



**Ministry of the
Environment,
Conservation and
Parks**

Form: Application for Investigation
Part V, *Environmental Bill of Rights*, 1993

Disclaimer: This form is not, and should not be construed as, legal advice. Please refer to the applicable statutes and regulations for the exact legal requirements.

1(a) Applicant Number One

Name: Lydia K. Dvernichuk

Address: 13915 Telephone Rd Colborne On K0K 1S0

Telephone: 905-373-6751

Email address: lydia@gbuw.ca

Declaration:

I, Lydia K. Dvernichuk, am an Ontario resident and have been since 1957, and I believe that the facts alleged in this Application are true.

AFFIRMED by Lydia K. Dvernichuk of the
County of Northumberland before me at the
County of Northumberland, in the Province of
Ontario on February 13, 2026:

A handwritten signature in black ink, appearing to read "M. Philip Tunley", written over a horizontal line.

M. Philip Tunley,
Commissioner for Taking Affidavits.

A handwritten signature in black ink, appearing to read "Lydia K. Dvernichuk", written over a horizontal line.

Lydia K. Dvernichuk

1(b) Applicant Number Two

Name: Stephen Young

Address: 140 Deacon Road, Colborne, ON K0K 1S0

Telephone: 905-375-3372

Email address: huntleyacres@gmail.com

Declaration:

I, Stephen Young, am an Ontario resident and have been since 1958, and I believe that the facts alleged in this Application are true.

AFFIRMED by Steven Young of the County of Northumberland before me at the County of Northumberland, in the Province of Ontario on February *, 2026:



M. Philip Tunley,
Commissioner for Taking Affidavits.



Stephen Young

1(c) Corporate Applicant

Name of Corporation: Cramahe Resident Advocacy Association

Name and Position of Corporate Officer: Lydia K. Dvernichuk, Founding Director and Chair, Board of Directors

Address: 71 Dundas Street West, Quinte West, ONTARIO, K8V 3P4

Telephone: 905-373-6751

Email address: chair@thecraa.ca

Declaration of Incorporation in Ontario:

Cramahe Resident Advocacy Association is a Not-for-Profit Corporation, carrying on business with its head office in Ontario, established by articles of incorporation under the *Not-for-Profit Corporations Act, 2010* (Ontario) on February 4, 2025 as Ontario Company Number 1001136873.



Lydia K. Dvernichuk, Board Chair
Cramahe Resident Advocacy Association

2. Alleged Contravener(s)

Name and address of each person(s) or corporation(s) alleged to have been involved in the commission of the contravention:

1. Fidelity Property Group Inc (the "**Owner**") and
2. 2084059 Ontario Inc. ("**Prior Owner**")

No current address is known for the Prior Owner, but the following is the address for the Owner:

512 Purdy Rd.
Colborne, ONTARIO, K0K 1S0
Business Telephone (905) 373-2009

3(a) Alleged Contraventions

The Applicants are concerned that the Owner and Prior Owner have breached the following statutes, regulations and legal instruments in their operation of a gravel pit which they have operated between 2009 and to date, and which the Owner continues to operate, at Lot 20, Concession 3, in the Township of Cramahe in Northumberland County, Ontario (the “**Property**”), pursuant to a permit and site plan issued by the Ministry of Natural Resources under the *Aggregate Resources Act*, R.S.O. 1990 c. A.8 (the “**ARA**”):

1. The *ARA*, including sections 20(1) and 48(1);
2. The *Provincial Policy Statement*, 2024 issued under s. 3 of the *Planning Act*, R.S.O. 1990. c. P.13 and approved by the Lieutenant Governor in Council No. 1099/2024 (the “**PPS**”);
3. O.Reg. 244/97 (*General*) made under the *ARA*, including sections related to aggregate extraction “below the water table”;
4. Licenses #624970 and #3066 under the *ARA*, and any related permits and site plans as amended during the relevant period; and
5. O. Reg. 406/19 (*On-Site and Excess Soil Management*) made under the *Environmental Protection Act*, R.S.O. 1990, c. E.19 (the “**EPA**”), which sets out the rules for filing notices for the management and movement of excess construction soil.

3.(b) Statement of the Nature of the Alleged Contravention(s):

The Applicants believe that:

1. the Property has been excavated at or below the level of 1.5 metres above the maximum predicted ground water table level, contrary to the statutes, regulations, permits and site plans referred to above, resulting in persistent accumulated surface ground water;
2. this contravention has not been properly remediated for the many years since it first occurred, contrary the same statutes, regulations, permits and site plans;
3. the production of aggregate ceased at or before the date that the Property was transferred from the Prior Owner (who was then in bankruptcy) to the Owner on or about February 21, 2020, yet neither the Prior Owner nor the Owner have prepared or filed a remedial plan for the Property, as required by the same statutes, regulations, permits and site plans;
4. rather, since October 2025, it appears that the Owner has proceeded, without seeking the required permits, to perform unregulated infilling of areas of the Property with silt, brush and other fill from local job sites which it operates in the vicinity, and has performed other site

grading activities resulting in drainage of surface ground water off the Property, on to adjacent properties and into surrounding ground water features, including the Biddy Creek Conservation Area, the Little Lake catchment area, and towards the water basin for the Town of Colborne.

These concerns are each detailed and documented in Schedules 1-4, attached to this Form

4. Summary of Evidence

4(a) Summary of the evidence supporting our allegations.

See attached Schedules 1-4, which include the written narrative materials, documents, photographs (including aerial photographs) and web search results related to each of the four alleged contraventions set out in Section 3(b) above.

Our research indicates that this kind of below-water-table interference can significantly disrupt local and regional water systems, and pose serious risks to groundwater resources, hydrology, and long-term clean water security by, among other things:

- allowing surface water intrusion, exposing aquifers to contamination and restricting access to safe drinking water;
- increasing evaporation and contributing to water balance deficits, particularly during dry years;
- redirecting groundwater flow, either toward or away from the source activity, causing measurable local changes in groundwater levels;
- significantly altering catchment water balances—a problem expected to worsen under climate change; and
- causing pit banks and bottoms to accumulate sediment, organic matter, and biological growth, thereby slowing groundwater exchange, disrupting natural flow, lowering downstream water tables, and creating enduring risks to aquifer health.

4(b) Contacts

Names and addresses of each person who might be able to give evidence about the alleged contravention, and summary of the evidence they might give.

1. The applicants named herein.
2. Other owners and residents of properties surrounding the Property.
3. The Township of Cramahe (CAO/Clerk Janet Newall, or Deputy Clerk Nicloe Newton, can both be reached at clerk@cramahe.onmicrosoft.com, 905-355-2821 Exts. 222 and 223, and can provide information and records relating to gravel extraction and payment of fees, if any, related to the Property.

4. Bryce Cotter (no address or contact information available) was a principal of the Prior Owner, and believed to be a mortgagee of the Property when it was sold to the Owner.
5. Representatives of the Owner.

5. Previous contact with any Ministry

We, or others of whom we are aware, have previously contacted the following ministry representatives about the alleged contravention:

1. Steve McKeown, Aggregate Specialist, Ministry of Natural Resources and Forestry (613-504-2274, steve.mckeown@ontario.ca) was contacted by CRAA on December 10 and 12, 2025 in order to bring some of these concerns to his attention for consideration in connection with the Owner's application for Environmental Compliance Approval under ERO Number 025-0670 Ministry Reference Number 9778-DFZK2E.
2. We believe that Ministry of the Environment and/or Ministry of Natural Resources and Forestry representatives were called in as a result of neighbour complaints, to investigate at least one of the unregulated fill storage/transportation incidents referred to in Schedule 4 to this Application (stock-piling fill from Part Lot 18, Concession 2, Parts 1& 3 Plan 38R490) and perhaps other such incidents.
3. We believe the Ministry of Natural Resources was alerted to potential extraction below the water table by the Prior Owner when it first became evident, and that a Ministry order for remediation was made at that time which has never been complied with.

6. Documentation and other materials

The documents listed in Schedules 1-4 attached are as follows:

1. 1.1 Aerial Photograph, August 15, 2009 (Google)
2. 1.2 Aerial Photograph, May 23, 2015 (Google)
3. 1.3 Aerial Photograph, April 18, 2017 (Google)
4. 1.4 Aerial Photograph, May 7, 2018 (Google)
5. 4.1 Ariel Photograph May 7, 2018 (Google)
6. 4.2 Aerial Photograph, December 31, 2018 (Google)
7. 4.3.1 Picture taken November 22, 2024
8. 4.3.2 Picture taken December 16, 2024
9. 4.3.3 Picture taken December 26, 2024
10. 4.4a Aerial Photographs dated August 1, 2025 (Google)
11. 4.4b Aerial Photographs dated August 1, 2025 (Google)
12. Other documents may be available, depending on the focus of the Ministry's investigation.

Sworn Statements

The individual Applicants listed in Sections 1(a) and (b), above have each, on their own behalf and on behalf of the Corporate Applicant, Cramahe Resident Advocacy Association referred to in Section 1(c), included a sworn statement that they believe the facts alleged in this Application are true.

This Application is being submitted to:

Ministry of Natural Resources and Forestry

Minister of Natural Resources and Forestry
Strategic and Indigenous Policy Branch
Director's office
3rd Flr S, 300 Water St,
Peterborough, ON
K9J 3C7
environmental.planning.team@ontario.ca

with a copy to Steve McKeown, Aggregate Specialist, Ministry of Natural Resources and Forestry (steve.mckeown@ontario.ca)

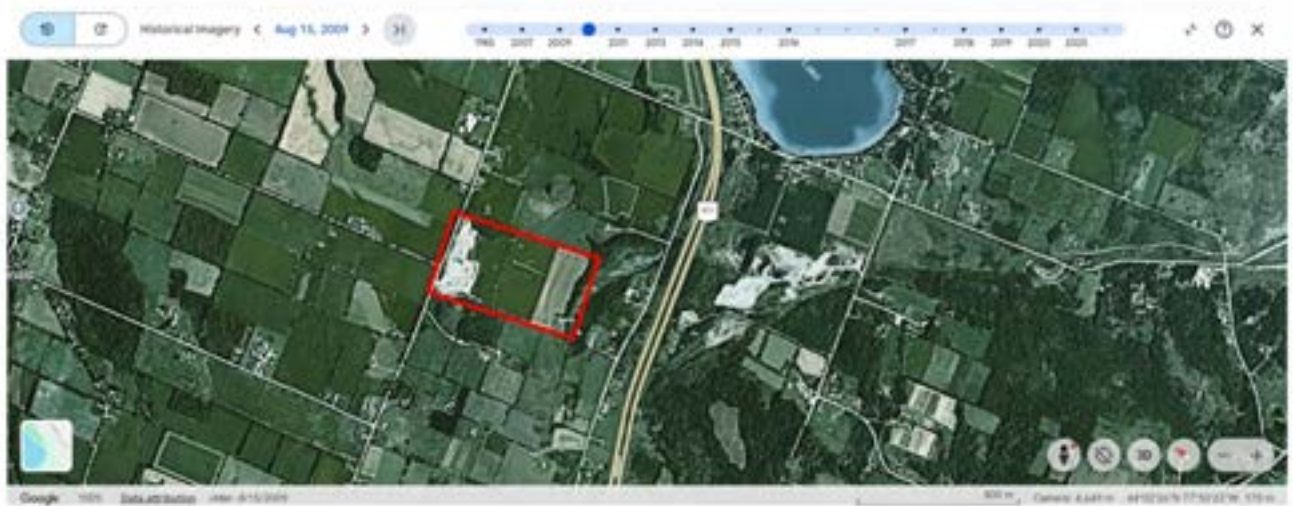
SCHEDULE 1 – Excavation Below Water Table Limits

The series of aerial photographs of the Property attached below are available on Google, and clearly demonstrate that over several years between August 2009 and March 2017, large areas of open surface water were present in the southern sections of the Property. Specifically:

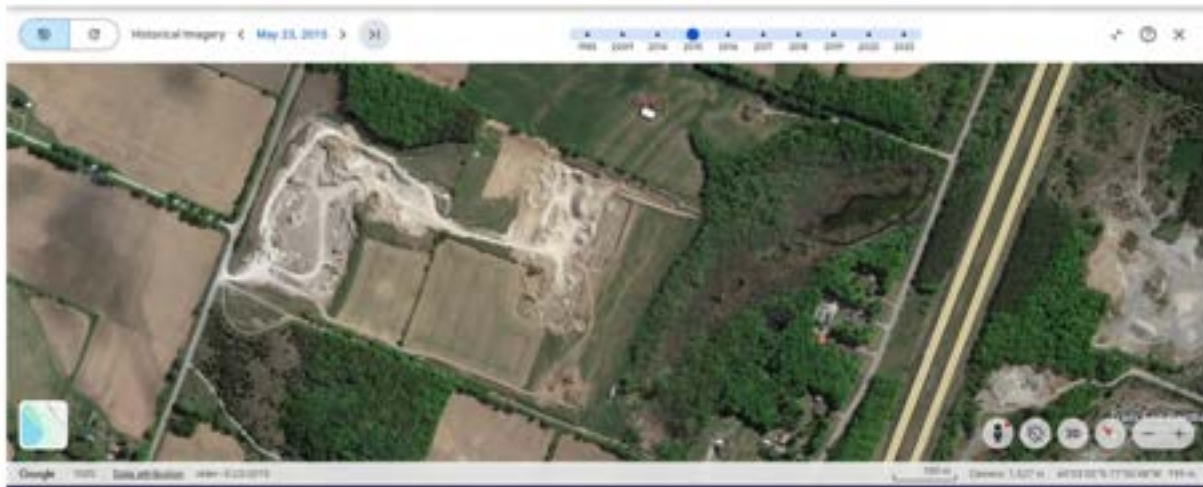
- 12.1 This aerial photograph from August 15, 2009 shows that by that date at the latest, a large area at the south end of the Property, in close proximity to the Biddy Creek Conservation Area, the Little Lake catchment area, and the water basin for the Town of Colborne, had been cleared of brush, apparently in preparation for aggregate extraction.
- 12.2 This aerial photograph from May 23, 2015 shows that by that date extraction activities had commenced at the same area at the south end of the Property.
- 12.3 This aerial photograph from April 18, 2017 shows that by that date extensive extraction activities had continued very close to the south boundary of the Property, and large ground-water pooling had occurred both at that boundary and at other locations around the Property.
- 12.4 This aerial photograph from May 7, 2018 shows that by that date a large ground-water pool extending almost the entire width of the Property was concentrated close to the south boundary, and was surrounded by a long mound of silt, apparently to prevent overflow to the properties to the south.

As detailed in the following Schedules, our information is that in some cases these pools reached a depth of 6 ft or 1.8288 metres, and rose to the same level as the ponding to the south east of the property which is located in the Biddy Creek Conservation Area, suggesting they were at and below the level of the water table on the Property.

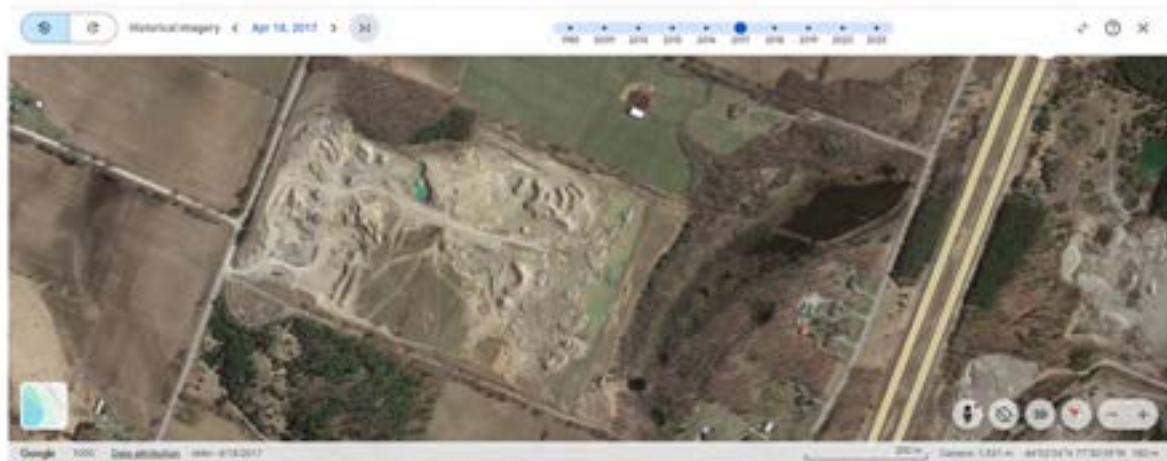
1.1 Aerial Photograph, August 15, 2009 (Google)



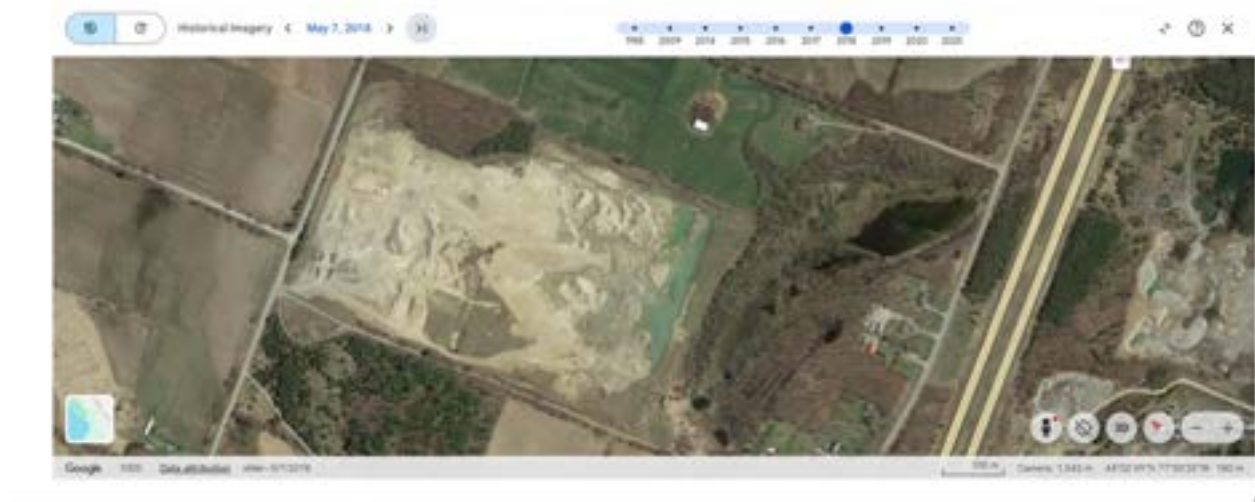
1.2 Aerial Photograph, May 23, 2015 (Google)



1.3 Aerial Photograph, April 18, 2017 (Google)



1.4 Aerial Photograph, May 7, 2018 (Google)



SCHEDULE 2 – Failure to Remediate

The aerial photographs in Schedule 1 show no effort being made to remediate the ground-water pooling on the Property, for at least a year after it first appeared in or before 2017 (photos 1.3 and 1.4).

Further, the photographs included in Schedule 4 below (photos 4.4), show that this same pooling continued to appear regularly on the Property, including as recently as the extremely dry summer of 2025. This strengthens our belief, both that the cause of this pooling is indeed aggregate extraction below the water table limits, rather than seasonal surface run-off, and that it has continued un-remediated since the Owner took over the Property from the Prior Owner.

It is our understanding that the statutes, regulations, permits and site plans referred to in Section 3(a) above require immediate remediation in the case of a ground water disturbance of this magnitude. Representatives of the Owner at a meeting of the Cramahe Township Council on February 11, 2025 were asked (through the Mayor) to confirm whether this pooling is indeed a result of aggregate extraction below the water table limits, and whether a plan has been put in place for its remediation. To the date of this Application, we have not been provided with any answer to those questions, nor do we believe the Mayor and Council have been provided with those answers by the Owner.

We have examined the materials put forward by the Owner in support of its application to the Ministry for Environmental Compliance Approval under ERO Number 025-0670 Ministry Reference Number 9778-DFZK2E, to the extent they are publicly available, and we have not seen any application for, or approval of, any such remediation plan.

These circumstances, together with the observation of unregulated activities detailed in Schedule 4, below, strengthen our concern that no proper remediation plan exists, or has been applied for or approved, as required.

SCHEDULE 3 – Cessation of Aggregate Extraction

Our concerns about the Owner's failure to prepare and seek approval of a site remediation plan are further aggravated by the information we have received that aggregate extraction from this Property has ceased altogether, which we believe to be the case.

It is our understanding that the statutes, regulations, permits and site plans referred to in Section 3(a) above also require the preparation and submission for approval of a site remediation plan immediately following the cessation of aggregate extraction from a licensed gravel pit, in preparation for returning these properties to other uses.

We live close to the Property, and we have been closely observing activities related to it, such as those detailed in Schedule 4, below. Yet we have seen no evidence of active, commercial production of aggregates from the Property. It was stated privately by a member of the Cramahe Township Council at the public meeting held on February 11, 2025 to representatives of CRAA that no fees for gravel extraction from this Property have been paid by the Owner to the Township of Cramahe for several years, as would be required if commercial production of aggregates from the Property were continuing. We understand that the Prior Owner was in bankruptcy at the time of the sale of the Property to the Owner in 2020, and that commercial production from the Property may have by ceased or before at that time.

Again, representatives of the Owner at the meeting of the Cramahe Township Council on February 11, 2025 were asked (through the Mayor) to confirm whether commercial production still continues, and if so to produce the records of any fees paid to the Township in that regard. Again, to the date of this Application, we have not been provided with any answer to those questions by the Owner

All of these circumstances strengthen our concern that commercial production from the Property ceased some time ago, and that the Owner is in default of its obligation to prepare and submit for approval a site remediation plan immediately, in preparation for returning the Property to other uses.

SCHEDULE 4 – Unregulated Filling, Draining, Etc.

We believe that on or before November 2024, the Owner has engaged in unregulated infilling and drainage of the Property, apparently to reduce the size of the surface pooling described above, and perhaps to conceal it. In particular:

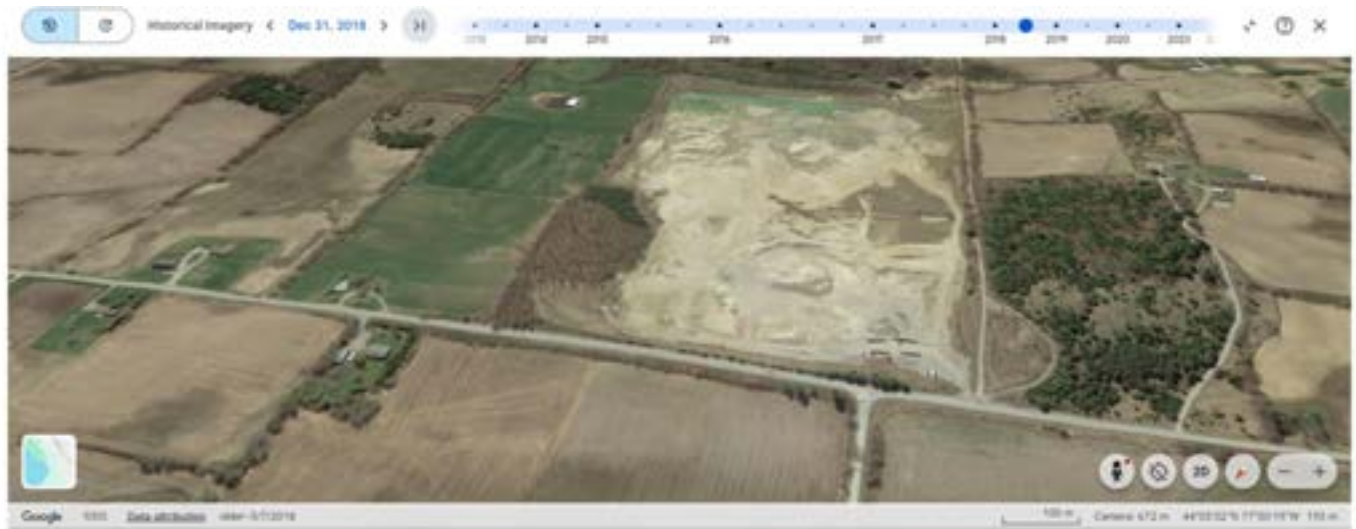
- 4.1 This aerial photograph is dated May 7, 2018 and shows that (among other activities) at some stage prior to that date a ditch had been dug between the large surface pool and the southern boundary of the Property. This was apparently being used to drain the water from the surface pool to the south, which would be directly into the Biddy Creek Conservation Area, the Little Lake catchment area, and towards the water basin for the Town of Colborne. This feature is not apparent on the earlier photographs at Schedules 1.1-1.3. We believe these and later efforts to lower the level of the surface pooling were in part a response to multiple neighbor complaints made because children were accessing the Property and swimming in the surface pools. We understand that some of these complaints reported the depth of the water to be 5-6 ft (1.5-1.8 metres).
- 4.2 This aerial photograph dated December 31, 2018, shows that this same channel feature was still available for use some 8 months later.
- 4.3 Beginning in November 2024, we observed and photographed the fact that silt, brush and fill were being trucked in and added to and around the low-lying areas at the south end of the Property where the worst ground water pooling had occurred. We tracked the delivery trucks, and confirmed that this fill was trucked in from or through a various construction sites operated by affiliate companies of the Owner in the vicinity of the Property, including sites located on Little Lake Rd, Trent Valley Rd, property described as Part of Lot 18, Concession 2, Parts 1 & 3 of Plan 38R490 and a subdivision located at 60 Willowbrook Street Colborne. We confirmed that neither the Property, nor the construction sites from which these fill materials were sourced were, at the relevant time, listed on the Excess Soils Registry maintained pursuant to the *EPA* and O. Reg. 406/19. We have been made aware that complaints to the Ministry of the Environment and/or Ministry of Natural Resources and Forestry were made by affected residents about these fill extraction, storage, and removal activities, but we are not aware of the details of those complaints or any resulting Ministry investigations. We have additional photographs of activities at these construction sites, should they be of interest to the investigation requested.
- 4.4 Two aerial photographs, taken in August of 2025, clearly show that despite the intervening drainage and fill activities by the Owner and Prior Owner, brackish ground water was still present on this date, even near the end of an extremely dry summer. On the ground, at this time, we could observe that the level of this ground water was approximately the same as the pond slightly further to the south east, which is part of the protected Biddy Creek Environmental Conservation

Area. These observations further strengthen our belief that the surface pooling is a result of excavation and aggregate extraction close to or below the water table, and that the activities of the Owner and Prior Owner since these surface pools appeared are not proper remedial activities that would be required if the appropriate site remediation plans were prepared for Ministry approval.

4.1 Ariel Photograph May 7, 2018 (Google)



4.2 Aerial Photograph, December 31, 2018 (Google)



4.3 Photographs of Fill Activities at the Property

4.3.1 Picture taken November 22nd 2024 shows the extensive buildup of fill, rubble, trees, and brush.



4.3.2 Picture taken December 16, 2024, shows the dumping of fill next to the Environmental Zone. Ground Water has resurfaced.



4.3.3 Picture taken December 26, 2024, shows the persistent ground water regardless of fill activities.



4.4a Aerial Photographs dated August 1, 2025 (Google)



In August of 2025 infilling and a drought created dryer conditions but the water still surfaces at the southern pit site.

4.4b Aerial Photograph dated August 1, 2025 (Google)

