



## Planning and Development

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September 19, 2022

H. Bye Construction Ltd.  
C/O Cuesta Planning Consultants Inc.  
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[cuesta@cuestaplanning.com](mailto:cuesta@cuestaplanning.com)

Integrated Aggregate Operations  
Section, Ministry of Natural Resources  
and Forestry, 300 Water Street,  
Peterborough ON K9J 3C7  
[ARAapprovals@ontario.ca](mailto:ARAapprovals@ontario.ca)

SENT BY EMAIL ONLY

**RE: Aggregate Resources Act License Application (Class 'A' Pit)  
Hog's Back Pit  
Part Lot 31, Concession 3, Geographic Township of Proton,  
Township of Southgate, County of Grey  
Applicant: H. Bye Construction Ltd.  
Agent: Cuesta Planning Consultants Inc.**

Dear MNRF & Cuesta Planning Consultants Inc:

This correspondence is in response to the above noted *Aggregate Resources Act* license application. This application proposes a Class A license to excavate 100,000 tonnes per annum from an Above the Maximum Predicted Water Table Pit. The proposed licensed area is 13.38 hectares in size, while the subject property is 41.17 ha in size.

Under the County Official Plan, the subject lands are designated as 'Rural,' 'Hazard Lands,' and 'Provincially Significant Wetlands' on Schedule A; 'Aggregate Resource Area' on Schedule B, and 'Core Area' on Schedule C. An amendment to the County's Official Plan is required as the proposed pit area would be located within a 'Core Area' (as indicated on Schedule C), and would be located outside of the mapped Aggregate Resource Area, shown on Schedule B. An Amendment to the Township of Southgate Official Plan and Zoning by-law amendment are also required to permit the proposed pit operation on the subject lands.

The County's 'Core Area' mapping, found in Schedule C of the Grey County Official Plan, covers approximately 70% of the subject property, including much of the proposed licensed area. Section 7.1(1) of the County's OP states:

*Core areas are the County's largest pockets of significant natural features, and represent the best areas for interior species habitat and natural function in the County. Grey County is home to some of the largest Core Areas remaining in Southwestern Ontario. Cores Areas are crucial to the*

*environmental health of the County, and represent an opportunity for conservation. Within Core Areas, the County places a priority on environmental protection.*

*Core Areas largely overlap portions of other significant natural features including Provincially Significant Wetlands, Areas of Natural and Scientific Interest, Other Wetlands, Significant Woodlands, Significant Valleylands, Habitat of Endangered and Threatened species, Hazard lands, and Fish Habitat.*

County and Township staff held a pre-submission consultation meeting with the applicants in February 2022. During this meeting, a review of topographic imagery indicated that around 2015, a large, forested area within the 'Core Area' feature had been destructed by a previous owner, without authorization. This deforested corridor forms part of the proposed pit license and operation area. During the February meeting, County staff recommended that during site rehabilitation, this area should be reforested to ensure that the connection within the Core area is re-established to promote movement of wildlife, to restore lost habitat, and to sequester carbon for climate change mitigation. At present, the Natural Environment Technical Report, prepared by SAAR Environmental Ltd. recommends reforesting an area of the northern portion of the property to facilitate wildlife movement and connection, while the remainder of the deforested area is proposed to be used as a campground.

County staff would note that *resource based recreational uses* (including campgrounds) are permitted within the 'Rural' land use designation but are not listed in Table 10 as a permitted use within the 'Core Area' designation. Given that minimal detail has been provided at this time regarding the scope and potential impact of the proposed campground use, County staff would recommend that the rehabilitation plan be revised to pursue reforestation and naturalization of the 'Core Area', as initially recommended to the applicant. Should the proponent wish to pursue a campground as an after-use of the pit, it will require planning applications and background studies / technical reports, following the surrender of the *Aggregate Resources Act* license. These future planning applications would be tested against any planning policy in effect at the time of their submission.

Staff note that this is the first proposed aggregate extraction operation within a designated Core Area processed by the County to date. Given the ecological importance of our Core Areas, County staff would seek to ensure that the long-term natural heritage values of this Core Area are not lost by any approval of a pit operation in this area. This should include any enhanced operational practices for dust, noise, and lighting mitigation, as well as future rehabilitation plans. While staff recognize that there are minimal residential neighbours that would be impacted by this proposal, staff understand the importance of mitigating impact on surrounding wildlife and habitats, including within the adjacent Provincially Significant Wetlands. County staff would rely on provincial staff, Conservation Authority staff, and other specialists for their advice and expertise in this regard.

Appendix B indicates large areas of 'Significant Woodlands' on the subject property, as well as an 'ANSI – Earth Science' feature and 'other wetlands. Section 5.6.4(8) of the County Plan states:

*Within areas identified as Significant Woodlands as shown on Appendix B, cutting of the woodland to facilitate a pit or quarry operation may be permitted where it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. If this can be demonstrated, cutting of the woodland should be minimized and the woodland area cleared for extraction shall be progressively rehabilitated back to a woodland use. Permitted pit or quarry operations shall be carried out in a manner that is environmentally*

*sensitive to the remaining portions of the Significant Woodland in-line with the recommendations from the environmental impact study as required by this Plan.*

As noted, a large, forested area was previously removed at the site of the proposed pit operation, and the County would prioritise the reforestation of this area (at a rehabilitation stage) to facilitate connection and movement of wildlife. The noted reforestation of this area would also contribute towards the overall goals of the County's Climate Change Action Plan.

Section 5.6.5(12) of the Plan states:

*Where it is not feasible to return the lands to agriculture, priority should be given to assessing the feasibility of rehabilitation to a use that provides social and environmental benefits, and that is compatible with surrounding land use types. The use should result in environmental improvement or net environmental gain. Features such as woodlands, wetlands, fish and wildlife habitat areas, integrated water systems, or passive recreational opportunities may be appropriate.*

Regarding the mapped ANSI – Earth Science feature, Section 7.6(1) of the County's Official Plan states:

*No development or site alteration may occur within Areas of Natural and Scientific Interest or their adjacent lands unless it has been demonstrated through an environmental impact study that there will be no negative impacts on the natural features or their ecological functions.*

A similar policy is described in the Provincial Policy Statement. The proposed extraction operation would seek to remove aggregate material from an existing esker rock formation, which forms the basis of the noted ANSI feature. As such, the ANSI feature would be effectively removed through approval of this application. As the PPS directs the County to consider development where there would be "no negative impact" to ANSI features, County staff would tend to rely on the expertise of the province to facilitate further contemplation regarding the value and protective status of this feature, and whether any mitigative measures may be feasible in this instance.

County staff have reviewed the technical studies prepared in support of the subject pit operation and would generally defer to those with expertise in the fields of hydrogeology, archaeology and the natural environment. Through comments received during the Planning Act circulation process, Saugeen Valley Conservation Authority (SVCA) has requested a peer review of the prepared hydrogeological study. As SVCA and Grand River Conservation Authority (GRCA) have joint jurisdiction over the subject property, County staff understand that GRCA will undertake the peer review of the hydrogeological report, while SVCA will be the lead conservation authority on the review of the pit applications moving forward. While GRCA provided initial comments noting concerns regarding the proposed wetland setbacks, County staff understand that those comments have been resolved through further discussion with the applicant and SVCA staff. At this time, no other comments of concern or objection have been received. Further independent third-party peer reviews of some of these studies may or may not be necessary, as part of the County's review and processing of the *Planning Act* applications.

The County Plan also recommends the use of progressive rehabilitation of pit operations, including the use of Maximum Disturbed Areas. This was communicated to the proponent at the pre-submission consultation meeting in February. All reasonable efforts shall be made to ensure this pit operation, if approved, will be progressively rehabilitated.

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Grey County Transportation Services has reviewed the prepared Traffic Impact Study and have indicated no comments or concerns.

A joint Public Meeting under the Planning Act was held on July 27<sup>th</sup>, regarding the County OPA, Township OPA and ZBA. No members of the public attended this meeting, and no significant questions or concerns were raised.

The applicant was advised to undertake early engagement with Indigenous partners, including the Saugeen Ojibway Nation and Métis Nation of Ontario. At this time, no comments have been received by the County from Indigenous partners.

The county would kindly request notice of any changes made to the application, any further background studies or addendums, any technical comments, and any decisions rendered on the license application.

The County will also be providing further comments on the future County Official Plan Amendment and the Township of Southgate OPA and ZBA applications wherein additional detailed comments may arise.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read 'R. Hillyer', with a stylized flourish at the end.

Becky Hillyer  
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Cc Clinton Stredwick, Township of Southgate (by email only)