



CAPITAL PAVING INC.

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April 12, 2021

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RE: Response to ELM Technical Review of Capital Paving Proposed Shantz Station Pit (April 6, 2021)

Dear Messrs Vink & Welwood,

Thank you for providing a copy of the Environmental Liability Management Inc. (ELM) technical review of the proposed Shantz Station Pit undertaken on behalf of the Hopewell Creek Ratepayers Association (HCRA). We have reviewed the memorandum and offer the following responses and comments.

ELM states their review was focused predominately on the RiverStone Natural Environment Report and the Beacon Peer Review. It appears they did not review the Aggregate Resources Act Site Plan and Access Road Management / Ecological Enhancement and Compensation Plan which, from our perspective, provides answers to many of the concerns they have raised.

ELM states they use “current scientific understanding” as the basis for their review and list several key principles. This method and key principles do not appear to be based on the applicable policies and legislation that apply to this application - including the Aggregate Resources Act, Growth Plan, Provincial Policy Statement, and Region and Township Official Plans. All expert peer reviewers retained by the Region and Township, as well as Ministry of Natural Resources and Forestry and Grand River Conservation Authority, have no remaining concerns and are satisfied that the proposed pit is consistent with the policies that apply to this application. All concerns raised by the Region’s Ecological and Environmental Advisory Committee (EEAC) have also been addressed to their satisfaction.

ELM states that the hydrogeology reviews - including surface water and groundwater - were deemed to be inadequate. This is simply untrue. The following reviewers with expertise in hydrogeology and importantly, experience in hydrogeology as it relates to aggregate extraction, are satisfied:

- BluMetric Environmental Inc. (on behalf of the Region)
- Grand River Conservation Authority
- Ministry of Natural Resources and Forestry



ELM states the boundaries of the wetlands were not sufficiently mapped. The wetlands were mapped by qualified wetland evaluators in conjunction with GRCA and approved by MNRF.

ELM states that mitigation strategies have not been prepared to address potential impacts on environmental features. This is incorrect. All of the required mitigation measures are outlined on the ARA Site Plan and detailed in the Management Plan, which it appears ELM did not review. Further, they state that detailed restoration plans are required, including a revegetation plan. This has already been provided in the Rehabilitation Plan and Management Plan. Capital has committed to extensive tree and shrub plantings in several zones noted in the Management Plan and Site Plans, as well as the creation of a new pond for turtle nesting habitat. This enhancement work also establishes an improved linkage for wildlife from the western wetlands to the Hopewell Creek Valley.

ELM states that alternatives to the proposed access road to the pit were not considered. Again, this is incorrect. The detailed Access Road Analysis was completed to the satisfaction of the Region's ecology peer reviewer and the EEAC Working Group.

ELM notes deficiencies in the assessment of species at risk habitat and significant wildlife habitat. Extensive fieldwork and assessment were completed in this regard. MNRF, MECP and Beacon do not have any outstanding concerns regarding species at risk and significant wildlife habitat.

ELM compares the scope of the natural environment fieldwork and assessment to work that was completed as part of the Environmental Assessment for the new Highway 7 in the late 1990s and early 2000s. The proposed pit is not subject to the requirements of an Environmental Assessment.

ELM states that a contingency fund should be provided in the event groundwater is disturbed. Further, they recommend a fund of over \$17 million be provided by Capital Paving. We question how ecologists can arrive at this recommendation. Contingency funds were not requested by MNRF or any of the other expert reviewers who are qualified in groundwater assessment. This is not a requirement of the Aggregate Resources Act or Planning Act. As part of the Site Plan requirements, Capital has committed to ongoing groundwater monitoring for water quantity and quality with reports submitted to the MNRF, Region and Township on an annual basis. This monitoring program was accepted by the Region's hydrogeological peer reviewer, BluMetric.

The conclusions and recommendations outlined in Section 4 of the review appear to conflict with the positions of the expert reviewers involved in this application - including MNRF, GRCA and the peer reviewers retained by the Region and Township.

It appears, based on photographs in the review, the reviewers may have accessed the properties without permission. Capital was not contacted by ELM or HCRA to gain access to the site.

The review conducted by ELM is based on RiverStone's NER report and Beacon's initial peer review, and it is noted that the reviewers' qualifications are in the discipline of ecology. Yet ELM's review goes well beyond ecological matters and includes items such as property values, hydrogeology, traffic and dust. Many of the comments and proposed additional work by the reviewer go well beyond aggregate industry standards and are issues that have not been raised by any of the peer reviewers or agencies.

We have been more than willing to discuss any concerns directly with the Hopewell Creek Ratepayers Group and their reviewers. We have invited representatives of the HCRA to meet with us on several occasions since submitting our application almost two years ago, but this offer has never been accepted.

I hope the above information is helpful as a response to the HCRA's Natural Environment peer review. If you have any questions or would like to discuss this further, please let us know.

Yours truly,

A handwritten signature in black ink, appearing to read "George Lourenco", with a long, sweeping horizontal line extending to the right.

CAPITAL PAVING INC.
George Lourenco, P.Eng
Resources Manager

C.C. Neal DeRuyter, MHBC Planning
Caitlin Port, MHBC Planning