



LPAT Day 9 – June 4, 2019

Day 9 is done. CRC was well represented in the peanut gallery. Thanks to everyone who is coming – we have a great core of stalwarts and welcome intermittent visitors too. JDCL hasn't disappeared us the way he's trying to disappear the "Hidden" Quarry!

IMPORTANT HOUSEKEEPING UPDATES:

1. **Hearing times are 9:30 to 4:45** unless otherwise advised.
2. There is an hour for lunch at no specified time.
3. There will be **no Hearings on Fridays June 14 and 28.**
4. The **agenda for Tuesday** is at the end of this report.
5. [Sign in on our roster here.](#) **Note: This is a new link with the first two weeks of June listed.**
6. **BRING A CUSHION!**
7. **NEW!! Most participants will present their statements on Monday, June 17. Mark your calendars so you can come to support them.**

Session Content (This is not a detailed report – just a very simplistic record of activity because of the complexity of the issues, technical analyses and regulatory requirements. Any inaccuracies or opinions are Linda Sword's, not CRC's!!)

Mr. Scheifele continued to testify addressing the rehabilitation of the site which would be progressive, immediately following extraction in each Phase. Native trees, shrubs and plants would be planted on the periphery of the 'ponds' where earth and topsoil saved in the berms would be used to create a relatively gentle slope, with a final total reduction in tree coverage of just one acre. With the guidance of JDCL's lawyer, he then reviewed all the sign-offs from agencies and governments, before Halton Region lawyer, D. Koev, began to raise questions about his thoroughness. She first questioned his choice of 120 metre limit to research in adjacent lands (an ARA norm, he said), then his lack of written analysis of the land within the 120 metres in Halton Region (he had done a roadside assessment). She noted that the Provincial Policy Statement (essential regulations in re-zoning applications) and various other provincial guidelines provide for assessments up to 500 metres and more if there is a significant habitat or wetland complex. A detailed study of the Brydson Creek/Spring/fish habitat in Halton Region would have been appropriate. Mr. Scheifele had decided that since there would be no impacts, no study was required. C. Barnett began by providing the provincial regulatory framework which governs aggregate/re-zoning applications. Time and again Mr. Scheifele stated that he disagreed with maps, or guidelines, or criteria...adding that MNRF no longer had enough staff to do the work. When C. Barnett asked if the Tribunal should make a decision without regard for the existing rules, Mr. Scheifele denied having been so dismissive. Among the topics addressed by C. Barnett were: Mr. Scheifele's dependence on his 2012 study; his incomplete study of the Little Brown Bat habitat and presence (classified as "endangered" since 2012); and his lack of follow-up on studies completed since 2012 in hydro-g, for example – not assessing the potential new impacts from the increased drawdown north of the site (2.5 m. to 4.5 m).

At this point, JDCL's lawyer, D. White, asked to re-call Brian Sully, the air quality expert. Since Mr. Sully had discovered during his testimony (under questioning by C. Barnett) errors in his model, he had created a new model which he would like to present. C. Barnett objected strongly, referencing the rules of the process which require that all evidence be presented in advance, and on that evidence the case will be assessed. He did not say what we all thought – that with our help JDCL would keep correcting errors and adjusting plans throughout the Hearing. Six years was surely enough time for them to get things right. D. White offered, on the spot, a precedent for re-admitting a witness, a case from the Kawartha Lakes. Rather than rushing C Barnett and Chair Tousaw to a decision, this issue will be discussed and resolved tomorrow.

There was just time for JDCL water quality and fisheries expert, Dr. Christopher Wren, to begin his testimony. He was retained in December 2018. He stated that the water in the Brydson Creek (which was not named on any maps he had seen) was too cold for optimum growth of brook trout; that brook trout from Blue Springs Creek could jump up one of two weirs on Brydson Creek; that there were 1124 kilometers of cold water fish habitat within 20 kilometres of Brydson Creek; and that there were lots of brook trout in Ontario to the north of this region. Dr. Wren will continue to testify tomorrow.

What's on the agenda for tomorrow?

Dr. Wren will continue his testimony. The discussion and resolution of the issue relating to bringing back a witness who is changing his testimony will take place. If the Chair agrees to re-admit Mr. Sully, we will hear his testimony. If not, we may hear testimony from the JDCL expert on Ground Penetrating Radar (who was not able to testify as scheduled on Monday due to a back injury) or from Peter Stewart on Cultural Heritage.