

*The Oshawa Express*

## **Council debates issue of harbour secrecy**

April 14, 2010

By Lindsey Cole

As grey skies loom over the calm waters of Lake Ontario, a small group gathers at the Oshawa harbour.

Harbour activist Larry Ladd briefs Windsor MPP and Great Lakes critic Joe Comartin on the interesting happenings down by the lake.

He tells him how the Oshawa Harbour Commission's (OHC) berm near Gifford Hill continues to grow.

"We've been monitoring it," says MPP Comartin.

"Why the secrecy? The citizens of this area should be intimately involved."

But as mounds and mounds of dirt continue to pile up, so too does the secrecy surrounding the negotiations between the federal government and the city, Ladd says.

"There was an agreement in those decisions that nothing would be done here by the commission," he says, adding he is tired of the secrecy and how the berm strikingly resembles site plans for the proposed ethanol plant.

But Donna Taylor, of the OHC, has repeatedly told *The Oshawa Express* that the berm at the harbour is part of seasonal dredging.

"The story doesn't change. We're moving material to facilitate dredging operations now and in the future," she said in a previous interview.

She added the materials are both dredging materials and material from other areas on OHC lands.

"It's not the sum of what we're taking out. I've explained we're dredging out areas. It's been growing since the first truckload. We're moving materials."

But for Brian Braiser, of Friends of Second Marsh, something needs to be done.

"There is not only ecological concerns, but they have political ramifications as well. These actions will definitely influence future decisions of the Port Authority," he says.

Council recently passed four recommendations dealing with the berm, including that the City of Oshawa pay for testing by an independent environmental consultant that meets the city's requirements in order to see if the land is contaminated.

This recommendation was brought forth after city staff concluded they weren't satisfied with the results given to the city by the OHC. These results were also approved by the Central Lake Ontario Conservation Authority (CLOCA).

The other recommendations that passed state the federal minister of transport, who is responsible for the OHC and the eventual creation of a Canadian Port Authority, be asked to investigate the condition and composition of the berm.

What's more, the city is also asking the OHC to come to the next Development Services Committee meeting in April to present a briefing on its required dredging activities as well as provide a tour to city staff so they can get a look at the site.

The last recommendation involved forwarding the report to Oshawa MPs, MPPs, the federal minister of transport, the Ontario Ministry of the Environment, the Ontario Ministry of Natural Resources, CLOCA, the OHC, Friends of Second Marsh and to harbour activist Larry Ladd.

While the berm is of grave concern to Braiser and Ladd, the issue of who will control what lands at the harbour was cause for much debate during a special council meeting held recently.

And some members of council thought there were too many secrets that the public should know about.

After nearly a year, negotiations between city staff and Transport Canada have now come to an end with a final offer being presented.

Talks between Transport Canada and the City of Oshawa regarding lands at the Oshawa Harbour started in late June and stemmed from an announcement made last May by Canada's Transport Minister John Baird that the Oshawa harbour would be run by a Canada Port Authority. This means the federal government will still own the lands, creating an authority composed of representatives from the city, the province, the federal government and stakeholders.

This goes against a September 2008 report by David Crombie, which recommended the lands be returned to the city. A governance model was supposed to be developed from there. What government would own which lands was the subject of the negotiations.

During the meeting Councillor Robert Lutczyk brought forth a motion to simply approve the document and get the whole report settled.

However, none of the details of the report were being released to the public and haven't been to date. As part of the contract, all negotiation talks were to be kept in-camera, behind closed doors.

"This whole process in my estimation has been a waste of time," says Councillor Lutczyk.

"We could have had the boats in the water a year ago."

Councillor Brian Nicholson was appalled that any councillor would decide on a document the public hasn't seen yet.

"This is Jack boot democracy. The people of Oshawa have fought for 20 years for their waterfront. We have achieved nothing but the surrender of our waterfront to the federal government," he says.

"It reads final offer. If it's a good offer it will stand up to public scrutiny."

For City Solicitor David Potts, discussing anything in public was putting the entire deal in jeopardy.

"My concern is that I don't wish to be drawn into an open debate," he explains.

And the city manager echoed his statement.

"We've been advised that what is before you is the final agreement," City Manager Bob Duignan says.

"There will be no consideration. This council did approve a negotiated process."

Mayor John Gray says staff conducted the negotiations and should be trusted.

"We've at least got to finish this negotiation in good faith. At the end of the day we want to make sure we are acting on behalf of the public," he says.

After much debate, council decided to go in-camera to see the presentation staff had prepared on the final offer.

However, afterwards Councillor Nester Pidwerbecki moved a motion to table Councillor Lutczyk's motion to approve the offer and council approved a motion to request that the federal government allow city council to hold a public meeting concerning the agreements. No date has been set as of The Oshawa Express' deadline.