



July 10, 2017

Sent via e-mail to minister.mnrf@ontario.ca

The Honourable Kathryn McGarry
Minister, Ministry of Natural Resources and Forestry
Whitney Block 6th Flr Rm 6630
99 Wellesley St W,
Toronto, ON M7A 1W3

Dear Minister McGarry,

**Re: Meridian Brick East Aldershot Quarry, Licence #5500
1570 Yorkton, Burlington, ON
Follow-up on Ministry Action**

Donnelly Law represents the Tyandaga Environmental Coalition Inc. (“TEC”), a not-for-profit corporation in Burlington, Ontario. TEC represents a number of Burlington residents and is actively involved in issues concerning Meridian Brick’s proposed expansion into the East Cell of its Aldershot Quarry in Ontario’s Greenbelt.

In late spring 2017, the Ministry of Natural Resources and Forestry (the “Ministry”) allegedly put a temporary hold on Meridian Brick’s plans to expand its operation pursuant to the *Endangered Species Act, 2007*¹. Meridian Brick denies that there is a temporary hold on its operations. Your Ministry has apparently required Meridian Brick to conduct an environmental site assessment of its property, specifically for a wide variety of endangered species, including the endangered Jefferson Salamander.

This year, the Province’s leading expert on endangered and other salamander species, Dr. Jim Bogart (Professor Emeritus, University of Guelph), began his site investigations into the presence of salamanders on the Meridian Brick lands. Please confirm these investigations will continue through until at least 2019, per section 2.5 of the Ministry’s Ontario Recovery Strategy for the Jefferson Salamander.

¹ SO 2007, c 6.

The site investigations were initiated after Dr. Bogart confirmed that tail clippings of five salamanders, found in the area by our client, were Jefferson dependent unisexual salamanders. Dr. Bogart also reported that a photograph of a salamander near the quarry site provided by TEC resembles an Allegheny mountain dusky salamander, a rare endangered species with only two small populations in Ontario.²

The Jefferson Salamander Recovery Strategy section 2.5 refers to investigative studies being conducted for up to three years to ensure adequate effort into investigating the species' presence. Per section 2.5, three years is also the recommended minimum for surveys that fail to indicate the species presence in historic location. The Aldershot Quarry is located adjacent to King Road, which is closed every year by the City of Burlington to ensure safe crossing by the Jefferson Salamander. It is inconceivable that Jefferson Salamander are not traversing and/or breeding in the Aldershot Quarry expansion area.

The Ministry has in the past initiated amendments restricting aggregate production to site plans for older aggregate licences where it felt it appropriate given the legislation and the Provincial Policy Statement.

In 1998, the Ministry proposed site plan amendments for three aggregate quarry operations on Pelee Island per subsection 16(8) of the *Aggregate Resources Act*³. The Ministry proposed amendments to reflect information that alleged the location of protected species on or near the licensed site of aggregate extraction. Once all issues were resolved, the Minister required the submission of amended site plans consistent with permits issued pursuant to the *Endangered Species Act, 2007*.⁴

More recently, in 2016 the Ministry initiated the requirement for a site plan amendment to protect an intermittent stream discovered on a licenced below water table pit, by imposing a 30-metre setback per section 5.10.3 of its *Aggregate Resources Act* Operation Standards.

We urge the Ministry to follow this course for the Aldershot Quarry, as needed, to ensure Ministry decisions are based on the best and most up-to-date science. In addition, TEC is urgently seeking answers to its questions regarding the status of the environmental site assessment and alleged temporary hold instituted by your Ministry.

² Liam Casey, "Endangered Salamanders Put Quarry on Hold as Residents Fight Against Project", *Canadian Press* (24 May 2017), online: <<http://www.theprovince.com/news/national/discovery+rare+salamanders+quarry+hold/13393686/story.html>>.

³ RSO 1990, c A.8.

⁴ *Supra* note 1.

Please do not hesitate to contact me at 416-572-0464, or by email to david@donnellylaw.ca, copying anne@donnellylaw.ca, should you have any questions or comments concerning this correspondence.

Yours truly,

A handwritten signature in blue ink, appearing to read "D. R. Donnelly", with a long horizontal flourish underneath.

David R. Donnelly

cc. H. Basit, Conservation Halton