



LONG-TERM THINKING FOR TODAY'S ISSUES

November 27, 2019

Hon. Prabmeet Singh Sarkaria
Minister Without Portfolio
Associate Minister of Small Business and Red Tape Reduction
Ministry of Economic Development, Job Creation and Trade
7th Floor, 56 Wellesley Street West
Toronto, ON M7A 2E7
Delivered via email to: prabmeet.sarkaria@pc.ola.org

RE: ERO 019-0774 Bill 132 Better for People, Smarter for Business, Act 2019

Dear Minister Sarkaria,

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.

As farmers concerned with best stewardship practices, we have a strong interest in provincial protection of the supply of clean water and productive agricultural lands. We are pleased to have the opportunity to comment on the proposed changes to the Acts included in Omnibus Bill 132.

CFFO appreciates the efforts to support farmers through the changes proposed under Schedule 4, Ministry of Agriculture, Food and Rural Affairs and Schedule 9, Environmental Protection Act.

Our concerns, as outlined below, are focused on Schedules 16 and 2 of Bill 132: The Aggregate Resources Act and the Line Fences Repeal Act, 2019.

Schedule 16: The Aggregate Resources Act

CFFO supports all efforts to reinforce the original goals of the Aggregate Resources Act (ARA), 1990, as stated in the Act:

- Provide for the management of the aggregate resources of Ontario;
- Control and regulate aggregate operations on Crown and private lands;
- Require the rehabilitation of land from which aggregate has been excavated; and
- Minimize adverse impact on the environment in respect of aggregate operations (see s.2 of the ARA)

We also support your stated intention, in the recent consultation on changes to the Aggregate Resources Act, to ensure that when deciding whether to issue/refuse an ARA licence, the Minister (or LPAT) must have regard for the factors in s.12 which refer to the broader effects of the proposed pit/quarry on the environment, groundwater, surface water, agricultural resources, and communities.

We also support proposed changes to the ARA, as outlined in ERO posting # 019-0556, that are meant to “strengthen protection of water resources by creating a more robust application process for existing operators that want to expand to extract aggregate within the water table, allowing for increased public engagement on applications that may impact water resources.”

Protecting Farmland

As an organization representing farmers, we support the ongoing viability of agriculture and protecting Ontario’s prime agricultural and specialty cropland. We are concerned that the proposed changes to the ARA combined with the Provincial Policy Statement (PPS), including changes in ERO# 019-0279 Provincial Policy Statement Review, will not adequately protect the province’s best farmland and will be detrimental to agriculture. The PPS specifically ranks aggregate development above farmland protection and does not require remediation of prime agricultural land if it is too expensive. Furthermore, municipalities are directed to permit aggregate development close to development areas and to grow their borders in line with population growth regardless of the loss of farmland and broader impacts on agriculture.

Ontarians need to be provided with transparent analysis of the cost and benefit trade-offs involved in allowing expansion of aggregates developments close to development areas. Government should provide clear explanation of the total risks that the combined changes to the ARA, in light of the PPS, will have on prime agricultural land and water resources. What degree of protection for water, environmental and agricultural resources will be required by the ARA? How will this be implemented?

We would like assurance that protections are being increased and not decreased given the range of MMAH and MNRF proposals affecting aggregate development.

Rehabilitation of Land

Furthermore, promised future rehabilitation (notably without any proper enforcement framework) is no reassurance against long-term and frequently permanent loss of our highly valued natural and farmland features. CFFO has already recommended removal of section 2.4.4.1 from the recent Provincial Policy Statement Review, which allows aggregates extraction to override protections for prime agricultural land on the faulty premise of future rehabilitation. Even if the area is rehabilitated, there is a significant probability that the land will not be returned to agricultural uses. We agree with Ontario Farmland Trust that even if rehabilitation occurs, it is not effective at returning agricultural lands to their previous level of productivity. Development into the water table effectively removes the opportunity for remediation.

Recommendations

1. That Agricultural Impact Assessments (AIAs) be required under the ARA whenever the PPS requires or recommends rehabilitation back to an agricultural condition and whenever aggregate operations located within or next to prime agricultural land.
2. That the AIA framework, policy and regulations be finalized in consultation with the agriculture sector.

3. AIAs must take into account the impact of developments on both the quantity and the quality of agricultural lands of all classes.
4. For new licences plus any and all amendments to existing licences, provide detailed assurances for protection of environment, groundwater, surface water, agricultural resources and communities surrounding the proposed/existing pit/quarry.
5. Ensure that there are processes in place to establish baseline measures of water quantity and quality of areas affected by pits and quarries prior to development so that local impacts can be monitored over time.

Municipal Powers

The proposal to enforce the supremacy of the ARA over municipal concerns may also increase risks. Furthermore, it is negligent on the part of the province in seeking understanding of local concerns and in respecting these local concerns for human and environmental welfare.

We do not support the change to the ARA intended to “clarify that depth of extraction of pits and quarries is managed under the Aggregate Resources Act, and that duplicative municipal zoning by-laws relating to the depth of aggregate extraction would not apply,” as explained in ERO posting #019-0556.

Recommendations

1. Include and honour concerns and information provided by municipalities in all licence considerations.

Summary

We are making our recommendations with the ultimate purpose of being assured of the following:

1. Increased protections for prime farmland, water, and environmental resources in both the ARA and the PPS.
2. Cross-compatibility between the ARA and the PPS in providing increased protections.
3. No further licences for new or existing licence holders for extraction below the water table without, in your words, a "more robust" application process.
4. Inclusion of binding local municipal input to all aggregate developments, in particular those that extend development into the water table.

Schedule 2: Line Fences Repeal Act, 2019

The current system for dealing with fence disputes works well: it is efficient and cost effective. The existing provincial standards in the Line Fences Act ensure consistency and fairness across the province. If instead, municipalities are expected to enact bylaws to replace the role of the Line Fences Act, rural land owners will be faced with varied systems for handling line fencing issues. This will add to confusion and bureaucratic red tape for farmers and other rural landowners. We concur with the Ontario Federation of Agriculture recommendations that the current Line Fences Act should be left in place.

Recommendations

1. The current system for dealing with fencing disputes should be maintained.

In Closing

We look forward to providing more precise input on our recommendations regarding Schedule 2 – The Line Fences Repeal Act, 2019 and Schedule 16 – The Aggregate Resources Act.

CFFO asks that we be involved in future consultations on any and all regulations that affect rural Ontario and all farmers, including Schedule 4, Ministry of Agriculture, Food and Rural Affairs and the following parts of Schedule 9 – The Environmental Protection Act:

- Holding polluters accountable by expanding the use of administrative monetary penalties for environmental contraventions;
- The Pesticides Act; and
- The Nutrient Management Act, 2002.

CFFO hopes you will take time before, and after, passage of Bill 132 to engage meaningfully with all affected agricultural groups. Thank you for your consideration of our input.

Sincerely,



Clarence Nywening, President

Christian Farmers Federation of Ontario

BD/SA

CC. Hon. Jeff Yurek, MPP, Minister of Environment, Conservation and Parks
Hon. Ernie Hardeman, MPP, Minister of Agriculture, Food and Rural Affairs
Hon. Steve Clark, MPP, Minister of Municipal Affairs and Housing
Ms. Cordelia Clarke Julien, Assistant Deputy Minister, Ontario Growth Secretariat, MMAH
President Keith Currie, Ontario Federation of Agriculture
President Don Ciparis, National Farmers Union – Ontario
Kathryn Enders, Executive Director, Ontario Farmland Trust