



Seasonal STORMS

Spring 2003

Sustain the Moraine Project Underway!

“He always said that eternal vigilance is the only thing that allows you to keep what you gain, that to keep something [as] precious ... people have to be ready to fight for it.” The Globe and Mail quoting Shirley Douglas in What Tommy would say.

On December 14, 2001 the *Oak Ridges Moraine Conservation Act* was unanimously passed in the Ontario Legislature. Four months later, on April 22, 2002, the Oak Ridges Moraine Conservation Plan was filed as a regulation under the Conservation Act. This move by the provincial government was well received by STORM Coalition. Although not perfect (see Challenges below), the Act and Plan together herald a new and progressive planning environment on the Moraine.

Shortly after the passing of Bill 122, key members of STORM met for a Christmas celebration dinner. Inevitably what came up was “well, now what?” Given that STORM’s primary goal of provincial legislation for protecting the Oak Ridges Moraine had been achieved, there was serious contemplation of gracefully retiring STORM. However, after much discussion with STORM’s sister organization CONE (Coalition on the Niagara Escarpment) it became obvious that there is a need for an on-going Moraine-wide monitoring presence to ensure rigorous implementation of the Moraine Plan.

Preliminary discussions with the Federation of Ontario Naturalists (FON) indicated a willingness to continue the good working relationship that had developed over the past several years. STORM’s 13-year history of Moraine protection places the organization in a unique and credible position of successfully carrying on this work. As well, protection of the Oak Ridges Moraine is a critical part of the FON’s current conservation priority – the protection of southern Ontario’s woodlands.

Project Goals and Objectives

This vision will be achieved through the rigorous implementation of the Oak Ridges Moraine Conservation Plan, through active stewardship of Moraine lands and features, and through a dynamic evolution of the conservation plan’s policies. To attain this vision for the Oak Ridges Moraine, STORM and FON have developed an action plan that the two groups will strive to implement with the action steps identified below.

1. To monitor the implementation of the Oak Ridges Moraine Conservation Plan.
2. To foster public awareness of the ecological significance of the Oak Ridges Moraine while recognizing the competing social and economic interests.
3. To refocus and restructure STORM in light of the new legislative regime on the Oak Ridges Moraine since STORM’s original objective of securing Oak Ridges Moraine legislation has been achieved
4. To participate in public infrastructure and land use planning decisions on the Oak Ridges Moraine.

Challenges

There are a number of weaknesses inherent in the Act and Plan. Potentially the most troubling is the sweeping powers given to the Minister of Municipal Affairs and Housing by the *Oak Ridges Moraine Conservation Act*. The Minister, independent of Cabinet, has the power to initiate amendments to the Plan, revisions to the Plan at the 10-year period and the revocation of the Plan. While there is little that can or should be done at this time to change this, as it is certainly not in the interests of any environmental organization to ‘open up’ the Act for amendment, STORM is maintaining a presence in Queen’s Park to ensure solid political support for the legislation.

Another weakness is the way in which the provincial plan is to be implemented. Unlike the Niagara Escarpment Plan, which is overseen by a provincially-funded and administered agency (The Niagara Escarpment Commission), the Moraine legislation establishes municipalities as the primary implementers and sets out a timetable for municipalities to bring their official plans and zoning by-laws into conformity with the Plan’s policies. After this 12- to 18-month period, all

Don't let your guard down!

By Jason Thome, Executive Director, Coalition on the Niagara Escarpment

You've won the battle, but the war continues.

Residents and environmentalists are celebrating the adoption of the Oak Ridges Moraine Conservation Plan. And justifiably so. It was a long and difficult struggle.

But if the experience on the Niagara Escarpment is any indication, your work is not done yet. In many ways, it has just begun.

The Coalition on the Niagara Escarpment (CONE) was established in 1978 and was at the forefront of efforts to bring about a provincial land use plan to protect the Niagara Escarpment. In 1985 we, too, celebrated after the unanimous passage of the province's Niagara Escarpment Plan (NEP).

Since 1985, CONE has positioned itself as the watchdog for the NEP. This has proven to be an invaluable role in maintaining protection for the Niagara Escarpment. It is a role that STORM may want to emulate.

The first job of the CONE watchdog is to protect the NEP itself. Every government, of every political stripe, has tinkered with the NEP since 1985. CONE's role is to make sure that these "tinkerings" are for the better and not for the worse. We have enjoyed many successes. Since 1985,

NEP rules have been improved to ban landfills on the Escarpment, tighten the requirements for lot severances and restrict the location of golf courses. In some cases, the successes have simply been to avoid steps backwards. For example, CONE has successfully opposed proposals to open up

the Escarpment countryside to commercial tourism and to intensify recreational development in Escarpment parks. The NEP is actually stronger today than it was 17 years ago thanks, in part, to the work of the CONE watchdog.

The second job for the CONE watchdog is to make sure that the NEP is implemented and enforced properly, and that it does not become just words on paper. Over the years, CONE has directly intervened in several specific cases affecting the Escarpment. Sometimes this is done through oral or written submission to the Niagara Escarpment Commission or the Provincial Cabinet. Other times CONE has directly appealed decisions, appearing at hearings with legal representation and expert testimony. CONE also plays an important role in ensuring political accountability through regular public reporting on NEP implementation and enforcement.

Public education is also a very important task. CONE works hard to raise awareness about the many values of the Niagara Escarpment, and the ongoing need for the special provincial protections that it enjoys.

As time passes, decision-makers can become complacent. Opponents can re-group and strike back. Public attention and political priorities drift. The Niagara Escarpment Plan needed a protector. CONE has filled that role.

The Oak Ridges Moraine Conservation Plan needs a watchdog too.

For more information about CONE visit www.niagaraescarpment.org

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planning decisions and approvals are the responsibility of the municipality and must comply with the Oak Ridges Moraine Plan. As well, there are a number of other prescribed milestones requiring municipal action. This model of a provincial plan being implemented by municipalities has no precedent in Ontario and as such requires careful monitoring to ensure effective implementation and adherence to the intent of the Plan.

An interesting challenge will be to establish and implement an effective monitoring system for the 26 area municipalities and the 9 regional and county governments. While STORM is currently participating in the York, Durham and Peel official plan conformity exercise, the task of single-handedly reviewing all area municipalities within a very tight time frame will be onerous. This speaks to the need to develop regional and local partnerships to effectively participate in and monitor the implementation of the Plan across the entire Moraine.

New Web Site Launched mid-May!

STORM, through the generous funding of the Keenan Foundation, will be launching its new interactive web site in mid-May.

There are a number of new features, including an interactive FAQ page, that will help to broaden the monitoring network along the Moraine.

Paid and current members of STORM and its member groups will have access to the FAQs and will receive *Seasonal STORMs* electronically.

Phase II of the web site is planned to have an interactive database that will be used to track municipal decisions on development applications and new applications for developments.

Visit www.stormco.org