

June 26, 2006

Mr. Tracy Smith  
Manager  
Aurora District Ministry of Natural Resources

AND

Mr. Steven Strong,  
Aggregate Technical Specialist  
Aurora District Ministry of Natural Resources

50 Bloomington Road West  
Aurora, ON  
L4G 3G8

By Fax: (905) 713-7361

AND

Nelson Aggregate Company  
P.O. Box 1070  
Burlington, ON  
L7R 4L8

**Re: EBR Registry Number: IB06E2040: Nelson Aggregate Company –  
Regional Municipality of Halton**

Dear Sirs,

I am writing on behalf of the Coalition on the Niagara Escarpment (CONE) in response to the notice about the application for a Category 2, Class A License by Nelson Aggregate Co. to excavate aggregate from a quarry expansion area of 82.3 hectares, located on Part Lots 17 & 18, Concession 2, N.D.S. in the City of Burlington, Regional Municipality of Halton. The 45-day notification period for this application under the *Aggregate Resources Act* was initiated May 17, 2006.

CONE strongly objects to this application for the reasons set out below.

In keeping with the positions of the Niagara Escarpment Commission, Regional Municipality of Halton and City of Burlington, we argue that a decision on this particular application is premature. The Joint Agency Review Team (JART) process, established to make more efficient use of the expertise of the agencies concerned with aggregate applications in the Regional Municipality of Halton, has not yet concluded. All of the relevant planning agencies require this process to reach completion before they can make appropriate land use decisions for the site. In addition, an aggregate license cannot be issued until a Niagara Escarpment Plan Amendment is approved and Development Permit from the Niagara Escarpment Commission is issued. While the approvals can be heard jointly through the Joint Board, this must not take place until such time as the JART process is complete and the results can be evaluated by the agencies, including the NEC before it takes a position on the Plan Amendment application. We are especially concerned that the request has been submitted for an Annual Tonnage Condition of “unlimited tonnes.” To our knowledge, no current aggregate license on the Niagara Escarpment has been issued without a tonnage condition. All parties will need time to review the implications not only for this project but for projects in the future if carte blanche to extract whatever tonnage the company wishes in any given year is to be approved.

CONE’s position is that the Ministry of Natural Resources should not deal with this application until all information necessary to complete the JART review has been submitted and evaluated; a final report has been prepared by JART; and positions have been taken by the City, Region, NEC and other public agencies on the respective planning applications.

Thank you for this opportunity to comment.

Sincerely,

Bradley Shaw  
Executive Director

cc:

Hon. David Ramsay, Minister of Natural Resources  
Hon. Laurel Broten, Minister of the Environment  
Gord Miller, Environmental Commissioner of Ontario  
Don Scott, Chair, and Members, Niagara Escarpment Commission