

The Quarry Story

2019 May 26 for Smoke Signals

In the recent winter issue of Smoke Signals the Jack's Lake Association (JLA) shared details about an effort underway to establish a Quarry less than a thousand metres from cottage properties on the shores of Jack's Lake, near Redmond and Rathbun Bays. The current JLA Board is committed to taking strong action and has a concrete plan to oppose this Quarry. What follows is a summary of our research exploring the options to act in the best interests of our lake community and environment.

The JLA By-laws state the JLA's role is to:

"Monitor Jack's Lake waters and physical environment, take appropriate action when threats are observed or reported, and generally act as a responsible steward of these critical resources for the enjoyment of life at the lake."

What is the immediate threat?

The Prospector, a Mr. William Brown, has been granted an Exploration Permit issued by the Provincial government to commence exploration activities near Jack's Lake from a period as early as Oct 15, 2019-April 15,2020.

This means that this coming fall, on 5 separate Exploration Sites (4 sites near Redmond Bay and 1 site near Rathbun Bay) the Prospector is allowed to excavate 5 mini-quarries, each site 100 square metres (1,076.391 sq. ft.), each site roughly the size of a cottage footprint. Within these Exploration Sites he can conduct:

- o Mechanized Stripping (cutting of trees, removal of topsoil)
- o Pitting and trenching of bedrock up to 3 cubic metres (9x9x9ft)), in a 200 metre radius.
- o Utilizing heavy machinery, blasting

As of next Spring, April 2020, the Prospector can advance his Exploration Permit and apply for a Quarry Permit. This Prospector currently operates two Quarries, one is 3 acres in size in the township of North Kawartha and a second quarry is in Wollaston, Coe Hill.

Your JLA Board considers this undertaking to be a threat to Jack's Lake waters and our physical environment. The chances of finding limestone on the fringe of the Canadian Shield are highly likely and the Ontario government is under pressure to actively encourage the development of further Quarry operations in Ontario to produce limestone for use in road construction and other infrastructure projects.

Appropriate Action: Consult with Experts, Communicate with JLA Members and Hire a Wildlife Biologist

The JLA Board believes a proactive response, to stay ahead of the Prospector, is necessary in order to protect our lake and to increase the likelihood of successfully opposing a Quarry in the vicinity of Jack's Lake.

Members of the JLA Board consulted with experts (Environmental Lawyer, David Donnelly, a reputable Wildlife Biologist, Paul Heaven, a 35yr veteran MNRF Biologist, Steve Kerr and FOCA Executive Director, Terry Rees) and as a result the JLA Board approved the hiring of Mr. Heaven to conduct a Species at Risk Evaluation (SAR).

David Donnelly has advised us "you need this evaluation (SAR) as soon as possible, and certainly before a Quarry Licence Application is filed. I cannot think of a single advantage to waiting".

Conducting a Species at Risk Evaluation has the following advantages in opposing a Quarry:

- Hopefully the evaluation will provide evidence of Species at Risk of Extinction including Blanding's Turtles located in close proximity to the proposed Quarry sites thus demonstrating that the Jack's Lake environment needs protection; this ecosystem is too sensitive to allow a Quarry.
- The evaluation will be conducted entirely on Crown Land eliminating any private landowner issues.
- Environment Lawyer, David Donnelly, was successful in opposing development on Stoney Lake (Fraser Wetland) because of evidence of Blanding's Turtles and habitat (see accompanying article-OMB Decision Saves Blanding's Turtle Habitat).
- JLA Members' feedback to two e-blasts from the JLA (March 11th and 30th) was very supportive of the plan to hire a Wildlife Biologist by early April of this year.

Why the Urgency to Hire a Wildlife Biologist?

Wildlife Biologist, Paul Heaven, advised the JLA Board that an SAR Evaluation must be started by April 1st, 2019 in order to obtain optimal evidence of Species at Risk, in particular, the Blanding's Turtle. This evaluation is best conducted throughout early spring, spring, summer and fall. Species at Risk are very active at the beginning of April, which is the optimum time for success to gather evidence of their presence; this timeline was imposed by Mother Nature.

The SAR Evaluation and Report will then be submitted by early fall 2019 to all Ministries associated with the quarry application: Ministry of Natural Resources & Forestry (MNRF); Ministry of Northern Development & Mines (MNDM); Ministry of the Environment & Climate Change (MOECC) which is now re-named-Ministry of the Environment, Conservation, Parks (MOECP), with an accompanying letter detailing the JLA's concerns, in advance of the Prospector starting his exploration phase and prior to having the ability to apply for a quarry permit.

How can a Turtle or any other Species at Risk protect our lake from a Quarry ?

During the past 7 years a team of JLA Volunteers and Board members were involved in logging negotiations and their most successful strategy was the gathering of scientific evidence which was presented to the MOECC. As a result, the MOECC imposed a one year moratorium on the logging proposal while it considered this evidence. It then imposed increased setbacks, contrary to the proposal of the logging company (from 3 metres, to a 30 metre setback from the lake, and from 3 metres, to a 90 metre setback from all wetlands).

Our current JLA Board, in consultation with experts, are utilizing a similar approach... gathering scientific evidence and submitting it to relevant Provincial officials to demonstrate that the area is too fragile an ecosystem for a quarry.

How much will this cost?

The SAR Evaluation will provide the JLA with 190 hours of field work (investigation/observation) and an additional 40 hours of methodology, mapping, submission of a report to the relevant Provincial officials at a cost of \$14, 181.50 (including HST).

Members of the current JLA Board have personally funded the Retainer of \$2825.00, on April 2nd, to have this initiative successfully move forward within the required timeframe.

Why not "Wait and See" and let the Prospector be responsible for a Species at Risk Evaluation at a later date?

Our Wildlife Biologist has advised, "The Prospector will be required to hire a consulting firm to conduct this work and they either have the capacity to do the report in-house or sub-contract to an environmental consulting firm".

Mr. Heaven stated, "Simply, this means 3 things: 1) the proponent's interest is to evaluate as little as possible so as to underestimate the environmental values and relevance of the Species at Risk and the watershed to give the optics that quarrying in the area will have minimal negative impact 2) Their use of in-house or sub contracted firms to conduct their Natural Environment Report maximizes the chances the report will endorse their opportunity to quarry. 3) Upon the JLA reviewing the proponent's Report, in the next year or so, we then would have to either accept their Report, or hire our own Evaluator and a lawyer to challenge the veracity of their evidence (expensive, time-consuming, reactive)."

He further explained, "By providing as much information as possible early in the process by the JLA the proponent has the opportunity to move away from the proposal without significant loss. It is reasonable to assume that the further invested in the project the proponent becomes, the more committed they are to seeing the project through".

First Nations Support of the JLA Strategy - SAR Evaluation

Dr. Julie Kapyrka, Curve Lake First Nation (CLFN), Lands and Resources Consultation Liaison, has affirmed that the CLFN is supportive of the JLA's proactive strategy of conducting an SAR, starting in early April, to gather the right evidence. In conversation with Dr. Kapyrka she stated, "This is great to hear that you are going ahead with an SAR Evaluation, it would certainly help." The JLA Board will continue to work in harmony with the CLFN to oppose a Quarry near Jack's Lake.

Summary

The current JLA board is committed to being proactive in dealing with the Mining/Aggregate Industry as endorsed by feedback from our Members (see JLA comments in response to JLA e-blasts).

The JLA Board would be ineffective if we passively monitored the irreversible progress of a quarry development near the shores of our lake or depended upon others to respond, or relied upon the advice of the ministries (MNRF, MNDM) whose primary mandate it is to extract resources. Instead, we intend to rely upon the advice of experts who have years of experience in protecting the environment, working with various ministries and strategizing the best approach.

Costs for the SAR (Species at Risk Evaluation) will be covered by a combination of donations and fundraising activities ... a number of JLA members have already stepped forward and indicated a desire to assist.

We will continue to keep JLA members apprised with updates on our JLA Website, e-blasts and at the AGM on July 1st. Hope to see you there!

Respectfully,
JLA Board