

VIA email to [REDACTED] & Mail

ESHER PLANNING INC.

July 8TH, 2022.

133 AYTON CRESENT

WOODBRIDGE, ON.

ATTN. MELANIE HORTON

RE. Aggregate Resources Act Application # 626546

CBM Sunderland South Pit Expansion, Part Lot 7 & 8, Con. 2 Brock Twsp. Region of Durham.

Dear Ms. Horton,

We are in receipt of your letter of response dated June 10/22, wherein not all the items to our letter dated Nov. 5/21 were addressed in your response letter, and are now attaching further items below to be addressed by you and also your response letter dated June 10/22 attached with highlights and questions being asked therein for clear answer by your group.

#1 The Regional Official Plan shows the property within a " high potential aggregate resource area" but it is also Rural lands (therefore zoned RU) of the Protected Countryside within the Greenbelt serving the rural resource and agricultural sector - per 4.1 Greenbelt plan 2017.

The expansion proposes to mine a narrow strip of productive Agricultural land which is the outer limits of the aggregate resource area and has a gentle sloping topography formed over thousands of years providing drainage within the water resource system to the Environmentally Protected (EP) and Provincially Significant Wetlands of the Beaver River.

#2 It is not possible to restrict vegetation removal during the active season for breeding birds (as per the Golder report) in an active aggregate removal site which typically occurs during the bird breeding active season, this is a fallacy!

What is the meaning of "progressively rehabilitate" as you state? Would each pond be rehabilitated separately when mined out?

It is noted that the Esher Planning presentation includes a picture of an example of a CBM rehabilitated area in the CBM North pit. This so-called rehabilitated area appears to have since been destroyed and included into the main North pit as clearly observed from St Mary's Boulevard this week.

It is not possible for the proposed operation to " minimize impacts" as stated. Clearly - the plan is to destroy the natural sloping topography which facilitates the water resource system to the natural heritage and the hydrologic features surrounding. This can never be replaced by any rehabilitation plan.

With regard to the natural Environment report currently being reviewed by LSRCA , we would like to know what is the Ecologists position with respect to the impact on the species.?

The Provincially Significant Wetland area should be completely excluded and a revised site plan provided by CBM to the residents that illustrates the revised boundaries.

#3 Furthermore our well was never recorded by Golder in their study it being the closet well to the proposed pit. Why??

#4 As mentioned before a Cross Section AA (Harrington McAvan Ltd) is presented on Pg 3 of 4 in the CBM report which shows a flood line that indicates half our residence is shown under water? Are you folks serious.? Explain why this is shown thus and not clarified yet?

#5 Your comments on property values not depreciating in vicinity of gravel pits is a moot point. Any property near a pit, hydro transmission lines, a railroad line or near an airport has and is always of lesser value than one in a normal location. What happened to the statement made at the initial zoom meeting by the CBM executive that they may consider compensation for property value depreciation??

#7 Pit dust contains silica which is injurious to human health. This serious health issue is never revealed by Pit operators and is kept under the rug. Why.? Understand that this is an issue at the north pit adjacent to the Pines in the Blackwater area.

Thank You,

Kaik Bharucha & Jan Mears.

[REDACTED]

cc. Mike Lebreton. [REDACTED]

[REDACTED] Cria Pettingill [REDACTED]

Jan Mears [REDACTED]

Debbie Vanden Akker [REDACTED]

Heather Finlay [REDACTED]

June 10, 2022



Kaik Bharucha
[REDACTED]

**SUBJECT: Aggregate Resources Act Application #626546
 CBM Sunderland South Pit Expansion
 Part Lot 7 & 8, Concession 2, Brock Township, Region of Durham**

Thank you for your emails dated September 27th, 2021 and November 7th, 2021 outlining your questions and concerns related to the above mentioned application. Please note that we have included a response to the separate attachments that were included with your email. CBM and the consultants working on this application have taken the time to review each of your questions, and offer the following comments in response to your concerns:

COMMENT:

Prior to the purchase of our property, we had confirmed in 1988 with the Township of Brock that the current RU & EP zones would not permit any gravel-type activity in the area, and accordingly, the property was purchased and our home built in 2004. We have reviewed the current Zoning by-law in effect today, for permitted uses and a Quarry or a Pit are NOT PERMITTED uses either within the RU and the EP zones.

RESPONSE:

The proposed expansion to the CBM Sunderland South Pit requires amendment to the Regional Official Plan and the Township of Brock Zoning By-law. Applications have been submitted which would change the zoning of the Rural portion of the property to permit sand and gravel extraction. There are no changes proposed to the eastern portion of the property which is zoned Environmental Protection. The Regional Official Plan shows the subject property as an important Mineral Aggregate Resource Area. The applications will be reviewed by both the Township and the Region within the context of current provincial and local land use planning policy.

COMMENT:

Since the purchase of this property in 1988 we have enjoyed the natural environment and wildlife including visits from deer, bears, coyotes, abundant turtles, and frogs along with heron, bittern, great grey owl, barred owl, many turkeys, sandhill cranes and killdeer to name a few of the myriad variety of birds and other species, that frequent this area. Most of the 74 acres of our property is environmentally protected (EP zone) and we have participated since 1988 in the Conservation Land Tax Incentive Program for 58

acres which is "Provincially Significant Wetlands", recognized as part of the Lake Simcoe watershed, and are encouraged to be stewards of the wetlands.

The proposed operations on subject lands (lands proposed for the quarry expansion) appear to be intruding into the significant environmentally sensitive Natural Heritage System including Provincially Significant Wetlands.

RESPONSE:

As part of the application submission, a Natural Environment Report was prepared by Golder Associates to inventory the natural heritage features on the subject property and adjacent lands. In addition, the Provincially Significant Wetland (PSW), the report examined significant woodlands, significant valleylands and habitat for rare, threatened and endangered species. The Golder report evaluates the potential impacts of the proposed pit expansion on natural heritage features and provides recommended mitigation measures to minimize impacts including setbacks from the wetland, erosion and sediment controls to prevent runoff into the wetland, and restricted vegetation removal during the active season for breeding birds.

The site will be progressively rehabilitated to ultimately create 3 small ponds surrounded by nearshore, riparian and upland habitats. The Golder report includes specific planting recommendations to support species diversity and habitat enhancement across the site.

CBM Golder has carefully and thoroughly investigated and assessed the potential impacts of the proposed expansion on the wetlands, wildlife and natural features on and around the site. The proposed operations have been designed to minimize impacts and the rehabilitation plan will create additional habitat which will enhance the adjacent Beaverton River Provincially Significant Wetland. The boundary of the adjacent Beaverton River Provincially Significant Wetland and woodland were delineated in the field with Lake Simcoe Region Conservation Authority (LSRCA) and all setbacks were calculated based on this agreed upon boundary.

The Natural Environment Report and the associated recommendations are currently being reviewed by the Ministry of Northern Development, Mines Natural Resources and Forestry (NDMNR) as well as the Lake Simcoe Region Conservation Authority (LSRCA). The Ministry of Conservation and Parks (MECP) Species at Risk Branch has completed their review and has advised that they have no concerns with the proposed expansion.

The boundary of the area to be licensed was based on the property boundary limits. This approach is consistent with standard practice for other aggregate licence applications in Ontario. The proposed extraction area excludes the wetlands and natural heritage features in the eastern part of the property.

We appreciate the comments that have been received regarding the importance of protecting the wetland area. This area will continue to be zoned Environmental Protection, and no activities are proposed in this area. In an effort to address the concern about the extent of the licensed area, CBM is prepared to revise the limit so that it also excludes the wetland area. While this does not add any additional protection above and beyond that which is already in place through the zoning and proposed Site Plan conditions, CBM is hopeful that this revision will address your comment and concerns raised by the public.

COMMENT:

As demonstrated above, the proposed expansion would directly impact and have adverse effects on the ecological integrity of the environmentally protected lands, cause disturbance to the current wildlife habitat, affect the natural heritage features which are required to be protected as required by the Provincial Greenbelt Plan. It would cause disruption to the significantly connected natural heritage system and affect the integrity of the NH System including major impacts to the Provincially significant wetlands in the area. If allowed to proceed this will most likely affect the aquifers and water table from both the quality & quantity of water perspective, affect the daily use water flow and disrupt the Rural nature

and Residential Living in the neighborhood. This operation will be a major cause of noise pollution by heavy machinery operations and air quality detriment by dust being raised through machinery operations and have severe social impacts on the residents living in the rural neighborhood.

RESPONSE:

We appreciate your concerns with the impacts on natural heritage features and functions in the area, however, as indicated in our response above, a significant level of study has gone into evaluating potential impacts and ensuring that the proposed expansion can satisfy the Greenbelt Plan requirements of “no negative impact” on environmental features.

With respect to the potential impacts on groundwater quality and quantity, the Water Resources Report contains a complete evaluation of possible effects on both water wells within 500 metres of the site and on natural heritage features near the site. A network of overburden monitoring wells was constructed on the property to define the water table elevation across the site and groundwater levels have been measured since early 2019.

The Golder report concluded that the proposed below water extraction can be carried out with no appreciable hydrogeological effects on groundwater use in the surrounding area. CBM’s existing Sunderland Pit operations, which also extract below the water table, have not resulted in any well water interference issues since such records were kept at the site over 30 years ago.

The monitoring program includes quarterly groundwater level monitoring and annual water quality monitoring to be undertaken by a qualified professional. A private well survey will be completed at residences within 500 metres of the property boundary prior to any extraction below water taking place in order to make sure up-to-date information on people’s wells has been obtained. CBM will also have a water well response plan in place with information for homeowners on who to contact should an issue occur with their well.

To provide you with greater assurance, please note that like all the technical reports, the Water Resources Report will be part of the review carried out by professionals at MECP and NDMNRF as well as a review by hydrogeologists at the Lake Simcoe Region Conservation Authority. Any questions or concerns that these professionals raise related to either the methodology used, or the conclusions of the report will be revealed through this peer review process. There will be no approvals granted without satisfying the reviewing agencies that the pit has been appropriately designed with effective mitigation measures to ensure the protection of residents and the natural environment.

COMMENT:

It is generally accepted that we are living in a Climate Emergency and therefore we find it unconscionable that CBM, a foreign-owned company, proposes to excavate 5.48 million tonnes of rural farmland which has been beef cattle grazing grasslands for 100+ years, contributing to significant carbon sequestration which if mined and along with the increased amount of heavy machinery and transport traffic would release untold amounts of greenhouse gas into the atmosphere. Why is there no study report on this item done and provided.?

RESPONSE:

The applications were prepared in accordance with the regulations and standards under the Aggregate Resources Act and Planning Act. A specific study on greenhouse gas impacts of the proposed lands use change is not a requirement of either the Provincial or the municipal application submission. However, CBM has voluntarily commissioned a separate report to be completed, the conclusions of which will be made available to the public when complete.

COMMENT:

Regional Official Plan

According to the Notice of Application, the lands are designated as "Areas of High Potential Aggregate Resources" and note that the provincial and regional policies protect these significant resources. We need confirmation by the Region of Durham on the designation of the lands under both the Region's Official Plan and Township of Brock Official Plan. We also need to know all applicable policies on the subject lands in the applicable Provincial Plans and the Regional and local OP.

In reviewing the policies of the OP under Section 9.1.9 and Sub-Section 9D Aggregate Resource Extraction Areas, and in particular policies " 9D.1.1 Regional Council shall ensure the orderly and efficient extraction of aggregate resources that minimizes social and environmental impacts." And " 9D.1.2 In the consideration of new or expanded Aggregate Resource Extraction Areas, potential impacts, and cumulative impacts on existing development and on residents located nearby, shall be fully assessed, with negative effects minimized to the fullest extent possible." We are questioning both the Regional and Local municipality ", if any discussion has been held between the applicant and the municipalities to date to discuss the above? We understand that the Planning Act applications have not been submitted to date and hence the Regional Council may not have seen this proposal. But has the applicant held any pre-consultation with the Region or the local municipality staff on the proposed expansion and if so what direction has been provided to the applicant? And that the applicant purchased the farmland RU zoned property around 2018.?

RESPONSE:

The ARA Summary Report and Planning Justification Report prepared by Esher Planning Inc. includes an evaluation of the proposed pit expansion in the context of local and provincial planning policy including

the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, as well as the Region of Durham Official Plan and the Township of Brock Zoning By-law. The report includes mapping excerpts from the Official Plan which show the designation of the subject lands.

Planning staff at the Region of Durham and the Township of Brock will be undertaking their own evaluation of the applications in the context of current planning policy as part of their review of the Official Plan and Zoning amendment applications. The Region will be engaging external peer review consultants (at CBM's expense) to review the technical reports. Both the Region and the Township will consider comments from the Lake Simcoe Region Conservation Authority staff who are also reviewing the application. Planning staff at NDMNRF will also consider the land use planning policies to determine whether the application is consistent with provincial planning policies.

The date that the applicant purchased the property and the zoning at the time of purchase have no relevance to the review of these applications.

COMMENT:

We would also like to know the Planning Act approvals that would be triggered by both the Township and the Region of Durham, should this proposal for the proposed quarry expansion, proceed.

RESPONSE:

As indicated in the previous response, the proposed pit expansion will require Planning Act approvals from the Region of Durham (Regional Official Plan Amendment) and the Township of Brock (Zoning By-law Amendment). Both applications have been submitted and deemed complete. The Township and Region will host public meetings for these applications and notice will be provided by the municipality for the dates of these meetings.

COMMENT:

It is a well known fact that residential properties depreciate in real estate value substantially located to within 1km to 1.5km of pit operation areas to approx.. 20% to 25% or more. A independent real estate report should be undertaken and submitted as to the value depreciation of ours and our neighbours properties and what appropriate compensation would be proposed should approvals be considered or that property tax reductions be applied.??

RESPONSE:

This is an area with established aggregate operations dating back to the 1960's. It would be difficult to isolate any positive or negative effect of the proposed pit from the effects of the existing operations in the area, or the fact that this area has been identified in planning documents as having high aggregate potential for at least 25 years.

Property value is not a factor used to judge the acceptability or appropriateness of a land use. What is required in Ontario is that the proposed aggregate extraction operation must be designed and operated to minimize social and environmental effects, and to protect adjacent properties from adverse effects. The proposed pit operation has been designed to mitigate impacts including noise, air quality, and water

quality in order to achieve provincial standards. The proposed operation will be well-planned, managed and controlled to mitigate offsite impacts. All these requirements will help protect property value.

We would also draw your attention to a University of Guelph paper entitled "Estimating the Marginal Effect of Pits and Quarries on Rural Residential Property Values in Wellington County, Ontario: A Hedonic Approach" which looked at various aspects of potential impacts to property values related to aggregate operations. The study examined the sale of 9,000 properties near 107 pits and quarries in Wellington County from 2002-2013. The study concluded: "The empirical evidence found in this study does not support the public claims that aggregate sites are negatively affecting neighbouring property values." We would be happy to provide a copy of this report to you. This is the reason why when CBM has solicited feedback from realtors, their conclusion is that the 'pool' of purchasers may shrink slightly, but in the end the property is generally able to be sold without a decrease in value if the market is healthy.

COMMENT:

We hope that this license request will not be granted and that the voice of the residents who are also the stewards of the environment living within this environmentally sensitive area are heard by the Ministry, Regional and local municipalities. We have copied our ward Councillor Cria Pettingill on this email, to bring our concerns to the attention of the local and Regional Council etc.

RESPONSE:

We appreciate the time you have taken to review the application and outline your concerns. Rest assured, CBM takes these concerns seriously and is committed to working to resolve as many issues as possible. A significant level of effort has gone into the design of the operation to minimize any impacts on the neighbouring land owners and on the environment.

This letter is our response to the objections expressed in your letter. We hope that we have answered some questions and addressed your concerns. Please feel free to reach out to us if you would like to discuss further.

Sincerely,



Melanie Horton, MCIP, RPP Esher Planning 

c.c. Mike Le Breton, Land & Resource Manager, Ontario East

David Hanratty, Director of Land, Resource & Environment (North America), Votorantim Cimentos