



July 9th, 2018

Ontario Ministry of Agriculture, Food, and Rural Affairs
Food Safety and Environmental Policy Branch
1 Stone Road West
Ontario Government Building
2nd Floor SW
Guelph, ON
N1G 4Y2

RE: EBR Registry # 013-2454 for input on the Draft Agricultural Impact Assessment Guidance Document:

Ontario Farmland Trust (OFT) is a not-for-profit organization whose mission is to protect and preserve Ontario farmlands and associated agricultural, natural, and cultural features of the countryside. OFT achieves this through direct land securement, stewardship, policy research and education to benefit all Ontarians.

Thank you for the opportunity to submit feedback on the Draft Agricultural Impact Assessment (AIA) Guidance Document. OFT appreciates the Ministry's dedication to protecting the integrity of farmland and the broader Agricultural System both inside and outside of the Greater Golden Horseshoe (GGH). OFT has been an active stakeholder in the development of the Growth Plan and Agricultural System elements. As a result, we are pleased to contribute to the development of the AIA Guidance Document and the protection of Ontario's farmland.

OFT applauds the Ministry's work in the development of the AIA Guidance Document. This document and the related policies are an important step towards the long-term protection of Ontario's farmland. The Document's three aims are clearly stated and commendable gains are made towards achieving them. In particular, the level of detail provided and additional information contained within the Appendices clearly demonstrates the Ministry's commitment to protecting and enhancing the Agricultural System. We believe this consultation is an important step towards strengthening the draft document and providing the best possible guidance for the effective use of Agricultural Impact Assessments.

The Draft AIA Guidance Document is a promising tool to direct the use of AIAs to protect farmland and the agri-food sector. Below, OFT has amassed several recommendations to strengthen the guidance within the draft document.



Mitigation

OFT commends the Ministry's prioritization of impact avoidance above minimization and mitigation. The clearly presented and well described impacts and potential actions indicate a strong desire to provide tangible, professional guidance to enhance and protect the Province's agri-food sector through the effective use of AIAs. However, much of the document focuses on "mitigation measures," which does not accurately reflect the guidance provided within. Mitigation implies the inevitability of negative impacts but these impacts can be avoided through careful planning and consultation. Avoiding negative impacts on farmland and agricultural enterprises is absolutely necessary for the sector to continue thriving for generations to come and mitigation strategies should be employed as a last resort. The compounding effect of 'minimized' or 'mitigated' impacts can result in substantial damage to farmland and the agri-food network, which places Ontario's agri-food sector at an unacceptable level of risk.

- 1) OFT recommends that language around "mitigation measures" be altered throughout the document to reflect the broader suite of options available and to move the emphasis away from mitigation.** Referring to the options of avoidance, minimization, and mitigation as "mitigation measures" detracts from the importance and preference of avoidance strategies.
- 2) OFT recommends that the preference of avoidance over minimization/mitigation be reiterated throughout the document, where applicable.** Again, the emphasis should be directed away from mitigation and towards avoidance as the preferred strategy and outcome.
- 3) OFT recommends that, in section 3.2.2, greater clarity is provided about the distinction between minimization and mitigation.** This will better facilitate the prioritization of actions and achieve greater consistency in the implementation of AIAs. The current definitions are an excellent start but the difference between the two strategies and when they might be implemented is unclear.
- 4) OFT recommends that greater clarity be provided in Table 3 under the mitigation measure, "Implement a groundwater monitoring program." It should be specified within the document that a groundwater contingency plan, including the identification of alternative water sources, must be developed prior to the beginning of a project.** In the event that a monitoring program identifies an issue that negatively impacts a farm operation, an alternative water source must be provided without delay. This rapid action can only be accomplished if alternative water sources are pre-identified.



Any impact on agricultural water quality/quantity is detrimental to the farm business and its operations. **Additional information should also be provided regarding the frequency of groundwater monitoring** to ensure that issues, particularly those surrounding water quality, are detected as soon as possible to avoid major impacts on agricultural operations.

AIA Use Outside of the GGH

OFT applauds the Ministry's recognition of the Province-wide benefit of AIAs and their capability to effectively protect farmland and the agri-food sector. Encouraging municipalities to add AIAs to "their list of reports or studies required to support a complete application" (Section 2.2.1) is an excellent first step towards using AIAs to their full capacity. The AIA Guidance Document can improve its applicability to areas outside of the GGH through the consistent use of language inclusive of those areas. It is essential that municipalities throughout the Province are provided equal guidance and encouragement for the use of AIAs to effectively and consistently assess impacts on farmland. Furthermore, the agri-food network that is critical for the ongoing viability of the sector spans the entirety of the Province and is not constrained within the GGH. AIAs have the potential to safeguard against projects that extend or exist beyond the boundaries of the GGH that have a substantive potential to negatively impact farmland and agriculture as a whole.

- 5) OFT recommends that language inclusive of areas outside of the GGH be used more consistently throughout the document.** Although some sections do an excellent job of providing guidance for using AIAs outside of the GGH, others are missing this language entirely. To effectively provide adequate technical guidance and to encourage the consistent use of AIAs throughout the Province, this language must be used regularly throughout the document.

- 6) OFT recommends that AIAs outside of the GGH should also consider supply chains, critical infrastructure, and other elements important to the viability of the local agri-food sector.** For example, "Land Use Characteristics" (Section 2.2.5) would benefit from greater direction for areas outside of the GGH. The province-wide agri-food network is critical for the ongoing viability of the sector. As such, direction should be provided for assessing these dimensions outside of the GGH's Agricultural System.



Long-Term Farmland Protection

The Guidance Document considers a wide variety of impacts to both individual agricultural enterprises and the agri-food sector as a whole, which indicates the Ministry's commendable commitment to protecting and enhancing the Agricultural System. However, much of the document focuses on short-term impacts. To effectively protect and enhance the agri-food sector, long-term impacts on farmland must be considered. OFT is in strong support of an agri-food sector that is viable for generations to come. The only effective method of working towards a prosperous future for Ontario's agri-food sector is to consider, and plan to avoid, both long- and short-term negative impacts.

- 7) **OFT recommends that stronger and more consistent language be used throughout the document to consider long-term impacts on farmland and agri-food sector viability.** For example, in Section 2.2.6. it should be specified that both short- and long-term impacts should be assessed. Impacts from non-agricultural uses of farmland will be long-lasting and the consideration of long-term impacts is absolutely critical to successfully protect and enhance the Agricultural System and Ontario's agri-food sector for generations to come.
- 8) **OFT recommends that, in "Net Impacts" (Section 2.2.8), the net impacts of shorter-term projects (e.g. aggregate extraction) be described beyond the immediate lifespan of the project.** The legacy of these projects may result in damages that extend beyond the end-date of the project including: irreparable damage to farmland, reduced production, long-term disruption of the local agri-food network, and reduced economic viability of the local agri-food sector. These potential impacts must be considered to achieve the goal of protecting and enhancing the Agricultural System and agricultural operations. For these reasons, we also recommend that aggregate extraction be prohibited on prime agricultural land.
- 9) **OFT recommends that the requirements in "Climate" and "Soil suitability and microclimate" (Section 2.2.5), be extended beyond specialty crop areas.** In recognition of a changing climate and the shifting distribution of specialized agricultural activities in Ontario, this information should not be limited to designated specialty crop areas. For example, emerging wine regions would benefit from this analysis and consideration though may not yet be recognized as a specialty crop area.



- 10) OFT recommends that under “Education and Outreach” (Section 3.4), more explicit information regarding long-term education activities should be provided.** While the direction provided will be helpful for building awareness at the outset of the project, the extent to which this will create a long-term reduction in nuisance complaints is questionable. Establishing support for local agriculture from nearby residents is an important step in maintaining a strong agri-food sector that promotes and protects normal farm practices near municipal boundaries.
- 11) OFT recommends that a clear definition of “lower priority agricultural lands” be provided at the first instance of its use.** The ambiguity of this term could lead to misinterpretation that puts Ontario’s farmland and agri-food network at unacceptable risk. We would also contend that **all agricultural lands are high priority**, regardless of their current agricultural status or use, because of their long-term potential to contribute to the agri-food sector.
- 12) OFT recommends that, in Figure 2, the categorization of options be reconsidered to better reflect the order of preference.** The use of “preferred” for both Option 1 and Option 2 may be interpreted as an equal weighting of these two options. However, while Option 1 will have no impact on farmland or the agri-food network, Option 2 could lead to a long-term detriment. As a result, Option 1 is preferential over Option 2, which should be clearly indicated.

Meaningful Stakeholder Consultation

OFT applauds the Ministry’s inclusion of economic and community impacts in the AIA process as well as the recommendation for community stakeholder consultation. Taking a genuine and engaged approach to requesting and considering farmer feedback is a positive step towards building respectful relationships and creating meaningful dialogue about the project and its impacts on the agricultural community. To be effective, strategies and solutions must fit the unique context of the area and local stakeholders are the best resource to achieve a positive outcome. Considering the importance of meaningful stakeholder consultation, the AIA Guidance Document could be improved by including additional information and clarity regarding consultation processes and requirements. Acknowledging the direct impact that any non-agricultural uses of agricultural land will have on farmers and communities and working to avoid these impacts is of great importance.



- 13) OFT recommends that the Guidance Document include a more thorough description and greater direction regarding farmer and community consultation as part of the AIA process.**
- 14) OFT recommends that it be clearly stated how and to what extent stakeholder consultation will be used to inform the AIA process.** Obtaining local knowledge and input will benefit the direction of the AIA and ensure that recommendations and strategies reflect the needs and challenges of the local context. However, for stakeholder consultation to be meaningful, transparency is required from the outset about how the information stakeholders provide will be used and what weight it holds in the evaluation of impacts/establishment of recommendations.
- 15) OFT recommends that representation from the agricultural community be included during pre-consultation.** If the goal of the meeting is to provide “relevant information important to the AIA and identify any specific concerns regarding the proposed development” (Section 2.2.2, “Pre-consultation”), it is critical that those who are most likely to be negatively impacted are able to identify the concerns of the agricultural community. This early identification will ultimately benefit the consultation process and make gains in protecting farmland and the agri-food sector.
- 16) OFT recommends that, under the subheading “Local Knowledge and Input” (Section 2.2.4), stronger language be used to encourage the use of interviews and meetings with local stakeholder consultation.** Empowering local farmers, farm organizations, and agricultural advisory committees to provide input on proposed developments is a strong step towards building positive relationships, establishing recommendations that reflect the local context, and protecting farmland and the agri-food network.
- 17) OFT recommends that, under the subheading “Local Knowledge and Input” (Section 2.2.4), greater clarification be provided for bulleted suggestions 3-4.** Greater guidance is required in this list to clearly denote what could be asked of local experts and how this information may be used. This additional guidance and clarity will remove ambiguity and potential for misinterpretation, ultimately improving the consultation process.



- 18) **OFT recommends that, under the subheading “Economic and Community Benefits of Agriculture” (Section 2.2.5), an additional bulleted point be included to consider the contribution of agriculture as a cultural resource in addition to employment and economic contributions.** Conversion of farmland to non-agricultural uses can transform rural communities and severely impact cultural assets. In many rural areas, the legacy of agriculture as a community pillar is pivotal to community wellbeing and vitality.
- 19) **OFT recommends that, under the subheading “Economic and Community Impacts” (Section 2.2.6), an example that considers the impact on rural character, community wellbeing, and cultural features be added.**
- 20) **OFT recommends that, in Table 3, the description for the mitigation measure, “Maintain, restore or construct farm infrastructure,” should include clarification that these activities must be completed with input from local farmers.** This consultation will ensure that any infrastructure activities serve the needs of the local agricultural community and effectively avoid negative impacts to farmland and farm businesses.

Qualified Professionals

OFT applauds the clearly explained guidance regarding the selection of Qualified Professionals (QPs) and the inclusion of a broad range of areas of expertise. QPs play a crucial role in the successful and effective use of AIAs to avoid, minimize, and mitigate negative impacts on farmland and the agri-food network. As such, it is absolutely necessary that they are familiar with and have a strong understanding of the needs and challenges of the agricultural community.

- 21) **OFT recommends requiring that QPs have demonstrable experience in assessing agricultural impacts.** It is important that AIAs adequately reflect the needs and challenges associated with farmland, which is best facilitated through QPs who have experience with farmland and the agri-food sector.
- 22) **OFT recommends making AIA training available to QPs.** Training programs will help build provincial capacity and work towards greater consistency in the use and application of the AIA process.



Thank you for this opportunity to share our recommendations and feedback on the proposed recommendations to EBR Registry # 013-2454. We invite discussion and welcome any questions you might have regarding our submission. We look forward to working with you further to strengthen the Agricultural Impact Assessment Guidance Document.

Most Sincerely,

A handwritten signature in purple ink that reads "Kathryn Enders". The signature is fluid and cursive, written in a professional style.

Kathryn Enders
Executive Director
Ontario Farmland Trust