



PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE

March 21, 2024

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

Niagara Region  
Planning and Development Services  
1815 Sir Isaac Brock Way  
P.O Box 1042  
Thorold, ON  
L2V 4T7

Dear Mr. Norman:

**RE: Law Quarry Extension – Response to JART December 2023 comments on ARA Site Plan  
OUR FILE 0956C**

We have reviewed the JART comments dated December 21, 2023 on the MHBC prepared ARA Site Plans (revised June 2023).

The Table Below summarizes our responses to the outstanding JART comments. A copy of the revised Law Quarry Extension Site Plan (March 2024) is included with this correspondence.

*Table 1: Response to Site Plan JART Comments*

Comment #	Outstanding JART Comments (December 21, 2023)	Report Section/Page	MHBC Response
1.	a. Comment addressed		
	b. Comment addressed		
2.	a. Comment addressed		
3.	a. Berms and Screening - The berms required for noise attenuation on the north and west boundary of the site (Berm A and Berm B) are 7 – 8 metres high. Have any calculations been done to determine the extent of the area that would need to be stripped to provide material to construct Berms A and B? If a large area would need to be	Page 3	Yes, calculations of the available on-site material have been completed to ensure that there is sufficient material on-site to construct the required acoustical berms A and B.  The material located in the existing quarry berm located on the east side of Biederman Road as well as the topsoil and overburden available in Phase 1 will be used to construct

	<p>stripped (i.e., beyond the area of Phase 1 and 2), perhaps indicate in the report recommendation notes for Agricultural Impact Assessment that material required for berm construction may influence the extent of the disturbed area</p>		<p>Berm A. A Site Plan Amendment for the existing quarry has been submitted to allow for the movement of materials across Licence boundaries for berm construction and rehabilitation purposes.</p> <p>Berm B is not required until extraction in Phase 4. There is sufficient overburden material available in Phase 3 and phase 4 for the construction of this berm. In addition, the material used in the construction of Berm A can be relocated as extraction activities progress.</p> <p>The Phase notes on Page 3 of the Site Plan were previously revised to provide additional requirements and timing relative to extraction and progressive rehabilitation timing.</p> <p>No revisions to the AIA are required.</p>
	<p>b. Comment addressed</p>		
	<p>c. Comment addressed</p>		
	<p>d. Report Recommendations – M5. Archaeology - Note 1 identified the sites within the area of extraction that are to be protected. One of the sites (AfGt-266) is outside of the area of extraction but in a location that is proposed for berm construction (Acoustic Berm B). Suggest revising drawings and note for clarity</p>	<p>Page 3, Note M5</p>	<p>The revised ARA Site Plans and Archaeological Report have been provided to MNRF and MCM for review. The Site Plan notes address Archaeological sites located within the footprint of the acoustical berms.</p> <p>MCM is currently reviewing the Archaeological Reports. Copies of the MCM Clearance letters will be circulated to the Region once issued.</p> <p>In addition, the required Stage 3/4 Archaeological Assessments for the archaeological sites located within the berm footprints will be completed in the 2024.</p>

	e. Comment addressed		
	f. Comment addressed		
4	<p>Page 4 The species list for the plantings is limited in terms of species diversity. Please consider adding a greater diversity of native species, especially within the aquatic communities, to improve the future ecological value of rehabilitated areas.</p>	Page 4	<p>The species list on the Site Plan was developed based on the species available from the Six Nations of the Grand River nursery and discussions with Indigenous Communities.</p> <p>Only native plants, including Potamogeton species, will be included in the planting program. See note E.1. on the Rehabilitation Page</p> <p>In addition, the heading for table containing the planting list on Page 4 of the Site Plan has been revised to read "Planting List: <b>Native Species</b> Suitable for the Law Extension Quarry Rehabilitation". Some specific species, such as native Potamogeton spp, will depend on the availability of stock from local nurseries (e.g., Six Nations of the Grand River's Kayanase Greenhouse) and will be selected prior to the time of planting.</p> <p>The Site Plan notes have been revised to add planting density details for the proposed woody plantings. Plantings will include 5 trees and 25 shrubs per 100m<sup>2</sup> in the upper and lower slopes, setbacks, riparian, and cliff &amp; talus planting areas, as per the recommendations in Table 3-1 of the NPCA's Planning and Permitting Procedure Manual (2022). As the intent of the planting program is to establish the conditions to facilitate a successful ecological trajectory, plantings will include a variety of tree planting stock sizes and successional species supported by direct seeding to accelerate the establishment of a natural vegetation structure. Tree plantings will consist of 95% whips/saplings</p>

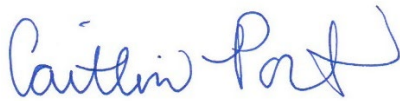
			and 5% caliper trees ( $\geq 4$ cm). Shrubs will include a variety of sizes between 0.4 – 1m in height. Waterford considers the current list of plants in the planting list to provide sufficient diversity as it exceeds the minimum requirements recommended in Table 3-1 for aquatic plant species (11 vs. 4), forbs (21 vs. 4), shrubs (12 vs. 5) and trees (11 vs. 5).
5	Comment addressed Page 5		

We trust that this response letter address the comments provided by the JART reviewers in December 2023. We would be happy to meet with you to discuss these comments further.

Included with this correspondence is a revised Law Quarry Extension ARA Site Plan (revised March 2024). The Site Plan has been revised and updated to address the most recent JART comments. All revisions have been identified in blue-line.

Yours truly,

**MHBC**



Caitlin Port, MES, MCIP, RPP

*cc. Ed Lamb, Waterford Sand and Gravel*

*Attach Revised Law Quarry Extension Site Plans, March 2024*