JOINT AGENCY REVIEW TEAM (JART)

PROPOSED UPPERS QUARRY
CITY OF NIAGARA FALLS

JART REPORT

July 2024

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1.0 Executive Summary

This report summarizes the background work, analysis, and findings of the Joint Agency Review Team (JART) in the review of the proposed Uppers Quarry applications.

Aggregate applications are complex, involving multiple review agencies that consider a broad range of technical issues including water resources, natural environment, archaeology, air quality, noise, blasting, traffic, and others. To coordinate the agency review process for the applications, the Niagara Region (Region), together with the City of Niagara Falls (City) and Niagara Peninsula Conservation Authority (NPCA) established a Joint Agency Review Team (JART). The members of the JART worked together with an Aggregate Advisor and technical peer review consultants to review and consider all matters related to the aggregate application. The JART does not make a recommendation on the applications, but provides a central point of contact for the review, and issues a report once the review process is complete. This JART Report is intended to provide a resource that will assist the JART agencies in their individual recommendation and decision-making responsibilities.

The JART members, together with an Aggregate Advisor and peer review consultants who have been retained for this project, completed a series of reviews based on the initial application submission in November 2021 and subsequent resubmissions by the applicant in May and August 2023 and April and June 2024.

This report provides a description of the proposal and outlines the required approvals, with a brief overview of the relevant planning policy framework and summarizes the technical reports and peer review comments provided through the process. The JART meetings, site visits, technical team meetings, and discussions with the applicant have resolved questions that have been raised through the technical review process. This JART Report has also documented the public, agency, and Community Focus Group (CFG) comments provided through the application review process.

2.0 Introduction

2.1 Purpose of the Report

In November 2021, Walker Aggregate Inc. (Walker) submitted applications for the proposed Uppers Quarry in the City of Niagara Falls. The required approvals include Planning Act applications in the form of a Niagara Region Official Plan Amendment (ROPA), City of Niagara Falls Official Plan Amendment (OPA), and an amendment to the City of Niagara Falls Zoning By-law (ZBLA). In addition a licence under to the Aggregate Resources Act (ARA), administered by the Ministry of Natural Resources (MNR) is required.

A review of the applications was coordinated by a Joint Agency Review Team (JART). The JART is a team of planning staff from the Region, City, and Niagara Peninsula Conservation Authority (NPCA) and is supported by an Aggregate Advisor. This JART Report was informed by the exchange of information between Walker, their consultants, JART member agencies, the peer review consultants, and provincial agencies that provided input. In addition, public comments received through the review process and input of the Community Focus Group (CFG) have been considered.

The purpose of this JART Report is to:

- provide a plain language description of the proposal, the applicable policy framework, and roles and responsibilities of the City, Region, NPCA, and Province in aggregate applications;
- provide a summary of the technical and peer review process;
- identify key issues that have been raised during the JART review and outline items that have not been resolved, if any; and
- provide an overview, and document, the public, agency, and stakeholder process that was undertaken.

This JART Report will then be used independently by planning staff at the Region and City as the technical basis to develop their respective planning recommendation reports. The work of the JART also helps to inform comments made to the Province and applicant under the ARA.

2.2 Limitations of the Report

This JART Report does not make a recommendation on the Planning Act applications. It is a summary of the technical review completed since the relevant applications were filed in November 2021. The contents of this report are based upon technical information and comments submitted up to July 12, 2024. The technical review was generally based upon the documents listed in **Appendix A** of this report, public input, technical meetings, and other informal discussions and correspondence with Walker and their consulting team.

3.0 Planning and Regulatory Context

The policy framework for managing aggregate resources is complex, as it is governed by numerous policy requirements at the Provincial, Regional, and Local levels. In considering new aggregate operations or expansions of existing aggregate operations, proponents are generally required to submit applications under two Provincial Acts, the Aggregate Resources Act (ARA), and the Planning Act.

While the licensing and management of aggregate resource operations in the province is governed by the ARA, land use planning considerations including siting of operations and assessment of impacts, is a municipal responsibility under the Planning Act.

As part of an ARA approval for a license, Section 12.1 of the ARA recognizes that the ARA does not stand alone and that the Planning Act also has to be complied with since it states that: “no license shall be issued for a pit or quarry if a zoning by-law prohibits the site from being used for a pit or quarry.” This means that the zoning on the lands has to expressly permit the use of the lands as a pit or quarry for a license to be approved by the Ministry of Natural Resources (MNR).

In the case of mineral aggregate operations, often more than one provincial interest must be taken into consideration, and it is the goal of land-use planning to balance and protect these competing interests in the most effective manner, keeping in mind the long-term planning horizon and the public interest.

3.1 Aggregate Resources Act and Regulations

The Aggregate Resources Act (ARA) is administered by the Ministry of Natural Resources (MNR). The act provides guidelines for the management of aggregate resources in Ontario. The four established purposes for the ARA are to:

a. to provide for the management of the aggregate resources of Ontario;
b. to control and regulate aggregate operations on Crown and private lands;
c. to require the rehabilitation of land from which aggregate has been excavated, and;
d. to minimize adverse impact on the environment in respect of aggregate operations.

Section 12 of the ARA outlines the conditions that the Minister must consider in determining whether or not to issue a license. These are:

a. the effect of the operation of the pit or quarry on the environment;
b. the effect of the operation of the pit or quarry on nearby communities;
c. any comments provided by a municipality in which the site is located;
d. the suitability of the progressive rehabilitation and final rehabilitation plans for the site;
e. any possible effects on ground and surface water resources including on drinking water sources;
f. any possible effects of the operation of the pit or quarry on agricultural resources;
g. any planning and land use considerations;

h. the main haulage routes and proposed truck traffic to and from the site;
i. the quality and quantity of the aggregate on the site;
j. the applicant's history of compliance with this Act and the regulations, if a licence or permit has previously been issued to the applicant under this Act or a predecessor of this Act; and
k. such other matters as are considered appropriate.

Section 13 of the ARA indicates that the MNR may include such conditions as are considered necessary within a license and that the MNR has the discretion to add a condition or rescind or vary a condition at any time. In considering appropriate conditions and the ARA Site Plan, the MNR generally consults with commenting agencies including municipalities.

In addition to their role in the licencing and permitting process, MNR oversees aggregate operations including the specific ARA Site Plan conditions on individual licences, responds to complaints and enforces compliance.

The ARA was amended in 2017 through the Aggregate Resources and Mining Modernization Act (ARMMA) which introduced new enforcement powers and additional penalties for non-compliance. The Act includes provisions to encourage voluntary compliance. An inspector who finds that any provisions of the ARA or the regulations are being contravened may provide the person who he or she believes to be responsible for the contravention with a written report setting out a list of the provisions that have been or are being contravened and suggesting actions or measures the person could take to remedy the contraventions.

The changes also significantly hike penalties for non-compliance. Under the previous version of the ARA, every person who committed an offence under the ARA was liable on conviction to a fine of not less than $500 and not more than $30,000 for each day on which the offence occurs or continues. The ARMMA increased these penalties so that everyone who commits an offence is liable on conviction to a fine of not more than $1,000,000 and an additional fine of not more than $100,000 for each day or part of a day on which the offence occurs or continues.

The requirements for aggregate rehabilitation are outlined in Part VI of the ARA. Section 48 indicates that "Every licensee and every permittee shall perform progressive rehabilitation and final rehabilitation on the site in accordance with this Act, the regulation, the site plan and the conditions of the license or permit to the satisfaction of the Minister." In addition, this section provides the MNR with the ability to order a person to carry out progressive or final rehabilitation.

3.2 Planning Act

The Planning Act is the central piece of legislation governing land-use planning in Ontario. It establishes the various types of planning tools that municipalities may use to control land uses and development within their communities. The Planning Act outlines the rules and responsibilities around preparing and updating official plans and zoning by-laws, public

consultation and notice requirements, and appeal rights and dispute resolution. The Planning Act also describes how land uses may be controlled and establishes land-use decision making processes that are intended to be open, accessible, timely and efficient.

When carrying out its responsibilities under the Planning Act, a municipality or any other authority that affects a planning matter must have regard for the provincial interests as identified in Section 2 of the Planning Act. These include: the protection of ecological systems, including natural areas, features and functions; the protection of the agricultural resources of the Province; the conservation and management of natural resources and the mineral resource base; the resolution of planning conflicts involving public and private interests; the protection of public health and safety; and other interests as outlined in the Act.

The Planning Act is implemented by provincial land-use planning documents such as the Provincial Policy Statement (PPS), Growth Plan, and Greenbelt Plan and municipal land-use planning documents such as official plans and zoning by-laws.

3.3 Provincial Policy Statement

The Provincial Policy Statement (PPS, 2020) states that the vision for Ontario's land-use planning system may be further articulated through provincial plans. The PPS recognizes that the province's natural heritage resources, water, agricultural lands, mineral aggregate resources, cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest. The province must ensure that its resources are managed in a sustainable way toconserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fiber, minimize environmental and social impacts and meet its long-term economic needs. (PPS, Part IV). Part III of the PPS, 2020 states that the Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

Section 2.5.2.1 of the PPS recognizes that mineral aggregate resources are an integral component of the economy and makes it clear that the demonstration of need for mineral aggregate resources is not a factor in the development of resource strategies or in the consideration of individual applications, regardless of the municipality or location. The intent of this policy is to require that any application be considered on its land use merits only.

Section 2.5.2.2 provides the policy basis for the establishment of potential resource areas and to assess applications to establish resource uses. The determination of whether extraction minimizes social, economic and environmental impacts is an important consideration in making a decision on an application to establish a new resource use. It is also noted that the use of the word 'minimize' assumes and recognizes that some impacts may occur.

Extraction of mineral aggregate resources is recognized as a permitted non-agricultural use in prime agricultural areas (Sections 2.3.6.1 a)). The policies related to the identification and

protecting long-term resource supply from development and activities that would preclude or hinder resource use are unchanged (Section 2.5.2).

Policy 2.5.2.4 of the PPS clarifies the responsibility for determining depth of extraction as a matter to be addressed through the ARA process and not through a development application under the Planning Act.

“Where the Aggregate Resources Act applies, only processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations”. According to MNR the intent of this change is to clarify that zoning should not distinguish between above and below water extraction (vertical zoning) and that the ARA regulates this matter.

In April 2024, the province introduced a second draft of a proposed Provincial Planning Statement (proposed PPS, 2024) which proposes to consolidate the existing Provincial Policy Statement (PPS, 2020) and Growth Plan into a single integrated Provincial policy planning document. At the time of this report, the proposed changes are still under review. There is a possibility that the proposed PPS, 2024 will be in place at the time decisions are made on the ROPA, OPA, and ZBLA, and that the decisions will need to be consistent with the new PPS. Should this be the case, additional analysis would be provided in the respective City or Regional planning reports.

3.4 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The Growth Plan is a planning document that applies to the “Greater Golden Horseshoe” (GGH) region of Ontario and guides decisions on a wide range of issues, such as transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage, and resource protection.

Related to mineral aggregate resources section 4.1 of the Growth Plan notes: “Building compact communities and the infrastructure needed to support growth requires significant mineral aggregate resources. The Aggregate Resources Act (ARA) establishes the overall process for the management of mineral aggregate operations, and this Plan works within this framework to provide guidance on where and how aggregate resource extraction can occur, while balancing other planning priorities. The GGH contains significant deposits of mineral aggregate resources, which require long term management, including aggregate reuse and recycling. Ensuring mineral aggregate resources are available in proximity to demand can support the timely provision of infrastructure and reduce transportation-related greenhouse gas emissions”. The policies encourage mineral aggregate resource conservation through means such as aggregate recycling.

Section 4.2.8 outlines the policy considerations for mineral aggregate resources, with policy distinctions made in some circumstances between new aggregate operations and expansions to existing operations.

The Growth Plan policies regarding the protection of key natural heritage features and key hydrologic features are similar to the Greenbelt Plan with a similar distinction for new and expanding mineral aggregate operations. Within the Natural Heritage System for the Growth Plan, new mineral aggregate operations are not permitted in significant wetlands, habitat of endangered and threatened species and significant woodlands unless the woodland is a young plantation or early successional habitat. For expansions, the policies are more permissive and extraction may be permitted in key natural heritage features and key hydrologic features if the decision is consistent with the PPS (i.e. meets the protection standards of the PPS). [Note: the proposed Uppers Quarry site is not within the mapped Natural Heritage System for the Growth Plan.]

In addition, the Growth Plan policies reflect a greater emphasis on protection of agricultural resources and requires that an Agricultural Impact Assessment be prepared to support development, including new aggregate operations, in prime agricultural areas.

The policies for rehabilitation of aggregate sites require that disturbed area be rehabilitated to a state of equal or greater ecological value, with an objective to maintain or enhance long-term ecological integrity. Outside of the Natural Heritage System for the Growth Plan, final rehabilitation should reflect the long term land use of the general area, taking into account existing municipal and provincial policies.

3.5 Niagara Region Official Plan

The new Niagara Official Plan (NOP) was approved, with modifications, by the Minister of Municipal Affairs and Housing and came into effect on November 4, 2022. Policy 7.12.2.5 of the NOP states that development applications deemed complete prior to the date of the NOP approval shall be permitted to be processed and a decision made under the 2014 Regional Official Plan (ROP) policies. The proposed Uppers Quarry application was deemed complete on December 21, 2021, and is therefore being processed under the 2014 ROP.

On October 23, 2023, the Minister of Municipal Affairs and Housing announced that legislation would be introduced to reverse the official plan decisions for several municipalities across Ontario, including Niagara Region.

On December 6, 2023, implementing legislation Bill 150 (*Planning Statute Law Amendment Act, 2023)* received Royal Assent, which reversed provincial changes made to the NOP, 2022 except for modifications number 5, 24, 25, 32, 33, 39, 42, and 44. The reversal of official plan decisions are dated retroactively to the original date that the decision on the NOP, 2022 was made (November 4, 2022).

Schedule H and those policies related to this ROPA are not the subject of any Provincial modifications. As such, it is not anticipated that the new decision from the Minister will impact the Uppers ROPA application.

An amendment to the ROP is required because the proposed Uppers Quarry is identified as a Potential Resource Areas: Stone but is not identified on Schedule D4 as a “Possible Aggregate Area”, pursuant to ROP Policy 6.C.13.

Regional staff have and will be reviewing the requested amendment relative to all applicable ROP policies, with particular attention being paid to policy 5.B.7, Chapter 6 and policy 14.D.5. In addition to the ROP, it is the responsibility of Regional Planning staff to review the application for consistency with the PPS and conformity with applicable Provincial Plan (i.e. Growth Plan). Supporting technical studies have and will be reviewed relative to those ROP topic specific policies, in addition to relevant Provincial policies.

As noted above, the applications have been prepared to reflect the policies in the 2014 ROP. Section 6 of the 2014 ROP contains the policies related to mineral resources. The stated objectives of Section 6 of the ROP are:

- To ensure an adequate supply of mineral resources (including sand, gravel, stone and shale) for the short-term and long-term construction, chemical, and metallurgical needs within the Niagara Region.
- To ensure the suitable location, operation and rehabilitation of mineral extraction activities in order to minimize conflicts with both the natural and human environment of the Region.

The proposed Uppers Quarry site is currently designated “Good General Agriculture Area” on Schedule A of the ROP and is identified as within the “Silurian Formation” on Schedule D1 “Potential Resource Areas: Stone” of the ROP. The ROP policies set out the general considerations for new aggregate operations or expansions to existing operations. These considerations include compliance with the policies in the ROP including those related to protection of the natural environment, as outlined in Section 7 of the ROP; compatibility with surrounding land uses; the impact on the natural environment including surface watercourses and groundwater; the proposed manner of operation, site plan and rehabilitation; and the proposed haul routes and impacts on roads.

3.6 City of Niagara Falls Official Plan

The proposed quarry is located within the City of Niagara Falls. The Official Plan came into effect on October 6, 1993 and includes consolidated amendments made up to April 2019 (“City’s OP”). Any decisions made on the proposed ROPA/OPA/ZBA applications are required to conform with the City’s OP.

According to the City’s OP, the majority of the proposed quarry site is designated “Good General Agriculture” and the existing watercourse running north-south through the central portion of the proposed quarry site is designated “Environmental Protection Area” (EPA) with smaller tributaries designated “Environmental Conservation Area” (ECA). The proposed quarry site is also identified as “Bedrock Resource Area” on Appendix 4 of the City’s OP.

Proposals for new or expanded extractive industrial uses require an Official Plan Amendment. Part 2, Section 9.2 lists the information requirements for an Official Plan amendment submission, including

- Site plan
- Location of all buildings within 500 metres of the proposed quarry
- Proposed use of site
- Location of all water wells within 300 metres of the site, along with a hydrogeological report
- Landscape plans
- Haulage routes
- Progressive and final rehabilitation plans
- A social impact assessment or any other information to assess the appropriateness of the proposal including predicted impact of noise, dust and vibration beyond the site and necessary mitigation measures

Part 2, Section 9.3 further details the matters to be considered by Council in considering an application, including:

- permitting extraction within or adjacent to lands designated Environmental Protection Area only where studies indicate that such areas will not be adversely impacted by the extraction operation;
- the sequencing of extraction and rehabilitation to have the effect of minimizing the amount of land disturbed at any one time;
- the effect of the proposed extractive operation on ground water resources and hydrology of the surrounding area;
- the effect of the proposed extractive operation on the roads and traffic patterns in the area;
- no extraction is permitted on good general Agriculture lands unless the Ministry of Agriculture and Food is satisfied the site can be substantially rehabilitated for agriculture to allow production of the same area and at the same level of productivity; and
- the amounts of noise, vibration dust traffic and related factors which may affect properties and their occupants in the surrounding area must satisfy Ministry of the Environment guidelines.

3.7 City of Niagara Falls Zoning By-law

The zoning by-law is the legal document that implements goals, objectives and policies described in the official plan. It regulates the use and development of buildings and land by stating exactly what types of land uses are permitted in various areas and establishing precise standards for how the land can be developed. These include setting lot sizes and frontages, building setbacks, the height and configuration of buildings, the number and dimensions of parking and loading spaces and requirements for open space. Zoning by-law amendments are

used for major revisions to the by-law such as land use changes or significant increases in permitted building heights and densities.

The majority of the proposed quarry site is currently zoned ‘Agriculture (A)’ with lands around the existing watercourse on-site zoned ‘Hazard Lands (HL)’ and one small property zoned Agricultural (A) with exception 467 in the City of Niagara Falls Zoning By-law 79-200.

To permit the proposed quarry operation, a zoning by-law amendment is required to rezone the proposed quarry site from ’Agriculture (A)’, Agriculture (A)(467) and ‘Hazard Lands’ to ‘Extractive Industrial (EI)’ zone.

The EI Zone permits the following uses:

- A licensed pit or quarry
- Processing of natural materials removed from the site including crushing, screening, mixing washing and storing such materials
- Concrete or asphalt mixing plant
- Accessory buildings and structures
- A use permitted under the Agricultural zone, save and except a bed and breakfast

The application proposes that details pertaining to setbacks, operational requirements, the watercourse realignment, and rehabilitation will be addressed through the ARA Site Plans and other secondary approvals once the zoning is in place.

4.0 The Joint Agency Review Team (JART)

The JART was established to coordinate the technical review of applications submitted by Walker. This technical review, which is supported by a team of peer review consultants, is intended to form a resource for the JART agencies to help formulate recommendations and reach decisions on the applications based on their respective jurisdictions. The JART review considers the applications in the context of applicable Provincial, Regional and Local planning policies and is based on the technical and other information, and public input, available at the time of writing. Staff from applicable Provincial Ministries have been engaged as required through the JART process as well.

4.1 Purpose of the JART

The purpose of the JART is to share information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner.

The JART does not make a recommendation on the application, rather the JART works to:

- ensure that the required range of studies and work is completed by the applicant;
- ensure that the studies are sufficient in terms of their technical content;
- review of the studies and work of the applicant either by technical staff or by peer reviewers;
- ensure a coordinated public and stakeholder consultation and engagement process; and,
- prepare a technical JART Report on the application once all reviews are complete.

4.2 JART Members

The JART members for the proposed Uppers Quarry applications include:

- Niagara Region
- City of Niagara Falls
- Niagara Peninsula Conservation Authority

4.2.1 Niagara Region

The Region is responsible for implementing the Regional Official Plan and reviewing the application relative to provincial polices and plans. The Region is the approval authority for the Regional and City of Niagara Falls Official Plan amendments. The Region reviews Planning Act applications on the basis of the impact on surrounding land uses and the compatibility of the proposed development with existing and future land uses. As part of their role, the Region considers issues related to the environment, transportation infrastructure, financial impacts, cultural heritage and archaeology, surface and groundwater resources, noise, dust, vibration, and impacts on human health.

4.2.2 City of Niagara Falls

The City is responsible for implementing the City's Official Plan and Zoning By-law. City Planning staff will make a recommendation on the City Official Plan amendment, and City Council will make a decision on the adoption of the proposed amendment. As noted above, the Niagara Region the approval authority for the City Official Plan amendment.

In addition, an amendment to the City's Zoning By-law will be required to support the proposed quarry. City planning staff will make a recommendation on the proposed Zoning By-law amendment, and City Council will make a decision. The City is the approval authority for the Zoning By-law amendment. In addition, the City enforces the regulations in the Zoning By-law.

4.2.3 Niagara Peninsula Conservation Authority (NPCA)

The role of the NPCA as part of the JART has changed since the time of the pre-consultation and submission of applications. Initially, the NPCA was providing comments on natural hazards and supporting review of natural heritage. With the passing of Bill 23 in late 2022, Conservation Authorities are prohibited from providing natural heritage comments on a range of applications, including those under the Planning Act and Aggregate Resources Act. The role of the NPCA is now to provide comments and support the JART in the area of natural hazards.

In addition, Conservation Authority regulations do not apply to sites that are licenced under the ARA. Therefore, the conditions of potential approval under the Planning Act or ARA cannot include the requirement to obtain a permit from the NPCA under the Conservation Authority Act.

4.2.4 Aggregate Advisor

The Aggregate Advisor is an independent professional with experience dealing with aggregate applications and associated land-use planning matters. The Aggregate Advisor was retained by the Region on behalf of the JART and provides guidance and supports the JART throughout the decision-making process for the regional official plan, local official plan, and zoning by-law amendment applications. The Aggregate Advisor also plays a crucial role in helping the JART understand and participate in the ARA process.

4.3 Peer Review Consulting Team

Niagara Region, on behalf of the Joint Agency Review Team (JART) retained peer review consultants to review several of the technical studies which were required to support the application for the proposed Uppers Quarry.

For each of the technical disciplines, the work of the peer reviewers included:

- an initial site visit;
- a preliminary technical meeting with the applicant's consulting team;
- the review and comments on the first iteration of the technical studies;
- the review of the second and third iterations of the technical studies (as required); and
- participation in other technical and team meetings (as required).

Table 4-1 lists the JART peer review consultants for the proposed Uppers Quarry applications:

Table 4-1: List of Peer Review Consultants by Technical Discipline

Technical Discipline	Firm
Noise, Air Quality, Blasting Impact	Englobe
Water Resources	TerraDynamics Inc.
Natural Heritage	Dougan & Associates
Economic Benefits	Watson & Associates

The technical reviews of the Agricultural Impact Assessment, Visual Impact Assessment, Transportation Impact Study, Planning Justification Report, Cultural Heritage, and ARA Site Plans were completed by the JART and Aggregate Advisor with support from other Regional, City, and NPCA staff as required. The review and clearance of the Archaeological Assessments was primarily completed by Provincial Staff.

4.4 Provincial Ministries

The City and Region are responsible for implementation of provincial, regional, and local planning policy in a way that reflects unique local conditions and community values. This is achieved through regional and local official plans, and local zoning by-laws. The JART is the coordinating body for the review of the Planning Act applications. Certain matters, such as transportation of aggregate on municipal roadways, entrance permits onto municipal roads, municipal drainage approvals, and other matters not governed by the ARA or other provincial ministries are also municipal responsibilities.

Further to the municipal responsibilities, there are several provincial ministries involved in the review of the related application under the ARA and other pieces of Provincial legislation. These agencies are not part of the JART; however, an understanding of the provincial perspective and position on the details of the application is helpful information for the JART process. The roles of these provincial ministries are briefly outlined below.

4.4.1 Ministry of Natural Resources (MNR)

MNR oversees the review and decision-making on licences for new aggregate operations and is responsible for the management of existing operations through the ARA. This includes the monitoring and enforcement of aggregate operations to ensure compliance with licence and ARA Site Plan conditions.

In early 2024, the Auditor General pointed to deficiencies in the monitoring of aggregate operations, citing a lack of qualified field staff to perform inspections. This is partially a result of the restructuring of the aggregate program delivery in 2020, when many of the experienced field staff in the program, located in the District offices, moved into roles in the centralized approvals branch. The inspection of aggregate sites is currently the responsibility of “Integrated Resource Management Technicians” at the MNR District offices who have a wide range of responsibilities, and varied training and experience. Only a portion of their time is

dedicated to the aggregate program, whereas previously there were full time Aggregate Inspectors in every District office and inspections were conducted on a regular basis. The MNR responded to the AG Report and confirmed that they were in the process of addressing deficiencies in process.

Although aggregate operators have an obligation to report on compliance annually, MNR's role in inspection and enforcement is critical to the integrity of the program. It is anticipated that MNR will address the issue will enhanced training and sufficient field staff to perform this function.

MNR is the approval authority for the required ARA licence for the proposed quarry extension, and for any future amendments to the licence and for the enforcement of ARA Site Plans and any conditions. MNR's Aggregate Section manages the processing of the ARA application in accordance with the ARA and Regulations. Through the review process, JART periodically consulted with MNR staff regarding the ARA process.

The MNR cannot issue a licence under the ARA unless the appropriate land use approvals (i.e. zoning) is in place to permit the use. Therefore, the Planning Act applications and approval of the zoning is considered a prerequisite for any decision on the quarry licence application.

4.4.2 Ministry of the Environment, Conservation and Parks (MECP)

The MECP is a commenting agency under the ARA and provides input regarding any effects of the proposed quarrying and related water management on drinking water supplies, local domestic wells, and nearby surface water features. MECP's Species at Risk Branch is also involved in the review of the ARA application.

In addition, MECP is the approval authority for many of the required secondary permits, such as a Permit to Take Water (PTTW) for quarry dewatering, or a Environmental Compliance Approval (ECA) under the Environmental Protection Act (EPA) in relation to noise (extraction, processing and on-site haulage), blasting, and air quality (primarily dust). Obtaining many of these secondary permits is often a condition of the ARA licence and/or a note on the ARA Site Plans.

4.4.3 The Ministry of Citizenship and Multiculturalism (MCM)

The MCM reviews and provides clearance on the archaeological assessment and provides comments on cultural heritage matters. MCM has reviewed the archaeological assessments, and there are ARA Site Plan notes requiring additional archaeological assessments to be completed in several identified areas of archaeological potential before any disturbance may occur.

4.4.4 The Ministry of Agriculture, Food and Rural Affairs (OMAFRA)

The OMAFRA provides comments as part of the ARA process on agricultural policy matters, as well as any minimum distance separation (MDS) concerns.

4.4.5 The Ministry of Transportation (MTO)

The MTO only becomes involved in the application process if the affected property is to be accessed by a Provincial Highway or is located in close proximity to a Provincial Highway. The proposed Uppers Quarry is not on, or in close proximity to a Provincial Highway and therefore MTO did not become involved in the review process.

4.5 Federal Departments

In addition to City, Region, NPCA, and Provincial Ministries, the Federal Department of Fisheries and Oceans (DFO) would also have a role in the application review process.

4.5.1 Department of Fisheries and Oceans (DFO)

Whenever a proposed works could result in a “harmful alteration, disruption or destruction” of fish habitat, as defined in Section 35 of the Federal Fisheries Act, authorization is required from the Department of Fisheries and Oceans (DFO). This process involves detailed impact analysis, and where mitigation fails to alleviate potential adverse effects through planning and design, compensation is required to replace the habitat and productive capacity lost through the project. To off-set habitat losses, and to meet DFO’s guiding principal of “no net loss of the productive capacity of fish habitat” as outlined in the Policy for the Management of Fish Habitat (DFO 1986), fish habitat biologists ensure that the new channel incorporates natural channel design principles, which typically improve fish habitat.

5.0 The Proposed Uppers Quarry Applications

The following sections provide an overview of the applications and required approvals.

5.1 Location

The subject lands are situated between Thorold Townline Road and Beechwood Road, south of Beaverdams Road and north of Lundy's Lane in the City of Niagara Falls. The property is legally described as Part of Lots 119, 120, 136 and 137, former Township of Stamford, now in the City of Niagara Falls, in Niagara Region. The proposed quarry site includes 11 parcels owned by the Walker with a total area of approximately 103.6 hectares.

There is a watercourse and associated wetland areas that bisect the property. The application proposed that this watercourse would be relocated to the western limit of the site.

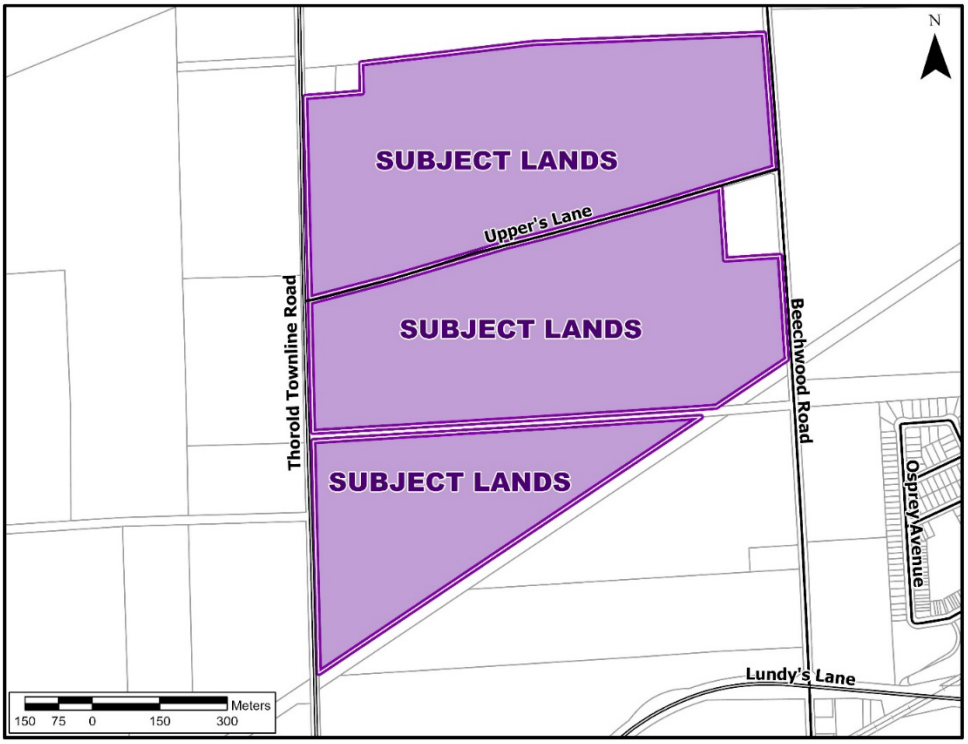

Figure 1: Site Location

5.2 The Existing Quarry

Walker operates an existing quarry located approximately 2 km north of the site. The "Walker Brothers Quarry" located at Taylor Road and Thorold Townline, has been supplying aggregate to the region for many years. The Uppers Quarry is proposed as a replacement supply of aggregate resources - to allow Walker to continue to service the local market.

5.3 Surrounding Land Uses

Surrounding lands include agricultural uses to the north and south, a residential subdivision (Fernwood) to the southeast and Thorold Townline Road to the West. The Rolling Meadows Secondary Plan Area is west of Thorold Townline Road, in the City of Thorold. There are a number of approved and proposed residential and employment uses within the Secondary Plan area.

Rural residential dwellings as well as a golf course are located to the north. The Trans Canada Pipeline corridor runs from southwest to northeast with a small portion crossing the northwest corner of the quarry site. There is a hydro corridor directly to the south of the site and agricultural lands.

Walker owns a number of parcels of land to the west, north, and east of the site.

5.4 Description of the Proposed Uppers Quarry

The application proposes a Class A - Quarry Below the Water Table with an annual limit of 1,800,000 tonnes. The proposed quarry site is 103.6 hectares in size with 89.1 ha proposed to be extracted.

A municipal road (Uppers Lane) and an unopened municipal road allowance, neither of which are currently owned by the applicant, separate the proposed quarry site into three extraction areas:

1) North Extraction Area: extraction areas north of Upper's Lane;
2) Mid Extraction Area: extraction area south of Upper's Lane and north of the unopened road allowance; and,
3) South Extraction Area: extraction area south of the unopened road allowance.

The quarry entrance / exit would be located on Upper's Lane. Truck traffic exiting the quarry will travel westbound on Upper's Lane and primarily northbound on Thorold Townline Road. From Thorold Townline Road, trucks will go west on Provincial Highway 58, continue north on Taylor Road or east on Thorold Stone Road. There will be no point of access onto Beechwood Road. The use of other roadways in the area would be for the local delivery of material.

5.5 Overview of Key Aspects of the Proposed Operation

The following outlines some of the key aspects of the application and proposed operations.

5.5.1 Proposed Operations Plan

Prior to extraction, overburden and topsoil will be stripped and used to create the berms around the perimeter of the site, which function as a barrier for noise. The property will be fenced to restrict access in accordance with ARA requirements.

Operations will include drilling and blasting, crushing and screening, washing and stockpiling. At the processing plant, aggregate will be processed, washed and stockpiled prior to loading

and shipping to market. The proposed maximum annual aggregate production limit is 1,800,000 tonnes. With an estimated 60 million tonnes of resource, the quarry is expected to be in operation for approximately 40 years. The proposal also includes an asphalt plant, with a capacity of 4,900 tonnes per day, to be located on the quarry floor.

The proposed aggregate maximum annual extraction limit combined with the proposed asphalt maximum annual shipping limit will generate approximately 96 new two-way truck trips during the morning peak hours in June, which is typically the busiest month of activity for local quarries. Thorold Townline Road is an existing haul route. Based on the haul route evaluation, north to Thorold Stone Road via Thorold Townline Road is the preferred haul route with the least traffic impact to the study area. A sightline assessment completed by Walker indicates that drivers of both trucks and passenger vehicles would have acceptable sightlines at the Upper's Lane access. The proposed haul route will not make use of Beechwood Road.

5.5.2 Phasing and Sequencing

As noted, they quarry site includes 3 areas, separated by the existing municipal road allowances. The operations have been designed in 5 phases, as detailed below, moving through the 3 areas.

Phase 1 is located west of the existing watercourse in the mid and south-extraction areas. An initial sinking cut will be established in Phase 1A, and a portable processing plant will be located on the quarry floor as the excavation advances. In Phase 1B, the quarry will be extracted to a depth of 155 metres above sea level (masl) and will form a foundation for the proposed realignment of the watercourse.

Phases 2 and 3 are located in the North Extraction Area, north of Uppers Lane, and will be excavating in a similar sequence as Phase 1, with mining starting west of the watercourse and leaving a bedrock foundation for the watercourse realignment. Once sufficient area has been extracted in Phase 2A and the processing plant has been relocated to the Phase 2A lands, a hot mix asphalt batch plant will be introduced to the operations. The asphalt plant will be established on the quarry floor in Phase 1A in the area identified on the Operational Plan. Recycled asphalt and concrete will be imported and blended with aggregate material on-site and stockpiled in proximity to the centralized asphalt plant.

Phase 4 is the Mid Extraction Area south of Uppers Lane and east of Phase 1A. The watercourse realignment will be complete prior to extraction in Phase 4.

Phase 5 is the South Extraction Area located south of the unopened road allowance east of Phase 1. The Final Phase will include removal of all remaining resource within the extraction limit near the entrance (e.g. ramp) and any other resource remaining in the extraction area will be removed as part of final rehabilitation. Any remaining structures will be removed, all remaining side sloping will be completed during this Phase and final rehabilitation will be completed. Following completion of extraction, the site will be rehabilitated to recreational water bodies with enhanced natural features and habitat.

5.5.3 Proposed Rehabilitation Plan

The quarry will be progressively rehabilitated in the direction of extraction, using the surplus overburden material to create side slopes against the quarry walls as extraction reaches the horizontal limits in each phase. Once excavation is complete, the quarry sumps will be decommissioned allowing the quarry cells to fill naturally with groundwater and precipitation.

The final rehabilitation of the site includes a central lake, a realigned watercourse and enhanced woodland and wetland areas. The lake will have an area of approximately 70 hectares, with shoreline wetland areas proposed. There is a 6.1 hectare deciduous woodland & vegetative screening area proposed within the licensed area as well as a 6.7 hectare off-site ecological enhancement woodland area which is proposed as part of the compensation for removal of existing features.

5.5.4 Creek Re-alignment

The proposed quarry will require the realignment of the watercourse that bisects the site in a south to north direction. Approval from the Federal Department of Fisheries and Oceans (DFO) will be required. A permit from NPCA is not required for the creek realignment. See Section 7 for further discussion of the proposed realignment.

5.5.5 Municipal Road Allowances

The quarry proposal contemplates the acquisition of two municipal road allowances (one opened, and one unopened) that cross the site as an “alternative extraction scenario”. See Section 7 for further discussion on the municipal road allowances.

5.6 Proposed Mitigation and Monitoring Measures

The technical reports provided with the application include recommendations to mitigate the potential impacts of the proposed operations as well as long-term monitoring plans. The recommendations are included as conditions on the ARA Site Plans to ensure they can be enforced, and the highlights are outlined below. For a comprehensive list of all the ARA Site Plan notes and conditions please refer to the drawings.

5.6.1 Natural Environment / Natural Heritage

- A “Conservation Easement” be placed on the off-site lands identified for “Woodland Mitigation and Enhancement Area” prior to any extraction occurring.
- All off-site plantings to be completed in the Woodland Mitigation Planting Areas (off-site) prior to the removal of the woodlot south of the unopened road allowance in Phases 1A and 1B.
- Base flow water monitoring and fish community monitoring of the existing watercourse every two years prior to realignment.
- Annual monitoring of the wetland areas along the proposed watercourse realignment area.
- Annual monitoring of upland replanting areas.

- Bank swallow replacement habitat monitoring for a period of 3 years.

5.6.2 Water Resources

- There is a baseline water monitoring program that has been collecting data since 2012. The monitoring network includes 60 monitoring wells, 8 private drinking water wells and 11 surface water stations, which are all electronically monitored.
- Semi-annual groundwater level monitoring and annual water quality monitoring will be completed.
- Monitoring well inspections will be completed annually.
- Daily monitoring or sump discharge volume with quality samples monthly.
- A Private Drinking Well Interference and Mitigation Plan will be implemented proactively prior to the commencement of quarry operations.
- A long-term groundwater monitoring program (quality and quantity) will be completed during operational and rehabilitation phases with annual reporting.
- The limited quantities of fuel stored on site are subject to Spill Action Plan.
- Discharge quality limits and Trigger Mechanism and Contingency Plan for quarry discharge will be established as part of the ECA permit.

5.6.3 Noise / Acoustics

- Acoustics berms to be installed around the perimeter of the site with a minimum height of 3 metres.
- The acoustic berms shall be constructed during site preparation and prior to extraction.
- For Phases 4 and 5, an 8 metre acoustic barrier is required at a radius of 40 metres to the southeast of the processing equipment.
- All construction equipment shall meet the sound emission standards defined in MECP Publication NPC-115.
- All internal combustion engines will be fitted with appropriate muffler systems.

5.6.4 Blasting / Vibrations

- An attenuation study is required within the first 12 months of operations to confirm the parameters for blast designs.
- All blasts shall be monitored for vibration and overpressure at the closest receptors to the site.
- Blasts shall be designed to maintain vibrations below 13 mm/s at the location of the closest identified active spawning bed as per DFO guidelines.
- Supplemental blast monitoring is required near the TransCanada Pipeline and the Hydro One Corridor as well as near any fish spawning areas.

5.6.5 Air Quality / Dust Control

- The site will operate in accordance with the Best Management Practices Plan (BMPP) for Fugitive Dust Emissions.

- The following mitigation measures shall be incorporated into the BMPP:
  - Blasting operations occurring within 300 metres of a residential receptor shall have a smaller blast area, not exceeding 200 m² in area.
  - Aggregate extraction, processing and shipping does not exceed 9,000 tonnes per day.
  - Under dry conditions, the capacity to apply water on an hourly basis to all traveled haul routes within the licence boundaries is required.

5.6.6 Archaeology

- "Archaeological Site - Protected Areas Requiring Further Archaeological Assessment" on the ARA Site Plans reflect areas that require further archaeological assessment and are protected by a 20 to 30 metre protective buffer. A 50 metre monitoring buffer is also identified on the ARA Site Plan drawings.

5.6.7 Visual Impacts

- 3.0 metre high acoustic berms and 2.4 metre high visual berms shall be established in the locations shown on the plan view. Berms shall be constructed in a smooth, rolling manner with varying highpoints (where space permits while respecting minimum height requirements), and variations along the berm frontage to create a more natural appearance.
- Berms shall be seeded with a naturalizing mix of wildflowers and grasses to stabilize slopes and minimize mowing and maintenance. Trees and other large stock is required in accordance with the ARA Site Plans.

5.7 Primary Approvals Required

The following primary approvals are required to permit the proposed Uppers Quarry:

5.7.1 Planning Act

- Region of Niagara Official Plan Amendment
- City of Niagara Falls Official Plan Amendment (AM-2021-025)
- City of Niagara Falls Zoning By-law Amendment (AM-2021-025)

5.7.2 Aggregate Resources Act (ARA)

- Class A - Quarry Below the Water Table license

5.8 Secondary Approvals Required

In addition to the primary approvals required under the Planning Act and ARA as listed above, there are a number of secondary approvals that would be required for the proposed Uppers Quarry. It is not a requirement for these secondary approvals to be in place prior to the Planning Act and ARA approvals. These secondary approvals would be sought by the applicant after a licence was granted under the ARA.

5.8.1 Permit to Take Water (PTTW)

A PTTW will be required from the Ministry of the Environment, Conservation and Parks (MECP) for the quarry dewatering.

5.8.2 Environmental Compliance Approval (ECA)

Water that is pumped out of the quarry and discharged back into the watercourse is considered 'industrial sewage works' under the Ontario Water Resources Act. Accordingly, the applicant will be required to obtain an Environmental Compliance Approval (ECA) from the MECP.

In addition, an ECA will also be required for the proposed asphalt plant. The technical documentation will include an assessment of all forms of emissions from the plant. The asphalt plant would need to operate in accordance with the ECA.

5.8.3 Stage 4 Archaeological Assessments

There are sites within the proposed quarry site that require further archaeological work. Two areas are located in Phase 2 and one area is located in Phase 4.

Until such time that the identified archaeology locations can undergo the recommended Stage 4 assessments, these areas shall be avoided and protected with a 20 metre protective buffer and a 50 metre monitoring buffer as shown on the ARA Site Plans. Any site alteration is prohibited within the limits of the protected areas of the sites until such time that the MCM has entered a report(s) in the Ontario Public Register of Archaeological Reports where the report(s) recommends that the archaeological site is of no further cultural heritage value or interest.

5.8.4 Department of Fisheries and Oceans (DFO) Authorization

Walker has undertaken preliminary discussions with DFO regarding the proposed realignment. The requirement to obtain permission from DFO prior to the realignment of the creek or other potential disruption or destruction of fish habitat would be a condition of the ARA licence. There is not a requirement that the DFO approval be in place in advance of the Planning Act or ARA approvals.

6.0 Submission and Review Process

This section provides a summary of the submission and review process, as well as highlights of the technical reports submitted, and technical and peer review process coordinated by the JART.

6.1 Key Dates in Submission and Review Process

The summary of key dates below includes both the Planning Act and ARA timelines.

- **October 17, 2019** – A pre-consultation meeting was held at the request of the applicant (Walker Aggregate Inc.). Planning staff from the Region, City, and NPCA met with the applicant and members of their consulting team. The Region and City confirmed the submission requirements including the required technical reports and other information. A Pre-Consultation Meeting Form was signed by all parties and formed part of the complete application package. A copy of the pre-consultation meeting form is included as an appendix to the applicants Planning Justification Report.
- **November 27 & 29, 2019** – Community consultation sessions / neighborhood meetings hosted by the applicant prior to the submission of the applications.
- **December 13, 2019** - Regional Staff provided an information memorandum to Regional Council about the pending submission of the Uppers applications (CWCD 465-2019). The memo outlined the various approvals required and indicated that a JART was being formed to coordinate the review of the proposal. A copy of CWCD 465-2019 is included in **Appendix D**.
- **November 22, 2021** – Planning Act applications were submitted to the Region and the City (i.e. 1st submission of technical materials). A list of all materials submitted is included as **Appendix A.**
- **December 21, 2021** – Regional Official Plan Amendment application deemed complete by Niagara Region.
- **December 23, 2021** – City of Niagara Falls Official Plan Amendment and Zoning By-Law Amendment applications deemed complete by the City of Niagara Falls.
- **January 12, 2022** - Regional staff provided a project initiation report to Regional Council (PDS 1-2022). The purpose of the report was to advise that applications to amend the Regional Official Plan, the City of Niagara Falls Official Plan, and the City of Niagara Falls Zoning By-law have been made. The report also provided an update on the JART process. A copy of PDS 1-2022 is included in **Appendix D.**
- **February 8, 2022** – Walker submits supplemental information in support of the application. A list of all materials submitted is included as **Appendix A.**

- **February to May 2022** – Individual technical meetings held between the peer reviewers retained by JART and Walker's consultants. The purpose of these meetings was to clarify technical aspects of the application before formal written comments were prepared.
- **March 2, 2022** – Site visit and tour. The purpose was to allow the JART peer reviewers and City and Region staff to view the site and surrounding land uses as part of the technical review process.
- **March 23, 2022** – Public Open House (virtual) hosted by City and Region Planning Staff. The purpose of the session was to allow members of the public to learn about, and ask questions about the proposed Regional Official Plan, City Official Plan, and Zoning By-Law amendments. Walker and their consultants were invited to assist in answering technical questions about the proposed quarry. Following the session a detailed question and answer table was prepared. A copy of the Q & A table is included as **Appendix E**.
- **August 23, 2022** – JART comment letter on the 1st submission provided to the applicant. A copy of the JART letter is included as **Appendix C.**
- **January 20, 2023** - Regional Staff provided an information memorandum to Regional Council to provide a status update on the Uppers application (CWCD 2023-10). A copy of CWCD 2023-10 is included in **Appendix D**.
- **January 30, 2023** – Walker submits the ARA application to MNR. Deadline to provide comments is April 3, 2022. Region, City, and NPCA respond with separate letters of objection on the basis that the municipal land use approvals are not in place.
- **February 7, 2023** – City Staff provide an information report to City Council on the status of the Uppers applications (PBD-2023-09). A copy of PBD-2023-09 is included in **Appendix D**.
- **February 10, 2023** - Regional Staff provided an information memorandum to Regional Council to inform that ARA Public Information Sessions will be hosted (virtually) by the applicant on Wednesday March 1, 2023 (CWCD 2023-24). A copy of CWCD 2023-24 is included in **Appendix D**.
- **March 1, 2023** – ARA Public Information Sessions hosted virtually by the applicant.
- **May 9, 2023 –** City Staff prepare a report to City Council recommending the creation of a Community Focus Group (CFG) (PBD-2023-26). The report provided background on the project and outlined the questions that should be considered by the CFG. A copy of PBD-2023-26 is included in **Appendix D**.

- **May 17, 2023** – Walker provides a partial resubmission package to the JART. A response letter is provided stating that the resubmission is incomplete and will not be reviewed. A copy of the letter is included in **Appendix C**.
- **August 28, 2023** – Walker provides a response to the JART comments from August 2022 (i.e. 2nd submission of technical materials). A list of all materials provided as part of the 2nd submission is included in **Appendix A**.
- **August 28, 2023** – Region and City receive ARA Notice of Objector Response (20 Day letter) which requires response to confirm or withdraw objections before September 18, 2023. Region and City respond confirming previous objections until Planning Act approvals are in place.
- **September 11, 2023** – Community Focus Group Meeting #1. A copy of the meeting summary is included as part of the CFG Report in **Appendix F.**
- **September 28, 2023** – Community Focus Group Meeting #2. A copy of the meeting summary is included as part of the CFG Report in **Appendix F**.
- **October 19, 2023** – Planning Act Statutory Public Meeting - Niagara Region. A copy of the Region's Staff Report (PDS 33-2023) is included in **Appendix D**.
- **November 15, 2023** – JART comment letter on the 2nd submission provided to the applicant. A copy of the JART comment letter is included as **Appendix C.**
- **April 5, 2024** – Walker provides a response to the JART comments from November 2023 (i.e. 3rd submission of technical materials). A list of all materials provided as part of the 3rd submission is included in **Appendix A**.
- **June 26, 2024** – Walker makes a supplementary submission to address some outstanding natural environment comments. A list of all materials submitted is included in **Appendix A**.

6.2 List of Technical Reports and Other Supporting Information

As identified through the Pre-Consultation Meeting Form, and as required by the applicable planning documents (PPS, Growth Plan, Region of Niagara Official Plan, and City of Niagara Falls Official Plan), the applications were supported by a number of technical studies. In most cases the technical studies required to support the Planning Act applications are similar to those required to support the ARA licenses application. Where possible, studies were scoped to meet the requirements of both application processes.

In support of the applications, the following studies were submitted:

- Planning Justification Report and ARA Summary Statement
- ARA Site Plans
- Alternative Site Analysis

- Level 1 / 2 Water Resources Study & Maximum Predicted Water Table Report
- Level 1 and Level 2 Natural Environment Technical Report and Environmental Impact Study
- Agricultural Impact Assessment
- Acoustic Assessment Report (Noise)
- Air Quality Assessment Report
- Blasting (Vibration) Impact Assessment
- Traffic Impact Study
- Cultural Heritage Impact Assessment
- Visual Impact Assessment
- Economic Benefits Analysis
- Archaeological Assessments and Supplementary Documentation

Through the review and peer review process, a number of revisions were made by the applicant to the technical documents and ARA Site Plan drawings to address comments from JART as well as Provincial ministries through the ARA licence application process. In some cases, this included a revision to original document, in other case a stand-alone addendum or similar document was prepared. A complete list of all technical material submitted can be found in **Appendix A.**

A brief synopsis of each of the technical reports is presented below. The JART comment letters are included in **Appendix C.**

6.3 Planning Justification Report & ARA Summary Statement

A Planning Justification Report (PJR) was prepared and submitted as part of the application package. The PJR included a review and analysis of the application in the context of current provincial, regional and local planning policies. The PJR also served as the ARA Summary Statement and included an overall summary and outline of the application.

Comments on the land use planning aspects of the proposal were provided to the applicant through the JART comment letters (**Appendix C**) and through discussions and technical meetings. The individual City and Region staff planning reports will include a detailed planning analysis and discussion on the planning merits of the application as part of the staff recommendation.

6.4 ARA Site Plans

The ARA Site Plans are the primary tool for implementing and enforcing the conditions of any approved mineral aggregate operation. In addition to reviewing the technical and other supporting studies, a review of the ARA Site Plans was undertaken by the JART and peer review team. A major component of the JART review process was to ensure that the conclusions and recommendations of each of the technical studies was adequately reflected in the design of the site, and that ARA Site Plan notes and conditions were included as appropriate.

Over the course of the review process a number of revisions were made to the ARA Site Plans to address JART's comments as well as comments received from MNR through the ARA process. Based on the final submission of the Site Plans, JART have the following additional comments on the conditions:

- Ensuring air quality recommendations are explicitly stated in the conditions
- Ensuring woodland and woodland compensation areas are appropriately protected for the long-term
- Additional compensation lands may be provided for habitat and screening of nearby lands
- Larger buffers and/or higher berms are employed to improve screening of nearby lands and streets, particularly to the east
- Appropriate habitat and nesting sites are provided for species at risk in compensation areas

6.5 Alternative Site Analysis

Section 2.5.4.1 of the Provincial Policy Statement applies to mineral aggregate application on prime agricultural lands where rehabilitation to agriculture is not feasible. Subsection c) of that policy requires alternative sites to be considered including resources in areas of lower soil capability for agriculture (CLI class 4 through 7 lands).

The Alternative Site Analysis explored options where the Region's Official Plan mapped Potential Resource Areas: Stone within the market area which included the City of Niagara Falls and a portion of the City of Thorold. Urban areas and Specialty Crop Lands were excluded from the study area.

Two sites were identified as potential alternatives to the Uppers site. Site 1 covers 43.93 hectares of lands that are not identified as a Prime Agricultural Area. The analysis indicated that the site was not suitable as it is largely fragmented by the provincial Natural Heritage System, as well as a number of existing rural industrial uses. Site 2 includes 209 hectares located east of the existing Walker Brothers Quarry. Site 2 was ruled out primarily due to natural heritage constraints and the site is fragmented by a hydro corridor, arterial road, and natural gas pipeline.

6.6 Level 1 / 2 Water Resources Study & Maximum Predicted Water Table Report

The consideration of impacts on water resources is an important aspect of the review process for any aggregate application. A Water Resource Study was required, prepared, and submitted with the application to evaluate the potential impacts of the proposed quarry on groundwater and surface water resources. The impact assessment considered the effects of the quarry during extraction and after final rehabilitation. The report was reviewed by staff from the Region, NPCA, and the peer review consultant.

Surface and groundwater resources were a key aspect of the JART review because of the potential impacts that quarrying below the water table may have on groundwater quality and quantity, as well as important natural environmental and surface water features such as watercourses and wetlands on and adjacent to the site. The importance of these water resource features are expressed through policy requirements that must be met by the ARA and Planning Act applications. The public also raised these issues as concerns particularly with respect to private well water impacts and groundwater quality in general.

The proposed quarry will be developed below the natural groundwater table. Although a significant portion of the area near the proposed is within the urban serviced areas of Niagara Falls and the City of Thorold, a residential well water survey for 86 properties near the site that are serviced by private wells was undertaken. The survey found that approximately half of the respondents use a cistern for domestic water supply. There are no predicted impacts to these properties however, the Report identifies a “Well Mitigation Area (WMA)” where quarry dewatering is expected to impact private water supply wells. As part of the mitigation plan, Walker would be required to restore water supply to any impacted property by deepening or replacing existing wells.

The Water Resources Study concluded that no measurable effects to surface water quality are anticipated as a result of the proposed quarry dewatering. The watercourse on site is proposed to be realigned using natural channel design techniques.

As noted previously, a well interference and mitigation plan will be implemented prior to quarry operations commencing. The JART peer review has indicated that the proposed groundwater monitoring and response program is acceptable.

6.7 Level 1 and Level 2 Natural Environment Technical Report and Environmental Impact Study (NER/EIS)

A NER/EIS was prepared and submitted with the applications. The NER/EIS is a requirement of the ARA and was scoped to also satisfy the JART requirement for an Environmental Impact Study (EIS). The purpose of the study was to assess potential environmental impacts of the proposed aggregate extraction on the site with respect to the following:

- the environmental features and functions in the study area;
- the potential impacts of extraction on the surrounding natural environment and proposed mitigation measures; and
- the rehabilitation potential of the site after extraction.

The NER/EIS reflects the requirements of the ARA as well as those outlined in the planning policies of the Region, City and NPCA. MNR through their review of the ARA application also provided a series of comments on the NER/EIS and other natural heritage aspects of the proposal. The study includes characterization of the natural environment and surrounding area, the evaluation of impacts of the proposed quarry and design of mitigation measures as appropriate, and rehabilitation of the site.

The initial peer review comments identified a number of gaps in the field survey data and corresponding conclusions of the report. Additional information was provided by Stantec in August 2023 which addressed many of the initial peer review comments however, there are a number of comments related to the natural features on the site and the adjacent lands which remain outstanding.

Additional information related to the fish habitat in the watercourse that crosses the property, and in particular the regional significant of Northern Pike spawning in the watercourse has not been fully assessed. In addition, clarification of the turtle survey information collected in 2017 and 2023 was requested by the JART in the November 2023 response to the applicant. Additional technical materials and analysis was submitted by the applicant in April and June 2024 in an attempt to resolve outstanding comments and concerns.

As part of the application review process, JART and the applicant's consultants participated in technical review meetings in March 2022 and October 2023 to discuss the outstanding natural heritage and planning concerns identified by JART.

The applicant made final submissions of the NER/EIS in May and June of 2024, with a final peer review being completed in July 2024. The final peer review report noted that the NER/EIS generally met applicable standards and methodologies for environmental studies, save and except the following:

- Differences in opinion as it relates to the interpretation of significance of some species as it would relate to significant wildlife habitat (SWH).
- Technical deficiencies involving how some of the species-specific investigations were undertaken. However the peer reviewer has noted that the proposed mitigation and enhancement areas and proposed watercourse realignment corridor should help to avoid long-term impacts.
- Certain matters involving the creek realignment and fish habitat have been deferred to the review process for the necessary DFO permit.
- Opportunities for improvement on how some of the information was presented. Although this would not impact the conclusions and recommendations of the study.
- The need to ensure that some of the responses to peer review comments are carried over into the natural channel design drawings.

6.8 Agricultural Impact Assessment

Provincial and Regional policies identify the Greater Golden Horseshoe as containing a diverse and productive agricultural area. Provincial and Regional policies recognize that agricultural land is a valuable resource that must be properly managed and protected. The lands proposed for Uppers Quarry are located within a Prime Agricultural Area as defined under the Provincial Policy Statement (PPS) and a Good General Agricultural area as defined in the Niagara Region Official Plan (2014).

The PPS requires that impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands be mitigated to the extent feasible. Policy 6.C.5 of the Niagara Region Official Plan (2014) requires that applications for new pits or quarries or expansions of existing licensed pits or quarries consider compatibility with surrounding land uses. An Agricultural Impact Assessment (AIA) was submitted with the application to satisfy the provincial and municipal planning policy requirements for new, non-agricultural land uses in agricultural areas, using the methodology outlined by OMAFRA.

The AIA notes that the majority of the quarry lands are currently in common field crop production and are leased by a single farmer. There are no active livestock operations on the site or the surrounding lands. Within the AIA study area, there are a few agri-food operations and some agricultural related uses such as greenhouse and market garden outlets. There are several non-farm land uses including existing and future residential areas, rural residential dwellings, recreational areas and several commercial and industrial uses. The lack of agricultural infrastructure and land improvements on the subject lands, the level of fragmentation, and proximity to the urban area of Thorold lower the agricultural priority of the study area in comparison to other areas. The AIA reports that there will be a permanent loss of approximately 89 hectares of CLI class 2, 3 and 5 lands as a result of the below water excavation, however, provincial and local planning policies allow for this where there is a significant amount of aggregate below the water table and where alternatives have been considered in combination with the Alternative Site Analysis.

The JART is satisfied with the conclusions and recommendations of the AIA. OMAFRA confirmed through correspondence to the MNR in August 2023 that there are no outstanding concerns with the application.

6.9 Acoustic Assessment Report (Noise)

An Acoustic Assessment Report was submitted with applications. The report evaluated the potential impacts of the proposed quarry on neighbouring land users, using the guidelines provided by the MECP (NPC 300: Environmental Noise Guideline, Stationery and Transportation Sources). The noise sources from the proposed quarry include processing equipment, drill and blasting equipment, and haul trucks. In addition, the proposed operations include an asphalt plant, which would operate 24 hours per day, 7 days a week.

The report assessed the impacts at 6 homes (referred to as “Points of Reception” or POIs) located near the proposed quarry. The Church located at the corner of Upper’s Lane and Beechwood Road was not assessed because there is a special agreement in place with the applicant.

Based on the recommendations of the Acoustic report, in order to mitigate noise from the operations, a minimum 3-metre-high berm is required around the entire perimeter of the site. The berms are to be constructed prior to extraction. In addition, an 8 metre high noise barrier is required at a radius of 40 metres to the southwest of the processing plant while processing in Phase 4. The JART peer review had recommended that additional details be added to the

ARA Site Plan notes to ensure that the distance between the processing plant and the 8 metre barrier is maintained at the suggested radius. There are no other outstanding concerns with the Acoustic Assessment and the peer review indicates that the methodology, analysis, and conclusions are in accordance with Provincial standards and requirements.

6.10 Air Quality Assessment Report

An Air Quality Assessment (AQIA) was prepared and submitted with the applications. The air quality assessment includes a dispersion modelling analysis of estimated emissions of key contaminants from proposed on-site operations. The results of this analysis are combined with an appropriate background air quality concentration to provide a cumulative estimate of impacts on surrounding receptors. Indicator compounds considered in the assessment include total suspended particulate matter, respirable particulate matter, and crystalline silica within the inhalable portion of the dust. The predicted emissions are measured against the provincial air quality guidelines provided by MECP. The report concludes that with the implementation of the recommended Dust Best Management Practices Plan (BMPP) the predicted air quality will be maintained below the limits set out in provincial air quality guidelines through the life of the proposed quarry.

The report notes that the background concentration of benzo(a)pyrene exceeds the provincial ambient air quality criteria (AAQC), a condition which is prevalent throughout Ontario. The proposed quarry would have a marginal effect on increasing levels (less that 2% over background levels).

The maximum predicted concentrations of silica at the receptors near the site, combined with background concentrations, are well below the provincial air quality criteria and no exceedances are predicted. Concentrations are expected to decrease further away from the quarry.

The AQIA was peer reviewed and the majority of the outstanding comments, questions, and concerns were resolved. There were a number of suggestions made to improve the readability of the report, however, the comments do not impact the conclusions and recommendations of the report.

The BMPP outlines preventative procedures and reactive controls to manage dust from the pit operations. These measures include watering off roadways, limiting truck speed through the site, control equipment for drill and blasting and reduced activity where warranted. Compliance with the BMPP is an ARA Site Plan condition and enforced by the Province through the ARA. In summary, the peer review process concludes that the methodology, analysis, and conclusions of the study are in accordance with Provincial standards and requirements.

6.11 Blast Impact Assessment

A Blast Impact Assessment (BIA) was prepared and submitted with the applications. The purpose of the BIA was to provide an assessment of the potential effects of the ground and air vibrations that will be produced by the proposed quarry's blasting operations on adjacent lands

and structures. The predicted impacts are measured against the MECP guideline limits for ground vibration and overpressure. The BIA also considers the MECP Model Municipal Noise Control By-law with regard to Guidelines for Blasting in Mines and Quarries (NPC 119)

Additional considerations in the report are provided for the TransCanada Pipeline adjacent to the northeast corner of the site which is not subject to the MECP limits, and must instead consider the TransCanada Energy limit for steel welded pipelines. Similarly, special consideration is provided for the Hydro One corridor transmission towers which are also not subject to the MECP limits.

As assessment of flyrock risk is also provided in the report with recommendations to ensure flyrock is managed and maintained within the property limits.

The report recommends that an attenuation study be completed within the first 12 months of quarry operations to confirm the blasting parameters. All blasts are to be monitored with special requirements for monitoring near the pipeline, the hydro corridor and the creek in addition to monitoring near the adjacent sensitive receptors (residences).

The blasting peer review concluded that in the context of the requirements of blasting impact assessment the proponent has satisfied the requirements of the ARA as it applies to the effects of blast induced vibration and overpressure (noise) on sensitive receptors, provided the proponent implements all the recommendations of the BIA.

6.12 Traffic Impact Study

Provincial and Regional policies require that transportation systems be provided that are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs. Specific to proposed new or expansions to existing pits and quarries, the Regional Official Plan states that consideration be given to the proposed haulage roads and the possible effect on the roads and on adjacent development (policy 6.C.5e). In this regard, a Traffic Impact Study, was prepared submitted with the applications to address transportation impacts on the road network. The TIS was reviewed by Regional and City transportation staff.

The proposed haul route for trucks to / from the proposed Upper's Quarry would utilize Thorold Townline Road to the north of the site, as it is a Regional road and provides the most direct route to / from the quarry. The use of other roadways in the area would be limited to when a local delivery of material is required.

The majority of the JART comments related to providing clarification or additional information and have been substantially addressed through the review process.

Regional transportation staff have indicated that Regional Road Entrance Permits will be required and the road improvements at the entrance will be subject of a future detailed design process. The Region will also require Walker to enter into a legal agreement for the required road improvements and maintenance during quarry operations. Notes have been included on the ARA Site Plans drawings indicating this requirement.

Should the proposal be revised to include the closure of Uppers Lane and for access to be directly to Thorold Stone Road, updates to the TIS or other transportation aspects of the proposal may be required. Further discussion on this issue is included in Section 7 of this report.

6.13 Cultural Heritage Impact Assessment

According to the PPS, Growth Plan and Regional Official Plan, significant built heritage resources and significant cultural heritage landscapes shall be conserved. Heritage resources include buildings, structures, monuments, installations or any manufactured or constructed parts or remnants that contribute to a property's cultural heritage value or interest. Cultural heritage landscape refers to geographical areas that may have been modified by human activity and are identified as having cultural heritage value or interest. These landscape features may include buildings, structures, spaces, views, archaeological sites, or natural elements that are valued together for their interrelationship, meaning, or association.

A Cultural Heritage Impact Assessment was submitted with the applications and reviewed by City staff as well as the City's Municipal Heritage Committee. The JART has no concerns with the report.

It is noted that consultation with Indigenous groups is ongoing and additional information may be provided in City or Region staff planning reports. Further engagement will occur as required to meet the requirements of Stage 3 and 4 investigations.

6.14 Visual Impact Assessment

To address land use compatibility matters in accordance with City and Regional policy, as well as potential concerns from neighbouring landowners and residents, a Visual Impact Study, was prepared and submitted with the applications.

To mitigate potential visual impacts a range of berms are proposed. Details of the height and location of each of the berms are included as part of the ARA Site Plan notes, which would be enforced through the ARA licence.

City Planning staff continue to recommend additional measures to address the visual screening of the site. These include increasing the height of the berm along Beechwood Road and increasing the width of landscaped areas along Beechwood Road to provide better screening to the residential areas to the east.

6.15 Economic Benefits Analysis

Section 14.D.5 of the Regional Official Plan includes criteria that are to be considered when there is a proposed amendment to the plan, including "the effect of the proposed change on the financial, health, safety, and economic sustainability of the Region." In order to assess this impact, an Economic Benefits Analysis was prepared and submitted with the application.

The analysis generated estimates for employment (direct and indirect), municipal tax revenues and licence fees, transportation and provincial revenues for education. Key conclusions of the study included:

- Property taxes will be paid to the City of Niagara Falls based on the assessed value of land, estimated at between $31,000 and $41,000 annually.
- Property tax and waste management fees for the site will be paid to the Niagara Region, estimated at between $38,000 and $51,000 annually.
- Creation of 84 person years of direct employment, and 64 person-years of employment in support industries that manufacture materials used at Upper's Quarry.
- Indirect benefits from close to market supply reducing transportation costs of aggregate, and provincial taxes generated from the project.
- The City of Niagara Falls and the Niagara Region will indirectly benefit from property taxes paid to the School Board for education. Depending on the distribution of land classification for the site, this would provide between $17,000 and $26,000 annually.
- Upper's Quarry will contribute to the City revenue through aggregate license fees (TOARC) averaging $173,000 annually over the quarry's 40 to 50-year lifespan.
- Upper's Quarry will contribute to the Region's revenue through aggregate license fees (TOARC) averaging $43,000 annually over the quarry's 40 to 50-year lifespan.

JART has noted that Walker has indicated that the Uppers Quarry would replace their existing quarry that is nearly depleted. This implies that the existing jobs would be transferred to the new site, so contrary to what the study has suggested, there is no incremental increase in employment from the proposed new quarry. It is possible that there could be a short period of overlap when the existing and proposed quarry are both operating. Similarly, the revenue from property taxes and the TOARC fees would offset the reduction or elimination of revenue from the existing Walker's Quarry.

There are several JART comments that have not be addressed related to the Economic Benefits Study. These outstanding comments are considered to be differences in professional opinion.

6.16 Archaeological Assessments and Supplementary Documentation

The PPS, Growth Plan, and Region and City of Niagara Falls Official Plans provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, development and site alteration (activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site) are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Stage 1 and 2 Archaeological Assessments were submitted with the applications and recommended further work for several archaeological sites within the subject lands. There are ARA Site Plan conditions which require additional Archaeological Assessments (Stage 3 / Stage 4) to be completed before disturbance can occur in any areas of archaeological

potential. There is also the requirement for protective buffers and fencing around the areas of archaeological potential to be shown on the ARA Site Plans.

Letters from the MHSTCI's (now MCM) have been received indicating the Stage 1 and 2 Archaeological Assessments are compliant with the Ministry's technical standards for archaeology. Walker will be required to obtain further clearance letters from the MCM as the Stage 3 (and possibly Stage 4) Archaeological Assessments proceed. Ongoing consultation with Indigenous communities is required.

7.0 Key Technical Issues of the Application

The following sections provide a more detailed description of some key technical issues that were considered by the JART during the review process and that required further discussion in the JART Report.

7.1 Land-Use Compatibility

The proposed Uppers Quarry site is located adjacent to the urban area boundaries of both the City of Niagara Falls (existing Fernwood subdivision) and City of Thorold (Rolling Meadows Secondary Plan – approved and currently under development). Given the proximity of these existing and proposed urban residential use, as well as many rural residential uses in the area, land-use compatibility was a highly-important consideration of the application and review process. Many public comments (as documented in **Appendix H**) were received which expressed concerns about the potential impacts of the proposed quarry.

For a quarry or other mineral aggregate operation, land-use compatibility includes noise, air quality, blasting and vibrations as well as potential visual and traffic impacts. The requirement to consider, mitigate, and minimize these potential impacts is a requirement of Provincial, Regional, and Local planning policy as well as the ARA.

For example policy 2.5.2.2 of the Provincial Policy Statement (PPS) requires that “extraction shall be undertaken in a manner which minimizes social, economic, and environmental impacts”. Similarly, objective 6.B.2 of the Regional Official Plan (2014) is to “ensure the suitable location, operation, and rehabilitation of mineral extraction activities in order to minimize conflicts with both the natural and human environment of the Region”. Policy 9.3.6 of the City of Niagara Falls Official Plan requires Council, when considering any application to establish a new extractive industrial operation to have regard for “the amounts of noise, vibration, dust, traffic and related factors which may affect properties and their occupants in the surrounding area and must satisfy the Ministry of Environment guidelines”

For noise, air quality, and blasting, individual technical studies were submitted in support of the application. Given the technical expertise required to review the studies, peer review consultants were retained by JART. The purpose of the peer review was to confirm that the methodology, analysis, and conclusions and recommendations of the studies were appropriate. The standards to which the studies must demonstrate the proposed quarry can meet are maintained by the Province. This includes both general standards, as well as standards that have been developed specifically for aggregate operations. Provincial standards have been developed to include factors of safety and health. For additional details and a plain language summary of the technical analysis, please see Section 8 and **Appendix B** of this JART Report.

7.2 Sale and Closure of Uppers Lane and Unopened Right-of-Way

Upper’s Lane and an unopened City of Niagara Falls right-of-way both cross the proposed quarry site, dividing it into what would be three separate extraction areas. In October, 2019,

City of Niagara Falls Council approved a report to permanently close and declare surplus Uppers Lane and the unopened right-of-way. As of the date of this report, the road and unopened right-of-way has not been closed or sold to the applicant. Following consideration of the Official Plan and Zoning By-law amendment application, City of Niagara Falls staff proposed to bring the matter back to Council to determine if the process will be finalized. If the quarry is approved, there are many benefits to the closure and sale of the road and right-of-way including:

- The sale and closure will allow the applicant to construct an uninterrupted acoustic berm and landscaped strip along the Beechwood and Thorold Townline Road frontages. Although the studies have demonstrated that standards can be met, the uninterrupted berm will further reduce the acoustic and visual impact.
- Without the need to cross the two right-of-ways fewer sinking cuts (from the three proposed that are necessary to access parcels separated by the rights of way), would be required to fully extract the quarry. While studies indicate acceptable noise and other land use impacts with the current proposed scheme of multiple sinking cuts, impacts tend to be greater (i.e. more noise, possibly more frequent blasts) where a sinking cut is being established and work is close to the elevation of surrounding lands. Closure and sale of the right-of-ways allows an opportunity reduce impacts further.
- While haul traffic will be directed to Thorold Townline Road without using Beechwood Road, closing Uppers Lane will ensure no quarry traffic uses Beechwood Road contrary to the license.
- The City would no longer be responsible for the cost and maintenance of Uppers Lane. It is possible that maintenance costs could increase if Uppers Lane is used for quarry traffic.

The applicant's proposal contemplates the potential acquisition of the municipal road allowances which would require approval from the City of Niagara Falls. The applicant has presented an "alternate extraction scenario" for the operations and rehabilitation in the event that the road allowances were included as part of the quarry licence. The technical reports have also considered the alternate extraction scenario.

Should Official Plan and Zoning By-Law amendments be approved, no change will be needed to these documents to recognize the use of the rights-of-way for a quarry, or to permit changes to the license for quarrying these rights-of-ways. The zoning by-law interprets a zoning boundary to extend to the centre line of a road or right-of-way. However, if the sale were to proceed and the lands to be included in the extraction area, revisions to the ARA Site Plan drawings would be required. The responsibility to request changes to the ARA Site Plans would be the applicants. The Province is the approval authority for any changes to the ARA Site Plans.

The most significant change from a municipal perspective is that the entrance to the quarry would be direct to Thorold Townline Road (a Regional Road) as opposed to Uppers Lane (a City Road). Regional Transportation staff are aware of this “alternative extraction scenario” and have no objections in principle. A range of additional detailed engineering would be required should the location of the entrance point change.

JART has indicated that it is premature to consider the alternate scenario at this time and has focused the review on the lands that are currently owned by the applicant.

7.3 Natural Environment

On the proposed Upper’s site there are a number of existing natural features including a woodland and other treed areas as well as a creek and associated wetland areas. Significant wildlife habitat (SWH) has been identified, and the watercourse is classified as fish habitat. The wetlands are not provincially significant wetlands (PSWs). The appropriate characterization, evaluation, and management of these features was an important part of the application and review process. There are a range of Federal, Provincial, Regional, Local, and NPCA policies related to the natural environment that needed to be considered by the JART. In addition, unique to aggregate operations, is a policy in the 2014 ROP which allows for the on or off-site replacement of natural heritage features (7.B.1.31). Similar to the Planning Act review process, the licencing processes under the ARA also requires the appropriate consideration of natural features and functions.

In support of the Planning Act applications an Environmental Impact Study (EIS) was submitted. The EIS was scoped to also meet the requirements of a Level 1 and Level 2 Natural Environment Report (NER) as required by the ARA. The NER/EIS was one of the most significant components of the submission and review process – requiring multiple reviews and resubmissions by the applicant. Region, City, and NPCA staff as well as a peer review consultant and the Aggregate Advisor we involved in the review. In addition MNR and MECP staff reviewed the technical material as part of the ARA application process. Three of the most substantial natural environment technical issues included the proposed realignment of the creek corridor, the appropriate characterization and classification of the woodlot along Thorold Townline Road, and the appropriate location and means of long-term protection for the proposed off-site restoration/enhancement areas. A significant number of public comments also focused on the potential impacts to the natural environment and the need to ensure appropriate mitigation, management, and protection.

7.3.1 Realignment of Uppers Creek

There is an existing tributary of Beaverdams Creek that crosses the property in a south to north direction. The NER/EIS identifies it as “unnamed watercourse”, it is known locally by some as “Uppers Creek”. The quarry is proposing to extract the aggregate material located beneath this watercourse. To facilitate extraction of this material a new watercourse would need to be constructed along the west boundary of the site, adjacent to Thorold Townline Road. The flow of the creek would then be permanently diverted. The design and construction

of the new watercourse is required to utilize natural channel techniques. Construction of the new corridor would commence in Phase 1, this will allow sufficient time for construction, stabilization and establishment of plantings and vegetation prior to the new channel being commissioned and accepting the flow from the existing watercourse.

The new channel realignment is described in detail in the Natural Channel Design report (included as Appendix E to the NER/EIS). The new channel design includes a stable profile with good connectivity to a wide floodplain with diverse habitat features and native vegetation. Habitat features also include floodplain wetlands and ponds designed to replicate the existing riparian wetlands. This will provide buffering and a source of invertebrates for fish foraging in the watercourse, while also providing opportunities to increase wetland diversity through grading and planting design. Adding channel meanders and connections to riparian wetlands and ponds are expected to increase habitat diversity for a range of life cycle phases for aquatic organisms. Design elements will include new pike spawning habitat, as well as foraging and rearing habitat for a number of fish species. Various instream habitat features will be included, such as deep pools, instream cover (woody debris, etc.), and natural substrates, which will improve habitat diversity in comparison to the existing channel conditions.

The permanent diversion of flow to the new watercourse will result in “Harmful Alteration, Disruption and Destruction of fish habitat in the existing channel (i.e. destruction of existing fish habitat) and will require a DFO authorization under the Fisheries Act. Walker has engaged DFO staff in a preliminary review process.

The level of detail submitted to date is acceptable for considering the Planning Act and ARA applications. The requirement to obtain a permit from the DFO would be a condition of the ARA licence. DFO will not issue a permit this far in advance of the proposed works being undertaken or in advance of the ARA licence.

7.3.2 Thorold Townline Road Woodland

Located along the western edge of the property, adjacent to Thorold Townline Road is an approximately 2 hectare deciduous woodland. The woodland is comprised of two patches of FOD9 (Fresh-Moist Oak-Hickory Deciduous Forest) separated by a narrow meadow-marsh. The feature, including the narrow strip of meadow-marsh is approximately 118 metres wide and 198 metres in length.

The characterization, classification, and status of this woodland feature was raised as a major issue in the review process. Firstly, there were a number of comments and questions raised through the review regarding the potential for the woodland to be habitat for species-at-risk and significant wildlife habitat (SWH). The majority of these comments have been addressed by the applicant through the submission of additional material and correspondence from the Province. It has been confirmed that the woodland is SWH (for non-SAR bats), and management and mitigation is proposed through the NER/EIS. The second primary issue related to the woodland was the determination of “significance”.

The applicant, through the submission of the Planning Justification Report and NER/EIS has asserted that the woodland is “regionally significant” (because of the presence of SWH) but is not “provincially significant”. Based on this assertion the policies of the Regional Official Plan for significant woodlands would apply, but policies of the Provincial Policy Statement for significant woodlands would not. To support this, it is the position of the applicant that the Natural Heritage Reference Manual (NHRM) is to be relied upon for determining the significance of woodlands as it applies to the Provincial Policy Statement (PPS). The Region, through the JART comment letters has expressed concern with this approach and interpretation of the NHRM and Provincial and Regional policy. It is the position of Region staff that the NHRM is a tool to provide direction to municipalities in developing their natural heritage systems and their criteria and definitions based on local conditions. Region staff do not agree with an approach that uses the NHRM to replace Regional criteria for determining significance of woodlands. Regional staff do not agree with a policy analysis that differentiates between a “provincially significant” and “regionally significant” woodland.

7.3.3 Off-Site Restoration/Enhancement Areas

As noted, the 2014 ROP allows for the on and off-site replacement of natural features. The applicant is proposing both on and off-site replacement of natural features that are proposed to be removed.

Through the first submission of the applications off-site “woodland mitigation and enhancement areas” were proposed in lands that Walker owns on the west side of Thorold Townline Road, in the City of Thorold. Through the JART comment letters concerns were raised regarding the location of these woodland mitigation and enhancement areas and the means by which they would be protected in the long-term (i.e. the woodland areas are not within the OPA and ZBLA, or in the area proposed to be licenced under the ARA). Concerns were also raised by the Region and the City of Thorold through the commenting process that the lands which are proposed for the woodland mitigation and enhancement area are designated for employment uses in the City of Thorold’s Rolling Meadows Secondly Plan.

Over the time that the applications were being reviewed by JART, Walker purchased additional lands adjacent to the Uppers site. This included additional lands that are directly to the north, and within the City of Niagara Falls. Through the resubmission of the application, Walker has revised the application to utilize some of the recently acquired lands to the north for the woodland mitigation and enhancement area. This has allowed for the reduction of the lands proposed to the west of Thorold Townline Road in the area designated for employment uses, although some lands designated for employment uses are still proposed for mitigation and enhancement. City of Thorold and Regional Planning Staff continue to have concerns with the use of employment lands for this purpose, especially when it would appear that there are lands to the north and east of the site (outside of the urban boundary of the City of Niagara Falls) that would be more suitable for a natural environment enhancement area.

To ensure that lands off-site proposed for natural environment mitigation and enhancement are protected for the long-term, a “conservation easement” is now proposed by Walker. The ARA

Site Plans include a condition that the conservation easements must be in place prior to any extraction occurring on the site.

Given the replacement of lost natural heritage features and habitat are fundamental to meeting applicable policies and considering the quarry application, additional methods of long-term protection should be considered.

8.0 Plain Language Summaries – Air Quality, Noise, and Blasting

The technical reports prepared for the application contain complex information including modeling data and technical jargon that may be difficult to read and understand.

To assist with the understanding of the air quality, noise, and blasting reports prepared by the applicant, the peer review consultants retained by the JART have prepared three separate 'plain language summary' documents. These summary documents include an overview of the applicable standards and a summary of the methodology, conclusions, and recommendations, as well as the proposed mitigation measures for each of the respective technical disciplines.

The plain language summaries are attached as **Appendix B** to this report.

9.0 Community Focus Group

At its meeting of April 18, 2023, Niagara Falls City Council directed City staff to initiate a Community Focus Group (CFG), comprised of concerned residents, City staff and representatives from Walker to address key issues with the quarry application to ensure transparency, input, communication and consensus. Niagara Region staff were invited and also participated in the CFG sessions. City Council's directive was in response to the significant level of public interest in the applications and the volume of public comments received expressing concerns with the proposed quarry.

The CFG included 8 public members representing a cross-section of the community together with City and Region planning staff and representatives from Walker and their consultants. The City retained Dillon Consulting to facilitate the 2 meetings held in September 2023. Overall, the focus groups residents expressed opposition to the proposed Uppers Quarry. Their concerns were related to potential impacts on the local environment, nearby residents, community well-being, and the broader ecosystem. Additionally, the CFG provided input regarding the conditions and mitigations that should be imposed if the quarry is ultimately approved, as well as potential monitoring and reporting.

Dillon prepared a final report summarizing the discussions at the meetings together with submissions from the community representatives, to be provided to City Council. A copy of all materials associated with the CFG is included as **Appendix F.**

9.1 CFG Concerns and Staff Response

Table 9-1 documents the comments that were received from CFG and responses prepared by City of Niagara Falls staff.

In addition to the table below, please also refer to **Appendix E**, which includes a detailed question and response matrix from the March 23, 2022 public open house and **Table 10-2** which includes a response to other comments raised by the public.

Table 9-1: CFG Concerns and City of Niagara Falls Staff Response

CFG Concern	City of Niagara Falls Staff Response
Study/Info Requirements and Comments	
Concerns raised about the Alternative Site Analysis, including that Walkers determined the study area, that resource potential outside the sites were not considered given most of the region is underlain with aggregate, and no borehole logs have been	The intent of the Alternative Site Analysis is not to evaluate the aggregate potential of the site, but to address the need to fully rehabilitate agricultural land as stated in Section 2.5.4 of the Provincial Policy Statement ("PPS"). This PPS policy states that complete rehabilitation in prime agricultural land is not required if other

CFG Concern	City of Niagara Falls Staff Response
provided, further reporting on why alternative sites were not chosen. Request a report on why the alternative second site was not chosen, and request borehole logs. Why was this site chosen?	alternatives have been considered by the applicant and found to be unsuitable. The ROP only requires a demonstration that aggregates are of a sufficient quantity and quality to warrant extraction, where a quarry is proposed outside of areas identified for aggregate potential in the ROP. As the Uppers Quarry is proposed within an area of aggregate potential, there are no City or Regional polices that require this analysis. The applicant has advised that borehole logs were done for the proposed Uppers Quarry site but not the 2 alternative sites. As the Alternative Site Analysis is to address whether alternative sites are more suitable for rehabilitation and not the aggregate potential, borehole logs on the alternative sites would not assist this analysis. The Uppers Quarry site has been identified as the preferred site for the following reasons: • Alternative site 1 was largely fragmented by the Provincial Natural Heritage System, Thorold Stone Road and a hydro line and active industrial uses • Alternative Site 2 was not recommended as it has both Class 2 and Class 3 lands and overall has a higher agricultural priority than the other two alternative sites. In addition this site is fragmented by hydro lines, a gas pipeline and Garner Road. In addition, the site does not have access to a Regional arterial road, meaning traffic will need to access City Roads. In comparison, the proposed Uppers Quarry site has only a very small amount of Class 2 agricultural lands, is only bisected by a local road and an unopened road allowance and has direct access to a Regional arterial road.

CFG Concern	City of Niagara Falls Staff Response
Concerns that quarry would decrease neighboring property values.	The peer review consultant retained by the JART (Watson and Associates) consulted with the Municipal Property Assessment Corporation (MPAC) on impacts to assessment as a result of the quarry. MPAC makes minor adjustments for residential properties that abut a quarry. However MPAC has run similar studies across the province to determine if values are impacted for residential properties beyond those that abut a quarry. To date, MPAC has not seen any evidence to apply a reduction outside of Halton and Peel Regions. In Halton and Peel Regions only, MPAC has applied a minor reduction (2%) to properties in proximity to a quarry, pit or industrial property. Property values are affected by a large number of variables and it cannot be guaranteed that a property value will always remain the same or increase.
Where is the social impact assessment?	The City's Official Plan notes that a social impact assessment to assess the appropriateness of the proposed extractive operation including predicted impact of noise, dust, and vibration beyond the site and necessary mitigating measures. The applicant has submitted separate noise, air quality and blasting studies to address these requirements. Plain language summaries of these technical reports are included as attachments to the JART Report.
Comments that noise, dust and vibrations must satisfy the Ministry of Environment, Conservation and Parks (MOECP) standards and guidelines.	Acoustic (noise), air quality, and blasting studies have been submitted by the applicant and were peer reviewed. The studies indicate that all provincial guidelines will be met as follows: • Noise is predicted to be limited to below 50 decibels during the daytime and 45 decibels at nighttime at the nearest sensitive receptors, which would meet Provincial NPC 300 limits.

CFG Concern	City of Niagara Falls Staff Response
	• The Province has set an ambient air quality criteria for total suspended particulate matter (TSP) at 120 micrograms per cubic metre. Current TSP levels in the area are 44 micrograms per cubic metres. An additional 4-46.2 micrograms per cubic metre are expected to be produced at the nearest receptors, which is well below Provincial levels. • Furthermore the province has established maximum benchmarks of 5 micrograms per cubic metre for silica dust. The surrounding area currently has 1.5 micrograms per cubic metres or silica. The proposed quarry is expected to add between 0.1-1.4 micrograms per cubic metre, again well below Provincial standards. • Vibrations are limited, at property boundaries, to 12.5 mm/sec and Air overpressure to 128 decibels by Provincial guidelines. This is below the expected level that would damage foundations. The predicted level at the nearest sensitive receptor (10148 Beaverdams Road) is 4.14 mm/sec and 126 decibels.
Concerns about vibration and potential to damage home foundations.	As noted above, vibrations are predicted to be within Provincial standards at the property boundary and below the level that would cause foundation damage at the nearest sensitive receptor. Vibrations are expected to further decrease as distance from the quarry increases. A monitoring program is to be implemented to ensure vibrations form blasts remain below Provincial standards.
Concerns about excessive dust and odor, including from the asphalt plant	As noted above air quality, including dust and odor, are expected to meet Provincial guidelines.

CFG Concern	City of Niagara Falls Staff Response
Request for rationale for moving asphalt plant from where it is now to the proposed Uppers Quarry site.	The asphalt plant would be supplied by aggregate material extracted at the proposed Upper's Quarry. With this arrangement truck movements (and the generation of related greenhouse gases) would be reduced. As noted above, air quality studies indicate that emissions are generally within Provincial standards.
Question regarding if the 12 houses along Thorold Townline Road be recognized as a community that will be adversely impacted?	It is acknowledged that there are several rural residential properties about 600 to 1200 metres north of the proposed quarry, north of Beaverdams Road. Given the location outside of 500 metre arc form the quarry, concerns appear to be about traffic generated from the quarry. As noted above, Thorold Townline Road is a Regional arterial road that is expected to, and already accommodates large volumes of truck traffic including traffic from the existing (and to be closed) quarry. The quarry would add 1-2 trucks/minute at peak hours, which is not a substantial increase.
How will the noise, air quality, dust and dirt caused by a high volume of truck travel on Thorold Townline Road be addressed, and how will Walker's ensure the safety of these vehicles?	Thorold Townline Road is a Regional arterial road and as such is expected to carry large volumes of truck traffic. The proposed quarry is anticipated to add 1-2 trucks per minute at peak hours to traffic flow. Should the quarry be approved, conditions are included that require the applicant to improve the intersection of Thorold Townline Road and Uppers Lane to provide safe access to trucks.
Concerns that financial impacts of the quarry leading to increased tax burden. How do the taxes collected for the quarry differ from those paid for farming or housing?	The Economic Benefits Analysis completed by the applicant analyzed the tax revenues that would be received by the City and Region for the proposed quarry versus a baseline scenario. The study concluded that tax revenues would increase. In addition to tax revenues the City and Region both receive aggregate licence fees for having a quarry in their jurisdiction. The total anticipated amount of

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	these fees are also overviewed in the Economic Benefits Analysis.
Statement that there is a need to value human life over the economic benefit of a quarry.	Such values and social impacts are carefully considered in considering a large land use proposal such as a quarry. The intent of Provincial, Regional and City policies, the submission of technical studies, and the peer review of relevant studies by third party experts is intended to minimize or mitigate any impact on people. Detailed air quality, blasting and, noise studies have been undertaken to ensure the quarry can operate within the applicable Provincial standards. City staff intend on making recommendations to increase landscaping and buffering to further minimize and mitigate any potential impacts.
Statement that the quarry will result in 103 hectares of agricultural land and permanent loss of class 2 and 3 soils. No extraction should be allowed without the approval of the Ministry of Agriculture.	The Agricultural Impact Assessment (AIA) has been reviewed and accepted by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). As a provincial ministry OMAFRA would also be involved with the review of the ARA application.
Statement that the quarry goes against climate change goals outlined in policy documents including the Provincial Policy Statement and Official Plan and could exacerbate climate change issues.	Concerns about climate change are noted. Quarries exist to provide aggregates needed for road and infrastructure construction and repair, dwelling, commercial and industrial buildings and property improvements, to name a few. It is noted that Niagara Region is expected to grow by 102,000 dwelling units and 84,000 jobs; this construction would require aggregate for associated buildings, foundations, driveways and parking areas, new roads and infrastructure, as well as ongoing needs for maintenance. The Provincial Policy Statement (PPS) notes that aggregate resources should be provided as close to market as possible. One reason for this is to reduce the potential of greenhouse gas emissions from transporting aggregate long distances. A stats sheet from Gravelfacts.ca states that if every

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	aggregate load in Ontario travelled an extra kilometer, annual greenhouse gas emissions would increase by 6,907 tonnes. While quarry operations may create greenhouse gases, not having sufficient local supply will also have a climate change impact.
Concerns about the potential impacts to natural heritage and wildlife including redirecting watercourse, destruction of trees and loss of biodiversity and habitat, and dispersal of wildlife in the area	An Environmental Impact Study (EIS) was required as part of the quarry application package and includes an assessment of the natural heritage features and functions on and near the Walkers property together with an evaluation of potential impacts. Detailed comments and recommendations are discussed earlier in this report. As part of the mitigation plan the creek is proposed to be realigned on the property using natural channel design techniques. On and off-site wetland creation is proposed – the total area of which exceeds the area that is proposed to be removed. The Water Study notes that no impacts to nearby wetlands are expected as a result of dewatering.
Questions about why is the quarry needed, and needed at this location. How much aggregate is needed for infrastructure? How will the proposed quarry benefit the community?	Section 2.5.2.1 of the Provincial Policy Statement (PPS) reads: “Demonstration of need for mineral aggregate resources, including any type of demand/supply analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.” Neither the City nor the Region can require an analysis of need, nor can they produce a planning opinion that such an analysis is required, as this is contrary to the PPS.
Recommendation that Uppers Creek be realigned along the east side of the property as opposed to the west side. Specifically north-east ward along the hydro corridor, then north on the west	This option was studied by Walkers, who noted that due to topography and grading issues determined to be unfeasible. The watercourse more closely aligns with Thorold Townline Road; in addition recreation of the watercourse there will better allow

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side of Beechwood Road and behind the church at corner of Beechwood Road and Uppers Lane.	for ecological connection with the larger areas of natural heritage that exist and are proposed to be provided on the west side of Thorold Townline Road. Further it is better to have the active face of the quarry advance to sensitive uses east of Fernwood, to allow the quarry face to screen sensitive uses from the equipment associated with a quarry.
Concerns raised that the quarry could exacerbate climate change and contribute to pollution.	Please see comments about climate change in earlier comments. Further it is noted that means to transport aggregate to the local market are readily available without the need to construct extensive infrastructure as a Regional arterial road (Thorold Townline Road) abuts the site. The air quality analysis has noted that emissions from the site are within Provincial standards. The quarry would be required to operate in accordance with a management plan for controlling dust emissions as a condition of the licence.
It was noted that there is incorrect or incomplete information shown with respect to sensitive receptors, a walk through should be conducted to get accurate information and site plans updated.	The ARA Site Plans have been updated with correct information as follows: 5584, 5769 and 5821 Beaverdams Road have been corrected to read 5584, 5769 and 5821 Beechwood Road Condominium blocks known as 9245 Shoveller Drive and 9440 Eagle Ridge Avenue have been corrected to identify only those units that are within the 500 metre arc from the quarry One additional dwelling, 9384 Shoveller Drive, has been constructed within the 500 metre arc since the initial ARA Site Plans were prepared and now has been added to the drawings
Questions about why the City approved residential development in and around the proposed quarry site	City of Niagara Falls Council approved an Official Plan application for Fernwood to be redesignated from industrial (special policy) to residential in

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when aggregate potential was identified on the lands? Why were residents not advised prior to purchasing properties?	September 2003. A report was submitted with the application which evaluated applicable Provincial policies and concluded at the time a quarry would be unlikely due to land fragmentation. At that time neither Council nor staff were aware that an application for a quarry may be submitted. Further it is understood that Walkers did not own any land within the proposed Uppers Quarry site at the time of this decision, as deeds submitted with the application show land within the Uppers Quarry area was acquired between 2004 and 2019. Regardless of ownership and previous decisions made on applications, it cannot be guaranteed that a land use will not change, or future development will not occur near residential areas. The Planning Act does not intend Official Plans to remain static documents that cannot change, but instead provides a process where changes may be considered. Such a change must be demonstrated to meet Provincial legislation and policies, Regional and City policies, and to ensure impacts on surrounding lands are mitigated.
Statement that a distance of 500 metres to residential from the proposed quarry should be provided as a condition.	Thank you for your comment.
Statement that no extraction should be permitted within an environmentally protected area.	Please see comments above with respect to natural heritage areas.
Concerns about the proposed quarry activities on groundwater and hydrology of surrounding area, including on-site drainage and treatment of wastewater.	A set of conditions addressing water quality and quantity as a result of dewatering and quarry operations is included in the ARA Site Plans. A Level 2 Water Study has been submitted with the application and notes surface water quality is expected to improve. No measureable impacts to surface water quantity are expected.

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	There are a limited number of users of groundwater as nearby subdivisions use (or will use) municipal water. For properties with wells, conditions of license approval include a well interference plan in case there is any impact on the water table as a result of quarry operations. Further it will be required that water quality and quantity, including stormwater, be monitored. Water quality has been included in the submission for the license, and conditions require mitigation of impacts should any occur.
Procedure	
Clarification requested on what stage in the process Department of Fisheries and Oceans (DFO) approval is required.	Based on the information available at this time, a permit from DFO will be required. The requirement to obtain the DFO permit would be a condition of the ARA licence. Any site works that may affect the watercourse or fish habit cannot occur until this permit is issued. There is not a requirement for the DFO permit to be in place in advance of Planning Act or ARA approvals.
Question about how to report any issues with the quarry operations.	Enforcement of the ARA licence is the responsibility of the Province through the MNR. Any issues should be submitted to the quarry operator, it is recommended that that complaint be made in writing. Should the complaint not be satisfactorily dealt with by the operator a complaint should be made to the MNR. Note that neither City nor the Region have authority to enforce the conditions of a quarry. Nevertheless, the City intends to report to Council on the findings of the annual compliance reports submitted to the MNR and intends to report on any complaints that are recorded with the MNR.
What requirements need to be satisfied for approval of the quarry	Council will consider the applicant's submission, public comments and submissions, staff's report

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application? What information and reports staff and Council consider to form their opinion on the proposed quarry?	and agency comments when making a decision on the application. In preparing a staff report staff consider the following: • The Planning Act • Applicable land use planning policies, including the Provincial Policy Statement, the Growth Plan, and the Region and City Official Plans • Comments from the public and agencies, including consideration of if concerns can be addressed and how • The applicant's submission, studies and in this application the proposed conditions of a license, and if the applicant's submission addresses the issues above • The results of the technical and peer review process • The summary of the application and review process contained in this JART Report
Who is the final approval authority for the applications?	Regional Council is the approval authority for the Regional Official Plan amendment. Regional Council is also the approval authority for the City of Niagara Falls Official Plan amendment. City Planning staff will first prepare and take a recommendation report to City Council for consideration prior to the file being brought to Regional Council. City of Niagara Falls Council is the approval authority for the Zoning By-Law amendment. City staff will take a recommendation report to City Council. The Zoning By-Law Amendment does not require Regional approval. If a decision (or failure to make a decision) of City Council or Regional Council is appealed, the

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	Ontario Land Tribunal (OLT) will hold a hearing and make a decision on the applications. The authority to issue a quarry license under the ARA lies with the Minister of Natural Resources (MNR). The Region and the City are commenting agencies on the license application and can request conditions for consideration by the MNR but have no authority to issue a license. In addition the license is enforced by the MNR and the MNR can suspend or cancel the license if violations occur. There is also a mechanism for the decision on the ARA licence to be referred to the OLT for a final decision.
During the dewatering process will water be cleaned before going into a creek? Will there be any impact on drinking water?	Correct, water used for cleaning aggregate will be directed to a temporary sediment forebay adjacent to the existing watercourse to prevent erosion and minimize settlement downstream As most nearby users rely on municipal water for drinking water, this water will not be affected. No impact to groundwater quantity and quality has been determined, however there is a groundwater interference plan as part of the conditions of approval to address any impacts.
Statement that responses to CFG comments/concerns should be provided prior to the application proceeding to a public meeting and should be publicized in the local newspaper, Let's Talk Niagara Falls and social media.	Agreed, the CFG report and responses will be published on the Let's Talk Page and applicable social media and will form part of the JART Report. In addition a future newspaper notice for the public meeting for the City applications will note that this information is available to the public.
Implementation/Conditions	
Request that, if approved blasting is to only occur between 1:00 and 3:00 pm and not occur on weekends or holidays. Operational hours should be	Hours of blasting will be established in the licence is granted. Walkers has noted that blasting at their existing quarry on Taylor Road is weather dependent, however where conditions are allowed and sinking

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limited to between 8:00 am and 6:00 pm.	cuts established blasts are typically done once to twice a week at noon, and maintain this schedule when possible. It is noted that these hours cannot be guaranteed as weather conditions can affect the schedule. In addition, once charges are set, the charge must be detonated for safety reasons. Blasts may occur more often when the sinking cut is being established. Walker contacts interested persons at their existing quarries to advise when a blast is to occur and state that the same protocol can be used for the Uppers quarry.
Questions raised regarding what will Walkers do if blasting affects the bedrock and aggregate that houses in Fernwood sit on?	As stated above the blasting analysis indicates that Provincial standards will be met at the edge of the quarry site and lower vibrations are expected at the nearest sensitive use. The blasting analysis and the expert review have not identified any potential adverse impacts to the bedrock below the Fernwood Subdivision. A blasting analysis will be one of the continued monitoring reports that will be prepared and submitted, should the quarry be approved
Statement that Walkers should implement mitigation measures that go beyond minimum standards, including less dust in the air, less vibrations, and lower noise levels than current regulated minimums.	According to the studies submitted, and the expert third party peer reviews, the mitigation measures proposed and included in the recommended conditions will generally maintain conditions below current regulated limits. Should the quarry be approved it is recommended that staff review monitoring reports and report to Council at least on a yearly basis, to ensure regulated minimums are met or exceeded.
Request that berms should be raised beyond the minimum required - to whatever is feasible.	City staff agree that a larger berm along Beechwood Road, along with a wider landscape strip, should be provided to ensure an effective screen is provided. Staff have recommended a

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	berm of sufficient height to screen the quarry and equipment along Beechwood Road. This berm should have a height of at least 4.5 metres as measured from the elevation of the road.
Request that assorted trees height and types be densely planted on the sides and top of the berm, to the point the berm is not visible from the road.	City staff agree, the City's landscape designer reviewed the ARA Site Plans and provided recommendations on the size of tree stock to provide an effective screen. In addition trees are to be inspected annually are to be replaced. In addition, an increased landscape strip width is being recommended to screen the quarry from nearby roads and properties to the east.
Request for additional tree planting - as many as possible - between the proposed quarry and the Fernwood subdivision.	City Staff agree and have recommended a condition be added to the ARA Site Plans to plant the parcel to the north west of Fernwood that Walkers recently acquired.
Statement that buffer areas should exceed the 30 metres requirement for natural features.	Thank you, comment noted.
Request that enhanced dust mitigation measures be included as part of the site conditions.	The proposed conditions of license approval contain a number of best management practices to control dust including: • Reducing the size of the blast area where within 300 metres of a residence • Limiting the amount of aggregate extraction a day • Applying water on an hourly basis to all travelled haul routes within the quarry in dry conditions • Use of dust suppressing devices where equipment creates dust and is within 300 metres of a sensitive receptor Levels below permitted Provincial maximum levels are expected with the implementation of these conditions.

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Comment that Uppers Lane should be kept under City ownership to monitor quarry activities.	Thank you for your comment. Whether Uppers Lane is sold or not will be a decision made separately from the development applications by Council. Quarry activities are monitored by MNR staff who have access to the quarry without the need to retain Uppers Lane. Should Uppers Lane be retained the City will be responsible for maintaining the road. Further it is noted that closing Uppers Lane provides a further opportunity to extend the berm and landscaping along Beechwood Road without gaps and to reduce the number of sinking cuts.
Comment that Beechwood Road should not be widened as it is not used often.	Currently the City's Official Plan identifies Beechwood Road as a City arterial road with a right of way width of 26 metres. This does not necessarily mean additional lanes are proposed, as the right of way is intended to ensure sufficient width is provided for shoulders and drainage (swales) and safe operation of vehicles. Should the City not receive a dedication free of charge through the conditions of license approval, the City may need to purchase the land if it is determined additional land is needed. Regardless, the conditions of license approval directs trucks associated with the quarry to be directed to use Thorold Townline Road.
Concern raised that quarry traffic will be directed, or will use Garner Road. The City should prohibit quarry traffic on Garner Road and undertake further measures to ensure traffic that may avoid quarry vehicles on Thorold Townline Road do not overflow onto Garner Road.	Trucks accessing the quarry, if it is approved, would be directed to use Thorold Townline Road and not Garner Road. The Transportation Impact Study (TIS) submitted on this application, as well as comments provided by City and Regional Transportation Services staff, do not indicate traffic impacts on Garner Road. It is noted that Garner Road is identified as a City arterial road which is expected to carry large columns of traffic. It is further noted that areas south

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	of Lundy's Lane, between Garner Road and Beechwood Road, has been incorporated into the City's urban area and is subject to the Garner West Secondary Plan process, which will determine the appropriate urban land uses and densities. A transportation study will be part of this secondary plan process, which will identify any necessary road improvements to surrounding roads, including Garner Road, to accommodate traffic from the secondary plan. Future public consultation will be held as this secondary plan progresses.
Suggestion that compensation for lost property values be compensated by lower taxes or some other mechanism paid by Walkers.	Thank you, comment noted.
Suggestion that a bond agreement with the City should secured to cover costs of restoration if the site is abandoned before restoration occurs.	Quarries are not subject to local development agreements executed for subdivisions or site plans pursuant to the Planning Act. As Control of the works provided, and operational aspects of the quarry are handled through the Provincial license, the City is no legislatively permitted to collect a bond similar to one that would be collected for a site plan application. Under Provincial legislation and the license the applicant will be required to rehabilitate the site. Plans 5 and 6 of the ARA Site Plan drawings detail the rehabilitation that would be done.
Request for information on how watercourse health and groundwater will be monitored over time.	The Water Study identifies that a long term groundwater and surface water monitoring program will be completed during the quarry and rehabilitation phases, until stable conditions are observed after quarry dewatering has ceased and leek filling is complete. Monthly sampling of quarry sump discharge will be analyzed against the parameters of the associated Provincial Water Quality Objective. Contingency plans are included in the proposed license

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	conditions in case there are exceedances of concentration.
Monitoring/Communication	
Request for continued community engagement beyond the approval process Additional and improved communications on the impacts of quarry, and a desire to show concerns raised have been addressed and obligations met.	City Staff agree. Should the quarry be approved a liaison group between Walkers and interested community members should be formed and should meet at least on a biannual basis.
Request for communications on the approvals process in a clear way.	In combination with a liaison group and continued reporting to Council on compliance, should the quarry be approved, it will be the intent to ensure approvals and licensing are communicated clearly on an ongoing basis.
Statement that flying debris, spillover traffic levels, and truck behavior such as speeding should be monitored.	Truck behavior is monitored and enforced by the appropriate traffic authorities, in case of Regional roads that would be Niagara Regional Police.
Recommendation that daily, weekly, monthly, and yearly reporting be delivered to the residents of Fernwood and monitoring agencies. Monitoring reports should be made available to Council as well as the community.	Compliance is reported on an annual basis to the MNR. Reports are to be completed and filed before September 30 of each year. If a quarry license is granted staff intends to report to Council on the findings of the compliance reports and if there have been any complaints filed with the MNR.
A request for a written copy of a disaster recovery plan. The plan should be reviewed by appropriate professionals.	The submission of an emergency contingency plan has been requested as a condition of license approval. This plan is to be to the satisfaction of the City Fire Services Section.
Statement that human life will be affected by having a quarry nearby. Who would be responsible for health and safety and well-being?	The intent of Provincial, Regional and City policies, the submission of studies and the peer review of relevant studies by experts is to mitigate any impact on people. These studies identify if applicable standards are met and what measures need to be implemented to ensure impacts on human life are mitigated.

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If policies are modified/improved over the years, will Walkers be required to update its practices?	Quarry operations will need to comply with any new or modified regulations of MNR. For example, in 2022 the MNR introduced new requirements to prevent fly rock from leaving the site during blasting.
What conditions will be imposed if the property is sold?	If the property is sold, the Minister must approve the transfer of the license. The conditions are applicable to the new licensee.
Who will be responsible for the maintenance of the property, including after the property is rehabilitated?	As a condition of granting the license, a quarry is to be rehabilitated in accordance with the approved ARA Site Plans. The MNR may refuse to accept a surrender of a permit until this is completed. Further maintenance of the property is the responsibility of the landowner.

10.0 Public and Stakeholder Consultation

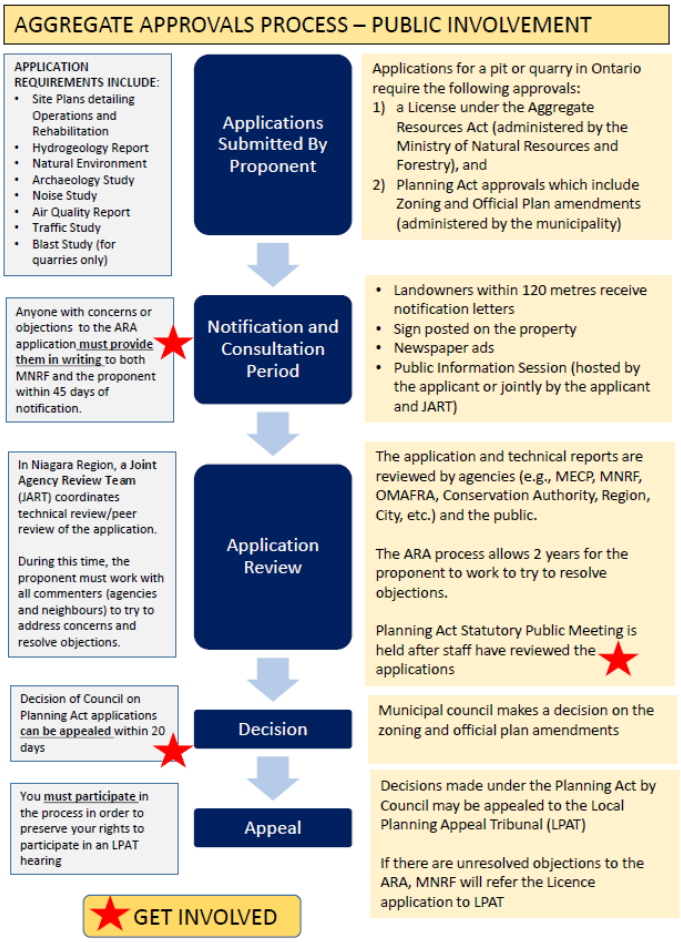
10.1 Overview of Public Consultation Process

Opportunities for public consultation on the proposed Uppers Quarry application were available through both the Aggregate Resources Act (ARA) and Planning Act processes as overviewed in **Figure 2**. The public consultation program included community consultation sessions, public information sessions (one hosted by the applicant and one hosted by jointly by the City and Region), and Statutory Public Meetings as required by the Planning Act.

- November 27 & 29, 2019 – Community consultation sessions / neighborhood meetings (hosted by the applicant)
- March 23, 2022 – Public Information Session (hosted by the City and Region)
- March 3, 2023 - ARA Public Information Session (virtual session hosted by the applicant)
- October 11, 2023 - Statutory Planning Act Public Meeting, Region of Niagara

In addition to the public meetings and open houses, written comments were also received through the application process and form part of the consultation record. **Appendix H** includes a copy of all public comments received.

Figure 2: Public Involvement Process



10.2 Integration with ARA Consultation Process

The ARA and Planning Act application processes have separate timelines and consultation requirements as set out in provincial regulations, and unfortunately there is no formal integration between the two. The ARA consultation process is largely proponent driven, and the applicant is responsible for advertising and providing notice and for organizing a public information session. Public comments or objections must be provided in writing to both the applicant and the MNR within the 60-day notification and consultation period set out in the ARA regulations.

Walker initiated their 60-day notification process on February 3, 2023 and hosted a public information session on March 1, 2023. The 60-day comment period ended on April 3, 2023. In August 2023, Walker provided responses to the objections received from the community and commenting agencies, including the Region and City, during the notice period. The response letters were sent with an “Objection Form” also known as a “20-day letter” requiring any objectors to confirm their objections in writing prior to September 18, 2023. Although the ARA allows up to 2 years for applicants to attempt to resolve objections, Walker elected to effectively end the process within 6 months of the end of the comment period.

The Planning Act process has separate requirements for notice and the Official Plan (Region and City) and Zoning By-Law Amendment applications are subject to a Statutory Public Meeting of municipal Council. In this case, since Planning Act approvals are required by both the Region and the City, there were separate Statutory Public Meeting requirements.

Where possible, efforts were made to coordinate the public consultation process to the extent possible. At the March 2022 public open house, hosted jointly by City and Region planning staff, an overview of the process was provided and it was explained the separate requirements related to notification and advised that public comments should be submitted through both the ARA process (to the applicant and MNR) and the Planning Act process (to the City and Region). To assist in answering questions the applicant also attended the March 2022 virtual public open house.

10.3 March 2022 Public Open House

A virtual Public Open House, hosted jointly by the Region and the City, was held on March 23, 2022. Representatives from Walker and their consultant team also attended to answer questions about the project. A copy of the question-and-answer sheet from the open house is attached as **Appendix E**.

10.4 Record and Summary of all External Agency Comments Received

A record of all external agency comments received by the JART over the course of the application process is attached as **Appendix G**. The record includes comments received by the JART up to July 12, 2024.

Table 10-1 summarizes the public comments that were received and how the comments were considered by the JART.

Table 10-1: Summary of External Agency Comments and Actions Taken

External Agency	Summary of Comment and Actions Taken
TransCanada Pipelines (TCPL) Limited	The proposed Uppers Quarry site is directly adjacent to a TransCanada pipeline. Given the proximity a number of detailed comments / requests for ARA Site Plan revisions were provided by TCPL in March 2023 (through their consultant Lehman & Associates). These comments were provided by JART to the applicant and subsequently reflected in the 2nd submission of the application. Additional comments were provided by TCPl in November 2023 (through their consultant Ianhall Planning). These comments were addressed by the applicant through their 3rd submission. In addition Niagara Region Planning Staff had a call with the "Canada Energy Regulator" the Federal Agency responsible for regulating oil, gas and electric utilities to confirm that the correct review and notification process was being undertake for the quarry application.
Ministry of Citizenship and Multiculturalism (MCM)	MCM provided information about this ministry's role with respect to commenting on land use planning applications. MCM provided clearance letters on the archaeological assessment that have been completed by the applicant to date. MCM will be responsible for providing clearance letters on the additional archaeological assessments that will be required as conditions of the ARA licence.
Enbridge Gas Inc.	Does not object to the proposed application.
City of Thorold	Through the City's Planning Department the City of Thorold identified a number of concern related the proposed Uppers Quarry in a letter dated September 21, 2023. Concerns included: • The appropriate identification of Thorold's current zoning by-law • The uses of designated 'Employment - Light Industrial' lands in the City of Thorold for the planting of woodland compensation areas.

External Agency	Summary of Comment and Actions Taken
	• Ensuring that appropriate mitigation measures are implemented by the proposed quarry to ensure land use compatibility with the proposed development in the Rolling Meadows Secondary Plan Area. The City of Thorold was circulated the revised 3rd submission of the application. The City responses to the circulated noted that there were still concerns that employment lands on the west side of Thorold Townline Road are still proposed to be used for "Woodland Mitigation and Enhancement Area".
Ontario Power Generation (OPG)	OPG submitted a letter in October 2023 requesting additional information and clarification related to the proposed application. The basis of OPG's concerns was related to the effect of the additional surface water flow on the water management structures that comprise the Beaverdams Pond system. The applicant was provided a copy of the OPG letter which lead to a number of follow-up conversations. OPG has confirmed that the additional information provided has addressed the outstanding concerns.
Hydro One	Hydro One provided a comment letter in October 2023. City of Niagara Falls staff followed up with Hydro One in June 2024. Hydro One replied that they have no comments at the Official Plan and Zoning By-Law applications and will consider comments at subsequent stages if required.
Ministry of Environment Conservation and Parks (MECP)	In response to the Region's Notice of Statutory Public Meeting the MECP's Species-at-Risk Branch provided comments on the application – specifically in regards to the Little Brown Myotis Bat. The applicant was copied on the submission from MECP. In response to the MECP comments the applicant provided additional information and formally responded through the 3rd submission of the application. The MECP provided additional comments via e-mail on April 23, 2024. In part these comments requested additional information to be provided. This additional information was provided by the applicant to the MECP on May 8, 2024 with the MECP responding on May 10, 2024. The complete set of correspondence with the MECP is included in **Appendix G**.

External Agency	Summary of Comment and Actions Taken
Bell Canada	Bell Canada provided a response in April 2024 indicating that if specific comments were required on the application they would be provided at a later date. No further comments were provided.
OMAFRA	Through comments provided to MNR on the ARA application OMAFRA confirmed there were no outstanding concerns with the application.

10.5 Record and Summary of All Public Comments Received

A record of all public comments received by the JART over the course of the application process is attached as **Appendix H**. These comments are primarily those received in response to notification on the Planning Act applications or as submissions from the Statutory Public Meetings. In some cases, the JART was also copied on submission made in response to the ARA notifications. These comments were also considered and are included in **Appendix H** for the completeness of the record. The record includes comments received by the JART up to July 12, 2024.

Table 10-2 summarizes the public comments that were received throughout the consultation process as well as the response from the JART.

In addition to the table below, please also refer to **Appendix E**, which includes a detailed question and response matrix from the March 23, 2022 public open house and **Table 9-1** which includes a response to concerns raised by the Community Focus Group (CFG).

Table 10-2: Summary of Public Comments and JART Response

Summary of Public Comment	JART Response
Several comments from the public regarding the environmental impact the proposed quarry could have. There are concerns about the realignment of the creek, impacts on the fish habitat, loss of wildlife, loss of biodiversity, loss of draining wetlands, and loss of natural heritage linkages.	An Environmental Impact Study (EIS) was required as part of the quarry application package and includes an assessment of the natural heritage features and functions on and near the Walkers property together with an evaluation of potential impacts. Detailed comments and recommendations are discussed earlier in this report. As part of the mitigation plan the creek is proposed to be realigned on the property using natural channel design techniques. On and off-site wetland creation is proposed – the total area of which exceeds the area that is proposed to be removed.

Summary of Public Comment	JART Response
	A detailed monitoring program is proposed, which would be enforced through the requirements of the ARA licence. Approval from the Federal Department of Fisheries and Oceans (DFO) is required for the creek realignment and any associated activities which could harm fish or fish habitat.
Concerns regarding the presence of Beaver and Heron on the site.	In late spring/early summer 2024 several comments were provided regarding the presence of Beaver and Heron on the site. The applicant's ecological consultant confirmed that Great Blue Heron has been recorded and observed on site during several field visits. It is considered common, widespread, and abundant in Ontario. The proposed realigned creek corridor includes habitats that are important to the Great Blue Heron, both breeding and foraging. The existing watercourse will remain in place with appropriate buffers and will not be relocated until the Natural Channel Design is in place and to the satisfaction of all appropriate agencies. The observed beavers moved onto the site in 2023. Beavers are also considered common, widespread, and abundant in Ontario. The proposed design of the Natural Channel Design includes habitats that are valuable to beaver life cycle processes. As both species are considered common in Ontario, and not protected under the Species at Risk Act, there is no impact to habitat for species at risk or significant wildlife habitat.
Comments have noted the land use designation should be specialty crop area given the history and microclimate of the location.	The site is not within the Provincial Greenbelt Plan area. The site has not been designation as a specialty crop area by the Regional Official Plan.
Concerns about increased impacts from climate change as a result of loss	The Provincial Policy Statement notes that aggregate resources should be provided as close

Summary of Public Comment	JART Response
of natural environments such as woodlands.	to market as possible. One reason for this is to reduce the potential of greenhouse gas emissions from transporting aggregate long distances. There is one statistic that suggest if every load of aggregate used in Ontario had to travel one extra kilometre to reach the jobsite, an extra 2.5 million litres of fossil fuel would be consumed annually, and annual greenhouse gas emissions would increase by 6,907 tonnes. The loss of natural features on site are proposed to be mitigated with on and off site replacement planting and restoration. The total area of on and off-site replacement exceeds what is proposed to be lost.
Several comments from the public noted that the proposed quarry will create a general loss of land for residential and agricultural land that is needed for future growth of the municipality.	The proposed site is outside of the urban boundary of the City of Niagara Falls and would not have been a site for future residential development. An Agricultural Impact Assessment (AIA) was submitted with the application to assess the impact on agricultural lands and the agricultural system as a whole. The AIA evaluated potential alternative locations and determined that the choice of location is reasonable and meets provincial policy requirements for locating a non-agricultural use in a prime agricultural area. The AIA concluded that the impact will be limited mainly to the permanent loss lower priority agricultural lands. The proposed quarry operation will be compatible with the surrounding agricultural land uses and will comply with Provincial and Municipal agricultural policies. The JART reviewed the AIA and was satisfied with the conclusions.
There are concerns with groundwater contamination, impact on private wells, water management, and surface drainage.	The Water Resources Study submitted with the application evaluates the potential impact on groundwater resulting from the proposed quarry operation. The report includes recommendations to addresses protection of groundwater for water well supply and the natural environment features

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	near the site. A Water Well Interference Mitigation Plan has been prepared which outlines the protocol for investigating and resolving any well water related complaints during the operation of the proposed quarry. The Water Resources Study also sets out an extensive monitoring program that will be implemented as a condition of the licence if the applications are approved. The Ontario Water Resources Act includes a legal obligation for the proponent to ensure water quality is not adversely affected. This is regulated by the Province (Ministry of the Environment, Conservation and Parks). If the quarry is approved, a number of the secondary approvals will be required including a Permit to Take Water. The permit may include additional mitigation measures to ensuring the protection of surface and groundwater resources.
The public is questioning whether there is potential for flooding because of surface drainage and whether the municipal infrastructure will have the capacity to deal with this.	The NPCA has reviewed the application and has not indicated that there is a flooding concern. The proposed creek realignment has been designed in consideration of any potential riverine flooding. Impact of water level impacts have been modelled and determined to be negligible
There are concerns related to noise impacts on the surrounding residential area from the proposed quarry.	The Noise Study examined the potential impacts of the quarry operations on surrounding homes and recommended measures to mitigate noise impacts, which were included as part of the site design. The primary noise mitigation measure involves the construction of berms around the perimeter of the site. There is a requirement for the acoustics berms to be constructed prior to any extraction activities occurring. There are also limitation to where processing can occur on the site and for internal combustion engines to be fitted with appropriate muffler systems. With these measures in place, noise is predicted to be limited to below 50 decibels during the daytime

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	and 45 decibels at nighttime at the nearest sensitive receptors, which would meet Provincial limits.
Concerns related to the social impact the proposed quarry will have on the residential areas surrounding the proposed quarry - specifically the noise, dust, vibration, and increase in traffic.	The City's Official Plan notes that a social impact assessment to assess the appropriateness of the proposed extractive operation including predicted impact of noise, dust and vibration beyond the site and necessary mitigating measures. The applicant has submitted separate noise, air quality and blasting studies to address these requirements. These studies evaluate the worst case scenario under maximum production and outline the required measures to mitigate impacts. The studies indicate that with the mitigation measures in place, the impacts from the quarry are expected to be within Provincial parameters. Plain Language Summaries are included as an Appendix to this JART Report to assist with the understanding of these technical studies.
Many comments from the public raised concerns about the quality of air and how this will impact their health and daily life. Additionally, there are many questions regarding how the air quality will change throughout the years and how this will affect future residents.	An Air Quality Assessment has been submitted by the applicant to recommend how dust particles resulting from the operation can be mitigated to meet Ontario's Ambient Air Quality Criteria for sensitive land uses. The air quality analysis indicates that, under a worst case scenario, the maximum concentrations of dust and various contaminants will be below the Ambient Air Quality Criteria published by Ministry of the Environment Conservation and Parks (MECP). The study considered concentrations off 10% silica, where concentrations closer to 2% are expected. The Assessment report notes that the existing background concentrations of Benzo(a)pyrene are above standards (as they are in much of southern Ontario), and that the MECP has no additional restrictions on the construction of new facilities that emit low levels of Benzo(a)pyrene.

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	Provincial regulations require quarry operators to use dust suppressants (the most common being water) on processing areas and internal haul roads. The ARA also requires that dust be managed on the site. If approved, the site will be required to operate in accordance with a Best Management Practices Plan for Fugitive Dust Emissions. In addition, processing equipment must be equipped with dust collection and suppression devices within 300 m of a dwelling or other sensitive receptor.
Concerns that dolostone and silica dust are carcinogenic.	With respect to respirable crystalline silica (RCS), silica is a basic component of soil, sand, granite, and many other minerals. Quartz is the most common form of crystalline silica. Crystalline silica is a health concern when aggregates containing crystalline silica are actively processed (i.e. crushed, blasted, drilled, sawed, etc.) such that very fine crystalline silica dust (in the order of 2.5 micrometres in diameter) is generated. Passive activities such as digging, transferring, driving over, etc. do not create significant amounts of respirable sized crystalline silica. In Southern Ontario, high levels of silica in limestone and sand and gravel are uncommon. The MECP's Provincial Air Quality Criteria establishes the limits for suspended particulate matter and for silica based on epidemiological studies. The provincial limits are designed to be protective of human health. The provincial limit for silica is 5 µg/m3. The current ambient air quality near the proposed quarry site has, on average, 1.5 µg/m3 of silica. Based on maximum production levels, the proposed quarry is predicted to generate an additional 0.1 to 1.4 µg/m3 at the closest receptors (depending on which receptor it is measured from) which is well below the provincial limits. No exceedances of the Ministry's

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	regulatory standards including RCS are expected in the community.
There are concerns that fly rock will exceed the 300 metres safety/buffer zone and have a much bigger impact on the residential areas surrounding the proposed quarry.	Current regulations under the ARA require the applicant to have measures in place ensure that flyrock does not leave the property. The Blast Impact Assessment outlines the restrictions on blasting which vary as the quarry moves closer to any residential structures. The ARA Site Plans and ARA license would require monitoring of all blasts.
Concerns regarding the potential impact of blasting vibration on homes, property, and municipal infrastructure.	The ARA Site Plan conditions require that vibration levels of all blasts be monitored at the quarry property line to ensure levels are maintained well within the provincial guideline limits. Vibration levels have been predicted to be below Provincial Guidelines and well below the level that would cause damage to a dwelling. There are specific ARA Site Plan conditions which require careful monitoring of blasting in proximity of the TransCanda pipe line and transmission towers in the Hydro One corridor. The studies submitted in support of the applications predict that vibrations will be within the parameters required for this infrastructure.
Concerns have been raised regarding blasting frequency and the subsequent vibrations and noise that can occur.	The frequency of the blasting would be based on business and operation needs. Walker has indicated that at a maximum no more than 1 to 2 blasts will occur in one day. Walkers expects blasts to become less frequent (i.e. 1-2 times a week) once sinking cuts are finished and the quarry is established. The blasting is expecting to take place at noon, when workers are out of the quarry, though blasting is dependent on weather conditions and can occur at any time listed above. Should the quarry be approved, interested persons can register with Walkers to be advised of when blasting takes place.

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	Blasting will not take place on Saturdays or Sundays and will be limited to daytime hours (8:00 am to 6:00 pm) on weekdays.
There are concerns related to the infrastructure surrounding the proposed quarry. Specifically, how the blasting will affect the Welland Canal and underpass, the roads, gas pipelines, and hydro lines	All of the utility and infrastructure owners and operators in close proximity were circulated several notices regarding the applications. TransCanada Pipelines provided numerous comments and conditions which were incorporated into the site design. Blasting analysis shows that vibration impacts are expected to be within safety parameters for TransCanada pipelines and the power line corridor. There are conditions on the ARA Site Plan drawings related to blasting in proximity of the TransCanada pipeline and Hydro One corridor.
Concerns relating to traffic volumes/disruption, road safety, fumes from trucks, and overall discomfort because of the anticipated higher truck traffic around the surrounding proposed site.	The Transportation Impact Study (TIS) has identified road improvements at the intersection of Upper's Lane and Thorold Townline Road. If the quarry is approved, the requirement to enter into an agreement with the municipality for these improvements are included as a condition of the ARA licence. If approved, trucks would be directed to travel northbound on Thorold Townline Road. Thorold Townline Road is a Regional arterial road and as such is expected to carry a large volume of traffic including truck traffic. Heavy vehicles will not access the proposed quarry via Beechwood Road and no other ancillary roads are included in the proposed haul route. The TIS has not identified significant impacts on Beechwood Road or Garner Road. No unacceptable impacts to Thorold Townline Road have been identified.
Many members of the public are concerned with the loss of property value that could occur because of foundational and/or structural damage	The peer review consultant (Watson and Associates) consulted with the Municipal Property Assessment Corporation (MPAC) on impacts to assessment as a result of the quarry. MPAC

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in addition to the proximity to a proposed quarry. There are many questions regarding the tax implications of the proposed quarry and who the responsible parties would be if there is a loss of property value.	makes minor adjustments for residential properties that abut a quarry. However, MPAC has run similar studies across the province to determine if values are impacted for residential properties beyond those that abut a quarry. To date, MPAC has not seen any evidence to apply a reduction outside of Halton and Peel Regions. In Halton and Peel Regions only, MPAC has applied a minor reduction (2%) to properties in proximity to a quarry, pit, or industrial property. Property values are affected by a large number of variables and it cannot be guaranteed that a property value will always remain the same or increase.
Comments from the public regarding the visual impact the quarry would have in a municipality that has high tourism. A few suggestions proposed the inclusion of tree planting along the berm perimeter of the proposed quarry.	Acoustics berms are proposed for the perimeter of the site. The berms will also serve as visual barriers. Additional vegetative screening is proposed along Beechwood Road. Through the review process the City requested an increase of the size of the plantings, which was incorporated by the applicant into the site design. Further, quarry operations have existed in the City for a considerable period of time with no apparent impact on tourism. The ARA Site Plan conditions requiring the monitoring and replacement of trees and shrubs that die off during the maintenance period.
There are many concerns regarding the tools that will be used to mitigate any potential negative social impacts because of the quarry. There is fear that berms will not be enough and are requesting a physical barrier such as a concrete wall for more adequate protection.	Noise, air quality, and blasting studies were submitted in support of the applications. Each of these studies recommended various mitigation measures which were included in the proposed site design. The studies were peer reviewed by consultants retained by the JART. Impacts were found to be within Provincial parameters.
Concerns about the future use of the quarry site once the resources have been extracted. The public is	The proposed rehabilitation plan post-extraction is to allow the quarry to fill with water and become a lake. Approximately 70 ha of the site is proposed to

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concerned about a future dumpsite or possible water contamination if the quarry is turned into a lake.	be rehabilitated to the lake, with the remaining areas proposed to be rehabilitated to various aquatic and terrestrial vegetation communities. There is no proposal for a landfill as the end-use/rehabilitation.
Many comments stress the need for timely rehabilitation if the proposed quarry is approved and the need to continuously monitor the rehabilitation isn't simply meeting the status quo.	City and Region staff agree with the need for timely rehabilitation if the proposed quarry is approved. The proposed rehabilitation plan (included as drawing 5 of 6 of the ARA Site Plans) requires progressive rehabilitation. This requires that rehabilitation be undertaken as extraction is completed on individual sections and phases of the operation – as opposed to waiting until all extraction is completed prior to starting the rehabilitation phase. This will minimize the amount of land being used as a quarry at any given period of time. Included within the rehabilitation plan is a trigger level and contingency plan for the quarry sump discharge in relation to provincial water quality objectives.
The public has proposed different usage of the site instead of a quarry such as rezoning as a conservation area to keep the land use compatibility between sensitive lands such as residential.	The lands are privately owned. Planning Act applications to permit the proposed quarry have been submitted to the City and Region. Under the Planning Act there is a requirement to process, consider, and make a decision on the applications.
Questions regarding whether Duty to Consult was completed.	Both the Planning Act and ARA processes require Indigenous consultation. The City and Region circulated notice to Indigenous groups over the course of the review process. Through the ARA the Duty to Consult is assigned to the applicant. MNR reviews the record of consultation with First Nations to determine whether the Duty to Consult has been met. Indigenous groups have been involved in the archaeological assessments that were undertaken in support of the application.

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Questions regarding the planning application process. Specifically, how a planning application is allowed when the application goes against Niagara Fall's and the Region's Official Plan as well as other documents such as the Region's Climate Change Adaptation Plan.	To permit the proposed quarry the City of Niagara Falls Official Plan and Zoning by-Law will need to be amended in addition to an amendment to the Region's Official Plan. The Provincial Planning Act permits landowners to make applications to amend these documents. Essentially any proposed quarry in Niagara would require a site-specific amendment to these planning documents. There is a requirement that any application of this type to be supported by various studies to address compatibility with surrounding land uses, natural heritage, transportation, water resources, as well as compliance to Local, Regional and Provincial Policies.
Comments noting the lack of public notice regarding the OPA and ZBA to change the land use for the proposed quarry.	The Planning Act requires public notices to go out once an application is submitted for an amendment to an official plan or zoning by-law. The Planning Act requires notice to be circulated to property owners within a 120 metres radius of the subject lands and anyone who has requested to be given notice. For this file, both the City and Region doubled the distance, to 240 m, for which direct notification was provided by mail. In addition to direct mail, there were also e-mail notices sent out, signs posted on the property, notices in local newspapers and social media, and notice posted on the municipal webpages. Other consultation above the requirements of the Planning Act include the applicant's open houses in late 2019 and City and Region open house in March 2022. Consultation has been well above minimum requirements. Under the ARA it is the responsibility of the application to give notice. Walker provided notice in accordance with the requirements of the ARA for their public information sessions and other aspect of the ARA application process.

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Questions from the public asking why there is a need for more quarries when there are already many quarries across Ontario. What is the threshold for a 'need' of new quarries and pits?	Policy 2.5.2.1 of the Provincial Policy Statement (PPS) is clear that the "demonstration of need" is not required when making an application for a new mineral aggregate operation. Municipal Councils are not to use "need" as a criteria when making a decision on an application for a new or expanding mineral aggregate operation.
Questions from the public regarding how monitoring will take affect within the 500 m zone of the quarry to ensure the quarry is operating to the standards set out by the ARA.	All of the required monitoring is included as a condition of the ARA license. The conditions of the ARA license are enforced by the Province through the Ministry of Natural Resources (MNR)
Comments requesting information on the property acquisition by Walkers throughout the years and whether these lands were bought at fair market value.	This question is beyond the scope of the review of the Planning Act applications by the City and Region, or the JART process.
Comments requesting for a referendum being the deciding factor regarding approval or quarry application denial.	There were numerous opportunities for the public to provide input on the applications including in writing at any time, public open houses, and statutory public meetings at City and Regional Council. There were also opportunities to provided comments through the ARA application and licensing process. City of Niagara Falls Council is the approval authority for the proposed Zoning By-Law amendment. Niagara Region Council is the approval authority for the proposed City and Region Official Plan amendments. There is no a legislative route for a referendum on a Planning Act matter.

11.0 Conclusion and Next Steps

The JART has completed its technical review of the proposed Uppers Quarry applications. Every attempt has been made to ensure a thorough and comprehensive analysis. The results are documented within this report.

The JART Report will be provided to the JART members to support the making of recommendations to their respective agencies. The JART Report will also be available to the public and will be shared with the applicant. The Region and the City of Niagara Falls will bring forward separate staff recommendations on the Planning Act applications (ROPA, OPA, and ZBA) for each individual Council's consideration. The conclusion of the JART Report will also help to inform the City, Region, and NPCA in providing comments to the applicant and Province under the ARA.