

Ministry of Natural Resources
and Forestry

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January 19, 2018

Mr. David Adcock
Director
Tyandaga Environmental Coalition Inc.
111 Westhaven Drive
Burlington, Ontario
L7P 5B4

And

Mr. Ian Keaveny
1090 Westhaven Drive
Burlington, Ontario
L7P 5B5

Dear Mr. Adcock and Mr. Keaveny:

Re: Application for Review – File No. R2017019 – Review of *Aggregate Resources Act* License #5500 and site plan related to this licence

Thank you for your application for review referenced above, submitted under Part IV of the *Environmental Bill of Rights* (EBR).

Your application was assessed to determine whether the public interest warrants a review of the matters brought forward to Ministry of Natural Resources and Forestry (MNR) by the Environmental Commissioner on November 22, 2017. The MNR considered all relevant factors set out in Section 67 of the EBR in arriving at its decision. In considering s.67 MNR examined its Statement of Environmental Values which requires the ministry to “exercise caution and special concern for natural values in the face of such uncertainty.”

Having completed a preliminary consideration of your application, the ministry has concluded that a scoped review is warranted. MNR’s review will examine the

Aggregate Resources Act (ARA) licence #5500 and related site plan for the licenced portion known as the "East Quarry" respecting:

- Species regulated under the *Endangered Species Act* on the East Quarry, and
- Mitigation measures identified in the 2015 Noise Study prepared by SS Wilson for Meridian Brick that may be relevant to the site plan for the East Quarry.

The Ministry will not be reviewing the licence and site plan in relation to the following matters raised in the application:

- Review the adequacy of natural heritage study or environmental assessment for the East Quarry used as a basis to grant the licence and approve the site plan;
- Determine if the East Quarry possibly contains significant woodland and significant valleylands and if additional study is required to delineate natural heritage features and assess the ecological functions of the land; and
- Dust impact assessments that may require updating and appropriate mitigation measures put in place given the proximity of the East Quarry to residences.

The site was first licenced under the "grandfathering" provisions of the former *Pits and Quarries Control Act* and later transitioned under the ARA (1990). Pre-existing "grandfathered" sites are not required to complete technical reports, studies or meet notification and consultation requirements. Licence issuance was however dependent upon compliance with relevant municipal by-laws at that time. Based on these provisions, the Ministry has concluded that the ARA did not require a natural heritage study or environmental assessment for this licence to be issued and site plan to be approved and as such will not be considered as part of this scoped review.

Delineation of natural heritage features such as significant woodlands or valleylands are identified by the municipality through an official planning process. As the extraction of aggregate is permitted by municipal zoning for the East Quarry, delineation of significant woodlands and valleylands are not matters to be considered in this scoped review.

The approved site plan specifies measures to mitigate potential dust impacts during East Quarry operations and therefore these matters also will not be considered in this scoped review. In addition, MOECC and MNRF has a well-established protocol to address environmental complaints such as dust. See Protocol at this link: <http://files.ontario.ca/environment-and-energy/aggregates/269665.pdf>

As per subsection 71(1) of the EBR, the Ministry will give you notice of the results of the review, within 30 days of the review's completion.

Please note that a decision to undertake a scoped review does not affect the licence holder's authority to operate the Aldershot Quarries in accordance with the licence and approved site plan, including site preparation activities.

In the event that you have questions regarding the above, or would like additional information about the EBR, please contact Jim Boothby, Senior Environmental Planning Analyst at (705) 755-5042 or Jim.Boothby@Ontario.ca.

Sincerely,

A handwritten signature in cursive script that reads "Sally Renwick".

Sally Renwick
Team Lead
Environmental Planning

c: Tyler Schulz, Office of the Environmental Commissioner of Ontario