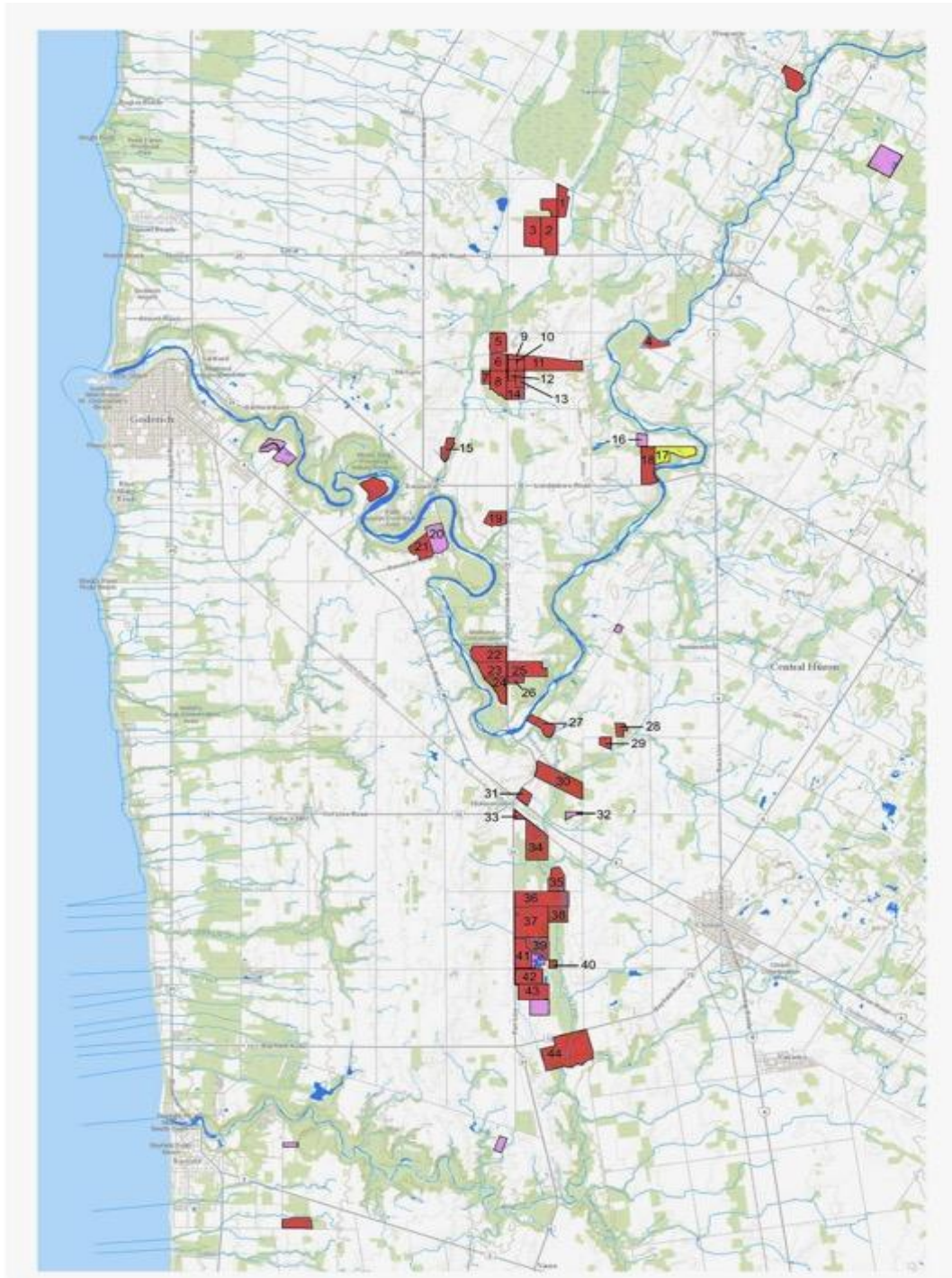


## No More Gravel Pits in the Maitland River Watershed!

This map shows 50 pits in a small section of the Maitland River watershed. Where are the studies that have measured the cumulative impact on the watershed? Production figures show a clear underproduction of licenced operations (see Appendix 1)



There is **no need for more pits**

## **DID YOU KNOW???**

### **Auditor General's report on Gravel Mining in Ontario, 2023 - summary highlights:**

"The most recent study of aggregate supply and demand indicates a significant oversupply"

"The MNRF (Ministry of Natural Resources and Forestry) is failing to adequately inspect aggregate operations"

"Violations are widespread in the aggregate industry"

"The MNRF is failing to enforce aggregate regulations"

"Industry self-reporting is failing"

"There is no guarantee of rehabilitation of pits and quarries"

"The MNRF's current program for managing aggregate resources is financially and environmentally unsustainable."

See Appendix 2 for the Reform Gravel Mining Coalition (RGMC) summary of the Auditor General's Report.

## **A local Story:**

## HISTORIC BALL'S BRIDGE AND THE LITTLE LAKES: A Big Treasure in Huron County

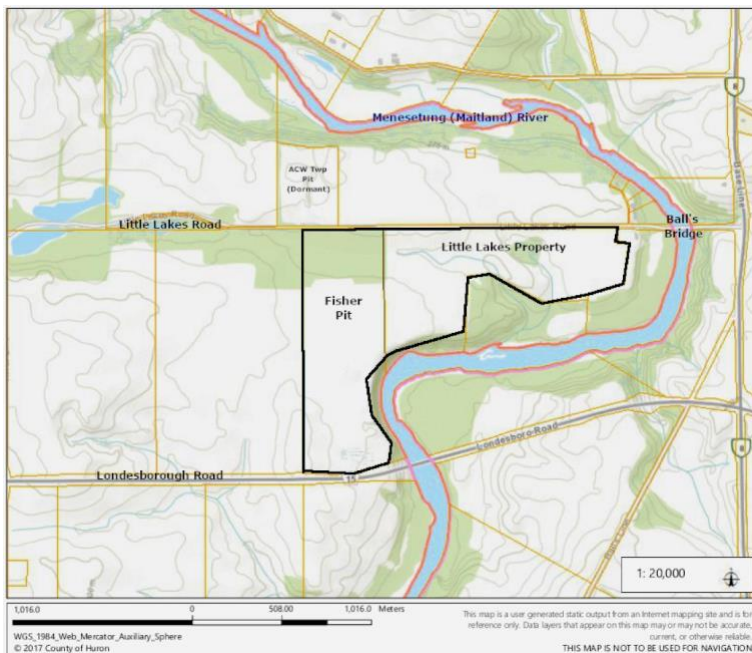
### A Place for All:

The Ball's Bridge and Little Lakes Road area is an environmental treasure offering year round recreation for the public in a unique ecosystem. It is a place people come to hike, swim, skate, cross country ski, fish, canoe and kayak, picnic, spend time with family, take photos, have weddings, and generally get away and unwind from the hustle and bustle of daily life.

For over a century and a half, it has been a favourite coveted spot for families and children in Huron County and beyond. It is breathtakingly beautiful and accessible to all. At its centre is the historic Ball's Bridge, a heritage site saved from demolition by citizens in 2005. At its flank are the three Little Lakes, home to much wildlife. Encircling the entire area is the Maitland (Menesetung) River. Joining all of these rare places in this ecologically sensitive area, is the Little Lakes Road.

### The Threat:

Although this area is ZONED AG1 and NE, it was long ago designated "secondary extractive", even though the entire area encircled by the river is an ecologically sensitive area within the loop of the River and directly beside a **Highly Vulnerable Area**.



Van Bree (Lobo) Sand and Gravel (1142059 Ontario Ltd) purchased a property (the Fisher Pit) as well as an adjoining property (the Little Lakes Property) on the south side of the Little Lakes Road. They are already mining the Fisher Pit. It is an area of about 100 acres. Extraction began in November 2020.

A Notice of Application was posted on April 27, 2021 to mine the Little Lakes property. V. B. Sand & Gravel referred to the combined properties in their publicity as “The Little Lakes Pit”. To enable V.B. Sand & Gravel to mine the Little Lakes Pit, the municipality (Ashfield-Colborne-Wawanash / ACW) would have to change the zoning on the Little Lakes property.



&

### ***If the license is approved:***

- V.B. Sand & Gravel will be extracting aggregates below the Maitland River water line. This will result in a large lake being left
- Machines and mills for processing the aggregate would produce significant noise and dust
- V.B. Sand & Gravel estimates that 100 trucks of gravel a day will be leaving the site for 30 years.
- The experience of the area and the historic Ball's Bridge will be irreplaceably altered by noise and dust that are dangerous and noxious to humans and wildlife

### **The Two Properties Combined to Create a Massive Gravel Pit:**

#### **The Fisher Pit:**

This gravel pit is about 100 acres and it was licensed in 1993. The property is designated Aggregate in the ACW Township's Official Plan (Appendix 8) and is Zoned Extractive in the Township's Zoning By-Law.

The current site plan (from 1993) does not permit extraction below the water line.

A submission by the Friends of Ball's Bridge & Little Lakes citizens' group was made to the ACW Official Plan Review on March 9, 2021, questioning the designation and zoning of the woodlot on the north end of the property as Extractive, when the woodlot adjacent to it is designated Natural Heritage. V.B. Sand & Gravel proposes clearcutting and excavating the southern half of the woodlot.

#### **The Little Lakes Property:**

The Little Lakes property is about 80 acres. It has never been licensed for gravel extraction and would have to have the zoning changed to be licensed.

The zoning is a mix of Agricultural and Natural Heritage.

The property is currently designated Extractive in the ACW Official Plan. A submission by the Friends of Ball's Bridge & Little Lakes (FOBBLL) incorporated citizens group was made on March 9, 2001, requesting a review of the outdated designation and change from Extractive to Agriculture.

### **Current Zoning and Land Use Designation:**

The area marked *extractive* is in an ecologically sensitive area within the loop of the River and directly beside a **Highly Vulnerable Area** on Little Lakes Road, west of the bridge on the north side of the River.

Zoning and designations for The River Loop are a confusing and often contradictory maze of Agriculture, Natural Heritage, Extractive, and Cultural Heritage, and including wetlands and a wildlife corridor.

The area falls under the jurisdiction of the Maitland Valley Conservation Authority

### **Irreparable Harm:**

#### **Environment and ecosystems:**

V.B. Sand & Gravel is going to destroy irreplaceable old growth woodland (the north section of Fisher Pit and piece of wetland in Little Lakes property - see map) This complex ecosystem of trees, plants, animals, bugs, birds, frogs, worms, fungus, all work together to sustain this habitat and enable it to flourish.

The idea that 'reforestation' replaces old growth woodland and habitat is unsupportable scientifically. These gravel pits will destroy the interconnected ecosystem of wetlands, river valley, and woodlands with a number of rare and endangered species.

If V.B. Sand & Gravel mines below the water table, drinking water quality, and water quality in the River itself could be deleteriously affected including river creatures such as fish, turtles, beavers, muskrat, and snakes.

The noise, dust and vibration pollution will drive away all existing species and inter-connected life forms, human and non human. Opportunities for recreational fishing will be destroyed as fish do not like noise.

The enjoyment of the historic Ball's Bridge will be severely eroded and will severely impact recreational tourism. Citizens fought hard to save this historic treasure from demolition – it is now a heritage site and a popular canoeing, fishing, wedding and tourist destination. The Maitland Trail hiking trail currently crosses through the threatened woodlot at the north end of the Fisher Pit. Dust carried by the prevailing winds to the bridge and river constitutes a health and safety threat to all human and non human creatures

### **THE CONSEQUENCES:**

The consequences are dire. Once destroyed, this rare and precious place will never recover. It cannot be restored. This is forever. We owe it to ourselves, our children and the future to save this green and generative place for generations of all living things.

#### **TIMELINE OF NOTICES AND IMPORTANT DATES:**

**August 2020** – Community first heard of Lobo Sand & Gravel's plans through neighbours and sent numerous letters to ACW Mayor and council

**March 9, 2021** – Submissions to ACW Official Plan Review

**April 25, 2021** - Notice of Application posted on the site

**May 25, 2021** – a virtual information session to provide details of proposal

**June 30, 2021** – FOBBLL public information session ahead of deadline for letters of objection sent to ARA Approvals and Esher Planning

**July 2021** – Objections to Lobo S&G re-zoning application sent to ACW Township

**July 21, 2021** – FOBBLL submissions to ACW Township public meeting

**May 2017, 2022** – ACW Council meeting deferral of vote on re-zoning application (with significant amendments and changes)

**June 21, 2022** – date for revised Application to be brought to ACW Township meeting

**June 9, 2022** – ACW Township receives a Notice of Appeal to the Ontario Land Tribunal (OLT) from V.B. Sand & Gravel Ltd

**September 22, 2022** – OLT Case Management Conference

**September 25, 2023** – OLT 10 day Hearing begins – Motion to adjourn accepted

**January 17- March 2024** – OLT Case Management Conference-(Appendix 3- Press Release)



# Appendix 1

## List of pits currently in Maitland Watershed

There are over 50 active and inactive pits on the Maitland/Menesetung River. Available data reveals that 44 of them consume 966.5 hectares (2,388.2735 acres) of land and are licenced to extract 5.8 million tonnes of gravel each year.

	name	licence #	max annual tonnage	Authorized Area (ha)
1	Johnston, E.S. Farms Limited	4476	120,000	15.9
2	Johnston Bros. (Bothwell) Limited	4775	300,000	38
3	Johnston Bros. Pit (Bothwell)	604242	250,000	46.2
4	Municipality of Central Huron	4624	20,000	12.7
5	Merner Aggregates Ltd	12168	100,000	20.93
6	Teeswater Aggregates Limited	4687	150,000	18
7	Lavis Contracting Co. Limited	618361	150,000	10.1
8	Lavis Contracting Co. Limited	4750	25,000	5
9	McCann Redi-Mix	625912	350,000	43.9
10	McCann Redi-Mix Inc.	4635	20,000	5
11	Lavis Contracting Co. Limited	4770	150,000	5.26
12	Lavis Contracting Co. Limited	4675	20,000	6
13	Lavis Contracting Co. Limited	618341	150,000	7.48
14	Lavis Contracting Co. Limited	4762	150,000	23.8
15	Bradley Vanstone	4598	20,000	12.3
16	The Township of ACW	4691	50,000	8
17	Proposed Lobo S&G Little Lakes Pit			
18	V.B. Sand & Gravel Ltd.	12195	100,000	32.9
19	McCann Redi-Mix	626055	350,000	18.7
20	Donald Crich	4637		24
21	Annie Vanden Heuval	4594	20,000	24.4
22	Lavis Contracting Co. Limited	626088	300,000	34.1
23	Lavis Contracting Co. Limited	4718	175,000	25.8
24	Jennison Construction Ltd	625165	300,000	22.2
25	Lavis Contracting Co. Limited	4468	400,000	36.3
26	Proposed Maaskant Pit			
27	Reid, C.E. & Sons (Hensall) Limited	4613	150,000	17.6
28	Lavis Contracting Co. Limited	4733	20,000	8.1
29	Phillip Dykstra	4732	20,000	6.5
30	Lavis Contracting Co. Limited	4626	20,000	47.5
31	Lavis Contracting Co. Limited	5232	20,000	9.5
32	Lavis Asphalt Plant	3547		
33	Lavis Contracting Co. Limited	4703	20,000	3.7
34	The Municipality of Bluewater	4683	25,000	46.6
35	McCann Redi-Mix	4629	200,000	22
36	Merner Aggregates Ltd	4602	250,000	53.95
37	Lavis Contracting Co. Limited	4645	500,000	67
38	Steven C. Cooke	4591	100,000	18.9
39	The Municipality of Central Huron	4573	80,000	18
40	Simon and Yolanda VanDriel	4665	50,000	4.05
41	Teeswater Aggregate Ltd	75056	200,000	29.15
42	Jennison Construction Ltd	4743	250,000	27.48
43	Lavis Contracting Co. Limited	4706	150,000	29.5
44	W.T. TRICK	4580	50,000	60
		All:	5,800,000 tonnes	966.5 ha (2,388.2735 acres)

**Coalition demands Ontario halt new gravel mining approvals  
to address crisis revealed by Auditor General**

(Toronto, Ontario) The Reform Gravel Mining Coalition (RGMC) is calling on the Ontario government to safeguard lives and the environment by introducing an immediate moratorium on new aggregate approvals, in order to implement the recommendations presented by the Auditor General in the Value-for-Money Audit of the Management of Aggregate Resources, published on December 6, 2023. In a statement, the coalition of impacted community groups said: “The Auditor General exposes an alarming truth: that the management of aggregate resources is in crisis, and the province is failing to protect the public from the negative impacts of gravel mining. The Ontario government must pull the emergency brake and halt new approvals until it can guarantee public safety by enforcing the Auditor General’s common sense proposals.”

The Auditor General concludes that the Ministry of Natural Resources and Forestry (MNRF) is “falling short” in its duty to “minimiz[e] the impacts of aggregate operations, particularly through its role in regulating the industry to ensure approval holders comply with all necessary requirements.” “Shockingly” low rates of inspection and enforcement demonstrate a pattern of regulatory failure that has enabled widespread violations in the aggregate industry to persist unchecked, said RGMC. For example, the Auditor found that three quarters of aggregate inspectors checked less than 5% of the operations in their district. Up to 64% of aggregate companies are violating regulations; however, inspectors referred less than 1% of non-compliant companies for an investigation that could lead to a charge.

In response to the audit’s findings, David Donnelly, the environmental lawyer who represents RGMC communities, said: “The aggregate industry has long claimed to be well-regulated; the Auditor General has disproved this long-standing claim—it simply isn’t true.” David Jeffery, President of Simcoe County Greenbelt Coalition and member of the RGMC Steering Committee, added: “The Auditor General reveals the true face of Ford’s open for business approach. The province has given the industry a free hand to operate as it pleases, leading to a ‘gravel rush’ that benefits big corporations at the expense of communities, municipalities and our quality of life in Ontario.”

The Auditor General confirms what many impacted communities report: that aggregate extraction can cause significant “negative impacts” to lives and the environment. The Auditor states that gravel mining can “alter or destroy woodlands, grasslands, wetlands or farmland”; “pose a risk to local groundwater resources”; and cause serious health impacts from air pollution and heavy truck traffic. Additionally, sand, stone and rock are non-renewable resources that provide important ecosystem services.



The Ontario government's failure to enforce aggregate regulations "jeopardizes the fundamental resources—water, food, and air—that sustain life in Ontario," said the Reform Gravel Mining Coalition. The Coalition characterized this risk as "entirely unnecessary," since existing aggregate reserves in the Greater Golden Horseshoe region are sufficient to meet demand for the foreseeable future, according to the Ministry's most recent supply and demand study cited by the Auditor General.

The Reform Gravel Mining Coalition called on municipalities to join the demand for reform by saying no to new gravel mining applications and passing resolutions demanding a provincial moratorium on new gravel mining approvals. "For too long, municipalities, First Nations, and taxpayers have borne the economic, social and environmental costs of gravel mining," the statement said. "The Auditor General's exposé of the crisis in aggregate management empowers local decision-makers and constituents across Ontario to say no to new pits and quarries in their communities."

**For further information please contact:**

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**Background:**

The Gravel Mining Reform Coalition (RGMC) brings together resident groups that defend lives and the environment from the devastating impacts of gravel mining in Ontario. RGMC supports the long-term goal of winning regulatory and legislative reforms that safeguard health, water, and nature, ensure community participation, and honour treaties and obligations with First Nations.

In January 2022, RGMC launched the Demand A Moratorium Now (DAMN) campaign to demand the province impose a moratorium on all new gravel mining approvals, with the aim of charting a more sustainable path forward for aggregate extraction. Since the launch of the campaign, 20 municipalities in Ontario—including those with the highest volume of aggregate extraction in the province within their borders, such as Caledon, Halton Hills and Milton—have also expressed support for a moratorium through municipal resolutions.

For more information on the DAMN Campaign and to see the full list of municipalities that support a moratorium, please visit: <https://www.reformgravelmining.ca/damn-campaign>.

## Appendix 3



**PRESS RELEASE  
FOR IMMEDIATE RELEASE  
March 18, 2024**

### **Historic OLT decision orders First Nations must be included in hearings on controversial gravel mine**

*Ruling challenges racist planning regulations and significantly delays Little Lakes pit*

Township of Ashfield-Colborne-Wawanosh — Friends of Ball's Bridge & Little Lakes ("FOBBLL") is pleased to announce the Ontario Land Tribunal ("OLT") has issued a decision to include First Nations in the ongoing hearing regarding a below the water table gravel mine proposed by the company Lobo Sand & Gravel ("Lobo") in the environmentally and culturally significant Little Lakes area of Huron County. The decision, issued on March 8, 2024, orders that three First Nations—Walpole Island First Nation, Aamjiwnaang First Nation and Oneida Nation—must be given notice of future meetings related to the OLT hearing on the proposed gravel mine that would impact their Traditional Territories.

The OLT ruling follows on the heels of a report by the Auditor General which reveals that the management of aggregate resources in Ontario is in crisis, and the province is failing to protect the public from the negative impacts of gravel mining. The ruling significantly delays a decision on the mine by ordering that the two applications submitted by Lobo—one for a rezoning from the Township, and another for a license from the Ministry of Natural Resources and Forestry ("MNRF")—must be consolidated into one hearing, and that the matter is adjourned until the MNRF application has been resolved.

The Tribunal's decision challenges current regulations under the Ontario Planning Act, which stipulate that a First Nation must receive notice of a new development proposal only if it is located within one kilometre of their Reserve. This deprives First Nations of notice regarding any proposed development that is within their Traditional Territory but is located more than one kilometre outside of the boundaries of their Reserve. The lawyer for Van Bree/Lobo argued First Nations should receive no notice of future hearings.

David Donnelly, legal counsel for FOBBLL, said: "This is a historic decision because it tacitly acknowledges that current regulations depriving First Nations of proper notice are illegal. It is time to retire Ontario's racist regulations under the Planning Act which unjustly limit First Nations consultation concerning development projects in their Traditional Territories."

Rebecca Garrett, president of FOBBLL, a non-profit environmental protection organization, added: "The decision to require these First Nations be given notice is a welcome step in the right direction. Now the Ontario government must amend relevant Planning Act regulations to guarantee that this right is protected for all First Nations."

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