

## Pen Lake Quarry Hearing Resumes This Summer

As you now know, our long struggle to prevent a new rock quarry near Pen Lake will finally be decided when the Ontario Municipal Board (OMB) resumes public hearings in Dwight for two weeks beginning Monday July 10th. 2006. It is expected that one evening session, possibly Monday July 17th. will be scheduled for comments from community members. As always, your attendance and participation is encouraged.

Thanks to many generous donations from families within the Pen Lake community and beyond we were well funded (\$175,000) and prepared for the initial round of OMB hearings which began last fall.

Unfortunately, those hearings ended unexpectedly after three days when the OMB realized that the Lake of Bays Township zoning by-laws to control such industrial operations had been repealed and replaced by new legislation. While evidence previously submitted remains on record this unexpected "technicality" disrupted the OMB process and has had a serious negative impact on our financial base. We will require an additional \$35,000 when the hearings resume. Why?

Briefly, four reasons:

1. On-going adjustments to the proposed quarry have required additional re-assessment by our expert consultants;
2. Repeal of the relevant zoning by-law has required a re-assessment of our case in terms of its replacement, and an additional presentation to local council;
3. Duplication of case preparations by our experts and witnesses stemming from the adjournment and re-scheduling of OMB hearings;
4. Significantly higher accommodation expense for expert witnesses attributable to a summer hearing (High Season).

We are assured that no further issues or other adjustments detrimental to our case are expected, and our consultant team remains committed to our cause.

Our concerns of vulnerability and jeopardy with respect to quarry development are increasingly shared by similar communities in areas throughout Muskoka District as well as other parts of Ontario.

In a recent (Spring 2006) newsletter to the membership of the Lake of Bays Association, lawyer Karl Jaffary explained why LOBA remains committed to supporting the Township and the Pen Lake Association in opposing this quarry development:

"A problem identified at the hearing is that most quarry operations in Ontario are governed by a statute called the Aggregate Resources Act, but that Act does not apply to Lake of Bays Township. Under that Act, when a permit is issued for the extraction of aggregate, various "notes" on the approved plans become binding regulations of the quarry operator. These notes include such things as hours of operation, and the quantities of extraction proposed...It is far from clear how any of those matters could be regulated in an area where the Act does not apply; certainly they go far beyond the Township's ability to regulate under a site plan agreement....(LOBA) intends to at least present arguments in support of the position that the Township Official Plan is a good reason to reject the quarry proposal."

Recently letters asking for individual donations (tax-deductible) were mailed directly to all members of the Pen Lake community. Those who have not yet supported this cause were asked to help, while the majority who had already contributed were asked to consider giving more if they could.

With the case before the OMB looming, our pressing need is for donations now to conclude the presentation of our case. We will have to meet our objective of \$35,000 by the start of summer (Canada Day) at latest, and so we are again asking for your help.

The quarry proposed for the hills near Pen Lake has proven to be a major challenge. Efforts to protect and preserve our environment in today's world of rapid change and development pressures are never easy and seldom inexpensive. But, as our Lake Plan documented, they are important to us all. At the end of the day, the defense of our lake falls to us.

Soon, this struggle will be over and done. By the end of this summer we will know whether or not Pen Lake will have a new industrial quarry within sight and sound of its shores.

For all your support and encouragement, we are most grateful.

***The Quarry Committee for the Peninsula Lake Association***

*(Pat & Joe Doyle, Jean Fraser, Catherine Moffat, Cathy Purvis, Len Ross)*