

# Friends of Rural Communities and the Environment (FORCE) Community Meeting

**It's Over!**

**QUARRY**

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[www.StopTheQuarry.ca](http://www.StopTheQuarry.ca)



**April 2<sup>nd</sup>, 2013**

# Tonight's Agenda

- Welcome and Introductions
- It's Finally Over!
- The Agreement:
  - the Details and Fine Print
  - what we are Keeping an Eye On
- Next Steps – What's Left To Do
- Open Q&A



*It's your meeting, make sure you get the information you need!*

# FORCE Steering Committee

- Graham Flint - *Chair*
- Mark Rudolph - *Vice Chair*
- Bonnie Lendrum - *Treasurer*
- Jerry Bloom - *Secretary*
- Jan Whitelaw - *Policy*
- Silke Flint - *Finance*
- Mike Brazeau - *Signs*
- Diana McCabe - *Website*
- Mark Simone - *Events*
- Tom Weinstein - *Events*
- Gwen Todd - *Events*
- Gary Tansley - *Transportation*
- Dan Curran-Blaney - *Agriculture*
- Herb Lawson - *Community*
- Glenn Lawson - *Community*
- Carmel Augustyn - *Community*
- Brian Wiseman - *Community*

+ Plus Many More Special Event Volunteers!

*These are the people making things happen!*

# It's Over!

## *The Agreement*



- Announced on March 8<sup>th</sup> 2013
- Between Province of Ontario and St Marys Cement
- Ensures that the proposed Flamborough Quarry will not be built!
- Protects Natural Features and Ecological Systems
- Implemented through a Conservation Covenant
- MZO is converted to a City of Hamilton Zoning By-Law
- Quarry related applications and ongoing litigation abandoned
- St Marys Cement receives \$15 million

# Conservation Covenant

- Created under the Conservation Land Act
- The Intention of the Agreement is to:
  - “conserve all or a portion of the lands or the wildlife thereon and protect water quantity and quality by restricting development for the purposes of aggregate extraction”
  - “conserve and protect ecological systems, significant natural features, natural values and water resources...”

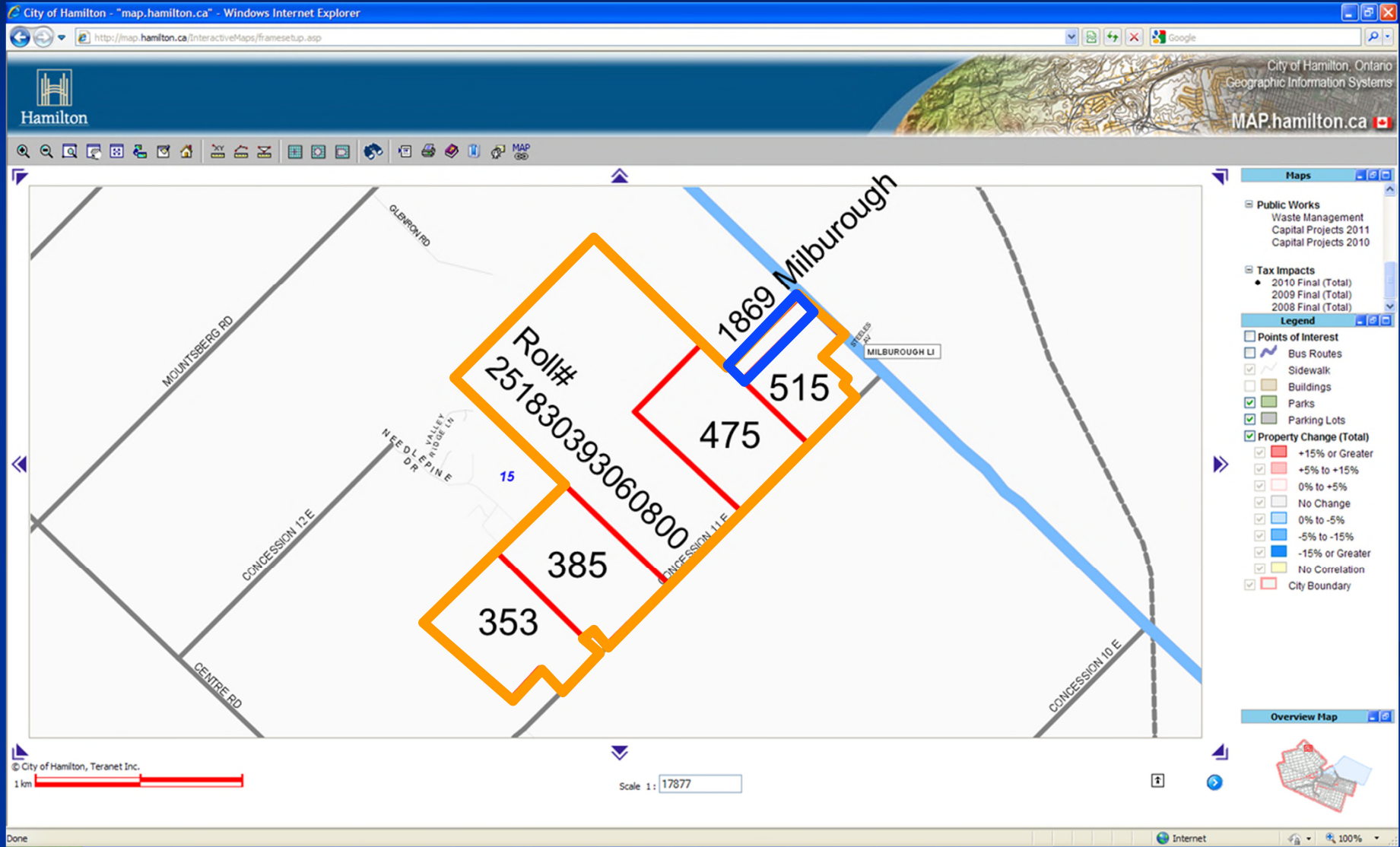
*Best possible outcome we could have hoped for ... short of owning the lands.*

# Conservation Covenant

- Registered on Title
  - Applies to whomever owns the lands
  - Runs for an indefinite period of time – Forever!
- Applies to (almost) all the proposed quarry lands:
  - Covers 530 acres – original development plus the expected expansion lands
  - Separates a large portion of the lands as a “Protected Area”

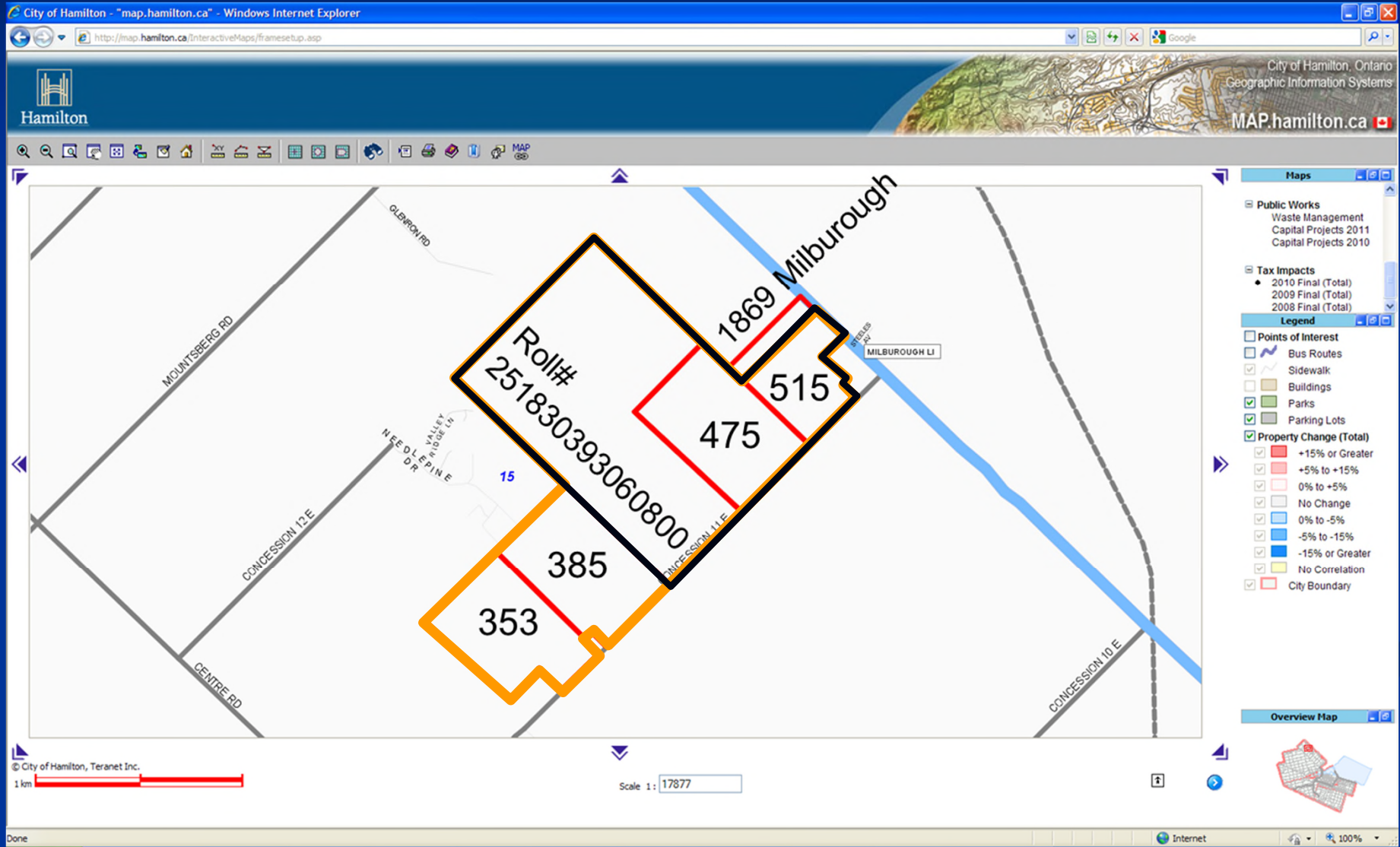


# St Marys' Land Holdings





# St Marys' Land Holdings



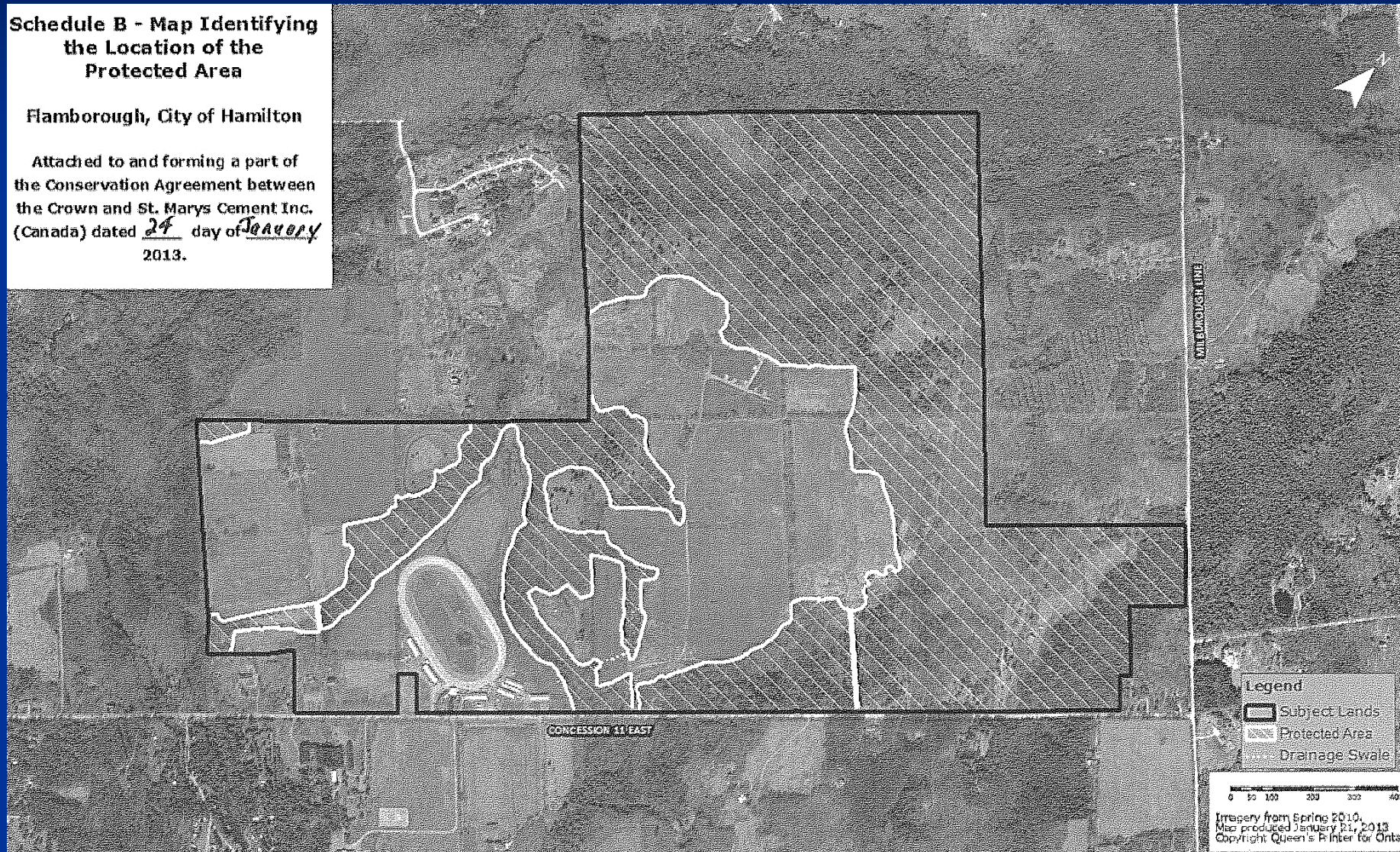


# Draft Protected Area

## Schedule B - Map Identifying the Location of the Protected Area

Flamborough, City of Hamilton

Attached to and forming a part of  
the Conservation Agreement between  
the Crown and St. Marys Cement Inc.  
(Canada) dated 24 day of January  
2013.





# Protected Area



- Extent to be finalized later this year
  - Field investigations to be carried out in June of 2013 to finalize the Protected Area.
  - On or before August 31<sup>st</sup>, 2013 a final “Reference Plan” will be registered.
  - If an agreement is not reached, the resolution of the Protected Area goes to binding arbitration.

# Covenant Restrictions

## ■ For all Lands

- No part of the Lands may be used for the extraction of aggregates including any type of pit or quarry or associated uses, structures or facilities.
- No part of the Lands may be used in a way that would materially affect the quantity or quality of water flowing over or under the lands.



# Covenant Restrictions



- **Additional Restrictions for Protected Area:**
  - No building or structure that would be detrimental to Intent.
  - No new paved road, driveway, walkway or parking area.
  - No alteration to the general topology. No grading of soil, construction or digging of ditches, retaining walls, dams, ponds, etc. No dumping, excavation, dredging, or removal of soil, loam, rock or other material.
  - No soil, rubbish, garbage, sewage, or waste shall be dumped or stored.

# Covenant Restrictions



## ■ For the Protected Area (cont'd)

- No interference with, straightening, diverting or alteration of any lake, pond, wetland, watercourse, etc. Nor any use thereof which would or may be adverse to the Intent.
- No fencing or other obstructions may be constructed which may unduly restrict wildlife movement.
- No tree or shrub removal unless the reason for its removal is consistent with the Intent. And any removal must be done in a way that is not injurious to the remaining trees, flora, fauna, soils, water resources and other natural features.

# Monitoring Provisions

- A Government easement is in place:
  - Officials may enter the Lands
  - Review the condition of the Lands
  - Determine if the Restrictions are being met
  - Determine if the intentions are being respected/achieved
  - May carry out any remediation, restoration, rehabilitation or enhancement of natural values that in the government's opinion is necessary or desirable.



# St Marys Cement's Proposed Quarry Applications

- The following applications were underway:
  1. Zoning and Official Plan Amendments with the City of Hamilton
  2. Aggregate Resource Act Licence application with the Province of Ontario





# St Marys Cement's Proposed Quarry Applications

- The following applications were submitted in the following way:
  1. Zoning and Official Plan Amendment application submitted with the City of Peterborough
  2. Assessment Review and Variance application submitted to the Province of Ontario

**Withdrawn!**



# St Marys Cement's Litigation

- Three legal proceedings were still underway:
  1. Ontario Municipal Board (OMB) hearing to revoke the Ministerial Zoning Order (MZO)
  2. Judicial Review of the Province's actions, the MZO and Declaration of Provincial Interest (DPI)
  3. Chapter 11 North American Free Trade Agreement (NAFTA) Claim for \$275 Million US



# St Marys Cement's Litigation

## ■ Three legal proceeding were still underway:

1. Ontario Municipal Board (OMB) proceeding to revoke the Ministerial Order (MO) M70
2. Judicial Review of the OMB's decision, the M70 and Provincial Interest
3. North American Free Trade Agreement (NAFTA) Claim for \$275 Million US

**Withdrawn!**



# What about the \$15 Million?

The payment to St Marys Cement needs to be considered in context:

1) The ongoing costs to fight this proposal were very significant:

- OMB MZO Hearing
- Judicial Review of the MZO & DPI
- NAFTA Claim defence by the GofC

2) If the project had gone ahead and our water resources had been impacted:

- The engineering costs alone of a new water supply would have far exceeded the payment.

# What does this mean to us?

- Our nine year long struggle is finally Over!
- We should be very proud of what we have accomplished:
  - We approached this fight professionally and with substance.
  - We built relationships with the key stakeholders and decision makers.
  - We banded together and pooled our resources.
  - We did not get discouraged and we kept up the fight.

*Together We ~~Will~~ Did Succeed!*

# Next Steps - What's Left?

- Will be monitoring throughout 2013
  - Finalization of the Protected Area
  - Decommissioning of the numerous Wells
  - Adjustments to Hamilton Official Plans
  - Potential Disposition of the Lands
- FORCE business wrap-up
  - Final outstanding bills
  - Closing of expert files and return of retainer fees
  - Archival of website and documents
  - Consideration underway for some sort of legacy to our Community's accomplishment.



# 2012 FORCE Financials

## Statement of Operations and Net Assets - Period Ended December 31, 2012

Opening Balance **\$ 251,756**

### Revenue

Direct Contributions	10,285
EDC Contributions	52,592
Special Events	14,230
Interest	2,233

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**\$ 79,340**

### Expenses

Technical & Legal Experts	74,617
Community Activities	12,313
Expenses Related to Incorporation	2,574
Operating Costs	1,301

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**\$ 90,805**

**Excess of Net Assets plus Revenue  
over Expenses - Dec 31<sup>st</sup> 2012**

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**\$ 240,291**



# Our Community Funds

- Won't be taking any action until 2014
- Need to disburse them in alignment with our Community mandate
- Launching a Community Poll to collect input
  - Example questions:
    - Environmental purpose only or Community building?
    - Restricted to the Local area?
    - One big project or several smaller ones?
  - Asking for specific suggestions and ideas
- Online survey found at: [StopTheQuarry.ca](http://StopTheQuarry.ca)

# Community Celebration

Sunday June 2nd

11am to 4pm

Carlisle Golf and Country Club



Free Event  
BBQ Lunch  
Live Entertainment  
Activities for the Kids



**Please Plan on Attending!**

# Questions? Comments? Feedback?



[www.StopTheQuarry.ca](http://www.StopTheQuarry.ca)  
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