

 <p>Ministry of Natural Resources Ministère des Richesses naturelles</p>	<p><i>Subject:</i> Aggregate Operations within the Oak Ridges Moraine</p>	<p><i>Policy No.:</i> A.R. 5.00.00</p>	<p><i>New:</i> Yes</p>
<p><i>Compiled by – Branch:</i> Lands & Waters</p>	<p><i>Section:</i> Aggregate & Petroleum Resources</p>	<p><i>Date Issued:</i> March 15, 2006</p>	

Guiding Principles

Section 35 of the Oak Ridges Moraine Conservation Plan (ORMCP) identifies a number of specific requirements for “mineral aggregate operations and wayside pits” occurring within the Oak Ridges Moraine. Mineral aggregate operation is defined in the ORMCP to include an operation and associated facilities pursuant to a licence or permit issued under the Aggregate Resources Act (ARA).

The Planning Act is prescribed under Section 7 of the Oak Ridges Moraine Conservation Act (ORMCA). Therefore, any amendment to an official plan or zoning by-law to establish or expand a licence application must conform to the requirements of the Conservation Plan.

The ARA is not specifically prescribed under the ORMCA, however, as a major participant in the development and implementation of the ORMCP, MNR should have appropriate regard to its requirements when making decisions on the issuance of, or amendments to, licences and wayside permits under the ARA.

The ORMCP permits mineral aggregate operations and wayside pits in Natural Linkage Areas and Countryside Areas.

It is recommended that Part III of the ORMCP be read in conjunction with section 35.

Policy:

New Licences and Wayside Permits

When dealing with applications for new licence or wayside permits, MNR will require the applicant to address the requirements of section 35 of the ORMCP as part of the application to satisfy MNR that policies and standards:

- a) can be met; and
- b) are reflected by appropriate conditions, designs or planning and sequencing schedules in the site plan of the licence or wayside permit.

No new aggregate extraction areas are permitted in areas designated by the ORMCP land-use map as “Natural Core Areas”. Extraction is permitted within “Natural Linkage Areas”, “Countryside Areas” and “Settlement Areas” but applications must meet more stringent review and approval requirements. District/Area staff and/or consultants should refer to the ORMCP to determine the evaluation criteria and requirements.

The ORMCP establishes minimum areas of influence and minimum vegetation protection zones adjacent to key natural heritage features, hydrogeological features and areas of natural and

scientific interest. Minimum influence areas are defined as all land within 120 metres, except for earth science ANSI's, which are only 50 metres. Any proposed development within these influence areas requires an additional evaluation(s), which varies depending on the feature (i.e. Landform Conservation plan, Earth Science Heritage evaluation, Hydrogeological evaluation, and Natural Heritage evaluation). Vegetation protection zones may vary based on the recommendations of the evaluation report.

The ORMCP prohibits extraction within 1.5 metres of the water table in Natural Linkage Areas; and requires that extraction and rehabilitation activities occur in stages and be completed as quickly as possible. Rehabilitation must be to natural, self-sustaining vegetation of equal or greater ecological value. Consideration must also be given where a comprehensive rehabilitation plan has been prepared for parts of the plan area that are affected by aggregate operations.

Evaluation reports may also be required, and/or the information incorporated into the mandatory summary report (e.g. land use considerations, suitability of proposed rehabilitation, water aspects) and technical reports under the Aggregate Resources of Ontario Provincial Standards. District/Area staff must review applications (i.e. site plan, summary report, technical reports) to ensure compliance with the policies and provisions of the *Oak Ridges Moraine Conservation Act* and Ontario Regulation 140/02.

Expansion of Licences and Wayside Permits

When dealing with applications to expand the areal extent of a licence or wayside permit, including extraction into the water table, MNR will require the applicant to address section 35 of the ORMCP. In the vast majority of cases, it is expected that the applicant will fully comply with these policies and standards.

It is recognized that in some cases, the applicant may be unable to fully meet section 35 based on limitations due to the conditions within the original licence or wayside permit. In these situations, MNR will require the applicant to provide satisfactory justification for not meeting some of the standards. MNR staff may then accept conditions that do not fully meet the requirements of the ORMCP. In such cases, MNR should clearly document why it is not practical to meet the full requirements of the Plan.

The Review of Proposed Changes to Site Plans and Conditions of the Licences or Wayside Permits under the ARA

MNR will have regard to the requirements of section 35 of the ORMCP when considering requests for changes to site plans or conditions of existing licences and wayside permits.

MNR should not approve changes that would constitute a new conflict of the requirements of section 35 of the ORMCP or a significant increase in the amount or extent of an existing conflict.

However, MNR can apply some discretion in dealing with situations where a conflict is insignificant or does not exacerbate the degree to which an existing licence or permit does not comply with section 35 of the ORMCP. For example, minor adjustments to permissions already permitted in the licence (e.g. changes in sequencing and planning) or relatively minor extensions to a pond that extends below the water table.

There are also situations where a change that conflicts with the ORMCP requirements could be considered for health or safety reasons (e.g. a minor expansion into a significant woodlot to stabilize an unstable slope).

When MNR supports such changes, the basic justification and rationale for such change should be clearly documented in the file.

SECTION 35 OF THE ORMCP

Mineral aggregate operations and wayside pits

- 35(1) An application for a mineral aggregate operation or wayside pit shall not be approved unless the applicant demonstrates,
- (a) that the quantity and quality of groundwater and surface water in the Plan Area will be maintained and, where possible, improved or restored;
 - (b) that as much of the site as possible will be rehabilitated,
 - i) in the case of land in a prime agricultural area, by restoring the land so that it can be used for agriculture; and
 - ii) in all other cases, by establishing or restoring natural self-sustaining vegetation.
 - (c) if there are key natural heritage features on the site or on adjacent land, that their health, diversity, size and connectivity will be maintained and where possible, improved or restored; and
 - (d) if there are areas of natural and scientific interest (earth science) on the site or on adjacent land, that the geological or geomorphological attributes for which they were identified will be protected.
- 35(2) An application for a mineral aggregate operation or wayside pit with respect to land in a Natural Linkage Area shall not be approved unless the applicant demonstrates,
- (a) that there will be compliance with subsection (1);
 - (b) that there will be no extraction within 1.5 metres of the water table;
 - (c) that the extraction of mineral aggregates from the site will be completed as quickly as possible;
 - (d) that the site will be rehabilitated in stages as quickly as possible; and
 - (e) that the entire site will be rehabilitated,
 - i) in the case of land in a prime agricultural area, by restoring the land so that the average soil quality of each area is substantially returned to its previous level, and
 - ii) in all other cases, by establishing or restoring natural self-sustaining vegetation.
- 35(3) In order to maintain connectivity, when a mineral aggregate operation or a wayside pit is located in a Natural Linkage Area, there shall at all times be excluded area (which, for greater certainty, may contain both undisturbed land or land whose rehabilitation is complete) that,
- (a) is at least 1.25 kilometres wide;
 - (b) lies outside the active or unrehabilitated portions of the area being used; and
 - (c) connects parts of the Natural Linkage Area outside the mineral aggregate operation or wayside pit.

- 35(4) Despite subsection 22(2), an application for a mineral aggregate operation or wayside pit with respect to land in a key natural heritage feature may be approved if,
- (a) the key natural heritage feature is occupied by young plantations or early successional habitat; and
 - (b) the applicant demonstrates that,
 - i) the long-term ecological integrity of the Plan Area will be maintained, or where possible improved or restored,
 - ii) the extraction of mineral aggregates from the area within the key natural heritage feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation, and
 - iii) the area from which mineral aggregates are extracted will be rehabilitated by establishing or restoring natural self-sustaining vegetation of equal or greater ecological value.
- 35(5) In subclause (4)(b)(iii), “ecological value” means the value of vegetation in maintaining the health of the key natural heritage feature and the related ecological features and ecological functions, as measured by factors such as the diversity of species, the diversity of habitats, and the suitability and amount of habitats that are available for rare, threatened and endangered species.
- 35(6) An application for a mineral aggregate operation or wayside pit with respect to land in a landform conservation area (Category 1 or 2) shall not be approved unless the applicant demonstrates,
- (a) that the area from which mineral aggregates are extracted will be rehabilitated to establish a landform character that blends in with the landform patterns of the adjacent land; and
 - (b) that the long-term ecological integrity of the Plan Area will be maintained, or where possible improved or restored.