

GRAND RIVER CONSERVATION AUTHORITY

REPORT NO. CW-11-10-107

DATE: November 12, 2010

TO: Committee of the Whole

SUBJECT: Cumulative Effects Assessment for Below-Water Aggregate Operations within Priority Subwatersheds in the Grand River Watershed – Best Practices Paper and Next Steps

RECOMMENDATION:

WHEREAS the Ministry of Natural Resources, Ministry of the Environment, and the Ontario Stone Sand and Gravel Association have given assurances that they will proceed with a cooperative and collaborative approach in implementing the best practices paper for assessing cumulative effective for below-water aggregate operations;

THEREFORE BE IT RESOLVED THAT the Grand River Conservation Authority support Version 1 of the best practices paper entitled, “*Cumulative Effects Assessment (Water Quality and Quantity) Best Practices Paper for Below-Water Sand and Gravel Extraction Operations in Priority Subwatersheds in the Grand River Watershed – September 2010,*” which details technical considerations for assessing cumulative effects of below-water aggregate operations and includes general roles and responsibilities which have been accepted by the Ministry of Natural Resources, Ministry of the Environment, and the Ontario Stone, Sand and Gravel Association;

AND FURTHER THAT the Grand River Conservation Authority accept the general roles assigned to the parties in the best practices paper, including the roles ascribed to the GRCA;

AND FURTHER THAT the Grand River Conservation Authority continue to chair and participate in the joint committee and collaborate with the other parties to evolve the best practices paper for cumulative effects assessment for below-water aggregate operations as experience is gained and new information and science becomes available and develop implementation strategies for applying the best practices and assessing their effectiveness;

AND FURTHER THAT the Grand River Conservation Authority, on behalf of the joint committee, invite the Region of Waterloo and the County of Wellington each to appoint one municipal representative and one alternate to participate on the joint committee, effective January 2011;

AND FURTHER THAT the Grand River Conservation Authority withdraw its request to the Ministry of Natural Resources to avoid issuing licences for below-water aggregate operations pending the completion of a watershed-wide cumulative effects study, effective January 1, 2011.

REPORT:

In 2005, the members of the Grand River Conservation Authority directed staff to meet with the Ministry of Natural Resources (MNR), Ministry of the Environment (MOE) and the Ontario Sand Stone and Gravel Association (OSSGA) to develop an approach for assessing the cumulative impacts of aggregate extraction below the water table on surface and groundwater quality and quantity within the Grand River watershed. A joint committee was subsequently formed with representatives from the GRCA, MNR and OSSGA. A set of 10 principles was developed and accepted by the Grand River Conservation Authority Board in 2007. These principles formed the basis for developing a best practices guide for assessing the

effects of aggregate extraction below the water table in priority subwatersheds within the Grand River watershed.

In May 2009, a draft best practices guide was produced and released for input from watershed municipalities and the general public. The Grand River Conservation Authority solicited and received these comments on behalf of the joint committee. The Regional Municipality of Waterloo, City of Hamilton, City of Guelph, City of Cambridge, Township of North Dumfries, and Township of Puslinch submitted comments. Thirty-one submissions were received from individuals. The comments were summarized in a staff report presented to the GRCA members at their General Meeting on October 30, 2009.

In summary, municipalities felt that the absence of municipal input resulted in a best practices draft that failed to address the role of municipalities with respect to land use decisions (including aggregate extraction) under the *Planning Act*. A common opinion expressed was that the implementation of the *Aggregate Resources Act* and the *Planning Act* and cumulative effects assessment should be integrated so that decisions with respect to aggregate resources are complementary. Many of the concerns expressed by the public were beyond the scope of the original Terms of Reference for the joint committee as outlined by the accepted principles. However, many suggested that the joint committee should have public representation. In response, members of the Grand River Conservation Authority, at its meeting on October 23, 2009 requested that municipal and public representatives be invited to participate on the joint committee.

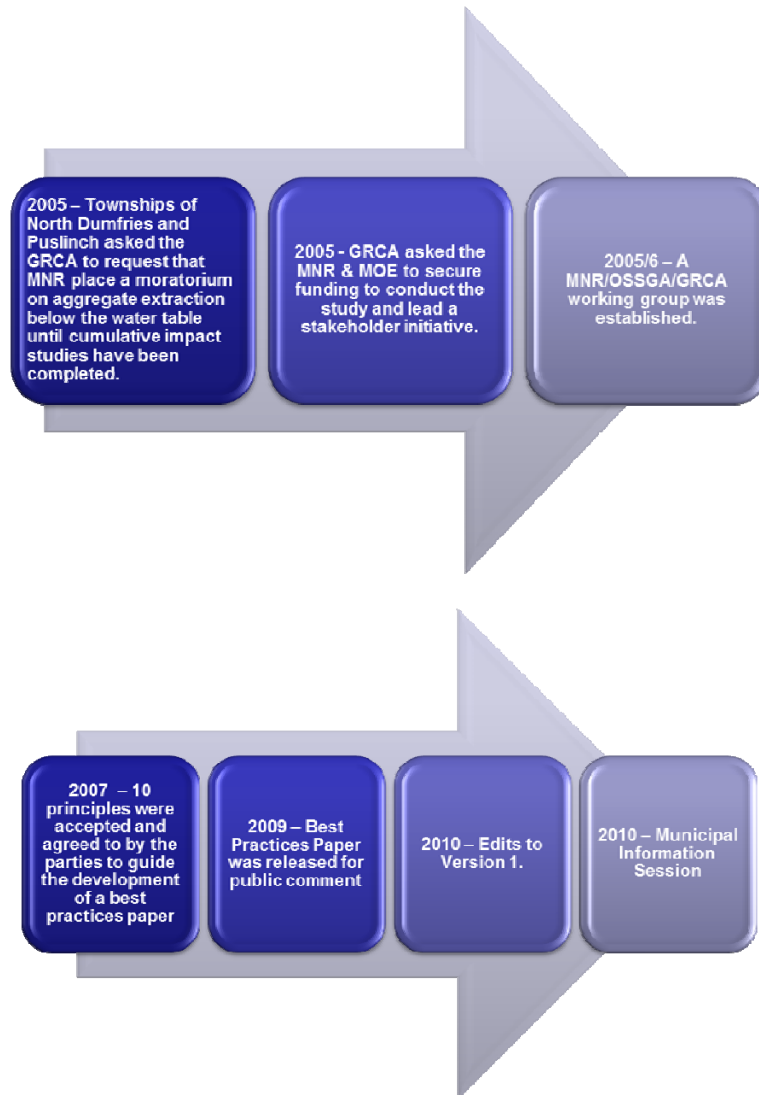
The joint committee met on November 26, 2009 and agreed that:

1. Editorial revisions to the “best practices” paper based on public and municipal input will be made. The paper will be dated and recognized as Version 1 – with the understanding that it will evolve as more knowledge and experience is gained in assessing cumulative impacts (this point will be clearly noted in the paper).
2. The title will be changed to reflect the scale and scope of the report (e.g., the report only deals with water quality and water quantity aspects of cumulative effects within pilot subwatersheds within the Grand River watershed) as per the original Terms of Reference as outlined in the approved Principles.
3. The public will be formally thanked for their input and a formal response from the joint committee will be provided to each respondent.
4. The municipalities will be formally thanked for their input and an outline of next steps and opportunities for municipal participation on the joint committee will be offered.
5. Upon completion, municipalities will be invited to an information session to discuss Version 1 of the “best practices” paper.
6. OSSGA, MNR and the GRCA will be requested to accept and use Version 1 of the “best practices” paper when addressing potential cumulative impacts of aggregate extraction below the water table (both for new operations and expansion of existing operations).
7. Municipalities will be invited to participate on the joint committee for subsequent meetings to discuss implementation and subsequent versions of the report.

These steps were endorsed by the members of the Grand River Conservation Authority on December 11, 2009.

In 2010, the joint committee met to finalize Version 1. At that time, input was requested of and received from the MOE. A final draft entitled “*Cumulative Effects Assessment (Water Quality and Quantity) Best Practices Paper for Below-Water Sand and Gravel Extraction Operations in Priority Subwatersheds in the Grand River Watershed*” was completed in September 2010. This paper has been accepted by MNR, MOE and OSSGA. GRCA staff support the technical requirements and general approach outlined in the paper.

On behalf of the joint committee, the GRCA sent invitations in late September to the clerks and chief administrative officers of all watershed municipalities to attend a municipal information session. Copies of Version 1 were included in the invitation. On October 27, 2010, the joint committee met with about 20 municipal representatives to outline the technical aspects of the paper and to discuss next steps for implementation. The general steps in the process to date are outlined below.



The general response to the best practices paper was positive and participants agreed that it was a progressive step. The issue of municipal representation on the joint committee and the need for collaboration with municipalities to ensure integration when assessing the various factors associated with aggregate extraction under the *Planning Act* and *Aggregate Resources Act* were stressed. Questions focused mainly on how the best practices paper is to be implemented. Representatives from MNR and OSSGA publicly expressed their willingness to work collaboratively towards developing implementation strategies and having municipal representation on the joint committee. While MOE was not present at the municipal information session, representatives have also indicated their willingness to continue to work together to implement the best practices paper.

The completion of Version 1 of the best practices paper represents Phase 1 and is an on-going process to assess cumulative effects of below-water aggregate operations. It is anticipated that Phase 2 will commence in 2011 and will focus on implementation. It is recommended that the Grand River Conservation Authority accept Version 1 of the best practices paper, with the understanding that it is a 'living' document that will be revised as new methodologies and information evolve. It is also recommended that the Grand River Conservation Authority accept the general roles outlined in the best practices paper and continue to chair and be represented on the joint committee. At the municipal information session, participants suggested that the GRCA, on behalf of the joint committee, formally invite the Region of Waterloo and the County of Wellington to appoint a representative and alternate to the joint committee to actively participate in developing implementation strategies. This request is in keeping with the direction given to staff in December 2009.

Given assurances by the Ministry of Natural Resources, Ministry of the Environment, and the Ontario Stone Sand and Gravel Association that they will proceed with a cooperative and collaborative approach to implementing the best practices paper for assessing cumulative effective for below-water aggregate operations, staff also recommend that the Grand River Conservation Authority withdraw its request to the Ministry of Natural Resources to avoid issuing permits for below-water aggregate operations pending the completion of a watershed-wide cumulative effects study. An effective date of January 1, 2011 is suggested to allow time for GRCA staff to develop an internal process to fulfil the accepted implementation roles identified in the best practices paper.

A copy of Version 1 "*Cumulative Effects Assessment (Water Quality and Quantity) Best Practices Paper for Below-Water Sand and Gravel Extraction Operations in Priority Subwatersheds in the Grand River Watershed*" is attached.

FINANCIAL IMPLICATIONS:

Existing resources (staff time) will be reallocated to carry out additional review and provide data without additional impact to the municipal levy. The Grand River Conservation Authority staff will continue to work collaboratively with the parties participating on the joint committee to develop an implementation strategy and obtain adequate resourcing and external funding to undertake the strategy.

OTHER DEPARTMENT CONSIDERATIONS:

Resource management staff will continue to be actively involved in this initiative as it moves forward.

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