

July 13, 2023

Jamie Prentice
MNRF - RPDPB - Resources Development Section
300 Water Street, 2nd Floor South
Peterborough, ON
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Submitted online and sent via email to: aggregates@ontario.ca

Dear Jamie Prentice,

Re: ERO 019-6767 – Proposed changes to the Aggregate Resources Act, Ontario Regulation 244/97 to expand self-filing activities and a new policy regarding amendments to existing aggregate approvals

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations administered by all levels of government. We are passionate and dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with for any new or changing legislation that would impact the sustainability and growth of our farm businesses.

OFA believes that farming to produce food, fibre, fuel, flowers, and nursery stock is the best use for farmland. Ontario's limited supply of farmland is a scarce resource, making up less than five percent of all the land in the province. It's vital that Ontario has a strong, viable and sustainable supply of food products grown, harvested, and processed right here at home. Ontario's shrinking agricultural land base is alarming. The current rate of loss is measured at 319 acres per day in our province, according to the 2021 Census of Agriculture. These losses are not sustainable.

The purpose of this consultation is to expand the list of changes that can be made to existing Aggregate site plans without ministry approval, and to introduce a policy that would provide direction for changes to licences, permits and site plans where ministry approval is required. While we are in favour of limiting the red tape companies face to conduct their business, we do have some concerns regarding aspects of this proposal.

Proposed Policy Changes

Regarding the proposed policy changes, we believe that notification and consultation **must** (not may) be required "when proposed amendments would result in significant changes to operations and rehabilitation." We are pleased to see that "increase the impact or potential impacts to: ground or surface water resources (and) ... agricultural resources" are included as examples of significant changes. We believe that an agricultural impact assessment must be conducted when agricultural lands may be impacted by a proposed amendment.

OFA believes that changes to final slopes and grading should be also subject to increased scrutiny and study. This is currently listed as an example of a change that is not significant. Aggregate proponents must be able to demonstrate that the proposed change to slopes and grading will not result in negative impacts to neighbours. Similarly, any proposed change that has the potential to impact traffic, should also include detailed study and scrutiny to ensure neighbours will not be negatively impacted by this change.

This policy also outlines the Notification and Consultation process. This process identifies what should be included in the notification package provided. We believe that the sketch and draft site plan must be included in the notification package. Related reports should also be included in the notification package. If these reports are too large to include in the package sent to landowners, then at a minimum they should be made very easy to access, online and upon request. This will accommodate landowners, such as farmers, who may be reviewing these proposed amendments at times that do not align with the business hours of the aggregate company.

This proposal further identifies which parties should be notified of potential amendments. All nearby landowners should be provided notification of proposed amendments. Basing notification on the “potential for the landowner to experience significant change in impacts” presumes that the aggregate company and Ministry fully understand who may be impacted. Potential impacts to the agricultural community are frequently misunderstood and therefore requires the involvement of the farmers themselves.

Proposed Site Plan Amendments Eligible for Self-filing

This section expands on the site plan amendments that are eligible for self-filing if certain conditions are met. The one area of potential concern to us in this section is the self-filing of additions or re-location of an entrance or exit from the site. While we appreciate the necessity of approval from the road authority, there must also be meaningful consideration of how neighbours may be impacted by changes to entrances and exists. What process is in place to ensure that farm equipment and farm transportation that uses these roads will not be negatively impacted by changes to entrances and exits? What additional safety precautions are included to accommodate the unique nature of farm machinery?

OFA recognizes that amendments to existing aggregate operations may be necessary at times, and we agree that there are circumstances when requiring complex consultation with landowners is unnecessary. A change of name of the licence holder is one such example. However, there remains circumstances when proposed amendments have the potential to negatively impact landowners. It is in these circumstances that we believe additional scrutiny is required to ensure that these potential impacts are considered and avoided or appropriately mitigated.

I trust our opinions and recommendations will be given due consideration in this consultation.

Sincerely,



Peggy Brekveld
President

cc: OFA Board of Directors