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(sent via email to michele.doncaster@ontario.ca)

Re: OSSGA comments on Agricultural Impact Assessment Guidance Document

The Ontario Stone, Sand & Gravel Association (OSSGA) appreciates the opportunity to comment on the Ontario Ministry of Agriculture, Food and Rural Affairs' (OMAFRA) Draft Agricultural Impact Assessment Guidance Document (EBR No. 013-2454).

OSSGA has undertaken a detailed review of the AIA Draft Guidance document. The following summarizes areas of support, concern and major recommendations. Detailed comments and recommendations for change are also provided.

Support for Agricultural Impact Assessments

1. OSSGA agrees that OMAFRA should be the lead agency in establishing the AIA Guidance Document.
2. As stated in OSSGA's comments on the MNRF Blueprint for Change:
 - Requiring AIA's where extraction is proposed on prime agricultural land within prime agricultural areas is a reasonable step forward;
 - Guidelines need to recognize and implement the PPS requirements that permit aggregate extraction on prime agricultural land subject to agricultural rehabilitation;
 - An AIA will provide better information to plan for effective progressive rehabilitation, document baseline conditions and monitor rehabilitation results;
 - Requirements for improved monitoring of results will help address the lack of comprehensive data to document results and provide a measurement for improvement;
 - Reasonable timeframes for monitoring must be established to enable the surrendering of licences and return of the land to farmers without delay;

- Impacts on adjacent land uses (including agriculture) are already addressed by current requirements; and
- Requirements for impacts on adjacent agricultural land uses should not duplicate or reinvent the compatibility assessments that are already part of the ARA licensing process.

Concerns Regarding the AIA Guidance Document

1. The focus of the AIA Guidance Document is not clear:
 - When is an AIA required?
 - The document organization is difficult to follow;
 - Some sections have too much detail, others are lacking detail;
 - Appendix B has a lot of information, with no direction as to what are BMP's, what is background information and what is necessary to accommodate in Site Plan design; and
 - The Guidance document does not appear to have been edited, as there are significant repetitions between sections, the headings are not consistent and there is no flow to the document – it jumps around a lot.
2. The area of study (starting point of 1 km) is inappropriately large for Mineral Aggregate Operation applications returning to an agricultural use. Furthermore, through experience we know that if a distance is provided in a Guidance Document, it is treated as a minimum. We suggest that reference to the 1 km distance be removed and instead, let the study itself provide the rationale for the size of the study area (which could be determined through pre-consultation). This is how both the ARA and the *Planning Act* function.
3. There are sections within the Guidance Document that are not consistent with the PPS, relative to Mineral Aggregate Operations (i.e. avoidance, requirement to look at alternative locations).
4. It is not clear when OMAFRA, the Municipality or a Peer Reviewer will take responsibility for commenting on the AIA. As it falls under OMAFRA's mandate, they should provide consistent review and comment.
5. For aggregate applications where rehabilitation is to agriculture, the AIA will become one of many technical reports which are coordinated and used to prepare the site plans. These are the governing plans for the licence and are administered by MNRF. The details of soil management and any monitoring or certification requirements will therefore ultimately be part of these plans and requirements for licence surrender. The AIA should therefore be prepared as part of the ARA application and referenced in the planning applications. OMAFRA

would then review them in the ARA circulation and be informed if there are any revisions.

Major Recommendations to Improve the AIA Guidance Document

1. OSSGA understands that OMAFRA does not have the mandate to review AIAs but we are concerned that there will not be consistency or oversight as a result. OMAFRA should establish the mandate to be the lead review agency for all AIAs related to Mineral Aggregate Operation applications. Without provincial oversight, there will be inconsistencies with municipal or peer review interpretation, requirement and enforcement.
2. Separate the various types of development proposals (i.e. Settlement Boundary Area Expansions, Mineral Aggregate Operations, Infrastructure, and Other Non-Agricultural Uses) into different chapters. The introduction would apply to all, but the detailed requirements would be stated in the relevant chapter only. This approach is similar to the Natural Heritage Guidelines.

This will prevent the current contradictions to PPS in the Guidance Document (i.e. avoidance of impacts to agriculture).

3. As it reads, it is unclear that the studies referred to in the AIA are the compatibility assessments that are already part of the ARA licensing process (e.g. Hydrogeology, Noise, Traffic, Blasting). The language should be improved so that it is clear that the AIA is an extra lens through which to conduct these studies, and that the AIA is to be completed in concert with the ARA application.
4. Include within the document the pros and cons of importing excess soil to aid in the rehabilitation of agricultural lands. The document is silent on this issue, and it is a critical component to good resource management and maximizing agricultural opportunities.
5. OSSGA is concerned about the tests for successful agriculture being solely based on structure, biology and chemistry and restoration of soil capability. We suggest that there be consideration of comparative yield as an alternative measure of success.
6. OSSGA wants to ensure that the rehabilitation requirements and monitoring results are not so onerous that a licence cannot be surrendered for many years post extraction. It must be recognized that many producers lease land from farmers and it may not be possible nor advantageous to maintain a licence on a rehabilitated pit or quarry for years post extraction and rehabilitation.

7. Provide some guidance/suggestions on how sides slopes and setbacks or ponds can be used to support the agricultural system i.e. aquaculture, forestry, agri-tourism, retail marketing etc.
8. There are significant missing pieces in the AIA relating to aggregate extraction and rehabilitation to agriculture. They include lack of recognition of;
 - the ability for agricultural capability to be improved by aggregate extraction in some cases (e.g. level off fields, stone removal, grading of slopes, etc.);
 - the reliance that the local agricultural system has on local aggregate extraction (e.g. material for laneways and barn foundations); and
 - non-traditional agricultural uses as an important part of the agricultural system, and one that can be achieved through rehabilitation (e.g. aquaculture, forestry on slopes).
9. The qualifications for Qualified Professionals' should be strengthened to require membership in a professional organization with a code of ethics and ongoing professional development requirements. As written, the guidance suggests that membership in a professional affiliation is preferable but not required.

General Agreement regarding the AIA Guidance Document

As a follow up to our meeting with OMAFRA, MMA and MNRF on July 6, 2018, the following are areas of shared agreement regarding the AIA.

1. Checklists (if written correctly) may be beneficial guides in helping to accomplish rehabilitation objectives.
2. AIA study components and impacts to the agricultural system should be developed and analysed differently for rehabilitation back to agriculture and rehabilitation to a non-agricultural use.
3. Critical pieces of information should be moved from Appendix B (i.e. information related to monitoring, storage and sampling) to the main document for rehabilitation considerations. Appendix B should instead be re-developed as a stand-alone BMP document for rehabilitation of aggregate operations.
4. References to the degradation of soil structure or unproven assertions that air quality, blasting, noise and vibration will affect a farm/livestock differently than any other sensitive receptor should be removed.
5. References within the AIA that contradict the ARA should be revised so they align. For example, on page 84 of the AIA, it states *"Groundwater tables fluctuate depending on precipitation and are generally established based on a monitored*



seasonally high condition taking into account long-term precipitation trends. It is understood (and still in accordance with provincial standards) that the groundwater table may temporarily rise in some conditions to reduce the 1.5 m or 2 m buffer.” However, under the ARA provincial standards, the groundwater table or potentiometric surface is defined for consolidated bedrock materials as “a level that represents the fluid pressure in the water bearing zone.”

On page 76 of the AIA, it states that “*best practice for effective progressive rehabilitation is to limit stripping to the area that is required for an operational season. Where depth of soil is being removed at the same depth of soil being replaced then the stripped and rehabilitated areas are approximately equal.*” The stripping to rehabilitation ratio is dependent on the type of operation and an equal ratio is not always in the best interest of the operator. This should be revised to reference operational considerations.

Thank you again for the consideration of our comments. OSSGA looks forward to working closely with OMAFRA on the second revision of the AIA Guidance Document and would be happy to provide photos and examples of successful rehabilitation back to agriculture. Should you have any questions or concerns, please do not hesitate to contact me directly at 647-727-8774.

Sincerely,

A handwritten signature in blue ink, appearing to read "Norman Cheesman", is written over a light blue circular stamp.

Norman Cheesman
Executive Director

Cc: Jason Travers, MNRF