



**Ontario Federation of Agriculture**

**Ontario AgriCentre**

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December 2, 2016

Mr. Hal Leadlay, Coordinator  
Resource Development Section  
Ministry of Natural Resources and Forestry  
300 Water Street  
Peterborough, ON  
K9J 8M5

Dear Mr. Leadlay;

**Re: EBR Registry 012-8443: Schedule 1 of Bill 39 – Aggregate Resources and Mining Modernization Act, 2016**

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 36,000 family farm businesses across Ontario. These farm businesses form the backbone of our robust food system and rural communities with the potential to drive the Ontario economy forward.

Before addressing the proposed amendments, OFA emphasizes that there is only one Ontario landscape, meaning that the full range of landforms and land uses found across Ontario; urban, rural, agricultural, natural heritage, cultural heritage, aggregate extraction, etc. must share this one landscape. Inherent in this is the recognition that our agricultural areas not only provide us with food, fibre and fuel, but also a broad range of environmental and ecological goods and services that benefit all Ontarians. These environmental and ecological goods and services, in alphabetical order, include;

- aesthetic and recreational space,
- air quality, including oxygen production,
- biodiversity,
- carbon sequestration,
- climate change mitigation,
- nutrient cycling,
- pollination services,
- soil erosion control,
- water cycling (purification, retention, flood mitigation, groundwater recharge), and
- wildlife and endangered species habitat.

The Ontario Government also has an additional expectation that Southern Ontario, particularly the Greater Golden Horseshoe, will, over time, accommodate substantial population growth as well as the jobs and infrastructure necessary to support this projected growth.

Agriculture is the principle resource-based land use in Southern Ontario. Through the Provincial 2014 Policy Statement (PPS), the protection of Ontario's prime agricultural areas for their long-term agricultural use is a key priority. Ontario farmers have been challenged by the Premier to double their annual growth and add 120,000 jobs by 2020. To achieve this, government must adopt policies and programs that compliment and facilitate this goal, rather than hinder it. Protection of our agricultural land base from non-agricultural uses is critical.

All of this is in the context of Ontario's ever-shrinking supply of agricultural land. Based on data from the 2006 and 2011 censuses, the total area of Ontario farms declined dramatically by almost 260,000 ha (636,000 acres) between 2006 and 2011; from 5.4 Million ha (13.3 Million acres) to 5.1 Million ha (12.6 Million acres). Put in perhaps an easier to visualize form, that's 350 acres/day, equivalent to 173 CFL football fields, each and every day! Maintaining our agricultural lands for the production of food, fibre and fuel is critical. Ontario's legislation, regulations, policies and programs need to be developed through this lens.

Aggregate extraction is touted as an interim use. While the resource in pits and quarries will eventually be exhausted, meaning that the lifespan is finite, and the site will be rehabilitated to some end use, these uses are not short term. Removing parcels of land from agricultural use impacts not only the farmer who farms the land. The indefinite duration of pits and quarries can also negatively impact neighbouring farm operations, as well as the businesses and services that serve them and rely upon agricultural output. A portion of their supply chain is removed. It may be viewed as only one farm, but where aggregates are found under one farm means they will also be found under others. A number of pits or quarries will open in the area. It will not be one farm, but several. They will be out of farm use for a decade or more; forever in the case of below water table sites. OFA expects that Ontario's yet to be developed Agricultural Impact Assessments will help to quantify the overall impacts on an areas agricultural economy from the long-term, but not permanent, removal of agricultural land.

Turning to the amendments proposed through Schedule 1 of Bill 39;

Sections 12 (1) (e) and 26(h) both speak to adding references to municipal drinking water. OFA supports this change. However, we believe that in addition to municipal drinking water wells, the Aggregate Resources Act must ensure that private water wells supplying domestic uses, livestock or poultry, or for irrigation must also be protected. During the license or permit application process, the water quantity and quality of these wells must be evaluated. In the event that aggregate extraction adversely impacts either water quantity or quality, the operator must be obligated to provide a sufficient volume and quantity of water for domestic uses, watering livestock or poultry, or for irrigation. OFA recommends that the Aggregate Resources and Mining Modernization Act, 2016 be amended to reflect this.

Section 13 speaks to amendments by the Minister. Will there be a public review and/or input into these proposed amendments? In addition, will there be a public review and/or input into amendments to the Site Plan proposed by the licensee? OFA recommends that the Aggregate Resources and Mining Modernization Act, 2016 be amended to reflect these public review and/or input requirements.

Section 13(2.3) speaks to “minor amendments”, but the term is not defined. What constitutes a minor amendment? It is difficult to comment on this without knowing exactly what is being considered or proposed. That being said, OFA strongly recommends that the term “minor amendment” be defined, and that the application of this authority be clearly limited.

Section 14 addresses fees. OFA firmly believes that fees must be increased. Included in the fee must be an amount adequate to address the timely rehabilitation of legacy sites as well as provide a share to municipalities whose roads serve as haul routes but are not entitled to a share of the royalties under the current provisions.

Section 15.1 speaks to mandatory compliance reporting, which is positive. It seems that the frequency of these reports is unspecified. OFA recommends that these reports be at least annual and be publically available.

Section 62.2 speaks to an expert review of an applicant’s technical or specialized studies. An independent technical review of these studies is a good idea. OFA would expect that this review, for agricultural lands subject to a license and/or permit application or for rehabilitation back to an agricultural end use, include reports prepared and reviewed by an agriculturally-qualified person. We further recommend that both the technical or specialized studies and the results of their review be a matter of public record.

OFA made a number of recommendations to the Standing Committee on General Government’s review of the Aggregate Resources Act, May 2012.

The Aggregate Resources Act, regulations and operating standards need to be amended to acknowledge and protect the vital role of our finite and shrinking agricultural lands. To this end, OFA recommends that aggregate extraction be prohibited on prime agricultural land (classes 1-4), and specialty crop lands.

In areas where agriculture is the predominate land use, rehabilitation must be to restore the site to an agricultural end-use (i.e. no below water table extraction in prime agricultural and specialty crop areas). The Aggregate Resources Act, regulations and operating standards must reflect a stronger commitment to rehabilitation in general, and rehabilitation back to an agricultural condition and be imbedded in the Provincial Standards. To facilitate this, the Ministry of Natural Resources and Forestry must develop and implement an inspection regime to verify an operator’s rehabilitation actions and achievements, extending to at least for 5-7 years after rehabilitation has been completed to ensure the rehabilitation actions are viable. Lastly, the rehabilitation goals and objectives for rehabilitated area and soil fertility must be achievable and measurable.

OFA supports the Ministry’s goal of streamlining and modernizing the Aggregate Resources Act, in the context of maintaining our ever-shrinking agricultural lands from conversion to non-agricultural uses. Licensed aggregate sites often exist for a long period of time. The long-term loss of agricultural land, even if it will eventually be rehabilitated back to an agricultural use arising from aggregate extraction as well as rehabilitation lag, has a detrimental effect on an areas agricultural economy. Lands taken out of production for aggregate extraction need to be replaced by the farmer in order to maintain the farm’s level of production, viability and profitability. Farmers may have to acquire lands at some distance from their home farm to maintain their operation’s status quo.

The recently-introduced *Aggregate Resources and Mining Modernization Act, 2016* proposes broad expansion of regulation-making powers. OFA looks forward to actively participating in consultations with the Ministry of Natural Resources and Forestry on development of the revised regulations, operating standards and policies, to ensure aggregate extraction and rehabilitation compliments the growth and development of Ontario's agriculture.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Currie", is centered on a light gray rectangular background.

Keith Currie  
President

cc: The Honourable Kathryn McGarry; Minister of Natural Resources and Forestry  
The Honourable Jeff Leal; Minister of Agriculture, Food and Rural Affairs  
OFA Board of Directors