

**Grey County Council
Flanagan Pit No. 2, PDR-PCD-13-12
and OPA-124**

Egremont Group Concerned About Gravel
(ENGAGE)

President—Doug Karrow

June 3, 2014

Starting Points

- Our Report: a rebuttal of Consultant's and Planner's Reports (submitted May 27)
 - Reasserts the Precautionary Principle
 - Emphasizes Planning: relationships between PPS, PA, GOP, SOP & ARA.
 - Asserts the reliability and validity of technical studies supporting Planning issues.
- Applicant's history since 2008:
 - honouring neighbourhood concessions,
 - compliance,
 - lack of general care/attention,
 - precedence future pits
- Rhetoric around "leave of appeal to OMB."
- Physical description of the Flanagan Pit 2:
 - Extraction area tripled: 2-7 hectares
 - Total extraction volume doubled: 200,000 to 400,000 tonnes
 - Life span doubled: 5-10 years

- 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, 2005, p. 6).

Our Purpose Today?

- To demonstrate that a vote *not in favour* of OPA—124 means?

Voting *Not-in-favour* of OPA—124 means

1. NER Level 2 consultant (*Cuesta*) claimed to be completed but wasn't during the May 20 meeting can now be completed as per (GOP, SOP, and NHRM)
 - Why is a level NER Level 2 required?
(6 reasons)

a) Identification of Significant Habitat of Endangered/threatened Species

- *Showy Goldenrod* identified as threatened species (Flanagan NER, 2011,)
 - 2-3 site visits are usually made during the spring or early fall to verify flowering dates (NHRM, 2005, 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, 2005, p.213)

Threatened Species

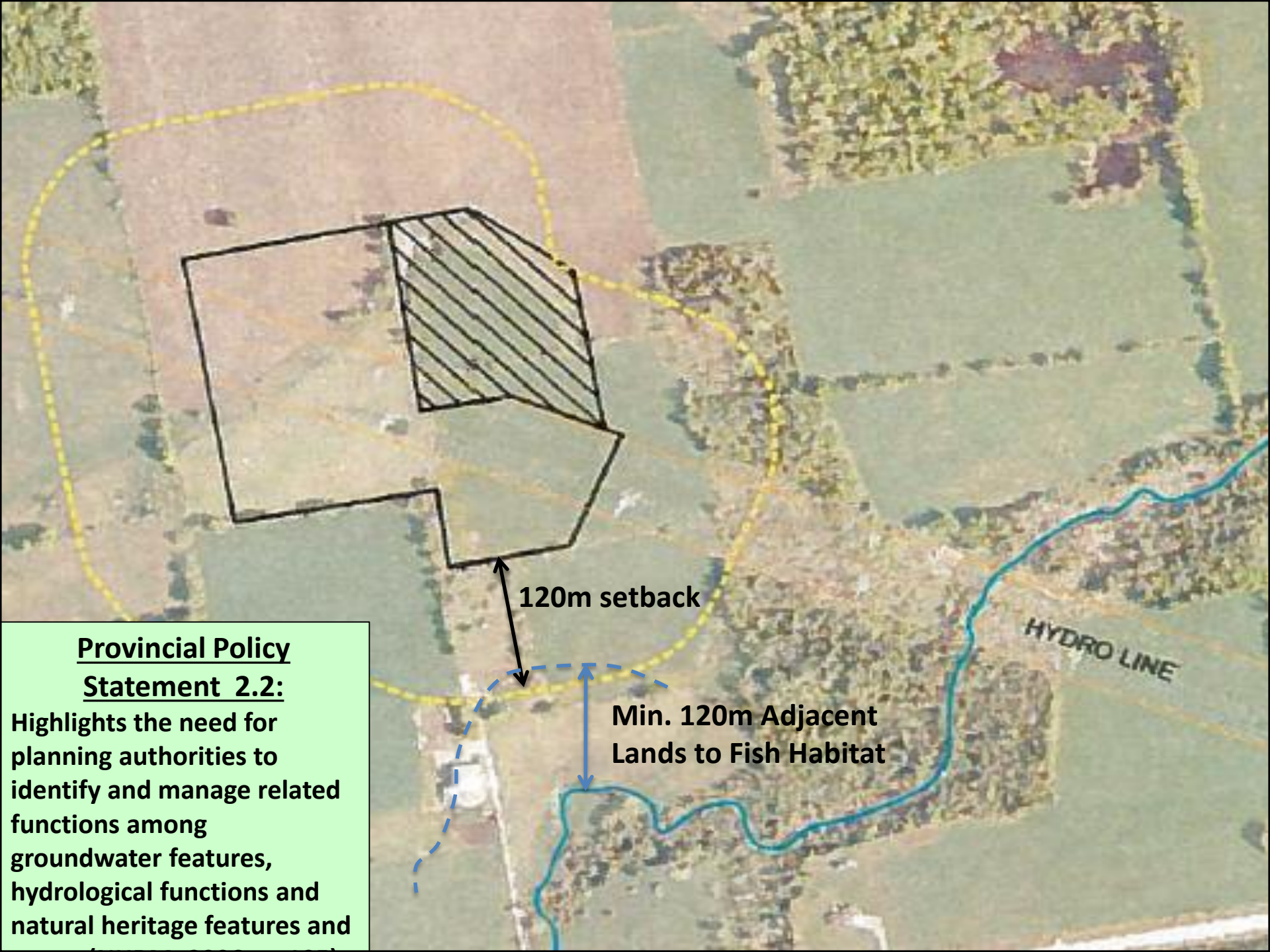


Showy Goldenrod



Common Snapping Turtle

(ESA, 2007)



Provincial Policy
Statement 2.2:

Highlights the need for planning authorities to identify and manage related functions among groundwater features, hydrological functions and natural heritage features and

120m setback

Min. 120m Adjacent
Lands to Fish Habitat

HYDRO LINE

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. As this is yet to be done, we can't conclude “significance.”
- The presence of Significant Habitat for Endangered/Threatened Species, e.g., *Snapping Turtle*

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, 2005, p. 76). As this has yet to be done, we can’t conclude “significance.”

d) Fish Habitat:

- Verified by Peyton Pit NER
- Citizens anecdotal experiences
- The proposed site setback intrudes on the 120m adjacent lands designation for rivers and fish habitat (NHRM, 2005, p. 104).

- e) Environmental Impact Study = NER level 2 (GOP, 2013, sec 2.7.4 (g), p. 60.

- f) SVCA and Planner have authority to review and approve the NER when no Memoranda of Agreement exists. They reviewed NER Level 1 (2011) not its replacement NER Level 1 (2012).

Voting *Not-in-favour* of OPA—124 means

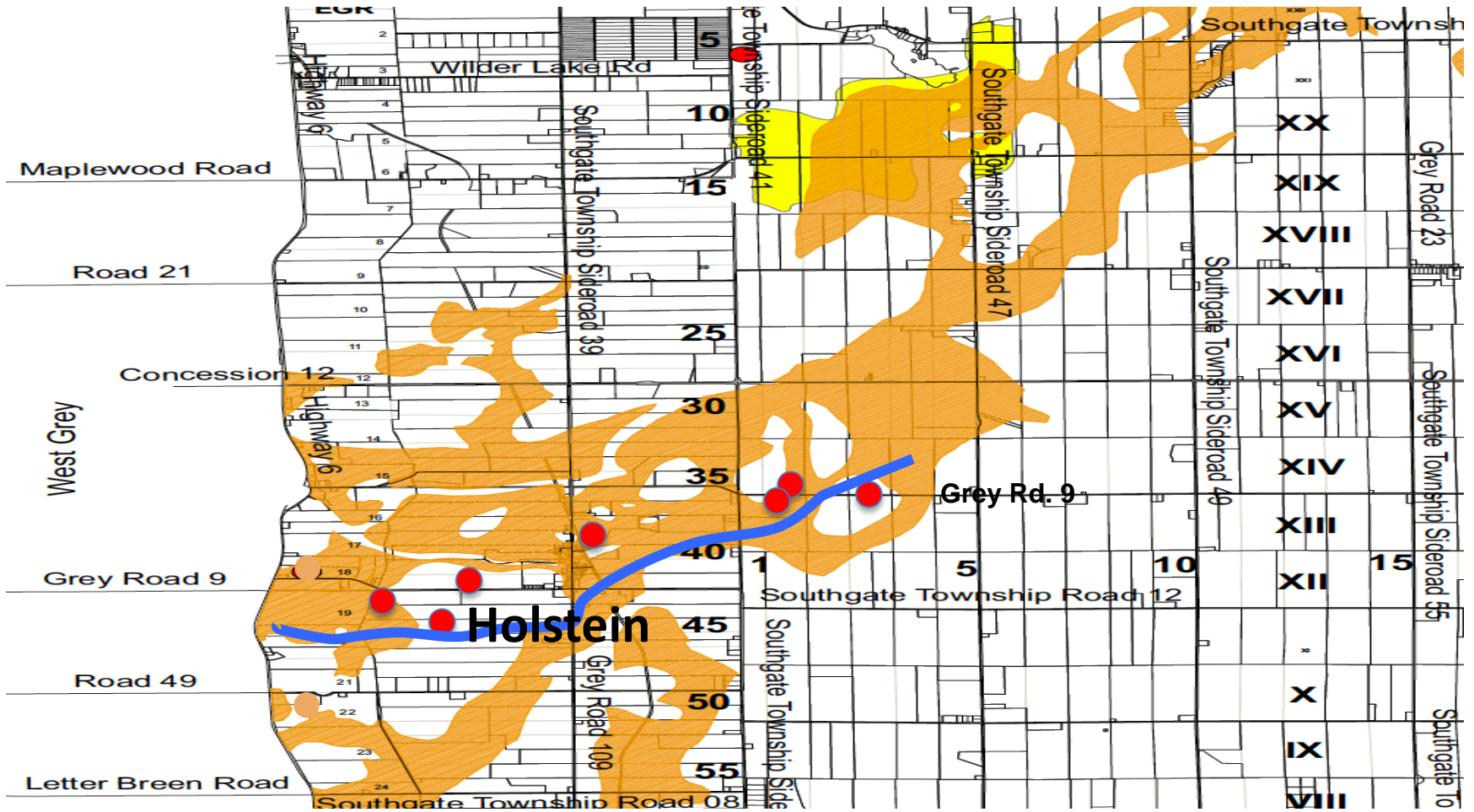
2. Hydrogeology Report, completed and submitted only May 2014 can now be assessed.

Voting *Not-in-favour* of OPA—124 means

3. Cumulative Effects can be determined as per GOP

– Why are cumulative effects required?

“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).



● = Aggregate Resource

~ = Beatty Saugeen River

● = proposed/approved pits

“Take Away”

- voting *not in favour* of OPA—124 means:
 - precautionary principle integrity preserved
 - The proponent can continue to work with all stakeholders to ensure ARA license requirements effectively cross-reference the PPS, PA, GOP, and SOP planning requirements ensuring social, economic, environment responsibility
 - A clear message is sent to current and future gravel applicants that Grey County recognizes the importance of the aggregate industry while instilling confidence in the public that social, economic, and environmental interests will be protected.
- it does not necessarily mean:
 - A leave to appeal the OMB is triggered by the proponent—track record demonstrates there is a willingness to resolve outstanding objections; i.e., eligible 180 days post fall 2012 application submission, i.e., spring 2013?
 - The money, time, and energy required to get to the OMB far exceed that required to conduct a Level 2 NER, adequately assess the May 2014 Hydrogeology Report, and assess cumulative natural heritage effects