



May 15, 2020

Darlene Dove
Acting Resource Development Coordinator
Ministry of Natural Resources and Forestry
300 Water Street
2nd Floor South
Peterborough, ON K9J 3C7

Re: ERO 019-1303 Proposed Amendments to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act

Dear Darlene Dove,

The Christian Farmers Federation of Ontario (CFFO) is an Accredited Farm Organization representing the interests of over 4,000 farm families in Ontario who are called to the vocation of farming. CFFO policy promotes economically, socially, and environmentally sustainable farming, advocating that farmers receive fair return for their production and stewardship efforts.

Our comments on the proposed changes to Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards are primarily focused on issues we see that may impact farm businesses, agricultural land and resources, and rural residents.

The CFFO is concerned about the long-term protection of our farmland. In light of concerns about food security, we note that growth is expected primarily in the regions of the province that are also home to our most productive farmland. These growth areas are also those most under pressure for aggregate resource extraction. Our farmland is a limited valuable resource. It provides a long-term renewable source of sustenance for humans and vital environmental goods and services. It requires strong protections from degradation and permanent loss to aggregate extraction.

Agricultural Impact Assessments 1.1.4

It is important that our limited prime agricultural land is protected, especially in areas where development pressure is high in the province. Productive agricultural land should be dedicated to food production and protected as an important natural and economic resource. The proposed changes to align with what is required in the Provincial Plan policies will help to ensure the existing policies are followed.

Beyond the areas where Agricultural Impact Assessments are required, however, proposals for pits and quarries should still be required to consider the impact on prime agricultural land and on surrounding farm businesses and the broader agricultural system. Farmland has important economic and environmental benefits that should be respected and protected, similar to other natural features. The

CFFO would like to see stronger protections for prime agricultural land as part of the aggregate application process across the province. This could include requiring or recommending the AIA process across the province. Where new pits and quarries are proposed within prime agricultural areas, OMAFRA should review of the application.

Fencing - Site Plan Standards 1.2.1 and Operating Requirements 3.1

The CFFO would like to see the current requirement for fencing around the perimeter of pits and quarries on private land maintained. Fences are intended to demarcate the boundary not so much for the operator but to prevent trespass and the risk of injury should someone intentionally or inadvertently enter the site. Pits and quarries on private land are primarily located in the more populated areas of the province and risks are much higher for this type of trespass.

Notification and Consultation Requirements 1.3

The CFFO supports the proposed change to notify both land owners and residents within 500m of a proposed pit or quarry. In addition, we request that where a Farm Business Registration (FBR) number is registered as leasing land in order for a property to qualify for farm tax rate, the registered farm business should also be included in the notification process. In rural areas, the landowner may not be the same as the land leaser, who may not be the same as a resident. For this reason, it is important that notification go to the landowners and residents, as well as to farm businesses registered as leasing land.

Prescribed Rules for Minor Excavations 2.1

The CFFO is overall in support of the proposal to allow minor excavations on private land.

Since the aim of this proposal is to simplify the approval process for small excavations for private use, the conditions needing to be met should be set out so as to allow a landowner to determine, with reasonable effort, if the conditions are met without requiring further approvals. This means that areas on private property that would fall within the definition of “a category A or B wellhead protection area under the *Clean Water Act*” and “an area where development is prohibited by a conservation authority” should be clearly marked on local maps, accessible electronically, so that landowners and farm businesses can determine if they are compliant without requiring further approvals from other levels of government or from a conservation authority.

The regulations also need to make clear whether or not the intention is that aggregate can be moved to adjacent properties only, owned by the same farm business.

The proposal includes a condition that “the excavation would occur on an agricultural property owned or leased by a registered farm business.” However, all other conditions mention only ownership by a farm business, not what is permitted if a farm business is leasing the property.

The regulations need to be clear about what is allowable for farm businesses leasing a property and what uses require that the farm business is the owner of the property. For example, it should not be permissible for aggregate be removed from a leased property, even to other properties being worked (owned or leased) under the same FBR number.

Amendments to Expand an Existing Site Below the Water Table 3.3.3

The CFFO has serious concerns about changing an existing site to allow extraction below the water table. This will have significant impact on rehabilitation requirements, namely that rehabilitation back to an agricultural condition would no longer be required (PPS 2020 2.5.4). Even where no new surface area would be disturbed, this represents a major permanent change to the land use on the site.

Because this is a major change, not a minor change, the CFFO strongly recommends that applications to go below the water table, even on existing sites where no new surface area will be disturbed, must go through the same process as a new application, as is currently required. We also recommend that where this occurs on a site that was previously expecting to rehabilitate back to farmland, OMAFRA should be included in the list of ministries to review the application. We strongly emphasize the need to protect prime farmland, including specialty crop land, from permanent removal as productive agricultural land.

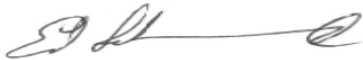
Conclusion

The CFFO is concerned that our productive agricultural land continues to receive strong protections through the Aggregate Resources Act and the related Provincial Standards and Regulations.

In particular, there should be requirements across the province, not only within the Four Plan areas, for aggregate applications to consider the impact on prime farmland, surrounding farm businesses and the agricultural system. Furthermore, productive agricultural land needs strong protections from degradation and especially from permanent removal, such as from extraction below the water table.

We appreciate your consideration of our concerns and suggestions.

Sincerely,



Ed Scharringa, President
Christian Farmers Federation of Ontario