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## Environment

# Commissioner questions St Mary's application

BY DON REDMOND

The Environment Commissioner of Ontario has waded into the St. Mary's quarry application, saying it's a perfect example of conflicting Provincial policies.

When Gord Miller released his extensive 228-page 2006-2007 annual report, entitled "Reconciling Our Priorities", the St. Mary's application was cited in the pages dealing with both existing quarry expansions and new quarry applications, as he noted that new quarries were "one of the most difficult and controversial land use decisions being taken in Ontario today, in part, because of conflicting priorities in provincial policy."

Singling out the St. Mary's application, Miller said in his report, "The proposed quarry is located in the Natural Heritage System of the Greenbelt Plan and contains several provincially significant wetlands, significant woodlands and water resource features."

He continued, saying opponents "point out that the impacts would not be interim; the proposed quarry would mean a permanent loss of hundreds of acres of farmland, since the planned rehabilitation option is development of a lake facility."

Asked by the Compass why he singled out the St. Mary's application, Miller said bluntly, "this application is a good example of how a proponent (applicant) sticks with it and has the time and the money, eventually you will get your quarry."

He believes that industry giants, such as St. Mary's, are well-aware of the conflicting nature of Provincial policy and tend to tread carefully along with the rules that work the best for their benefit.

"So you have one side (the quarry applicant) which uses the process and a lot of money and the other side (opponents) looking for Provincial policy that might help their side," he noted.

He lauded the work being done by area politicians and FORCE (Friends of Rural Communities and the Environment) before adding, "it's fortunate that this community is well-heeled and can raise the kind of cash it has to fight this battle. But there are many communities across Ontario that don't have that kind of money to fight a quarry application so you have to ask yourself 'is this a fair process?'"

He noted that while the Ministry of Natural Resources (MNR) and the Ministry of the Environment (MOE) often have conflicting policies, it goes beyond that.

"In actual fact, the MNR, in and of itself, has conflicting policies. They're the ones who grants the quarry permits and yet, they are also responsible for the preservation of environmentally-significant wetlands. And it's been clearly documented that the (St. Mary's) site is filled with those wetlands."

"So you have to ask yourself: what are we running out of? Wetlands or stone?"

In the end, he pointed out "that the biggest consumer of aggregate in the Province is the Province," meaning that policy can be created to suit the needs of the existing government.

In his report, Miller advocates a shorter process that works on dismissing a quarry application that has too many strikes against it, as well as far more power at the municipal level to turn down quarry applications.

His report came as happy news for both FORCE and Flamborough Councillor Margaret McCarthy, vocal opponents of the St. Mary's application.

"The report certainly speaks to the notion that the quarries always win," said Graham Flint, chair of FORCE. "This issue has galvanized our community but it's hard to look at the money that's been spent fighting this application."

The group has raised roughly \$500,000 for their fight "and think of all the good things that could have been done with that money - all the community projects it could have gone into," said Flint.

McCarthy asked, "Why spend a decade fighting a quarry application that we already know makes no sense? It didn't make sense then, it doesn't make sense now but unfortunately, you have to commit to the dance (the application process.)"

How much influence Miller's report wields at Queen's Park remains to be seen. While the Environment Commissioner Office is appointed by the government, it has no legislative power.

McCarthy, however, is hoping Miller's

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report will yield the same influence as Provincial Ombudsman Andre Marin's damning indictment of the Municipal Property Assessment Corporation (MPAC) did in 2006. Marin blasted MPAC for a lack of transparency in the methodology for calculating property values (CVAs) and eventually, the government had little choice but to investigate the situation, freezing property values for two years.

"Just like Marin, Miller is a watchdog and he's the type of person who rattles the cages of the powers-that-be," said McCarthy, whose constituents suffered from sky-rocketing CVAs in the early-2000s. "I'm hoping he has the same effect that Marin did."

For his part, Miller enjoyed the comparison to the ombudsman. Noting that only Ontario and New Zealand have independent Environment Commissioners, he related the tale of New Zealand's, Dr. Jan Wright, being told by a legislator that her office "had no teeth."

According to Miller, she warned the politicians that "while I may not have teeth, I have very strong gums so be careful."



Flamborough Councillor Margaret McCarthy compared Miller to Ontario Ombudsman Andre Marin.

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