

Grey County Planning and Community  
Development Committee  
OPA—11 Flanagan Pit

Egremont Group Concerned About Aggregate  
(ENGAGE)  
President--Doug Karrow

May 20, 2014

# Legislation

- Planning Act (PA)
  - Describes rules of land use planning in Ontario
  - Describes how land uses may be controlled, and
  - Who may control them.
- Provincial Policy Statement (PPS)
  - Recognizes the complex inter-relationships among and between social, economic, and environmental factors in land use planning.
- Grey County Office Plan (GOP)
- Southgate Township Official Plan (SOP)
  - GOP & SOP are the most important vehicles for implementing the PPS.
- Natural Heritage Reference Manual (NHRM)
- Natural Environment Report (NER)
- Endangered Species Act (ESA)

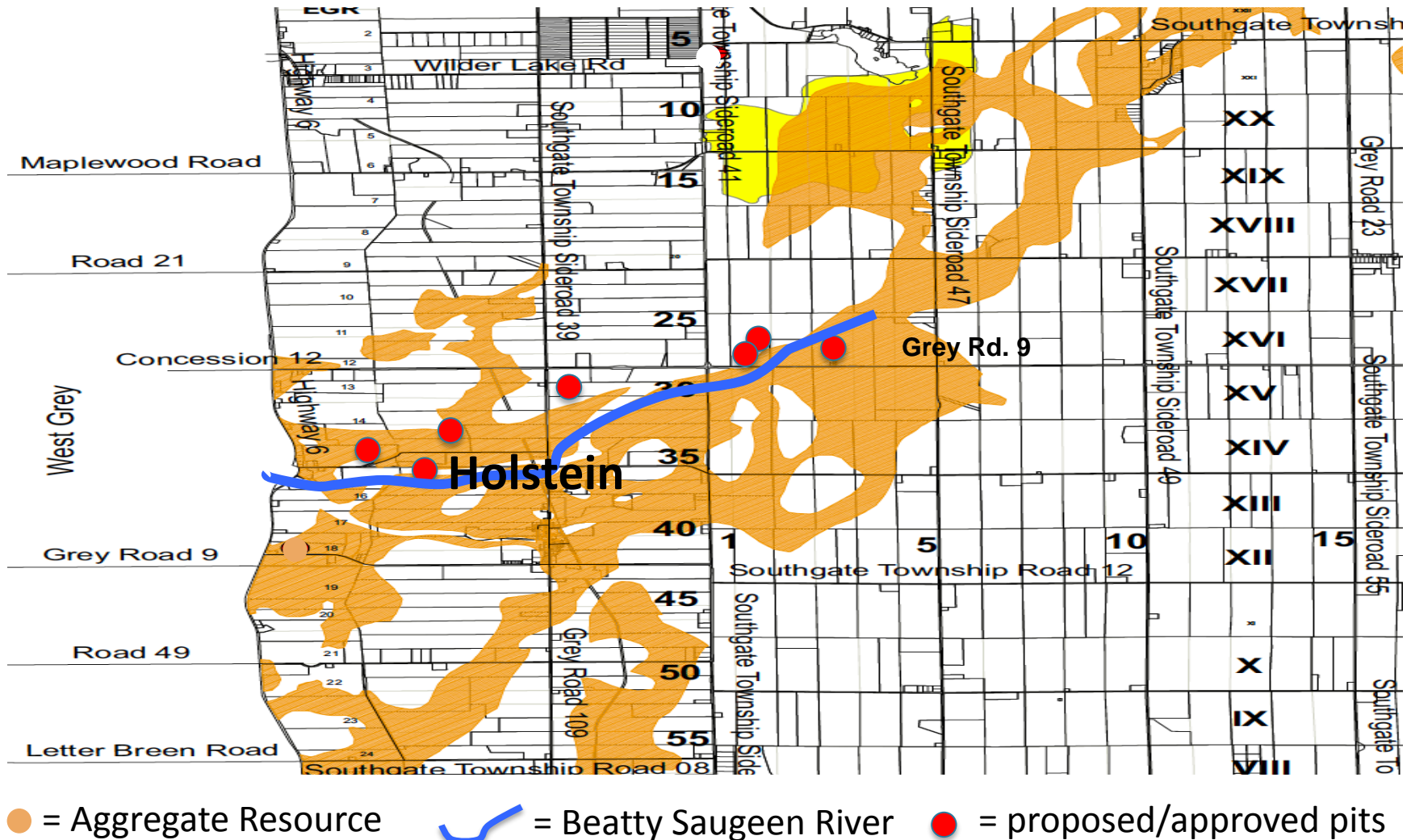
# First Principles

- The proposed expanded pit is *not* located in a provincially recognized aggregate resource area.
- Precautionary principle should prevail where possible (NHRM, 2006, p.6)
- GOP stresses “social, economic, and environmental considerations. . . .” (PPS, 2010, p.2)
- SOP is to comply with the GOP
- “Significant Valleylands” have not been mapped on the GOP, to date.
- Adjacent lands and Set-backs/buffers are absolute minimums (NHRM, 2006, p. 141)
- The proposed expanded pit is *not* located in a provincially recognized aggregate resource area.

# Outstanding Objections

1. Cumulative effect of (7) pits in Holstein area?  
(see Appendix A)
2. Precautionary principle and Natural Heritage Systems?
  - a) Identification of Significant Habitat of Endangered/Threatened species, e.g., *Showy Goldenrod*, *Snapping Turtle*
  - b) Potential identification of Significant Wetlands
  - c) Potential identification of Significant Valleylands, e.g., *Beatty-Saugeen River*.
3. Environmental Impact Assessment/Monitoring?

# 1. Cumulative Effect of Seven Pits in Holstein Area



- a) The *cumulative effects* of new development on the natural environment as defined in the plan [GOP], and surrounding land uses shall also be addressed (GOP, 2012, sec. 2.8, p. 63).
- b) Summarized within a letter to Southgate Township March 24, 2013 (Appendix A) (not acknowledged).
- c) Southgate Township narrowly supported motion for OPA-11 Flanagan Pit

## 2. Precautionary Principle and Natural Heritage Systems

The precautionary principle denotes a duty to prevent harm, when it is within our power to do so, *even when all the evidence is not in*. Domestic law [e.g., PPS] makes reference to this principle  
(<http://www.cela.ca/collections/pollution/precautionary-principle>)

To protect the *ecological function* and *biodiversity* of Natural Heritage Systems and the health and integrity of Natural Heritage Features or their associated ecological functions for the long term, planning authorities should apply decision making approaches that incorporate the ***precautionary approach*** where appropriate. (NHRM, 2006, p. 6).



# Natural Heritage Systems

## a) Identification of Significant Habitat of Endangered/threatened Species

- *Showy Goldenrod* identified as threatened species (Flanagan NER, 2011, )
  - November site visit? 2-3 site visits are usually made during the spring or early fall to verify flowering dates (NHRM, 2006, p. 212)
- *Snapping Turtle* identified as a threatened species (Peyton NER, 2013) within a wetland pond. Corroborated by citizens.
  - Migratory routes of turtles
  - Nesting sites, wintering yards (NHRM, 2006, p.213)

# Identifying Significant Habitat

- Reliability and validity of the survey instruments?
  - Reliability = how “reliable” the survey instruments are? When repeated surveys produce the same results, the instrument is reliable.
  - Validity = when the survey instrument measures what it is designed to measure, the results are valid.
- MNR has yet to verify this.

# Examples:

- Instrument unreliability:
  - Repeated ecological field surveys conducted by same ecologist on the same site produced different data, i.e., Flowering Goldenrod
- Instrument invalidity:
  - Ecological field surveys did not measure what they were entirely designed to measure, i.e., poor administration, timing, changing data bases, ecologist error

# Ensuring Reliability and Validity?

- Knowledge/experience/qualifications of the administrator, i.e., ecologist
- Review of the data by third parties, i.e., MNR, public
- Correcting applying the instrument, i.e., data bases, season, time of year, temperature.
- Consistent application of instrument

# Threatened Species



Showy Goldenrod



Common Snapping Turtle

(ESA, 2007)

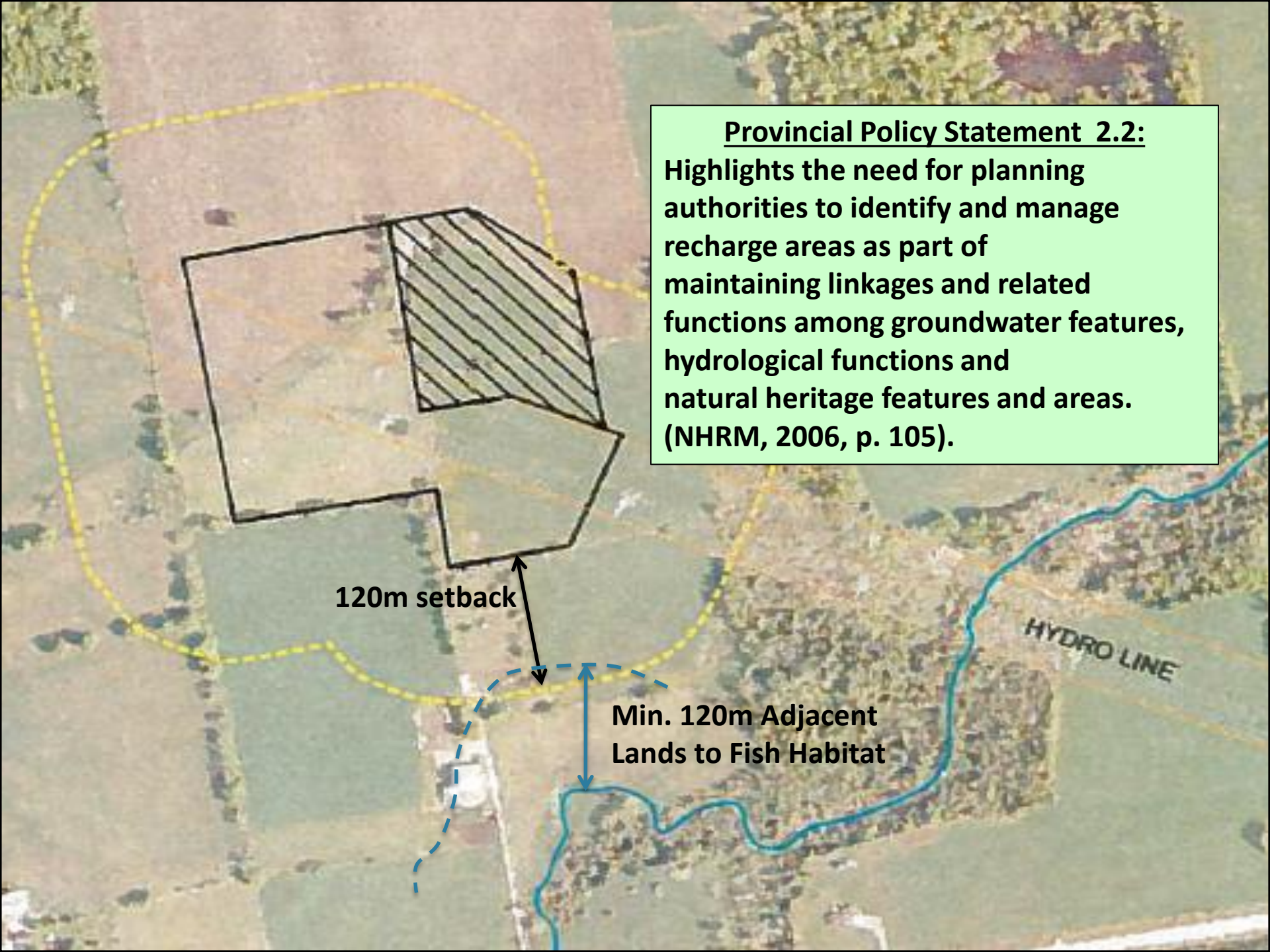
- Development and site alteration within the significant habitat of threatened and endangered species will not be permitted. Development and site alteration adjacent to significant habitat of threatened and endangered species may be permitted provided an Environmental Impact Study is completed to the satisfaction of the Township of Southgate and the County of Grey which demonstrates that there will be no negative impacts on the natural features or ecological functions for which the area is identified. A threatened and endangered species habitat may not necessarily cover an entire area when depicted and as such, where new development or site alteration is proposed, the Ministry of Natural Resources will provide a determination of the limits of the threatened and endangered species habitat.

(SOP, 2008, p. 61)

b) Potential identification of Significant Wetlands (Flanagan Pit Planner's Report, 2011, p. 3).

- Site visit during the late spring (June-July) would confirm presence of Significant Wetlands. Province has yet to determine whether these "wetlands" are significant.
- The presence of Significant Habitat for Endangered/Threatened Species, e.g., *Snapping Turtle*

**Provincial Policy Statement 2.2:**  
Highlights the need for planning authorities to identify and manage recharge areas as part of maintaining linkages and related functions among groundwater features, hydrological functions and natural heritage features and areas. (NHRM, 2006, p. 105).



120m setback

The image is an aerial photograph with several overlaid lines and shapes. A large, irregularly shaped area is outlined in black, with a portion of it filled with diagonal hatching. A dashed yellow line follows the perimeter of this hatched area. A blue line, labeled 'HYDRO LINE', winds through the lower right portion of the image. A dashed blue line runs parallel to the hydro line, and a double-headed blue arrow indicates a 'Min. 120m Adjacent Lands to Fish Habitat' between the hydro line and this dashed line. A black arrow points from the text '120m setback' to the distance between the hatched area and the dashed blue line.

Min. 120m Adjacent  
Lands to Fish Habitat

HYDRO LINE



c) Identification of Significant Valleylands, e.g.,  
*Beatty-Saugeen Valleyland*

- Applicant evaluated Beatty Saugeen Valleylands as “non-significant.” To be done by the Planner in consultation with appropriate Conservation Authority (NHRM, 2006, p. 76).
- Mitigation, compliance, and monitoring? (NHRM, 2006, p. 76)

- Preliminary site investigations should have triggered at least a NER level 2.
- A NER level 2 = Environmental Impact Study (GOP, 2013, sec 2.7.4 (g), p. 60)
- Where an Environmental Impact Study/Natural Environment Report Level 2 is required, the Study must investigate the opportunities for enhancing the natural heritage features/functions (GOP, 2013, 2.7.4 (5)p. 61).

# 3. Environmental Impact Assessment and Monitoring

- 30 metre riparian zone (buffer) along Beatty Saugeen River
  - GOP suggests minimum of 30m, PPS suggests more.
  - Buffer with vegetation planting?
- 120 meter “adjacent land” designation along Beatty Saugeen River
  - GOP requires 50 meters
  - PPS requires 120 meters (NHRM, 2006, p. 55)
- water quality/quantity ecological assessment and monitoring
  - Base-line determinants?
  - Annual assessments and monitoring (NHRM, 2006, p. 123, 128)

# Summary

- Moratorium on present and future gravel pits in Holstein area:
  - until the PPS (2010, p. 2) has been heeded.
  - Cumulative study of the social, economic, and environmental impacts of 7 gravel pits in Holstein area.
    - E.g., Caledon East *Social Impact Study*.
  - Determination of Beatty-Saugeen as a *significant river valley*.
  - Determination of Southgate wetlands as *significant wetlands*.

- Heed *Precautionary Principle*:
  - Require a NER level 2 = Environmental Impact Study (EIS) to be done.
    - independently peer reviewed (beyond the MNR).
    - Funded through contingency fees collected from the applicant (Southgate Application for OPA, 2013, p.1)
- Annual Environmental Impact Assessment and Monitoring
  - Baseline measurements of ambient dissolved oxygen content, benthic invertebrates
  - Annual monitoring and assessment by aquatic biologist funded through contingency fees
    - Publication of these results
    - Establishing a minimum 30m *riparian zone* along river