelson Aggregate Co. (Burlington Quarry Extension)
Class "A", Category 2 – Quarry Below Water
Pt. Lots 17 & 18, Conc. 2 NDS, and Pt. Lots 1 & 2 Conc. 2
Geographic Township of Nelson, City of Burlington, Halton Region

Dear Tecia White:

In accordance with the policies and procedures established under the *Aggregate Resources Act* (ARA), staff of the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) have reviewed the aforementioned licence application, including the draft site plan and related background reports. At the conclusion of the initial notification and 45-day consultation period, NDMNRF registered an official objection to the application based on Hydrogeological, Adaptive Management Plan, Summary Statement, Natural Environment and Site Plans components, as well as required changes to the adjacent licences 5499 and 5657.

NDMNRF staff have subsequently reviewed the response letters and documents as outlined below. It is also noted that additional dialogue and emails have occurred following the outlined submissions, and the most recent NDMNRF response (March 7, 2023) that contribute to this correspondence.

The documents included in the responses that have been reviewed include:

- Nelson Aggregate Co. – Burlington Quarry Extension
Aggregate Resources Act (ARA) Licence Application – 626477
OUR FILE 9135D, including Cover letter and Appendices A through E, Dated March 23, 2022
- Preliminary Adaptive Management Plan, Burlington Quarry Extension, Nelson Aggregate Co. Dated March 2022 and received March 31, 2022.
- Email from Chloe Spear titled: RE: Nelson – Burlington Quarry Extension Response to NDMNRF March 7, 2022 letter, and relating to updated significant woodland mapping and legend.

- Preliminary Adaptive Management Plan, Burlington Quarry Extension, Nelson Aggregate Co. Dated May 2022 and received May 10, 2022
- Updated Site Plans dated March 22, 2022 – submitted to NDMNRF with woodland mapping corrected May 10, 2022.
- Site Plan e-mail from Brian Zeman dated June 9, 2022 with revised site plan wording for Site Plan pg 2 of 4 - Extraction Notes – Phase 3 – Note A.
- Earthfx Inc. Memorandum – dated May 29, 2022 (Deep Pond Simulation Results)
- Earthfx Inc. MNR Technical Discussion – Medad Valley Follow-up (May 20, 2022 presentation)
- Preliminary Adaptive Management Plan, Burlington Quarry Extension, Nelson Aggregate Co. Dated June 2022, received June 10, 2022

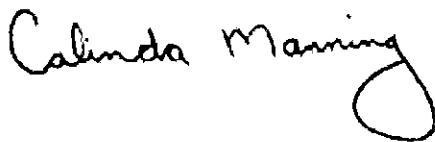
Based on the abovementioned documents and corresponding discussions, this letter confirms that the NDMNRF no longer has outstanding concerns or objections to this licence application. That being said, we remind you that prior to the Ministry being able to move the application forward with any decisions, we will require proof of Zoning, Niagara Escarpment Commission / Plan approval, indigenous consultation determined as being completed and all considerations for the adjacent licences (5499 and 5657) amendment application(s) be satisfied with the Ministry.

We also note that any further changes to the site plan and accompanying documents (Adaptive Management Plan etc.) that may be required due to ongoing consultation with other parties will need to be reviewed with our Ministry.

Additionally, it should be noted that NDMNRF's review of the Adaptive Management Plan was strictly involving the sections applicable to our Ministry's interests. We did not review and are not commenting on the sections related to Ministry of Environment, Conservation and Park's (MECP) interests such as potential impacts to water supply wells, quality of water discharge, species at risk, etc.

If you have any questions, or require additional information, please contact me at calinda.manning@ontario.ca, or by telephone at 807-620-6334.

Sincerely,



Calinda Manning
Aggregate Specialist
Integrated Aggregate Operations Section

cc. Brian Zeman, MHBC Consulting
Shannon Catton, Savanta
Graham Buck, Planning Ecologist
Oleg Ivanov, Hydrogeologist
Quinn Moyer, Nelson Aggregates

Tab **7**



March 16, 2021

via email

Nelson Aggregates
P.O. Box 1070,
Burlington, Ontario, L7R 4L8

Re: Nelson Aggregates Burlington Quarry Expansion,

Six Nations of the Grand Rivers' Consultation and Accommodation Process (CAP) Team would like to thank you for consulting with us on the above project. We appreciate the time you took to meet with us and to ensure that our concerns regarding the Burlington Quarry Expansion project were adequately addressed.

We currently have no further concerns regarding this project.

Regards,

Robbin Vanstone

Consultation Supervisor,
Six Nations of the Grand River.

Tab **8**

From: Megan DeVries <Megan.DeVries@mncfn.ca>
Subject: RE: Letter Surrounding MNCFN Consultation.....
Date: March 18, 2021 at 1:40:52 PM EDT
To: Ron Gersh <ron@theccsgroup.ca>
Cc: Mark LaForme <Mark.LaForme@mncfn.ca>

Hi Ron,

I am available until 3:30pm today. I can be reached on my cell at 289-527-2763. However, we generally do not provide letters of "clearance" from our Nation. Our email below communicating that we have no further concerns is usually all that is necessary.

Regards,
Megan.

From: Ron Gersh <ron@theccsgroup.ca>
Sent: Thursday, March 18, 2021 12:23 PM
To: Megan DeVries <Megan.DeVries@mncfn.ca>
Subject: Re: Letter Surrounding MNCFN Consultation.....

Hi Megan,

I hope all is well and you're having a good day. I'm wondering if you have a minute for me to discuss the e-mail below.

Let me know either way.

Best Regards,

Ron Gersh
Principal
TheCCSGroup
5 Lawrie Road,
Vaughn, ON, L4J 9E7
(b) 416.944.8555 Ext. 1
(c) 416.219.9634
(e) ron@theccsgroup.ca



On Mar 16, 2021, at 3:33 PM, Ron Gersh <ron@theccsgroup.ca> wrote:

Hi Megan,

I hope all is well and you're having a good day. Nelson just received a letter from Six Nations for our consultation process with this community, and we noticed we didn't can official letter from MNCFN. Any possibility we can get a letter from MNCFN regarding the e-mail below?

Let me know either way.

Best Regards,

Ron Gersh
Principal
TheCCSGroup
5 Lawrie Road,
Vaughn, ON, L4J 9E7
(b) 416.944.8555 Ext. 1
(c) 416.219.9634
(e) ron@theccsgroup.ca

Good morning Ron!

Our Field Archaeologist, Adrian Blake, had an opportunity to review the updated Stage 1/2 report last week, so this is perfect timing! We have no concerns with the revised report at this time.

Please remember that any future archaeological or environment fieldwork on the property will require FLR participation.

Sincerely,
Megan.

Megan DeVries, M.A.
Archaeological Operations Supervisor

Tab 9



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

June 29, 2022

Vladimir Gomez-Carballo
Burlington Hydro
1340 Brant Street
Burlington ON
L7R 3Z7

Dear Mr. Gomez-Carballo:

**RE: Nelson Burlington Quarry Extension
Response to ARA Objection Letter
OUR FILE 9135D**

Thank you for the Burlington Hydro letter of May 10, 2021 regarding Nelson Aggregate Co. (Nelson) proposed Burlington Quarry Extension. On behalf of Nelson thank you for providing drawings regarding Burlington Hydro infrastructure in the area.

In response to the comments received by Burlington Hydro, we note the following:

- The proposed project will not require an extension of hydro services. There are no buildings, structures or processing areas within the proposed Burlington Quarry Extension;
- The proposed extraction area and berm configuration will not impact the existing poles and hydro lines. See attached figure;
- Nelson has also confirmed that the proposed truck crossing on No. 2 Sideroad will not impact the height of the hydro line as trucks can safely cross underneath the existing hydro line; and
- If the project is approved, there will be some houses / structures that are proposed to be demolished. Nelson is aware of the requirements to contact Burlington Hydro prior to such removal to ensure proper disconnects are completed.

This letter is being sent now, since Nelson is required to fulfill Section 4.3.3.2 of the Provincial Standards, under the Aggregate Resources Act (ARA). This section requires Nelson to provide not only a response/recommendation to resolve objector comments but also to advise that you that you have until August 15, 2022 to respond with recommendations that may resolve your objection to both the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) and Nelson at the following addresses. Under the ARA only a 20 day response period is required which would have ended on July 25th. Nelson has consulted with NDMNR and extended this period to August 15, 2022 to provide you some additional time to respond.

As noted in the enclosed form, these recommendations must be delivered: personally or by registered mail or by electronic mail to the addresses below on or before August 15, 2022 or it will be deemed that you no longer have a valid objection.

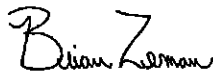
Ministry of Northern Development, Mines, Natural Resources and Forestry
Integrated Aggregate Operations Section
300 Water St,
Peterborough, ON K9J 3C7
Attention: Cally Manning
ARAapprovals@ontario.ca

Nelson Aggregate Co.
c/o MHBC
113 Collier Street
Barrie, Ontario, L4M 1H2
Attention: Nelson Aggregate Co.
nelsonara@mhbcplan.com

Prior to submitting this letter we did attempt to arrange a meeting with Burlington Hydro to discuss. If Burlington Hydro would like meet to discuss this response, please don't hesitate to contact the undersigned. Thank you again for your interest in the application and we hope this letter and attached figure addresses Burlington Hydro comments.

Yours truly,

MHBC



Brian Zeman
President

cc. *Cally Manning, Ministry of Northern Development, Mines, Natural Resources and Forestry*
Quinn Moyer, Nelson Aggregates
Peter Graham, Nelson Aggregates