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July 13, 2012

Standing Committee on General Government
99 Wellesley Street West
Room 1405, Whitney Block, Queen's Park
Toronto, ON M7A 1A2

Dear David Oraziotti, Chair, and members of the Standing Committee on General Government,

RE: Review of the Aggregate Resources Act

Thank you for the opportunity to present the Ontario Farmland Trust's concerns and recommendations as a part of the Aggregate Resources Act (ARA) review. We are grateful that you have welcomed input from a wide range of stakeholders, including farmers, farm organizations, rural residents and municipal leaders, by extending the ARA review comment period and adding committee hearings outside of Toronto to meet in communities across Ontario that are directly impacted by aggregate operations.

We feel it is of critical importance to thoroughly review this ARA legislation to address more completely its impacts on agriculture, farmland and rural municipalities. The Act must be updated and improved to effectively embody our collective values and enable us to plan appropriately for the extraction and use of aggregate across Ontario.

The Farmland Trust's comments and recommendations are directed toward consideration of agriculture and farmland during the ARA review process. There is a need for greater balance between the protection of aggregate resources and the protection of farmland, and we hope that new policy directions will emerge that seek to prioritize protection and rehabilitation of prime agricultural lands while also planning for aggregate. Unlike aggregate, farmland is a perpetual resource that is capable of producing food forever and sustaining Ontario's largest industry: agriculture - the foundation of our economy. We need to recognize Ontario farmland as the strategic resource it is, and ensure all policy is designed to mitigate the loss of this valuable resource and the impacts on the farming communities that rely on its irreplaceable productivity.

The Ontario Farmland Trust (OFT) is a non-profit organization that works to protect and preserve farmlands and associated agricultural, natural and cultural features of the countryside to improve quality of life for current and future generations. Based at the University of Guelph, and working closely with Ontario's major farm organizations, the Ontario Federation of Agriculture and the Christian Farmers Federation of Ontario, OFT supports farmland preservation through research, education, policy development and direct land protection. OFT also has strong working relationships with other land conservation proponents, including conservation authorities and land trusts.

Farmland as a Strategic Resource in Southern Ontario

Southern Ontario farmland is a strategic provincial resource and the single most important agricultural resource in Canada.

- Only 5% of all land in Canada is 'prime agricultural land,' Canada Land Inventory Classes 1-3 – farmland with no significant constraints for crop production.
- Only 0.5% of Canada's land area is Class 1 farmland – the most productive land resource; Southern Ontario contains over half of Canada's Class 1 land.
- Combined with Southern Ontario's moderate climate, this land can produce a greater diversity of crops than anywhere else in Canada – over 200 different commodities, including tender fruit and vegetable crops, soybeans and corn.
- This land and diversity of production provide the foundation for Ontario's agriculture and agri-food industries which contribute over \$30 billion to the provincial economy annually.
- Ontario farmland is a resource in decline; over the past 30 years over 2 million acres of farmland have been lost to non-farm developments such as urban expansion and aggregate extraction. We continue to lose over 100 acres, or one farm, per day.
- Only 5% of Ontario's total land area is capable of supporting agriculture.

Ontario's prime agricultural land must be protected for long-term agricultural production alongside protection of aggregate deposits. Unfortunately, the current Provincial Policy Statement and Aggregate Resources Act seem to make aggregate a priority over other land uses, including agriculture. Planning for both land uses needs to be better integrated and coordinated, with an awareness that some areas of the province are best suited for agriculture and it is entirely appropriate to limit or prohibit aggregate extraction in these areas, particularly in central and southwestern Ontario. Redirecting aggregate extraction to northern and eastern Ontario instead, for example, would substantially reduce or eliminate conflict with established agricultural communities.

Currently, the attitude seems to be that aggregate applications are all equally important and should all be approved, regardless of their size, the quality of the aggregate material or location. In many cases new aggregate sites should not be approved, as they permanently remove Ontario's irreplaceable prime farmland resources from production.

A more comprehensive aggregate strategy is needed for the province, which will give greater certainty in future land use to aggregate operators, agricultural operators and rural communities. Development of such a strategy should begin as part of this ARA review or a parallel process that is transparent and includes meaningful consultation with municipalities and community stakeholders. It would identify where long-term aggregate and agricultural reserves should be strategically located and protected for their respective uses. It would also effectively analyze and mitigate impacts on host communities, differentiate between different types of aggregate materials and link production to the need for these materials.

Such a provincial strategy should be developed by first conducting a thorough analysis of the *State of the Agricultural Soil Resource in Ontario*, led by the Ministry of Agriculture, Food and Rural Affairs, similar to the Ministry of Natural Resources' 2010 *State of the Aggregate Resource in Ontario* report. This would provide a strong basis for understanding how to balance the use of Ontario's two primary, strategic resources, farmland and aggregate. It would also generate a better understanding of the long-term social and economic costs to the Province and local communities when farmland and associated farm supply businesses and services are displaced by aggregate.

The following recommendations support greater consideration for protection and restoration of agricultural land as part of aggregate activities in Ontario.

Relationship to the Provincial Policy Statement

It becomes clear that changes to both the ARA and the Provincial Policy Statement (PPS) are needed to adequately address the balance the use of Ontario's aggregate and farmland resources. As the interpretation and implementation of the ARA is directly guided and informed by the PPS, which is also under review at this time:

- Do not finalize any changes to the ARA until the PPS review is complete and the current PPS is updated – this will impact the ARA and may necessitate further changes.

Approval of new aggregate extraction sites

- Require full agricultural impact studies for aggregate sites proposed in agricultural areas, including full assessments of agricultural soils, types of agricultural production, fragmentation of the agricultural landscape, local agricultural infrastructure (seed, feed, fertilizer and machinery dealerships, field tile and municipal drains, etc.) and interference with farming activities in the area, as well as rehabilitation plans. Aggregate applications must demonstrate the extraction will not negatively impact agriculture in an area.
- Establish principles and guidelines related to the quality and abundance of various aggregate materials (eg. every application to extract sand should not be approved, as it is a highly abundant resource and lower-quality aggregate material, compared to limestone for example. Instead, extraction of sand can be directed away from agricultural areas or prioritized as above-ground extraction rather than permitting below-water extraction that is not possible to restore to agriculture).
- Prohibit aggregate extraction in Specialty Crop Areas (eg. Niagara tender fruit and grape lands). These are the most unique and valuable farmlands in Ontario and are of highest provincial interest for protection. There are already protected from urban expansion; protection from aggregate extraction is needed.
- The PPS states “planning authorities shall designate specialty crop areas in accordance with evaluation procedures established by the Province,” yet no procedures currently exist. Provincial leadership is needed in developing a process for identifying and delineating new specialty crop areas. Municipalities should be encouraged to establish Specialty Crop Areas to protect locally significant agricultural areas, making agriculture the highest priority and intended land use (eg. thousands of acres of locally and provincially-significant Dufferin County potato lands under threat by mega-quarry proposal in Melancthon Township)
- Prohibit aggregate extraction below the water table on Class 1-3 farmland, as rehabilitation of this prime farmland resource is not possible. Alternatively, seek to permanently protect all Class 1-4 farmland from aggregate extraction, consistent with the Ontario Federation of Agriculture's position and the long-term interests of Ontario farmers.
- Eliminate the ‘close to market’ aggregate sourcing requirement in favour of directing aggregate extraction to non-agricultural areas of northern and eastern Ontario where aggregate resources are abundant and communities are seeking new employment opportunities. This will reduce conflict in farming areas, preserve farmland resources and address concerns about the protection of drinking water sources and significant environmental features in highly-populated or near-urban areas. The Province should prioritize infrastructure development that efficiently and economically transports aggregate over larger distances by establishing rail and inter-modal transportation hubs. This would also result in reduced emissions and air pollution, and reduced traffic congestion.

Aggregate conservation and recycling

- Prioritize conservation and recycling of aggregate material over approval of new licenses and permits
- Set provincial aggregate recycling targets, incrementally increasing use of recycled aggregate materials over time
- Require users of aggregates to incorporate recycled aggregates into purchasing policies
- Where agricultural land is being converted to urban uses, procedures should be established so that aggregate is extracted before the opportunity is lost (e.g. after designation in the Official Plan but before finalizing subdivision approval).

Rehabilitation of aggregate extraction sites to agriculture

The Provincial Policy Statement reads: *In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that rehabilitation of the site will be carried out so that substantially the same areas and same average soil quality for agriculture are restored.* While there has been some successful rehabilitation of aggregate sites to agriculture, many sites have not been restored, or there has been an extensive delay in rehabilitation.

- Ensure aggregate sites are rehabilitated so that the same area and average soil quality for agriculture are restored, as is consistent with the PPS.
- Require adequate, progressive and final rehabilitation of aggregate sites be paid for entirely by the firm which profited from the aggregate extraction.
- Require aggregate operators to surrender their license in a timely manner following extraction to expedite rehabilitation of the site back to agricultural use (eg. place expiration dates on licenses, requiring demonstration of need in requests for extensions); new incentives or mechanisms are needed to achieve timely rehabilitation, as well as policy.
- Appoint or create a third party organization that is responsible for working with aggregate operators to facilitate site rehabilitation; mandate that the industry complete rehabilitation through this organization.
- Require that farmland conservation easements be registered on title for rehabilitated aggregate sites in agricultural areas to ensure re-integration to the farming community and demonstrate a commitment to agriculture as the intended long-term use.

Aggregate fees/royalties

- Raise aggregate license and royalty fees (eg. Quebec's rate is more than 50 cents per tonne) to support:
 - MNR staff capacity; improved monitoring of aggregate sites and effective enforcement of the Aggregate Resources Act
 - Programs and incentives that encourage reuse and recycling of aggregate material (eg. working with municipalities to develop local policies that prioritize use of recycled aggregate in construction, road building, infrastructure projects)
 - New incentives or mechanisms for rehabilitation of aggregate sites following extraction (eg. require a security deposit for aggregate licenses upfront, to be reclaimed when site rehabilitation is complete)
 - Research and information exchange on industry best practices

We invite discussion and welcome any questions you might have regarding our submission. Thank you again for this opportunity to make comments on the Aggregate Resources Act, and for considering our unique insights during this review process.

We trust you will seek ways to inform and develop a more balanced and strategic approach to the protection of aggregate resources and the protection of our best farmland resources for the benefit of future generations and all communities in Ontario, urban, rural and agricultural.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Ragetlie". The signature is fluid and cursive, written in a professional style.

Norman Ragetlie, Chair

cc:

The Honourable John Milloy, Government House Leader

The Honourable Michael Gravelle, Minister of Natural Resources

The Honourable Ted McMeekin, Minister of Agriculture, Food and Rural Affairs

Gord Miller, Environmental Commissioner of Ontario

Neil Currie, Ontario Federation of Agriculture

Nathan Stevens, Christian Farmers Federation of Ontario