



Cornerstone Standards Council,
285 McLeod St. Ottawa,
K2P 1A1

March 20, 2014

Re: Conservation Ontario's Comments on the Cornerstone Standards Council (CSC) Draft Responsible Aggregate Standards

Dear Sirs/Madams,

Thank you for providing the opportunity to provide comments on the Cornerstone Standards Council (CSC) Draft Responsible Aggregate Standards. Conservation Ontario is the network of Ontario's 36 Conservation Authorities and provides the following coordinated comments on behalf of its member Conservation Authorities (CAs). CAs are community-based watershed management agencies dedicated to conserving, restoring and managing Ontario's natural resources on a watershed basis.

Concurrently with the consultation on these draft Standards the Ontario government has released its response to the Standing Committee on General Government's Report on the Review of the Aggregate Resources Act and will be consulting on potential changes to related policy later this year. While the Draft Responsible Aggregate Standards cannot serve as a substitute for needed changes to policy, they can act as a complement to the legislative and regulatory framework.

Overall, the general intent of CSC to develop these proposed Standards is commendable. These Standards could provide an accredited system for industry members to display their intention to being responsible operators and, with the appropriate uptake and adherence, could provide economic, social and environmental benefits. However there are several areas where improvements are needed to ensure that the Standards deliver their intended outcome.

Conservation Authorities have extensive expertise and experience in stewardship, watershed planning and management and provide advice on projects that occur in their watersheds. This experience has been drawn from to develop the following comments to enhance the draft Standards. Most comments are centered on principle 5: Site Stewardship and Impacts to Environment, Water and Human Health and on the need for enhanced clarity with respect to definitions used throughout the document.

General Comments

Cumulative Impacts

One major issue that has not been directly addressed throughout these Standards is the consideration of cumulative impacts. This is particularly important in highly stressed watersheds. Consideration for potential impacts arising from multiple operations (including new and existing operations) in close proximity should be included as there could be impacts resulting from the collective extraction that would not be significant, or evident, if each operation is considered independently. The following link provides guidance on this matter:

<http://www.grandriver.ca/policyplanningregulations/CumulativeImpactBPaper2.pdf>

Consideration of cumulative impacts should include requirements for phasing timelines so that one phase is completely extracted and rehabilitated prior to extraction starting at another phase location. This would address community concerns that often arise related to the length of time that operations remain open.

Landscape Level Planning

The document should strengthen the importance of landscape level planning to preserve natural heritage functions, including considerations of local, regional and provincial natural heritage systems and connectivity. Planning from a landscape perspective would further recognize that some natural heritage features and functions cannot be replicated elsewhere, and mitigation is not always feasible.

Certification Cost

It is expected that certification cost will be a very important factor influencing operator participation in these Standards. To increase the success of these Standards the use of incentives should be considered.

Introduction

A clear depiction of the current regulatory framework and existing baseline required standards should be provided at the front end of the document. A quick summary table may also be useful to reinforce the importance of the proposed Standards by illustrating how they go beyond the existing rules and regulations all aggregate operators must currently follow. Finally, CSC should consider establishing performance benchmarks for these Standards so that their success can be evaluated over time and revisions made as necessary.

The timelines for auditing and certification should be revised to ensure best practices are being followed with positive effect. Therefore it is recommended that the first evaluation audit take place one year after certification and that the CSC certifications are issued for a period of 5 years (rather than 10) which would align with the observation audit schedule. Related to this, the Standards do not specify what will happen to an operator's CSC certification status if during an audit major non-conformances are found. Consequences for non-conformance should be outlined to strengthen the Standards.

The Standards indicate that additional guidance will be developed for auditors to assess how conformity with core requirements should be assessed under varying scale and intensity of operations. It is suggested that a set of measurable objectives be developed for this additional guidance. This could include measures such as % natural features retained, or areas of groundwater exposed.

Principle 1 – Compliance with Laws

Applicants must demonstrate that all necessary licences, approvals etc. have been obtained. It is recommended that the applicant also demonstrate that compliance with all licences, approvals, etc. is

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up to date.

Principle 5: Site Stewardship and Impacts to Environment, Water and Human Health

In general Conservation Authorities are supportive of the proposed requirements for this principle. The following specific comments are suggested to improve elements in this section.

Emphasis on existing operations

There is concern that the proposed Standards and their benefits are geared towards new operations. If the Standards are intended to show how aggregate operators are working above and beyond the current regulatory framework, more emphasis is needed on existing operations. For example, the proposed Standards allow existing operators to determine where additional studies are appropriate (p. 28). There is no requirement for consultation with public agencies or communities on the rationale for this determination. It is strongly recommended that this be required.

Landscape Planning Approach

Many features, including those in Municipal Natural Heritage Systems, Significant Woodlands, Wetlands not identified as provincially significant and Significant Wildlife Habitat are classified as 'CSAR' (Certifiable Subject to Additional Requirements). It is not clear if these features will be automatically considered for compensation under a 'Biodiversity Plan'. As outlined in general comments above on landscape planning, there is concern that in some cases compensation will not be appropriate. The proposed standard does indicate that for these features consultation with the municipality would be used to make a decision but it is unclear whether in some cases this decision would involve a CSAR being designated a NCA (Non-certifiable Area). It is suggested that this option be made available.

It is generally accepted that to avoid impacts to the environment projects should first try avoidance, then minimization of effects with mitigation being used as a last resort. To clarify this, it is suggested that the third bullet (p. 28) should be changed from "...avoid or minimize potential..." to "... first avoid, then minimize, or mitigate potential...".

Land Ownership

Final ownership and or end use on lands within areas classified as CSAR is not discussed in this section. This should be determined early in the process and should include community consultation to determine the best end use. Where appropriate, it may be appropriate to recommend Conservation Easement or ownership by public sector organizations such as Land Trusts or Conservation Authorities to ensure existing or restored features are protected and managed for long term benefits.

Core Requirement 5.4 Rehabilitation

The proposed requirement to develop a rehabilitation plan is strongly supported. The CSC is applauded for recognizing the need to take a cooperative approach to rehabilitation and to amend rehabilitation plans over the lifetime of the operation to address changing community values and environmental concerns. To make this requirement more robust it is suggested that more detailed requirements for rehabilitation plan content be outlined.

Given the valuable knowledge, resources and skill sets that can be made available by Conservation Authorities, it is also suggested that the document recognize that Conservation Authorities may be consulted and engaged in the development or revision of rehabilitation or biodiversity plans.

Section 5.4.4 indicates that soil management will be done according to best practices. This approach is

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supported but it is suggested that the Standards include further requirements relating to review and approval of fill importation appropriate to site characteristics and the final rehabilitation goal. Additionally, monitoring and tracking of the imported soils should be included in the Standards, as well as the provision of an audited schedule to balance community concerns around soil importation.

Section 5.4.7 (p. 41) refers to rehabilitation being completed within two years following final operations (except lake filling and other water dependent features). It is suggested that further details be provided related to the timing for water dependant features.

Table of Proposed Siting Features

The CSC is to be commended on the development of the section on siting. Providing guidance on siting is essential to the success and effectiveness of the proposed standards for responsible aggregate operation. Conservation Authorities provide technical advice to municipalities regarding natural heritage features and functions and natural hazards. Conservation Authority data and information is regularly updated, but municipal official plans may not contain the latest data, information or mapping and reliance solely on these documents for the identification of natural features is not suggested. Therefore it is suggested that the siting table be revised to include recognition that Conservation Authorities may also have valuable data and mapping that operators may be able to use, particularly as it relates to Natural Heritage Systems, wetlands, significant wildlife habitat, significant woodlands, significant valleylands and fish habitat.

There are several other areas where it is suggested the table could be revised:

- The table does not discuss the important headwater functions for cold/cool water streams. It is recommended that this be mentioned under Habitat of Endangered and Threatened Species, and/or Fish Habitat (and in Appendix 4 under surface water).
- To be consistent with other features that municipalities are responsible for identifying, it is recommended that under “Significant Wildlife Habitat” *Additional Requirements* be expanded to include municipal approval.
- Alvars – There is concern over the threshold of >4 obligate species, given the limited diversity in alvar ecosystems, and their rarity on the landscape, it is suggested that a source be provided.
- NCA definition on p. 37 needs clarification or deletion. NCA is already defined on p. 33.
- Reference to designated regionally/locally significant wetland in Official Plan. Terminology regarding wetlands and their significance has changed and terms regionally and/or locally significant are no longer used. It is recommended that instead the table refer to wetlands designated in Official plans.

Green Belt

Specific feedback was requested regarding certification for operations siting in the Green Belt Natural Heritage System. It is generally recommended that those policies which offer the greatest protection to natural heritage features and functions be endorsed and this would include policies that offer protection for the Greenbelt. However, the Greenbelt plan is currently under review and it is suggested at a decision about certification in the Green Belt Natural Heritage System be deferred until the policy review has been completed.

Appendices

Appendix 2: Recommend that applicable/governing Municipal Official Plans, other municipal planning

policies, Zoning By-laws and other relevant municipal by-laws (noise, site alteration, fencing, etc.) be added to the list of relevant legislation in Appendix 2.

Appendix 2 also lists the Conservation Authorities Act as an Act related to Aggregate Resource Extraction. As a point of clarity, under the CA Act, Section 28 (11) Activities under Aggregate Resources Act – do not require permission of an authority for activity approved under the Aggregate Resources Act. Only where a related activity to the aggregate extraction was being undertaken outside the licensed area of the quarry (i.e. stormwater management) would a CA have any approval authority powers.

Appendix 4: The procedures listed here state that topsoil for agriculture should not be stockpiled for more than 2 years and not stockpiled for more than 1 year if reused for woodland or wetland. As this time frame may not always be possible, options like turning windows may need to be provided. One of the environmental parameters listed to determine the need for further study is “Biodiversity”. Within this parameter, identification of the Natural Heritage System should be included.

Appendix 5: p. 65 Soil Management – Note that Final MOE best management guide has been released. Under “Planning for new aggregate operations”, it is recommended that the baseline assessment also consider the composition, distribution, thickness of topsoil, subsoil, organic matter and overburden.

Definitions

To enhance clarity throughout the proposed Standards it is recommended that definitions be provided or revised for several important terms used throughout the document as follows:

Applicant: The provided definition of applicant refers to “an individual, organization or agency seeking certification.” The document as a whole articulated a solution for multiple operations, where some may be CSC compliant and others would not be. There is inference that the CSC designation could be applied on a “by operation” or “property by property” basis. This may cause confusion especially if the company has some product certified and other product that is not. The document should discuss how to avoid this confusion; and should clarify eligibility of operators or operations for certification.

Impacted Area: The definition includes “producing a substantial disruption of existing natural linkages or the habitat of a significant species”. The terms “substantial” or “significant” are not defined and this could result in various and conflicting interpretations. It is recommended that this be clarified.

Environmental net-gain and No net loss: These terms are not defined. If municipal Official Plans are to be used to define these terms, it should be noted that only some more recent Official Plans have policies relating to environmental gain and no net loss. Therefore it is recommended that these terms be defined in the document.

Natural Heritage Features: The document refers to “key natural heritage features”, “key hydrologic features” and “natural heritage features”. For consistency of interpretation it is recommended that the term be defined and used consistently throughout.

Significant Woodlands: This term is not defined in the glossary. The definition should be consistent with the definition in the Natural Heritage Reference Manual (2010).

Once again, thank you for the opportunity to provide comments on the draft Responsible Aggregate Standards. The overall direction to aggregate operators provided by CSC in the proposed Standard is

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commendable. The Conservation Authority watershed management expertise is reflected in the comments provided by Conservation Ontario to identify number of areas where the proposed Standards could be made more robust. In particular, the certification process should be more clearly linked to successful adherence to requirements, performance benchmarks and metrics. Further emphasis should be placed on requirements for existing operations and content of rehabilitation plans, consideration of cumulative impacts and the use of a landscape planning approach. It is also suggested that the proposed Standards indicate that Conservation Authorities may be engaged and consulted for their expertise where appropriate. Please contact me at extension 224 or Samantha Dupre, Policy and Planning Officer at extension 228 if you have any comments or questions about this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jo-Anne Rzdcki', written in a cursive style.

Jo-Anne Rzdcki, MSc. Watershed Stewardship Coordinator