

Special Edition Stepping Stones



THE DUNTRON QUARRY EXPANSION NEWSLETTER September 7, 2010

Message from Walker Aggregates' Vice-President

After starting up again after a seven-week summer break, the proceedings of the Consolidated Hearings Board are once again on hold for three weeks, as a result of board members and lawyers for the various parties being unavailable due to previous commitments.

Since resuming the hearing on August 23, the board has heard evidence from Walker Aggregates' expert planner, and the company's experts on the visual impacts and economic benefits of the proposed expanded Duntroon Quarry.

Two new developments occurred in the past couple of weeks. Grey County decided to withdraw as a party to the hearing after entering into a road agreement over the summer with Clearview Township and Walker Aggregates. The agreement involves upgrading 26/27 Side Road from a gravel road to a hard surfaced, chip and tar road – once traffic volumes reach 400 vehicles per day. An earlier agreement made between Walker, Simcoe County and Clearview Township called for the road to be upgraded from a seasonal road to a gravel road, maintained year round. That earlier agreement also called for Simcoe County and Clearview Township to close and transfer a portion of County Road 91 to Walker – from County Road 31 to the eastern edge of the Walker property.

In another development, the board has decided not to hold a public meeting as part of its deliberations on an expanded Duntroon Quarry. It will, however, extend the deadline for people who may wish to register as participants and appear before the board. This way,

everything that comes forward to the board can be treated as evidence. Individuals who wish to register must do so and provide a written statement of their testimony to the board by October 22, 2010. They will then have the opportunity to appear before the board to make their views heard on November 23.

Walker would very much appreciate the support from our friends and neighbours who wish to participate in the hearing. For more details on how to do so, please contact Rosemary Ackermann at rackermann@walkerind.com or at 705-445-2300 ext. 223. She would be pleased to provide you with details on how to become involved.

When the hearing resumes on September 27, 2010, it will be at a new venue. It will move from the Creemore Arena to rented space at 49 Huron Street, Suite 1 in Collingwood, near the intersection of Rodney Street and adjacent to the Sobeys' supermarket. If you have some free time, please drop by to learn more about our expanded Duntroon Quarry application. You'll learn everything you ever wanted to know about the proposed quarry expansion – and then some!

As always, please call me with any questions or concerns you may have. I can be reached at 705-445-2300 ext. 224.

A handwritten signature in black ink, appearing to read "Ken Lucyshyn".

Ken Lucyshyn

CHB Testimony Focuses on Visual and Economic Impacts, and Planning

The Consolidated Hearings Board review of Walker Aggregates' application to expand the Duntroon Quarry concluded its eleventh week of testimony from Walker Aggregates planning expert Brent Clarkson. He provided the board with detailed information about how an expanded Duntroon Quarry meets policy and regulatory requirements, including the Provincial Policy

Statement, the provincial Planning Act, the Greenbelt Plan, Aggregate Resources Act, the Niagara Escarpment Plan and the County of Simcoe Official Plan.

Mr. Clarkson explained why an expanded Duntroon Quarry would be an acceptable interim land use on the Niagara Escarpment, pointing to the purpose of the

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Niagara Escarpment Planning and Development Act (NEPDA), which is “to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.” He stressed to the board that the key word in this sentence is “substantially.”

He further went on to say that the proposed expanded quarry is in an area designated “Escarpment Rural,” and noted that one of the objectives of that land use designation in the Niagara Escarpment Plan (NEP) is “To provide for the designation of new mineral resource extraction areas which can be accommodated by an amendment to the Niagara Escarpment Plan.”

Mr. Clarkson explained that it is not the intent of the NEP to prevent all development, but to strike a balance between development and the protection of environmental features.

In his testimony, he explained in great detail how the evidence of the previous technical experts established that the natural environment would be protected with the quarry expansion, and how the quarry would eventually be rehabilitated into a lake and forested area. He outlined how Walker would ensure the protection of ground and surface water, and the natural environment – including wetlands, butternut trees and Hart's Tongue Ferns located on the site.

Mr. Clarkson told the board that the proposed quarry expansion can occur while minimizing social and environmental impacts.

He said, “It is important to note that the NEP states clearly that the objective is ‘to minimize the impact of new mineral extraction operations’ on the escarpment.”

Earlier in his testimony, Mr. Clarkson told the board that Walker Aggregates would face severe penalties including fines of up to \$50,000 per day (under the Niagara Escarpment Planning and Development Act) and even the loss of its license (under the Aggregate Resources Act) – if it does not meet the commitments required to operate an expanded Duntroon Quarry.

He explained that under the province's Aggregate Resources Act, the company must operate an expanded quarry in accordance with the act, regulations, the quarry site plan and conditions of the license. Failure to do so could result in additional fines of up to \$30,000 per day and the suspension or revocation of the license to operate the quarry. Mr. Clarkson noted that other legislation Walker must adhere to includes the development permit conditions of the Niagara Escarpment Commission, the Ontario Water Resources Act and the provincial Environmental Protection Act.

The Ontario Water Resources Act requires the company to obtain a permit to take water, with penalties of up to \$50,000 per day for non-compliance with the provisions of the permit.

Mr. Clarkson sought to assure the board the company would be under strict scrutiny by outside agencies and bound by commitments to those agencies, as well as its own commitments, to ensure the quarry would operate as planned.

In speaking about the Adaptive Management Plan (AMP) developed to address potential impacts resulting from Walker Aggregates' proposed Duntroon Quarry expansion he said it is an “insurance policy” against any unanticipated impacts.

Mr. Clarkson told the board that the expanded quarry application does not rely on the AMP to demonstrate compliance with provincial policy, but noted that the AMP “transfers risk from approval agencies to the quarry proponent.” He explained that adaptive management plans are becoming routine in quarry application processes.

The AMP for the proposed Duntroon Quarry expansion involves continuous monitoring of water and natural features, and includes a mechanism whereby the quarry would stop operating completely if there was a danger that negative impacts to significant natural features might occur. Quarrying would not resume unless the risk of the negative impact was eliminated.

“The last thing Walker would want is not to be able to fulfill its contracts and obligations to its employees by having to stop its operations,” Clarkson told the board.

He continued his testimony by outlining the comments various agencies put forward on the expanded quarry proposal and how Walker had worked to address them. He noted that both the Ontario Ministry of Natural Resources and the Ministry of the Environment concluded that they had no significant issues or concerns about the application.

The Grey Sauble Conservation Authority (GSCA) has opposed the application, recommending the quarry occur on a different footprint than what is proposed and that quarrying occur only above the water table. The GSCA also insisted a permit is required under the province's Conservation Authorities Act, a move Clarkson said was unnecessary. He told the board that the Nottawasaga Valley Conservation Authority also had concerns with the application but was continuing to work with Walker to resolve its outstanding issues, which relate to the AMP. Neither conservation authority is a party to the hearing but both are participants.

Meanwhile, Mr. Clarkson said the Niagara Escarpment Commission provided “no substantive comments” on the Adaptive Management Plan developed to address any potential impacts resulting from Walker Aggregates' proposed Duntroon Quarry expansion, but later cited 18 reasons it could not support the project, one of them being that the use of the AMP as a means of mitigation was unacceptable.

The NEC is the only agency or government body which is a party at the hearing opposing Walker's application.

The board heard that the market to be served by the expanded quarry would primarily be Collingwood, Wasaga Beach, Barrie and the Northern GTA. It learned that 60 per cent of the cost of aggregates was the cost of hauling the stone – which is why it's important for quarries to be located near to the markets they serve – and about the environmental costs of transporting the aggregates over long distances.

Mr. Clarkson told the board that 14 tonnes of aggregate are consumed annually for every person in Ontario, and that materials from the quarry could be used in road construction, in the construction of public buildings – such as hospitals and schools – for sand in golf courses, and for use in products ranging from glass to cosmetics, toothpaste and paint.

From another witness the board heard that the proposed Duntroon Quarry expansion is expected to have no negative impacts on local businesses as a result of its operation and the increased truck traffic along the haul routes, nor is it expected to have negative impacts on tourism in the area. That was the testimony by Walker's expert witness on economic impacts, Peter Norman.

He spoke specifically to the economic issues that have been raised by the parties opposed to the expansion, namely the Niagara Escarpment Commission, the Clearview Community Coalition and a neighbour of the proposed quarry, Emelia Franks.

He noted that many of the 40 registered businesses in the truck transportation industry in Clearview Township were likely to benefit from an expanded Duntroon Quarry. He further went on to say that it was unlikely that incremental truck traffic along the haul routes would adversely affect local business, since that increase represents less than one per cent of the total

incremental traffic that will be expected in the coming years. He also noted that truck drivers themselves could very well be customers of those businesses.

As for tourism, Mr. Norman pointed out that much of the tourism activity in the township centres around annual events such as the Copper Kettle Festival, Heritage Day, Great Northern Exhibition, Creemore Garden and Home Show, and various studio and art tours in the region – most of which occur a fair distance from the proposed quarry and are not on the haul routes. As for tourists using the Bruce Trail system, he noted that while the Bruce Trail passes by the proposed quarry location, the quarry would not be visible from the trail. He further went on to say that, “In many cases, quarry operations are part of the experience” for tourists hiking along the Niagara Escarpment.

Another Walker expert, Ken Buck, a landscape architect with expertise in visual impact assessment and simulation, told the board that – except perhaps for a few spots along County Road 31 across from the proposed MAQ Quarry – an expanded Duntroon Quarry will result in no visual impacts once the quarry begins operating and once mitigation measures are put in place. Those measures include plantings of coniferous and deciduous trees of various sizes in a 30-metre buffer zone along County Road 31, and at the entrance to the Walker property where the closed section of County Road 91 is planned to be located.

Mr. Buck showed the board photos of various vistas of the proposed quarry lands from the surrounding roadways, and then simulated graphic depictions of how those views would appear once some wooded areas were cleared for quarrying and after mitigating tree planting took place.

“From my perspective, the project will present very limited, if any, visual impacts with mitigation,” he told the board.

He added that after quarrying of the site was completed, and it was rehabilitated and turned into a lake, the end result would be an overall improvement to the landscape of the area.

Mr. Buck also took the board through the relevant sections of the Niagara Escarpment Plan to demonstrate that the proposed quarry expansion could be supported from a visual impacts perspective.