

September 27, 2021

GSCA File: P21044

County of Bruce
Planning & Development Department
268 Berford Street, P.O. Box 129
Warton, ON
N0H 2T0

Attn: Eric Steele, Planner
ESteele@brucecounty.on.ca

**Re: Local Official Plan Amendment L-2021-004 and Zoning By-law Amendment Z-2021-034
Part Lot 4, Concession 1 North
Roll No: 41-02-540-001-165-00
Town of South Bruce Peninsula, formerly Township of Amabel
Applicant: Brad Crigger**

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 151/06. Grey Sauble Conservation Authority (GSCA) has also provided comments as per our Memorandum of Agreement (MOA) with the County of Bruce representing their interests regarding natural heritage and water identified in Sections 2.1 and 2.2, respectively, of the Provincial Policy Statement. Finally, GSCA has provided advisory comments related to policy applicability and to assist with implementation of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan under the Clean Water Act.

GSCA staff have reviewed the above-noted applications to amend the Local Official Plan by changing designation of the proposed extraction site from Potential Extractive Industrial and rural to Extractive Industrial. The applications also proposed to amend the South Bruce Peninsula Zoning By-law to change the zoning of the proposed extraction site from General rural (RU1) to Extractive Industrial (M2).

Documents Reviewed

Staff have reviewed the following documents submitted with this application:

- Summary Statement, prepared by GM Blueplan Engineering Limited, dated February 2020;
- Set of Drawings 1-4, prepared by GM Blueplan Engineering Limited, dated December 20, 2019;

Member Municipalities

Municipality of Arran-Elderslie, Town of the Blue Mountains, Township of Chatsworth, Township of Georgian Bluffs,
Municipality of Grey Highlands, Municipality of Meaford, City of Owen Sound, Town of South Bruce Peninsula

- Natural Environmental Technical Report – Level 1 and 2, prepared by AWS Environmental Consulting Ltd., dated December 2019
- Hydrogeological Assessment, prepared by GM Blueplan Engineering Limited, dated February 2020

Site Characteristics

Existing mapping indicates that:

- Portions of the property are regulated under Ontario Regulation 151/06;
- The property is designated as Licensed Aggregate/ Quarry Operations, Agricultural, Rural and Hazard under Schedule A of the Bruce County Official Plan, and designated as having the potential for karst topography under Schedule C of the Bruce County Official Plan;
- The property is designated as Agricultural, Rural, Environmental Hazard Potential Extractive Industrial and Extractive Industrial under the South Bruce Peninsula Official Plan
- Located within an area that is not subject to the policies contained in the Source Protection Plan;

Delegated Responsibility and Statutory Comments

- 1. GSCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement. Only the relevant policies are noted in this report.**

The natural hazards identified on the property include the flood and erosion potential associated with the unnamed watercourse that traverses the property. The proposed pit expansion is not located within the areas that have been designated as hazard, and there appear to be no proposed site alterations or additional development within these areas as a result of this application. As such it is the opinion of GSCA that this application is consistent with Section 3.1 policies of the PPS.

- 2. GSCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 151/06. This regulation, made under Section 28 of the Conservation Authorities Act, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. GSCA also regulates the alteration to or interference in any way with a watercourse or wetland.**

A portion of the subject site is regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses administered by the GSCA. The regulated areas are associated with the watercourse that crosses the property.

No site alteration or development is proposed to occur within the areas that are currently regulated.

Advisory Comments

3. GSCA has reviewed the application through our responsibilities as a service provider to the County of Bruce in that we provide comment on natural heritage features under Section 2.1 of the Provincial Policy Statement and on water under Section 2.2 of the Provincial Policy Statement through a MOA.

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

GSCA Comment: The natural heritage features identified on or adjacent to the subject lands include potential for significant wildlife habitat, potential habitat of endangered and threatened species and fish habitat.

2.1.5 Development and site alteration shall not be permitted in:

d) significant wildlife habitat;

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

GSCA Comment: As per the NETR completed in support of the application, a comprehensive review was undertaken to evaluate the potential for significant wildlife habitat within the proposed expansion area and its 120 metre adjacent lands width. The conclusion reached through this assessment was that there was no significant wildlife habitat present within or adjacent to the proposed pit expansion. GSCA is in general agreement with this assessment.

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

GSCA Comment: As demonstrated through the current application and accompanying NETR, although there is fish habitat identified on the subject lands. No development or site alteration is proposed to occur within this feature.

2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

GSCA Comment: Endangered or threatened species were confirmed within the subject lands through the NETR; the species included Barn Swallow and Bank Swallow. In this regard, a Level II impact assessment was completed to address these findings in greater detail.

The presence of Bank Swallow habitat was confirmed through the NETR, with Category 1 and Category 2 lands being outside of the proposed expansion limits and are appropriately indicated on Drawings 2 and 3 included with this submission. However, it is noted that these categories of lands

are present within the existing active/licensed gravel pit. As per the mitigation measures as outlined in the NETR, our office also recommends that any site disturbance or extraction operations within the Bank Swallow habitat as identified through the NETR should be done in compliance with the appropriate provincial and federal requirements, we recommend following up with the Ministry of Environment, Conservation and Parks in this regard. The Category 3 lands for Bank Swallow extend over the entire proposed expansion limits. The mitigation measures to address this were to incorporate this concern into the Pit Operational Phasing design. The phasing mitigation measures as outlined in the NETR, appear to have been incorporated into the plans for the proposed expansion.

The presence of Barn Swallow habitat was confirmed through the NETR, with Category 1 and Category 2 lands being outside of the proposed expansion limits. The Category 3 lands cover approximately 75% of the proposed expansion limits. A phasing plan appears to have been implemented as per the mitigation measures outlined in the NETR, and the mitigation measures from the NETR have been appropriately identified on the site plan.

In conclusion, the GSCA generally agrees with the conclusions reached through the NETR regarding the habitat of endangered/threatened species and the mitigation measures that were suggested. These measures appear to have been adequately incorporated into the submission drawings.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

GSCA Comment: As it relates to the adjacent lands to fish habitat, the proposed pit expansion is greater than 120 metres away from the identified fish habitat on the subject lands, as such, development or site alteration within the adjacent lands to fish habitat is not being proposed.

If the appropriate provincial and federal requirements are adhered to related to threatened and endangered species, and the mitigation measures as outlined in the NETR are followed, GSCA is of the opinion that the application is consistent with the Section 2.1 policies of the PPS.

2.2 Water

The hydrogeological study concluded that it is reasonable to expect that the proposed pit expansion would not impact the local water supply wells, surface water features, or associated ecological receptors in the area. As it relates to water quality, the report concluded that there would be no thermal impacts as there is no proposed or expected ponding, and that sediment and erosion control is to be addressed through a vegetated slope between the pit and the eastern watercourse. Water quantity was addressed through the report, with the mitigative measure to generally maintain surface water flows to the same low-lying locations, the sloping of grades to maintain pre-development to post-development catchments. The GSCA generally agrees with the conclusions and mitigation measures provided in the hydrogeological study, and is of the opinion that the application is consistent with the Section 2.2 policies of the PPS.

- 4. GSCA has reviewed the application in terms of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the *Clean Water Act, 2006*. The Source Protection Plan came into effect on July 1st, 2016 and contains policies to protect sources of municipal drinking water from existing and future land use activities.**

The subject property is not located within an area that is subject to the local Source Protection Plan.

Summary

Given the above comments, it is the opinion of the GSCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated;
2. Ontario Regulation 151/06 does apply to the subject site. A permit from GSCA will not be required prior to any development or site alteration taking place related to the current application;
3. GSCA is of the opinion that consistency with Sections 2.1 and 2.2 of the PPS has been demonstrated;
4. The subject site is not located within an area that is subject to the policies contained in the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan.

Recommendation

GSCA generally has no objection to the proposed local official plan amendment and zoning by-law amendment for the proposed expansion of the aggregate operation.

Please inform this office of any decision made by the County of Bruce with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned.

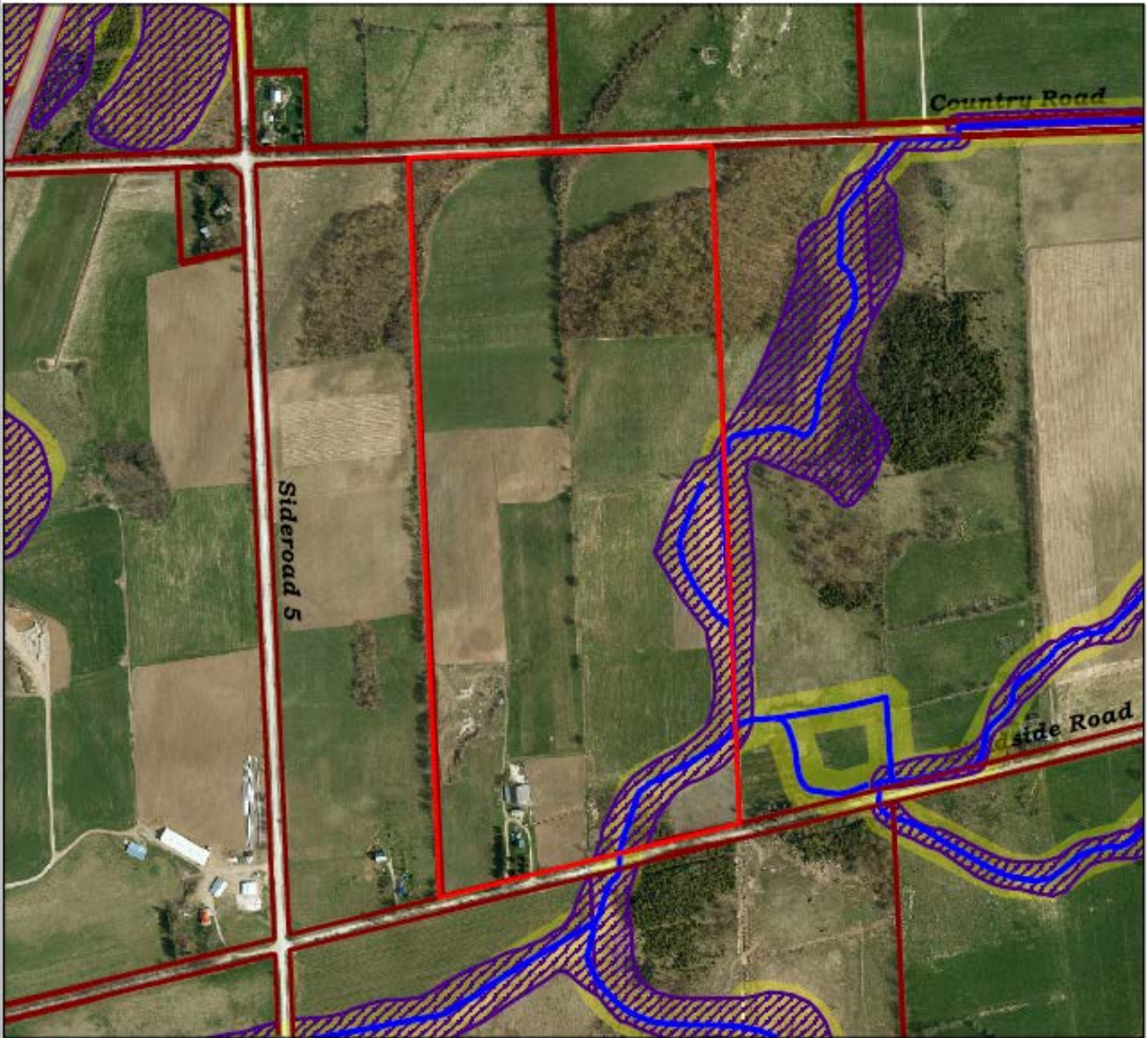
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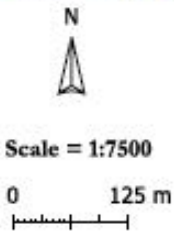
Mac Plewes
Environmental Planner, Environmental Planning & Regulations Department

c.c. Paul McKenzie, GSCA Director, Town of South Bruce Peninsula
Planning Department, Town of South Bruce Peninsula

GSCA: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 151/06)



-  Subject Property (Approx.)
-  Natural Hazard Area (Approx.)
-  ON Reg 151/06
-  Streams



Part of Lot 4, Concession 1 North
Roll No. 42-02-540-001-165-00
Town of South Bruce Peninsula (Amabel)

Monday, September 27, 2021

The included mapping has been compiled from various sources and is for information purposes only. Grey Sauble Conservation is not responsible for any inaccuracies, for any use of the information, or for any liability. The data was provided by the Ontario Ministry of Natural Resources and Forestry (OMNR) in 2011. The data was provided by the Ontario Ministry of Natural Resources and Forestry (OMNR) in 2011. The data was provided by the Ontario Ministry of Natural Resources and Forestry (OMNR) in 2011.

