

June 2, 2010

Our File No.: 06.3883

Via Email

Denis Kelly, Clerk
Regional Clerk's Office
Corporate Services Department
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Mr. Kelly:

Re: Proposed Regional Official Plan Amendment 3 – Town of Markham Urban Expansion

We are solicitors for Minotar Holdings Inc., Cor-lots Developments and Cherokee Holdings (“Minotar”), owner of lands located north of Major Mackenzie Drive between Kennedy Road and McCowan Road, in the Town of Markham.

By notice of May 13, 2010, we have been advised of the upcoming Statutory Public Meeting respecting the proposed Regional Official Plan Amendments (“ROPA”) 1, 2 and 3. Minotar continues to object to ROPA 3, regarding an urban area expansion in the Town of Markham to accommodate projected growth to 2031, as currently presented. By way of letter dated March 1, 2010, attached hereto, we articulated our clients’ concerns in this regard, as the proposed boundary bisects our clients’ lands and will result in an orphaned remnant parcel outside the expanded boundary. We reiterated these concerns directly in our meeting with Regional Staff on April 6, 2010, as is reflected in the public record of the Submission Analysis, also attached hereto.

We also wish to reiterate our clients’ concerns respecting the accuracy of aerial imagery used to map features in the Region’s new Official Plan, as continued in ROPA 3. As you know, Minotar retained Natural Resources Solutions Inc. (“NRSI”) to undertake a detailed, site level review of its lands. Upon review of the schedules attached to the proposed ROPA 3, we note that swaths of designated woodlands not previously apparent on the maps to the new regional Official Plan are shown on both sides of the agricultural drainage ditch travelling north-west through the western Minotar lands.

Lastly, we note that Figures 2-5 of ROPA 3 (excerpts from Maps 2-5 to the Region’s Official Plan) use colour tones which are difficult to construe. It would appear that Minotar’s lands are shown to be within the Greenbelt Protected Countryside, with all Greenbelt lands also within the Region’s Natural Heritage System. If this is indeed the intention, Minotar objects to the inclusion of the entirety of its Greenbelt lands within the Region’s Natural Heritage System, as such is not supported by the detailed site level analysis conducted by NRSI.

We will be in attendance at the June 16, 2010 Statutory Public Meeting to again state our clients' concerns respecting the proposed urban expansion through ROPA 3, as well as the mapping thereto.

Yours very truly,

GOODMANS LLP

Per:

A handwritten signature in dark ink, appearing to be 'C. Lyons', written over a horizontal line.

Catherine Lyons

cc: Minotar Holdings Inc.

March 1, 2010

Our File No.: 06.3883

Via Email

Denis Kelly, Clerk
Regional Clerk's Office
Corporate Services Department
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Chair Young and Members of the Planning and Economic Development Committee:

**Re: Region of York Planning and Economic Development Committee, March 3, 2010
Item D.3: Preliminary Urban Expansion Areas in the Town of East Gwillimbury, City of
Vaughan and Town of Markham**

We are solicitors for Minotar Holdings Inc., the owner of land located north of Major MacKenzie, in the Town of Markham between Kennedy Road and McCowan Road.

We have reviewed the report of the Commissioner of Planning and Development respecting Preliminary Urban Expansion Areas. We wish to advise the Committee that our client does not support the boundary of the preliminary urban expansion area illustrated on Figure 3 respecting the Town of Markham. Between Major MacKenzie Drive to the south and Elgin Mills Road to the north, the easterly boundary of the proposed urban area bisects our client's lands. This boundary location will result in the creation of isolated neighbourhoods which will be difficult to access and service. The proposed delineation of the urban boundary also results in parcels being orphaned outside of the urban boundary with no logical connection to the agricultural area and no land use connection to the urban area.

We ask for the opportunity to be consulted before the boundary is finalized.

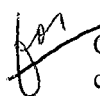
We will be in attendance at the March 3, 2010 Committee Meeting when this matter is considered.

Yours very truly,

GOODMANS LLP

Per:



 Catherine Lyons
cc: Minotar Holdings Inc.

\5820374

April 26, 2010

Submission Number	Date of Submission:	Submission Author:
D05.2009.1.159	February 10, 2010	Goodmans LLP (on behalf of Minotar Holdings Inc)
D05.2009.1.163	March 1, 2010	Goodmans LLP (on behalf of Minotar Holdings Inc, Corlots Development and Cherokee Holdings Inc)
D05.2009.1.177	April 16, 2010	

Comments or Requested Change to Draft Official Plan	Analysis and Recommendation
Property: Approximately 210 acres of land between Kennedy Road and McCowen Road, north of Major Mackenzie Drive; Markham. <u>Woodlands</u> The work of Minotar's natural heritage consultant, Natural Resources Solutions Inc (NRSI), as attached to our October 6, 2009 letter, supports certain further adjustments to OP Map 5. Please confirm that these adjustments may be made in future on the basis of the site level study that has been undertaken by NRSI without an Official Plan Amendment being required.	That is correct. Policy 2.2.41 states: That site specific studies can be used to determine or verify the significance of <i>woodlands</i>. An amendment to this Plan shall not be required if a site specific study determines that a <i>woodland</i> does not meet any of the criteria identified in policy 2.2.39 of this Plan.
<u>Key Hydrologic Features</u> The adopted OP Key Hydrologic Features Map (Map 4) indicates that a portion of a wetland is located on the Lands and that the Lands are traversed by a permanent or intermittent stream. As you know, a provincially significant wetland (PSW) has been delineated by the Ministry of Natural Resources (MNR) on the Lands, but detailed site level analysis of the Lands by NRSI has illustrated that the MNR wetland boundaries are inaccurate. As noted in our October 6, 2009 correspondence, we understand that, should the MNR and/or Conservation Authority revise the mapping of the PSW based on the more accurate and current information obtained by	That is correct. Policy 2.2.37 states: That boundary refinements or reclassification of existing evaluated <i>wetlands</i> by the Province will not require an amendment to Map 4 of this Plan. Where new evaluated <i>wetlands</i> are identified by the Province, the Region will periodically amend this Plan to include updated information.

the owner, an amendment to the Regional Plan would not be required to address the revised boundary.

With respect to stream delineation remaining on Map 4, we request confirmation from Regional staff that the nature and bounds of the “stream” may be adjusted to reflect site level analysis without the requirement for an Official Plan Amendment.

Policy 2.2.1 includes streams as a key natural hydrologic feature.

That is correct. Policy 2.2.23 states:

That minor refinements to the extent or presence of key *natural heritage features* and key *natural hydrologic features* resulting from site specific studies conducted in accordance with the requirements in the Oak Ridges Moraine Conservation Plan, the Greenbelt Plan, the Lake Simcoe Protection Plan and updated information from the Province or the appropriate conservation authority, will not require an amendment to this Plan.

However, where there is a boundary refinement to a *wetland, Life Science Area of Natural and Scientific Interest*, or significant habitat of endangered, or threatened species, confirmation will be required from the Province prior to any *development* or *site alteration* occurring in these areas. In regard to minor changes to *Environmentally Significant Areas*, approval will be required by the appropriate conservation authority.

Potential Urban Expansion

The adopted OP Regional Structure Map (Map 1) as recommended for Council adoption contained conceptual pink stars that illustrated potential urban expansion areas in Vaughan, Richmond Hill, Newmarket and Markham, including one in the vicinity of the Minotar Lands. Due to a modification made by Council Resolution, Map 1 as adopted did not contain the Potential Urban Expansions in the Town of Markham.

This modification did not reflect staff's findings and the results of the exhaustive plan review process. Further to our

A report was received by Regional Council at it's meeting of March 25, 2010 (Clause 3 of Report 2 of the Regional Planning and Economic Development Committee (PEDC)) which identified preliminary urban expansion areas in the Town of East Gwillimbury, City of Vaughan and Town of Markham. Regional Council adopted the recommendations of the report, but deferred the introduction of the urban expansion amendments (ROPA's 1, 2 and 3) until the PEDC of May 5, 2010. This deferral also delays the Statutory Public meetings on the Amendments until the PEDC meeting of June 16, 2010.

discussion, we understand that it is intended that a future Regional Official Plan Amendment will deal with the question of urban expansion areas in detail. Through this process, we expect that Regional staff will support their prior finding that the vicinity of the Minotar Lands is an area suitable for future growth. We look forward to participating in that planning process; however, if the timing of the Region's proposed OPA addressing growth in this area does not coincide with the approval of the OP currently before the Province, our client may have no choice but to file an appeal.

We have reviewed the report of the Commissioner of Planning and Development respecting Preliminary Urban Expansion Areas. We wish to advise the Committee that our client does not support the boundary of the preliminary urban expansion area illustrated on Figure 3 respecting the Town of Markham. Between Major Mackenzie Drive to the south and Elgin Mills Road to the north, the easterly boundary of the proposed urban area bisects our client's lands. This boundary location will result in the creation of isolated neighbourhoods which will be difficult to access and service. The proposed delineation of the urban boundary also results in parcels being orphaned outside of the urban boundary with no logical connection to the agricultural area and no land use connection to the urban area.

We ask for the opportunity to be consulted before the boundary is finalized.

As you know, we are solicitors for Minotar Holdings Inc., Cor-lots Developments and Cherokee Holdings, owners of land located north of Major Mackenzie, in the Town of Markham between Kennedy Road and McCowan Road.

The boundaries for the preliminary urban expansion areas were created to fall along natural boundaries, such as existing roads or undevelopable land uses.

The boundary for the preliminary urban expansion area in Markham, while it does bisect the subject property, includes developable land of the subject property and coincides with the Markham staff recommendations in their Growth Management work. The remaining portion of the subject property, which would fall outside the urban boundary, is protected by the Greenbelt. Regional staff is of the opinion that this is a logical line for the boundary to occur.

A meeting was held on April 6, 2010 between Regional Staff and the submitter.

With respect to key natural heritage features and key hydrologic features on the mapping policies 2.2.4, 2.2.37, and 2.2.41 apply. Policy 2.2.4 precludes development and site alteration within features and adjacent lands unless requisite studies determine there is no negative impact on features or

Thank you for your time and consideration at our meeting on April 6, 2010. At that meeting, we discussed a possible new Policy to be added to the Regional Official Plan ("ROP") respecting key natural heritage features and key hydrologic features. This new Policy, it was suggested, would be similar to that which already exists at Policy 2.2.41 respecting woodlands, and so would make provision for adjustment to the ROP mapping without a ROP amendment in those instances where site specific study determines that the key natural heritage feature and/or key hydrologic feature is not present, or is present to a lesser extent than is shown on Plan mapping.

We have considered this further, and believe that such a Policy would be a useful addition. Accordingly, we propose the following draft language for a new Policy, following Policy 2.2.3:

Key Natural Heritage Features and Key Hydrologic Features

2.2... That site specific studies can be used to determine or verify the significance of key natural heritage features and key hydrologic features. An amendment to this Plan shall not be required if a site specific study determines that a key natural heritage feature or key hydrologic feature is not present, or is present to a lesser extent.

We would be pleased to discuss this matter with you further.

functions. Through this process, features are field-truthed and studied in detail. Policies 2.2.37 and 2.2.41 provide specific exceptions from mapping modification requirements for wetlands and woodlands.

In addition to those policies, the following policy in the implementation section of the ROP applies.

Policy 8.4.3 states:

That the boundaries and facilities identified on Maps 1 to 12 are intended to indicate the general location. Exact boundaries shall be defined in local official plans and zoning by-laws, except in the following cases:

- a. the boundary of the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan. In this case, the boundary may only be clarified through reference to the applicable Provincial Regulations; and,
- b. the boundaries of the Urban Area identified on Map 1, are fixed where they are identified by a municipal street, rail line, parcel fabric as it exists on the day of adoption of this Plan, lot and/or concession blocks, or, other clearly identifiable physical features.

Received February 10, 2010

D05.2009.1.159

Barristers & Solicitors

Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.4183
clyons@goodmans.ca

Goodmans^{LLP}

February 10, 2010

Our File No.: 06.3883

By E-Mail – Regular Mail

John Waller, Director, Long Range and Strategic Planning
York Region Planning Department
York Region Administration Building
17250 Yonge Street, 4th Floor
Newmarket, ON L3Y 6Z1

Dear John:

Re: Region of York Adopted Official Plan, being considered by MMAH

As you know, we are solicitors for Minotar Holdings Inc., owners of approximately 210 acres of land between Kennedy Road and McCowen Road, north of Major McKenzie Drive, in Markham (the "Lands"). As you also know through our discussions on this matter, our clients have certain concerns respecting the Region of York's Adopted Official Plan (the "OP"), which we understand is now before the Province. In the context of the Region's discussions with the Province respecting potential modifications to the Plan, we wish to raise the following matters on behalf of our client (some of which we also addressed in our October 6, 2009 letter, a copy of which is attached hereto). We suggest that these concerns could be appropriately dealt with through modifications of the OP which is currently before the Province.

Woodlands

We appreciate staff's efforts in refining the *significant woodlands* definition, and in particular the Woodlands mapping respecting the Minotar lands, in the adopted OP. The work of Minotar's natural heritage consultant, Natural Resources Solutions Inc. ("NRSI"), as attached to our October 6, 2009 letter, supports certain further adjustments to OP Map 5. Please confirm that these adjustments may be made in future on the basis of the site level study that has been undertaken by NRSI without an Official Plan Amendment being required.

Key Hydrologic Features

The adopted OP Key Hydrologic Features Map (Map 4) indicates that a portion of a wetland is located on the Lands and that the Lands are traversed by a permanent or intermittent stream. As you know, a provincially significant wetland (PSW) has been delineated by the Ministry of Natural Resources (MNR) on the Lands, but detailed site level analysis of the Lands by NRSI has illustrated that the MNR wetland boundaries are inaccurate. As noted in our October 6, 2009 correspondence,

we understand that, should the Ministry of Natural Resources and/or Conservation Authority revise the mapping of the PSW based on the more accurate and current information obtained by the owner, an amendment to the Regional Plan would not be required to address the revised boundary.

With respect to stream delineation remaining on Map 4, we request confirmation from Regional staff that the nature and bounds of the "stream" may be adjusted to reflect site level analysis without the requirement for an Official Plan Amendment.

Potential Urban Expansions

The adopted OP Regional Structure Map (Map 1) as recommended for Council adoption contained conceptual pink stars that illustrated potential urban expansion areas in Vaughan, Richmond Hill, Newmarket and Markham, including one in the vicinity of the Minotar Lands. Due to a modification made by Council Resolution, Map 1 as adopted did not contain the Potential Urban Expansions in the Town of Markham.

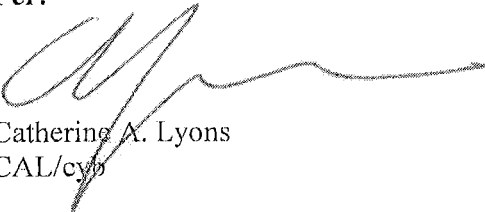
This modification did not reflect staff's findings and the results of the exhaustive plan review process. Further to our discussion, we understand that it is intended that a future Regional Official Plan Amendment will deal with the question of urban expansion areas in detail. Through this process, we expect that Regional staff will support their prior finding that the vicinity of the Minotar Lands is an area suitable for future growth. We look forward to participating in that planning process; however, if the timing of the Region's proposed OPA addressing growth in this area does not coincide with the approval of the OP currently before the Province, our client may have no choice but to file an appeal.

We would be pleased to discuss these matters with Regional and/or Provincial staff further, and will make ourselves available to meet at staff's convenience.

Yours very truly,

GOODMANS LLP

Per:



Catherine A. Lyons
CAL/cyb

c.c. Client
Paul Bottomley

October 6, 2009

Our File No.: 06.3883

By E-Mail – Regular Mail

Chair and Members of Regional Council
Region of York
York Region Administration Building
17250 Yonge Street, 4th Floor
Newmarket, ON L3Y 6Z1

Attention: Denis Kelly, Regional Clerk

Dear Mr. Kelly:

Re: Region of York Draft Official Plan

We are solicitors for Minotar Holdings Inc. owners of approximately 210 acres of land between Kennedy Road and McCowen Road, north of Major McKenzie Drive, in Markham (the "Lands"). An air photo of the Minotar Lands is attached at Schedule A.

The Lands are primarily comprised of tablelands used for agricultural purposes, with natural heritage elements related to the Robinson Creek. A portion of the Lands are within the Greenbelt.

On Minotar's behalf, we reviewed the Region of York Draft Official Plan (the "Draft OP") with particular attention to the mapping and policies related to natural heritage matters. We have received expert advice in this exercise through Minotar's natural heritage consultants, Natural Resources Solutions Inc. ("NRSI"). A detailed, site level review of the Lands has been undertaken by NRSI using the Ecological Land Classification model. A map which demonstrates the outcome of this analysis is attached as Schedule B.

Significant Woodlands

"Significant Woodlands" are identified on Draft OP Map 5. Based on detailed site level analysis, it is evident that there are at least four areas on the Minotar Lands which have been designated as "Significant Woodland" where no feature exists. Accordingly, we hereby request that the Map 5 of the Draft OP be corrected to reflect the more accurate information shown in Schedule B.

Key Hydrologic Features

Key Hydrologic Features are shown on Draft OP May 4. This map identifies a "Wetland" and a "Waterbody" on the Lands.

A provincially significant wetland (PSW) has been delineated by the Ministry of Natural Resources (MNR) on the Lands. We note that on the basis of the detailed site level analysis of the Lands by NRSI, the MNR Wetland boundaries are inaccurate. Please confirm that should the Ministry of Natural Resources and/or Conservation Authority revise the mapping of the PSW based on the more accurate and current information obtained by the owner, that an amendment to the Regional Plan would not be required to address the revised boundary.

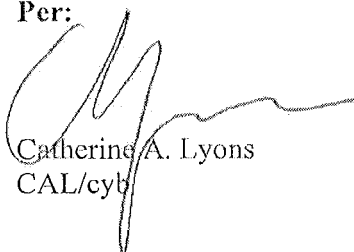
With respect to the "Waterbody" identified in the Region's draft OP, on a number of maps including Draft OP Map 4, we note that the correct feature identification should be "Watercourse". Accordingly we hereby request that the Draft OP be corrected to accurately show the Watercourse and not a Waterbody.

We note that the Town of Markham staff has been provided with the results of the natural heritage analysis of the lands as shown on Schedule B to this letter. Markham staff has advised it will update its mapping as appropriate.

It is critical that the errors noted above in the draft Official Plan be corrected prior to adoption of the plan. We look forward to receiving corrected maps for our review.

Yours very truly,
GOODMANS LLP

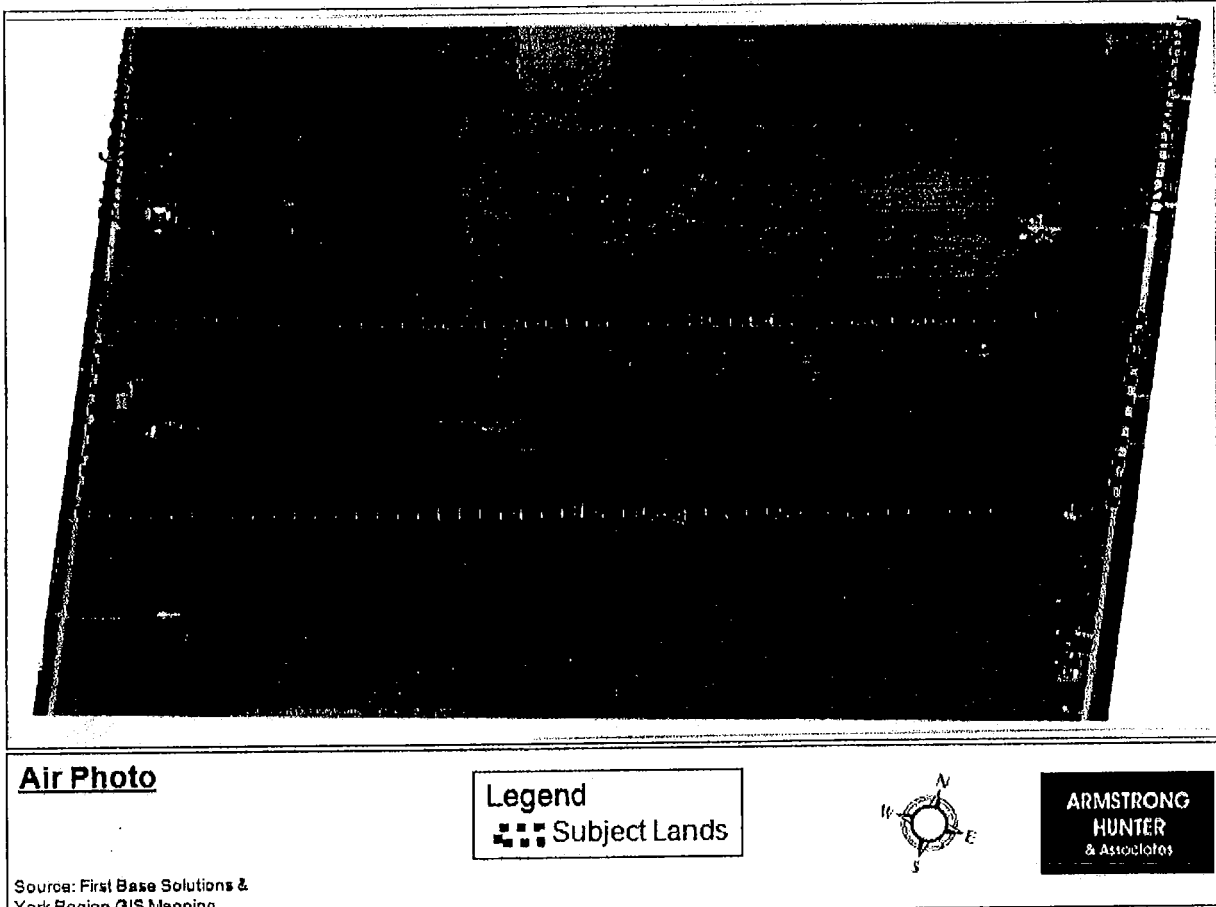
Per:



Catherine A. Lyons
CAL/cyb

c.c. Jim Baird
Paul Bottomley

Schedule A: Air Photo



Schedule B: Site Level Analysis

Minotar Natural Heritage Characterization **Ecological Land Classification**

Legend

Subject Property

Ecological Land Classification

(CLM1) Mineral Cultural Meadow Ecosite

(CLM2) Mineral Cultural Savannah Ecosite

(CLM3) Mineral Cultural Woodlot

(FOD1-1) Dry Fresh Ash Deciduous Forest Type

(FOD1-2) Dry Fresh Maple Deciduous Forest Type

(FOD1-3) Dry Fresh Sugar Maple-Deciduous Forest Type

(FOD1-4) Dry Fresh Sugar Maple-White Elm Forest

(FOD1-5) Fresh Moist Sugar Maple-White Elm Deciduous Forest Type

(FOD1-6) Fresh Moist Lowland Deciduous Forest Ecosite

(FOD1-7) Fresh Moist Lowland Deciduous Forest Type

(FOD1-8) Fresh Moist Willow Lowland Deciduous Forest Type

(FOD1-9) Fresh Moist Poplar Deciduous Forest Ecosite

(FOD1-10) Fresh Moist Cedar-Hardwood Mixed Forest Ecosite

(F1) Spruce Hedges

(MAN1-1) Forominal Meadow Marsh Type

(MAN1-2) Reed Canary Grass Mineral Meadow Marsh Type

(MAN1-3) Cattail Mineral Shallow Marsh Type

(MAN1-4) Cattail Organic Shallow Marsh Type

(SHC1-1) White Cedar Mineral Coniferous Swamp Type

(SHC1-2) Organic Mineral Deciduous Swamp (Blue Beech)

(SHC1-3) Ash Mineral Deciduous Swamp Ecosite

(SHC1-4) White Birch-Poplar Mineral Deciduous Swamp Type

(SHC1-5) Yellow Birch Mineral Deciduous Swamp

(SHC1-6) Black Ash Organic Deciduous Swamp Type

(SHC1-7) Yellow Birch Organic Deciduous Swamp Type

(SHC1-8) White Cedar-Hardwood Mineral Mixed Swamp Type

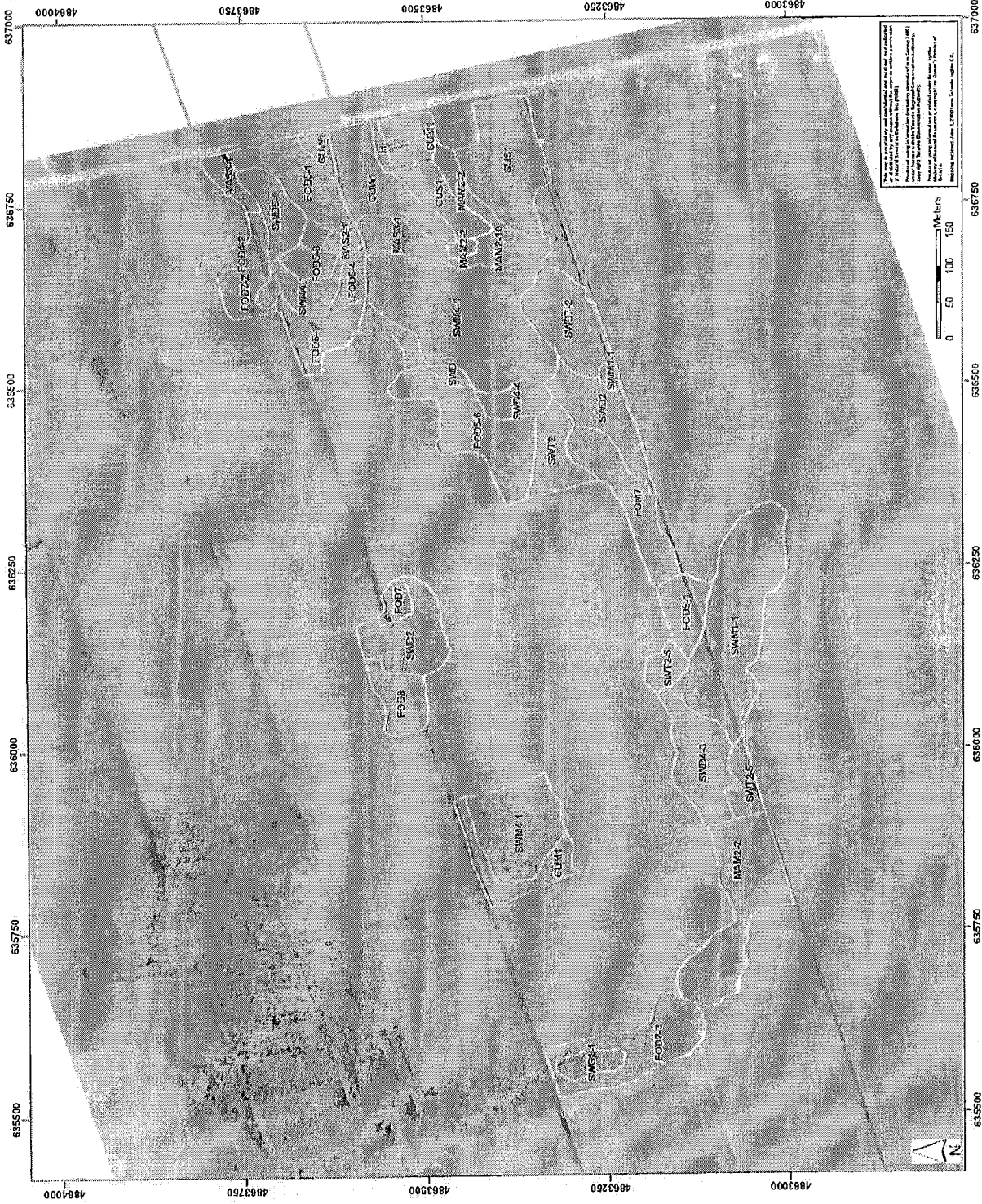
(SHC1-9) White Cedar-Hardwood Organic Mixed Swamp

(SHC1-10) Mineral Thicket Swamp Ecosite (Bulldozer)

(SHC1-11) Pale Cedar Mineral Thicket Swamp Type

NAD83 - UTM Zone 17
Scale: 1:5,000 (11x17")
Aerphoto: 2006

NATURAL RESOURCE SOLUTIONS INC.
Aerial, Topographic and Hydrologic Engineering



This map is a product of a project funded by the Ontario Ministry of Natural Resources and Forestry. It is not to be used for any other purpose without the written consent of the Ministry. The Ministry assumes no liability for any errors or omissions in this map. The Ministry is not responsible for any damage or loss resulting from the use of this map. The Ministry is not responsible for any damage or loss resulting from the use of this map. The Ministry is not responsible for any damage or loss resulting from the use of this map.

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Received March 1, 2010

D05.2009.1.163

Goodmans^{LLP}

Barristers & Solicitors

Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.4183
clyons@goodmans.ca

March 1, 2010

Our File No.: 06.3883

Via Email

Denis Kelly, Clerk
Regional Clerk's Office
Corporate Services Department
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Chair Young and Members of the Planning and Economic Development Committee:

**Re: Region of York Planning and Economic Development Committee, March 3, 2010
Item D.3: Preliminary Urban Expansion Areas in the Town of East Gwillimbury, City of
Vaughan and Town of Markham**

We are solicitors for Minotar Holdings Inc., the owner of land located north of Major MacKenzie, in the Town of Markham between Kennedy Road and McCowan Road.

We have reviewed the report of the Commissioner of Planning and Development respecting Preliminary Urban Expansion Areas. We wish to advise the Committee that our client does not support the boundary of the preliminary urban expansion area illustrated on Figure 3 respecting the Town of Markham. Between Major MacKenzie Drive to the south and Elgin Mills Road to the north, the easterly boundary of the proposed urban area bisects our client's lands. This boundary location will result in the creation of isolated neighbourhoods which will be difficult to access and service. The proposed delineation of the urban boundary also results in parcels being orphaned outside of the urban boundary with no logical connection to the agricultural area and no land use connection to the urban area.

We ask for the opportunity to be consulted before the boundary is finalized.

We will be in attendance at the March 3, 2010 Committee Meeting when this matter is considered.

Yours very truly,

GOODMANS LLP

Per:



 Catherine Lyons

cc: Minotar Holdings Inc.

\5820374

Received April 16, 2010

Goodmans LLP

D05.2009.1.177

Bar ~~risters & Solicitors~~

Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.4183
clyons@goodmans.ca

April 16, 2010

Our File No.: 06.3883

Via Email

Barbara Jeffrey
Manager, Land Use Policy and Environment
Long Range & Strategic Planning
The Regional Municipality of York
17250 Yonge Street, 4th Floor
Newmarket, ON L3Y 6Z1

Dear Barbara:

**Re: Region of York New Official Plan
Proposed New Policy Language**

As you know, we are solicitors for Minotar Holdings Inc., Cor-lots Developments and Cherokee Holdings, owners of land located north of Major Mackenzie, in the Town of Markham between Kennedy Road and McCowan Road.

Thank you for your time and consideration at our meeting on April 6, 2010. At that meeting, we discussed a possible new Policy to be added to the Regional Official Plan ("ROP") respecting key natural heritage features and key hydrologic features. This new Policy, it was suggested, would be similar to that which already exists at Policy 2.2.41 respecting woodlands, and so would make provision for adjustment to the ROP mapping without a ROP amendment in those instances where site specific study determines that the key natural heritage feature and/or key hydrologic feature is not present, or is present to a lesser extent than is shown on Plan mapping.

We have considered this further, and believe that such a Policy would be a useful addition. Accordingly, we propose the following draft language for a new Policy, following Policy 2.2.3:

Key Natural Heritage Features and Key Hydrologic Features

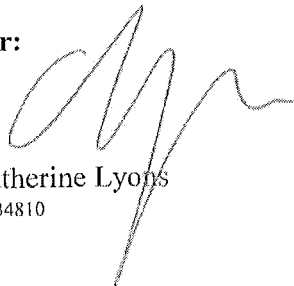
- 2.2.●. That site specific studies can be used to determine or verify the significance of *key natural heritage features* and *key hydrologic features*. An amendment to this Plan shall not be required if a site specific study determines that a *key natural heritage feature* or *key hydrologic feature* is not present, or is present to a lesser extent.

We would be pleased to discuss this matter with you further.

Yours very truly,

GOODMANS LLP

Per:

A handwritten signature in dark ink, appearing to be 'Catherine Lyons', written over the printed name.

Catherine Lyons
5834810