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September 6, 2023

Planning and Development Services
Region of Niagara
1815 Sir Isaac Brock Way,
Thorold, ON, L2V 4T7

ATTN: Sean Norman, PMP, MCIP, RPP
Senior Planner

Dear Sean:

**RE: Response to Comment Letter from Joint Agency Review Team (JART)
Proposed Expansion of the Law Crushed Stone Quarry
Regional Official Plan Amendment (ROPA-22-0001)
Local Official Plan & Zoning By-law Amendment (OPA 04 & Z04/2022W)
Waterford Sand and Gravel Limited, Proposed Law Quarry Extension
Part Lot 6 & 7 and part of Road Allowance between Lot 5 & 6, Concession 2, Geographic
Township of Wainfleet, Region of Niagara**

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Members of the Law Quarry Extension Project Team have compiled a comprehensive response to the Joint Agency Review Team (JART) comments circulated on January 13, 2023.

The responses can be downloaded from the below dropbox link:

<https://www.dropbox.com/scl/fo/v3dhn4ip31eb3826huqw/h?rlkey=6uj0of5lod7iby0ueri056qic&dl=0>

The following table summarizes the responses included with this correspondence:

Table 1: Summary of JART Responses

Discipline/Report	Summary of Project Team Response	Attachments
Folder 1: Planning Justification Report & ARA Summary Statement	JART comments are addressed in the MHBC Response Letter, July 2023.	<ul style="list-style-type: none"> Response letter from MHBC Planning, dated July 11, 2023

	Additional information regarding the status of Biederman Road is outlined below.	<ul style="list-style-type: none"> • Planning Justification Report and ARA Summary Statement Addendum Report, MHBC Planning, July 2023
Folder 2: Aggregate Resources Act Site Plans	<p>The Site Plans has been extensively revised to address JART, MNRF, and MECP (SAR), and Ministry of Multiculturalism comments.</p> <p>Changes to the site plan are indicated in red-line</p>	<ul style="list-style-type: none"> • Response letter from MHBC Planning, dated July 11, 2023 (located in Folder 1) • Revised Law Quarry ARA Site Plans, MHBC Planning, June 2023
Folder 3: Level 1 & 2 Water Study Report Comments	JART comments are addressed in WSP Response Letter dated, April 18, 2023	<ul style="list-style-type: none"> • WSP Response Letter, April 18, 2023
Folder 4: Natural Environment Report – Level 1 & 2 Assessment Comments	<p>JART comments are addressed in the Riverstone Environmental Response Table dated August 25, 2023.</p> <p>A revised Environmental Impact Study/Natural Environment Report has also been prepared to incorporate the revisions made through the JART response process and to update the Report recommendations.</p> <p>The ARA Site Plan has been updated with the revised Report recommendations.</p>	<ul style="list-style-type: none"> • Riverstone JART Response Table, August 25, 2023 • Revised EIS/NER Report, August 28, 2023
Folder 5: Noise Impact Study Comments	<p>JART comments are addressed in Aercoustics Response Letter, July 6, 2023 and revised Noise Impact Study</p> <p>The Lelay property (property adjacent to north Licence Boundary – see figure 1) was purchased by Waterford Sand and Gravel in 2023. The Noise Impact Study has been revised to update the mitigation requirements on the Site Plan.</p>	<ul style="list-style-type: none"> • Aercoustics Response Letter, July 6, 2023 • Noise Impact Study, July 6, 2023

Folder 6: Air Quality Assessment Report	JART comments are addressed in RWDI Response Letter April 4, 2023 and updated Report Figure 1 and Table 5.	<ul style="list-style-type: none"> • RWDI Response Letter April 4, 2023.
Folder 7: Blasting Impact Analysis Comments	JART comments are addressed in the Explotech Responses letter, February 2, 2023	<ul style="list-style-type: none"> • Explotech response letter, February 2, 2023 • Revised Blast Impact Assessment (Draft), March 2023. To be finalized once JART confirms they are satisfied.
Folder 8: Financial Impact Assessment and Economic Benefits Analysis Comments	JART comments are addressed in the Collier Responses letter and Revised Report, August 31, 2023	<ul style="list-style-type: none"> • Response Letter dated August 31, 2023 • Revised Report, August 31, 2023

In addition to the Technical Report responses summarized in Table 1, below is an updated on the status of a number of ongoing issues that the Project Team is working on resolving related to the Official Plan and Zoning By-Law Amendment Applications.

A. Biederman Road

On the revised Law Quarry Extension Site Plans (June 2023), a portion of the Township owned Biederman Road Allowance has been included within the Licence Boundary. The alternate rehabilitation option has been removed.

Waterford Sand & Gravel Limited submitted an Application to purchase a portion of the Biederman Road Allowance to the Township of Wainfleet on June 1, 2023. The Township is reviewing and processing the Application in accordance with their Land Disposal Policy.

Waterford Sand & Gravel Limited has purchased the Lelay property located immediately north of the proposed Licence boundary – see Figure 1. Therefore, an alternate access road for this property is no longer required or proposed.

Alternate access for the Malloy property (see Figure 1) will be provided via a legal easement over Waterford Sand & Gravel Limited owned lands that are not subject to the current OPAs, ZBL Amendment, or ARA Licence Application. The location of the alternate access has been reviewed by Region of Niagara, Niagara Peninsula Conservation Authority, and Township Staff and has been surveyed. A consent application for the easement will be submitted to the Township once the Biederman Road Purchase Agreement has been finalized.

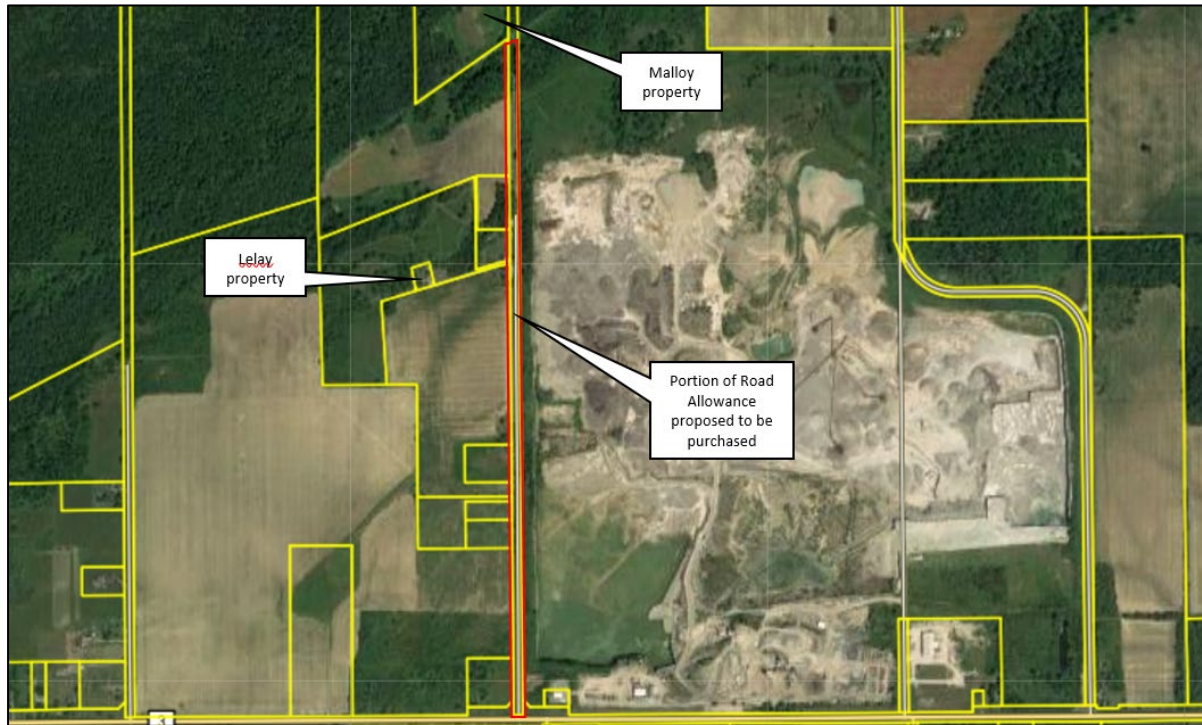


Figure 1: Proposed Road Allowance Purchase

B. Archaeological Clearances

We have been working closely with staff from MCM to develop Site Plan notes that ensure the protection of all Archaeological Resources within the proposed Licence Boundary to their satisfaction. The revised Site Plan notes (June 2023) have been reviewed by MCM staff. Based on feedback and direction from MCM, updated Stage 1 and 2 Archaeological Reports have been prepared by ASI Heritage and are currently being circulated to Indigenous communities for review and input. It is anticipated that the final Reports will be circulated to MCM for clearance this fall. The MCM clearance letter will indicate MCM's acceptance of the proposed approach implemented on the Law Quarry Extension ARA Site Plans for the protection of the Archaeology Sites. The MCM Clearance letter will be provided to the Township and Region when available.

C. ARA Licence Application

The Aggregate Resources Act Licence was submitted on June 23, 2022 and deemed complete on July 15, 2022.

The 60-day notification and consultation period required under the *Aggregate Resources Act* occurred between November 10, 2022 and January 9, 2023. An in-person Public Information Session was held on November 24th, 2022 at the Port Colborne BIC Church.

No public comments were received on the ARA Licence application.

Comments on the Licence Application provided by OMAFRA, MECP (HydroG), and MECP (SAR) have been fully addressed by the Project Team. A detailed response letter, including the updated

Site Plan, was provided to MNRF on July 17, 2023. We understand that MNRF staff are currently reviewing this response. We are looking to schedule a meeting with MNRF Aggregate Section staff for mid-September to discuss the status of their review.

Next Steps:

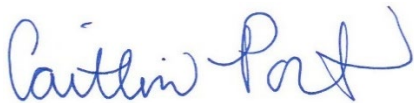
We understand that the Law Quarry Extension Project Team Responses and updated Site Plan included with this correspondence will be circulated to the JART Team, including Peer Reviewers, for further review.

Once the JART Team has been satisfied, the OPAs and ZBL Amendment Public Meetings can be scheduled. We are optimistic that this can occur this fall.

Please feel free to call if you would like to further discuss this comprehensive JART response package.

Yours truly,

MHBC



Caitlin Port, MES, MCIP, RPP

- cc. *Ed Lamb, Waterford Sand & Gravel Limited*
- Neal DeRuyter, MHBC Planning*
- Erik Acs, MCIP, RPP, Manager, Community Planning, Niagara Region*
- Lindsay Earl, MES, MCIP, RPP, Manager of Community and Development Service, Township of Wainfleet*
- Sarah Ivins, B.U.R.Pl., Dipl.M.A., ACST, Planner, Township of Wainfleet*
- David Deluce, MCIP, RPP, Senior Manager, Environmental Planning & Policy, NPCA*