

January 20th, 2006

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PHONE: (705) 755-1286 FAX: (705) 755-1206

Dear Mr. Thatcher,

Re: EBR PB05E6810 – Draft Aggregate Resource Policies relating to the Greenbelt Plan
By Fax to: (705) 755-1206

Thank You

Friends of Rural Communities and the Environment thank you for the opportunity to comment on the proposed new Aggregate Resource Policies related to the Greenbelt Plan Regulations.

FORCE

Friends of Rural Communities and the Environment (FORCE) is a federally registered not for profit corporation. It is a citizen-based advocacy group with hundreds of supporters in Kilbride (Burlington), rural Milton, Campbellville, Mountsberg, Freelon, and Carlisle. FORCE was formed in June 2004 to protect our natural and built environments in the face of a proposed large-scale, *below the established groundwater table*, aggregate development by Lowndes Holdings Corp. in the Northeast Flamborough portion of the amalgamated City of Hamilton. We note upfront that our organization is neither anti-aggregate nor anti-road. Indeed, our area is home to some of Ontario and Canada's largest aggregate operations. We do, however, have significant issues with the current application in its proposed location for substantive reasons. We also believe that our organization has a responsibility to promote good government in the area and, ergo, we have a responsibility to contribute to the broader reform processes which bear upon proposals such as the one before our communities.

Two Proposed Policies

As we understand the EBR posting there are two separate but related proposed policies.

A.R. 2.01.12a dealing with the Rehabilitation Requirements for Existing Operations in the Protected Countryside of the Greenbelt Plan Area

and

A.R. 2.01.12b Establishing the Maximum Disturbed Area for Existing Aggregate Operations in the Protected Countryside of the Greenbelt Plan Area.

Rehabilitation Policy

Considering the first policy on Rehabilitation:

The policy primarily implements the requirements documented in the Greenbelt Plan. As such we support the policy. We do however call your attention to the following observations.

The policy states:

“MNR and the aggregate industry will consider comprehensive rehabilitation plans in areas where there is a high concentration of aggregate operations.”

This statement does not make it clear who is responsible for what. Who will decide that comprehensive plans are required? Who will determine if a group of aggregate operations is of a “high concentration”? Who will propose the plans? Who will approve the plans?

In order for this to be meaningful more specific direction in terms of roles and responsibilities is required.

In the discussion regarding fulfilling the obligations of the Greenbelt Plan it is stated that:

“the majority of aggregate operations within the Protected Countryside will require site plan amendments with respect to rehabilitation.”

Further the policy indicates that the licensee is required to initiate these amendments or the MNR will impose a site amendment.

We recommend that this part of the policy be made more specific as well. How will a licensee know if they are part of the “majority”? And while the policy specifies that amendment applications will be approved or denied within one year of being requested, the policy does not indicate when the cutoff period is for submitting the amendment requests or when MNR will start imposing site plan amendments.

The policy should also indicate what kind of approval process will be followed to handle these amendments. We would encourage MNR to provide for a transparent process and at the very least include an EBR posting for all amendments.

Maximum Disturbed Area Policy

Considering the second policy on Disturbed Area:

Our first comment on this policy is how will the maximum disturbed area be determined by MNR?

The draft policy as written primarily deals with the informational requirements and process to be followed by operators that will allow MNR to calculate and assign a maximum disturbed area limit to their operations. There should be a transparency within the policy indicating how the maximum area will be determined by MNR.

The policy should be clear about what factors are used to determine the maximum disturbed area. Are there going to be maximum limits on the maximum disturbed area as a percentage of the total site area for instance? Would those limits, if any, vary by the Greenbelt Plan area designation, for example if the operations are located in the Natural Heritage System or not?

The Greenbelt Plan contains many provisions which depend on the designation of the area in question, but has left it up to MNR to apply them in the case of aggregate operations. A policy covering this metric of maximum disturbed area should be clear about how they will be determined.

Our second comment has to do with the process for new pits or quarries. While the policy is entitled as targeting existing operations the concept of managing the amount of disturbed area clearly applies to proposed operations as well. The mechanics documented here are very operational in nature. They specify the collection of information on established activities and site features and then seeks to impose a maximum disturbed area limit upon them. How will the limit be determined for new applications?

When considering a greenfield operation all changes to the existing landscape should be considered part of the disturbed area. For example a permanent berm that is part of the final rehabilitation plan is still a disturbed area within the context of the rationale for the Greenbelt Plan.

Perhaps there needs to be a new draft policy created considering two classes of disturbed areas. The first class being those areas disturbed from the pre-operational state and the second class considering those areas that continue to be disturbed by ongoing operations.

The first class would be considered during the application process and would be a consideration in determining the original site plan. The second class would be used, as the Greenbelt Plan directs and as the proposed draft policy implements, to minimize the disturbed area on an ongoing basis.

The goal of the Greenbelt Plan after all was to protect all the area of land designated as Protected Countryside. When and if an aggregate operation is ever established within it the Protected Countryside, the concept of a maximum area to be impacted from its original state is clearly appropriate.

Conclusion

Thank you once again for the opportunity to provide these comments. Should there be any clarification required or questions about these comments please feel free to contact the writer.

Yours sincerely,

A handwritten signature in black ink that reads "G. Flint". The signature is written in a cursive style with a long horizontal line underneath the name.

Graham Flint, B.A.Sc., P.Eng.
FORCE Chair & Spokesperson

copy via Email to: stuart.thatcher@mnr.gov.on.ca